

Lie Test Said to Back Officer Who Told of Reporting Atrocities

By JAMES T. WOOTEN

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ATLANTA, Sept. 7 — A lie detector examination of Lieut. Col. Anthony B. Herbert was reported today to conclude that he was truthful in saying he personally reported Vietnam war crimes to a colonel and a general in 1969.

Army records indicate that neither Maj. Gen. John Barnes nor Lieut. Col. J. Ross Franklin initiated investigations of the alleged incidents. Both men, charged by Colonel Herbert with dereliction of duty and concealment of a felony, say they do not recall having been told of such incidents.

Lawyer Tells of Lie Test

The allegations are that women and children were murdered and prisoners were tortured by American and South Vietnamese soldiers. Confidential sources at the Pentagon have said that such incidents did take place during February and March of 1969.

The polygraph examination was administered last week by a former Army expert. Its results were released here today by Colonel Herbert's attorney, Charles Morgan Jr., director of



Associated Press
Lieut. Col. Anthony B. Herbert at a news conference earlier this year.

commanding officers in Vietnam, the 42-year-old Pennsylvania native has publicly criticized the Army for "a moral failure evidenced by its lack of interest in punishing senior officers who condone or cover up atrocities."

Submitted Affidavits

In the affidavits accompanying his charges against General Barnes and Colonel Franklin, Colonel Herbert said he had personally reported witnessing the slaying of women and children by South Vietnamese soldiers and an American adviser to Colonel Franklin on Feb. 14, 1969.

He also said that on April 4, the day he was relieved of his battalion command after winning a Silver Star and several other decorations in two months of combat, he personally asked General Barnes to investigate his reports.

The polygraph examination report states that, at Mr. Morgan's request, Colonel Herbert was tested to determine if he was truthful about his allegations involving the other two officers.

Benjamin F. Malinowski, one of the Army's most respected polygraph experts when he retired from service in 1967, administered the 2½-hour examination last Friday and wrote in his report that Colonel Herbert had answered in the affirmative to the following questions:

"Did you on or about Feb. 14, 1969, advise Colonel Franklin of the killing of Vietnamese detainees?"
"On or about April 4, 1969, since preferring formal charges against his former

did you personally request General Barnes to conduct an investigation?"

Mr. Malinowski said in his report that Colonel Herbert "did not exhibit any specific responses indicative of deception when he answered the aforementioned relevant questions."

"It is the opinion of this examiner that Lieutenant Colonel Herbert was truthful when he answered the relevant questions with a 'yes,'" the report said.

'About to Be Scrapped'

Colonel Herbert contends that he was relieved from his combat command after only 58 days because he refused to stop reporting the alleged incidents. He also argues that he is "about to be scrapped" by the Army and will be forced into early retirement next February.

A public information officer at Fort McPherson conceded

last week that Colonel Herbert's recent shift in assignments was the direct result of his role as a public critic of the Army.

As the assistant director of industrial operations at Fort McPherson, Colonel Herbert will supervise the post mortuary, laundry services, dry cleaning and telephone service.

Colonel Franklin was a member of the commission that investigated atrocities at My Lai and charged several officers including Col. Oran Henderson, with covering up war crimes. He is still stationed in Vietnam. A preliminary investigation of Colonel Herbert's charges against him has been discontinued by the Army.

General Barnes is assigned to the Pentagon. The Army's investigation of the charges against him is still continuing under the over-all direction of Maj. Gen. Roland Gleszor, commander of the military district of Washington, D. C.

the regional office of the American Civil Liberties Union.

Colonel Herbert, a veteran of 22 years in the Army and the most decorated enlisted man in the Korean War, is stationed here at Fort McPherson and was recently shifted from his duty as a recruiting officer to the post's industrial operations office.

Since preferring formal charges against his former