

General, Ex-Aide Accused Of Murdering Vietnamese



United Press International

Brig. Gen. J. W. Donaldson



Associated Press

Lieut. Col. W. J. McCloskey

By WILLIAM BEECHER JUN 3 1971
Special to The New York Times

WASHINGTON, June 2—The Army accused Brig. Gen. John W. Donaldson today of murdering six Vietnamese civilians and assaulting two others in the winter of 1968-69.

General Donaldson is the highest-ranking officer against whom war crimes have been lodged in connection with the Vietnam war.

Lieut. Col. William J. McCloskey, who was an aide to General Donaldson in Vietnam,

was charged with two separate killings.

At the time of the alleged incidents, the two highly decorated officers were serving with the 11th brigade of the Americal Division, a platoon of which was involved in the killings of civilians at Mylai in March, 1968.

Lieut. Col. Robert Poyda-

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sheff, an attorney for General Donaldson, said he believed that, when all the facts were in, the general would be exonerated.

Complaint by Pilot

Colonel McCloskey's military counsel declined any comment at this time.

Although Army spokesmen said they were not free to disclose the details of the allegations, Pentagon sources said 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 various battles and were believed 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 court-martial.

Since the Calley conviction, there has been some criticism that only lower-ranking soldiers 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

United States Military Academy at West Point in 1944. He attended the Sorbonne in Paris and earned a master's degree in foreign affairs from George Washington University. He was a member of the United States pentathlon team at the 1948 Olympics.

He held key intelligence, operations and staff assignments in Germany, Korea and Washington. In 1956 he was named senior aide-de-camp to Gen. Lauris Norstad, Supreme Commander of Allied Forces in 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 Americal Division, taking over from Col. Oran K. Henderson. Colonel 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 General 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 Donaldson in Vietnam. The two murders he is charged with allegedly occurred in March, 1969.

The colonel, who enlisted in the Army in 1949, served two tours as an enlisted man before receiving a commission as a second lieutenant in 1954. He had several Special Forces assignments and two tours of service in Vietnam.

He has been wounded 10 times and his decorations, besides the Purple Heart, include the Silver Star, the Legion of Merit and the Distinguished Flying Cross.

The Army noted that, after returning from Vietnam, General Donaldson served for about one month as director of the European branch in plans and programs for the Joint Chiefs of Staff. But when it became apparent that he might be charged with Vietnam war crimes he was transferred on April 30 to his present job as special assistant to the chief of staff, First Army, Fort 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

accused of war crimes was Brig. Gen. Jacob H. Smith, a brigade commander in the Philippines in 1901. He was court-martialed on charges of giving orders that "no prisoners should be taken" in an operation on the island of Samar and that "there should be extensive killing and burning, that Samar was to be made a howling wilderness, and that all persons above the age of 10 years should be killed because they were capable of bearing arms."

He was convicted and was sentenced to be admonished. President Theodore Roosevelt ordered him admonished and retired.

The highest-ranking officer charged in connection with the Mylai incident was Maj. Gen. Samuel W. Koster, who commanded the Americal Division at the time. He was charged with failing to investigate the matter properly. The charge was dropped but Army Secretary Stanley R. Resor subsequently reduced him in rank 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.