

REPORT OF THE DEPARTMENT OF THE ARMY REVIEW  
OF THE  
PRELIMINARY INVESTIGATIONS INTO THE MY LAI INCIDENT (U)

VOLUME II

TESTIMONY

BOOK I

ADMINISTRATIVE SESSIONS

OPENING  
EXHIBITS  
ZYCHOWSKI

WITNESSES

PALMER  
WHITAKER  
CUSHMAN  
HOFFMAN, C.  
RUSSELL  
VANRYZIN

ADKINS  
ANISTRANSKI  
ARMOUR  
AUGERSON  
BALMER  
BAXLEY

BEASLEY  
BENN  
CLARKE  
COMEAU  
CRESWELL

14 MARCH 1970

## PREFACE

Volume II consists of 32 books comprising the testimony and summaries of testimony of all witnesses who appeared before the Peers Inquiry. The testimony and summaries have been grouped together according to the organization to which the individual witness was assigned or attached in March 1968. Within these organizational groupings, the testimony and summaries of testimony of individuals are arranged in alphabetical order according to the individual's last name.

Book 31 consists of the confidential extracts of testimony and summaries of testimony of all US witnesses; Book 33 contains the similar extracts which are classified secret. Book 32 contains the testimony and summaries of testimony of all Vietnamese witnesses who testified before the Inquiry; Book 32 is classified confidential.

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## ADMINISTRATIVE SESSIONS

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## ORGANIZATION

BLANK PERIOD COLUMN INDICATES INDIVIDUAL WAS ON OPERATION 16 MARCH 1968  
UNLESS OTHERWISE INDICATED UNDER POSITION COLUMN

<u>NAME</u>	<u>GRADE</u>	<u>POSITION</u>	<u>PERIOD</u>	<u>BOOK</u>
<b>US ARMY VIETNAM</b>				
PALMER BRUCE JR	LTC	DEPUTY COMMANDING GENERAL	JAN 68 JUN 68	1
WHITAKER, HOWARD K	COL	IG	JUL 68 JUN 69	1
SUBTOTAL			2	
 <b>III MAF</b>				
CUSHMAN, ROBERT E	LTC USMC	COMMANDING GENERAL	JAN 68 AUG 68	1
HOFFMAN, CARL W	BG USMC	AC OF S, G3	MAR 68 MAY 69	1
RUSSELL, ALBERT L	LTC	OPNS STAFF OFF, G3	MAR 68 JUN 68	1
VAN RYZIN, WILLIAM J	MG USMC	DEPUTY COMMANDER	FEB 68 JUN 68	1
SUBTOTAL			4	
 <b>AMERICAL DIVISION</b>				
ADKINS, ALVIN E	LTC	AC OF S, G2 BN CMDR, 4/3	MAY 68 NOV 68 DEC 67 MAY 68	1 1
ANISTRANSKI, CHARLES	LTC	AC OF S, G5	NOV 67 JUL 68	1
ARMOUR, RICHARD J	MAJ	HISTORIAN	APR 68 NOV 68	1
AUGERSON, WILLIAM S	LTC	DIVISION SURGEON	DEC 67 JUL 68	1
BALMER, JESMOND D JR	LTC	AC OF S, G3	DEC 67 APR 68	1
BAXLEY, WILLIAM J	LTC	AC OF S, G3	APR 68 SEP 68	1
BEASLEY, JOHN D III	MAJ	ASST TO CHIEF OF STAFF	FEB 68 MAY 68	1
BENN, CLARK H	LTC	ASST G3	JAN 68 SEP 68	1
CLARKE, FRANK P	LTC	AC OF S, G4	FEB 68 AUG 68	1
COMEAU, ROBERT F	MAJ	ASST SJA	DEC 67 JUL 68	1
CRESWELL, CARL E	CH CPT	CHAPLAIN, DIV ARTY	JAN 68 SEP 68	1
DICKENS, JAMES A	1LT	AIDE CG	MAR 68 AUG 68	2
DIONNE, PATRICK H	LTC	PUBLIC INFO OFFICER	APR 67 APR 68	2
DUKES, CLARENCE	1LT	ORDER OF BATTLE OFF, G2	NOV 67 JUN 68	2
GALLOWAY, JAMES V	COL	ASST DIVISION COMMANDER	MAR 68 DEC 68	2
GAMBLE, STEVEN J	CPT	CO, BTRY D, 6/11 ARTY	FEB 68 OCT 68	2
GELLING, LOUIS	COL	CO, 196 LT INF BDE	DEC 67 JUN 68	2
GETTYS, CHARLES M	MG	COMMANDING GENERAL	JUN 68 MAY 69	2
GRANGER, CLINTON E JR	LTC	AC OF S, G3	JUL 67 DEC 67	2
HALLMAN, RODNEY G	MAJ	ASST TO CHIEF OF STAFF	AUG 68 JUN 69	2
HANCE, WILMER J	1LT	AIDE ADC	MAR 68 NOV 68	2
HARRINGTON, WAYNE C	MAJ	HQ CMDT	JUL 68 FEB 69	2
HERRIS, WILLIAM P	SP5	STENO CG	SEP 67 JUN 68	2
HETHERLY, JAMES H	LTC	IG	JAN 68 MAY 68	2
HILL, GERALD D JR	LTC	PUBLIC INFO OFFICER	OCT 67 AUG 68	2
HILL, JOHN W	SP5	STENO C OF S, ADC/OPNS	FEB 68 OCT 68	2
HOLTOM, STANLEY E	LTC	PSYOPS OFFICER, G5	JAN 68 SEP 68	2

