

# G.I. Denies Seeing Troops Kill Civilians

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—With his eyes brimming with tears, S. Sgt. David Mitchell took the witness stand in his own defense today and testified that he had not seen American troops kill any civilians in the South Vietnamese hamlet of Mylai 4.

The straight-backed professional soldier, pausing several times to dab at his eyes with his handkerchief and to clear his throat, denied the Government's contention that he had stood at the edge of a ditch and had fired his rifle into a cluster of old men, women and children in the Sonmy village complex.

The sergeant, who until today

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had been impassive and apparently emotionally detached from the proceedings, tearfully told the seven-member panel of officers hearing the case that while he had heard firing, he had not seen civilians actually shot down during the alleged incident.

At the conclusion of testimony, Ossie B. Brown, the sergeant's civilian lawyer, rested the defense's case. Closing arguments by both sides are expected to be heard tomorrow morning. If so, the military jury may begin its deliberations by mid-day.

Sergeant Mitchell, who was accused of assault with intent to murder some 30 south Vietnamese civilians, took the stand at the outset of today's session. Mr. Brown told the court that he would "get to the heart of the matter right away."

"Sergeant Mitchell, did you shoot at any Vietnamese people near a ditch in Mylai on March 16, 1968?" he asked.

"No, Mr. Brown, I did not," the sergeant replied in a firm voice.

A few minutes later, under the sometimes sharp-voiced questions of the trial counsel, Capt. Michael K. Swan, the defendant's eyes welled with tears as he recounted the assault on the hamlet in South Vietnam's Quangnai Province.

Under the cross-examination, the sergeant testified that he had gathered up about 20 civilians as he had advanced through the hamlet. He said he had taken them to a point near the ditch where other soldiers were herding the people they had found during the advance.

"Lieutenant Calley told me to have two men guard the prisoners," the sergeant said. "Then he instructed me to cross the ditch and set up a defense perimeter." The sergeant said he had left the prisoners under the guard of two members of his squad, one of whom was Paul D. Meadlo, a rifleman.

First Lieutenant William L. Calley Jr. is being court-martialed at Fort Benning, Ga.

In a statement read into the court record yesterday, Mr. Meadlo, who now lives in Terre Haute, Ind., said that he and

Lieutenant Calley had killed at least 100 prisoners both in the hamlet itself and in the ditch.

Mr. Meadlo did not testify, choosing to invoke the constitutional privilege against self-incrimination. His statement, given to Army investigators earlier this year, made no mention of Sergeant Mitchell.

Sergeant Mitchell said that after receiving orders to set up a defense perimeter, he had crossed the ditch and had gone out into a rice paddy.

"I heard sporadic fire from all over," he said. "Some of it came from behind me. I kept my eyes to the front. I didn't look back."

Captain Swan then asked the sergeant:

"There was firing behind you but you didn't look back or inquire about it, is that correct?"

"That is true, sir," the sergeant responded.

"Can you account for the fact that others saw people shot and you did not?" the captain continued.

"No, sir, I cannot," the defendant said.

Sergeant Mitchell recalled that he had seen the bodies of

civilians in the ditch when he recrossed it later. Most of the bodies, he said, were those of women and children.

"Did you tell Lieutenant Calley about the people in the ditch?" he was asked by Captain Swan.

"No, sir," he replied.

"Did you know who shot them?" he was asked.

"No, sir, I didn't," he answered.

The sergeant was asked what Lieutenant Calley had told him shortly after the officer had had a conversation with a helicopter pilot who landed his aircraft near the ditch, apparently to protest the killing of the civilians.

Sergeant Mitchell said that the lieutenant had ordered him to go back into the village to "check it out."

Earlier, one of the three witnesses for the prosecution, Charles Sledge, the infantry unit's radioman, testified that after Lieutenant Calley had spoken to the pilot, he had then talked to Sergeant Mitchell and both men had then gone to the ditch and fired into the people lying at the bottom.

During the 44 minutes he was being cross-examined, Sergeant Mitchell said he had fired his rifle while in the hamlet.

"I killed some of the animals in the village," he testified, saying he did not recall how many shots he had fired.

The defendant said he had only seen Lieutenant Calley twice during the military operation, the first time when the officer had told him to place the prisoners under guard, the second when he was ordered to go back into the hamlet.

As the sergeant testified, his wife, Rosa, and his parents, the Rev. and Mrs. Isaih Mitchell of St. Francesville, La., watched from their seats in the front row. His mother, clutching a copy of the New Testament, wept silently.

Following the sergeant's testimony, the Government called two rebuttal witnesses who testified favorably on the reputation and truthfulness of one of the prosecution witnesses, Dennis J. Conti of Providence, R. I. Previous witnesses had said that Mr. Conti had been known as a liar in the Army.