

For initial release Mar 70

The Army reports that SSG Kenneth L. Hodges, PVT Max D. Hutson, and SGT Esequiel Torres, currently assigned to Headquarters Company, US Army Garrison, Fort McPherson, Ga., have been charged with violations of the Uniform Code of Military Justice. SSG Hodges has been charged with rape and assault with intent to commit murder in violation of Articles 120 and 134, Uniform Code of Military Justice, respectively.

PVT Hutson has been charged with rape, murder, and assault with intent to commit murder in violation of Articles 120, 118, and 134, Uniform Code of Military Justice, respectively.

SGT Torres has been charged with murder about February or March 1968 and murder and assault with intent to commit murder on or about 16 March 1968 in violation of Articles 118 and 134, Uniform Code of Military Justice, respectively.

The charges generally involve offenses allegedly committed against Vietnamese persons while the accused men were serving with the Americal Division in Viet Nam in March 1968.

Charges were preferred by CPT Jared E. Hawkins, their present unit commander.

Charges against these three men have been forwarded by the unit commander, with a recommendation for trial by General Court-Martial, to the next higher commander for consideration. Charges against SGT Charles E. Hutto and PVT Gerald A. Smith, previously charged and later transferred

to the Headquarters Company, US Army Garrison, Fort McPherson, Georgia, have been similarly forwarded by Captain Hawkins, with a recommendation for trial by General Court-Martial, to the next higher commander for his consideration. SGT Hutto was previously charged with rape, murder, and assault with intent to commit murder in violation of Articles 120, 118, and 134, Uniform Code of Military Justice, respectively. A charge of false swearing, in violation of Article 134, Uniform Code of Military Justice, was added by CPT Hawkins. PVT Smith was previously charged with indecent assault and murder in violation of Articles 134 and 118, Uniform Code of Military Justice, respectively.

Whether the charges against these five men will be referred to a formal Article 32, Uniform Code of Military Justice investigation officer, the military equivalent of a Grand Jury, with view to possible trial by General Court-Martial will be determined by the commander to whom the charges have been forwarded. The date of such determination cannot be anticipated at this time.

Prior to any decision to refer the charges for formal investigation under the provisions of Article 32, Uniform Code of Military Justice, or to convene a court-martial, it would be inappropriate for the Army to release details of the charges and specifications. To do so might prejudice the rights of the accused.

The offenses for which the above-named enlisted men are charged arose from events which allegedly occurred at or near My Lai (4) and Song My.