

Calley Judge Calls for Inquiry Into Five News Organizations

FORT BENNING, Ga., Dec. 16 (UPI) — The judge in the impending court-martial of Army Lieut. William L. Calley Jr. asked the Justice Department today to determine whether five news organizations had violated his order against pre-trial interviews with potential witnesses.

Lieut. Col. Reid W. Kennedy also directed Capt. Ernest Medina, who was Lieutenant Calley's immediate superior in South Vietnam, to stop discussing the case with newsmen.

Colonel Kennedy said that he had refrained earlier from making a specific order against Captain Medina "because I didn't think he would grant an interview."

Captain Medina had initially said nothing about the case, but after retaining F. Lee Bailey as his lawyer he made numerous statements to newsmen regarding the alleged massacre of 109 civilians in South Vietnam.

The judge asked the Justice Department to look into reports about the case carried by The Houston Chronicle, the National Broadcasting Company, Time magazine, Life magazine and The Associated Press.

Bar Trial by Press

"This is not to be a trial by the press," Colonel Kennedy said. "The court is concerned that all possible protection be given Lieutenant Calley's rights."

He acknowledged that his military court had "no power of enforcement" over civilians who interviewed potential witnesses but wanted Attorney General John N. Mitchell to determine whether another avenue of prosecution existed.

The judge said that Time and Life had carried interviews with Cpl. Anthony Broussard of Fort Polk, La., about the case, and The Houston Chronicle and The Associated Press carried an interview with Herbert L. Carter.

Colonel Kennedy said that Corporal Broussard, after being ordered not to divulge testimony, had been offered by Time and Life \$7,000 or an automobile for an interview.

The National Broadcasting Company should be investigated, the judge said, because its "Today" show recently car-

ried photographs of the alleged massacre.

He said that he was searching for ways to limit publicity. "I could order a change of world-wide coverage, but a change would have little effect because this is getting fact," he said.

Maj. Kenneth Raby, who is Lieutenant Calley's military lawyer, made a new motion for dismissal of all charges against the young Miami officer. He based it on a contention that the Army was subjecting Lieutenant Calley to "involuntary servitude" and should give up jurisdiction over him.

Discharge Delayed

This was a reference to the fact that Lieutenant Calley had been scheduled to be discharged from the Army in September. His discharge was indefinitely delayed, however, when the Army began investigating the Songmy case.

A hearing will be held Jan. 20 on a motion that charges be dismissed on the ground that publicity had wrecked Lieutenant Calley's chances of getting a fair trial. Colonel Kennedy said that there will likely be further hearings after that date. No date has been set for the trial, which will probably not be held before spring. The lieutenant is charged with murder in the slaying of 109 Vietnamese.

Major Raby said that numerous news articles and television films would be introduced at the hearing Jan. 20. One of the films, he said, will be of the news conference held Dec. 9 by President Nixon, who stated that the Songmy incident was an apparent massacre.

Pentagon Hearing Continues

WASHINGTON, Dec. 16 (UPI) — A Pentagon board took testimony today for the second consecutive day from Maj. Gen. Samuel W. Koster, commander of the Americal Division at the time of the alleged Song My massacre.

General Koster is now superintendent of the United States Military Academy.

The board, headed by Lieut. Gen. William R. Peers, is seeking to determine why the evidence was not reported to higher headquarters until a year later.

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