

NIXON'S MOVE ON CALLEY ROUSES POLITICAL DEBATE

by John W. Finney

Washington, April 7 - The increasingly political debate over the court-martial of First Lieut. William L. Calley Jr. took a new tack today as Democrats and Republicans clashed over whether President Nixon had improperly intervened in the case.

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[Senator Birch Bayh] said he had concluded that the President was "determined to play politics with the Calley decision and the entire Mylai tragedy."

In support of this contention, the Senator noted that 115 American servicemen have been tried for premeditated murder of Vietnamese civilians, with 59 convicted of murder and 21 of lesser offenses. In none of these cases, he said, has the President "made known his intention to involve himself in the appeal process for a single soldier, sailor or marine in confinement."

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[Senator Robert Taft Jr.] said the President's announcement of review did not represent "political interference with justice" but, rather, was a proper exercise of the President's responsibility as Commander in Chief.

Under the Uniform Code of Military Justice, only court-martial sentences of death and all courts-martial of generals and admirals automatically go to the President for final review. Lieutenant Calley's case thus would not automatically be reviewed by the President.

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Attorney General John N. Mitchell, meanwhile, raised the question whether "the normal aspects of the criminal justice system, with respect to a designated crime, should apply in the circumstances of Mylai."

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