

# Calley Stays Free

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The Army said yesterday it will not attempt to put former Lieutenant William L. Calley back behind bars despite an appeals court ruling reinstating his My Lai murder conviction.

The Army had granted Calley a parole, effective Nov. 19, 1974, but ten days before the parole would have become effective a U.S. District Court judge in Columbus, Ga., set Calley free on the ground that massive publicity surrounding the My Lai case had prevented him from receiving a fair trial.

The district court ruling was overturned Wednesday by the U.S. Court of Appeals, for the

Fifth Circuit, which held that "the military courts have fully and fairly considered all of the defenses made by him (Calley) and have affirmed that he is guilty."

The Army followed up the court decision yesterday with a statement saying that "although technically Mr. Calley still has ten days to serve prior to the effectiveness of the parole decision, the Department of the Army does not believe that justice would be served by requiring Mr. Calley to return to confinement for ten days.

An attorney for Calley, J. Houston Gordon of Covington, Tenn., said yesterday he will appeal the case to the Supreme Court.

*United Press*

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