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## DEFENSE LAWYERS REST MYLAI CASE

But Henderson Jury Seeks  
Three More Witnesses

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—The defense in the court-martial of Col. Oran K. Henderson rested its case today, but it appeared likely that the jury would not retire to consider a verdict for more than a week.

After the announcement by defense attorneys, the jury of two generals and five colonels went into closed session to decide whether they wished to hear further testimony from new or previous witnesses, as they have a right to do under military law.

Two hours later, the jury emerged from the deliberation room and its president, Maj. Gen. Charles M. Mount, apparently startled the court when he said he had a "partial list" of three witnesses to be called.

Prior to the decision by the jury, Col. Peter S. Wondolowski, the military judge, said that the jury would probably begin to consider the guilt or innocence of Colonel Henderson by Dec. 10, once legal arguments on the judge's instructions and summations by both sides were out of the way.

### Longer Trial Likely

But the jury's request seems certain to lengthen the court-martial so that it may equal or surpass the trial of First Lt. William L. Calley Jr. earlier this year.

The Calley trial lasted for 62 court days and was the longest court-martial in United States military history. The Henderson trial has now run 50 court days.

Lieutenant Calley was a platoon leader in Charlie Company of the 11th Brigade, which Colonel Henderson commanded on March 16, 1968, when the company assaulted Myai 4, a hamlet in the South Vietnamese village of Sonmy. More than 100 civilians reportedly were killed in the assault.

Lieutenant Calley was convicted last March of muddering at least 22 civilians and sentenced to life imprisonment. That sentence, which already has been reduced to 20 years, is being reviewed by the Army authorities.

### Possible Sentence

Colonel Henderson, who is charged with dereliction of duty in not carrying out an adequate investigation of the mass killings at Mylai and with lying to an Army panel inquiring into a possible coverup, faces a possible sentence of 39 months in prison, forfeiture of all pay and dismissal from the service if convicted.

Of the three witnesses requested by the jury, two have not testified at Colonel Henderson's court-martial and the third appeared only at an out-of-court hearing seeking to determine the whereabouts of a report of the Mylai assault that is missing from Army files.

The three witnesses are the Rev. Carl E. Creswell, an Episcopal priest and former Army chaplain now thought to be living in Emporia, Kan.; Fred Blakey Jr. of DeKalb, Ill., the former clerk-driver for Lieut. Col. Frank A. Barker, the infantry task force commander at Mylai who was later killed in action, and Lieut. Col. Henry I. Lowder, a former staff officer of the Americal Division, of which Colonel Henderson's brigade was a part.

The defense and the prosecution have presented a total of 103 witnesses. In addition, the jury has been given a number of transcripts of previous Army proceedings and more than a dozen Army directives dealing with war crimes.

Before resting its case today, the defense presented affidavits from 18 high-ranking Army officers that described Colonel Henderson as a capable, honest and reliable commander.