

History of the Mylai Case: From a Rumor to a Verdict

By ROBERT D. McFADDEN

The story of the military action at the hamlet of Mylai on March 16, 1968, which has stunned the national conscience and outraged world opinion, existed in a twilight zone of rumor and uncertainty for more than a year after it happened.

Investigations by military officials in Vietnam in the months following turned up no substantial evidence, a circumstance that was later attributed by a Pentagon inquiry to reporting failures by officers of the Americal Division. It was a unit of this division—C Company, 1st Battalion, 20th Infantry of the 11th Infantry Brigade—that swept through Mylai.

The case was finally forced to light when a former serviceman, Ronald Riddenhour, who had not witnessed any atrocities but had pieced the story together from men who were there, wrote a 2,000-word letter to President Nixon, Defense Secretary Melvin R. Laird and 23 members of Congress.

Investigation Started

The letter was dated March 29, 1969. On receipt of the letter, the Army began an unpublicized inquiry that grew into a full-scale investigation a month later. By late summer, the inquiry had uncovered 75 witnesses.

On Sept. 5, 1969, charges were filed against First Lieut. William L. Calley Jr.

In the weeks that followed, others in the company that swept through the hamlet gave public accounts saying that a massacre had occurred at Mylai.

Amid questions over the adequacy of the original investigations of the incident, Lieut. Gen. William R. Peers was assigned to lead a new investigation into what happened and why it had not been promptly uncovered.

As a result of the Peers panel's inquiry — which heard 400 witnesses and took nearly 20,000 pages of testimony — 14 officers, including two generals, were charged with failing to report about Mylai. All told, 25 officers and enlisted men were accused on various charges in connection with the Mylai incident.

The officers accused, the charges against them and the dispositions are as follows:

Maj. Gen. Samuel W. Koster, commander of the Americal Division in Vietnam at the time of the Mylai raid, was accused of failure to obey lawful regulations and dereliction of duty in that he allegedly covered up the slayings. The charges were dropped last January by the Army, which said he "did not show any intentional abrogation of responsibilities." General Koster was nevertheless censured and the Pentagon has recommended that he be demoted to brigadier general.

Second General

Brig. Gen. George H. Young Jr., assistant division commander at the time of the raid, accused of failure to obey lawful regulations and dereliction for alleged cover-up. The charges were dismissed last June because, the Army said, they were "unsupported by the evidence." A recommendation that he be demoted to colonel is pending.

Col. Oran K. Henderson, then commander of the 11th Brigade,

accused of dereliction, failure to obey lawful regulations, making a false official statement and false swearing. The charges are pending.

Col. Robert B. Luper, then commander of the Sixth Battalion, 11th Artillery, accused of failure to obey a lawful order. Charge dropped.

Col. Nels A. Parson, then division chief of staff accused of failure to obey lawful regulations and dereliction. Charges dropped.

Adviser Accused

Lieut. Col. David C. Gavin, then senior American adviser in the Sontinh district, accused of failure to obey lawful regulations, dereliction and false swearing. Charges dropped.

Lieut. Col. William D. Guinn Jr., then deputy American adviser in Quangngai Province, accused of failure to obey lawful regulations, dereliction and false swearing. Charges dropped.

Maj. Charles C. Calhoun, then executive officer and operations officer of Task Force Barker, accused of dereliction and failure to report possible misconduct to proper authorities. Charges dropped.

Maj. Robert W. McKnight, then operations officer of the 11th Brigade, accused of false swearing. Charge dropped.

Maj. Frederic W. Watke, then commander of Company B, 123d Aviation Battalion, accused of failure to obey lawful regulations and of dereliction. Charges dropped.

Capt. Kenneth W. Boatman, then an artillery forward observer, accused of failure to report possible misconduct. Charge dropped.

Capt. Dennis H. Johnson, then with the 52d Military Intelligence Detachment, accused of failure to obey lawful regulations. Charges dropped.

Capt. Thomas K. Willingham, then with Company B, Fourth Battalion, Third Infantry, also part of Task Force Barker, accused of making false official statements and failure to report a felony. Charges dropped.

Captain Faces Trial

Capt. Ernest L. Medina, then commander of Company C, First Battalion, 20th Infantry, part of Task Force Barker, accused of failure to report a felony and of murder. The murder charge is still pending, though the failure to report charge was dropped.

Capt. Eugene M. Kotouc, a member of Task Force Barker, accused of maiming and assault. The charges are pending.

S. Sgt. David Mitchell of C Company, accused of murder but acquitted at a court-martial.

Sgt. Charles E. Hutto of C Company, accused of murder but acquitted at a court-martial.

Sgt. Esequiel Torres of C Company, murder charge, dropped.

Cpl. Kenneth Schiel of C Company, murder charge, dropped.

Specialist 4 William E. Doherty of C Company, murder charge, dropped.

Specialist 4 Robert W. T'Souvas of C Company, murder charge, dropped.

Pvt. Max D. Hutton of C Company, murder charge, dropped.

Pvt. Gerald A. Smith of C Company, murder charge, dropped.

S. Sgt. Kenneth L. Hodges, of C Company, assault charge, dropped.