



DEPARTMENT OF THE ARMY
HEADQUARTERS, U. S. ARMY TRAINING CENTER, INFANTRY AND FORT LEWIS
Fort Lewis, Washington 98433
Office of the Staff Judge Advocate

AMNLE-SJA

5 March 1970

CPT James Lane
Office of the Staff Judge Advocate
Headquarters, Third United States Army
Fort McPherson, Georgia 30330

Dear Jim:

Inclosed you will find a copy of the investigation which was provided to me at the time SGT Hutto was charged. I shall not attempt an analysis of it here, but as you are aware, the basis of the charges is primarily the statement of Varnado Simpson. In my judgment the statement is replete with inconsistencies which when examined and investigated closely, will cause the allegations to crumble. Other information regarding Simpson's use of drugs and a mental problem must be investigated. We can discuss this in detail later.

Also included is a copy of the charges for your information in the event you had not seen them. The other personal notes and assorted potpourri of memos, etc. would be of no value to you at this time.

I am concerned about what appears to be the practiced reticence of various Army officials to whom requests have been made by SGT Hutto and by me, in their failing to act, or, to inform us as to why they have not acted, for it is my belief that every day that passes inures to the prejudice of SGT Hutto and his defense. Memories dissipate, facts moulder and inferences that may have held vitality become sterile.

Because I am urgently concerned that SGT Hutto receive the best defense possible, the above mentioned requests were made. I believe it is mandatory that they be pursued vigorously. SGT Hutto has asked that I be his individual military counsel and in the event I am made available, I intend to make every legitimate effort on his behalf. Your assistance toward these ends will be most valuable to both of us. Therefore, and based upon our telephone conversation, I assume you have tendered the request on behalf of SGT Hutto for me as individual counsel. I trust immediate attention will be given to the request by your headquarters.

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With regard to additional prospective actions that I deem appropriate and advisable, I prelude with an expression of my concern that two months have now passed since charges were preferred against SGT Hutto with not so much as a date set for an Article 32 hearing. Any additional delay should not receive our condonation. Therefore, an immediate demand should be made to the convening authority for an Article 32 hearing on the charges. Additionally, because civilian witnesses are necessary and the Article 32 hearing is without subpoena authority, demand should be made for a court of inquiry pursuant to Article 135, UCMJ, to fully investigate such matters as would be appropriate to it.

Also, I would ask that you please inquire as to the status of the requests already made by SGT Hutto since they were apparently forwarded to your headquarters for action. Anything that you can do to budge the matters I have referred to in this letter off of dead center will be appreciated.

I hope I have the opportunity to meet you personally and that we may work together in the common interest of SGT Hutto's defense. It is my understanding that it may be some time before financial arrangements are solidified regarding civilian attorneys and therefore this cannot cause us to be hesitant in pursuing the appropriate defenses of SGT Hutto.

May I hear from you on these matters?

Very truly yours,



NEIL C. BUREN
CPT, JAGC

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as

DEPARTMENT OF THE ARMY
HEADQUARTERS COMPANY
UNITED STATES ARMY GARRISON
FORT McPHERSON, GEORGIA 30330

10 MAR 1970

AJXHIC

SUBJECT: Court-Martial Charges in the Case of SGT CHARLES E. HUTCHINSON,
HQ CO, USAG

Commanding Officer
Fort McPherson Troop Command
AFIN: Courts and Boards
Fort McPherson, Georgia 30330

1. In compliance with paragraph 32f(4), WCM 1969 (Rev.), there are forwarded herewith court-martial charges (Inclosure 1) which probably will not be disposed of either under Article 15 or by reference to a summary court-martial.
2. Investigative report(s) upon which the charges are based are inclosed (Inclosure 2).
3. All material witnesses are expected to be available at the time of trial.
4. There is no evidence of admissible previous convictions of the accused (para. 75b(2), WCM 1969 (Rev.).
5. A personal history information sheet is inclosed which pertains to civilian offenses, character, occupation, and other information on the accused before the entrance into the Army (Inclosure 4).
6. The character of the accused's military service prior to the offenses charged has been excellent.
7. In my opinion, the accused should be eliminated from the service.
8. I recommend trial by general court-martial.

Incl

1. Charge Sheet
2. Report of Investigation
3. Evidence of Previous Convictions
4. Personal history

Jared E. Hawkins
JARED E. HAWKINS
CPT, INF
Commanding