

Bailey Hints He May Call Nixon in Medina's Trial

By HOMER BIGART

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FORT McPHERSON, Ga., Aug. 19 — The possibility that President Nixon may be asked to intervene in the Mylai court-martial of Capt. Ernest L. Medina was raised today by F. Lee Bailey, the defense counsel.

Mr. Bailey said he "would not hesitate" to ask the President to revoke a ban on the admission of lie detector evidence, a ban contained in the 1969 revised edition of the Manual For Courts - Martial, which was signed by Mr. Nixon.

Captain Medina, charged with the responsibility for the mass killings of South Vietnamese civilians at Mylai on March 16, 1968, voluntarily submitted to an Army lie detector test last November.

Mr. Bailey, who began his legal career as a lie detector expert, contends that the examination proved that Captain Medina had not ordered the killings of civilians at Mylai.

The Government no longer contends that the 34-year-old Mexican-American officer issued instructions to destroy all the Mylai inhabitants. It insists, however, that Captain Medina, as commander of an assault force, had full knowledge of the killings, that he chose not to intervene and thereby was responsible for "no less than 100" murders, besides personally shooting a woman and a boy.

Seven Experts Called

Today, in the absence of the five-man jury, Mr. Bailey called seven lie detector ex-

perts, who told the military judge, Col. Kenneth A. Howard, that the lie detection test was remarkably dependable and that its use would enhance military justice.

Colonel Howard pointed out earlier that he was bound by the courts-martial manual, which says: "Conclusions based upon or graphically represented by polygraph tests... are inadmissible."

Mr. Bailey told newsmen after the session: "I'm sure the President is interested in this case."

One of his expert witnesses recalled from the stand that President Nixon, as a Congressman, once asked the Keeler Polygraph Institute to give lie detector tests to Alger Hiss and his accuser, Whittaker Chambers, during treason hearings in Washington.

The witness, Leonard H. Haralson, of Niles, Ill., president of the Keeler Institute, said that "only Chambers agreed." Mr. Hiss was subsequently convicted of perjury.

Calley Case Cited

At the outset of today's hearing, it seemed that Mr. Bailey's only purpose in calling the seven experts was to provide the basis for a possible appeal. Mr. Bailey denied this. He said he was determined to press for admission of the lie detector evidence at this trial.

President Nixon has already intervened in one Mylai case. Following the murder conviction of First Lieut. William L. Calley Jr., who was sentenced to life imprisonment March 31, Mr. Nixon ordered that Lieutenant Calley not be confined to the stockade at Fort Benning,

Ga., but be allowed to return to his quarters. He remains there under guard until his case is reviewed.

Among the experts heard today was the man who administered the lie detector tests to Captain Medina. The witness, Robert A. Brisentine of Bowie, Md., chief polygraph adviser to the Army's Criminal Investigation Division, never got to tell what the Medina tests revealed.

The prosecutor, Maj. William G. Eckhardt, who denies that the examination cleared Captain Medina of responsibility at Mylai, told the court that Captain Medina had made certain incriminating remarks to Mr. Brisentine in an interview before the tests.

Mr. Bailey said that remarks taken out of context would be unfair, and that nothing Captain Medina volunteered during the pretest interview should be admitted as evidence unless the results of the examination were also disclosed to the court.

Underworld Contributor

FORT McPHERSON, Ga., Aug. 19 (UPI) — Mr. Bailey announced today that Peter J. Lazaros, a self-described "fixer" for the underworld, in the

Detroit area, had contributed "several thousand dollars" to Captain Medina's legal defense fund.

Mr. Bailey said the disclosure was being made because "I wanted to tell what were the facts and what were not the facts."

There had been rumors at the Medina trial that the underworld was paying for Captain Medina's defense.

The criminal lawyer, who described Lazaros as a client now involved in "racing and real estate," said Lazaros was passing through Atlanta on business last Tuesday and had inquired whether Captain Medina had sufficient money to finance his trial.

Mr. Bailey said that Lazaros had contributed several thousand dollars, and added: "I will not be more specific."

Lazaros, who has a police record in Michigan, was convicted in 1962 of conspiracy to commit fraud. He has been granted a new trial. In appearances before grand juries, Lazaros has described himself as a "fixer" who made pay-offs to public officials in the Detroit area. He has been indicted for perjury for some of his testimony.