

14 NOV 70

# Medina Suit Against Time Is Dismissed

SF CHRONICLE

Boston

United States district court judge Francis J. W. Ford yesterday dismissed a \$100 million libel suit brought by Captain Ernest Medina against Time Inc.

The suit was filed by Medina's attorney, F. Lee Bailey, last December and concerned an article published in the Dec. 5, 1969, edition of Time magazine on the massacre at My Lai, South Vietnam.

The article said American soldiers had participated in the slaughter of unarmed civilians. It quoted a soldier named Pendleton (first name not given) who said he saw Captain Medina shoot a small child.

"Even before the appearance of this article, the allegations of atrocious conduct by American soldiers had become a matter of legitimate public discussion," Ford said.

Time, Inc. denied any actual malice in publishing the article and said the article was printed in the belief that the facts stated were true.

"Plaintiff Captain Medina had offered nothing by way of affidavit, deposition or otherwise to controvert on any material point the facts set forth in the defendant's affidavit," Ford said.

*United Press*