

Songmy Sergeant Alleges 'an Injustice'

By ANTHONY RIPLEY

Special to The New York Times

KILLEEN, Tex., Dec. 12— Staff Sgt. David Mitchell, one of the central figures in the Songmy massacre investigation, today called the charges against him "an injustice."

The firm-jawed, straight-backed professional soldier, wearing his ribboned uniform, refused to answer most news conference questions about what happened in the Vietnamese hamlet of Mylai-4 on March 16, 1968.

He said only that he saw nothing out of the ordinary that day.

He said he was very surprised when the investigations began into his possible part in the incident.

"I was accused of something I was not a part of," he said.

Widely published pictures of civilian casualties in the hamlet "were pictures of something that could have happened in Mylai," he said, but he said, but he added that he had seen no massacre.

He also denied published reports by other former members of Company C, 1st Battalion, 20th Regiment of the 11th Infantry Brigade that American soldiers had killed large numbers of civilians in the hamlet.

It 'Did Not Happen'

"What they said happened did not happen, period," the sergeant said, seated behind a table covered with microphones and flanked by two lawyers in the Special Services Club at Fort Hood.

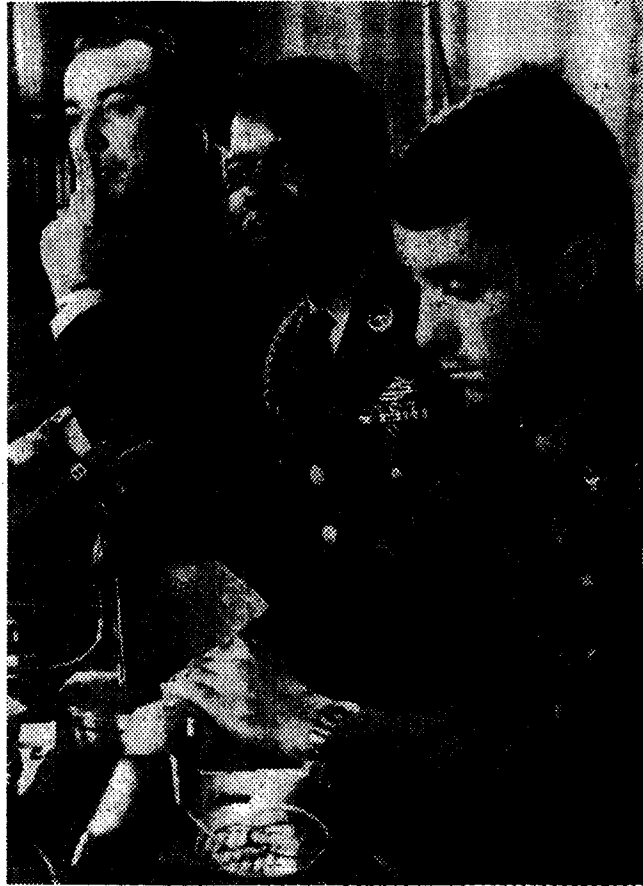
His civilian attorney, Ossie B. Brown, of Baton Rouge, La., and his military attorney, Capt. James Bowdish, both explained that questions would be limited "to things that do not relate to the facts about the charges" against Sergeant Mitchell.

They said the news conference had been called to make the sergeant's position clear.

"The charges brought against me are an injustice and I am innocent," the sergeant said.

Sergeant Mitchell was a platoon leader in Company C, serving under First Lieut. William L. Calley Jr., during the Mylai incident.

Lieutenant Calley is facing a general court-martial on



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S. Sgt. David Mitchell, center, at news conference at Fort Hood, Tex., yesterday. With him are Ossie B. Brown, left, civilian lawyer, and Capt. James Bowdish, military counsel.

charges of murdering at least 109 civilians.

Some survivors of the American action that day say that up to 567 were killed.

Legal specifications have been drawn up against Sergeant Mitchell involving charges of assault with intent to murder in the death of about 30 civilians. Under the Army legal system, such specifications are given to an investigating officer, who is to study them and recommend possible court action.

The 29-year-old Sergeant Mitchell, with deep chest, slim waist, a small moustache and hair parted prominently, did not appear nervous, though faced with 10 television cameras and about 30 newsmen.

He occasionally smiled and conceded that he did not want to speak to newsmen at all but had been persuaded by his lawyers to make his position clear.

Four days ago, his wife, who lives with him at Fort Hood, gave birth to their first child, a 5-pound girl.

Finds Massacre Possible

Sergeant Mitchell, who joined the Army in 1960, said he obeys all lawful orders, that he feels "lots of memories have faded" and distorted some of the facts since the Mylai incident and that massacres are possible.

"Anything could happen," he said. "I didn't see one [a massacre] but anything could happen."

"I don't know where I heard it from but I heard that sometimes innocent people get in

the way and get hurt," he said, adding that he had not seen any such circumstances.

Asked if he felt he were being made to take the blame for the actions of others, Sergeant Mitchell smiled, looked down and said, in his usual firm voice, "No, sir, I don't think so."

The sergeant, a Negro, said that most American troops viewed the Vietnamese as they would any other people.

"How can you tell a civilian from a Vietcong?" a reporter asked.

"You can't, really," Sergeant Mitchell replied. "It depends on whether the person is running or just standing around. If they're running, normal procedure is to order them to halt and fire a warning shot. If they keep running, then shoot to wound, not to kill."

The sergeant's uniform was decorated with green tabs of leadership held to the epaulets by Sixth Infantry Regimental crest pins. A blue infantry citation cord was circled under one arm, and he wore an 11th Brigade patch on his right shoulder and a First Armored Division patch on the left.

He wore a Combat Infantryman's Badge, a marksmanship medal and ribbons representing medals for good conduct, meritorious service, the Vietnam campaign, Vietnam service and national defense.

As he walked easily back to the car in front of the Special Services Building, to return to his assignment at Fort Hood, a white woman reporter ran up and shook his hand.