

Colonel Denies He Knew of 'Excessive' Mylai Killing

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FORT MEADE, Md., Nov. 23 —Col. Oran K. Henderson took the witness stand in his own defense today and told a military jury that at no time in his inquiry into the Mylai 4 assault had he known that there had been "excessive killing" of civilians by American troops.

The enlisted men and officers he spoke to in the field, he said, told him that some 20 civilians had been inadvertently killed by artillery and helicopter gunship fire, and that the soldiers had not engaged in any wild firing while sweeping through the hamlet.

Within two days after the incident, he testified, he became satisfied that "there had been no wrongdoing by his infantrymen.

Colonel Henderson, who is accused of dereliction of duty in failing to conduct an adequate investigation of the massacre, spoke in a quiet, measured voice of the events leading up to the assault and his actions following it.

The chief theme of his testimony before the jury of two generals and five colonels was that his subordinate officers had given him the information of what had occurred at Mylai, and that he had never had any reason to doubt their truthfulness.

Colonel's Voice Rises

By late afternoon, under intensive cross-examination by the Army prosecutor, Colonel Henderson's temper began to fray and his voice rose as the questions became sharper.

He acknowledged that he had never checked into the contentions of his senior officers that artillery and gunship fire had killed civilians. To his knowledge, he said, the preparatory artillery shells only fell in and around the helicopter landing zone outside the village.

He agreed with the prosecutor that a helicopter gunship would not make a firing run on a village obscured by foliage when American troops were already advancing through the area without first being in radio communication with the ground forces. He said that, to his knowledge, there had been no request by his men for helicopter assistance.



Associated Press

Col. Oran K. Henderson adjusting cap outside the court at Fort Meade, Md.

The former brigade commander's day on the stand began with a chronological recitation of his military career and his actions after the Mylai assault when a helicopter pilot complained to him of indiscriminate firing and what appeared to be the unnecessary killing of unarmed civilians.

After meeting with several officers, including the deputy division commander, he said, he went to the field to question former Capt. Ernest L. Medina, the company commander of the unit that had assaulted the village.

Captain Medina, he testified, readily admitted that he had killed a wounded woman because "he thought she was going to throw a grenade at him." The officer, he continued, also told him that 20 to 28 civilians had been inadvertently killed and denied that his men had acted improperly.

Last week, Captain Medina, who resigned from the Army after being acquitted of murder and manslaughter charges arising from the Mylai attack, told the jury here that he had lied to Colonel Henderson about the civilian deaths, and that his platoon leaders had already told him that at least

106 men, women and children had been slain.

The figure of 20 civilians killed was also supported by the late Lieut. Col. Frank A. Barker, the infantry task force commander, Colonel Henderson testified, after he had been given the task of preparing a formal investigation of what had happened at Mylai on the morning of March 16, 1968.

Colonel Barker died in a helicopter crash three months after the Mylai incident.

Colonel Henderson also said that he had received no information from a group of enlisted men he had queried and said a helicopter unit commander had reported to him that none of his men had done any wild firing during the assault.

He said that after several reports on Mylai had been submitted to Americal Division headquarters he had never again heard the name Mylai mentioned during his tour of duty in Vietnam except during briefings for visitors.

A Successful Operation

"The Mylai operation was briefed for visitors as one of our successful operations," he said.

Under cross-examination, the witness said that he had never balked at testifying before various Army investigators or at this trial because he felt he had "a moral duty to testify as a member of the armed forces" and to "answer questions at any time."

Colonel Henderson denied having any knowledge that his men had been ordered to burn all the houses in Mylai and to destroy the livestock and foodstuffs. If he had known of such instructions, he said, he would have countermanded them.

At the same time, he accepted the blame for what his infantrymen had done. "I don't know whether I was responsible in a legal sense, but as a soldier I'm responsible for what my soldiers do," he said. "There's just no other way to skin the cat."