

JUN 26 1974

'No Brushoff' of Calley

Charge of Pressure

Columbus, Ga.

The issue of whether President Nixon and high-ranking Army leaders applied command influence to the court-martial board deciding the fate of former Army Lieutenant William Calley is unique and cannot be "brushed off lightly," a Federal judge said yesterday.

Calley is appealing in civilian courts his conviction for murder in the slaying of South Vietnamese civilians in the village of My Lai.

Calley contends that he

was unconstitutionally tried, convicted and sentenced because the President and other high ranking military leaders improperly influenced the verdict.

"I believe that we have the perfect case of circumstantial evidence to show that from beginning to end that command control was involved in this case," George Latimer, one of Calley's three attorneys, said.

U.S. District Judge J. Robert Elliott, who granted Calley bail last January over the Army's objections, said

the question of command control was "a situation that is new, a situation that is different, one that cannot be brushed off lightly."

While maintaining that he had no doubt the six officers on the court martial board told the truth about not being influenced in the case, Elliott said "I also have no doubt that everyone of them knew what the President... what all the higherups had been saying, that it is a bad thing and the Army has to clear its good name."

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Calley Again Denied Bail

Washington

The Supreme Court yesterday denied an application for bail by former Army Lieutenant William L. Calley Jr., who is seeking court review of his court-martial conviction in the My Lai massacre.

The court, in a brief order, refused to stay a decision of a three-judge panel of the U.S. Court of Appeals in New Orleans denying Calley \$1000 bail.

Associated Press