

## 21 in Cases Like Calley's Had Their Sentences Cut

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The 22 American servicemen, including First Lieut. William L. Calley Jr., who have been convicted of the premeditated murder of Vietnamese citizens were all sentenced to life in prison.

But 21 of the sentences have been reduced on military appeal. The longest sentence given final approval was 35 years, and most terms were cut 5 to 10 years.

Military judicial records show that seven soldiers, thirteen marines and one sailor were convicted of premeditated murder in Vietnam before Lieutenant Calley was found guilty two weeks ago of murdering at least 22 Vietnamese at Mylai and sentenced to life imprisonment.

### Other Sentences Reduced

The records also show that the sentences for 247 other crimes against Vietnamese citizens, including robbery, rape and lesser degrees of murder, have been consistently reduced by the reviewing authorities.

In one case, Thomas C. Stevens was sentenced to life imprisonment for the rape and premeditated murder of a Vietnamese girl. His commanding general reduced the sentence to 20 years, and the military board of review cut it to eight years. He was paroled June 23, 1970, after having served three years and three months in prison.

In many cases, servicemen were originally charged with premeditated murder but were convicted of lesser charges or had their convictions reduced, usually to unpremeditated murder, on appeal.

So far as could be determined, none of the cases reached the President of the civilian courts. President Nixon has announced that he will personally review Lieutenant Calley's case.

### Calley Only Officer

Lieutenant Calley is believed to be the only officer convicted of murdering Vietnamese civilians. Few officers have been convicted of any crimes against the Vietnamese.

The longest sentence on record was that of Jerry G. Louvier, who was initially convicted of unpremeditated murder in January, 1967, and given 40 years in prison. His commanding general, as the convening authority of the court, reduced that to 35 years. The sentence was affirmed by the Military Board of Review, which corresponds to a civilian circuit court to appeals.

A case that was similar to Lieutenant Calley's was that of Staff Sgt. Walter Griffen, who was charged with the premeditated murder of a suspected Vietcong prisoner in 1967.

During his trial, Griffen admitted shooting the prisoner but contended that he had been ordered to do so by Lieut. John L. Patrick Jr., his platoon leader, and Capt. Paul C. Ogg, his company commander.

Whether either or both of the officers ever gave the order was never clearly determined. Both were acquitted of a similar charge of murder.

The judge, however, ruled that even if Griffen had received such an order, he was obliged not to obey it. In his instructions to the jury, the judge said: "As a matter of law, any such command, if in fact there was such a command, was an illegal order."

### 'A Reasoning Agent'

A soldier or airman is not an automaton but a reasoning agent who is under a duty to exercise judgment in obeying orders," he said.

Where orders "are so palpably illegal on their face that a man of ordinary sense and understanding would know them to be illegal, then the fact of obedience to the order of a superior officer will not protect a soldier for acts pursuant to such illegal orders," the judge said.

That ruling was upheld by the Court of Military Appeals, the highest military court. Military judges cited field manuals, the Uniform Code of Military Justice, the Manual for Courts-Martial and scholarly works to sustain their ruling.

Sergeant Griffen was convicted of unpremeditated murder and sentenced to 10 years in prison. That sentence was reduced to seven years by his commanding general and to two years by the board of review. He was returned to duty in December, 1968, after having been in prison for 17 months.

The board of review determined that Sergeant Griffen had acted "without reflection and in honest obedience of a superior order" while in a combat situation. It also noted his good service record and the acquittal of his two superior officers.