

Calley Defense Asks Disclosure Of Top-Secret Data on Songmy

Counsel Says C.I.A. Records on Its Operation Phoenix in '68 May Be Involved

FORT BENNING, Ga., Aug. 24 (UPI) — Defense attorneys sought today the disclosure of what they termed key and classified information that might shed further light on the alleged massacre at Songmy in 1968 and the secretive Operation Phoenix.

The action came during a closed pretrial hearing for First Lieut. William L. Calley Jr., a former platoon leader who is charged with the premeditated murder of at least 102 South Vietnamese civilians.

The chief civilian defense attorney, George W. Latimer, said most of the morning hearing was taken up with arguments on motions for discovery — perusal by the defense of documents and memorandums that the Government is expected to use in any trial action against the lieutenant.

Late today the hearing was recessed until tomorrow, with several motions still to be presented. Mr. Latimer said he expected a new trial date would be set then.

The defense and prosecution agreed to a closed hearing because of the top-secret nature of matters to be discussed.

Mr. Latimer said that what he hoped to gain access to would include the written orders and information acquired through secret channels.

"I think we are trying to get some C.I.A. (Central Intelligence Agency) records," he added.

Lieutenant Calley, smiling broadly, walked rapidly from a green staff car with his attorneys into the courtroom where he may eventually go on trial for his life. The trial had been expected to get under way today but was postponed a week ago.

Mr. Latimer said some of what he hoped to learn from the classified documents might well affect national security.

But, the soft-spoken attorney observed, "I think anytime you are going to use classified documents to try to convict a man . . . I think we are entitled to see them."



United Press International
First Lieut. William L. Calley Jr. at Fort Benning, Ga.

Asked if he hoped to learn more about Operation Phoenix, Mr. Latimer replied that he thought the question would definitely arise during the hearing. He conceded that he knew nothing about the operation "other than what I have heard."

Published reports have described Operation Phoenix as a code name for a secret C.I.A. operation that led to the alleged massacre March 16, 1968. The reports said the C.I.A. had ordered the hamlet wiped out because it was filled with nothing but Vietcong and Communist sympathizers.

"I would say this," Mr. Latimer said, "I think the Government has been reasonable with us. They wouldn't insist on a classification without a reason."

Lieutenant Calley is one of a dozen defendants charged in the alleged massacre, but the only one, so far, who faces capital charges. He could be sentenced to death if found guilty.

A pretrial hearing of Specialist 4 Robert W. T'Souvas, charged with two murders at Songmy, is scheduled to resume Wednesday at Fort McPherson in Atlanta.