

# Army Reduces Calley's Sentence

## Washington

Citing "mitigating circumstances," Secretary of the Army Howard Callaway yesterday cut in half Lieutenant William Calley's 20-year prison sentence for the massacre of Vietnamese civilians at My Lai.

As a result, Calley will be eligible for parole in less than six months, Army officials said.

President Nixon has said he will review the case.

Army lawyers said he cannot increase the sentence again, but could cut it further or allow it to stand.

After reviewing the case for two months, Callaway technically upheld the 20-year prison sentence, forfeiture of all pay and Calley's dismissal from the service.

But, at the same time, he extended clemency in remitting half the 20-year sentence, saying:

"There are mitigating circumstances, indicating 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 such an illegal order."

Callaway said, "My decision here must serve the requirements of justice, meet the legitimate needs for

sanction against such conduct by individual soldiers, and . . . accord Lieutenant Calley an opportunity to return to society as a productive member."

Calley, who commanded a platoon that swept through the My Lai hamlet on March 16, 1968, was given a life sentence by a court-martial on March 31, 1971, after it convicted him of premeditated murder of at least 22 Vietnamese civilians and assault with intent to murder a Vietnamese child.

In Columbus, Ga., Calley's civilian attorney, Kenneth Henson, said it was disappointing that Callaway upheld both the sentence and conviction.

"We were hopeful of receiving full clemency and we're still hopeful that the President of the United States will exonerate Lieutenant Calley," Henson said. "We don't think justice will be achieved until he is completely and totally exonerated."

Calley was confined to his apartment at Ft. Benning, Ga., pending review of his appeal.

Nearly five months after his conviction, Lieutenant General Albert O. Connor, then commander of the Third Army, reduced Calley's prison sentence to 20 years.

In February, a federal judge ordered Calley freed from house arrest on \$1000 bond after his attorneys argued he presented no danger to society.

As of the time Calley was released on bond, February 27, he had been confined two years 10 months and 11 days, according to Army calculations.

Because he can be paroled after serving one third of his sentence, Army officers say he will be eligible in less than six months.

In a separate action, Callaway again postponed a decision on release of a four-year-old report on an Army inquiry into the My Lai massacre.

He hinted that much of the 17,600-page Peers report probably will be withheld because it contains raw investigative data.

Callaway said filing of a separate civil action by Calley's lawyer appealing the conviction "forecloses consideration of the release of the Peers report at this time."

The report was prepared by a military commission, headed by Lieutenant General William Peers, which looked chiefly into allegations that the My Lai incident was covered up.

*Associated Press*