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## ARMY REJECTS TAPE AT HENDERSON TRIAL

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FORT MEADE, Md., Oct. 19—

The military judge in the court-martial of Col. Oran K. Henderson ruled today that the prosecution was entitled to examine a controversial tape recording before its use by the defense.

After hearing the recording, however, the prosecutor, Maj. Carroll J. Tichenor, decided not to use it as part of the Government's case. Thus, the tape will not be played publicly until after the defense opens its case on Nov. 8.

The tape recording apparently contains the voice of the late Lieut. Col. Frank A. Barker, the commander of the infantry task force that swept through the hamlet of Mylai 4 on March 16, 1968.

According to defense attorneys, Colonel Barker describes the "success" of the assault and says that 128 Vietcong were killed. The tape, the attorneys said, is essential to Colonel Henderson's contention that he was never told by his subordinates that more than 100 villagers had been killed.

Colonel Henderson is being tried on charges of dereliction of duty in not conducting an adequate investigation of the killings, of failing to report a war crime to his supporters and of lying twice before an Army panel inquiring into an alleged cover-up of the incident.