

Calley Trial to Recall Meadlo to Stand

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FORT BENNING, Ga., Jan. 10 —A critical hour in the murder trial of First Lieut. William L. Calley Jr. may come soon after the court-martial reconvenes tomorrow after a long holiday recess.

It will be provided by the Government's recalling as a witness former Pvt. Paul Meadlo, who has publicly stated that he shot 10 to 15 unarmed South Vietnamese civilians, including women and children, on orders from Lieutenant Calley during the alleged Mylai massacre of March 16, 1968.

Mr. Meadlo refused to testify here Dec. 3, citing Fifth Amendment protection against self-incrimination. He invoked this privilege despite a grant of immunity by Maj. Gen. Orwin C. Talbott, the commanding general of Fort Benning.

Mr. Meadlo's lawyer, John A. Kesler of Terre Haute, Ind., said that the general's order provided only limited immunity.

What Mr. Kesler demanded—and what was provided in Washington last week by Will R. Wilson, an Assistant Attorney General—was a writ granting full immunity for Mr. Meadlo against further prosecution in the events at Mylai.

Recess Dec. 17

On Dec. 8 the Government provisionally rested its case against Lieutenant Calley, who is charged with premeditated murder in the killing of at least 102 South Vietnamese civilians, but the military judge, Col. Reid W. Kennedy, said at recess Dec. 17 that he would interrupt the defense presentation if Mr. Meadlo decided to testify.

Mr. Kesler, a Democratic member of the Indiana Legislature, said tonight in Terre Haute that he would probably advise his client to testify if the military judge here ruled that the Federal writ gave immunity from civil as well as military courts. The writ was issued under the Organized Crime Control Act adopted last Dec. 15.

The judge also ruled that the prosecution would be allowed to call two missing witnesses if those men could be found before the recess ended.

Most of the 35 witnesses called by the Government have given virtually uncontested support to the allegation that unarmed and helpless women and children and old men were slaughtered at point-blank range by American soldiers of Charlie Company, Task Force Barker, Americal Division during an assault on the hamlet of Mylai 4.

Most of these witnesses tes-

tified that soldiers had encountered no enemy fire, and that the men of Lieutenant Calley's First Platoon met no resistance as they moved through the village burning huts and shooting cattle and rounding up civilians who were led to two sites for mass execution.

The killings were committed note under the maddening stress of combat but in cold blood, several witnesses said.

Perhaps the climax of the Government's case came with the testimony of Thomas Turner, now a student at the University of Nebraska, who said that he had watched for 90 minutes as group after group of screaming civilians had been shoved into a ditch and slain by Lieutenant Calley and Private Meadlo.

In defense, Lieutenant Calley's lawyers contend that the short, 27-year-old officer was only trying to carry out the orders of his superior, Capt. Ernest Medina.

Further, they say, the killing of civilians was more or less standard operating procedure in certain sections of South Vietnam marked "free fire zones," because those areas

were infested with Vietcong and any Vietnamese found there were assumed to be hostile.

Most of the 20 witnesses called so far by the defense described a briefing by Captain Medina on the eve of the assault on Mylai. The captain told them, they testified, that the hamlet contained a battalion of Vietcong, and that they should expect a fierce battle.

They came away from that briefing with the impression that they had orders to level the village and "kill every living thing," they said.

No Civilians Expected

But under cross-examination the witnesses admitted that Captain Medina had given no specific orders to kill women and children. On the contrary, he told them that they would encounter no civilians in Mylai 4, some of them said, and consequently there was no provision for the evacuation of civilians.

The defense attorneys tried to suggest that the killing of civilians had not only been condoned but advocated by the higher command.