

# Lawyer Says Medina Aided in Capture of North

By PETER KIHSS

A "North Vietnamese Army area commander" was captured during the controversial American attack on Songmy village in South Vietnam and admitted his identity after a confrontation with Capt. Ernest L. Medina, the captain's civilian lawyer said yesterday.

F. Lee Bailey, the lawyer, reached in Columbus, Ohio, by telephone, said the captain had been told that "this guy knew something which might be very important." So the man was put up against a tree, Mr. Bailey said, explaining:

"Medina said he was a very good shot with a rifle. He fired a shot two inches above his head into the tree from a distance of 15 feet. He fired it again.

"Then he put his weapon on safety, pointed it at him and said he was going to shoot him. At this time the man turned out to be an N.V.A. area commander. They immediately brought in a chopper to take the guy out. Next time Medina saw him in camp, he was all cleaned up and looked better than the captain."

The Songmy attack of March

6, 1968, has led to Army investigations and charges of alleged massacre, in which a lieutenant in Captain Medina's company faces court-martial for alleged premeditated murder of 109 civilians.

Mr. Bailey said that an Army officer had called Captain Medina after the lawyer reported yesterday that the captain's orders had been to attack the village as a Vietcong stronghold, with expectations that it would be clear of women and children uled assault.

The officer, Mr. Bailey said,

could corroborate both the orders received and transmitted by the captain, which did not by 7 A.M., before the scheduled involve the killing of women and children.

Mr. Bailey said the capture of the "N.V.A. area commander" indicated the military significance of the attack. He made his comments after Life magazine quoted a soldier with a somewhat different version of the incident.

The Life article quoted Specialist 5 John Kinch as saying that Captain Medina had drawn his .38-caliber rifle, removed

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## Vietnam Army's Area Commander in Attack on Songmy

five rounds and then played "Russian roulette"—that is, spinning the chambers—with the prisoner. Mr. Bailey said there was "no Russian roulette" involved.

The lawyer has asked President Nixon for a conference with Government officials to discuss the handling of the Songmy investigation in which he said Captain Medina "gave a lawful order." Captain Medina has not been brought under any Army charges.

Life, in its issue on newsstands yesterday, quoted two other soldiers describing heli-

copter rescues of civilians. Chief Warrant Officer Hugh C. Thompson Jr., who received the Distinguished Flying Cross Oct. 15 for saving 16 children that day in disregard of his own safety, is under military court orders to refrain from describing the incident.

But Life quoted former Specialist 4 Larry Colburn, who, the magazine said, was the gunner on a reconnaissance helicopter over the area. He was quoted as saying the helicopter crew saw a Vietcong fighter "with a carbine and pack, but he got away."

The crew next spotted dead and wounded people, including 75 or 80 in a ditch.

The pilot, not named in the account, landed the helicopter and his crew chief brought out a two-year-old boy in apparent shock, Mr. Colburn said. Helicopter gunships were called to help evacuate wounded and 10 or 15 persons in a bunker.

Later, the Life article said, the helicopter returned, landing near a platoon led by Lieut. William L. Calley Jr., now under the murder charges. The pilot got out to talk with Lieutenant Calley, and Charles

Sledge, the lieutenant's radio operator, was quoted as saying the lieutenant told his men that the pilot "isn't very happy with the way we're running the operation."

### Siamese Twins in Surgery

BOSTON, Dec. 1 (AP)—Surgeons at Massachusetts General Hospital completed yesterday's second follow-up operation on Siamese twin infant girls who were separated. The hospital said the twins "came through the surgery in excellent condition."