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All Units Get 'Fact Sheet'

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WASHINGTON, April 2—The Army, defending itself against public outcry against the trial and conviction of First Lieut. William L. Calley Jr., said today that it had "a moral and legal obligation" to prosecute him.

The defense was contained in an unusual four-page "fact sheet" that was prepared after the conviction Monday of Lieutenant Calley and mailed today to every Army unit in the world.

According to the document, which was described as a "white paper" by officers at the Pentagon, the United States was obliged under the Geneva conventions on rules of war to prosecute Lieutenant Calley and the others accused of wrongdoing at Mylai or of covering up the events in the South Vietnamese hamlet on March 16, 1968.

The document noted that, of the 13 original defendants involved in the Mylai deaths, two had been found innocent in courts-martial, charges had been dismissed against eight, and Lieutenant Calley alone had been convicted so far.

In what appeared to be an attempt to counter public complaints, in a flood of telegrams to the President, members of Congress and the Pentagon, that the Army was making a "scape-

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TRIAL OF CALLEY IS BACKED BY ARMY

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goat" of the officer, the statement said that "in all these cases we went as far as we could and as far as the evidence supported.

"In the case of Lieutenant Calley," it continued, "we had a overwhelming body of evidence."

The Army's chief of information, Maj. Gen. Winant Sidle, insisted, after word of the document leaked out of the Pentagon, that it was not intended as a public defense of the Army's position in the current controversy.

Denies Link to Outcry

General Sidle said, in a telephone interview, that the document was unrelated to the outcry against Lieutenant Calley's conviction.

"We felt we had to give the troops something," he said, to explain "how things have gone so far, why they have, and what's still to go."

Two of the 13 original defendants still are awaiting trial. They are Capt. Ernest L. Medina, who was Lieutenant Calley's superior, and Capt. Eugene M. Kotouc. The Army is also prosecuting Col. Oran K. Henderson on charges that he attempted to cover up the Mylai incident and that he later lied about his action to a special Pentagon panel investigating the incident.

General Sidle said that his office and the Army's Judge Advocate General had "discussed vaguely in the past" the possibility of issuing a statement on Mylai to field commanders, so that they might inform their troops of the issues and facts involved.

But he also said that the conviction of Lieutenant Calley and later the subsequent con-

roversy "may have pushed it along a bit."

"Even though the legal action was painful and difficult," the document said, "the Army would have failed to meet its obligation to the laws of our nation had it not acted."

The Army paper said that the Geneva and Hague Conventions on the rules of war, including those adopted in 1949, had been ratified by the United States and accordingly had to be regarded as part of the "supreme law of the land."

The Geneva conventions, including the obligation to bring to trial individuals alleged to have committed battlefield violations, "cannot be abandoned and adopted again at will by United States armed forces, depending upon the character of the conflict or the nonobservance of the convention by the enemy," it said.

When the allegations about the Mylai incident were made in 1969 by a former soldier, Ronald L. Ridenhour, the document said, "the Army had only one legal course of action—to investigate the allegations and prosecute the accused, if the evidence so warranted."

The document also said that the Army was aware it had "a moral and legal obligation to adopt a continuing policy of investigating fully all substantive allegations of violations of the laws of war involving American personnel.

"Every allegation of misconduct on the battlefield—regardless of the rank or position of the person purportedly responsible—must be thoroughly explored," the statement said.

Two high Army officers, Maj. Gen. Samuel W. Koster and Brig. Gen. George H. Young Jr., were among those who were accused originally of having attempted to prevent a public disclosure of the Mylai events. Gen. William C. Westmoreland, the Army Chief of Staff, has recommended that the two generals be demoted, but the criminal charges against them have been dropped.