

CIVIL PANEL REJECTS 2 MYLAI TRIAL PLEAS

ATLANTA, Aug. 10 (UPI)—A three-judge Federal panel refused today to take jurisdiction in two murder trials stemming from the alleged My Lai massacre of Vietnamese civilians two years ago.

The judges said attorneys for Sgt. Esequiel Torres, 22 years old, of Brownsville, Tex., and Specialist 4 Robert W. T'Souvas, 21, of San José, Calif., had failed to show that any "fundamental unfairness" existed in military courts.

In issuing their decision, the jurists said they would not hold the Uniform Code of Military Justice unconstitutional for "deficiencies which the United States Supreme Court has long acknowledged in those cases which are properly subject to military jurisdiction."

Charles L. Weltner, counsel for Sergeant Torres, had sought to move the case from military jurisdiction on the ground that the constitutional rights of his client were violated contending that a fair trial was not possible because of publicity surrounding the case and because of command influence.

Judge Griffin Bell of the United States Court of Appeals for the Fifth Circuit and District Judges Albert J. Henderson and Sidney O. Smith said the plaintiffs had "failed to demonstrate such fundamental unfairness as would warrant this court enjoining the court-martial."

By Bill Dyer