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U.S. Sergeant Pleads Not Guilty To Charges in the Sonmy Case

By DOUGLAS ROBINSON

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FORT HOOD, Tex., Oct. 14 —S. Sgt. David Mitchell formally entered a plea of not guilty today to a charge of assault to commit murder of at least 30 unarmed South Vietnamese civilians some 31 months ago in the hamlet of Mylai 4 in the village of Sonmy.

The sergeant made his plea at his arraignment, the last official act before witnesses begin testimony tomorrow here in the air-conditioned bungalow that serves as a military courtroom.

Col. George R. Robinson, the military judge, told the members of the court, seven officers who will act as a jury, that they would be sequestered during the length of the court-martial to avoid exposure to publicity about the case.

"This is not an insult to your integrity," the judge told the panel, after informing them that they would live and eat together for a period that might last three months. "This is an effort to insure fairness to Sergeant Mitchell and an attempt to prevent any mistrial."

Capt. Michael K. Swan, the trial counsel, or prosecutor, said the first four witnesses for the Government would be three former members of the infantry company that entered Mylai 4 on the day of the incident and a helicopter pilot who observed the action from the air.

The three former soldiers, now civilians, were identified as Charles Sledge, Dennis Conti and Gregory Olsen, all former members of C Company, First Battalion, 20th Infantry, 11th Infantry Brigade. None have been charged with participating in the alleged massacre. Sergeant Mitchell was a squad leader in the company.

The helicopter pilot, Lieut. Hugh Thompson, a warrant officer at the time of the incident, was awarded a Distinguished Flying Cross for rescuing 16 children during the action at Sonmy. He was also said to have complained to his superiors about the action in the hamlet.

Before the arraignment today, Colonel Robinson denied a defense motion to dismiss charges because of the extensive pretrial publicity, saying that after examining 285 exhibits he had decided that the "news accounts do not attempt to be vindictive or accusatory."

"There is no sign the accused was tried in the news media," Colonel Robinson said. He also noted that all of the court members, under questioning, had said they had not read extensively of the case nor had they formed any opinion about the matter.

Sergeant Mitchell, whose home is St. Francisville, La., was charged on Oct. 28, 1969, although the Army did not announce that he had been accused until two weeks later on Nov. 14.

On Jan. 13, 1970, the Army preferred an additional charge against the sergeant, that of assault to murder an 8-year-old boy in Mylai 4. The additional charge was dropped on Sept. 8 on the ground of insufficient evidence.

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During the summer, the defense requested a number of delays of the start of pre-trial hearings.

Last July, Sergeant Mitchell petitioned a Federal court to issue a temporary order preventing a court-martial and requesting that the case be moved to a civilian court on the ground that he could not receive a fair trial from the Army. The Federal Court, in mid-September, refused to bar the Army from trying him.

New Army Charge Foreseen

ATLANTA, Oct. 14 (UPI)—Charles L. Weltner, a lawyer, said today that more charges growing out of the alleged massacre at Mylai would be lodged against high-ranking Army officers, including "one with at least four stars."

Mr. Weltner, a former Congressman from Atlanta, refused to name any of the officers but said "three or four" generals and colonels would face dereliction-of-duty charges.