

Lawyers for Calley Seeking Dismissal

FORT BENNING, Ga., Dec. 8 (UPI) — Defense Attorneys moved to dismiss the 110 murder charges against First Lieut. William L. Calley Jr. today on the ground that he "cannot be afforded a fair and impartial trial in any U. S. Military Court."

The Army officer is accused of 109 murders in the alleged 1968 massacre at Songmy and another murder a few months before. All his alleged victims were South Vietnamese civilians.

A hearing was set for Jan. 20 on the dismissal motion, which was filed by Maj. Kenneth Raby.

The motion charged that Lieutenant Calley's "rights and privileges under the Constitution have been prejudicially and substantially impaired" by the "overwhelming, uncontrolled and widespread articles, accounts and pictures carried by the world press, television and radio."

The motion argued that the result of all this was a "vast amount of public passion."

Statements by Officials

"Since members of the military jury are army officers," the motion said, "they may be directly influenced by statements made by public officials concerning the incident."

The motion said that if the death penalty was levied on Lieutenant Calley, it would require the approval of President Nixon—and that the statements already made by Mr. Nixon should disqualify him from acting.

The Secretary of the Army must act in the case should Lieutenant Calley be convicted, the motion continued, and therefore his statements would have a "prejudicial effect" on the military jury.

President Nixon has personally

made no statement on the case, but a White House statement issued by his press secretary said "an incident such as that alleged in this case is in direct violation not only of U.S. military policy but is also abhorrent to the conscience of all the American people."

Army Secretary Stanley R. Resor has expressed his "shock and dismay" over the alleged massacre.

The defense motion also said that Lieutenant Calley's counsel would ask for a subpoena to acquire 11 films and recorded interviews of prospective witnesses for use at the trial.

The motion also asked that the records of all interviews done in the investigation headed by Lieut. Gen. William T. Peers, now being conducted at the Pentagon, be produced at the trial—along with the results of any other investigations, military or civilian, that might be made.

The Army announced last month that it would try Lieutenant Calley at Fort Benning. No date has been set for the court-martial.

Army Panel Questions 2

Special to The New York Times

WASHINGTON, Dec. 8—Two more Army officers were questioned today by Army investigators inquiring into whether the original investigation of the alleged Songmy massacre may have been inadequate and whether the Army may have covered up the incident.

The closed Pentagon hearings involved two officers familiar with the operation at Songmy in March, 1968. They were Maj. Frederick Watke, a member of the 123d Aviation Battalion, which provided helicopters used in the landing, and Capt. Dennis H. Johnson, who was an American Division intelligence officer attached to

C Company of the 1st Battalion, 20th Infantry.

Both officers said they did not wish to talk with reporters.

The eight-member panel that questioned them is headed by Lieut. Gen. William R. Peers and was appointed Nov. 24 by Secretary of the Army Stanley R. Resor and the Army Chief of Staff, Gen. William C. Westmoreland.

Pentagon officials today also showed pictures of South Vietnamese civilians identified as having been slain during the

of All 110 Murder Charges

Communist occupation of Hue. The showing of the photos to Congressmen and newsmen at the Capitol was requested by Representative Richard H. Ichord, Democrat of Missouri, who said they had been given little attention in the press.

The photos, from Pentagon files, showed men, women and children, identified by the Army as civilians or government officials, with their arms tied behind them and either shot or decapitated.

Mr. Ichord said he wanted

the photos shown "so that this whole matter may be placed in the proper perspective."

"We know the alleged acts [of American troops] are in violation of official directives," he said, while the photos and captured Vietcong documents "present very salient evidence that the Vietcong and North Vietnamese pursue assassination and torture in South Vietnam as an official policy."

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