

Calley Case Prosecutor

Aubrey Marshall Daniel 3d

By JAMES T. WOOTEN

Special to The New York Times

COLUMBUS, Ga., April 7 —When First Lieut. William L. Calley Jr.'s court-martial began here five months ago, his prosecutor believed American military involvement in Southeast Asia to be both necessary and proper. Now, after winning a conviction for premeditated murder and

witnessing the storm of public protest it has prompted, Capt. Aubrey Marshall Daniel 3d is having some second thoughts.

The Vietnam war may have "brutalized us more than I care to believe," he said in a weekend letter to the President in which he criticized Mr. Nixon for intervening in the case.

While that letter has focused national attention on him, the 29-year-old Virginian insists that that was not his intention—and, as if to prove his point, he remained in semi-seclusion today in his white stucco apartment at Fort Benning.

"No comment," he said to reporters who came to his door. "I just have no comment."

Attitude Called Typical

At his office in the same building where Lieutenant Calley was tried and convicted of killing 22 civilians at Mylai, a colleague said that this was typical of the captain.

"He means it when he says he isn't looking for publicity," the colleague said. "He was just extremely disillusioned and he felt he ought to express his views to the President and so he did—and that was it."

That appraisal is compatible with the behavior pattern Captain Daniel established during the long trial. After his work each day in the courtroom, he usually hurried back to his tiny office, just down the hall, and locked the door.

Many journalists felt he was being overly cautious in his concern for anonymity, and told him so, but he did not change his habits.

Now, however, he has less than a week left of his four-year tour of duty with the United States Army, and he is finding it much more difficult to escape the attention of the public.

Of all things said about Captain Daniel, the most common is that he is a man

who knows himself—a man who knows his potential and his limitations and who governs his life and his ambitions accordingly.

"I love the law and I love trial cases," he said not long ago, and his friends say that his only ambition in civilian life is to be a trial lawyer. His hero, they say, is Edward Bennett Williams, the noted defense attorney.

"Like everything else he has ever done, he's been completely immersed in the Calley case," said Bruce Shreves, a 28-year-old captain and colleague. "He went at that thing with a heavy concentration, and I think that is the only way he can approach anything."

Captain Daniel was born in the tiny community of Moncks Corner, S. C., but grew up in Orange, Va., a little town of 3,000 about 70 miles west of Richmond.

A Virginia Graduate

He received an undergraduate degree from the University of Virginia and his law degree from the University of Richmond, where he graduated in the top 10 per cent of his class. After a year of private practice in Arlington, he was drafted and while taking basic training at Fort Dix, N. J., he received a direct commission and became an Army lawyer.

"He's so damn good that I believe if he'd been defending Calley, the verdict would have been different," said Captain Shreves. And from a member of the Calley defense



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"He means it when he says he isn't looking for publicity."

team came this description of Captain Daniel:

"A superior man."

Now, with the trial over and his Army career almost finished, Captain Daniel is looking forward to civilian life and perhaps to devoting more time to his excellent bridge game. His primary attention is on his wife, who is expecting their second child momentarily.

The captain's term in the Army officially ends Sunday, but he plans to stay in for about two weeks after the baby is born.

The three members of the Daniel family, with their black and gray cat, live in a white stucco apartment on Lumpkin Road. All the other houses there have red nameplates tacked to the exteriors identifying the residents within. But at 302-B, the nameplate has been taken down and rests inside on a table in the entry hall.

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