

# Calley Paroled--Served

## One-Third of Sentence

**He Will  
Go Free  
Today**

### Washington

William L. Calley Jr., the former Army lieutenant convicted of murdering 22 South Vietnamese civilians in 1968, has been paroled, it was revealed last night.

In addition, he will be freed on bail this morning and in effect, will have finished serving his sentence.

In a series of actions yesterday

- The U.S. Court of Appeals in New Orleans ordered Calley released on bail from the Army's disciplinary barracks at Ft. Leavenworth, Kan. Calley was being held there while the Army pursued an appeal to a decision September 25 by U.S. District Judge J. Robert Elliott which overturned Calley's military conviction for the My Lai crimes and ordered him released from Ft. Leavenworth.

- Secretary of the Army Howard H. Callaway disclosed last night that he had already decided to parole Calley and had signed a parole order on October 30, to become effective on November 19 when Calley completes one-third of his ten-year sentence and becomes eligible for parole.

Callaway's announcement came as a surprise, but Army spokesmen explained that the intended parole could not have been made public before the November 19 date. After the New Orleans court acted, Callaway decided to reveal the parole order.

The net effect of both actions, according to an Army spokesman, is that Calley

will be in Columbus, Ga., in U.S. District Court at 11 a.m. today "for the purpose of releasing him on bail."

Although the Army, in Callaway's statement, said it still intends "to pursue vigorously" its pending appeal in the Calley case, the Army spokesman explained that the military seeks to overturn Judge Elliott's rul-

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ing because of the legal questions that decision raised.

The Army, even if it wins the appeal, will not put Calley back in jail.

Elliott's order set a precedent because it was the first time a civilian court had overruled a military court's findings.

Army officers say they are greatly concerned that Elliott's decision jeopardizes the military court-martial system, and the Uniform Code of Military Justice under which that system operates.

Elliott overturned the conviction of Calley on the basis of what he claimed was massive and prejudicial publicity, a claim which has also sparked controversy among civilian lawyers.

The judge also charged that Calley was denied rights to confront unfriendly witnesses and that improperly drawn charges were lodged against him.

Calley, now 31, was originally sentenced by the Army in 1971, and that conviction was upheld throughout the military appeals process.

After Elliott's ruling and the Army's attempt to hold Calley while its appeal was pending, Calley lawyers went back to the appellate court in New Orleans to demand that Calley be freed on bail. In an extraordinary session yesterday, 14 of the 15 court judges met in secret session and decided, 10 to 4, to release Calley temporarily on bail.

Callaway, who has the authority and the legal requirement to review court-martial decisions, said he made his parole decision "based on a thorough review

of Calley's application for parole and the recommendation of officials at the U.S. Army Disciplinary Barracks and the Army and Air Force Clemency and Parole Board."

Calley was the only man charged in the My Lai massacre ever to serve time in prison.

The Army, at various times, brought charges against 13 servicemen in connection with My Lai, where some official estimates of the number of unarmed and unresisting civilians killed ran to 400.

Charges against eight men eventually were dropped. Five stood trial, including Calley's immediate superior, then Captain Ernest L. Medina, but all except Calley — who led his rifle platoon into the hamlet — were acquitted.

The Army also charged 13 officers with trying to cover up the incident, but only Colonel Oran K. Henderson acquitted.

Last night, one of Calley's attorneys, J. Houston Gordon, said: "If any prisoner was brought to trial. He was ever deserved parole, this one did." Gordon said Calley had behaved as a model prisoner and that he was not a threat to society.

"His crime, if a crime at all," he added, "was committed during a war, during a combat assault under orders."

*Washington Post*



*UPI Telephoto*

LIEUTENANT CALLEY, LEFT FT. LEAVENWORTH  
He was flown to Ft. Benning, Ga., to be released on bail