

## CHARGE REDUCED IN COLONEL'S CASE

One of 2 Counts of Lying  
on Mylai Is Dropped

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—The military judge in the court-martial of Col. Oran K. Henderson dismissed tonight one of two counts of lying under oath to an Army panel investigating an alleged coverup of the slayings of civilians at Mylai, South Vietnam.

By his ruling, the judge, Col. Peter S. Wondolowski, reduced the possible prison sentence from six to three years.

Colonel Henderson, a 51-year-old combat veteran of three wars, is charged with dereliction of duty in not carrying out an adequate investigation of the slaying of civilians by American troops in 1968, with failure to report a war crime, and with lying before the Army board of inquiry.

Colonel Wondolowski left standing the dereliction-of-duty charge, the accusation of not reporting a war crime according to Army regulations, and one count of making an official false statement.

The defense will open its case tomorrow. The Government ended its prosecution on Oct. 20 after having presented 62 witnesses. The court-martial has been in recess to allow time for the defense to prepare its case.

### Possible Sentence

As the court-martial stands, Colonel Henderson, if found guilty by the jury of two generals and five colonels, would be subject to three years, three months at hard labor, forfeiture of all pay and dismissal from the service.

After his ruling tonight, Colonel Wondolowski told newsmen that "the Government has failed to prove by direct and independent evidence the falsity of [Colonel Henderson's] statement."

The dismissed charge concerned a statement by Colonel Henderson before an Army panel headed by Lieut. Gen. William R. Peers that he had never talked to two helicopter crewmen about the killings at Mylai. Both crewmen said they had been interviewed by a "full colonel" two days after the Mylai attack that took place on March 16, 1968.

The crewmen, Capt. Jerry Culverhouse, a warrant officer at the time of the attack, and Lawrence M. Colburn, a former helicopter gunner, could not specifically identify Colonel Henderson as the man to whom they had spoken. Both men appeared here as Government witnesses.

Captain Culverhouse was unable to point out Colonel Henderson in the courtroom. Mr. Colburn, who now lives in Mount Vernon, Wash., was not allowed to make a courtroom identification by the judge, who ruled that photographs of the defendant shown to the witness several times had "tainted" any such identification.