

Medina Says He Lied to Colonel About Mylai Toll



Associated Press

Col. Oran K. Henderson, his neck in a brace for arthritis, with Ernest L. Medina, former Army captain acquitted in Mylai trial, outside courtroom in Fort Meade, Md., yesterday.

NOV 16 1974
By DOUGLAS ROBINSON
Special to The New York Times

FORT MEADE, Md., Nov. 15 — Former Capt. Ernest L. Medina, the commander of the American troops that killed South Vietnamese civilians at Mylai 4 in 1968, admitted today that he had lied to Col. Oran K. Hender-

son about the number of villagers killed in the combat assault. Mr. Medina, who resigned from the Army last month, three weeks after his acquittal on charges of murder and manslaughter arising from the Mylai incident, also testified that he had "not been completely

candid" in previous statements made under oath to Army investigators. In a quiet voice, Mr. Medina agreed with Maj. Carroll J. Tichenor, the military prosecutor, that, because of his falsehoods, he had "completely disgraced

Continued on Page J1, Column 1

MEDINA TESTIFIES ABOUT MYLAI TOLL

Continued From Page 1, Col. 5

and dishonored the uniform he once wore. Mr. Medina, who is now a helicopter company executive in Menominee, Mich., appeared as a defense witness at Colonel Henderson's court-martial. The colonel is being tried on charges that he covered up reports of the Mylai incident and that he later lied in an appearance before an Army board of inquiry.

Mr. Medina's testimony was the strongest offered so far in the 11-week-old trial to support Colonel Henderson's contention that his men lied to him about the mass killings when he tried to find out what had happened at Mylai on the morning of March 16, 1968.

In his testimony, Mr. Medina said that when he was questioned by Colonel Henderson in the field two days after the assault on Mylai, he had told the brigade commander that 20 to 28 civilians had been inadvertently cut down by artillery, helicopter gunship and small-arms fire. At the time, Mr. Medina said, he had already been informed by his platoon leaders that at least 106 villagers had been killed.

No 'Wild Shooting'

"I did not tell him that I had a feeling these people had been shot by members of my command," the former captain told a hushed courtroom. "Colonel Henderson asked me whether I saw any indiscriminate wild shooting and I told him I did not."

After talking together 15 or 20 minutes, Mr. Medina testified, the colonel "put his arm around my shoulder and said, 'Ernie, is there anything else I should know?'" Mr. Medina added:

"I told him 'No, I am a father with three children and I would not let anything like that happen.'"

The former captain, dressed in a charcoal gray suit, blue shirt and red tie, peppered his testimony with "sirs," a reflection of his 16 years of active duty.

Because Mr. Medina is now out of the Army, his attorney said, he is not subject to any perjury or coverup charges. He was once accused by the Army of having suppressed information about the mass killings, but the accusations were dropped when the more serious charges were brought against him.

Unemotional Voice

Mr. Medina spoke in a flat, unemotional voice of his reasons for lying and for withholding information from Colonel Henderson.

"I gave artillery and gunship fire as the reason for the bodies," he said. "At the same time, not wanting to believe my people would do this. I tried to give the impression they wouldn't do this."

Mr. Medina testified that he personally had seen only 20 to 28 bodies in one location on a north-south trail, but that he did not tell the colonel that the bodies were all in one place.

Under cross-examination, Mr. Medina said that the only two questions asked him by Colonel Henderson in the field dealt with possible atrocities and the shooting of a woman by a captain. As he did at his own trial, Mr. Medina admitted because he thought she was about to shoot him.

He also said that Colonel Henderson had never asked about allegations of a sergeant firing into a ditch filled with bodies or about how the 20 to 28 civilians had been killed. And he testified that the interrogation in the field was the only time he had been questioned about the matter while he served in Vietnam.

Mr. Medina, who had previously testified at the court-martial of First Lieut. William L. Calley Jr. that he had "suppressed" information about civilian dead when queried by Colonel Henderson, repeated today the four reasons he had given then for his action.

"First, I felt it would bring disgrace to the military service; secondly, I knew it would have repercussions involving the United States and other nations; third, I was concerned about my family and my role as a father; and lastly, I was concerned about myself," Mr. Medina said.