

6-MONTH TERM SET IN VIETNAM DEATH

Lieutenant Also Fined After
Court Reduces Verdict

By PHILIP SHABECOFF

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LONGBINH, South Vietnam, March 31—A military court sentenced First Lieut. James B. Duffy to six months in confinement today in what the court decided was the involuntary manslaughter of an unarmed Vietnamese prisoner.

The court also required Lieutenant Duffy to forfeit \$25 of his pay each month for six months.

The sentence came two days after the court-martial made its first ruling declaring Lieutenant Duffy guilty of premeditated murder, for having ordered the shooting of Do Van Man, a 25-year-old Vietnamese prisoner, on Sept. 5, 1969. The court asked to reconsider its verdict after learning it carried a mandatory sentence of life imprisonment.

Lieutenant Duffy, who had captured the Vietnamese in his hut during an ambush patrol, testified that he had suspected the prisoner was a Vietcong soldier.

The lieutenant, who will be 23 in April, admitted in his testimony that he had given permission to one of his sergeants, John R. La Nasa, to shoot the prisoner with a rifle.

Yesterday, after a full day of deliberation, the eight-man court changed its verdict and found Lieutenant Duffy guilty

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of involuntary manslaughter, the least offense permitted by the instructions of the military judge, Peter S. Wondolowski.

The jury deliberated again today on its sentence. At one point the president of the court, Col. Robert W. Selton, asked the judge if it would be possible for the court to suspend any sentence of confinement it might impose. The judge answered such action was not in the court's discretion.

Lieutenant Duffy's civilian lawyer, Henry B. Rothblatt of New York City, asked the members of the court to recommend clemency in carrying out the sentence. Two members of the jury indicated they would do so.

'Token' Action Seen

Mr. Rothblatt said after the court adjourned that the court-martial had imposed a "token confinement — taken a token pound of flesh to justify its own conduct."

Mr. Rothblatt asserted that considerations of "ramifications to the army" of an acquittal

had persuaded the court to impose the sentence.

The lawyer expressed regret that the military judge had not allowed him to defend Lieutenant Duffy on the ground that the Army's policy of emphasizing "body counts" had led the young officer to think he was committing no wrong in ordering the prisoner shot.

Military observers at the trial commented that in addition to the six-month sentence, the most significant fact about the court's actions was that it did not dismiss Lieutenant Duffy from the Army.