

## MEDINA DEFENSE GAINS TWO POINTS

Key Witness Challenged—  
Calley Ruling Reversed

By HOMER BIGART

Special to The New York Times

FORT MEPPERSON, Ga., Sept. 15—The impeachment of a key Government witness and his admission as evidence of a reported statement by First Lieut. William L. Calley Jr. that tended to exonerate Capt. Ernest L. Medina of responsibility for the killings at the Vietnames hamlet of Mylai was achieved by the defense today at the Medina court-martial.

Former Spec. 4 Louis B. Martin, now a San Jose, Calif., policeman, who was the only Government witness to say that Captain Medina was near the scene of a group shooting and must have known of the killing of civilians, was described as a man who suffered "illusions and delusions" and was no longer sure that the group of victims had really existed.

The impeachment of Mr. Martin was achieved by a lie detector expert, Leonard H. Haralson and by John A. Johnson, an associate of F. Lee Bailey, the defense counsel. Mr. Johnson said that Mr. Martin came to him after testifying here on Aug. 24 and said he thought his testimony had been inaccurate and misleading, "but that he did not want to go back on the stand."

### Consented to Test

Mr. Martin had consented to a lie detector test, Mr. Haralson, testified. Out of hearing of the jury, Mr. Haralson gave these results: The polygraphs indicated deception when Mr. Martin answered negatively to such questions as "did you lie under oath?" and "would you like to see Captain Medina convicted?" and positively to the question "did you see G.I.'s fire at a group of people."

Results of lie detector tests were inadmissible, according to the Courts-Martial Manual, but the military judge, Col. Kenneth A. Howard, allowed the jury to hear Mr. Haralson's account of his pre-test interview with Mr. Martin.

"I asked him about his youth background" said Mr. Haralson, "and he explained that he had a problem with illusions and delusions."

It was "possible," Mr. Martin told the polygraph expert, that the group he thought he saw "mowed down by three or four G.I.'s" never existed.

### No Evidence Produced

The Government has been unable to produce any corroborative evidence of this group killing.

The alleged statement by Lieutenant Calley that Captain Medina was "surprised" by the killings at Mylai was ruled admissible by Colonel Howard over the strenuous objections of Government counsel, Major William G. Eckhardt and Capt. Franklin R. Wurtzel.

Earlier, Colonel Howard had ruled against admission, saying he doubted the "reliability" of the reported remarks by the lieutenant. The judge noted that Lieutenant Calley's confidant, Capt. Robert L. Hicks, had himself been skeptical when he first heard the story four months after Mylai.

Mr. Bailey angrily characterized Colonel Howard's ruling as "completely erroneous." It was for the jury to decide whether Lieutenant Calley was telling a war story, Mr. Bailey said. The judge, normally placid, looked sternly at Mr. Bailey and said: "Your remedy is not to chastise me, but to appeal."

The pres and spectators were ordered out of the hearing room. When the court session resumed, nearly two hours later, Colonel Howard said he had reversed himself and would allow the jury to hear the Calley-Hicks conversation.

Captain Hicks was recalled and he told the jury he was sitting with Lieutenant Calley in his quarters in Vietnam in July, 1968 when the lieutenant brought up the action at Mylai.

"He said he didn't expect to find civilians there," Captain Hicks, said. "He said people came out and started to cheer when his platoon entered the village."

"But they sure shut up when the point man opened up on a water buffalo," he quoted Lieutenant Calley as saying. "Then," Lieutenant Calley was quoted, "everyone opened up."

"Was Capt. Medina there?" Captain Hicks said he asked Lieutenant Calley.

"No, he was with the Third Platoon," the lieutenant replied.

"Did he know about this?"

"No."