

SLAUGHTER ORDER FOR MYLAI DENIED

Captain Says Colonel Told Men to Respect Civilians

By HOMER BIGART

Special to The New York Times

FORT BENNING, Ga., March 5 — The commander of the American task force that assaulted the hamlet of Mylai 4 ordered his officers to respect the lives of South Vietnamese civilians, the intelligence officer of the force testified today at the court-martial of First Lieut. William L. Calley Jr.

The witness, Capt. Eugene M. Kotouc, said he knew of no orders to slaughter all the inhabitants. On the contrary, Lieut. Col. Frank A. Barker Jr.,



Associated Press

Capt. Eugene Kotouc

commander of Task Force Barker, told his company commanders to permit the flight of non-combatants along a trail running eastward toward the provincial capital of Quang Ngai, Captain Kotouc testified.

Lieutenant Calley, on trial for the alleged premeditated murder of at least 102 civilians at Mylai three years ago, has admitted shooting some civilians and ordering the slaying of others.

But he contended that he was acting on orders from his company commander, Capt. Ernest L. Medina, to "kill everyone" except a small number of civilians who were to be forced to walk across a mine field.

Captain Medina, who will be called to testify here next week, faces court-martial for "responsibility" in the murder of 175 Vietnamese civilians at Mylai.

He has denied ordering any mass shootings. Today the captain's denial was corroborated by his radio man, John Paul, 23 years old, of Jupiter, Fla., who testified that the only message he recalled being sent to Lieutenant Calley from a company command post during the attack was an order from Captain Medina to cut down what seemed an excessive amount of fire by the lieutenant's platoon.

Captain Kotouc said it was standard procedure for Task Force Barker to round up civilians, take them away from the fire area, search and question them, and detain only Vietcong suspects.

He testified that Colonel Barker told company commanders at a briefing on the eve of the Mylai attack that there would be no change in the usual control of civilians.

"Colonel Barker said we were to let civilians take off down the road toward Quang Ngai city," Captain Kotouc said. Mylai had been the scene of previous actions and civilians "normally exited" by that route, he explained.

Lieutenant Colonel Barker, killed in a helicopter crash three months after the Mylai incident, was described by Captain Kotouc as a rather irregular soldier whose planning of operations was hasty and whose orders often seemed "fragmentary."

Dead Officer Described

"Colonel Barker was like an artilleryman taking on targets of opportunity," said Captain Kotouc, a pudgy, baldish 36-year-old officer with slightly protuberant eyes. "He planned operations that quick. I'm sure this operation [Mylai] wasn't planned anything like D-Day."

Colonel Barker ran an austere headquarters, Captain Kotouc said. There was only one typewriter, very few clerks. The logs were frequently unsigned and—in the word of the military judge, Col. Reid W. Kennedy—"sloppy."

Colonel Barker had ordered his men to burn villages before, the captain said, and he wanted the huts burned at Mylai. Colonel Barker also ordered the destruction of "animals, poultry, trenches, bunkers," the captain testified, adding, "Anything of use to the enemy was to be destroyed."

But there was no order to kill women and children, Captain Kotouc said, and no order not to take prisoners.

Under cross-examination, Captain Kotouc conceded that he was facing court-martial for the maiming of a prisoner on the night of the Mylai incident.

He told George W. Latimer, the chief defense counsel, that he had attended the briefing that Captain Medina gave to Charlie Vompany on the eve of the attack and that Lieutenant Calley attended.

Captain Kotouc said he had heard Captain Medina tell the men to "destroy everything" in Mylai.

"Did Captain Medina order the men to kill every living thing in the village?" Mr. Latimer persisted.

"I did not hear him say that," Captain Kotouc said.

On further questioning, however, Mr. Latimer brought out that the captain was hard of hearing.