

MEDINA REJECTS CALLEY ACCOUNT

ells Trial He Told Soldiers
Before Mylai, 'You Do Not
Kill Women and Children'

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Excerpts from the testimony
by Medina, Page 24.

By HOMER BIGART

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FORT BENNING, Ga., March 10—With a hard, unblinking stare at his subordinate, Capt. Ernest L. Medina testified today that he never gave First Lieut. William L. Calley Jr. orders to kill women and children at Mylai.

He quoted Lieutenant Calley as saying: "My God, I can still hear the screaming," when, two days after the alleged massacre of South Vietnamese civilians in the South Vietnamese hamlet, he asked his platoon leaders if any "atrocities" had been committed.

This was stricken from the record by the military judge at Lieutenant Calley's court-martial on a defense objection that an alleged "confession" extracted in this manner without prior warning was inadmissible.

Captain Medina's testimony today contradicted testimony given by Lieutenant Calley that he had been carrying out Captain Medina's orders at Mylai.

Captain Medina, who is 34 years old, looked at Lieutenant Calley and said he told his company on the eve of the at-

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tack:

"No, you do not kill women and children. You use common sense. If they have a weapon and they are trying to engage you, then you can shoot back, but you must use common sense."

Lieutenant Calley had been charged with the premeditated murder of at least 102 civilians at Mylai 4 on March 16, 1968. His court-martial, which began last November, is nearly over, and the jury of six officers may get the case next week.

No date has been set for the court-martial of Captain Medina, who is charged with killing two persons at Mylai by shooting them. He is also being held responsible for the killings allegedly committed by his men.

Captain Medina, like Lieutenant Calley, had been charged with the premeditated murder of at least 102 civilians, but the Army today announced that the charge had been moderated.

The confrontation between the two officers in the tense and crowded little courtroom had been eagerly awaited. Lieutenant Calley, while asserting that he admired Captain Medina, had painted the company commander as a man who not only ordered the slaughter of unarmed civilians but had also told his officers to use civilians as human mine detectors, forcing civilians to precede the troops across mine fields.

Under cross-examination, Captain Medina admitted telling Lieutenant Calley that he could "utilize prisoners to help lead his unit through the mine field."

'Innocent Civilians'

But he maintained that at no time had he suggested that "innocent civilians" be killed. On the contrary, he said, he had twice cautioned his platoon leaders during the action to avoid indiscriminate shooting.

Captain Medina conceded that he had shot a Vietnamese woman, explaining that when he saw her lying in a rice paddy he thought she was reaching for a weapon. He denied another allegation that he had slain a wounded little boy who came running down the trail. But he said he was so confused he might have ordered the shooting.

"There was a small boy that started moving from the edge of the woodline," he said. "I caught the movement, I turned and started to raise my rifle. I seen that it was a child. I started to put it down. And I either uttered the words: 'Get him, get him'; 'stop him, stop him' or 'don't shoot' or 'shoot.'"

He said he was disturbed by these incidents.

"When the child was shot, I became very emotional," he said. "I felt very bad about this and I grabbed the radio and I says:

"Make sure you inform all your personnel that they don't shoot innocent civilians."

Buffalo Slain

His only other shooting, he said, was the killing of a wounded water buffalo "to put it out of its misery." He fired two shots at the beast.

His order against shooting innocent civilians was issued, he said, in answer to a question posed by one of his soldiers at a briefing on the eve of Mylai.

The question was: "Do we kill women and children," Captain Medina said.

"My reply to that question was: 'No, you do not kill women and children. You use common sense.'"

He said he was asked another question: Should they poison the wells?

"I told them we did not have any poison available, and that this was not the thing to do," he said.

"The thing to do," he went on, was to seal the well by caving in the sides with explosives. If that didn't work, they should dump banana stalks and other vegetation into the well and choke it, he said.

Captain Medina said he began to worry about civilian casualties soon after the assault on Mylai began. He said he started cautioning Lieutenant Calley even before the helicopter pilots began reporting piles of corpses in a ditch outside the hamlet.

But later that day when he received an order from the operations officer of Task Force Barker to go back into the hamlet and get an exact count of the civilian dead, he protested. While arguing with the operations officer, Maj. Gen. Samuel W. Koster, commanding the parent Americal Division,

had cut in, using the code name Saber Six.

General Koster countermanded the order after asking Captain Medina how many civilians had been killed. Captain Medina said he replied "20 to 28" where upon General Koster told the operations officer: "That sounds about right. Don't send him back in there."

Captain Medina was appearing as a court witness. His testimony had been requested by a member of the court. He was accompanied by several lawyers headed by F. Lee Bailey.

As he entered the courtroom, Saptain Medina exchanged nods with Lieutenant Calley, adding a terse, "Hello, how are you."

personally killing 100 Mylai villagers during a sweep by his company.

A spokesman for Third Army Headquarters, where Captain Medina is stationed, acknowledged that the language of the charge against the captain had been moderated but that he was still held responsible for killings allegedly committed by his men.

The Army spokesman said, "We did not intend to convey that we have accused the captain of personally slaying the specified number of individuals." He is still accused of overall responsibility.

Charge Moderated

FORT McPHERSON, Ga., March 10 (AP)—The Army said today that the charges on which Capt. Ernest L. Medina would be tried did not accuse him of