

# Calley's Sentence Reduced by Army

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The 20-year prison term of Lt. William L. Calley, the central actor in the infamous Mylai massacre of March, 1968, has been cut in half and he is likely to be a free man by autumn.

Army Secretary Howard H. Callaway reduced the sentence to 10 years yesterday and issued a long explanatory statement, marked with a certain eloquence:

"My decision here must serve the requirements of justice, meet the legitimate needs for sanction against such conduct by individual soldiers and without violating society's higher needs, accord Lieutenant Calley an opportunity to return to society as a productive member . . ."

"Although the incident at Mylai has been correctly recorded as a brief but shocking chapter in the 199-year history of the United States Army, I hope that my action today will help to place the incident, once and for all, in its historical perspective. The United States Army of 1974 is embarked on a course marked by new challenges and a renewed sense of purpose. Today's soldier can learn from the anomalies of the past. . ."

Callaway's decision now goes to the White House for review by the President. Mr. Nixon has only two options. He can concur in the Callaway decision or he can reduce Calley's term even further, including a pardon. He cannot order a more severe sentence than Callaway has now imposed.

A U.S. District Court judge on Feb. 27 ordered Calley released from the Army's custody pending President Nixon's review of the case.

If the President concurs in Callaway's reduction of sentence to 10 years, Calley will then be taken to the federal penitentiary at Leavenworth, Kan., to serve out the remainder of his term.

Army policy is to consider parole after a man has served

See CALLEY, A9, Col. 1

## CALLEY, From A1

one-third of his term. This means 40 months for Calley under the Callaway order. Since he had already been confined for 34 months, he would have six months to serve in Leavenworth.

He also will be stripped of his rank, forfeit all pay and allowances, be dismissed dishonorably from the service, and be denied all veterans benefits.

Calley, a first lieutenant, is now 30 years old. He was 26 when, on March 18, 1968, he led a platoon of the Americal Division into the South Vietnamese village of Mylai, which was known to the American soldiers as Pinkville.

At his trial, Calley described his mission that day:

"Well, I was ordered to go in there and destroy the enemy. That was my job on that day. That was the mission I was given. I did not sit down and think in terms of men, women and children. They were all classified the same . . . just as enemy soldiers."

He ordered his men to "get rid of" and "waste" the village inhabitants.

What followed, by all accounts, was a slaughter of men, women and children — all civilians, so far as is known. The number murdered is uncertain. Calley, alone, was accused by the Army of killing 102 human beings. Ultimately he was convicted of the "premeditated murder . . . of twenty-two Vietnamese nationals and assault with intent to murder a Vietnamese child."

The Army court-martial sentenced him on March 29, 1971, to imprisonment for life at hard labor and forfeiture of all pay and allowances.

This sentence was reduced to 20 years on August 21, 1971 by the 3d Army commander, Lt. Gen. Albert O. Connor. Connor's ruling was upheld by the Army Court of Military Review and the Court of Military Appeals. Callaway began his review on Feb. 11. When Mr. Nixon will consider the case is not known.

Callaway took another action yesterday on the Mylai affair. He decided not to release to the public the Peers Report, the Army's own inquest

into the massacre. His reason, he said, was that Calley still has litigation pending in a federal court in Georgia. He added:

"...My preliminary review indicates that much of the material contained therein is raw investigatory data, including hearsay testimony."

"It also contains impressions, suppositions, rumors and allegations of wrongdoing offered by witnesses testifying before the inquiry. My ultimate decision [on releasing the report], therefore, will be based upon a balancing of my desire to expedite the free flow of information as against any potential harm to those persons that might result from release of the report."

Calley has always maintained that he was merely a soldier doing his duty and following his orders at Mylai. In his own book, he wrote:

"I'll carry America's orders out. For that's what the Army is: a chisel, it has to keep sharp and let the American people use it. If the people say... 'Go to South Vietnam,' I will go. If it tells me, 'Lt. Calley... go massacre one thousand Communists,' I will massacre one thousand Communists. But—I won't advocate it."

Callaway addresses that argument in his statement:

"There is no reasonable doubt in my mind that he perpetrated the acts for which he stands convicted. These acts . . . are so abhorrent . . . they cannot be condoned or forgotten. . . (But) there are mitigating circumstances indicating that Lieutenant Calley may have sincerely believed that he was acting in accordance with the orders he had received . . ."

This is a common view among army officers who have maintained that Calley's superiors should have shared more fully in his punishment and disgrace.