AMERICAL DIV CONTINUED

JARRETT, CLARENCE H	1LT	ASST G5	MAR 68	AUG 68	2
JOHNSON, WAYNE E	CPT	LNO TO QUANG NGAI PROV	DEC 67	APR 68	2
JONES, JOHN T	LTC	SJA	DEC 67	APR 68	2
JONES, LAWRENCE M	COL	CO, DIV ARTY	MAR 68	MAR 69	2
KELLEY, WILLIAM D	LTC	ASST G3	DEC 67	APR 68	3
KOSTER, SAMUEL W	MG	COMMANDING GENERAL	SEP 67	JUN 68	3
KUECHENMEISTER, GEORGE P	MAJ	LNO, OCOFS BRIEFING OFF	DEC 67	APR 68	3
LEWIS, FRANCIS	CH LTC	DIVISION CHAPLAIN	AUG 67	AUG 68	3
LOFTIS, ROBERT W	SSG	ADMIN NCO, OC OF S	NOV 68	MAY 69	3
LOGAN, JAMES A	MAJ	LNO, OCOFS BRIEFING OFF	JAN 68	AUG 68	3
LUCAS, WARREN J	LTC	PROVOST MARSHAL	DEC 67	MAY 68	3
LUPER, ROBERT B	LTC	CO, 6/11 BN ARTY	MAY 67	MAY 68	3
ORELL, SETH R	CPT	ASST G2 BRIEFING OFF	DEC 67	DEC 68	4
PARNELL, ROY L	MAJ	ASST IG	MAY 68	SEP 68	4
PARSON, NELS A	COL	CHIEF OF STAFF	FEB 68	AUG 68	4
PQWELL, JAMO C	MAJ	ASST TO CHIEF OF STAFF	MAY 68	SEP 68	4
QUALLS, ORBUN F	LTC	AC OF S, G1	OCT 67	JUL 68	4
RITCHIE, JAMES R III	SSG	ADMIN NCO, OC OF S	JAN 68	MAY 68	4
ROBERTS, DANIEL A	CPT	AIDE CG	SEP 67	MAY 68	4
ROGERS, JAMES D	CSM	DIVISION CSM	JAN 68	JAN 69	4
SAFERSTEIN, THORTON S	MAJ	ASST IG	SEP 68	AUG 69	4
SAIMONS, NICK E	SFC	ADMIN NCO, OC OF S	MAY 68	NOV 68	4
SAINT, CROSBIE E	LTC	ASST G3	JAN 68	JUN 68	4
SMITH, RICHARD R	SGT	ENLISTED AIDE ADC/OPNS	DEC 67	SEP 68	4
SWAIN, CARROL E	LTC	IG	MAY 68	MAR 69	4
TIXIER, LEWIS R	COL	ACTING CHIEF OF STAFF	AUG 68	OCT 68	4
TREADWELL, JACK L	COL	CHIEF OF STAFF	OCT 68	MAR 69	4
TREXLER, TOMMY P	LTC	AC OF S, G2	JAN 68	MAY 68	5
VAN ABLE, HERBERT II	SP5	STENO ADC	OCT 67	FEB 69	5
WHITE, DONALD T	1LT	AIDE ADC/OPNS	NOV 67	MAY 68	5
WILSON, MELVILLE A	LTC	SJA	APR 68	JUL 68	5
YOUNG, GEORGE H	BG	ASST DIVISION CMDR OPNS	MAR 68	JUN 68	5
YOUNG, MASON J JR	COL	CO, DIV ARTY	SEP 67	MAR 68	5

SUBTOTAL 60

123D AVIATION BATTALION, AMERICAL DIVISION

BAKER, SCOTT A	WO1	GUN SEC, CO B	5
COLBURN, LAWRENCE M	SP4	DOOR GUNNER, CO B	5
CULVERHOUSE, JERRY R	WO1	GUN SEC, CO B	6
CZARNECKI, DAVID J	SP4	DOOR GUNNER, CO A	6
DEWINE, DENNIS M	WO1	PILOT, HQ & HQ DET	6
DOVE, BOBBY L	CPT	S1	6
EZELL, VERNON P	WO1	GUN SEC, CO B	6
GRAY, HAROLD JR	WO1	GUN SEC, CO B	6
GUALTIER, JOSEPH M	WO1	LOH SEC, CO B	6
HODDE, CALVIN D	SP4	CREW CHIEF, CO B	6
HOLLADAY, JOHN L	LTC	BATTALION COMMANDER	6
KELLENBENZ, RONALD	WO1	LOH SEC, CO B	6

123D AVN BN CONTINUED

KLAUMANN, JAMES J	SP5	CREW CHIEF, CO A	6
KUBERT, LAWRENCE J	SGT	OPNS SGT, LZ DOTTIE, CO B	6
LIVINGSTON, BRIAN W	1LT	GUN SEC, CO B	6
LLOYD, BARRY C	1LT	SEC LDR, LOH SEC, CO B	6
LUCAS, WILLIAM P	SP4	CREW CHIEF, CO A	7
MANSSELL, CHARLES H	WO1	GUN SEC, CO B	7
MEGRATH, ALBERT B	SP4	DOOR GUNNER, CO B	7
MILLIANS, DAN R	CW2	GUN SEC, CO B	7
MOE, THELMER A	CPT	SEC LDR, SLICK SEC, CO B	7
MULHERIN, HAROLD A	WO1	PILOT, CO A	7
NEWELL, JOHN P	WO1	SEC CMDR, HQ & HQ DET	7
RECTOR, ZANE K	MAJ	ASST DIV AVN OFF, BN HQ	7
REUTNER, JAMES A	1LT	GUN SEC, CO B	7
RIDDLE, HENRY E	SP4	DOOR GUNNER, CO A	7
RIVERA-MUNIZ, ESTEBAN	SP4	DOOR GUNNER, CO B	7
ROGERS, PRESTON S	PFC	MAINT SEC, CO B	7
SABRE, RANDOLPH E	CPT	PLT LDR, CO B	8
STAFFA, WILLIAM J	1LT	LOH SEC, CO B	8
THOMPSON, HUGH C JR	WO1	LOH SEC, CO B	8
WALKER, GERALD S	1LT	SEC LDR, GUN SEC, CO B	8
WATKE, FREDERIC W	MAJ	COMMANDING OFFICER, CO B	8
WILSON, CLYDE P	CPT	EXECUTIVE OFFICER, CO B	8
WITHAM, ROBERT W	WO1	PILOT, CO A	8

