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CALLEY TRIAL OFF FOR THE HOLIDAYS

Defense Presses View That
Medina Was to Blame

By HOMER BIGART

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FORT BENNING, Ga., Dec. 17

—The court-martial of First Lieut. William L. Calley Jr. adjourned until Jan. 11 today with the defense still seeking to prove that any slaughter of South Vietnamese civilians at Mylai was done on orders from the company commander, Capt. Ernest L. Medina.

Thomas J. Kinch, a private detective from Cape May, N. J., recalled that he was standing beside Captain Medina late on the morning of March 16, 1968, after the Vietnamese hamlet had been seized by Americans. Mr. Kinch said he had heard the captain receive a radio message from someone observing the action in a helicopter.

The observer wanted to know why so many civilian corpses were littering the landscape. Mr. Kinch, a mortarman at Mylai, said he did not know the identity of the observer. However, Col. Oren K. Henderson, the commander of the 11th Brigade, and Maj. Gen. Samuel Koster, commander of the parent Americal Division, were watching from helicopters that day and both are under investigation by the Army for alleged attempts to "cover up" the Mylai incident.

'The Party's Over'

Mr. Kinch repeated his testimony of yesterday, stating that Captain Medina, upon receiving the query, replied: "I don't know. I'll have to call forward and find out."

The witness said Captain Medina called his lead platoon, which turned out to be Lieutenant Calley's First Platoon, and said: "The party's over. That's enough shooting for today."

Thereafter, silence fell on Mylai, the witness said.

Mr. Kinch and another witness, James M. McBreen, a shoe salesman from Long Island, said that Captain Medina had briefed his men to "destroy everything" at Mylai.

Mr. McBreen, a member of the Second Platoon at that time, said he had not expected to encounter innocent civilians at Mylai, only "VC (Vietcong) and VC sympathizers."

He said he had seen a grenadier of his platoon, Gary D. Roschevitz, fire a canister round into a group of five or six men and women who were standing beside a bush, killing them all. Yesterday, another witness, Leonard R. Gonzales, said he had seen Mr. Roschevitz standing near another group of 10 bodies—all nude women—near Mylai 5, a hamlet just north of the main target, Mylai 4. The women had been killed with a canister round from a grenadier launcher, Mr. Gonzales said.

No Medina Denial Planned

FORT MCPHERSON, Ga. Dec. 17 (UPI)—An attorney for Captain Medina indicated today that the captain would not deny that he had ordered the leveling of My Lai and the slaughter of the Vietnamese village's inhabitants.

F. Lee Bailey, the lawyer, also told newsmen before the Army's closed investigative hearing for the officer that testimony in the Fort Benning, Ga., court-martial of Lieutenant Calley was, in essence, what Captain Medina had related to a Congressional subcommittee.

Mr. Bailey was asked about Calley trial testimony that Captain Medina had wanted all living things destroyed in Mylai during the March 16, 1968, operation.

"Well, of course, this is in essence what Captain Medina said before the Congressional subcommittee [which investigated the Mylai case]," Mr. Bailey said.

When questioned further about whether Captain Medina had ordered his soldiers to wipe out Mylai, Mr. Bailey said, "Medina had been told that only enemy soldiers would be in the village."

He declined to say whether Captain Medina would appear as a witness in the Calley trial but added that either side could subpoena him. He also refused to disclose the nature of the evidence being considered at the investigative hearing, which was reopened by the Army at the request of the defense. The hearing, similar to grand jury proceedings, had been officially completed earlier this fall.

Mr. Bailey said he was satisfied with the way the Army had been conducting Captain Medina's hearing and he believed the fact that the Army had reopened the case was a good sign for his client.