

GALLEY PICTURED AS A SCAPEGOAT

Defense Asks: 'Let This Boy
Go Free'—Guilty Verdict

Urged by Prosecutor

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FORT BENNING, Ga., March 16—First Lieut. William L. Calley Jr., charged with the slaying of at least 102 Vietnamese civilians, was portrayed in the final defense argument today as the Army's chosen scapegoat for the alleged Mylai massacre.

He was the "pigeon—the lowest officer on the totem pole," George W. Latimer, the chief defense counsel, said as the case was about to go to the jury.

He and his company commander, Capt. Ernest L. Medina, were thrown into "a race for death certificates" while everyone else accused in the Mylai affair stood a good chance of getting off with honorable discharges, Mr. Latimer, added.

Prosecutor Concludes

At the end of an emotional appeal to the six officers of the military court, he cried "Let this boy go free." He told the jury that in the course of this long trial he had come to look upon the 27-year-old lieutenant as an adopted son "and I would not adopt a murderer."

Mr. Latimer, 70 years old, is a Mormon from Salt Lake City and a former judge of the Court of Military Appeals.

Earlier, Captain Aubrey M. Daniel 3d, the Government prosecutor, concluded his sum-

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mation, saying that Lieutenant Calley had never received orders to execute prisoners summarily.

In any event, such orders would be illegal, and Lieutenant Calley would be obligated to disobey them, Captain Daniel said.

"The obedience of a soldier to orders is not the obedience of an automaton," he said. "When a man wears a soldier's uniform, he is still required to think, to make moral decisions, to know what is right and wrong. We know that the accused in fact never received orders to round up and execute civilians."

Mr. Latimer wanted to know why Lieutenant Calley had been selected for the scapegoat role in the Mylai incident.

"This was not a one-man carnage," he said, yet the investigation had "narrowed to a death race between Captain Medina and Lieutenant Calley."

"Both are running the last yard for a life or death sentence," he added, "and when the stakes are that high, someone is bound to try to avoid responsibility."

He charged that the whole responsibility for Mylai rested with Captain Medina.

"Nothing was said to Lieutenant Calley about the whole affair until after the young officer had extended his service in Vietnam and then was called to Washington for what he believed was a change of station, Mr. Latimer said.

"All this time, the finger was pointing at Captain Medina, who himself said he would 'probably get 20 years,' the counsel continued.

"And all of a sudden, things changed. Who becomes the pigeon? Lieutenant Calley, the lowest officer on the totem pole in this entire business."

Mr. Latimer's argument angered the prosecutor. Out of the hearing of the jury, Captain Daniel arose to accuse Mr. Latimer of breaking an agreement not to mention the death sentence and not to mention the fact that none of the others accused in the Mylai investigation had been convicted.

Captain Daniel said that Mr. Latimer had "harped" on the fact that other defendants had been freed of charges stemming from the alleged massacre.

Guilty Verdict Asked

Captain Daniel asked the jury to find Lieutenant Calley guilty of the four charges of premeditated murder in the killing of at least 30 Vietnamese on a trail at the edge of Mylai, the killing of at least 70 in a ditch outside Mylai, the murder of a white-robed Vietnamese man and the murder of a 2-year-old boy who had crawled out of a pile of corpses in the ditch.

If the jury finds Lieutenant Calley guilty of premeditated murder, it may sentence him to death or life imprisonment. The last execution of a death sentence in the American military services was on April 13, 1961, when Private John Bennett was hanged at Leavenworth. Bennett was convicted of rape six years earlier.

Today was the third anniversary of the Mylai incident.

In his summation, the defense counsel said that a conviction of Lieutenant Calley would forever tarnish the American military image.

"I pause to paraphrase a quote from a famous American," Mr. Latimer said, "by saying, 'What I say here will not be long remembered, but what you do here will never be erased from the pages of history.'"

"If prosecution in this case was necessary to prevent the image of the Army from being tarnished, then in my humble judgment conviction of an American lieutenant for the ills and vices occurring at Mylai will sear the image beyond recognition."

Proud of the Army

In suggesting that he wanted to adopt Lieutenant Calley, Mr. Latimer said that when he had first met the young officer he had seen "a boy threatened with prosecution by a nation he had tried to defend."

Mr. Latimer mentioned his own military service, saying that he had served as a division chief of staff on Guadalcanal, New Britain and Bougainville in World War II.

"I am proud of the United States Army and it grieves me to see it pulled apart from within," he said. "This case is a vehicle to bring about the Army's destruction."

He called most of the Government witnesses "outsiders"—members of Lieutenant Calley's platoon who had gone back to civilian life.

These outsiders, he said, "pointed their fingers of blame toward others who remained loyal to the service and were trying to make the Army a career."

He called some of them partners in crime who "seek to shed the cloak of guilt by accusing other partners of the offense."

"This case is a classic example," he said. "With few exceptions, the testimony was: 'Others shot civilians, but I did not.'"

"In the criminal world, this may be necessary to obtain a conviction. But when former company members must be used to convict their buddies, the military community suffers."

"Such tactics raise public indignation and prejudices discipline in the services. It may well be that if Lieutenant Calley is convicted, only one lieutenant will suffer for the acts of many."

Mr. Latimer said that Captain Medina's company, in which Lieutenant Calley led the



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Jury sitting in the court-martial of First Lieut. William L. Calley Jr., from the left, above: Col. Clifford H. Ford, Maj. Harvey G. Brown and Maj. Carl R. Bierbaum. Below: Maj. Charles Carl McIntosh, Maj. Walter D. Kinard and Capt. Ronald J. Salem. They were charged last night.



First Platoon, was inadequately trained for combat and weakened by casualties.

He recalled testimony that the commander of the 11th brigade, of which Captain

Medina's company was a part, had vainly protested orders shipping the brigade to Vietnam, insisting that 60 days of additional training in Hawaii were needed.