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CIVILIAN TESTIFIES IN HENDERSON CASE

Foreign Service Aide Says
He Wasn't Told of Mylai

By DOUGLAS ROBINSON

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FORT MEADE, Md., Nov. 9—
A Foreign Service officer who served in Vietnam testified today that, if there had been a massacre of civilians at Mylai 4, he would have "expected" to have been told about it by his sources in the field.

The witness, James A. May, former senior American adviser in Quangngai Province, was the lead-off defense witness at the court-martial of Col. Oran K. Henderson on charges that he covered up an investigation of the Mylai incident.

Mr. May told the court that his sources in Vietnam included members of such groups as the International Voluntary Services, a Canadian medical team, the Red Cross and the Quakers. He described them as people "preoccupied with human welfare."

None of these civilian workers, Mr. May said, ever told him of reports that American soldiers had deliberately killed Vietnamese civilians even though, on other occasions, "they would raise the point with me when they thought something improper was going on."

Vietcong Propaganda

He acknowledged that he may have read Vietcong propaganda about the incident, but said that he had dismissed it as being unsubstantiated.

Colonel Henderson, a 51-year-old career officer who commanded the 11th Brigade in the Mylai area of South Vietnam in March, 1968, is being tried on charges that he did not adequately investigate reports of the mass killing, that he did not report a war crime to American headquarters in violation of standing instructions, and that he lied in an appearance before an Army board of inquiry.

In his testimony, Mr. May said that the area around Mylai was a communications and supply center for the Vietcong and that, whenever he flew over the hamlet in his helicopter he stayed at an altitude of 1,500 to 3,000 feet to avoid small-arms fire.

Civilians Organized

Mr. May also contended that women and children in the Mylai area were organized by the Vietcong into paramilitary groups. Among their tasks, he said, was the digging of trenches, the rigging of mines and booby traps and the throwing of grenades at South Vietnamese and American troops.

During questioning by defense attorneys, the following exchange occurred:

Q. At any time, did you receive any information that civilians had been killed or murdered in the Mylai 4 area:

A. No, I did not.

Q. If such an occurrence took place, would you have expected to receive such information?

A. Yes, I would have.

Mr. May told the court that the allied pacification effort was badly damaged by the Tet offensive in February, 1968, and at one time he asked Maj. Gen. Samuel W. Koster, the commander of the American Division, to "drive those people out of [Mylai] and eliminate their sanctuary."

Wore Heavy Coat

The witness, who is now stationed at the United States Embassy in Mogadishu, a port city in the Somalia Democratic Republic, wore a heavy coat while testifying in the heated courtroom. "It's warm where I work and I don't want to get cold," he explained.

Two other defense witnesses also testified that they had never heard of the Mylai incident during their work as military advisers in Quangngai Province. The witnesses, Lieut. Col. Donald R. Keating and Lieut. Col. David C. Gavin, testified that South Vietnamese officials may have briefly mentioned the Mylai incident in terms of Vietcong propaganda.

Colonel Gavin was once among 13 officers charged by the Army with participating in an attempt to cover up the Mylai incident. The charges were subsequently dismissed against all except Colonel Henderson.

"He believed that his troops were decent American boys, not murderers, killers and liars," Mr. Rothblatt said. "He assumed his soldiers were not murderers or barbarians, but were great American boys devoted to their duty."