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Brig. Gen. John W. Donaldson after Army acted.

Army Drops Charges Against General

By DOUGLAS ROBINSON

The Army announced yesterday that it had dismissed murder and assault charges against Brig. Gen. John W. Donaldson, who, as an infantry brigade commander, was accused of killing six South Vietnamese civilians.

General Donaldson, the highest-ranking officer to be accused of war crimes in the Vietnam war, was the first American general officer to face such charges in the last 70 years.

In making public his decision to drop the charges, Lieut. Gen. Claire E. Hutchin Jr., commander of the First Army at Fort Meade, Md., said, "Evidence established that no offenses were committed by General Donaldson, then a colonel."

General Hutchin's announcement exonerating the officer followed a four-month investigation in which 23 witnesses were heard and 135 exhibits and documents were examined. The investigation was car-

ried out pursuant to Article 32 of the Uniform Code of Military Justice. Such an inquiry is comparable to a civilian grand jury investigation, except that the accused and his counsel are present and are allowed to cross-examine witnesses and introduce evidence.

General Hutchin, in his role as First Army commander, made the decision after reviewing the Article 32 report and hearing the advice of his top legal officer.

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Accused of Killing 6 South Vietnamese Civilians

Although the statement by General Hutchin said merely that the dropped charges included seven separate incidents involving one Vietnamese in each case, it was learned that General Donaldson was accused of killing six persons and wounding another by firing at them from his command helicopter.

The incidents were alleged to have occurred from November, 1968, through January, 1969, while General Donaldson

was a colonel commanding the 11th Infantry Brigade of the Americal Division.

In that job, he succeeded Col. Oran K. Henderson, who is now undergoing court-martial at Fort Meade on charges of covering up the mass killing of South Vietnamese civilians by American troops in the hamlet of Mylai 4.

The accusations against General Donaldson, however, were unconnected with the Mylai incident.

General Donaldson, a 1944 graduate of the United States Military Academy, testified at Colonel Henderson's trial in regard to a missing report of the Mylai incident that vanished from Army files.

In the court-martial, it was disclosed that the general had been asked to take a lie-detector test on the matter of the missing report but had declined.

The accusations against the general were announced last

June 2. At the time, Lieut. Col. William J. McCloskey, who was an aide to General Donaldson in Vietnam, was charged with two separate killings.

Army sources said that the Article 32 investigation in the McCloskey case was not expected to be completed until next month.

The last American general to be formally accused of war crimes was Brig. Gen. Jacob H. (Howling Jake) Smith, who was convicted in 1902.