

THE NEW YORK TIMES, SATURDAY, NOVEMBER 15, 1969

Army Names 2d Soldier in Mass Murder of Vietnamese

By **ROBERT M. SMITH**

Special to The New York Times

WASHINGTON, Nov. 14 — The Army has charged a staff sergeant with assault with intent to murder 30 Vietnamese civilians during a combat operation in Vietnam last year.

The announcement of the charge against S. Sgt. David Mitchell of St. Francisville, La., was made today. The action follows the charging of a 26-year-old first lieutenant, William Laws Calley Jr. of Miami, with the murder during the same operation of "quite a number" of Vietnamese civilians. Lieutenant Calley was Sergeant Mitchell's platoon leader.

"Sergeant Mitchell was a squad leader in Lieutenant Calley's platoon," an Army spokesman said, "and the offenses with which Mitchell is charged arose from the same incident that led to charges against Calley."

The Sergeant's counsel, Capt. James L. F. Bowdish, said that he would advise Sergeant Mitchell to plead not guilty.

In both cases, Army Officers are currently trying to decide whether the men should be court-martialed.

In the case of Lieutenant Calley, who is at Fort Benning, Ga., the investigating officer has completed his inquiry and must recommend to a higher officer whether the lieutenant should be tried. Captain Bowdish said that, while the investigation of the charge against Sergeant Mitchell was under way, the hearing of witnesses had not yet begun.

The captain said that he planned to summon as witnesses some of the men in the platoon involved in the attack on the village of Quangngai, Northern South Vietnam. The attack occurred in March, 1968.

The platoon—the first platoon of Company C, First Battalion, 20th Infantry, 11th Infantry Brigade—was part of Task Force Baker, a helicopter-borne contingent ordered to clear an area known to be a Vietcong stronghold.

Sergeant Mitchell was the leader of the first squad of the platoon.

Captain Bowdish said that the 29-year-old sergeant was on full-duty status with Company C of the Fifth Battalion, 6th Infantry, First Armored Division at Fort Hood, Tex. Lieutenant Calley, also on full-duty status, has been temporarily assigned to the staff of the deputy post commander at Fort Benning.

The Army has declined to discuss the investigations or the details of the charges in both cases on the ground that doing so might prejudice the rights of those under investigation or any courts-martial that might result.

Informed sources have said, however, that the Army investigation involves other soldiers besides Sergeant Mitchell and Lieutenant Calley. The Lieutenant's civilian attorney, George W. Latimer, has said there were six specifications against the lieutenant and that they allege he killed "quite a number of people."

The Army's charge against Sergeant Mitchell reads:

"In that S. Sgt. David Mitchell did at Mylai Village, Quangngai Province, Republic of Vietnam, on or about 16 March 1968, with intent to commit an assault upon a group of 30 Vietnamese nationals, more or less, by shooting at them with a M-16 rifle."

The Army has said that the charges of murder were made against Lieutenant Calley Sept. 5. He has been retained in the Army for two and a half months beyond his term of service while the charges against him are being investigated. The charge against Sergeant Mitchell was made, the Army said today, Oct. 28.

Sergeant Mitchell was a member of the Army Reserve, not on active duty, from 1960 until 1962. He entered active duty in November, 1962, with Company A of the First Battle group, 12th Infantry, at Fort Lewis, Wash.

He served in Korea for a year and had assignments at Fort Jackson, Fort Bragg, N. C., and in Hawaii before serving with the Americal Division in Vietnam from December, 1967,

to November, 1968. The sergeant has been at Fort Hood since November, 1968.

Inquiry in Vietnam

By **HENRY KAMM**

Special to The New York Times

QUANGNGAI, South Vietnam, Nov. 14—Special investigators from the Army's Criminal Investigation Detachment are conducting an inquiry in this region to gather evidence in the suspected murders.

The incident in question took place just north of here in the hamlet of Mylai in the Batangan Peninsula.

The task of the investigators is complicated by the fact that last January, most of the inhabitants of the peninsula were forcibly evacuated by American and South Vietnamese troops in the course of a drive to clear the area of the Vietcong.

More than 12,000 persons were removed from Batangan Peninsula by helicopters and taken to a processing camp near this provincial capital. Heavy American bombing and artillery and naval shelling had destroyed many of their houses and forced them to live in caves and bunkers for many months before the evacuation.

The radical removal of the population presented an even greater problem than had been anticipated because the number of persons far exceeded earlier estimates. The American forces had expected to find only 3,000 or 4,000 persons.

An elaborate interrogation and screening procedure, in which American intelligence agents were said to have taken an important part, yielded only a hundred or so active Vietcong suspects. Most of the people were sent to a newly established refugee camp.

In recent months, they were

returned to sites progressively nearer their original homes. Despite the extensive movement of the population and the military operation, the Vietcong remain active in the area.

The Army investigators have come here frequently in recent months to gather evidence in the case of Lieutenant Calley. They are operating from the headquarters of the American Division at Chulai, 25 miles north of here. Army and civilian spokesmen here and at Chulai said that they knew nothing about the case.