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## MYLAI DEFENDANT ACCUSES ABRAMS

### Says He Permitted Torture of Vietnam Prisoners

By JAMES T. WOOTEN

Special to The New York Times

ATLANTA, Oct. 28—An

Army Sergeant charged with murder at Mylai has accused Gen. Creighton W. Abrams, the commander of United States Army troops in South Vietnam, of allowing prisoners to be beaten and tortured in his presence.

In a formal military complaint, filed here today at Fort McPherson, Sgt. Esequiel Torres alleged that General Abrams was a witness to, but did nothing to stop, physical assaults by American and South Vietnamese personnel on prisoners suspected of Vietcong sympathies at a village near Saigon in August, 1968.

The only witness listed on the Sergeant's charge sheet was a journalist who discounted the accusation and said that the general had not been aware of the actions of his troops.

Peter Arnett, a reporter for the Associated Press and winner of a Pulitzer prize in 1966, said today that he did not suggest nor did he intend to suggest in his dispatch from Chanhluu on Aug. 11, 1968, "that General Abrams was aware of the beatings and the torture I had seen, or that he even condoned such activities."

Sergeant Torres's attorney, Charles Weltner, said that the charges had been filed under provisions of the Uniform Code of Military Justice, which allow anyone subject to that code to initiate legal proceedings against anyone else subject to it.

"What I'm trying to do is bring the Army face to face with reality and with the hypocrisy of trying teen-agers for war crimes when generals were involved in them as well," said Mr. Weltner, a former United States Representative.

The charges against General Abrams are based on a news article written by Mr. Arnett and published in numerous American newspapers on Aug. 12, 1968.

In that article, Mr. Arnett, now in this country, described beatings and ancient Oriental torture called "the water treatment" as part of the interrogation procedures of American and South Vietnamese forces at Chanhluu.

He also reported that "senior allied generals strode around, including the United States commander in Vietnam, Gen. Creighton W. Abrams."

In a telephone interview today from Los Angeles, Mr. Arnett said that the general had been "sort of an unwitting observer . . . who merely dropped out of the sky in a helicopter, shook a few hands in a VIP inspection and, in about 15 minutes, flew out again."

Mr. Weltner and Mr. Arnett did not discuss the charges before they had been filed.

#### Military Order Cited

In addition to a copy of the article, the charges sheet filed by Sergeant Torres is also accompanied by a copy of a military order that requires personnel observing war crimes to report them to higher authorities and a pamphlet that discusses the Hague and Geneva Conventions against punishment of prisoners in an attempt to elicit information.

General Abrams is specifically accused of violating the provisions of the Uniform Code of Military Justice.

The first alleges that he was derelict in the performance of his duties "in that he willfully allowed prisoners and detainees to be tortured and beaten . . . and made no attempt to halt such treatment . . ."

The second charge alleges he "wrongfully and unlawfully" concealed the events at Chanhluu and failed to report them to civil or military authorities.

Sergeant Torres, a 22-year-old native of Brownsville, Tex., is charged with the murder of "not less than three Vietnamese civilians" at the village of Sonmy on March 16, 1968. He was not at Chanhluu.

Through Mr. Weltner, Sergeant Torres had previously accused Gen. William C. Westmoreland, the Army commander in Vietnam at the time of the alleged massacre, of failing to control troops under his command. Those charges were dismissed last week.