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10 IN HOUSE SCORE NIXON ON CALLEY

His Intervention Deplored as 'Extremely Improvident'

WASHINGTON, April 8 (AP) —Ten House Democrats said today that President Nixon's intervention in the Calley case had been "extremely improvident."

They applauded a protest of Nixon's action by the Army prosecutor of Lieutenant William L. Calley Jr.

"Capt. Aubrey Daniel's statement that he is appalled to see so many political leaders of the nation who have failed to see the moral issue in the Calley case is justified and is to be applauded," the 10 said in a statement.

"As we have seen, the temptation toward demagogy even affects the high office of the Presidency," they said.

Mr. Nixon announced last week that he would make the ultimate decision in the case involving Lieutenant Calley, who was sentenced to life imprisonment for the killing of Vietnamese civilians at Mylai, South Vietnam. The Nixon announcement has brought both approving and critical comments from various members of Congress.

The ten signing the joint statement were Representatives Phillip Burton of California, John Conyers Jr. of Michigan, Bob Eckard of Texas, Don Edwards of California, Donald M. Fraser of Minnesota, Henry Helstoski of New Jersey, Robert W. Kastenmeier of Wisconsin,

Edward Koch of Manhattan, Abner J. Mikva of Illinois, and William F. Ryan of Manhattan.

All but Mr. Fraser sponsored a news conference last week at which former servicemen said they had committed or seen others commit what they defined as war crimes and that they did not think Lieutenant Calley should be the scapegoat for them and others.

At that time the Representatives said the broader military policy that fosters such

principles as "free fire zones" should be investigated by Congress.

In today's statement, the 10 Representatives said that the Calley case primarily was a judicial matter involving the personal guilt or innocence of Lieutenant Calley and that judgment on this could not be made until appeals and reviews were completed.

"The President's intervention has impaired the military judicial system and lessened any

respect it may have gained as a result of these proceedings," they said. "We consider the President's intrusion at this stage as an extremely improvident executive intrusion into the total judicial process, a process terminating with Supreme Court consideration."

Above all, they said, the country must look beyond the ultimate solution of this case to the total context of the policy and conduct of the war at the time of Mylai.