

A F F I D A V I T

I, Charles E. Rutto, being sworn under oath do hereby depose and state:

That I am the plaintiff in the action now pending before this honorable court and that I have been advised of the decision of Major General Willard Pearson dated 3 February 1970, and in which he determined that there was no good cause shown by rescinding the orders transferring me from Fort Lewis, Washington to Headquarters, Third United States Army at Fort McPherson, Georgia and that the Army had shown good cause for ordering my transfer. I have been advised further of his determination that I was adequately notified of the contemplated move from Fort Lewis in order to knowingly considered and weighed the advisability of retaining counsel and I hereby protest the inference that results from that determination by Major General Pearson for it appears to be an assertion that I was to have done nothing in terms of obtaining civilian counsel to attempt to protect my legal rights on the theory that because I had been advised that there was some possibility of transferring me to another post that I should have simply stood mute and not attempted to obtain counsel to protect me.

That having obtained these counsel and entered upon a viable relationship of attorney and client it is now asserted by the Commanding General that this has no significance and should therefore, be simply ignored in the interest of some overriding Department of the Army needs and I, therefore, strongly protest such conclusion on the part of the Department of the Army.

That in the event that I am caused to be transferred prior to any future investigation or other military judicial proceeding in this matter I am without sufficient funds to carry on any effective working relationship with either my military or civilian attorneys and the Army's efforts to transfer me from Fort Lewis, Washington will cut off any and all relationship which I have been able to achieve with my attorneys.

That I believe and therefore allege that the Army may attempt to obtain future statements from me contrary to my legal interests and I base this belief and these allegations on the past conduct of the Army wherein on the 19th and 20th of November 1969 I was subjected to questioning by military investigators and was convinced by them that I was presenting information that would be helpful to the United States and to myself which information was given in the absence of any advice by counsel but which I have now learned after conferring with Captain Neil C. Buren may have been substantially prejudicial to my legal rights. Additionally, I was caused to give another statement on the 31st of December 1969 in the Pentagon before a Lieutenant General Peers which may have also been substantially prejudicial to my rights. Prior to my first discussion with Captain Buren on 8 January 1970, I have never met or talked with an attorney at law until his discussion and explanation and never knew the benefit to be derived from having counsel at my side.

That I now believe and earnestly contend that the guiding hand of counsel should be with me at every step of any proceedings the Army brings against me and that I have achieved a meaningful rapport with the civilian and military counsel with whom I have been working and it is my hope and desire that they continue to work on my behalf in connection with this matter. In conclusion that I believe that the Army intends by this transfer to cut me off from any meaningful, adequate, necessary or proper relationship with my counsel. Since they are transferring me some 3,000 miles away from my counsel without the slightest showing of the necessity for this being done now possibly months before any investigation into my case is to be scheduled.

Further affiant sayeth not.


CHARLES E. HUTTO
Sergeant E-5 U.S. Army
435 76 7322

Sworn and subscribed to before me this 4th day of February 1970.

My commission expires.

Betty L. Ince
Notary Public in and for the
State of Washington, residing
in *Tacoma*