

# A.C.L.U. Wants Calley Freed Because of Publicity

By ROBERT M. SMITH

Special to The New York Times

WASHINGTON, Dec. 11—

The American Civil Liberties Union announced today that it had urged the Government to drop its case against First Lieut. William A. Calley Jr. on the ground that prejudicial publicity had made it impossible for him to receive a fair trial.

It made public a three-and-a-half page letter to Secretary of Defense Melvin R. Laird that said:

"We believe that the extent of publicity given to the Songmy events, the extent to which he [Lieutenant Calley] has been connected by name to those events by eyewitnesses, the publication of photographs depicting the murdered Vietnamese in Songmy and the national self-examination which has resulted from the disclosures virtually eliminate the possibility that officers could be found to sit on a general court-martial who have not lost their objectivity."

Lieutenant Calley has been charged with the premeditated murder of 109 Vietnamese civilians at Songmy on March 16, 1968. He has been ordered to stand trial, but no date has been set for the court-martial.

The letter of the liberties union was sent to Mr. Laird yesterday. It was signed by John deJ. Pemberton Jr., executive director of the organization, and Melvin L. Wulf, its legal director.

## Public Panel Urged

The liberties union also called for the appointment of "a public commission supported by public funds but independent of both the armed services and the Administration" so "all the facts surrounding the events of Songmy can be ferreted out and placed on the public record."

In the meantime, Capt. Ernest L. Medina—the commander of C Company of the 1st Battalion, 20th Infantry, 11th Infantry



Associated Press

**S. Sgt. David Mitchell at Fort Hood, Tex., yesterday. He denied Army's charges against him in Songmy case.**

Brigade at the time the unit conducted the operation at Songmy—appeared before the investigating panel of the House Armed Services Committee.

When he emerged from the hearing room early this afternoon after three hours of testimony, he refused to answer questions about what he had told the Congressmen.

The chairman of the panel, Representative L. Mendel Rivers, Democrat of South Carolina, told 50 newsmen gathered in the corridor that he would not answer questions either. As he walked to an elevator, however, he was told by reporters about an article in today's Washington Star that contradicted what he said after yesterday's hearing.

The Star article said that Chief Warrant Officer Hugh C. Thompson, a helicopter pilot, had told the panel he had

trained his guns on American soldiers at Songmy and lifted six to nine wounded Vietnamese civilians from a ditch filled with bodies. Mr. Thompson reportedly said that he called in a second helicopter, and both craft took the wounded out of the village.

## Rivers's Statement Recalled

Yesterday, after listening to the warrant officer's testimony, Mr. Rivers told reporters: "He didn't give us any information that would lead us to believe anybody ever committed a massacre."

After he was told about the article in The Star, Mr. Rivers—now standing in an elevator—said, "Whoever gave him [the reporter] that account is a damn liar." Then the elevator doors closed.

Warrant Officer Thompson, who is stationed at Fort Rucker, Ala., could not be reached for comment.

Several other members of the House panel were asked about Mr. Thompson's testimony but refused to comment. One of them explained, "The subcommittee took a vote and decided that nobody was going to speak about it except Rivers." He said that the account in The Star was "garbled" but refused to go further.

This afternoon the Pentagon released a copy of the citation accompanying the Distinguished Flying Cross that Warrant Officer Thompson won at Songmy. It said in part:

"... Warrant Officer Thompson's aircraft was performing a reconnaissance and screening mission for friendly forces near Quanggai. After spotting approximately 15 young children who were trying to hide in a bunker between Vietcong positions and advancing friendly forces, Warrant Officer Thompson landed his helicopter near

the children and moved them to a secure area.

"Only moments later, he located a wounded Vietnamese child caught in the intense crossfire. Disregarding his own safety, he again landed his own helicopter and evacuated the wounded child to the Quanggai hospital.

"Warrant Officer Thompson's heroic actions saved several innocent lives, while his sound judgment greatly enhanced Vietnamese-American relations in the operational area."

In its letter to Mr. Laird, the liberties union also said that "the Songmy affair demonstrates that troop orientation is seriously deficient in instructing soldiers to their duty not to obey illegal orders."

"It is imperative," the letter said, "that all American servicemen receive clear, unequivocal and repeated instructions that no one is ever under any obligation to obey an illegal order, and that it is his military duty to refuse such an order."

## Mitchell Denies Guilt

BATON ROUGE, La., Dec. 11 (AP)—Sgt. David Mitchell, who is charged with 30 counts of assault with intent to murder civilians in the alleged slayings in Songmy, has declared he is innocent.

"I deny the charges and I'm not guilty," the Negro soldier from Louisiana said in an interview with The Baton Rouge Morning Advocate and WBRZ, a television station.