

Captain Medina Answers Questions About Songmy



United Press International

Capt. Ernest L. Medina, right, with his attorney, F. Lee Bailey, during recess of investigation by the Army in Washington yesterday. The captain answered newsmen's questions.

CAPTAIN DENIES SEEING MASSACRE

Medina Also Says He Gave
No Order for Troops to
Kill Songmy Civilians

Special to The New York Times

WASHINGTON, Dec. 4—
Capt. Ernest L. Medina, commander of the Army company alleged to have committed a massacre at the Mylai 4 hamlet of Songmy village in South Vietnam on March 16, 1968, emphatically denied today that he had ordered or seen such a massacre.

The captain told newsmen several times in a 20-minute news conference, "I did not see any massacre in Mylai."

In answer to questions, Captain Medina said, "No, I did not shoot any child in Mylai and no, I did not order any massacre in Mylai."

Inquiry Held by Army

A group of 34 prominent jurists proposed meanwhile, that President Nixon convene a commission "of unquestionable impartiality" to investigate the alleged massacre. The group, which includes Arthur J. Goldberg, former Justice of the Supreme Court, urged that such a commission be authorized to inquire into "the larger questions of policy guidelines for the conduct of military operations."

Captain Medina appeared before reporters accompanied by his attorney, F. Lee Bailey, the Boston criminal lawyer. The two men were taking a recess from the Army's investigation into the possibility that the original investigation of the alleged incident by the 11th Brigade may have been inadequate and that the Army, at some level may have covered up what it knew of the alleged killing of South Vietnamese noncombatants.

The light-member board.

Continued on Page 20, Column 7



Associated Press

AT ARMY INVESTIGATION: Chief Warrant Officer Hugh C. Thompson before investigations board in Washington yesterday. Mr. Thompson, a helicopter pilot, was decorated for rescuing 15 children during alleged massacre.

Captain Medina Denies He Saw Any Songmy Civilian Massacre

Continued From Page 1, Col. 5

headed by Lieut. Gen. William R. Peers, was appointed by Secretary of the Army Stanley R. Resor and Army Chief of staff William C. Westmoreland on Nov. 24.

This investigation at the Pentagon is separate from another criminal investigation under way since last April. As a result of that investigation, First Lieut. William L. Calley Jr. will be court-martialed at Fort Benning, Ga., at a date yet to be set, on charges of premeditated murder of 109 men, women and children. S. Sgt. David Mitchell has also been charged with assault with intent to kill 30 noncombatants, but he has not yet been ordered to stand trial.

In denying that he had shot a child, Captain Medina was alluding to articles in several newspapers last week quoting Richard Pendleton, a former rifleman in his company. Mr. Pendleton was quoted as saying that he had seen Captain Medina shoot a wounded 4-year-old child, "the only one alive among a lot of dead people."

Before the news conference began, Mr. Bailey explained that Captain Medina was not subject to the order restraining witnesses in the Calley case from talking to news media "as a result of a Clarification issued yesterday by Col. Reid W. Kennedy [the military judge] to Captain Richard, who is the military counsel to Captain Medina." The order was issued on Nov. 25 at Fort Benning.

Mr. Bailey said that the only reason he was allowing Captain Medina to make a statement was "because it has been stated categorically by the news media that he shot a little child and was guilty of other offenses or war crimes. And I think he should respond to that directly."

Describes Mylai Scene

Captain Medina was asked to describe what happened on March 16 last year and what his orders were. He said:

"The task force [of three companies] was ordered to conduct a combat assault on a village which was named Mylai 4, which intelligence reports indicated that the 48th Vietcong Battalion was there in that village. That was the primary reason why my company, Charlie Company, First Battalion, 20th Infantry, conducted the airmobile combat assault on the morning of 16th March. It was to do combat with the 48th Battalion."

The captain said that artillery was used against the village from 7:20 A.M. until 7:30 A.M., when the first flight of assault helicopters and helicopter gunships "began their run onto the landing zone."

At first he believed there would be no resistance to the landing. "I immediately re-

ceived a report," he said, "from a gunship pilot or a helicopter pilot: 'Negative, negative, the landing zone is hot, you are receiving fire. We are receiving fire. There are VC with weapons running from the village.'"

The captain said he had notified his platoon that they were receiving fire and to move with extreme caution and "to immediately return fire and engage the enemy."

Asked about casualties at this point, the captain replied, "We had been told by intelligence sources that there would be no women or children or innocent civilians in the village of Mylai 4 after 0700 hours. That is one reason why the combat assault was scheduled for that particular time. The women and children, according to the intelligence report, would be out of the village and gone to the market at Songthien or Quanggai."

The captain said he had not seen any civilians shot at Mylai but that he had seen bodies of civilians that had been shot. His estimate was that 20 to 28 civilians had been killed in the village. He said that they had apparently been killed by small arms, artillery, helicopter miniguns and rockets.

Says He Shot Woman

Asked if he shot anyone that day, the captain replied, "Yes, I shot a woman." He explained that he had seen a movement out of the corner of his eye, had instinctively fired two shots, and had left the woman for dead.

Captain Medina said that he had never heard reports of indiscriminate killings but that he had received an order from the task force "to make sure there weren't any innocent civilians, any women and children being killed."

Reason for Speaking

Asked about reports in the press about people being rounded up from the hamlet and being massacred, the captain strongly denied he had ordered or seen a massacre.

He said, "This is one reason why Mr. Bailey has set up the press conference, because I think the news media has been very biased and unfair, not only to myself but to any other soldier in uniform and to the United States Army. Now they're making accusations, taking statements from individuals, and the press, the news media is not recording the other side of it. It's not fair to the other people that have served their country honorably, the people that are in uniform, and it's not fair to the soldiers that we have in Vietnam right now."

When asked if he knew why some former members of his company had made statements about a massacre, Captain Medina suggested that "some of them have been paid or have received a monetary value for making certain statements to the news media."
