

WXPst

JUN 14 1974

Appeals Court Orders Calley Back Into Military Custody

From News Dispatches

NEW ORLEANS, June 13—The Fifth U.S. Circuit Court of Appeals today ordered former Lt. William L. Calley back into military custody after revoking the bail that freed him from military house arrest.

In reversing a U.S. District Court judge who ordered Calley freed on \$1,000 bail Feb. 22, blocking the Army's move to send him to prison at Ft. Leavenworth, Kan., the appeals court said circumstances "do not justify a grant of bail pending determination of the merits" of Calley's appeal in his 1971 conviction on killing South Vietnamese civilians at Mylai. The court acted on an appeal by the Army.

An Army spokesman in Washington said the service was "prepared to resume custody of William Calley as soon as it is legally permissible to do so." However, sources said the court of appeals decision raises the question of whose jurisdiction Calley is under because he was dismissed from the service on May 4.

But the appeals court said today, "In returning Calley to military custody, we return him to full military custody, in-

cluding the prescription of the place of his custody and the conditions of his custody." Calley is currently living at Ft. Benning, Ga.

The circuit court order was issued 24 hours after a three-judge panel conducted a hearing at which Calley's attorneys argued that bail should be continued because his case was unprecedented and that killing civilians in a combat zone cannot be compared with mass murder in the United States.

Calley was found guilty on March 28, 1971, of premeditated murder of 22 South Vietnamese civilians and sentenced to confinement at hard labor for life. Confinement was later reduced to 10 years. Since then, his conviction has been on appeal.

The Army appealed the \$1,000 recognizance bond that freed Calley, arguing that his freedom could have "an extraordinarily disruptive effect on the military."