

# Presidio 'Brutality' Case Fizzles

By Charles Howe

The case against the alleged maltreatment of prisoners at the Presidio collapsed yesterday as a federal judge lambasted at least part of the effort as a means of obtaining publicity.

And an Army captain alleged to have behaved improperly when served with a federal court order preventing any brutality at the Special Processing Detachment categorically denied these word-of-mouth accusations.

Federal Judge Harold Levin, who last Saturday issued an order against acts of maltreatment, had strong words for the lawyers who persuaded him to grant it.

"If I had known all this confusion and a good deal of

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unnecessary publicity would have been the result. I never would have done it," Levin told attorney Joseph Manzella.

At issue were the claims of Private Paul McArdle, 19, who touched off the controversy last week by charging that he had been "worked over" by guards while awaiting a court-martial on charges of being absent without leave.

Late last Friday, at Manzella's request, Judge Levin issued the temporary restraining order and it was served at the Presidio the following day by The Rev. Raymond Charles Broshears.

The Rev. Mr. Broshears is pastor of a group called St. Timothy's Orthodox Episcopal Church. Neither the Rev. Mr. Broshears, 34, nor his flock is affiliated with the Episcopal Diocese of California.

Personally serving legal officer Captain Stephen J. Carlotti with the order, the Rev. Mr. Broshears later claimed that the officer was improperly attired and used profanity at the time of service.

At yesterday's court hearing, Manzella told Levin that Ardle now wish to withdraw all charges of brutality.

On the recommendation of federal attorney Steven Kazan, the temporary restraining order was dismissed "with prejudice" — meaning that the allegations of cruelty not only have no merit but cannot, in the future, be restated.

In a statement released later in the day by Sixth Army headquarters at the Presidio, McArdle was quoted as saying he was withdrawing his charges "under no pressure."

The statement said McArdle's decision "was based on his desire to disassociate himself from Reverend Raymond Broshears and because of his distress over the widespread adverse and substantially inaccurate publicity accorded his case."

McArdle also was quoted as saying his statements about an alleged riot at Special Processing Detachment headquarters on the evening

of September 19 were untrue and that his charge about guards "taking me into the woods and beating me" were untrue.

The Sixth Army's head lawyer, Colonel James Garnett, also took strong exception to the Rev. Mr. Broshears' charges relating to Carlotti.

Reading from a letter submitted, Levin quoted:

"As Captain Carlotti is a member of my staff and an outstanding young attorney with the highest moral and professional ethics, I take exception to this conduct of Mr. Broshears and the false statements made to the press and attributed to Captain Carlotti by Mr. Broshears."

Manzella told Judge Levin he was certainly not a publicity seeker.

"My plaintiff was very adamant . . . he insisted he was being beaten."

Levin, however, insisted that the order had been served with at least a certain desire to create publicity.

"There was no reason to stage a scene out there," the judge told Manzella. "These young (legal) officers to my knowledge are all fine young men doing their duty."

He called the Rev. Mr. Broshears' alerting the press to the event "reprehensible and unnecessary," adding that in the future "it will be difficult to get an order from this court without a United States marshal to serve it."

Manzella said his understanding of federal law precluded his serving the order, so he impressed the Rev. Mr. Broshears into service.

With the exception of the Rev. Mr. Broshears, all witnesses to the event — which involved calling Carlotti in while he was off duty and an initial attempt to serve the commanding general as well — have testified that Carlotti behaved "as an officer and a gentleman."

No date has been set for McArdle's trial at the Presidio on AWOL charges, and Army spokesmen said his complaint of alleged brutality "will have no bearing whatsoever" on his pending court-martial.