

OFFICER IS FREED IN SONGMY DEATHS

Charges Dropped by Army 'for Lack of Evidence'

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By The Associated Press 70

WASHINGTON, June 9—The Army dismissed today "for lack of evidence" all charges against an officer accused in the alleged massacre of civilians in the Songmy area of South Vietnam.

The Army said that the officer, Capt. Thomas K. Willingham, 25 years old, of Alenhurst, N. J., would be released from active duty as soon as the required paper work was completed.

Captain Willingham was accused of unpremeditated murder in the killing of 20 Vietnamese civilians with rifles and machine guns March 16, 1968, near Mykhe 4, a hamlet two miles east of Mylai 4, where 12 other Americans are alleged to have killed civilians on the same day.

The charges against him were filed last Feb. 20, two days before his scheduled release from active duty.

The young officer was accused also of making false official statements in violation of the Uniform Code of Military Justice and misprision of a felony, a charge that is lodged against those who have knowledge of a crime but do not report it.

The charges against Captain

Continued on Page 5, Column 1

Continued From Page 1, Col. 1

Willingham were referred to Lieut. Col. Herman L. West at Fort McPherson, Ga., to determine whether there was enough evidence for a court-martial. Colonel West "determined that, based upon available evidence, no further action should be taken in the prosecution of those charges," the Army said in a brief statement.

Notified by Telephone

Captain Willingham, stationed at Fort Meade, Md., was notified of the decision in a telephone call from Fort McPherson.

The incident in which he was charged represented a second episode separate from that alleged to have occurred at Mylai.

Lieut. William L. Calley Jr. is to be court-martialed on charges of premeditated murder in the deaths of 102 civilians at Mylai.

Also to be court-martialed is Staff Sgt. David Mitchell, 29, who is charged with assault with intent to commit murder involving 30 civilians.

Lieutenant Calley and Captain Willingham commanded platoons in different companies that were operating jointly March 16, 1968, in Songmy, which encompasses several hamlets and supposedly was the headquarters area for a Vietcong battalion.

Captain Willingham, a first lieutenant at the time, was serving with B Company, Fourth Battalion, Third Infantry, Americal Division. Lieutenant Calley was in C Company, First Battalion, 20th Infantry.

At an news conference at Fort



United Press International

EXONERATED: Capt. Thomas K. Willingham, 25.

Meade today, Captain Willingham was asked if there had been any massacre at Mykhe.

"None whatsoever," he said. "Our mission was a combat sweep, in which we were to search the village and then destroy it, so it wouldn't be a functional area for the Vietcong."

"We landed under fire and moved east toward the village and hit some land mines and sniper and grenade fire along the way. We had artillery and air support when we landed, but not in the village."

"We made contact with the enemy as we approached the village. The official body count was about 28."

He said that he knew of no civilians being killed.

He said that after searching the village, his platoon rounded up the inhabitants and burned their homes, together with a bunker and tunnel complex.

The captain said that it had not been his duty to relocate the villagers and speculated that they "probably settled further south."

He added that only the homes had been burned, not the village's food or other supplies.

Captain Willingham's wife was also present at the news briefing. "I'm very relieved," she said. "Everything happened so fast, and it was such a shock. But then I knew he was innocent. I felt sure they couldn't find him guilty of anything."

A Difficult Decision

FORT MCPHERSON, Ga., June 9 (UPI)—Robert A. McKinley, Captain Willingham's attorney, was with the officer when he was notified today that the charges against him had been dropped.

Mr. McKinley said that it had been apparent since early May that the Army had "insufficient evidence," and indications were strong it would not be able to prosecute.

"The decision not to prosecute was a difficult one for the Army to make," he said. "The Army has shown a great deal of courage in doing this."

Captain Willingham was the only person charged who was serving in a company other than the one commanded by Captain Medina at the time of the alleged massacre. Captain Medina has been charged with the over-all responsibility for the alleged incident.