

Calley Defense Seeks to Link Superior Officers to Mylai Action

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—Defense attorneys for First Lieut. William L. Calley Jr. tried today to show that senior United States officers "knew what was going on" at Mylai during the alleged massacre of South Vietnamese civilians.

They produced two helicopter pilots who testified that Lieut. Col. Frank A. Barker Jr., commander of the task force that assaulted the hamlet March 16, 1968, alighted near the scene of a mass slaying allegedly shot several men, women and children there. One of the pilots, Dean Lind,

22 years old, said Colonel Barker had visited the scene after a conference back in the staging area with another officer. The pilot said he thought the other man was either Col. Oran K. Henderson, commander of the 11th Brigade, or Maj. Gen. Samuel W. Koster, commander of the parent American Division.

Mr. Lind, a tall, slim Minnesota farm hand, said he was chief pilot of the helicopter that landed Colonel Barker at Mylai. Mr. Lind had just returned from another landing at Mylai, where he had picked up a soldier who had shot himself in the foot. On taking off from the hamlet, he said, he noticed "15 or 20 bodies, some babies, some

old people" that were "stacked up, bloody" beside a trail. "From what I'd seen and what I heard (in the helicopter) made me realize he (Colonel Barker) knew what was going on."

Lieutenant Calley is on trial for premeditated murder in the slaying of at least 102 civilians in the hamlet of Mylai 4. The defense is trying to prove that he was acting under orders and that his superiors did nothing to prevent the massacre. Colonel Barker, who was killed in a helicopter crash three months after the Mylai incident, and General Koster, observed part of the Mylai operation from helicopters.

Mr. Lind was unable to give more than a vague recollection of Colonel Barker's conversation with the other officer. He said Colonel Barker had said something about "noticing something wasn't right" at Mylai and had indicated that he wanted to "relieve his anxieties."

Remark Is Stricken

But the military judge, Col. Reid W. Kennedy, had this remark stricken from the record. Under cross-examination by the military prosecutor, Capt. Aubrey M. Daniel 3d, Mr. Lind said it was only his "impression" that Colonel Barker knew what was happening at Mylai while the killing was still going on.

Neither Mr. Lind nor his co-pilot, Christopher D. Garbow of Tampa, Fla., could recall how long Colonel Barker hovered over Mylai after watching the onset of the assault. They said they saw no evidence of a massacre as they circled with Colonel Barker for two hours after the task force landed.

As troops swept through the village, the pilots observed "nothing unusual," and it was not until the helicopter landed

to pick up the wounded soldier that they saw any corpses. Colonel Barker was not with them then, having returned to his command post.

They were unable to say what time they took Colonel Barker back to Mylai. They said they had landed a short distance south of the spot from which they had evacuated the soldier, and they could not say whether Colonel Barker observed any bodies.

Other witnesses testified yesterday that Colonel Barker conferred briefly with Capt. Ernest L. Medina, the commander of Charlie Company, in which Lieutenant Calley was a platoon leader.

Setback for Defense

The defense received a setback this morning when Varado Simpson, a 23-year-old black student at Jackson State College in Mississippi, who is a former infantryman in Charlie Company, refused to testify. He invoked the Fifth Amendment protection against self-incrimination.

George W. Latimer, chief defense counsel, announced that he would seek to obtain for Mr. Simpson the same grant of immunity that the Justice Department had accorded a prosecution witness, Paul D. Meadlo.

What the defense was to do from Mr. Simpson was to deny about the briefing, Captain Medina gave to the troops on the eve of the Mylai action.

In interviews with media, Mr. Simpson has given Captain Medina as having "We are going to kill everything there: women, children, babies, cows, cats, everything." When the military judge tested that such testimony would duplicate the testimony of previous defense witnesses, Mr. Latimer said he also had to show through Mr. Simpson that Lieutenant Brooks, leader of the,

platoon of Charlie Company, had ordered troops to kill women and children and had threatened to kill Mr. Simpson if he refused.

Mr. Simpson has told newsmen he killed from 10 to 18 civilians at Mylai. Last summer, during the filming of a documentary movie, "Interviews with Mylai Veterans," he told Richard Hammer of The New York Times that when he balked at shooting a woman because "I don't want to shoot no lady," the platoon leader told him: "I'm giving you an order to shoot, and if you don't shoot her then you can be shot yourself."

Judge Kennedy cautioned the defense that the admission of such testimony would open the door for the prosecution to question Mr. Simpson on other events at Mylai. Among other things, Mr. Simpson has told newsmen that he saw Lieutenant Calley order the shooting of two groups totaling 100 civilians at a ditch outside Mylai.