SUBTOTAL 35

174TH AVIATION COMPANY, AMERICAL DIVISION

BOSWELL, GEORGE W	CPT	EXECUTIVE OFFICER	8
BURTON, DANNY B	WO1	GUN PLT	8
COONEY, JAMES T	WO1	PILOT, 2D PLT	8
DOERSAM, RUSSELL E	CW2	PILOT, GUN PLT	8
GARBOW, CHRISTOPHER	1LT	PILOT, 1ST PLT	9
GIBSON, GLENN D	MAJ	COMMANDING OFFICER	9
HEALEY, FRANCIS T	SP4	CREW CHIEF	9
HRUDA, KENNETH R	WO1	PILOT, 1ST PLT	9
LIND, DEAN C	WO1	PILOT, 1ST PLT	9
MAGNO, MICHAEL D	WO1	PILOT, GUN PLT	9
MC CRARY, LANNY J	1LT	PLT LDR, GUN PLT	9
MESSINGER, JAMES N	WO1	PILOT, GUN PLT	9
MOYS, JOSEPH C	WO1	PILOT, GUN PLT	9
MURPHY, WILLIAM R	WO1	PILOT, GUN PLT	9
NEUMANN, WILLIAM G	CPT	PLT LDR, 2D PLT	10
SCHOOLFIELD, BYRON	CPT	FLIGHT SURGEON	10
SOMMERVILLE, GEORGE	CW2	409TH MAINT DET	10

SUBTOTAL 17

11TH INFANTRY BRIGADE, AMERICAL DIVISION

ADCOCK, MICHAEL C	SGT	ENLISTED AIDE BDE CMDR	NOV 67	MAY 68	10
BAILEY, LAWRENCE L	SP4	S2 CLERK	JUN 67	AUG 68	10
BEERS, EDWIN D	LTC	BN CMDR, 1/20	DEC 67	JUL 68	10
BLACKLEDGE, RICHARD K	LTC	S2	JAN 68	MAY 68	10
BRYANT, GEORGE III	CPT	SVC PLT LDR, 4/3	DEC 67	NOV 68	10
CAMELL, KENNETH E	MSG	OPNS SGT	OCT 68	SEP 69	10
CARRILLO, RICHARD R	SP4	DOOR GUNNER, AVN SEC	JAN 68	DEC 68	11
COX, RUSSELL D	MAJ	S2	MAR 69	DEC 69	11
CROWE, J. GODFREY	LTC	S3	JUL 68	SEP 68	11
		XO	MAR 69	JUL 69	
DUNN, ARTHUR J	1LT	INFO OFF	DEC 67	DEC 68	11
FELIX, HOWARD E	SP5	S3 CLERK	NOV 67	NOV 68	11
FORD, JAMES E	SP5	CLERK, INFO OFC	DEC 67	DEC 68	11
GEIGER, THOMAS W	SP5	S2 CLERK	NOV 68	NOV 69	11
GERBERDING, ROBERT K	MSG	INTEL SGT	MAR 68	OCT 68	11
GOLDEN, CLARENCE H	MAJ USAF	FORWARD AIR CONTROLLER	DEC 67	MAY 68	11
GORE, JOHN E JR	1LT	XO, HQ & HQ COMPANY	DEC 67	DEC 68	11
GOUZOULES, WINSTON	CPT	S5, 4/3	DEC 67	JUN 68	11
GREER, THOMAS F	1LT	LNO TO DIVISION	MAR 68	MAY 68	11
HAEBERLE, RONALD L	SGT	PHOTOGRAPHER, INFO OFC	DEC 67	MAR 68	11
HANKS, JOHN G	MAJ USAF	FORWARD AIR CONTROLLER	DEC 67	MAY 68	11
HENDERSON, JAMES H	CPT	TOC DUTY OFFICER	DEC 67	DEC 68	11
HENDERSON, ORAN K	COL	BRIGADE COMMANDER	MAR 68	OCT 68	12
HOFFMAN, RAYMOND P JR	CH MAJ	BRIGADE CHAPLAIN	FEB 68	DEC 68	12
HOLBROOK, RICHARD J	CPT	ASST S2	DEC 67	JUN 68	12
HOLCK, ROY A V	MAJ	S3, 4/3	DEC 67	APR 68	12
HONDA, GILBERT S JR	CH3	PILOT, AVN SEC	DEC 67	NOV 68	12
JOHNSON, DENNIS H	1LT	INTEL OFFICER, 52 MID	DEC 67	JUN 68	13
KESHEL, DONALD J	CPT	S5	DEC 67	DEC 68	13
KIRKPATRICK, ROY D.	SGM	NGOIC, BDE TOC	NOV 67	APR 68	13
KISSINGER, HARRY P III	CH MAJ	CHAPLAIN, 1/20	DEC 67	DEC 68	13
KRIEG, RONALD M	PFC	S2 CLERK	JUL 68	JUN 69	13
LABRIOLA, ALBERT C	CPT	CO, 52 MI DET	DEC 67	JUL 68	13
LACKEY, CARL L	WO1	PILOT, AVN SEC	DEC 67	DEC 68	13
LIPSCOMB, ANDY A	BG	BRIGADE COMMANDER	MAR 67	MAR 68	13
MAC LACHLAN, WILLIAM I	LTC USAF	AF LNO	DEC 67	SEP 68	13
MC ANAW, JOHN P	MAJ	S3, 4/3	DEC 67	NOV 68	13
MC KNIGHT, ROBERT W	MAJ	S3	JAN 68	AUG 68	13
MELTON, CARL W	MAJ	S1	NOV 68	MAR 69	13
MOODY, JOHN W	1LT	INFO OFFICER	DEC 67	MAY 68	13
PITTMAN, JOHN L	MAJ	PROVOST MARSHAL	DEC 67	AUG 68	13
REID, JOSEPH M	1LT	LNO TO TF BARKER	JAN 68	APR 68	14
RIDENHOUR, RONALD L	SP5	DOOR GUNNER, AVN SEC	JAN 68	NOV 68	14
ROBERTS, JAY A	SP5	SR CORRESPONDENT INFO OFC	DEC 68	SEP 68	14
RCSADO-DELGADO, PABLO	SFC	CHIEF CLERK, S1	NOV 67	NOV 68	14
SCHLEICHER, RICHARD G	MAJ	S2	MAY 68	NOV 68	14
SHANNON, RICHARD J	CH CPT	CATHOLIC CHAPLAIN, 1/20	DEC 67	APR 68	14
SMITH, FRED	MAJ	BDE AVN OFF	DEC 67	NOV 68	14
STANSEL, DONALD R	SSG	IO SGT, INFO OFC	DEC 67	JUN 68	14
STONICH, JOHN	SFC	NGOIC, INFO OFC	DEC 67	AUG 68	14
STROP, JEROME M	SP5	S2 CLERK	APR 68	MAR 69	14

