

Henderson Jury Awaits Three New Witnesses

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FORT MEADE, Md., Dec. 1—The military jury at the court-martial of Col. Oran K. Henderson marked time today while awaiting the arrival of three witnesses who it expects will shed more light on whether there was a coverup of the Mylai 4 slayings.

After meeting in closed session for most of the day the jury indicated that it had decided not to call any more witnesses at the moment. The first two of the new witnesses are scheduled to testify here on Friday.

Under military law, the court-martial jury—unlike civilian juries—may question witnesses on the stand and has the option of calling its own witnesses if it feels that further testimony is needed.

Colonel Henderson, an infantry brigade commander on March 16, 1968, at the time of the Mylai operation, is charged with dereliction of duty in not carrying out an adequate investigation of the killings of civilians, of failing to report a war crime and with lying before an Army board inquiring into the possibility of a coverup.

The three new witnesses called by the jury of two generals and five colonels are the Rev. Carl E. Creswell of Emporia, Kans., an Episcopal clergyman and former Army chaplain, Fred Blakey Jr., of DeKalb, Ill., the former orderly for the late Lieut. Col. Frank A. Barker, the infantry task force commander at Mylai, and Lieut. Col. Henry I. Lowder, a former staff officer of the Americal Division, now stationed at the Pentagon.

Mr. Creswell testified at the court-martial of First Lieut. William L. Calley Jr. earlier this year and said that the day before the Mylai assault he had heard two officers discussing the forthcoming operation. He quoted one of the officers as saying that the troops would "level" the village if any hostile fire was received.

When he remonstrated with the officers, the former chaplain testified, he was simply told, "It's a tough war."

Mr. Creswell was also the chaplain to whom a helicopter pilot complained of wild and unnecessary shooting by the infantrymen at Mylai. He passed the allegations on to his superior, Col. Francis R. Lewis, who in turn informed Americal Division officers.

'Always Crying Wolf'

Another chaplain, Lieut. Col. Raymond P. Hoffman Jr., testified here that Mr. Creswell had also told him about the pilots' allegations. He said that he had dismissed the report because Mr. Creswell was a man "who was always crying wolf."

Mr. Blakey could presumably testify as to how Colonel Barker carried out an order by Colonel Henderson to make a formal investigation of the Mylai incident. The Barker report vanished from Army files and has never been found.

Part of Colonel Henderson's defense is based on the Barker report and his contention that it showed he had acted to investigate the Mylai assault.

Testimony, however, has indicated that the Barker report said that only 20 civilians had been inadvertently killed—by artillery and fire from helicopter gunships—when, in fact, the infantrymen had shot down more than 100 South Vietnamese.

The third witness, Colonel Lowder, testified at an out-of-court hearing here that he had never seen the Barker report. His testimony was sharply contradicted by another high-ranking officer who said that he had observed Colonel Lowder with the report in his possession.