

Calley trial expected to go to jury today

FT. BENNING, Ga.—A fiery young Army prosecutor told a jury Monday there was "no doubt" that Lt. William L. Calley Jr. slaughtered "unresisting and unarmed men, women, children and babies" at My Lai and should be convicted of premeditated murder.

The summation by Capt. Aubrey M. Daniel III came as the Army began closing the final chapter of Calley's historic court-martial. The six-officer jury

is expected to start deliberating late Tuesday—the third anniversary of the alleged My Lai massacre—the guilt or innocence of the 27-year-old platoon leader.

Daniel, 29, stood in front of the jury box and talked mostly without notes in taking the jurors through a step-by-step recital of the case against Calley, accused of killing or directing his platoon to kill 102 civilians at My Lai.

Three of the Army's four specifications against Calley involved 70 civilians in a ditch and two individual killings. The other specification involved 30 to 40 more villagers allegedly slain at the intersection of two major trails.

Daniel recalled that Paul Meadlo testified that Calley had ordered him "to take care of these people" at the intersection. Calley left and then returned to find the villagers still alive, Daniel said, and he then ordered Meadlo to "waste them" and "in fact participated in the shooting."

Daniel waved before the jury the prosecution's exhibit 12-A, a color photograph he said was taken by an Army photographer the day of the massacre.

"There's no doubt at all, gentlemen, that Lt. Calley shot the people in prosecution exhibit 12-A and they died and are dead as a result of his acts on 16 March 1968."

The judge, Col. Reid W. Kennedy, told the jurors they would spend their out-of-court hours during final arguments as well as deliberations in Olson Hall, a quarters for transient officers a half-mile from the courthouse.

Outpost beats back N. Viet mass attack

SAIGON—Tanks and infantry in a North Vietnamese force of 12,000 men attacked a South Vietnamese outpost in Laos Monday and stopped a drive on a huge supply dump astride the Ho Chi Minh Trail. The outpost stood fast with strong U.S. Air support which knocked out seven tanks.

A major battle appeared to be shaping up.

Across the border, in South Vietnam's northwest corner, Communist gunners subjected the U.S. support base at Khe Sanh to its heaviest barrage since the Laos offensive began Feb. 8, firing 150 mortars and rockets into American positions. No U.S. casualties were reported but some South Vietnamese were hurt and a few American helicopters were damaged.

The focus of action in Laos Monday was Fire Support Base Lolo, an outpost nine miles east of the Ho Chi Minh Trail center of Sepon. Brig. Gen. Pham Van

Phu, commander of South Vietnam's 1st Infantry Division, said Communist pressure on Lolo and other points had blocked his troops trying to reach a big North Vietnamese ammunition dump and a fuel pipeline.

Phu said South Vietnamese defenders of Lolo fought a series of clashes with North Vietnamese forces throughout Monday in the area, including one two-hour battle at the base perimeter before the Communists were beaten back. Soviet-built T34 tanks fired 88mm guns at Lolo and U.S. Air Force pilots reported knocking out one column of seven Communist tanks in the fight. Three other tanks were reported destroyed Sunday.

Phu said the entire 2nd Division of the North Vietnamese Army—12,000 men at full strength—was moving in units of between 500 and 3,000 troops into the Lolo area to protect the supply base.



Veteran submits torture charges

FT. McPHERSON, Ga.—A veteran, highly-decorated soldier of two world wars, who felt "somebody had to speak out," formally accused two former superior officers Monday of trying to cover up torture and murder in Vietnam.

"My part is finished," said Lt. Col. Anthony B. Herbert after mailing off the accusations against Maj. Gen. John Barnes and Col. J. Ross Franklin. "Whatever the Army decides, it is up to them and all I can do is wait and see."

Herbert, who holds four Silver Star medals, four Purple Hearts and three Bronze Stars from service in Vietnam and Korea, said he charged Franklin with seven instances each of dereliction of duty and failure to comply with written directives to report mistreatment of prisoners in Vietnam.

Against Barnes, he filed three charges each of dereliction of duty and failure to report alleged torture and murder.

Barnes was the commanding officer and Franklin the deputy commander of the 173rd Airborne Brigade in Vietnam when Herbert was attached to that outfit and when the reputed mistreatment took place.

Herbert said he witnessed personally four of the alleged incidents he cited in the charges against Franklin who was a member of the commission headed by Lt. Gen. William R. Peers that investigated the reputed mass slaughter at My Lai.

They included the murder of four men and a woman, and three instances of torture, by pouring water down the throat of a Viet Cong suspect, by wiring a woman to a field telephone to shock her each time it was cranked, and by striking a suspect with either the hand or bamboo stick.

Herbert said the other instances were reported to him and involved looting by Vietnamese under an American adviser, an American lieutenant being shot by "our people on patrol" and a report by a lieutenant that he had been ordered to kill a suspect.

Governor endorses jail study

RALEIGH—Gov. Bob Scott Monday endorsed an interim report which he said "could well be a springboard for far-reaching improvements" in North Carolina's penal system.

Scott said the report, undertaken seven months ago by the Penal Study Committee of the North Carolina Bar Association, should be carried out "as speedily as practical and feasible" and while many changes can be accomplished administratively, "others will require statutory changes through the legislative process."

The No. 1 priority of the report called for replacing present dormitory or "bullpen" type cells in prisons with single cells and Scott said the recommendation was in accord with capital improvement requests by the Advisory Budget Commission to the General Assembly.

The committee also called for consolidation of the present Departments of Correction, Juvenile Correction, Probation Commission and Parole Board into a Department of Social Rehabilitation when the structure of North Carolina's government is streamlined as authorized by a constitutional amendment approved by the voters last year.

Scott released the contents of the report at an afternoon news conference at which he told newsmen, "I endorse the report and urge that its recommendations be carried out as fully and speedily as practical and feasible."

"Many of the recommendations can be carried out administratively under existing acts. Others will require statutory changes through legislative process."

"I have directed Commissioner of Correction Lee Bounds to implement as early as possible those recommendations which can be done administratively," the governor said.

He said bounds planned to call a meeting of administrators Tuesday to discuss which recommendation could be implemented immediately.

Scott commended the study commission for its work.

Scott said copies of the interim report would be distributed at the Monday night session of the legislature and that the chairmen of the committees on correctional institutions of both houses would begin drafting bills toward statutory changes.

Accident killed Young

NEW YORK—An autopsy report issued Monday indicated that civil rights leader Whitney M. Young Jr. may have died as the result of an accident which caused a brain hemorrhage.

The report was received from Lagos, Nigeria, where Young died last Thursday, as his body went on view at New York's Riverside Church. Hundreds of persons, the vast majority black, filed by the open coffin in the nave of the cathedral-sized sanctuary.

The autopsy disclosed that Young, who originally was thought to have

succumbed to a heart attack while swimming in the sea, actually died of a subarachnoid hemorrhage—a break in the small blood vessels in the brain.

The break, it said, could have been caused by the rough surf, tumbling in the heavy water, or by hitting solid debris in the water. Further light may be shed on the cause of death by a second autopsy performed early Monday by Dr. Milton Helsen, New York City's chief medical examiner, who will make a report later this week.

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