11TH INF BDE CONTINUED

VEATCH, JOHN D	MAJ	S2	NOV 68	MAR 69	14
WADSWORTH, JOHN L	CPT	ASST S5	DEC 67	MAY 68	14
WALKER, BERNARD L	MSG	CHIEF CLERK, S1	OCT 68	OCT 69	14
WALSH, JOSEPH W JR	SGM	BDE SERGEANT MAJOR	DEC 67	DEC 68	15
WHITE, JERRY A	MAJ	S3	FEB 69	DEC 69	15
WYNDHAM, CHARLES K	CPT	CIVIL AFFAIRS OFF, 4/3	DEC 67	JAN 69	15

SUBTOTAL 57

TASK FORCE BARKER, 11TH INFANTRY BRIGADE, AMERICAL DIVISION

BEARDSLEE, FRANK D	SP4	LT VEH DRIVER	15
BIDDIX, BOYD J	SFC	FIELD FIRST SGT	15
CALHOUN, CHARLES C	MAJ	XO & S3	15
HALL, CECIL D	SFC	COMMO CHIEF	15
HARTMAN, HENRY L	SP4	DEMO SP ATCH FR C/26 EN BN	15
HAWKINS, CALVIN L	SP5	DEMO SP ATCH FR C/26 EN BN	15
JOHNSON, WILLIAM J	MSG	OPNS SGT	16
KOTOUC, EUGENE M	CPT	S2	16
LEWELLEN, CHARLIE R	CPT	ASST S3 TOC DO	16
MARTIN, THOMAS R	SP4	DEMO SP ATCH FR C/26 EN BN	16
SAMS, WORLEY L	SSG	ENGR SQD LDR ATCH FR C/26 EN BN	16
STEPHENS, CLINTON D	SFC	S2 SGT	16
TAIT, HOWARD D	SP4	DEMO SP ATCH FR C/26 EN BN	16
VAZQUEZ, DENNIS R	CPT	ARTY LNO	16
WARREN, LONES R	SSG	MP SQD LDR SR MP	16
WATKINS, JOHN M JR	CPT	SIGNAL OFFICER	17

SUBTOTAL 16

COMPANY A, 3D BATTALION, 1ST INFANTRY  
11TH INFANTRY BRIGADE, AMERICAL DIVISION

BENGE, CLARENCE M	SGT	SECURITY SQD LDR, CMD GP	17
BRACY, DONALD E	1ST	FIRST SERGEANT	17
CARIS, PAT B	SSG	PLT SGT 3D PLT	17
CHAPPEL, HERBERT L	SGT	SQD LDR, 3D PLT	17
COKER, DONALD S	2LT	PLT LDR, 2D PLT	17
EIKENBERRY, ROGER	PFC	RIFLEMAN/TUNNEL RAT, 3D PLT	17
ELLIOT, VERNON R	SSG	PLT SGT, 1ST PLT	17
LUNDEEN, RANDALL R	1LT	PLT LDR, WPNS PLT	17
MARCK, ERNEST	PFC	RTO COMPANY NET	17
RAVENCRAFT, KENNER	SFC	PLT SGT, WPNS PLT	17
RIGGS, WILLIAM C	CPT	COMMANDING OFFICER	17
TRINKLE, PATRICK	CPT	CO PRIOR TO 16 MAR 68	17
WATANABE, MASASHI	SFC	PLT SGT, 2D PLT	17
WHITE, GEORGE C	1LT	PLT LDR, 3D PLT	17
WILLIAMS, BOBBY G	SP4	TEAM LDR, 3D PLT	17
ZAMORA, FLORENTINO	SGT	SQD LDR, 3D PLT	17

