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## HENDERSON JURY TOLD OF HIS OFFER

He Wrote He'd Take Blame  
for Any Mylai Cover-up

By DOUGLAS ROBINSON  
Special to The New York Times

FORT MEADE, Md., Oct. 13

—The jury in the trial of Col. Oran K. Henderson learned today that the officer once offered, "in the interest of strengthening the American people's confidence in its Army," to take the blame for any cover-up of mass slayings of civilians at Mylai, South Vietnam.

The attempt to shoulder the responsibility was made by Colonel Henderson in a letter to eGn. William C. Westmoreland, the Army Chief of Staff.

The letter was dated Dec. 10, 1969, eight days after Colonel Henderson had appeared as the first witness before an official Army panel looking into the possibility of a military cover-up of the Mylai slayings. The slayings occurred during an assault by American forces on March 16, 1968.

Colonel Henderson was then commander of the 11th Light Infantry Brigade of the Americal Division. The assault on Mylai was conducted by elements of the brigade.

Although the existence of the Henderson letter had been known, today was the first time that its contents were made public.

### Accused of Dereliction

Colonel Henderson is undergoing court-martial on charges of being derelict in his duty for not carrying out a proper investigation, of failure to report a war crime, and of false swearing on two occasions before the Army panel.

In the letter, Colonel Henderson said that he had conducted an inquiry into reports of civilian deaths and that he was "unable to produce a single additional witness or a thread of evidence to substantiate the eyewitnesses report."

He said he had advised his division commander, Samuel W. Koster, that "irresponsible acts of killing non-combatants did not occur."

"I currently maintain that conviction," the colonel wrote. "This judgment was mine alone and I am unwilling to share the responsibility with anyone."

Outside the courtroom, Colonel Henderson told newsmen that the reply he had received from General Westmoreland to his letter was "basically, thanks but no thanks."

Last June 2, in Family, the magazine supplement to the Army Times, a private publication, Colonel Henderson was quoted by Lee Ewig, a reporter who interviewed the defendant, as saying that he had offered himself "as a scapegoat for the Army."

"I would have accepted responsibility for the whole kit and kaboodle," the colonel was quoted as saying. "I would have done anything the Army asked me to do. If the Army had given me false statements to sign, I'd gladly have signed them."

### TEXT OF LETTER

Dear General Westmoreland:

Following the Mylai operation 16 March 1968, I conducted a command inquiry based upon an eyewitness report which suggested that noncombatants had possibly been killed by "Wild shooting" of ground troops and gun ships and by command channel reports that 20 non-combatants had been killed by artillery and gunship fire. This inquiry was initiated by me without guidance or knowledge of any higher headquarters. Consequently the depth of the inquiry was based solely upon my judgment. I did not treat it lightly; however, I was unable to produce a single additional witness or a thread of evidence to substantiate the eyewitness report. An effort to conduct a resweep in the objective area on 17 March 1968, which I could possibly have more positively identified cause of non-combatant deaths and shed additional light on the subject, was aborted. Following the initial inquiry and again as a part of the formal report investigation, I advised my division Commander that irnoncombatant did not occur. I currently maintain that conviction. This judgment was mine alone, I am unwilling to share the responsibility with with anyone. I informed the board of investigation, headed by Lieutenant General Peers, of this position at the conclusion of my testimony on 2 December 1969.

I continue to maintain the highest admiration, confidence and faith in the integrity, fighting qualities and courage of the officers and men of the 11th Light Infantry Brigade present during the alleged incident.

In the interest of strengthening the American people's confidence in its Army and to halt a growing disenchantment within the Army junior officer corps, a speedy decision is urgently needed. Consequently, I urge that the Army announce its findings even though the current investigation proceeds and that the responsibility with qualification be assigned solely to me. I, of course, defer to the Army and the substance of such announcement.

Respectfully,

ORAN K. HENDERSON,  
Colonel, Infantry.