

# Witness Insists Colonel at Mylai Told Officers to 'Wipe' Foe 'Out for Good'

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FORT BENNING, Ga., Jan. 14—Officers who participated in the Mylai incident were chided on the eve of the alleged massacre for lack of aggressiveness, a witness said today at the court-martial of Lieut. William L. Calley Jr.

The witness, S. Sgt. Dennis R. Vasquez, said that Col. Oran K. Henderson, commander of the 11th Infantry Brigade, told his company leaders to "rush in aggressively, close with the enemy and wipe them out for good."

Lieutenant Calley's commander, Capt. Ernest L. Medina, was at the Henderson briefing, Sergeant Vasquez said. Defense attorneys have been trying to show that Lieutenant Calley, who is charged with the premeditated murder of at least 102 South Vietnamese civilians was told by Captain Medina to kill everything at Mylai.

Sergeant Vasquez testified Tuesday at the court-martial of Sgt. Charles E. Hutto at Fort McPherson. At that time he also quoted Colonel Henderson as telling his men that he wanted them to be "aggressive" and to "go in and close with the enemy."

## 'Final Solution'

He indicated that the colonel had regarded the assault as the "final solution" to the problem of the 48th Vietcong Battalion, which was reported to be in the Mylai area.

Two defense witnesses said today that Captain Medina had told the men of Charlie Company after the Henderson briefing that they should spare no one, including women and children.

But efforts to spread responsibility for the alleged massacre to higher echelons were not helped when Sergeant Vasquez said, under cross-examination, that Colonel Henderson had made no specific mention of women and children in his instructions to "wipe out" the 48th Vietcong Battalion.

Colonel Henderson, who was facing Army charges of dereliction of duty, failure to obey lawful regulations and making a false statement, had been commanding the 11th Brigade for only one day when he held the briefing.

## 'Close in Real Fast'

"Henderson said we hadn't been aggressive enough," said Sergeant Vasquez, who was then serving as an artillery officer with the rank of captain and who is now attached to the Third Armored Division in Hanau, Germany. Sergeant Vasquez left the Army after his Vietnam service and returned recently as a noncommissioned officer.

There had been too much artillery preparation in previous attempts to close with the 48th Vietcong battalion, Colonel Henderson commented, according to Sergeant Vasquez, and this time he wanted the troops to "close in real fast," the sergeant said.

Nothing was said by Colonel Henderson about the handling of any refugees or prisoners, the sergeant added.

Hitherto secret documents, including a report to Colonel Henderson by the late Lieut. Col. Frank A. Barker Jr., commander of the task force that entered the Mylai area, were given to the six-officer panel yesterday.

The report made a number of assertions that have been contradicted by evidence here, assertions that the operation had been "well planned, well executed and successful," assertions that enemy losses had been 128 dead and 11 captured and assertions that civilians found at Mylai had been well cared for and evacuated from the battle scene.

Testimony given today asserted that both Colonel Barker and Colonel Henderson had observed the Mylai action from helicopters, and that Colonel Henderson's crew had put down once to apprehend two male South Vietnamese suspected of being Vietcong.

Colonel Henderson's men did not shoot the two suspects but took them back to base camp for interrogation, according to Michael Adcock of Roanoke, Ala., a radio man. Earlier, the same crew, with Colonel Henderson aboard, spotted a small group of Vietnamese running out of Mylai, but did not gun them down because "they were mostly women and children," the radio man said.

Sergeant Vasquez testified that during the action he received a report from a ground observer that artillery fire had killed 69 Vietcong.

He said that when he had passed this information on to others in the helicopter, he was told by Colonel Barker: "We already know it."

## Says Girl Was Shot

Another witness, Radioman James H. Flynn of Rochester, Minn., said that two small Vietnamese girls had been taken under the protection of troops before Captain Medina gave an order to "stop the killing."

He said that when a soldier asked for a prebattle briefing if "we were supposed to kill women and children," Captain Medina replied, "Kill anything that moves."

He said that he had been following Captain Medina through the area when they had come upon a girl lying face down on the trail.

"She moved or something, so Captain Medina kicked her over and shot her," he said.

After, they observed "a little boy" running down the trail, Captain Medina yelled "Get him, get him," the radioman said, and someone shot the boy.

Two days later, he said, Captain Medina told them that the Army was investigating the action at Mylai. Captain Medina cautioned them to say nothing, that "he'd do all the talking," the witness said.

Another radio man at Mylai, Louis B. Martin, now a police-

man in Modesta, Calif., said that Captain Medina had ordered them to "kill all inhabitants and livestock, contaminate the water and destroy food and anything that could be useful to the enemy."

Mr. Martin said that he had stayed close to Captain Medina throughout the action and had personally observed "close to 100" bodies. Captain Medina, who had been charged by the Army with "responsibility" for the death of "at least 175" South Vietnamese civilians, has denied that any large number of civilians were killed at Mylai.

Besides getting Colonel Barker's battle report on Mylai, the jury has received classified documents relating to the rules of combat for American troops.

It has also been given a copy of an order telling the Americal Division to cease using the phrase "search and destroy." The order was dated April 13, 1968, four weeks after Mylai, which had been designated a "search and destroy mission."

There was too much accent on the word "destroy," the order from the division chief of staff said. Less colorful descriptions such as "search and clear," "search and hold," "cordon and search" and "reconnaissance and force" were preferable, the order explained, because "they give the reader no basis for assuming a lack of compassion on the part of members of this command."

The Government is seeking to subpoena the tapes of interviews with Lieutenant Calley by John Sack, who has written some articles purporting to be the "confessions" of the defendant.

Mr. Sack, a contributing editor for Esquire magazine, has retained one of Lieutenant Calley's lawyers, Richard Kay of Cleveland, to resist the subpoena.