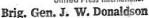
General, Ex-Aide Accused Of Murdering Vietnamese







Associated Press Lieut. Col. W. J. McCloskey

3 1971

By WILLIAM BEECHERJUN Special to The New York Times

WASHINGTON, June 2-The was charged with two separate

Army accused Brig. Gen. John killings. W. Donaldson today of murdering six Vietnamese civilians and incidents, the two highly decoassaulting two others in the rated officers were serving winter of 1968-69.

highest-ranking officer against which was involved in the killwhom war crimes have been ings of civilians at Mylai in lodged in connection with the March, 1968. Vietnam war.

Lieut. Col. William J. Mc-Closkey, who was an aide to General Donaldson in Vietnam, Continued on Page 4, Column 3

At the time of the alleged

with the 11th brigade of the General Donaldson is the Americal Division, a platoon of

Lieut. Col. Robert Poyda-

Complaint by Pilot

Colonel McCloskey's military

close the details of the allegations, Pentagon sources said mander of Allied Forces in that the case arose from assertions last November by an active duty helicopter pilot that the two officers at times took "pot shots" at civilians on the ground, killing several.

General Donaldson is reported to have told Army investigators that those he fired at were fleeing the scenes of vari-ous battles and were believed Oran K. Henderson. Colonel by him to have been Vietcong soldiers.

The army said that the two cases are now before Lieut. Gen. Claire E. Hutchin Jr., commanding general of the First Army Area, in which both accused officers have assignments. He must decide whether the evidence taken by the Army's Criminal Investigation Division, both sworn and unsworn, is sufficient to call formal Article 32 hearings, roughly analogous to a grand jury investigation.

Would Decide on Trial

In such hearings, the accused has the right to counsel and cross-examination, and all testimony is sworn. Also, legal rules of admissibility apply, as they did not in the earlier inquiry.

If such hearings were held, General Hutchin would then have to decide whether to bring some or all of the charges to trial by court-martial, or dismiss the cases.

Some Pentagon sources. while emphasizing they were not prejudging the cases, said that, in light of the controversy surrounding the conviction of First Lieut. William L. Calley Jr. for killing unarmed civilians at Mylai, they would be surprised if the latest charges were disposed of short of courtsmartial.

Since the Calley conviction. there has been some criticism that only lower-ranking sol-diers have been brought to trial for alleged war crimes. Dismissal of the latest charges, in the current climate of controversy over the Calley case, might seem to be a whitewash, one source said. "A court-martial will clear the air, and either find these officers guilty or exonerate them," he declared.

A Promising Career

General Donaldson, 47 years old, had what was regarded as a particularly promising career after his graduation from the

Continued From Page 1, Col. 3 United States Military Academy at West Point in 1944. He atsheff, an attorney for General tended the Sorbonne in Paris Donaldson, said he believed and earned a master's degree that, when all the facts were in foreign affairs from George in, the general would be exon-Washington University. He was a member of the United States pentathlon team at the 1948 Olympics.

He held key intelligence, opecounsel declined any comment rations and staff assignments at this time.

Although Army spokesmen in Germany, Korea and Washington. In 1956 he was named said they wer not free to dis-Lauris Norstad, Supreme Com-Europe.

General Donaldson's decorations include a Silver Star, a Legion of Merit, a Distinguished Flying Cross and a Purple Heart.

In October, 1968, he went to Vietnam to command the 11th brigade of the Henderson, charged with failing to conduct a proper investigation into the Mylai case, is now involved in pretrial hearings.

Commissioned in 1954

The eight separate incidents charged against Donaldson, who was a colonel at the time, span the period from November, 1968, through January, 1969.

Colonel McCloskey was ope-

rations officer for General accused of war crimes was Donaldson in Vietnam. The two Brig. Gen. Jacob H. Smith, a murders he is charged with brigade commander in the Philallegedly occurred in March, ippines in 1901. He was court-

The colonel, who enlisted in giving tours as an enlisted man be- an operation on the island of fore receiving, a commission as Samar and that "there should a second lieutenant in 1954, be extensive killing and burn-He had several Special Forces ing, that Samar was to be made

times and his decorations, be-they were capable of bearing sides the Purple Heart, include arms." the Silver Star, the Legion of He was convicted and was Merit and the Distinguished sentenced to be admonished. Flying Cross.

returning from Vietnam, General Donaldson served for The the European branch in plans Mylai incident was Maj. Gen. and programs for the Joint Samuel W. Koster, who commonded the Americal Divibecame apparent that he might sion at the time. He was be charged with Victory was became with the common of the common be charged with Vietnam war charged with failing to investi-crimes he was transferred on gate the matter properly. The April 30 to his present job as charged was dropped but Army special assistant to the chief Secretary Stanley R. Resor sub-of staff, First Army, Fort sequently reduced him in rank Meade, Md.

Stationed in Virginia

Colonel McCloskey is serving as a staff officer with the Army Combat Developments Command at Fort Belvoir, Va. According to Army records, the last general formally

martialed on charges "no orders that the Army in 1949, served two prisoners should be taken" in assignments and two tours of a howling wilderness, and that service in Vietnam. He has been wounded 10 years should be killed because

President Theordore Roosevelt The Army noted that, after ordered him admonished and

The highest-ranking officer about one month as director of charged in connection with the to brigadier general.

Army Is Still Studying 55 Atrocities Charges

WASHINGTON, June 2 (AP)-The Army, which has charged a general with the murder of Vietnamese civilians, said today that it had under investigation 55 other cases of alleged atrocities involving American soldiers.

These are among a total of 168 separate incidents of alleged war crimes investigated by the Army's Criminal Investigation Division since the beginning of the big American buildup in Vietnam in 1965.

Of the 168 alleged incidents, the Army said that the C.I.D. concluded that in 59 of the cases the allegations were false or could not be

proved.

In 54 other cases, it decided that there was enough evidence for legal action and turned its findings over to appropriate commanders for determination of possible formal charges and court-martial proceedings.