SUBTOTAL 16

COMPANY B, 4TH BATTALION, 3D INFANTRY  
11TH INFANTRY BRIGADE, AMERICAL DIVISION

COMMAND GROUP			
BOATMAN, KENNETH W	1LT	FORWARD OBSERVER	17
BOGEAR, GERALD A	SSG	SUPPLY SGT NOT ON OPERATION	17
CONGLETON, LAWRENCE	SGT	RTO BATTALION NET	18
DAHNER, WILHELM	1SG	FIRST SERGEANT	18
HIDDE, GARY L	SP4	RTO COMPANY NET	18
MARSHALL, BARRY P	SP4	SECURITY SQD LDR	18
MUNDY, JOHN E	2LT	EXECUTIVE OFFICER	18
SWEENEY, JAMES L	SP5	MEDIC	18
WILKENS, FREDDIE J	SP4	RTO BATTALION NET	18
1ST PLATOON			
BRETENSTEIN, PETER	SP4	FORWARD OBSERVER	18
CARDINES, HENRY D	SGT	SQD LDR, WPNS SQD	18
FERNANDEZ, MARIO D	SP4	RTO	18
HALL, HOMER C	SP4	RIFLEMAN, 1ST SQD	19
HOLMES, LARRY G	PFC	RIFLEMAN, 2D SQD	19
HOOTON, DONALD R	SP4	TEAM LDR, 3D SQD	19
JENKINS, JIMMY L	PFC	RTO	19
JONES, MARVIN B	SP4	RIFLEMAN, 1ST SQD	19
LINKOUS, RODNEY V	SP4	SQD LDR, 2D SQD	19
LIAS, RAY L	SSG	SQD LDR, 1ST SQD	19
LONG, SAMUEL E JR	SP4	GRENADIER, 3D SQD NOT ON OPERATION	19
MADISON, JOE	SP4	MG, 2D SQD	20
MICHENER, MORRIS G	PV2	RIFLEMAN, 1ST SQD	20
PLACEK, JAMES E	PFC	RIFLEMAN, 2D SQD	20
RUSHIN, EARL	SSG	PLT SGT	20
SILVA, RICHARD F	SP4	MEDIC	20
TAYLOR, LARRY H	SGT	RIFLEMAN, 3D SQD	20
WARNER, JERRY	PFC	ASST MG, 2D SQD	20
WILLINGHAM, THOMAS K	1LT	PLT LDR	20
2D PLATOON			
CABALLERO, ROBERT	SP4	FORWARD OBSERVER	20
EBINGER, JOHN C JR	PFC	RIFLEMAN, 1ST SQD NOT ON OPERATION	20
LITTLE, KING D	SGT	SQD LDR, 2D SQD	20
MC KENNEY, WILLIE J	PFC	MG, 2D SQD	21
MERCER, LEON R	SP4	RTO	21
MORENO, ARTURO M	PFC	RIFLEMAN, 2D SQD	21
SHIFLEY, JOHNNY J	PFC	RIFLEMAN, 1ST SQD	21
3D PLATOON			
ASKEW, WALTER A	SP4	RIFLEMAN, 3D SQD	21
BRADDOCK, JAMES A	SGT	SQD LDR, 3D SQD	21
BROOKS, TOMMY L	PFC	ASST SQD LDR, 2D SQD	21
CARTER, DAVID S	2LT	PLT LDR NOT ON OPERATION	21
DUFF, EDWARD E	SP4	FORWARD OBSERVER	21
ESTERLING, RONALD J	PFC	MG, 3D SQD	21
FIELDS, ALFRED	PFC	RIFLEMAN, 1ST SQD	21
GUTHRIE, JIMMIE W	SP4	EOD SPECIALIST	21
HARLOW, RICHARD A	SGT	SQD LDR, 2D SQD	22

3D PLT, B/4/3 CONTINUED

HATCH, LARRY L	SP4	RTO	22
HOLMES, ROBERT D	PFC	RIFLEMAN, 1ST SQD	22
MAHR, MICHAEL B	SP4	MG, 1ST SQD	22
MC CLOUD, FRANKLIN	SSG	PLT SGT	22
NAVARRE, GEORGE G	SP4	RIFLEMAN, 3D SQD	22
PARKER, HARRY E	PFC	GRENADIER, 2D SQD	22
WHITTAKER, BRICE E	SP4	SQD LDR, 1ST PLT	22

WEAPONS PLATOON

ANDERSON, ANTHONY	SGT	SQD LDR, 2D SQD	22
HOUGHTON, DANIEL R	PFC	1ST SQD	22
HUFFMAN, CECIL W	SP4	SQD LDR, 1ST SQD	22
KINGSBY, DAVID L	SP4	1ST SQD	22
MILLER, STEPHEN M	PFC	RTO	22
MYERS, LUTHER C	SP4	AMMO BEARER, 3D SQD	22
VANN, EDWARD O	SSG	ACTING WPNS PLT LDR	23

SUBTOTAL 58

COMPANY C, 1ST BATTALION, 20TH INFANTRY  
11TH INFANTRY BRIGADE, AMERICAL DIVISION

COMMAND GROUP

ALAU, ROGER L JR	2LT	FORWARD OBSERVER ARTY	23
HOBSCHEID, HARRY F	1SG	1ST SGT NOT ON OPERATION	23
KERN, WILLIAM H	CPL	RECON NCO ARTY	23
MARTIN, LOUIS B	PFC	RTO ARTY	23
MEDINA, ERNEST L	CPT	COMMANDING OFFICER	23
MURRAY, ROGER D	SP4	RTO BATTALION NET	23
PAUL, JOHN H	SP4	RTO COMPANY NET	24
WIDMER, FREDERICK J	SP4	ASST RTO COMPANY NET	24

1ST PLATOON

BACON, L G	SSG	SQD LDR, 2D SQD	24
BERGTHOLD, JAMES R	PFC	ASST MG, 2D SQD	24
BOYCE, ALLEN J	SP4	RIFLEMAN, 1ST SQD	24
CALLEY, WILLIAM L JR	2LT	PLT LDR	24
CARTER, HERBERT L	PFC	TUNNEL RAT, 1ST SQD	24
CONTI, DENNIS I	PFC	GRENADIER & MINE SWEEPER	24
COWAN, ISAIAH	SFC	PLT SGT	24
DOINES, RENNARD	PFC	RIFLEMAN, 2D SQD	24
DURSI, JAMES J	PFC	RIFLEMAN, 1ST SQD	24
HAYWOOD, ELMER G	PFC	RIFLEMAN, 1ST SQD	24
KONWINSKI, JOSEPH N	SP4	RIFLEMAN, 1ST SQD NOT ON OPERATION	24
KYE, SIDNEY	PFC	RIFLEMAN, 3D SQD	25
LEE, ROBERT J	SP4	MEDIC	25
MAPLES, ROBERT E	SP4	MG, 2D SQD	25
MEADLO, PAUL D	PFC	RIFLEMAN, 1ST SQD	25
MITCHELL, DAVID	SSG	SQD LDR, 1ST SQD	25
OLSEN, GREGORY T	SP4	MG, 1ST SQD	25
SLEDGE, CHARLES	SP4	RTO	25
STANLEY, HARRY	PV2	GRENADIER, 2D SQD	25

C/1/20 CONTINUED

2D PLATOON

BERNHARDT, MICHAEL A	PFC	RIFLEMAN, 2D SQD	25
BUCHANON, JAY A	SFC	PLT SGT	25
BUNNING, DENNIS M	PFC	RIFLEMAN, 1ST SQD	26
FIELDS, DEAN JR	PFC	RTO	26
GARZA, GEORGE A	SP4	MEDIC	26
GONZALEZ, LEONARD R	PFC	GRENADIER, 1ST SQD	26
HODGES, KENNETH L	SP5	SQD LDR, 1ST SQD	26
HUTSON, MAX D	SP4	ASST MG, 3D SQD	26
HUTTO, CHARLES E	SP4	MG, 3D SQD	26
LA CROIX, LAWRENCE C	SP4	SQD LDR, 3D SQD	26
LA MARTINA, SALVADOR	SP4	ASST SQD LDR, 3D SQD	26
MOSS, TOMMY L	PFC	RIFLEMAN, 3D SQD	26
PARTSCH, THOMAS R	SP4	GRENADIER, 2D SQD	26

