

NYTimes APR 17 1974  
**CALLEY SENTENCE  
IS CUT TO 10 YEARS  
BY HEAD OF ARMY**

**Secretary Cites 'Mitigating  
Circumstances' in Halving  
Term in My Lai Deaths**

By **LINDA CHARLTON**  
Special to The New York Times

WASHINGTON, April 16 — Secretary of the Army Howard H. Callaway halved today the 20-year sentence imposed on First Lieut. William L. Calley jr. convicted at a court-martial for the murder of 22 South Vietnamese civilians at My Lai in 1968.

The reduction of Lieutenant Calley's sentence to 10 years, was made because of "mitigating circumstances indicating that Lieutenant Calley may have sincerely believed that he was acting in accordance with the orders he had received and that he was not aware of his responsibility to refuse an illegal order."

Although today's action concludes the case as far as the military is concerned, President Nixon has said that he would personally make a final review of the matter in his capacity as Commander in Chief.

**Record Sent to White House**

A Pentagon spokesman said that Mr. Callaway's ruling, "the complete record of trial and all papers associated" with the case were delivered to the White House yesterday. Mr. Nixon has been at his Key Biscayne, Fla., home since Friday afternoon.

Lieutenant Calley was originally convicted and sentenced to life in prison in March, 1971, for murdering "no less than" 22 Vietnamese civilians in the hamlet of My Lai in 1968. His sentence called for him to serve "at hard labor," but, in response to direct intervention by President Nixon, he was instead confined to his quarters at Fort Benning, Ga. Five months later, his sentence was Third Army, Lieut. Gen. Albert O. Connor.

He remained, under guard, in his small bachelor apartment at Fort Benning until last Feb. 27, when he was freed in \$1,000 bond by United States District Judge J. Robert Elliott in Columbus, Ga., on a writ of habeas corpus filed by his civilian lawyers, who contended that his trial had been unconstitutional.

**Needs Cited by Calley**

Lieutenant Calley told Judge Elliott that he needed "to consult more freely with my attorneys," and that he had "a financial need" to get a job—his sentence also calls for the forfeiture of his military pay and dismissal from the Army. He also said, "I feel I could be useful to society."

A civilian lawyer for Lieu-

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tenant Calley, Kenneth Henson of Columbus, Ga., said he was "greatly disappointed" by Mr. Callaway's decision. "We feel Lieutenant Calley should have been completely exonerated," he said. "We feel that Lieutenant Calley was unjustly charged, unjustly tried." Lieutenant Calley himself, now living in another apartment on the post, was not available for immediate comment.

Also today, Charles T. Erion, United States Attorney, on behalf of the Army, filed a brief with Judge Elliott denying the validity of the constitutional



United Press International  
**Lieut. William L. Calley Jr.**

challenge to Lieutenant Calley's trial and conviction, and asking that his bail be revoked. Today's ruling by Mr. Callaway means that Lieutenant Calley would be eligible for parole after six months' additional imprisonment.

A Pentagon spokesman said that a prisoner was generally eligible for parole after one-third of a sentence has been served. This would make Lieutenant Calley eligible after serving three years and four months; thus far, he has served two years and just under 11 months, before he was released on bail Feb. 27. A suit filed by the Government to revoke Lieutenant Calley's bail is pending before Judge Elliott.

The decision on parole would be made by the Army and Air Force Clemency and Parole Review Board, on whose recommendations Mr. Callaway said he had based today's decision.

**'No Reasonable Doubt'**

Mr. Callaway said in his statement, "There is no reasonable doubt in my mind that he perpetrated the act for which he stands convicted." He added, "These acts of murder and assault against unarmed civilians are so abhorrent to those who accept the fundamental legal and moral basis for this Republic that they cannot be condoned or forgotten."

He also said that the 30-year-old lieutenant "is but one of many who were involved in this affair."

A total of 13 men were charged in connection with the My Lai massacre, and five were brought to trial, including Capt. Ernest L. Medina, Lieutenant Calley's immediate superior. Lieutenant Calley was the only one convicted.

**A Fundamental Issue**

The Army Secretary called the issue of whether or not the lieutenant believed he was acting in accordance with orders, a fundamental one, "which those who convicted

Lieutenant Calley and those who have heard and acted upon his appeals since have addressed."

"In each instance the courts have found that Lieutenant Calley should have been able to recognize the illegality of an order to kill unarmed non-combatants if he did in fact receive such an order," he said.

"In deciding that Lieutenant Calley's conviction and sentence should be upheld and implemented," he said, "I have concurred with those who previously reviewed the facts or the original trial and at each step of the appellate process."

He went on to say that his decision about clemency "must serve the requirements of justice, meet the legitimate needs for sanction against such conduct and, without violating society's higher needs, accord Lieutenant Calley an opportunity to return to society as a productive member."

Lieutenant Calley's conviction stirred a storm of protest, both from those who thought he was being made a scapegoat for decisions and policies at higher levels and those who saw him as a soldier unjustly punished for simply doing his duty.

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