

ARMY INQUIRY CHARGES 14 OFFICERS IN SUPPRESSION OF SONGMY FACTS; WEST POINT'S HEAD, ACCUSED, QUILTS



United Press International

Stanley R. Resor, center, Army Secretary, at news conference in the Pentagon yesterday. He is flanked by Lieut. Gen. William R. Peers, left, who headed investigation, and Army Chief of Staff, Gen. William C. Westmoreland, who commanded U.S. troops in Vietnam.

REPORT BY PANEL

A 3-1/2 Month Study Finds 'Tragedy' Did Occur in Vietnam

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Special to The New York Times

WASHINGTON, March 17 —

The Army today accused 14 officers, including the superintendent of the United States Military Academy, of involvement in suppression of information about the alleged mass killing of civilians two years ago at Songmy, South Vietnam.

As the announcement was made, Maj. Gen. Samuel W. Koster, who commanded the Americal Division in Vietnam at the time of the alleged killings, stepped down as superintendent at West Point. He told the cadets that he had requested assignment elsewhere to spare them from publicity stemming from his involvement.

The Army's charges were filed also against a brigadier general, three colonels, two lieutenant colonels, three majors and four captains. Varying from individual to individual, the charges included dereliction of duty, failure to obey lawful regulations, and false swearing.

Charges Against Koster

General Koster was charged with failure to obey lawful regulations and with dereliction of duty.

Conviction on any of the charges against the 14 would bring dismissal from the service. Sentences could go as high as three years at hard labor.

The Army's charges followed an investigation by a panel headed by Lieut. Gen. William R. Peers to determine if there had been mass killings March 16, 1968, at the Mylai 4 hamlet of the Songmy village complex, and whether such killings were hushed up.

At a Pentagon news conference today General Peers said, "Our inquiry clearly established that a tragedy of major proportions occurred there on that day."

More than 100 civilians were allegedly killed at Songmy by members of the division headed by General Koster. Ten officers and enlisted men have been charged in connection with the alleged killings.

The charges announced today are expected to lead to proceedings similar to grand jury action against the 14 officers to determine whether trials by court-martial are warranted.

At the news conference, General Peers made available a heavily censored version of a 225-page report prepared after a three-and-one-half-month investigation by his panel.

General Peers declined to characterize the initial handling of the case in the field as a "cover-up," but he said: "There was testimony and evidence to indicate that certain

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individuals, either wittingly or unwittingly, by their action suppressed information from the incident from being passed up the chain of command."

On the basis of interviews with more than 400 witnesses, he said, the inquiry found no indication that word of the incident went beyond the division to higher headquarters.

Army regulations require that word of a possible war crime be reported without delay up the chain of command. In this case, that would have been from American headquarters to the commander of the Third Marine Amphibious Force in Danang, and then to the American troop commander in Saigon, who at that time was Gen. William C. Westmoreland, now Army Chief of Staff.

General Peers, who had served for 30 months in various assignments in Vietnam, expressed hope that the report and actions stemming from it "will prevent an incident such as this from ever again occurring."

The general said he had recommended a tightening of regulations dealing with war crimes and quick reporting of atrocities, as well as urging improvements in training in the United States in an effort to minimize the chances of a recurrence.

Orders in Saigon

Pentagon sources said that, as a result of the Peers investigation, military headquarters in Saigon had directed that all subordinate commands pass down all directives on such things as treatment of prisoners and civilians without in any way altering the language. In the past, one source said, subordinate commands sometimes made what they considered minor editing changes in directives or circulated only summaries of them.

In addition, it was understood General Peers had found that the Army devoted enough training time in the United States to impressing soldiers with the need to handle suspected enemies humanely. But it was understood that he believed the character of instruction should be improved to get the message across more dramatically.

In a statement announcing the new charges, the Defense Department declared:

"The report alleges that there were serious deficiencies in the actions of a number of officers holding command and staff positions in the Americal division, the 11th Infantry Brigade, Task Force Barker, and the U.S. Advisory Organization.

