

# Calley's Attorney Is Encouraged

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## San Clemente

George W. Latimer, chief counsel for First Lieutenant William L. Calley, said yesterday that he was "greatly encouraged" by the announcement here Saturday that President Nixon would personally review and make the final decision on the findings and sentencing in the Calley case.

A military court last week convicted Calley of the premeditated murder of at least 22 South Vietnamese civilians at My Lai three years ago.

In midweek, the court sentenced him to life imprisonment, a dishonorable discharge and forfeiture of all pay and privileges.

Reached by telephone at his home in Salt Lake City yesterday afternoon, Latimer

also said he hoped that Mr. Nixon would again intervene in the case before the start of the lengthy military review process, which is expected to begin in 60 to 90 days when the transcript of the trial is completed by court stenographers at Fort Benning, Ga., where the trial was held.

## JUDGE

Latimer, a 70-year-old retired judge of the court of military appeals, said that such early intervention by Mr. Nixon — who could, on his own authority as commander-in-chief set aside the findings and reduce or completely wipe out the sentence — would be "better for the accused and better for the country."

He said he could make no predictions as to what the President would ultimately decide to do, but he clearly hoped that Mr. Nixon would be more lenient than the military jury. He further suggested that while the President had successfully dampened public turmoil over the case by announcing his personal interest in it, he could eliminate such controversy entirely by making a quick determination.

Latimer stressed that he had received no indication

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from the White House that the President would intervene at an early stage.

The thrust of what Mr. Nixon's aides said here Saturday, in making the announcement, was that he would not intervene until Calley had exhausted his appeals, or decided to accept the verdict of one of the lower courts and leave the final determination up to the President.

Latimer's comment came as speculation continued here and across the country on the factors that had entered into the President's promise of later intervention, and the probable impact of that announcement on the lengthy review process.

There are four stages to that process which could consume many months, barring early presidential intervention. The first two are mandatory: review of the case by the convening authority in — this instance the commanding general of the third army — and, next, review of the case by a court of military review. Both the convening authority and the court of military review, according to an explanation provided here Saturday, may make findings both on the question of guilt and innocence and the sentence itself.

The third step would be to take the case to the court of military appeal. This could be done either on Calley's own motion, or on the recommendation of the judge advocate of the army. The fourth step — review by the secretary of the army — is entirely up to Calley.

Latimer, asked to speculate about the possible course of the case, said he might recommend to Calley that he not invoke his right of appeal

to the appeals court or the secretary of the Army — thus forcing the president to review the case and make a decision at that point. He added, however, that this would depend on the decisions handed down in the early stages of the process, and his estimate of Calley's prospects for a reduced sentence at the hands of either the appeals court or the secretary of the Army.

Some observers here believe that the president, by indicating his deep personal interest in the case, had sent a clear signal to the convening authority and the court of military review to adopt a more lenient attitude. Latimer said that there was a real question of "what the man at the lower level might do if he thinks that the man at the top had definite ideas."

However, he said, he thought it entirely possible that the opposite effect might result from the President's announcement, knowing that the President was prepared to decide the case, Latimer said, the various review boards might quickly confirm the original findings and sentence in order to speed the case to Mr. Nixon's desk.