

# Army Clears Last Four G.I.'s Charged With Killings at Mylai

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FORT McPHERSON, Ga., Jan. 22—The Army cleared today the last four enlisted men accused of participating in the alleged massacre at Mylai 4, leaving only a few officers still charged in the killings.

Lieut. Gen. Albert O. Connor, commanding general of the Third Army, dismissed all charges against Sgt. Esequiel Torres of Brownsville, Tex.; Specialist 4 Robert W. T'Souvas of San Jose, Calif.; Pvt. Max D. Hutson of Attica, Ind., and

Pvt. Gerald A. Smith of Chicago.

The general's action left only three men—all officers—charged with participating in the alleged massacre. Initially, 12 Army men had been accused of taking part.

An Army spokesman said the general had concluded "that dismissal of the charges was in the best interest of justice."

The four enlisted men were cleared one day after the Army announced that it was dropping charges against another defendant, Specialist 4 William Soherly of Boston, on grounds of

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insufficient evidence.

Earlier, two more enlisted men, S. Sgt. David Mitchell and Sgt. Charles E. Hutto, had been acquitted by court-martial panels on charges of participating in the alleged slaughter of Vietnamese civilians on March 16, 1968.

Both men contended that they had been following orders. "Experienced gained in the trials of Mitchell and Hutto undoubtedly played some part in General Connor's decision," an Army spokesman said.

## Murder and Assault Charges

Sergeant Torres had been charged with murder, assault with intent to commit murder and aggravated assault. Specialist T'Souvas and Private Hutson had been charged with murder and assault.

Originally, 26 Army men had been charged in connection with the My Lai case, 12 of them with participating in the killings, and 14 with covering up the incidents.

Still charged with participating in the killings are Lieut. William L. Calley Jr. of Miami, Capt. Ernest L. Medina of Montrose, Colo., and Capt. Eugene M. Kotouc of Fort Omaha, Neb.

Lieutenant Calley is on trial at Fort Benning, Ga., on charges of killing or directing the killing of at least 102 civilians. His court-martial has been recessed till next month so he can undergo a sanity examination.

Charles Weltner, an attorney for Sergeant Torres, commented:

"I think it's symbolic that the Army has decided to stop trying to place the blame on a few enlisted men. I consider at a final act of responsibility on the Army's part."

Mr. Weltner said that the Hutto acquittal "had a lot to do with it."

The Army has been conducting hearings to determine whether Captain Medina, Lieutenant Calley's immediate superior, will be court-martialed. He is charged with over-all responsibility for the alleged massacre. The Army is still investigating the case of Captain Kotouc, who is charged with murdering two people.

Only three men, all officers, are still charged with covering up information on the alleged killings.

The Army has not announced whether the three men will be court-martialed. They are Maj. Gen. Samuel W. Koster, Col. Oran K. Henderson and Capt. Dennis H. Johnson.

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