

Psychiatrist Ousted as Calley Witness And All of His Testimony Is Expunged

By HOMER BIGART
Special to The New York Times

FORT BENNING, Ga., Feb. 19 —A New York psychiatrist was dismissed as a defense witness in the court-martial of First Lieut. William A. Calley Jr. this morning after the military judge expressed doubt as to the truth of his sworn testimony.

The judge, Col. Reid W. Kennedy, accepted a defense motion to excuse the psychiatrist, Dr. Albert A. LaVerne, and struck from the record all of his testimony.

Toward the close of yesterday's session, Dr. Albert A. LaVerne, who said he was on leave as senior psychiatrist at New York University-Bellevue Medical Center, told the court while undergoing sharp cross-examination that he was laboring under stress and fatigue. It was nearly time for recess, so Colonel Kennedy called a halt for the day.

Dr. LaVerne, a tense, sharp-featured man who had glared and frowned from the witness chair, did not return to court today. Judge Kennedy, with the jury absent, said in court:

"It was apparent to me that Dr. LaVerne was saved by the bell, so to speak. He was hopelessly caught in what might not have been a complete falsehood at that point, but if it had been developed it would have turned out to be."

Incident With Notes

The Government prosecutor, Capt. Aubrey M. Daniel 3d had asked the psychiatrist to relate what he had been told by Lieutenant Calley of the events of March 16, 1968. Lieutenant Calley is on trial for premeditated murder in the slaying that day of at least 102 Vietnamese civilians at Mylai.

Following the prosecutor's request, Dr. LaVerne asked permission to consult his notes. He delved into a black book and produced a sheaf of typed pages that he said contained what Lieutenant Calley had told him here last Sunday.



Associated Press

Dr. Albert A. LaVerne

Colonel Kennedy described Mr. Latimer's explanation as "charitable." The jury was brought in Mr. Latimer told the panel of six officers that a basic disagreement on "overall strategy" had arisen with the psychiatrist. Since he has final responsibility for the defense, Mr. Latimer told the jury he had "excused" Dr. LaVerne and that the court had agreed that all of Dr. LaVerne's testimony would be stricken from the record.

The expunged testimony included Dr. LaVerne's diagnosis that Lieutenant Calley had suffered a "virtual paralysis of will" at Mylai and had been "acting as a robot."

Calley Called Irritable

Dr. LaVerne further testified that in recent weeks the 27-year-old defendant had become irritable under a "court-martial-induced stress."

Mr. Latimer said that Lieutenant Calley had "fully concurred" with the dismissal of Dr. LaVerne. The lieutenant, expected to take the stand Monday, as the last witness for the defense.

This afternoon another defense psychiatrist gave a version of an incident charged to Lieutenant Calley that made no mention of any shooting by the lieutenant.

According to Dr. Wilbur A. Hamman, Lieutenant Calley gave him last month this account of the slaying of 40 civilians on a trail inside Mylai:

"Lieutenant Calley recalled seeing one of his soldiers, Paul Meadlo, with 40 Vietnamese. These Vietnamese were enemies as far as he [Calley] was concerned. He told Meadlo to get rid of them."

Then Lieutenant Calley walked away to supervise the setting-up of a machine gun, the doctor continued. Suddenly he heard Mr. Meadlo, who is now a civilian, shooting in the rear.

"He went up to Meadlo and shook him," Dr. Hamman said. "Meadlo broke into tears."

Several Government witnesses had testified that Lieutenant Calley first ordered Mr. Meadlo to shoot the civilians, and later, finding that Mr. Meadlo had not done so, opened fire himself and was joined in the killing by the weeping soldier.

According to Dr. Hamman, Lieutenant Calley merely wanted the civilians removed from the trail and out of the way of his troops when he told Mr. Meadlo to "get rid of them."

"What did he [Calley] say when he went up and shook Meadlo?" Captain Daniel asked.

After a long pause, Dr. Hamman said: "My recollection is he said to Meadlo something like 'What are you doing?'"

Dr. Hamman said he had asked the defendant whether he himself had fired into the civilians.

The only answer he got was that Lieutenant Calley had "discharged his weapon while going through the village on the first sweep."

"Didn't you ask him if he hit anything?" demanded Captain Daniel.

"He indicated he didn't want to say anything more," Dr. Hamman said.

The psychiatrist promised to return Monday with complete notes of his interview with Lieutenant Calley.

Psychiatrist Sees 'Travesty'

Reached in New York, Dr. LaVerne reacted with shocked indignation to Colonel Kennedy's statements. Dr. LaVerne said that when he left the stand he was under the impression that he would be recalled at the resumption of proceedings yesterday to continue and complete his testimony.

Declaring that his testimony was left unfinished, he observed: "You take half a statement and you formulate a conclusion and that isn't bringing out the facts. The impressions are completely false. The inferences are completely erroneous, and to me that's a travesty of justice and character assassination."

"I am completely shocked that anyone in authority would make a conclusion without giving an opportunity to the person involved to defend his reputation. That's what I want and I insist upon that opportunity."

He said he had asked Mr. Latimer to convey to Colonel Kennedy his wish to return to court to vindicate himself.

Mr. Latimer said by telephone that he would convey Dr. LaVerne's wish to return to court to Colonel Kennedy.