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**Senator Edmund S. Muskie Interviewed by Paul Duke for NBC
Nightly News**

Edmund S. Muskie

Paul Duke

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REMARKS OF SENATOR EDMUND S. MUSKIE
NBC INTERVIEW WITH PAUL DUKE
FOR NBC NIGHTLY NEWS
APRIL 7, 1971

Paul Duke: Senator Muskie, what was your first reaction when you got the letter from Captain Daniel?

Senator: Well, I was interested in learning the basic thrust of the letter. He obviously was deeply concerned that the President's intervention in the form of indicating that he would finally review the Calley case represented an undermining of the integrity of the judicial process -- as it applies to the Army system of justice. My reaction to it was that it agreed with my own evaluation of that intervention.

It is clearly the President's prerogative to take such cases under review. I don't challenge that. But the timing of his indication that he would take it under review -- whatever his intent -- suggested to many people that he was prejudging the merits of the case. And to do that while the judicial process is under way could very well have the effect that Captain Daniel fears it has had.

And so it was interesting to me to get this letter and to realize that an army officer of his background and ability should feel so strongly about this question that he should address a letter to his commander-in-chief seemed to me was very interesting indeed.

Paul Duke: What did you tell the Captain when you talked to him this morning?

Senator: I told him that I was as concerned as he that the President's intervention may have had this effect and I wanted him to know that. I was not calling expressing my own opinion on the merits of the case because if I were to do that, I too would be perhaps undermining the integrity of the process. Lt. Calley has been convicted now by this jury -- well now, convicted isn't the word because he hasn't exhausted his appeals -- or found guilty of a very serious charge which reflects not only upon his own conduct but on the standards of conduct that the American people would expect their soldiers to meet in the fields in the future. It is a serious question and ought to be treated as such. And the judicial process ought to be allowed to run its course on Lt. Calley first before we address ourselves to these broader questions.

It's a delicate, sensitive question bearing upon our image in the rest of the world, upon the view others have of American justice -- American standards of justice -- and of what America expects in the conduct of her soldiers in the field.

I think the President's intervention was most unfortunate. It should not have been taken. I am not here attacking his motives. I don't know what they were. I am willing to assume they were of the highest. But the effect is most unfortunate.

Paul Duke: You then shared the Captain's feeling of shock and dismay at the President's intervention?

Senator: Well, I don't know that I can describe my reaction with those words although I feel as strongly about it as those words would suggest.

Paul Duke: Do you believe that the President by his intervention has made it difficult for justice to be done in this case?

Senator: Well, he certainly makes much more difficult the task of those who will be asked to consider the appeals which will be taken by Lt. Calley. And they have in the sense that the commander-in-chief is standing over prepared to intervene perhaps with a prejudgment on the merits which will supercede whatever judgments they form as a result of careful and deliberate judgment. I would think that would be an inhibiting factor. They can't be oblivious of it. They can't be insensitive to it. It is there. The President has taken the step and it is a shadow over the deliberations which they have a responsibility to conduct.

Paul Duke: Senator Bayh said today that as he saw it, (the President) was playing politics in this case. Do you have any opinion on that?

Senator: Well, I would hope not. Again, I said that I wouldn't attack his motivations because I think the case against what the President has done can be made on other grounds that would not subject me to the criticism of playing politics, or at least minimize the criticism that I am playing politics. I am not interested in playing politics with this and so I won't get at the President's motivations. Nor will I get at the merits of the Calley case.

All I am focusing on is the fact that the President while the judicial process has been in process has taken a step which indicates a prejudiced view on his part of the merits whether or not he has such a view, whether or not he intended to indicate that.

Now he has had a habit of doing this sort of thing. There was the Manson case earlier in which he expressed a judgment while the judicial process was under way. Indeed in the Calley case itself when the My Lai disclosures were made, he condemned them as a massacre in effect, judging those who were involved, including Lt. Calley. And now he has taken the step which suggests that he has a different view of it. It's all of these implications of what he has said and what he has done that trespass over the line that a politician or a political leader ought to take ought to do in connection with the judicial procedure.

Paul Duke: Thank you sir.