

Pilot Tells Colonel's Trial of Mylai Dead

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Special to the New York Times

FORT MEADE, Md., Sept. 14

—An Army helicopter pilot testified today that he had flown over the devastated South Vietnamese hamlet of Mylai 4 the day after civilians were killed in an infantry attack in 1968 and had seen bodies still lying where they fell.

The pilot, Warrant Officer Charles H. Mansell, told the jury of seven officers here at the court-martial of Col. Oran K. Henderson that he had not been ordered into the area to view civilian casualties.

"I think I was sent out there to check the general area, not to check out bodies," he said.

Colonel Henderson is standing trial on charges of having not conducted an adequate investigation of the slayings, of having let a war crime go unreported and of having lied before an Army board of inquiry.

In eliciting testimony on Mr. Mansell's overflight of Mylai on March 17, 1968, the day after the infantry sweep, the Government is attempting to show that ample evidence of the atrocity was available to the colonel, had he looked into the matter.

Sweep Over Area Ordered

In his testimony today, Mr. Mansell, who is now stationed at Fort Bragg, N. C., recalled that he and several other pilots had been ordered to fly over the Mylai area and to sweep down toward the mouth of the Song Diemdiem about a kilometer away from the hamlet.

"I was supposed to check out people crossing the mouth of the river," he told the court.

During the operation itself, Mr. Mansell testified, he saw some 50 bodies of civilians in the village and about 15 women and children lying in a ditch east of the cluster of huts.

In previous testimony, both before investigating boards and at the court-martial of First Lieut. William L. Calley Jr., Colonel Henderson has said that he tried to question his men about the shooting but could get no information from them.

There has been testimony at this trial that Capt. Ernest L. Medina, the company commander of the unit that went through Mylai, had been ordered late in the afternoon of the Mylai incident to make a resweep through the hamlet to check on civilian casualties.

Witnesses said the order was issued by Maj. Charles C. Calhoun, executive officer of the 11th Infantry Brigade, on instructions from Colonel Henderson. Captain Medina objected to the order witnesses said, because he was anxious to set up a night defensive position.

Order Countermanded

Although Major Calhoun insisted in the Resweep, the order was countermanded by Maj. Gen. Samuel W. Koster, the commander of the Americal Division, who was flying in a helicopter when he heard the order transmitted on his radio, witnesses have said.

Charlie Company, the company led by Captain Medina, spent most of the two days after the Mylai incident in the field fairly close to the cluster

of hamlets that they attacked.

A footnote in the report of the Armed Services Investigating Subcommittee of the House Committee on Armed Services, which conducted an inquiry into the slaying in the spring of 1970, reads as follows:

"If an examination of the bodies in the hamlet had been desired, elements of C Company and A Company came close to the hamlet on March 17 and could have made an inspection. Neither company was ordered to go into the hamlet on that day."

In his testimony today, Mr. Mansell quoted another helicopter pilot, Warrant Officer Hugh C. Thompson, as saying that he had reported the Mylai slayings to a colonel and that he [Thompson] thought there was "going to be a whitewash."

Another witness, Brian W. Livingston of Indianapolis, who was the pilot of a gunship during the Mylai assault, said he had seen a nearby helicopter fire its mini-guns at a group of civilians as they tried to flee the hamlet along a nearby highway.

"It startled me," he said. "I was not expecting it. I heard the mini-guns from this helicopter open up and people on the highway began falling left and right."

Mr. Livingston also testified, as did other crewmen aboard helicopters flying in the Mylai area, that he had seen the bodies of women and children lying in a ditch on the eastern flank of the village. The crewmen all said they had not been questioned about what they had seen during their tours of duty in Vietnam.