

Mitchell Case

My Lai Called Anti-Army Plot

FT. HOOD (Tex.) — (UPI) — The attorney for S. Sgt. David Mitchell told the nation's first My Lai courtmartial today that the South Vietnam massacre was fabricated by those who want to "gut the military."

"I have read until I'm disgusted all the details about a wholesale massacre at My Lai," said defense attorney Ossie Brown, a civilian from Baton Rouge, La.

Brown's comments were part of his summary statements to the jury. The jury panel was expected to begin deliberation on the case this afternoon.

First Trial

"I contend this is an attempt by some segments of our country to gut the military and when you gut the military you gut this country.

"Every time I look around some liberal bird is making a speech or writing a book about it trying to destroy the Army," he told a seven-man court-martial panel.

Mitchell, 30, of St. Francisville, La., is the first American soldier to stand trial for the alleged massacre. He is charged with assault with intent to murder 30 South Vietnamese civilians in the small hamlet March 16, 1968.

Brown also told the jury in his summary statements, "God forbid that any jury would find me guilty and destroy my future based on the kind of evidence the government has presented."

Brown said he was "aghast and appalled" that the prosecution in Mitchell's trial introduced only three witnesses.

'Incredible'

"This is not evidence that I would want to be convicted on," he said. "This is his (Mitchell's) life. To convict this man on the evidence presented isn't right. It can't be right."

Prosecutor Capt. Michael Swan contended Mitchell's version of the My Lai incident was faulty.

"It is the government's contention that the evidence taken as a whole shows something highly out of the ordinary took place at My Lai and that Sgt. Mitchell took part in it," he said. "It is inherently incredible that he could have been where he said he was and his testimony be true."

Mitchell took the stand yesterday and amid tears told the court he was not sure about all that happened at My Lai but he was sure he did not kill anyone.

"I am positive that I did not shoot anyone," Mitchell said. "I know what I did and what I did not do."