



AFTER THE VERDICT: Capt. Ernest L. Medina with his wife, Barbara, yesterday

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## Medina Found Not Guilty Of All Charges on Mylai

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FORT MCPHERSON, Ga., Sept. 22—Capt. Ernest L. Medina was acquitted today of all charges of involvement in the killing of civilians at Mylai.

The jury of five combat officers deliberated only 60 minutes before reaching a verdict of not guilty.

Captain Medina was acquitted of premeditated murder in the killing of a Vietnamese woman, of involuntary manslaughter in the killing of "no less than 100" Vietnamese civilians, and of two counts of assault against a prisoner.

A stifled cheer and some handclapping, quickly suppressed by the military judge, erupted in the small courtroom when the president of the court,

Col. William D. Proctor, announced the verdict.

Captain Medina saluted the court, strode back to his seat at the defense table, blinked rapidly and swallowed a glass of water. But for a moment, struggling to maintain his composure, he kept his eyes away from his German-born wife, Barbara, who had collapsed weeping on the shoulder of a friend.

They embraced happily in the witness room a moment later, then Captain Medina went outside and told a crowd of newsmen that although he had always maintained "complete faith in military justice" he had

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## MEDINA CLEARED OF ALL CHARGES

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not changed his determination to leave the Army.

The case of Captain Medina, who was charged with overall responsibility for the killings at the Vietnamese hamlet of Mylai 4 on March 16, 1968, went to the jury at 2:53 P.M.

Captain Medina, the last man to face a murder charge arising from the deaths of Vietnamese civilians three and a half years ago, heard himself described in the defense summation as "no filthy felon" but

"a disciplined commander who honored and loved the uniform he wore and the company it represented."

The 35-year-old officer, normally swarthy but now pallid and puffy-eyed, was denounced in the Government's summation as an officer who had abrogated his responsibility and who "like Pontius Pilate cannot wash the blood from his hands."

Captain Medina had been charged originally with the premeditated murder of at least 100 civilians during the sweep through Mylai. He was charged also with the murders of a woman and a small boy and with two counts of assault against a prisoner.

The charge of murdering 100 civilians was reduced to involuntary manslaughter by the

military judge, Col. Kenneth A. Howard on Friday. At that time, Colonel Howard also threw out the charge that Captain Medina had murdered a child. The jury was not informed of these decisions until today.

The jury of five combat officers had to consider whether Captain Medina was guilty or not guilty of the murder of the woman, an incident described by his counsel, F. Lee Bailey, as a "justifiable battlefield homicide"; whether he was guilty of assault by shooting twice over the head of a prisoner, and whether he had been aware that his men were "improperly killing noncombatants" and had declined to exercise his command responsibility by attempting to halt the killings.

In his final argument, Maj. William G. Eckhardt ridiculed the defense's contention that Captain Medina had remained unaware of any large-scale killings at Mylai until it was too late.

It was incredible, the prosecutor said, that Captain Medina, who maintained continuous radio contact with his platoons during the action, had not known what his troops were doing one, two, three and even four hours after the assault had been launched.

Colonel Howard, in his instructions to the jury, cast doubts on the testimony of some of the prosecution witnesses. He referred to Gerald Heming as "a frequent user of wine, drinking as much as four quarts a day and [who] had experimented with LSD."

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The judge also recalled that two other Government witnesses had been impeached. They were Thomas B. Kinch, who was said to have had a court-martial conviction and who may or may not have withheld this information from his employer, and Lous Martin, a San Jose, Calif., policeman who told a lie detector expert that a group of civilians he saw shot down near Medina "may have been an illusion or a hallucination."

Mr. Bailey said his only concern had been that the jury might convict Captain Medina on the assault charge. Mr. Bailey had maintained that Captain Medina was merely trying to frighten the prisoner when he fired two bullets over the prisoner's head this was permissible, Mr. Bailey said, under

the Army field manual, which said that "threats of violence" could be used against prisoners who refused to talk.

Standing beside Mr. Bailey was a man in a peacock blue suit who wore a diamond and gold American flag on his lapel. Mr. Bailey introduced him as a major contributor to the Medina defense fund, an Orlando, Fla., millionaire named Glenn W. Turner.

Mr. Turner said he had made his money in cosmetics, had already "donated" \$20,000 to \$25,000 and was prepared to give much more because he believed Captain Medina was "sincere."

"I'm just a sucker for causes," Mr. Turner explained.

### Only Calley Convicted

The only American military

man convicted for the murdering of civilians at Mylai is First Lieut. William L. Calley Jr. He was found guilty last March of the murder of 22 civilians at the South Vietnamese hamlet.

After Lieutenant Calley's conviction and sentencing to life imprisonment, the White House ordered him removed from confinement in the stockade and confined to his bachelor's quarters at Fort Benning, Ga., pending an ultimate decision.

Last Aug. 20, Lieut. Gen. Albert O. Connor, the commanding general of the Third Army ordered Lieutenant Calley's life sentence reduced to 20 years. That decision meant that Lieutenant Calley would be eligible for parole in six to seven years.

The case is to be reviewed by the United States Court of Military Review, then by the

Court of Military Appeals and, finally, by President Nixon.

With the acquittal of Captain Medina, the only officer now standing trial is Col. Oran K. Henderson. He is accused of attempting to cover up the mass killings and of later lying about them before an official board of inquiry.