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Dismissal Plea in My Lai Trial

Fort Meade, Md.

The My Lai coverup trial of Colonel Oran K. Henderson resumed yesterday with the defense arguing for dismissal of the most serious charge against the much-decorated officer.

The military judge, Colonel Peter S. Wondolowski, indicated he would rule on this motion for dismissal Monday, along with a similar request the defense is expected to make regarding the other three charges. The first defense witness is scheduled to take the stand Tuesday morning.

CLAIM

Lieutenant Colonel Frank Dorsey, the chief military defense counsel, said that court decisions support their motion to dismiss a charge Henderson knowingly lied under oath to a Pentagon inquiry.

Dorsey said the prosecution, which rested its case October 20, failed to prove Henderson lied when he told the inquiry on Feb. 17, 1970, he did not recall discussing My Lai with two aviators in Vietnam.

PENALTY

Decisions by both military and civilian courts in such cases of perjury require the presentation of direct testimony contradicting Henderson — testimony the prose-

cution has not produced, Dorsey argued.

The charge that Henderson lied about these alleged interviews carries a maximum penalty of three years in prison and from this standpoint was the most serious of four counts brought against the career soldier.

Henderson, who commanded the 11th Brigade of the Americal Division at the time of the massacre, is the only officer among 13 originally charged brought to trial for involvement in an alleged concealment of the incident.

Associated Press