

PRESIDENT ORDERS CALLEY RELEASED FROM STOCKADE

Lieutenant Will Be Confined
to Quarters at Ft. Benning
Pending Review of Case

YEARS OF APPEALS SEEN

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Ziegler Says Nixon Acted on
His 'Own Initiative,' Not
in Response to Telegrams

By LINDA CHARLTON

President Nixon yesterday ordered First Lieutenant William L. Calley Jr., released from the stockade at Fort Benning, Ga., and returned to his quarters on the base while his murder conviction is being reviewed.

Lieutenant Calley had been confined to an officer's cell in the stockade since his conviction Monday on a charge of the premeditated murder of at least 22 civilians at the hamlet of Mylai 4 in South Vietnam, in 1968. Until then, the 27-year-old lieutenant had lived in a furnished, two-room apartment on the base.

The President's intervention was announced yesterday at San Clemente, Calif., by Ronald L. Ziegler, the White House press secretary. He said that Mr. Nixon had telephoned Adm. Thomas H. Moorer, chairman of the Joint Chiefs of Staff, to direct that Lieutenant Calley be released.

Nixon Aware of Sentiment

Mr. Ziegler said that the President's order was "not a legal step." When questioned, he said that Mr. Nixon was aware of the pro-Calley sentiment throughout the country that has been expressed in thousands of telegrams to the White House. But Mr. Ziegler said that the action "was taken at the President's own initiative."

As to whether Lieutenant Calley would be under guard in his small apartment in the Custer Hills Terrace section of the sprawling military base, Mr. Ziegler said the lieutenant would live there "on the same basis as during the court-martial."

During his trial, which opened last November, Lieutenant Calley was not restricted to either his quarters or the base, often dining in Columbus, the nearby town.

A base spokesman said last night, however, that Lieutenant Calley, who was released from the stockade in the early evening, would be "confined to his quarters except for essential movements, to and from duty, conferring with his lawyers. He will not be able to travel as he wishes."

The order, Mr. Ziegler said, was relayed by Admiral Moorer to Lieut. Gen. Albert O. Connor, commander of the Third Army, at Fort Benning. Mr. Nixon, he said, acted not in his capacity as Commander in Chief, but as President. Normally, the decision regarding Lieutenant Calley's living quarters would be made by Maj. Gen.

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Orwin C. Talbott, commander of the base.

Had the President not intervened, Lieutenant Calley would have been transferred to Fort Leavenworth, Kan., pending the outcome of the military appeal process, which could take several years to complete. The first step, expected to take at least a year, will require the completion of the 5,000-page official court record. When that is ready, probably late in the summer, Army lawyers at the headquarters of some other command, will review the case.

If Lieutenant Calley's sentence of life imprisonment is confirmed, he will be stripped of his rank, forfeit his \$734 monthly pay, and placed on "hard labor"—which means, according to Army spokesmen, not rock-breaking or other strenuous physical labor but simply that Lieutenant Calley will be expected to undertake some form of daily activity instead of simply being confined to a cell.

Later steps in the appeal process are the Court of Military Review, which can, on legal grounds, reverse the verdict or reduce the sentence and, finally, the United States Court of Military Appeal. Lieutenant Calley's chief defense counsel, George W. Latimer, has indicated that he may also try to appeal through the civil courts.

See also Apr 5, 6, 7, 8, 21, 26

2 Jurors Comment

Earlier yesterday, two members of the six-man jury that convicted and sentenced Lieutenant Calley commented on both the case itself and the public uproar the verdict has aroused.

Maj. Walter Kinard, in commenting on the jury's 13 days of deliberations, said:

"This verdict did not come about as a result of our saying, 'The hell with it, he's guilty.' It was work. I spent 13 days and 13 nights trying to find something in my own mind that revealed something else. I could find no other thing to come up with a verdict that was other than that we returned."

Another juror, Maj. Harvey G. Brown, said that if the verdict "is tearing this country apart, it is good because maybe it will make them look within themselves to find out what's wrong."

"I don't think it will hurt the United States," he said.

Others Share Blame

Major Brown said he did not believe that Lieutenant Calley should bear the entire blame for what happened at Mylai:

"I think that every man in that unit who contributed to the disgrace ought to be brought before a court of some kind—if not here, whenever they reach their Maker.

"To even consider that any American soldier would ever do such a thing is beyond my own comprehension. I wanted to believe it didn't happen, that it was a hoax."

Commenting on the telegrams that have poured in to Fort Benning since the verdict, Major Brown said:

"I feel that justice was done and the justice was tempered with mercy."

The President's unexpected intervention brought applause and cheers when it was announced in the House of Rep-

representatives. The reaction was generally favorable elsewhere as well.

"I think it's wonderful, a wonderful thing," said Gene Anderson, a Kansas City construction worker.

"Our organization is general-

ly in favor of keeping defendants free until some final judicial decision is made. Calley is no exception: I see no reason why he shouldn't be released pending a review," said John Roemer of the Maryland Civil Liberties Union.