

Defense Says Calley Regarded Victims as an Enemy

By HOMER BIGART

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FORT BENNING, Ga., Feb. 17—The chief counsel to First Lieut. William L. Calley Jr. said today that the lieutenant did not feel he was killing "humans" when he ordered and participated in the execution of two groups of Vietnamese civilians at Mylai.

The young Army officer, charged with the premeditated murder of at least 102 unarmed men, women and children in the tiny South Vietnamese hamlet three years ago, considered the victims a sort of enemy "with whom one could not speak or reason," George W. Latimer said at the court-martial here.

This is the first time the defense has said that Lieutenant Calley killed anyone during the so-called Mylai massacre.

The remarks came as Mr. Latimer gave the court a preview of the testimony that he said Lieutenant Calley would give later in the week. The preview was contained in a hypothetical question put to a defense psychiatrist, Dr. David G. Crane of Indianapolis.

Combat Tension Cited

Mr. Latimer wanted, and obtained, an opinion that Lieutenant Calley was "psyched up" by combat tension and lacked the mental capacity to ponder the consequences of an alleged order from his company commander to kill every Vietnamese in Mylai.

"Lieutenant Calley will testify he believed he was fol-

lowing orders to destroy all living things in the village," Mr. Latimer told the jury of six officers. "Lieutenant Calley states he did not feel as if he was killing humans but rather that they were an enemy with whom one could not speak or reason."

Nevertheless, Lieutenant Calley prevented one of his soldiers from sexually molesting a Vietnamese woman, Mr. Latimer said.

Lieutenant Calley will testify that his company commander, Capt. Ernest L. Medina, twice criticized him for not moving his platoon faster through the village, Mr. Latimer said, continuing:

"Lieutenant Calley ordered Paul Meadlo, a soldier in his platoon, to shoot, and took part himself in shooting some detained Vietnamese on two occasions, once about the center of the hamlet and once on the eastern edge of it at an irrigation ditch or depression."

Previous Testimony

Several Government witnesses have testified that Lieutenant Calley and Private Meadlo shot about 30 Vietnamese at an intersection of trails within the hamlet and about 70 at the ditch outside.

Before the evidence of the defense psychiatrists could be placed before the jury, Mr. Latimer, a courtly, 70-year-old Mormon from Salt Lake City and a former member of the Court of Military Appeals, had to promise the military judge that any hypothetical questions answered by the experts would

have to be based on the factual background of Lieutenant Calley.

Mr. Latimer assured the judge, Col. Reid W. Kennedy, that Lieutenant Calley would take the stand and reveal the details of upbringing, schooling, family relations, training and finally the events of March 16, 1968, when the officer led a platoon on a "search and destroy" mission through Mylai.

As part of his military training, Lieutenant Calley was "told to treat all South Vietnamese with great caution, since old men and women and small children have proved to be as dangerous an enemy as the full-grown military-age men," Mr. Latimer said.

Booby Traps and Mines

Not only did women, children and old men supply shelter and food for the enemy, but "old men and women set booby traps and laid mines" and "instances are on record where very young children had been made into walking booby traps that resulted in the death and maiming of many Americans," Mr. Latimer went on.

After the orderliness of Officers Candidate School, Fort Benning, and of Schofield Barracks, Hawaii, Lieutenant Calley was "shocked at the confusion of actual combat," the lawyer said.

The lieutenant felt "grieved and hurt," the lawyer went on, because he had been on leave when his company sustained 18 casualties in a mine field.

"He felt increasingly frustrated at the difficulty of identifying the enemy in this Vietnamese environment, and de-

scribed his men as increasingly hostile to civilians," Mr. Latimer said. "He describes grief at the loss of men, anger and frustration at the situation, and constant fear for the lives and safety of his men and himself."

On the eve of the Mylai raid, Lieutenant Calley attended a briefing by Captain Medina and came away with the opinion that "all enemy encountered during the operation were to be destroyed and that everyone remaining in the area were enemy, that the unit was to sweep rapidly through the area, destroy all enemy so as not to have them in the rear," Mr. Latimer said.

Dr. Crane and another defense psychiatrist, Dr. Wilbur Hamman of Arlington, Va., said Lieutenant Calley tended to place a literal interpretation on things, including orders.

"I don't think he's capable of making a complex decision," Dr. Crane said.

Because of combat strain and his limited intellectual background, Lieutenant Calley "did not have the capacity to plan or contrive the taking of lives at Mylai," Dr. Crane concluded. The killings, he implied, were spontaneous.