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# U.S. Requests Revocation of Calley's Bail

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COLUMBUS, Ga., May 6—U.S. District Court Judge Robert Elliott took under advisement today a government motion that bail for William L. Calley Jr. be revoked but indicated he would allow Calley to remain free pending appeal of his court-martial conviction for the Mylai murders.

Elliott said he would rule soon on the government's request that a \$1,000 personal recognizance bail he approved for the 30-year-old former Army lieutenant on Feb. 27 be revoked.

Simultaneously, Calley's civilian lawyers filed a 350-page brief to support his appeal and contended that command influence and "the most intensive and continued pre-trial publicity in the history of American courts" made it impossible for Calley to obtain a fair trial at his court-martial.

Army Secretary Howard Calloway last month affirmed Calley's conviction on March 31, 1971, by a court-martial at Ft. Benning near here but reduced the sentence from 20 to 10 years. Calloway said Calley would be eligible for parole in slightly less than six months but added there is no guarantee parole will be granted.

President Nixon on Saturday upheld Calloway's ruling and Calley was dishonorably discharged from the Army.

During a brief hearing on whether to revoke Calley's bail, Judge Elliott lectured

government lawyers for "so glibly" stating in their motion that his earlier bail ruling was without precedent.

He cited the case of Army Capt. Howard Levy, saying Levy was granted bail by the U.S. Supreme Court while he appealed his conviction for willfully disobeying orders.

"If the action in the Levy case is not precedent, then I don't know what the meaning of the word precedent is," Elliott said.

"And if this is a precedent, well then it is a precedent," he said.

During the hearing Elliott repeatedly told government lawyers that their arguments against bail were unworthy.

The lengthy brief filed by Calley's civilian lawyers cited 14 separate arguments that Calley was denied a fair trial by the Army.

The brief contended that the Army court was influenced by extensive pre-trial publicity and by the knowledge that if Calley were acquitted high government and Army officials would be implicated in the Mylai affair.

"It must be remembered that the entire prosecution was in the hands of and controlled by the Department of the Army," the brief stated. "That same department planned, controlled and was responsible for the lack of training of the soldiers and their assignment to the assault mission (at Mylai).



Associated Press

William L. Calley Jr., left, leaves court with attorney.

"It is expecting too much to suppose that members of that service could decide this case without taking into account the effect an acquittal would have on their superiors and the image of the Army.

"One shudders when consideration is given to the difficult

tasks placed on the court members when they are a part of the service which investigates, charges, tries and sentences one accused of serious crimes so widely publicized," the brief said.

A hearing on the merits of Calley's appeal was set for June 24.