

ARMY WILL TRY OFFICER ACCUSED IN CIVILIAN DEATHS

**Court-Martial Ordered for
Lieutenant in '68 Killings—
Death Sentence Possible**

By **DOUGLAS ROBINSON**

Special to The New York Times

FORT BENNING, Ga., Nov. 24

—The Army announced today that a young officer accused of killing a large number of South Vietnamese civilians last year would be given a general court-martial on charges of premeditated murder.

Specifically, the officer, First Lieut. William L. Calley Jr., is charged with the murders of at least 109 men, women and children on or about March 16, 1968, in the village of Songmy in Quanggai Province in South Vietnam.

The case, the Army said, will be tried as a capital offense, which means that if Lieutenant Calley is found guilty, he will face a penalty of death or life imprisonment.

Included in the six counts of premeditated murder against the 26-year-old officer is a charge of having shot and killed a 2-year-old child. All of the killings, the charges said, were carried out by Lieutenant Calley armed with a rifle.

Original Inquiry Studied

In Washington, the Army announced that it had appointed Lieut. Gen. William R. Peers to "explore the nature and scope" of the original Army investigation into the alleged killings. That investigation, conducted in April, 1968, concluded that no disciplinary action was appropriate.

The court-martial announcement was officially made by Maj. Gen. Orwin C. Talbott, commanding general of Fort Benning, but it was read at a small news conference by Lieut. Col. Douglas B. Tucker, the Fort Benning information officer.

No date was set for the trial, which will be held here. "The date will be determined by the length of time needed by the defense and the prosecution to prepare for trial," Colonel Tucker said. "It is anticipated that this will require at least a month."

The trial, he continued, will be open to the public, although the military judge "is authorized to close portions of the trial to spectators to prevent the unauthorized disclosure of classified security information."

While awaiting court-martial, it was learned, Lieutenant Calley, who is now working in an administrative job in the office of the deputy post commander, will continue his duties. He will be free to leave the post to visit nearby Columbus. If he wants to leave the Fort Benning area, he would have to apply for permission as all soldiers do.

Sergeant Unmentioned

An officer denied that this was unusual treatment for a man facing a court-martial for a capital offense, saying that "incarceration is only used to protect a man or to make sure he's available for trial."

Since last September, when Lieutenant Calley was first charged with murder, he has been permitted to leave the post. On at least one occasion

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Associated Press

TO BE TRIED: First Lieut. William L. Calley Jr. at Fort Benning, Ga. He will be court-martialed by Army on charges of killing civilians in South Vietnam.

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he visited his family in Miami.

There was no mention made today of a court-martial for Staff Sgt. David Mitchell of St. Francisville, La., a squad leader in Lieutenant Calley's platoon. Sergeant Mitchell has been charged with assault with intent to murder 30 Vietnamese civilians in the same incident. The sergeant is now stationed at Fort Hood, Tex.

"That investigation is continuing," an officer said.

The six specifications against Lieutenant Calley charge that he violated Article 118 of the Uniform Code of Military Justice. The article defines the crimes under which a person may be tried for "unlawfully" killing a human being "without justification or excuse."

The formal charges refer to the village as Mylai 4, the military designation for the village of Songmy, which is one of a cluster of hamlets. Americans in the Quanggai area nickname the group of villages "Pinkville."

The first specification against Lieutenant Calley lists four murders, the second is for killing "not less than 30" civilians, the third is for three persons, the fifth charge is for one male and the sixth is for a 2-year-old child "whose name and sex is unknown."

70 in Fourth Count

The fourth specification reads as follows:

In that First Lieut. William L. Calley Jr., U.S. Army, 40th Company, the Student Brigade, U.S. Infantry School, Fort Benning, Ga. (then a member of

Company C, First Battalion, 20th Infantry) did, at Mylai 4, Quanggai Province, Republic of South Vietnam, on or about 16 March 1968, with premeditation, murder an unknown number of Oriental human beings, not less than 70, males and females of various ages, whose names are unknown, occupants of the village of Mylai 4 by means of shooting them with a rifle."

Lieutenant Calley's attorneys at the trial will be George W. Latimer of Salt Lake City, a former judge of the Court of Military Appeals, and Maj. Kenneth A. Raby.

Major Raby, who is stationed at Fort Benning in the Judge Advocate General branch, had no comment when asked about the decision for a court-martial. Lieutenant Calley was unavailable for comment.

Last week, the Defense Department said that 26 men, including 15 who are now civilians, were under investigation in the South Vietnamese incident.

Survivors of the alleged massacre, who now live at a new settlement less than a mile from the ruins of their former homes, have told reporters that an American infantry unit killed 567 unarmed men, women and children.

The Army began the investigation of the shootings after a former soldier, Ronald Ridenhour of Claremont, Calif., wrote a three-page letter relating details of the incident that he had heard from a friend who had served in the unit.

An initial investigation was made in March, 1968, by the the United States 11th Infantry cluded that no massacre had occurred.

Lieutenant Calley was born

and brought up in Miami. He spent a year at Palm Beach Junior College in Lake Worth, Fla. In 1964 he worked on the struck Florida East Coast Railway. Later he went west as an appraiser for an insurance concern.

As a railroad worker, he had been given a draft deferment. He lost is when he went into the insurance business. Anticipating being drafted, he enlisted in the Army in New Mexico in 1966 and went to officers' school in Fort Benning before his assignment to Vietnam in December, 1967.

When Lieutenant Calley was first charged in September, he had been scheduled for discharge. For his service in Vietnam, the 5-foot-3-inch 130-pound bachelor had been recommended for a Bronze Star with oak leaf cluster and had been awarded the Purple Heart for a combat wound.