

Panel on Songmy Questions Calley



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First Lieut. William L. Calley Jr. arriving at the Pentagon

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WASHINGTON, Dec. 5— First Lieut. William L. Calley Jr., the platoon commander charged with premeditated murder of 109 noncombatants at Songmy, South Vietnam, on March 16, 1968, was questioned for four hours today by a special Army board of inquiry. The eight-member board, headed

by Lieut. Gen. William R. Peers, has been directed by Secretary of the Army Stanley R. Resor to determine whether an earlier investigation of the alleged civilian massacre was inadequate and whether there was a cover-up of the alleged incident.

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Army Panel Questions Calley on Songmy Incident

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That investigation, at the brigade level, was made in April, 1968. Lieutenant Calley, who will face a court-martial at a date yet to be set, was flown to Washington from Fort Benning, Ga., where he is now stationed. He was accompanied by his military counsel, Maj. Kenneth A. Raby.

The two men arrived at the mall entrance of the Pentagon about 12:40 P.M. With the plane's pilot and an Army interference through the crowd formation officer running in of photographers and reporters, the two men moved rapidly up the steps, along the corridor, down three flights of stairs to the basement and through the glass doors of the Army Operations Center, where the closed hearings are being held.

The 26-year-old lieutenant, who is 5 feet 3 inches tall and weighs 130 pounds, looked straight ahead, and not even a "no comment" came from his tightly pressed lips when reporters tried to question him during his passage.

Special Counsel Named

Meanwhile, Secretary Resor announced that he had acceded to a request of General Peers that a special counsel, not associated with the Government, be appointed to assist the panel members in "their investigation of the nature and scope of the original Army investigation."

Secretary Resor said that Robert MacCratè, a partner in the New York law firm of Sullivan & Cromwell, had agreed to serve as special counsel. He said that Mr. MacCratè had chosen as associate special counsel Jerome K. Walsh Jr., a partner in the New York law firm of Walsh & Frisch.

Mr. Resor said that Mr. MacCratè would advise General Peers "on the scope and direction of the investigation" and would have a major role in the interrogation of witnesses, the examination of records and the preparation of reports and recommendations.

Later, an Army spokesman explained that Secretary Resor wanted a civilian general coun-

sel to be available to General Peers to enhance the board's "objectivity and impartiality." The board is made up of Army officers and civilians working for the Army.

In testimony before the Senate Armed Services Committee last week, Mr. Resor said that the 20th Infantry Brigade commander, Col. Oran K. Kender-son, conducted the original investigation shortly after the alleged massacre. He said the colonel had concluded that approximately 20 civilians had been "inadvertently killed by preparatory fires and cross-fires," and that reports of a massacre were "merely another instance of a common Vietcong propaganda technique."

In his report, which went no higher than division headquarters, Colonel Henderson said that no further action was necessary.

Yesterday the board of inquiry questioned Capt. Ernest L. Medina, commander of Company C and the immediate superior of Lieutenant Calley, from 1:45 to 8:40 P.M. with a short break in the late afternoon in which the captain held a news conference. He was accompanied by his counsel, F. Lee Bailey, the criminal lawyer from Boston.

In response to questions, Captain Medina, who has not been charged with any killings, said that he had not ordered a massacre, or seen one, and had not shot any child, as one former member of his company has alleged. He said he had shot a woman whom he had seen making a suspicious movement.

Estimate of Civilian Toll

Captain Medina said that 20 to 28 noncombatants had been killed at Mylai 4, a hamlet of Songmy, by small arms, artillery and helicopter fire.

In an interview with Mike Wallace on the Columbia Broadcasting System's morning news program today, Captain Medina said that he did not go "all through Mylai 4" after the troops' sweep of the village was over.

"You made no real investigation as to how many bodies there were?" Mr. Wallace asked.

"No sir, I did not," Captain

Medina replied.

The captain said further that he received no later reports from his men of "any atrocity at Mylai 4."

"I was not there and I—if I had been there and had known that any such thing was taking place, I would have stopped it," Captain Medina said.

Medina Sues Time Inc.

BOSTON, Dec. 5 (UPI) — Capt. Ernest L. Medina, commander of the company involved in the alleged massacre at Songmy, filed a \$110-million libel suit today against Time Inc., publisher of Time and Life magazines.

His attorney, F. Lee Bailey, filed the suit in the Federal District Court here.

The suit alleged that the Dec. 5 issue of Time contained an article quoting a Richard Pendelton as saying he had observed Captain Medina shooting a little boy who was surrounded by dead bodies.

The article said, "The biggest mystery so far is why no charges have been placed against Captain Medina."

The suit asks \$100-million in punitive damages and \$10-million compensatory damages. The case was assigned to Judge Francis J. W. Ford.

A spokesman for Time said in New York that the magazine had not yet been served with papers. "However, if actually served, Time will undertake to defend itself," he said.