

Colonel Testified

He Knew of Mylai

Gen. Peers Says
Henderson Told Board
He Had Data on Day
of the Attack

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By DOUGLAS ROBINSON

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FORT MEADE, Md., Sept. 28—Lieut. Gen. William R. Peers said today that Col. Oran K. Henderson had testified before a Pentagon board of inquiry that he had been aware on the day of the attack on Mylai 4 that a number of old men, women and children had been killed.

General Peers, who headed the large-scale Army inquiry into the possibility of a cover-up of the mass slaying of civilians in Vietnam on March 16, 1968, told the court hearing the case against Colonel Henderson that a helicopter pilot had said he complained to the officer of the killings.

Reading from the report of his board of inquiry, the general quoted Colonel Henderson as saying the flier had told him that his infantrymen "had gone wild" and were shooting civilians throughout the village.

General Peers quoted Colonel Henderson as recalling that the

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pilot had said "there are bodies all over the area."

The testimony by General Peers went to the part of the charges against Colonel Henderson—that he did not conduct an adequate investigation of the killings and that he did not report a war crime to his superiors.

The only report by Colonel Henderson pertaining to Mylai that has been found is a letter to his division commander more than a month after the operation saying that 20 non-combatants had been killed by artillery and crossfire.

The informal report to the commander, then Maj. Gen. Samuel W. Kster, makes no mention of the allegations raised by the helicopter pilot.

Testimony Limited

In his testimony today about what Colonel Henderson told his board, General Peers was limited to reading specific questions and answers in the printed record of the committee—the so-called Peers report.

Although the prosecution wished to have the general read all the pertinent material pertaining to Colonel Henderson's several appearances before the Army board, the military judge ruled that much of the record could be read later to the jury by the prosecution attorney.

One of the parts read by General Peers showed that Colonel Henderson had told the board that he had directed a helicopter company commander to make a survey of his fliers as to whether civilians had been killed. The company commander has denied he ever received such an instruction.

Another section read by the general indicated that the colonel asserted that no one but the one pilot had told him of the killings. At least one helicopter crewman has said he also told the colonel about them.

Section on Lying

Both sections relate to the third charge against Colonel Henderson, that of lying before the board.

Under cross-examination, General Peers conceded that the official report of his board, which runs to more than 20,000 pages, was not a verbatim transcript. He said it was "in essence" what was said by witnesses and had been put together by "editors" who were not present at the hearings during the winter of 1969-70.

He also acknowledged that the 406-page action dealing with Colonel Henderson's testimony might also contain errors and corrections. He agreed with the defense attorney that as many as 4,800 such errors and corrections might be contained in the Henderson section alone.

General Peers, asked if he had brought any pressure against Colonel Henderson to testify, said he had not. He admitted, however, that another witness before the board who had elected to remain silent under his constitutional guarantees had been urged to testify on the ground that it was "appropriate" for him to do so.