3D PLATOON

DOHERTY, WILLIAM F	PFC	POINTMAN, RIFLEMAN	27
DUSTIN, FRED W	SP4	RIFLEMAN, 3D SQD	27
FLÖRES, ABEL JR	SP5	MEDIC	27
GLIMPSE, STEPHEN R	SP4	RTO	27
GRIMES, JOE JR	SP4	SQD LDR, 3D SQD	27
LACROSS, JEFFREY U	2LT	PLT LDR	27
LOPEZ, MANUEL	SSG	PLT SGT	27
PENDLETON, RICHARD W	PFC	RIFLEMAN, 3D SQD	27
POLSTON, LARRY G	SP4	RIFLEMAN, 2D SQD	27
RAYNOR, JAMES H	SFC	PLT SGT NOT ON OPERATION	27
RODRIGUEZ, DIEGO	PFC	RIFLEMAN, 2D SQD	27
SCHIEL, KENNETH	SGT	SQD LDR, 2D SQD	27
SMAIL, JOHN H	SGT	SQD LDR, 1ST SQD	27
SMITH, GERALD A	PFC	RIFLEMAN, 2D SQD	27
TREVINO, FERNANDO	SP4	RIFLEMAN, 2D SQD	27
TREVINO, ROY F	PFC	RIFLEMAN, 2D SQD	27
T SOUVAS, ROBERT W	PFC	MG, 3D SQD	28
WEST, CHARLES A	SP4	ASST SQD LDR, 3D SQD	28
WILLIAMS, FRANKLIN D	PFC	RIFLEMAN, 2D SQD	28
WRIGHT, FLOYD D	SP4	ASST MG, 3D SQD	28

WEAPONS PLATOON

ARCOREN, DALE M	PFC	BASE PLATE CARRIER	28
CORNWELL, SMITH W	PFC	BACK UP COMPUTER	28
FAGAN, MARTIN F	SP5	COMPUTER	28
FLYNN, JAMES H	PFC	FORWARD OBSERVER	28
HEIN, DAVID B	SGT	GUNNER	28
JOLLY, JOE T	SGT	FORWARD OBSERVER	28
KINCH, THOMAS J	SP4	ASST GUNNER	28
MARONEY, LEO M	SFC	PLT SGT	28
OLIPHENT, JOHN L	PFC	AMMO BEARER	28
ROBERTS, RANDEL W	SP4	RADIO RELAY OPR	29
WATERSTREET, LARRY E	PFC	ASST GUNNER	29
WATSON, WILLIAM E	SGT	SQD LDR	29

SUBTOTAL 72

ADVISORY ELEMENT

CHIEF, CORDS, NORTHERN PROVINCES  
KOREN, HENRY L Y FSO

C, CORDS, NORTHERN PROV JAN 67 MAR 68 29==

PROVINCE ADVISORS - QUANG NGAI PROVINCE

ANGLE, GATES C	SFC	ADMIN NCO	FEB 68	FEB 69	29
BURKE, ROBERT T	FSO	SENIOR ADVISOR	JUN 68	JUN 69	29
CONNELLY, JOHN	DR.	PUBLIC HEALTH ADV	DEC 67	AUG 69	29
COULTER, JAMES	SGT	MEDIC, TEAM 17	MAY 67	MAR 68	29
DILLERY, EDWARD C	FSO	SENIOR ADVISOR	JUN 69	DEC 69	29
FORD, WILLIAM	MAJ	OPN OFF, RF/PF	MAR 68	APR 69	29
GAVAN, WILLIAM H	CPT	ADV RECON UNIT	NOV 68	SEP 69	29
GREEN, JOHN	LTC	ASST ADV ADMIN	OCT 67	SEP 68	29
GRUBAUGH, WILLIAM R	LTC USMC	SR ADV REV DEVMT	NOV 67	MAY 68	29
GUINN, WILLIAM D	LTC	DEP SR ADVISOR	JUN 67	JUN 68	29
HACKING, DAVID	MAJ	ADVISOR TO RF/PF	JAN 68	DEC 68	29
KEATING, DONALD R	MAJ	ASST SR ADV REV DEVMT	AUG 67	MAR 69	29
LANE, RANDOLPH C	CPT	INTEL ADVISOR	JUN 67	JUN 68	29
MAY, JAMES A	FSO	SENIOR ADVISOR	JUN 65	JUN 68	29
PREW, MAURICE N	FSO	REV DEVMT/CEN GRIEVENCE	JUN 67	DEC 68	29
RAMSDALL, ROBERT	FSO	REV DEVMT/CADRE/PLAN	FEB 68	JAN 69	29
RESSEGUIE, ROBERT	FSO	DEP REV DEVMT ADV	JAN 67	SEP 67	30
			DEC 67	JAN 68	

DISTRICT ADVISORS - SON TINH DISTRICT

CRADDOCK, GEORGE L	SFC	ENLISTED ADVISOR	JUL 67	JUN 68	30
DAWKINS, CLARENCE J	CPT	INTEL ADVISOR	NOV 67	NOV 68	30
GAVIN, DAVID C	MAJ	SENIOR ADVISOR	JUL 67	JAN 69	30
SITTIG, WILLIAM	FSO	ASST SR ADV REV DEVMT			30
RODRIGUEZ, ANGEL M	CPT	ASST ADVISOR	NOV 67	OCT 68	30

DISTRICT ADVISORS - BINH SON DISTRICT

WILLOUGHBY, NEILL J	MAJ	SENIOR ADVISOR	NOV 67	JUN 68	30
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ADVISORS TO 2D ARVN DIVISION

