

**CBS libel trial to begin soon**

NEW YORK (AP) — The selection of a jury that will hear testimony from some of the biggest names of the 1960s and view once-secret intelligence reports on Vietnam begins today in Gen. William Westmoreland's \$120 million libel suit against CBS.

U.S. District Judge Pierre Leval and lawyers were to question 100 people to find 12 jurors and six alternates who will decide whether CBS libeled the retired general in a Jan. 23, 1982 documentary titled "The Uncounted Enemy: A Vietnam Deception" and in promotional advertising for it.

The panel — twice the size of the usual jury for civil cases — will get a chance to dissect the way military intelligence is interpreted and the way CBS put together the hard-hitting documentary, viewed by millions of people, which charged Westmoreland with a politically motivated "conspiracy" to falsify reports of enemy troop strength during the Vietnam War.

Westmoreland, former commander of U.S. troops in Vietnam, is suing correspondent Mike Wallace, producer George Crile, former CIA analyst and CBS consultant Sam Adams and the network.

The "CBS Reports" documentary outlined a dispute during 1967 between military and CIA analysts who disagreed on how large an opposing force Americans faced in Vietnam. Westmoreland's staff counted fewer than 300,000 soldiers; a CIA analyst who included enemy guerrillas listed almost twice as many.

CBS charged that Westmoreland insisted the lower figure be used to mislead the American public, Congress and Pres. Lyndon Johnson into believing the war could be won. The network asserted the deception left U.S. troops unprepared for the size of the communists' Tet offensive in January 1968.

CBS said its defense will be to prove the truth of its documentary. Likely witnesses include former CIA analysts who support the charges.

Westmoreland has lined up an array of high-ranking officials from the 1960s who maintain that there was no plot involving the troop figures and that Johnson was aware of the intelligence dispute. He also is planning to call CBS employees, including some defendants, as witnesses to delve into their state of mind while planning the broadcast.

In order to win, Westmoreland must prove both that the show was false and that it was broadcast with "reckless disregard for the truth."

**Banks handed three years**

CUSTER, S.D. (AP) — Indian activist Dennis Banks was sentenced to three years in prison on Monday for his role in a 1973 riot at the Custer County courthouse.

Banks, a co-founder of the American Indian Movement, was sentenced by Circuit Judge Marshal Young to serve three years on a charge of rioting with a dangerous weapon and three years for assault with a weapon without intent to kill. The sentences will run concurrently.

After hearing six hours of testimony from 26 character witnesses, Young said he had to follow the law, which set a minimum sentence of two years on the riot conviction.

The judge said he found it difficult to set a sentence nine years after Banks had been convicted and fled from South Dakota, but Young said the sentence he handed down Monday was the same he thinks he would have set in 1975.

Banks' attorney William Kunstler said he will appeal the convictions and sentence to the South Dakota Supreme Court. Under state law, Banks could have received a maximum sentence of 15 years on the riot and assault convictions.

In addition to the state convictions, Banks also faces a federal charge of flight to avoid confinement. U.S. Attorney Phil Hogen said a trial has been set in federal court for Oct. 29. He did not say where it will be held.

Banks said he fled South Dakota after being convicted in 1975 because he had heard

statements by prison guards who said he wouldn't last 20 minutes at the South Dakota State Penitentiary in Sioux Falls.

In a statement that lasted more than one-half hour Monday, Banks told Young that he pleaded innocent to the charges in 1975 and still believes he is innocent. He said he and others came to Custer in 1973 because they were concerned about discrimination against Indians and wanted authorities to charge a white man for the stabbing death of an Indian man.

Banks, 47, said he wants to be free as soon as possible to continue helping Indians to work against racism and discrimination.

"I don't know if you can feel discrimination, judge. I don't know if you can feel racism," Banks told Young. "But I do."

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