

WITNESSES BACK MYLAI SERGEANT

3 Testify They Didn't See Mitchell at Death Ditch

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FORT HOOD, Tex., Nov. 17 —Three former members of the infantry company that entered the hamlet of Mylai more than two years ago said today that they had seen Lieut. William L. Calley Jr. shoot into a group of South Vietnamese civilians. But they said they had not seen S. Sgt. David Mitchell near the ditch where the shooting occurred.

The three men, all of them now civilians, were among 11 witnesses who appeared for the defense at the court-martial of Sergeant Mitchell on charges of assault with intent to commit murder.

Although the three—Sidney Kye of Kansas City, Kan., Thomas W. Turner of Bellevue, Neb., and Robert Maples of Freehold, N. J.—were hazy on many of the details surrounding the incident, they did testify that Lieutenant Calley and Sgt. Paul Meadlo, now a civilian in Terre Haute, Ind., stood at the edge of the ditch and fired into the group of men, women and children.

Another former member of the infantry company, Charles W. Hall of Columbus, Ohio, said he had heard shooting near the ditch, but had only seen Sergeant Mitchell and Lieutenant Calley in the vicinity. He testified that he had not actually seen them fire.

After he had heard the shooting, Mr. Hall said, he saw Sergeant Meadlo along with some other soldiers. Sergeant Meadlo's face was "flushed," he said, and "he appeared to have been crying."

Under questioning by the prosecution, Mr. Hall acknowledged that he had early told an Army investigator that "although I did not actually see him, I knew that Sergeant Mitchell had finished off the people in the ditch." The defense, however, stressed that Mr. Hall had not actually witnessed the shooting.

Testimony Held Irrelevant

The defense team was rebutted in its efforts to elicit testimony from Col. Oran K. Henderson, the former commander of the 11th Brigade, of which the infantry company was a part, on the attitude of the soldiers in the unit and their casualty rate.

The military judge, Col. George R. Robinson, ruled that Colonel Henderson's testimony was irrelevant unless he could apply it specifically to Sergeant Mitchell. Although the defense contended that the attitude of the men toward combat and toward the South Vietnamese was important to the case, Colonel Henderson was excused. He may be called later.

Colonel Henderson, who now attends the Armed Forces Staff College in Norfolk, Va., is among several high ranking officers accused of dereliction of duty and failure to obey lawful regulations in an Army report about suppression of information on the Mylai incident.

Other testimony today was directed at trying to impeach the testimony of Dennis Conti, one of the three witnesses who appeared for the prosecution.

The other two Government witnesses, Charles Sledge and Gregory T. Olsen, both of whom were subpoenaed by the defense, said they had heard Mr. Conti say during a recent meal at Fort Hood that Sergeant Mitchell "had tried to get me killed in the field and I don't care if they hang him."

Two sergeants who had served with the infantry company in Vietnam testified that Mr. Conti had a reputation as a "liar" while overseas. Both said they would not believe what he said even under oath.

The court-martial will resume tomorrow when Mr. Meadlo is among those scheduled to testify.