

CALLEY SENTENCE IS CUT TO 20 YEARS FROM LIFE TERM

Decision by 3d Army's Chief
in Killings at Mylai Will
Be Further Reviewed

OFFICER 'VERY PLEASED'

Parole Could Be Granted in
6 to 7 Years—Nixon Will
Make the Final Ruling

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FORT McPHERSON, Ga., Aug. 20—The life sentence of First Lieut. William L. Calley Jr. was ordered reduced to 20 years today by Lieut. Gen. Albert O. Connor, the commanding general of the Third Army.

General Connor's decision means that Lieutenant Calley, convicted last March of the murder of 22 persons at the South Vietnamese hamlet of Mylai 4 on March 16, 1968, would be eligible for parole in six to seven years.

The case will now be examined by the United States Court of Military Review, then by the Court of Military Appeals and finally by President Nixon, all of whom could reduce the sentence further or even set aside the conviction, but not increase it.

In the public uproar that followed the original life sentence, President Nixon promised he would personally review the Calley case and make the final decision.

Lived in Quarters

The White House intervened on April 1, the day after the sentencing. Mr. Nixon ordered Lieutenant Calley removed from the Fort Benning stockade. By Presidential order, the 28-year-old officer was permitted to live in his bachelor quarters at Fort Benning, under guard, pending the final decision by the President.

It was there that Lieutenant Calley received word of the clemency today. George W. Latimer, his chief defense counsel telephoned the news from the Latimer office in Salt Lake City.

"Lieutenant Calley was obviously very pleased and offered his thanks to the general," Mr. Latimer said.

At San Clemente, Calif., the Western White House declined to comment on the commutation of the sentence.

Called 'Appropriate'

Ronald L. Zeigler, Presidential press secretary said: "Further appeal procedures still are open; therefore it would be inappropriate for me to comment."

The announcement of today's clemency decision by General Connor, a decorated combat veteran of World War II and Korea, explained that 20 years were "appropriate for the offenses for which he was convicted."

Those offenses included not only the premeditated murder of 22 civilians, including women and children, but also the premeditated murder of a man dressed in the white robes of a monk and assault with

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intent to commit murder of a child.

General Connor said the clemency action was based on a study of the trial record, on the advice and recommendations of his legal staff, and after considering matters in rebuttal by the defense.

Mr. Latimer said in Salt Lake City that the five-page defense rebuttal contained an appeal to General Connor's battlefield experience. As a combat veteran, the general would know the tensions and strains that assailed Lieutenant Calley when he led his platoon of under-trained troops into Mylai, Mr. Latimer said.

But the six officers of the court that convicted Lieutenant Calley after 13 days of deliberation were also combat veterans. While Mr. Latimer hailed the clemency ruling and said he would press on to the ultimate goal of clearing the lieutenant, whom he referred to as the "scapegoat of Mylai, Aubrey M. Daniel 3d, the young prosecutor who obtained the conviction, said he would have no comment?..

Mr. Daniel, a former captain and now a lawyer in Washington, wrote a letter April 3 to Mr. Nixon expressing "shock and dismay" at his intervention.

"The trial of Lieutenant Calley was conducted in the fairest tradition of our legal system," Mr. Daniel told the President. "It was in every respect a fair trial in which every legal right of Lieutenant Calley was fully protected. It clearly demonstrated that the military justice system, which has previously been the subject of much criticism, was a fair system."

Opposed 'Expediency'

He added that the Mylai incident would be compounded if "political expediency" were to compromise the outcome of the Calley trial and render meaningless "the action and the courage of six honorable men who served their country so well."

General Connor isolated himself from newsmen today. His public information officers said it would be "inappropriate for him to make further comment because he is or has been the convening authority on 11 Mylai cases."

The general has dismissed charges against eight of the 11 men. He has ordered the court-martial of three: Capt. Ernest L. Medina, who commanded the assault force at Mylai; Capt. Eugene Kotouc, an intelligence officer who was acquitted last April 29 of charges of maiming

and assault, and Sgt. Charles E. Hutto, who was acquitted of premeditated murder last Jan. 14.

General Connor also ordered that Captain Medina, whose trial is now in progress in a nearby courtroom at Fort McPherson, should not be tried for "ordering" the Mylai attack nor for dereliction of duty in failing to report the killings. (Captain Medina admitted at the Calley court-martial that he had tried to cover the incident.)

Instead, Captain Medina is being tried on the charge that he was responsible for the slayings because he had knowledge of them but chose not to intervene. The prosecution, after five days of evidence and 20 witnesses, has failed to produce any evidence that Captain Medina was aware of the massacre before he issued the cease-fire order that stopped the killings.

Announcement of the Calley clemency action was contained in a four-paragraph release that had to be approved by the Pentagon before it was given to the press. Attached was a list of 18 questions and answers prepared by the public information and legal staffs that were meant to satisfy demands for amplification.

'Appropriate for Offenses'

Some of the questions and answers follow:

Q. Was any guidance received from higher headquarters as to the action taken by the commanding general, Third U.S. Army? A. No.

Q. Why was the sentence not reduced more than it was?

A. After considering all aspects of the case, including evidence presented in extenuation and mitigation, the commanding general decided that the sentence approved was appropriate for the offenses of which Lieutenant Calley was convicted.

(The question of why the sentence was reduced at all went unasked.)

Q. What effect will this action have upon the Medina trial? A. None.

Another answer said that Lieutenant Calley forfeited all his Army pay and allowances the minute General Connor approved the conviction. These amounted to \$773.10 a month. Exactly when General Connor completed his review of the case was not revealed.

However, the officer now will pay no rent.

"Since his apartment is his place of confinement, the Army will continue to pay for his rent, food and utilities," the release said.

It was further explained that



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SENTENCE REDUCED BY GENERAL: Lieut. William L. Calley Jr., left, received a cut in life sentence to 20 years from Lieut. Gen. Albert O. Connor, at right.

Lieutenant Calley would be eligible for parole after serving one-third of his 20-year sentence, or less than seven years. Under his former life sentence he would not have been eligible for parole until he had served at least 10 years.

The 15,000-page Calley trial record will now be forwarded to the Army Court of Military Review in Washington. This court consists of nine officers. Generally a case is assigned for review to a panel of three officers. However, in a case of major importance such as this the court may review it en banc.