

Henderson Acquitted Of My Lai Coverup

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Fort Meade, Mr.

Colonel Oran K. Henderson, the infantry brigade commander, whose troops shot down more than 100 civilians in the South Vietnamese hamlet of My Lai 4, on March 16, 1968, was acquitted yesterday of charges that he had covered up the massacre.

The military jury of two generals and five colonels deliberated for almost four hours over two days before announcing the not-guilty verdict to a crowded courtroom.

The colonel, the highest ranking U.S. officer to face court martial in the aftermath of the My Lai atrocity, is the last of those scheduled to be tried for having had a role in the incident.

First Lieutenant William L. Calley Jr. was the only man convicted in the case.

Henderson, a 51-year-old



AP Wirephoto

**COLONEL HENDERSON
He'll leave Army**

combat officer who fought and was wounded in three wars, had been charged with "willful dereliction of duty"

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The colonel said the verdict "reaffirms the confidence any Army man can have in the military system.

"I feel sort of ridiculous now. The government spent \$10 million to convict me and they don't get a conviction," he said.

The military prosecutor, Major Carroll J. Tichenor, said afterward that he was "not disappointed."

"The judicial process has functioned and has arrived at this conclusion," he said. "I feel the law was observed, that it was an extremely fair trial," he added. "I have no qualms as to the result."

LONGEST

The Henderson case, which ended in its 62nd court day, equalled in length the Calley trial which was the longest court martial in United States military history.

During the trial, the jury heard a total of 106 witnesses — 62 for the prosecution, 41 for the defense and three called by the jury — and studied more than 150 documents including lengthy transcripts of the defendant's previous testimony to Army investigators.

The prosecution sought to establish that information about the carnage has been available to Henderson, but that had failed to conduct a thorough inquiry.

The prosecutor also attempted to prove that the brigade commander was informed of the magnitude of the killings by at least one helicopter pilot and two officers of a helicopter unit and had then failed to follow up on the reports.

INCONCEIVABLE

The prosecution emphasized that with all the information available and with the tion officers, it was inconceivable that Henderson would report to his division commander that "only 20 civilians" had been inadvertently killed by artillery and gunship fire.

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in not carrying out a proper investigation, of having failed to report a war crime to his division commander and of false swearing before

an official Army board investigating the case almost two years ago.

When the verdict was read, Henderson snapped off a salute, whirled back to his seat looking impassive. His set

face broke into a wide grin after court had been dismissed by the military judge, Col. Peter S. Wondolowski.

Outside the courtroom, Henderson said he was gratified by the decision and that he does not plan to remain in the Army in which he has served for 30 years. He said he has received "no job offers" and that his immediate plan is to go home to see his wife, Lawson, and to put up a Christmas tree.

The prosecution argued that the Colonel should have realized from the lack of radio reports from ground units on the subject of enemy resistance that there was nothing to substantiate the claim that 123 Viet Cong had been killed.

Tichenor, in his closing argument, contended that Henderson covered up the massacre because he feared he would lose his new position as brigade commander and because he thought any report of a mass killing would end his chance for promotion to general.

The defense, under the direction of civilian lawyer Henry B. Rothblatt and Lieutenant Colonel Frank J. Dorsey, argued that Henderson had not been told the extent of the killing by the pilot.

LIES

The defense contention was that when Henderson tried to find out what had happened at My Lai, his officers lied to him, telling him that 20 civilians had been killed accidentally.

The strongest defense witness was former Captain Ernest L. Medina, the company commander who led the My Lai attack.

Medina testified he had deliberately lied to Henderson when asked about the number of noncombatants that had been slain.

Medina, who was acquitted last September of murder and manslaughter charges stemming from the My Lai incident, told the jury that when he told his brigade commander that 20 to 28 civilians had been accidentally killed, his platoon leaders and children had been killed.

If he had been convicted, Henderson would have faced a maximum penalty of 39 months in prison, forfeiture of all pay and allowances and dismissal from the army.