

## U.S. Details Case Against Calley



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First Lieut. William L. Calley Jr. with Richard Kay, one of his lawyers, outside the courtroom in Fort Benning, Ga.

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FORT BENNING, Ga., Nov. 17—The Government described First Lieut. William L. Calley Jr. today as a slayer of unarmed and unresisting women, children, old men and babies.

The Government's opening statement in the court-martial of Lieutenant Calley for his role in the alleged Mylai massacre of Vietnamese civilians was a stark 24-minute recital of how his platoon allegedly rounded up more than

100 civilians and without provocation exterminated them in an apparently mindless slaughter.

A six-man military jury and about 60 spectators listened tensely as the chief Army prosecutor, Capt. Aubrey M. Daniel 3d, related the Government's version of the incident March 16, 1968, in the hamlet of Mylai 4 in the Sonmy village complex.

Sitting at the defense

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table, Lieutenant Calley broke into a wide grin when Captain Daniel said that the lieutenant and one of his platoon sergeants, Paul D. Meadlo, opened automatic fire on a group of civilians who had been ordered to squat on a trail, and how "some tried to run and didn't make it, and were shot down in cold blood on that trail."

The smile vanished and Lieutenant Calley showed no further expression as Captain Daniel charged that he had had a larger group of civilians pushed and shoved into an irrigation ditch, "and he ordered them executed and they were."

"Over 70 human beings—men, women and children—were executed in that ditch by the accused and by members of his platoon at his direction," the prosecutor said.

Captain Daniel said Lieutenant Calley left the scene briefly, then returned and ordered S. Sgt. David Mitchell to "finish off the rest."

"Sergeant Mitchell, with carefully aimed single shots, executed those who escaped the initial volley of fire," the prosecutor continued.

Captain Daniel said members of the platoon saw the lieutenant approach an old man squatting under a tree. The old man was pleading for his life, Captain Daniel said, Lieutenant Calley took a rifle and "buttkicked him in the face, knocking him back."

### Child Reported Killed

Then the captain went on, "someone yelled, 'There's a child running away.' Calley picked up the child, threw it in the irrigation ditch, and shot and killed it."

All these killings were committed despite the fact that Lieutenant Calley's platoon met no resistance in its sweep through the hamlet, the prosecutor stressed. The platoon was part of Charlie Company, First Battalion, 20th Infantry, Americal Division, and was then engaged as part of Task Force Barker on a search-and-destroy mission through a sector of Quangnai Province that was generally controlled by the Vietcong.

The area was a free fire zone, which meant that any persons found there were presumed to be Vietcong or Vietcong sympathizers and could be taken under fire at any time by American troops. An issue of this trial is whether Lieutenant Calley had the right to shoot civilians who, according to the Government, had been rendered completely incapable of inflicting harm on American troops.

#### No Hostile Fire

At no time that day did the officer and his men undergo hostile fire, Captain Daniel said.

"There was no combat," he said. "They [Calley and his men] just executed unarmed men, women and children."

Captain Daniel faced the jury and quietly concluded: "I'm going to ask you in the name of the United States Government and in the name of justice to find him guilty of all charges and specifications brought against him."

"Rusty" Calley, 27 years old, a short, chunky, boyish-looking platoon leader from Miami, is charged with premeditated murder in the death of 102 Vietnamese. If he is found guilty as charged, he could receive the death penalty on the unanimous vote of the six officers on the jury, or life imprisonment by a vote of five of the six members.

Captain Daniel, a 29-year-old Virginian who is only four years out of law school, opened the Government's case by describing the setting of Mylai, a typical Vietnamese hamlet surrounded by rice paddies and irrigation ditches.

#### Found People Eating

As Lieutenant Calley's platoon entered the village shortly before 8 A.M. on the day of the killings, the captain said, they found it undefended, and discovered women, children and old men in hootches (straw huts) eating breakfast.

"These persons—men, women, children, babies—were taken to the south side of the village," the prosecutor went on. "The accused directed that these individuals be put under guard."

"He said to Meadlo: 'Take care of these people.'"

"Meadlo and Conti [Specialist 4 Dennis Conti] had them sit down at the north side of the trail and started to guard them. They did not know what he [Calley] meant when he said: 'Take care of these people.'"

"Calley went off and found several more civilians and added them to the group."

"When he returned he asked Meadlo: 'Why haven't you taken care of these people.'"

"Meadlo said: 'We have taken care of them.'"

"Calley said: 'I mean kill them.'"

#### Burst of Fire

Then, Captain Daniel said, Specialist Conti, who was armed with an M-79 grenade launcher, stepped back. But Lieutenant Calley and Sergeant Meadlo, the prosecutor said, "came up to these people sitting there and with a full burst of automatic fire . . . shot these unarmed, unresisting men, women and children."

A Government witness, Ronald L. Haeberle, a combat photographer, will describe how some tried to flee and were "shot in cold blood," the captain said.