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COLONEL WAS GIVEN WARNING ON MYLAI

General Asserts Henderson
Was 'Under Suspicion'

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Special to The New York Times

FORT MEADE, Md., Sept. 27 — Lieut. Gen. William R. Peers, who headed an Army board inquiring into a possible cover-up of the Mylai killings, said today that Col. Oran K. Henderson had come "under suspicion" some time after his first appearance before the group.

By the colonel's fifth appearance before the board, the general said, he was warned specifically of his suspected misdeeds, including an alleged attempt to suppress information about the killing of civilians by American troops.

General Peers, who took the stand as a prosecution witness, also disclosed that it was not until the colonel's fifth appearance that he indicated he wished to be represented by military counsel.

Colonel Henderson, the highest ranking officer to face



Associated Press

Lieut. Gen. William Peers
arriving at Fort Meade.

court-martial on charges arising from the Mylai incident, is accused of having not made an adequate investigation of the slayings, of having let a war crime go unreported and of lying on two occasions before the Peers board.

Argued for Warning

At pretrial hearings last spring, Colonel Henderson's civilian attorney, Henry B. Rothblatt of New York, contended that the officer was under investigation before the Peers inquiry began and thus, under military law, should have been warned at the outset of specific crimes of which he was suspected.

In his testimony today, General Peers, a tall, white-haired man with the battered profile of a professional boxer, said he had entertained no suspicions of Colonel Henderson before the investigation started.

He testified that Colonel Henderson was warned of his legal rights before he appeared at the board's first hearing on Dec. 2, 1969, some 20 months after the attack on Malai.

The general said that Colonel Henderson was the lead-off witness before the board. Subsequently, the committee heard testimony from infantrymen, helicopter crewmen and operations officers who were aware of the assault and of what had occurred.

'Considerable Variance'

At Colonel Henderson's second appearance on Dec. 11, 1969, he was told that his earlier testimony was at "considerable variance with other evidence in several significant respects," General Peers said. The warning was repeated at other sessions on Dec. 12 and 19, he said.

On Feb. 13, 1970, the general testified, the colonel was told of seven specific charges that he might face, charges that included failure to report a war crime, dereliction of duty and conspiracy to suppress information. It was at this point, he related, that Colonel Henderson decided to retain counsel.

All told, Colonel Henderson made seven appearances before the Peers board. Details of his testimony have not yet come before this court.

General Peers, who has not appeared at the courts-martial of other defendants in the Mylai case, is expected to remain on the witness stand for the next several more days.

This morning, the military judge, Col. Peter S. Wondolowski, indicated that the general might be requested to delay a journey to South Korea in order to continue his testimony.