

HEARINGS START ON A MYLAI CASE

Preliminary Stage in Trial
of Colonel Is Underway

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FORT MEADE, Md., April 2 — Preliminary hearings opened here today in the court-martial of Col. Oran K. Henderson, the fourth and highest ranking Army man to be tried on charges arising from the killing of civilians at Mylai 4 almost three years ago.

Colonel Henderson, an infantry brigade commander at the time of the incident, is accused of trying to cover up the slaying of more than 100 South Vietnamese men, women and children by American infantrymen.

Specifically, he is charged with dereliction of duty, failing to investigate allegations of acts "thought or alleged to be war crimes," and false swearing in two appearances before an official board of inquiry.

The maximum penalty on conviction is six years at hard labor, forfeiture of pay and dismissal from the service.

Colonel Henderson has previously asserted that he was not guilty of the charges and that his investigation of the incident indicated that nothing untoward had happened at Mylai.

At a news conference outside the courtroom today, the officer reasserted his innocence, saying that during his investigation "people told me that it didn't happen and I accepted their word . . . especially the word of my senior commanders."

Observed the Action

During the Mylai incident, Colonel Henderson observed the infantry sweep through the hamlet from a command helicopter some 1,500 feet above the action. The charges against him are based primarily on a report by a helicopter pilot, Capt. Hugh Thompson, then a warrant officer, who said he had seen civilian casualties on the ground while flying in the area.

Colonel Henderson, a slim, bespectacled man who more resembles a high school history teacher than a warrior, has fought in three wars during his 31-year military career. He is 51 years old.

In his talk with newsmen, the officer said he did not think he was being used as a "scapegoat" by the Army, but that he felt "very much hurt by the charges." The conviction of First Lieut. William L. Calley Jr. at Fort Benning, Ga., on murder charges earlier this week, he said, "will focus more attention on my hearing that it deserves."

He also said that public reaction against the life imprisonment sentence imposed on Lieutenant Calley "indicates that the American people are interested in fair play."

Charges Called 'Unfounded'

Colonel Henderson's chief civilian attorney, Henry A. Rothblatt of New York, issued a statement today saying that the charges against his client "are totally unfounded in fact and the Army knows it."

"I cannot help but wonder whose reputation is being protected at Colonel Henderson's expense, but we intend to find out," the statement said in part.

The pretrial hearings will resume on Tuesday when argument will begin on a series of "housekeeping" motions dealing with such technical items as what documents and secret reports may be subpoenaed and how many Army investigators the defense may employ. The hearings are expected to last several weeks.