CROMWELL, STEWART D	LTC	DEPUTY SR ADVISOR	NOV 67	MAY 68	30
EARLE, THOMAS B JR	MAJ	G2 ADVISOR	OCT 67	JUL 68	30
GLAFF, WILLIAM O	MAJ	G5 ADVISOR	JUN 67	JUL 68	30
HANCOCK, JAMES H	MAJ	G3 ADVISOR	JUL 67	JUL 68	30
HUTTER, DEAN E	COL	SENIOR ADVISOR	MAR 68	APR 69	30
SPELTZ, KARL W	CPT	PSYOPS WAR ADV	SEP 68	AUG 69	30
ULSAKER, CARL C	COL	SENIOR ADVISOR	MAY 67	MAR 68	30

SUBTOTAL 31

MISCELLANEOUS

RAGSDALE, ROBERT W	SGT	COMPANY C, 37 SIG BN	MAR 68	JUN 68	30
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SUBTOTAL 1

VIETNAMESE WITNESSES INTERVIEWED IN THE REPUBLIC OF VIETNAM

NAME	SEX	OCCUPATION RESIDENCE	
<b>VIETNAMESE CIVILIANS</b>			
<b>SON MY VILLAGE, SON TINH DISTRICT, QUANG NGAI PROVINCE, RVN</b>			
AM, NGUYEN	M	FISHERMAN / POPULAR FORCE SOLDIER XUAN DUONG SUBHAMLET, CO LUY HAMLET	31
BA, DO	M	FARMER THUAN YEN MY LAI 4 SUBHAMLET, TU CUNG HAMLET	31
BAT, NGUYEN	M	FARMER THUAN YEN MY LAI 4 SUBHAMLET, TU CUNG HAMLET	31
CHUC, DO	M	FARMER THUAN YEN MY LAI 4 SUBHAMLET, TU CUNG HAMLET	31
DAT, PHAM	M	FARMER TU CUNG HAMLET	31
HIEU, NGUYEN	M	FARMER THUAN YEN MY LAI 4 SUBHAMLET, TU CUNG HAMLET	31
LAI, PHAM	M	FARMER THUAN YEN MY LAI 4 SUBHAMLET, TU CUNG HAMLET	31
MEO, NGUYEN THI	F	FARMER THUAN YEN MY LAI 4 SUBHAMLET, TU CUNG HAMLET	31
NHUNG, NGUYEN THI	F	FARMER THUAN YEN MY LAI 4 SUBHAMLET, TU CUNG HAMLET	31
QUYEN, HO	M	FISHERMAN / POPULAR FORCE SOLDIER XUAN DUONG SUBHAMLET, CO LUY HAMLET	31
THUA, PHAM	M	STUDENT BINH TAY SUBHAMLET, TU CUNG HAMLET	31
TINH, TROUNG	M	FISHERMAN / POPULAR FORCE SOLDIER XUAN DUONG SUBHAMLET, CO LUY HAMLET	31
TONG, LE	M	FARMER THUAN YEN MY LAI 4 SUBHAMLET, TU CUNG HAMLET	31
TUONG, NGUYEN KHAE	M	FARMER THUAN YEN MY LAI 4 SUBHAMLET, TU CUNG HAMLET	31
VIEN, DO	M	FARMER THUAN YEN MY LAI 4 SUBHAMLET, TU CUNG HAMLET	31
<b>VIETNAMESE MILITARY OR GOVERNMENT OFFICIALS</b>			
HAI, NGO TAN	M	HAMLET CHIEF, CO LUY HAMLET QUANG NGAI CITY	31
HIEN, DO THANH	M	SSG, ARVN INTERPRETER 1ST MI TEAM, 635 MID, 11TH BDE, AMERICAL DIV	31
KHIEN, TON THAT	M	PROVINCE CHIEF, QUANG NGAI PROVINCE UNKNOWN	31

VN MIL/GOV T CONTINUED

LAM, HOANG XUAN	M	LTG, ARVN, COMMANDING GENERAL, I CORPS UNKNOWN	31
LANH, NGUYEN NGOC	M	SPECIAL BRANCH, NATIONAL POLICE, SON TINH UNIT UNKNOWN	31
LUYEN, DO DINH	M	VILLAGE CHIEF, SON MY VILLAGE QUANG NGAI CITY	31
MINH, DOUNG	M	SGT, ARVN INTERPRETER FOR 196TH LIB CO C, 2 BN, 1ST INF, 196 LIB, AMERICAL DIV	31
NHON, DO TAN	M	HAMLET CHIEF, TU CUNG HAMLET. SON TINH DISTRICT	31
PHO, PHAM VAN	M	LTC, ARVN, G2, 2D ARVN DIVISION 63/9 TRAN VAN THACH, TAN DINH, SAIGON	31
PHU, NGUYEN DINH	M	SGT, ARVN INTERPRETER FOR 11TH BRIGADE 4/3, 11TH BRIGADE, AMERICAL DIV	31
SON, NGO	M	ASST HAMLET CHIEF, CO LUY HAMLET QUANG NGAI CITY	31
TAM, NGUYEN NGOC	M	POLICEMAN, SON TINH DISTRICT UNKNOWN	31
TAN, TRAN NGOC	M	CPT, ARVN DISTRICT CHIEF, SON TINH DISTRICT SECTOR HQ, QUANG NGAI CITY	31
TE, NGUYEN DUC	M	CENSUS GRIEVEANCE CHIEF, QUANG NGAI PROVINCE QUANG NGAI PROVINCE	31
TOAN, NGUYEN VAN	M	COMMANDER OF 2D ARVN DIVISION UNKNOWN	31
TRONG, LE	M	POLICEMAN, SON TINH NATIONAL POLICE STATION UNKNOWN	31
VIEN, TA LINH	M	ASST CENSUS GRIEVEANCE CHIEF, QUANG NGAI PROV QUANG NGAI PROVINCE	31

SUBTOTAL 32

GRAND TOTAL 401

# ALPHABETICAL

BLANK PERIOD COLUMN INDICATES INDIVIDUAL WAS ON OPERATION 16 MARCH 1968  
UNLESS OTHERWISE INDICATED UNDER POSITION COLUMN

