

UNITED STATES)

v)

WILLIAM L. CALLEY, JR)
FIRST LIEUTENANT, US ARMY)

MOTION FOR SHOW CAUSE ORDER

Comes now the accused through counsel in the above entitled case and moves the court to issue an order to General Court-Martial Convening Authority, in this case, to show cause why a Writ of Mandamus should not be issued compelling him to provide adequate funds, under the provisions of Paragraph 116, Manual for Courts-Martial, 1969 (Revised), for accused to employ in his behalf a qualified private detective agency to investigate the alleged My Lai 4 incident and other related case aspects thereof; or, in the alternative to detail a qualified and accredited criminal investigator to serve (TDY) under the operational control, and in confidence with, the appointed military defense counsel for a period of not less than sixty (60) days.

BASIS FOR MOTION

The United States currently has employed the investigative sources of the Department of the Army Inspector General and The Provost Marshal General's Criminal Investigation Division to interview witnesses and obtain statements, many of which have not been made available to the accused or his counsel. In addition, a Lieutenant General is conducting a relevant collateral investigation of the alleged incident. Defense needs its own investigator to help uncover vital defense, extenuation, and mitigation evidence in this capital case. Denial of this show cause order may materially delay defense's case preparation and may ultimately cause essential evidence to become

If counsel must engage in lengthy personal investigation, vital defense legal research will be impaired thereby, in effect, denying accused of his constitutional right to counsel.

for *Kenneth A. Raby*
GEORGE W. LATIMER
of and for
PARSONS, BEHLE and LATIMER
Attorneys for the Accused

Kenneth A. Raby
KENNETH A. RABY
Major, JAGC
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