Charge Against General

"The deficiencies cited in the report relate primarily to alleged failures to render required reports, conduct adequate investigations, and otherwise to satisfactorily discharge duties in the light of information received concerning an alleged atrocity."

Pentagon officials said that the charges, if proved in court-martial, could result in penalties of up to dismissal from service and three years of hard labor. The charges were as follows:

General Koster—failure to obey lawful regulations and dereliction of duty.

Brig. Gen. George H. Young Jr., at the time of the incident, assistant division commander—failure to obey lawful regulations and dereliction.

Col. Oran K. Henderson, then commander of the 11th Brigade—dereliction, failure to obey lawful regulations, making a false official statement and false swearing.

Col. Robert B. Luper, then commander of the sixth Battalion, 11th Artillery—failure to obey a lawful order.

Col. Nels A. Parson, then division chief of staff—failure to obey lawful regulations and dereliction.

Lieut. Col. David C. Gavin, then senior American adviser in the Sontinh district—failure

to obey lawful regulations, dereliction and false swearing.

Lieut. Col. William D. Guinn, then deputy American adviser in Quangngai Province—failure to obey lawful regulations, dereliction and false swearing.

Maj. Charles C. Calhoun, then executive officer and operations officer of Task Force Barker, which swept Songmy village—dereliction and failure to report possible misconduct to the proper authorities.

Maj. Robert W. McKnight, then operations officer of the 11th Brigade—false swearing.

Maj. Frederic W. Watke, then commander of Company B, 123d Aviation Battalion—failure to obey lawful regulations and dereliction.

Capt. Kenneth W. Boatman, then an artillery forward observer—failure to report possible misconduct.

Capt. Dennis H. Johnson, then with the 52d Military Intelligence Detachment—failure to obey lawful regulations.

Capt. Ernest L. Medina, then commander of Company C, First Battalion, 20th Infantry, part of Task Force Barker—failure to report a felony.

Capt. Thomas K. Willingham, then serving with Company B, Fourth Battalion, Third Infantry, also part of Task Force Barker—making false official statements and failure to report a felony.

Captain Medina has previously been charged with murder, maiming and assault and Captain Willingham has been

This portion of the Peers Inquiry deals with Evidence of Possible Suppression or Withholding of Information; information concerning the following specific subjects is contained in this portion:

- A. C/1-20 Inf
- B. B/4-3 Inf
- C. Task Force Barker
- D. HQ, 11th Brigade
- E. Company B, 123d Avn Bn
- F. HQ, 123d Avn Bn
- G. HQ, Americal Div

Release of the text of this portion of the Peers Inquiry report has been deferred because it contains information which if released to the public might prejudice the rights of defendants in current and potential criminal proceedings. This section of the report contains numerous statements concerning the testimony of prospective witnesses and concerning other evidence which will undoubtedly be used in criminal proceedings. Under the Attorney General's guidelines for release of information relating to criminal proceedings, 28 CFR 50.2(1965), and under the relevant court decisions, the Army is not free to release such information at this time.

MUCH IS WITHHELD, to protect rights of the accused, including items listed here

A. ENEMY SITUATION IN MARCH 1968

As a basis for evaluating the enemy situation in Quang Ngai Province, it is noted that in March 1968, enemy strength throughout South Vietnam was estimated to be approximately 1,000,000 men. Of this total, about 400,000 were Viet Cong (VC) combat forces, 200,000 were North Vietnamese Army (NVA) combat troops, and 400,000 were guerrillas, with the remaining 100,000 comprising administrative personnel.

