

TRIAL OF MEDINA ORDERED BY ARMY

Captain Accused of Killing
at Least 100 Vietnamese
—He Denies Mylai Guilt

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By ROBERT M. SMITH
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WASHINGTON, March 8—
Capt. Ernest L. Medina, the
commander of the in-
fantry company that swept
through the hamlet of Mylai 4,
was ordered today to
stand trial on charges of pre-
mediated murder and assault
with a dangerous weapon.

One of the specifications
brought against him by the
Army alleges that he murdered
"an unknown number of
unidentified Vietnamese per-
sons, not less than 100, by
means of shooting [them] with
machine guns, rifles and other
weapons."

The specifications of assault
allege that he shot at an un-
identified Vietnamese twice
"while interrogating suspected
enemy personnel."

If he is found guilty, the
34-year-old Army captain could
be sentenced to death or life
imprisonment. A death sentence
could not be carried out with-
out the approval of President
Nixon.

The decision to court-martial
Captain Medina was made by
his commander, Lieut. Gen. Al-
bert O. Connor, the command-
ing general of the Third Army,
at Fort McPherson, Ga.

The announcement of the
general's decision was made at
Fort McPherson and at the
Pentagon. The Army said that
no date had been set for the
court-martial.

In a statement issued at Fort
McPherson, Captain Medina
said:

"I am innocent of the charges.
I am surprised and dismayed
that the Army has taken this
action. Now pending before the
United States Court of Military
Appeals is a petition to bar
this very referral, a petition
upon which that court was not

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given the opportunity to act.
The Army, by its precipitous ac-
tion today, has preempted its
own highest court."

The petition to which the
captain referred was filed by
his attorneys a week ago. It
charges that the Army is try-
ing to keep him from testifying
at the trial of First Lieut. Wil-
liam L. Calley Jr. Lieutenant
Calley, one of Captain Medina's
platoon leaders at Mylai, has
testified at his own court-
martial that orders to kill Viet-
namese civilians came from
the captain.

The captain has said that
he was "ready, willing and



Associated Press
Capt. Ernest L. Medina

able," to testify at Lieutenant
Calley's court-martial "in direct
refutation" of the lieutenant's
testimony. His petition charged
that the Army had issued orders
that he not be allowed to
testify and asked that the Army
be prohibited from referring
his case to court-martial.

General Connor's decision to
try Captain Medina followed a
seven-month Army investigatio
similar to a civilian grand jury
proceeding. An investigating of-
ficer reviewed the evidence in
the case and made a recom-
mendation to the general, which
he weighed with the advice of
his legal staff.

General Connor dismissed
four other preliminary specifi-
cations that had been lodged
against the captain — two of
murder, one of maiming and
one of assault with a dangerous
weapon—for lack of evidence.

The three specifications of
murder for which Captain
Medina will be tried allege that
he shot an unidentified Viet-
namese man and an unidenti-
fied Vietnamese woman at My-
lai on or about March 16, 1968,
as well as the "unknown num-
ber" of civilians.

Four Face Trial

The specifications of assault
allege that the captain twice
shot at an unidentified Viet-
namese with a rifle at or near
Mykhe on or about March 17,
1968—the day after the Mylai
incident. According to the
Army, Mykhe and Mylai are
both within the village of
Sonmy.

Of 25 officers and men origi-
nally charged either with
committing crimes at Mylai or
covering up the incident, only
four face court-martial. Two of
the others have been acquitted
of the charges, and 19 have
had them dismissed by the
Army.

To be tried in addition to
Captain Medina and Lieutenant
Calley are Capt. Eugene M.
Kotouc, who is charged with
maiming and assault during the
interrogation of a Vietnamese,
and Col. Oran K. Henderson,
who is accused of concealing
what took place at Mylai.