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## 2 G.I.'s Ordered to Trial In Slayings at Songmy

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WASHINGTON, June 19 — Two Vietnam veterans implicated in the killing of civilians in Songmy, Vietnam, were ordered today to stand trial before a military court on charges of murder and other offenses.

One of them is charged with hanging a Vietnamese in a hamlet four miles from Songmy on a different day.

The decision to try the two soldiers, Sgt. Esequiel Torres of Brownsville, Tex., and Pvt. Jerald A. Smith of Chicago, raises to four the number of men scheduled to undergo court-martial over the Songmy incident.

In all, 24 army officers and enlisted men, ranging from major general to private, are charged with either committing crimes at Songmy or covering them up. Charges have been dropped against another officer.

Although both of the trials announced today involved several alleged murders, the accused men will not be subject to the death penalty. Lieut. Gen. Albert O. Connor, commanding general of the Third Army at Fort McPherson, Ga., exercised his prerogative under military law to refer the charges to trial as non-capital offenses.

Although the general nature of the charges was previously known, the announcement of the specific accusations disclosed that Sergeant Torres was charged with crimes not only in Songmy but also in another village.

One of the three charges against the 22-year-old soldier accuses him of the premeditated murder of "an unidentified Vietnamese person by means of hanging him by the neck with a rope."

The incident is said to have occurred "at or near" the hamlet of Lamson, about four miles northeast of Songmy, "during the period from about Feb., 1968, to about 15 March, 1968."

Two other charges against him, as well as those against Private Smith and others scheduled for trial, refer only to offenses that allegedly took place on March 16, 1968, in Mylai 4—the military designation for a hamlet in Songmy.

### Different Reports Made

On that day, the combat unit to which the men belonged, Company C, First Battalion, 20th Infantry, of the Americal Division, conducted a helicopter assault and ground sweep of the village following a routine artillery barrage.

Accounts of the subsequent events differ markedly. In the official report, Capt. Ernest Medina, company commander, contended that his outfit had killed more than 100 Vietcong.

It was more than a year later that the Army—prompted by the suspicions of Ronald Ridenhour, a Vietnam veteran who said he had heard of a "massacre" at Songmy—began to investigate the incident in depth.

Last September, it was learned that an officer of "Charlie Company," First Lieut. William L. Calley Jr., had been charged with the unlawful killing of more than 100 Vietnamese in Songmy. Other charges followed, including murder accusations against Captain Medina.

The suspects have steadfastly maintained their innocence, with Captain Medina insisting that he neither saw, ordered, nor participated in "any massacre."

Lieutenant Calley, stationed at Fort Benning, Ga., has been ordered to face a court-martial on Aug. 15 for the alleged murder of 102 Vietnamese. He is subject to the death penalty.

The trial of Staff Sgt. David Mitchell, another member of "Charley Company," will begin July 15 at Fort Hood, Tex., for the alleged assault with intent to murder of 30 Vietnamese in Songmy. The charge carries a maximum penalty of 20 years.

No date was set for the trials of Private Smith, also 22, who was charged on Jan. 8, and Sergeant Torres, who was charged March 10.

An investigation of the specific accusations has been under way since the charges were filed. The decision to proceed is tantamount to a civilian grand jury indictment.

### Smith's Three Counts

Private Smith faces three murder counts. He is accused of the premeditated murder of a female Vietnamese civilian by shooting her with a rifle, the premeditated murder of a male Vietnamese civilian by shooting him with a rifle, and the premeditated murder of five Vietnamese civilians by shooting them with a rifle.

In addition, he is charged with committing an indecent assault upon a Vietnamese woman "by tearing open her blouse, by touching her on or about the chest, and by fondling her breasts with intent to gratify his lust."

The latter charge carries a maximum penalty of five years in prison.

If either Sergeant Torres or Private Smith is found guilty of any of the murder charges the military court can adjudge only one sentence—life imprisonment.

An alternative would be to find the soldiers guilty not of murder but of a "lesser included offense" such as manslaughter, which carries a lighter penalty.

Sergeant Torres, in addition to the charge of hanging Vietnamese, is accused of the premeditated murder of "an unknown number of unidentified Vietnamese persons, not less than three, by means of shooting them with a machine gun."

The latter charge carries a maximum punishment of 20 years in prison. Conviction on any of these charges would subject the accused men to a dishonorable discharge.