

Calley Lawyer Wants Fast Action by Nixon

By ROBERT B. SEMPLE Jr. APR 5 1971
Special to The New York Times

SAN CLEMENTE, Calif., April 4—George W. Latimer, chief counsel for 1st Lieut. William L. Calley Jr., said today that he was "greatly encouraged" by the announcement here yesterday that President Nixon would personally review and make the final decision on the findings and sentencing in the Calley case.

Reached by telephone at his home in Salt Lake City this afternoon, Mr. Latimer also said that he hoped Mr. Nixon would again intervene in the case before the beginning of the long military review process. The review is expected to begin in 60 to 90 days when the transcript of the trial is completed by court stenographers at Fort Benning, Ga., where the trial was held.

Mr. Latimer, a 70-year-old retired judge of the Court of Military Appeals, said that such early intervention by Mr. Nixon—who could, on his own authority as Commander-in-Chief set aside the finding and reduce or wipe out the sentence—would be "better for the accused and better for the country."

He said that he could make

no predictions as to what the President would ultimately decide to do, but he clearly hoped that Mr. Nixon would be more lenient than the military jury. He further suggested that while the President had successfully damped public turmoil over the case by announcing his personal interest

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in it, he could eliminate such controversy entirely by making a quick determination.

Mr. Latimer stressed that he had received no indication from the White House that the President would intervene at an early stage. The thrust of what Mr. Nixon's aides said here yesterday, in making the announcement, was that he would not intervene until Lieutenant Calley had exhausted his appeals or decided to accept the verdict of one of the lower courts and leave the final determination up to the President.

A military court convicted Lieutenant Calley last Monday of the premeditated murder of at least 22 South Vietnamese civilians at My Lai three years ago. In midweek, the court sentenced him to life imprisonment, a dishonorable discharge and forfeiture of all pay and privileges.

Last Thursday, Mr. Nixon ordered Lieutenant Calley released from the stockade at Fort Benning and returned to his quarters on the base while his conviction was being reviewed.

Mr. Latimer's comment came as speculation continued here and across the country on the factors that had entered into the President's promise of later intervention and the probable impact of that announcement on the long review process.

There are four stages to that process, which could consume many months barring early Presidential intervention. The first two are mandatory: Review of the case by the convening authority—in this instance, the commanding general of the Third Army—and, next, review of the case by a court of military review.

Both the convening authority and the court of military review, according to an explanation provided here yesterday, may make findings on the question of guilt and innocence and the sentence itself.

Other Steps Outlined

The third step would be to take the case to the Court of Military Appeal. This could be done either on Lieutenant Calley's own motion or on the recommendation of the Judge Advocate of the Army. The fourth step—review by the Secretary of the Army—is entirely up to Lieutenant Calley.

Mr. Latimer, asked to speculate about the possible course of the case, said that he might recommend to Lieutenant Calley that he not invoke his right of appeal to the appeals court or to the Secretary of the Army—thus forcing the President to review the case and make a decision at that point.

He added, however, that this would depend on the decisions handed down in the early stages of the process and his estimate of Lieutenant Calley's prospects for a reduced sentence at the hands of either the appeals court or the Secretary of the Army.

Some observers here believe

that the President, by indicating his deep personal interest in the case, had sent a clear signal to the convening authority and the Court of Military Review to adopt a more lenient attitude.

Mr. Latimer said that there was a real question of "what the man at the lower level might do if he thinks that the man at the top had definite ideas."

Opposite Effect

However, he said, he thought it entirely possible that the opposite effect might result from the President's announcement. Knowing that the President was prepared to decide the case, he said, the various review boards might quickly confirm the original findings and sentence to speed the case to Mr. Nixon's desk.

White House officials here, meanwhile, continued to insist, as they did yesterday, that Mr. Nixon had no intention of influencing the deliberations, that he had made no determination on the merits of the case and that as a lawyer he knew that before he made his own decision—if it comes to that—he would have to spend many hours reviewing the transcript.

"There is much he doesn't know about the merits of the case," one official said. "If you were to ask him 10 questions about the details of the case, he probably could not answer three of them."

This left open the question of why Mr. Nixon had announced his intention to review and decide the case. The President's motives, his associates are saying here, were essentially twofold.

First, he was forcibly impressed by the immense national reaction to the verdict and the sentencing. Although he was aware that this anger stemmed from various and conflicting emotions, he concluded that he might be able to quiet the national mood by announcing a personal interest in the matter.

Secondly, officials say, the President felt that the military judicial process, to most Americans, remained a remote and mysterious apparatus over which most civilians felt they could exercise little or no control.

Sense of Reassurance

Accordingly, his associates say, the President felt that he could provide a sense of reassurance if, as the nation's chief elected civilian, he announced that he would supply an "extra ingredient" of review to supplement the findings of the military.

Much of the public outcry in Lieutenant Calley's behalf has apparently come from Mr. Nixon's own constituency in the "silent majority." Without directly saying that this, too, was a factor in the President's decision, his associates have conceded that "public interest" in the case led Mr. Nixon to authorize his spokesman to say that he would make a personal review of it.

At the same time, however, they insist that neither the President nor his political ad-

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This date a Sunday,
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visers are certain whether he will reap any political benefits from his action. They assert that if any benefits accrue that will happen not because Mr. Nixon has taken sides in the case, which they insist he has not, but because he has moved quickly to quiet what one aide called a national "mental disturbance."

Mr. Nixon's associates also say that after he first indicated an interest in the case—by his order that Lieutenant Calley be returned from the stockade to more comfortable quarters in Front Benning—they tested national reaction to this move in a series of telephone calls and found that both hawks and doves applauded it.

But they insist that these soundings were not nearly as decisive in the President's mind as his own conviction that something must be done, and rather quickly, to reassure the nation of Presidential interest in the case.

This essential motive, they say, was also a far more powerful factor in the President's mind than any compassion he may have felt for the young officer's ordeal.

Some observers here believe that Mr. Nixon's judgment that he ought to do something to quiet national discontent was aimed largely at heading off a siege of national soul-searching that might in time have led an increasing number of voters to question the fundamental as-

sumptions of the country's involvement in Vietnam and the Administration's announced commitment to the Saigon regime.

Telford Taylor's View

By United Press International

An authority on international and criminal law who served as a prosecutor at the Nuremberg war trials said yesterday that while the acquittal of Lieutenant Calley would have been a "disaster," the verdict of premeditated murder was "opaque as well as harsh."

The authority, Telford Taylor, a retired brigadier general who is now a professor of law at Columbia University, said that the court-martial illustrated "the deep and urgent need for a dispassionate, thorough inquiry into our conduct of the war."

"My Lai may have been unique in its size and quality, but it was not an aberration," he said in an article written for Life magazine.

"Rather it was a symptom of disease, and the disease itself was the product of our decision to fight guerrillas with massive fire power brought to bear on the ground and from the air in such circumstances and with such force that enormous civilian casualties and the reduction of millions to a miserable refugee existence were the inevitable consequences."