The enemy maneuver battalions in South Vietnam were estimated by HQ, Military Assistance Command, Vietnam (MACV) to total North Vietnamese and Viet Cong), distributed throughout the four corps tactical zones as follows:

I Corps -	North Vietnamese and Viet Cong	Viet Cong
II Corps -	North Vietnamese and Viet Cong	Viet Cong
III Corps -	North Vietnamese and Viet Cong	Viet Cong
IV Corps -	North Vietnamese and Viet Cong	Viet Cong

Considering only Quang Ngai Province (sketch 3-1), enemy strength ranged between 10,000 and 20,000 men during the four months ending the Son M. 1968 enemy strength

FORM PEERS REPORT: In Chapter 3, censors blocked out some parts of the upper lines

charged with unpremeditated murder of Vietnamese civilians. The Defense Department said that Captain Medina and Captain Willingham would remain at Fort McPherson, Ga., pending the outcome of the charges already filed against them.

Transfers Are Ordered

The 12 other officers have been ordered transferred to Fort Meade, Md., "in order to facilitate access to personnel involved by both Government and defense counsel and reduce the need for extensive travel on the part of all personnel connected with the case," the Pentagon said.

The cases will be consolidated, it said, in order to "minimize delays in all legal proceedings."

Once charges of this sort have been leveled, the senior commander at the post where the men are stationed must decide whether to bring an Article 32 investigation, roughly analogous to a grand jury proceeding. The accused would have an opportunity to try to refute the charges at that point.

If the evidence appears substantial enough, the post commander may then order a general court-martial.

A military source at Fort Meade said that, of the 12 officers to be transferred there, nine went there today to hear the reading of the charges. The charges were read to General Koster at West Point and to General Young and Captain Boatman in Heidelberg, Germany, where they are now serving, he said.

Presumably the new charges

against Captains Medina and Willingham were read to them at Fort McPherson.

The source at Fort Meade said that the 12 officers would not be required to move to the post until the Article 32 investigations begin.

Repeatedly in the news conference, General Peers declined to discuss specifics of the cases for fear of prejudicing possible trial of the men involved. That reason was also given for the massive deletions in the public version of the Peers report.

At the start of the news conference, Army Secretary Stanley R. Resor said, "Now that the inquiry has been completed, we must continue to assure that the processes of

military justice system are permitted to operate fairly and fully."

He insisted that those charged in the case "are entitled fully to the presumption of innocence which applies in our system of justice."

Reported by Pilot

It is understood that, at the time of the Songmy incident at least one American helicopter pilot reported a lot of shooting of civilians in the operation. About two weeks later, according to reliable information, a Vietnamese district chief made a similar report.

There was some sort of field investigation at the time, but the results of that investigation, according to the Peers

inquiry, were never forwarded beyond the division and not official disciplinary action was taken against those allegedly involved in atrocities.

Nearly a year later, on March 29, 1969, a former serviceman, Robert Ridenhour, who had heard a number of stories of an alleged massacre from Army buddies in Vietnam and elsewhere, wrote a letter detailing the allegations to a number of Senators and to various Nixon Administration officials.

Secretary Resor, on hearing these allegations, ordered an immediate investigation by the Inspector General, according to Army sources. In early August, the investigation was turned over to the Army's Provost

Marshal General because it appeared that, if charges were brought, they would be criminal charges.

To date, 10 former members of Task Force Barker have been charged in the alleged Songmy deaths. Twenty-seven other men are still under investigation in the case.

Pentagon sources said that the 20,000 pages of testimony and 500 documents unearthed by the Peers group had been turned over to the Army's criminal investigators.

Last Nov. 24 the Peers board was established to determine the facts in the original incident and to find out why the case was dormant for so long. Shortly thereafter, two civilian attorneys, Robert MacCrate and Jerome K. Walsh Jr., were added to the panel "as representatives of the public," in Mr. Resor's words.

Today Mr. MacCrate said that he concurred in the basic findings of the panel and expressed his "satisfaction with the manner in which the inquiry has been conducted."

General Peers explained today how he had chosen the military members of the inquiry board.

"I deliberately avoided," he said, "selecting a group of senior colonels and general officers to serve on the team. I wanted young, combat-experienced officers who had seen war and who knew the trials, the pressures and the tribulations of combat first-hand."

The men he hand-picked, he said, were all "highly decorated" for valor in Vietnam.