

Two More G.I's Charged With Murders at Songmy

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WASHINGTON, Jan. 8—Two soldiers who were scheduled to leave the Army next week were charged with murder and other offenses today in connection with the alleged killing of civilians in Songmy, Vietnam, on March 16, 1968.

The men are Pvt. Gerald Anthony Smith, 22 years old, stationed at Fort Riley, Kan., and Sgt. Charles E. Hutto, 21, an infantry training instructor at Fort Lewis, Wash.

Private Smith is charged with premeditated murder and indecent assault on a Vietnamese female. The Army defines indecent assault as "the taking by a man of indecent, lewd, or lascivious liberties with the person of a female not his wife without her consent and against her will, with intent to gratify his lust or sexual desires."

Sergeant Hutto is charged with premeditated murder, rape and assault with intent to commit murder, the Army said.

4 Have Been Charged

The charges bring to four the number of soldiers who are accused of committing crimes in connection with the Songmy incident. The charges filed today were the first to involve rape and assault.

None of the eyewitnesses' reports that have so far been made public have included any suggestion of offenses beyond the allegations of excessive violence and killing at Songmy.

The Army declined to elaborate on the new charges or to say how many victims were allegedly involved.

"Charges involve offenses allegedly committed against Vietnamese at Mylai," the Army announcement said. Mylai 4, the scene of the alleged killings,

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is a hamlet in the Songmy village complex.

Army spokesmen said that the maximum punishment for rape under military law was confinement at hard labor for 20 years, while indecent assault carried a maximum punishment of five years.

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Both soldiers now face a military investigation somewhat similar to a civilian grand jury proceeding. If the Fort Riley and Fort Lewis commanding generals decide that the investigations support the charges, courts-martial will be ordered.

If so, the men will join Lieut. William L. Calley Jr., of Fort Benning, Ga., and S. Sgt. David Mitchell, of Fort Hood, Tex., in facing trials for offenses allegedly committed at Songmy.

Lieutenant Calley has been charged with the murder of 109 persons and Sergeant Mitchell, with assault with intent to murder 30 persons. The decision to court-martial them followed the same kind of investigation that was ordered today for Private Smith and Sergeant Hutto.

Pentagon sources indicated that the timing of the Army's announcement was affected by

lated to leave the Army next week.

The move insures that the Army will have jurisdiction over the men. They will be involuntarily retained in the service "until charges are disposed of," an Army spokesman said. Lieutenant Calley is also being held over for the same reason.

Lawyers Are Appointed

The Army appointed military lawyers to defend Sergeant Hutto and Private Smith.

At Fort Lewis, a spokesman said that Sergeant Hutto held a "lengthy conference" this afternoon with his counsel, Capt. Neil C. Buren, a former deputy prosecuting attorney in Seattle. He said that Captain Buren, who was not available for comment, had advised Sergeant Hutto not to discuss the case with newsmen.

Sergeant Hutto's wife, Brenda, reached by telephone at their home on Fort Lewis, said, "I'm sorry, we can't say anything."

Private Smith, who is married and has one child, will be represented by Capt. Delmar Gowing, of the staff judge advocate's office at Fort Riley. Private Smith's wife and child live in Chicago, according to the Army. At his request, the

formation about his family.

Sergeant Hutto's parents, M and Mrs. Lenzy Hutto, live in Tallulah, a northeast Louisiana community of about 10,000 population, not far from the Mississippi.

Although both men joined the Army the same day, Jan. 13, 1967, there is a difference of three grades in their ranks. Army officials conceded that it was unusual for a soldier to remain a private for three years but refused to discuss Private Smith's Army record. A military regulation forbidding "comments bearing on the conduct or impinging on the character" of a soldier under charge was cited.

Neither Sergeant Hutto nor Private Smith is under confinement.

Private Smith is on duty status as a rifleman and assistant machine-gunner in Company A, Second Battalion, 21st Infantry, 24th Infantry Division, at Fort Riley.

Sergeant Hutto is assigned to Headquarters Company, Third Advanced Individual Training Brigade, Fort Lewis, where his duties involve arranging and preparing classes for soldiers undergoing infantry training.