<u>NAME</u>	<u>GRADE</u>	<u>POSITION</u>	<u>PERIOD</u>	<u>BOOK</u>
ADCOCK, MICHAEL C	SGT	ENLISTED AIDE BDE CMDR	NOV 67 MAY 68	10
ADKINS, ALVIN E	LTC	AC OF S, G2 BN CMDR, 4/3	MAY 68 NOV 68 DEC 67 MAY 68	1 1
ALAU, ROGER L JR	2LT	FORWARD OBSERVER ARTY		23
ANDERSON, ANTHONY	SGT	SQD LDR, 2D SQD		22
ANGLE, GATES C	SFC	ADMIN NCO	FEB 68 FEB 69	29
ANISTRANSKI, CHARLES	LTC	AC OF S, G5	NOV 67 JUL 68	1
ARCOREN, DALE M	PFC	BASE PLATE CARRIER		28
ARMOUR, RICHARD J	MAJ	HISTORIAN	APR 68 NOV 68	1
ASKEW, WALTER A	SP4	RIFLEMAN, 3D SQD		21
AUGERSON, WILLIAM S	LTC	DIVISION SURGEON	DEC 67 JUL 68	1
BACON, L G	SSG	SQD LDR, 2D SQD		24
BAILEY, LAWRENCE L	SP4	S2 CLERK	JUN 67 AUG 68	10
BAKER, SCOTT A	WO1	GUN SEC, CO B		5
BALMER, JESMOND D JR	LTC	AC OF S, G3	DEC 67 APR 68	1
BAXLEY, WILLIAM J	LTC	AC OF S, G3	APR 68 SEP 68	1
BEARDSLEE, FRANK D	SP4	LT VEH DRIVER		15
BEASLEY, JOHN D III	MAJ	ASST TO CHIEF OF STAFF	FEB 68 MAY 68	1
BEERS, EDWIN D	LTC	BN CMDR, 1/20	DEC 67 JUL 68	10
BENGE, CLARENCE M	SGT	SECURITY SQD LDR, CMD GP		17
BENN, CLARK H	LTC	ASST G3	JAN 68 SEP 68	1
BERGTHOLD, JAMES R	PFC	ASST MG, 2D SQD		24
BERNHARDT, MICHAEL A	PFC	RIFLEMAN, 2D SQD		25
BIDDIX, BOYD J	SFC	FIELD FIRST SGT		15
BLACKLEDGE, RICHARD K	LTC	S2	JAN 68 MAY 68	10
BOATMAN, KENNETH W	1LT	FORWARD OBSERVER		17
BOGEAR, GERALD A	SSG	SUPPLY SGT NOT ON OPERATION		17
BOSWELL, GEORGE W	CPT	EXECUTIVE OFFICER		8
BOYCE, ALLEN J	SP4	RIFLEMAN, 1ST SQD		24
BRACY, DONALD E	1ST	FIRST SERGEANT		17
BRADDOCK, JAMES A	SGT	SQD LDR, 3D SQD		21
BRETENSTEIN, PETER	SP4	FORWARD OBSERVER		18
BROOKS, TOMMY L	PFC	ASST SQD LDR, 2D SQD		21
BRYANT, GEORGE III	CPT	SVC PLT LDR, 4/3	DEC 67 NOV 68	10
BUCHANON, JAY A	SFC	PLT SGT		25
BUNNING, DENNIS M	PFC	RIFLEMAN, 1ST SQD		26
BURKE, ROBERT T	FSD	SENIOR ADVISOR	JUN 68 JUN 69	29
BURTON, DANNY B	WO1	GUN PLT		8
CABALLERO, ROBERT	SP4	FORWARD OBSERVER		20
CALHOUN, CHARLES C	MAJ	XO & S3		15
CALLEY, WILLIAM L JR	2LT	PLT LDR		24
CAMELL, KENNETH E	MSG	OPNS SGT	OCT 68 SEP 69	10
CARDINES, HENRY D	SGT	SQD LDR, WPNS SQD		18
CARIS, PAT B	SSG	PLT SGT 3D PLT		17
CARRILLO, RICHARD R	SP4	DOOR GUNNER, AVN SEC	JAN 68 DEC 68	11
CARTER, DAVID S	2LT	PLT LDR NOT ON OPERATION		21
CARTER, HERBERT L	PFC	TUNNEL RAT, 1ST SQD		24
CHAPPEL, HERBERT L	SGT	SQD LDR, 3D PLT		17
CLARKE, FRANK P	LTC	AC OF S, G4	FEB 68 AUG 68	1
COKER, DONALD S	2LT	PLT LDR, 2D PLT		17

COLBURN, LAWRENCE M	SP4	DOOR GUNNER, CO B		5
COMEAU, ROBERT F	MAJ	ASST SJA	DEC 67 JUL 68	1
CONGLETON, LAWRENCE	SGT	RTO BATTALION NET		18
CONNELLY, JOHN	DR.	PUBLIC HEALTH ADV	DEC 67 AUG 69	29
CONTI, DENNIS I	PFC	GRENADE & MINE SWEEPER		24
COONEY, JAMES T	WO1	PILOT, 2D PLT		8
CORNWELL, SMITH W	PFC	BACK UP COMPUTER		28
COULTER, JAMES	SGT	MEDIC, TEAM 17	MAY 67 MAR 68	29
COWAN, ISAIAH	SFC	PLT SGT		24
COX, RUSSELL D	MAJ	S2	MAR 69 DEC 69	11
CRADDOCK, GEORGE L	SFC	ENLISTED ADVISOR	JUL 67 JUN 68	30
CRESWELL, CARL E	CH CPT	CHAPLAIN, DIV ARTY	JAN 68 SEP 68	1
CROMWELL, STEWART D	LTC	DEPUTY SR ADVISOR	NOV 67 MAY 68	30
CROWE, J. GODFREY	LTC	S3	JUL 68 SEP 68	11
		XO	MAR 69 JUL 69	11
CULVERHOUSE, JERRY R	WO1	GUN SEC, CO B		6
CUSHMAN, ROBERT E	LTG USMC	COMMANDING GENERAL	JAN 68 AUG 68	1
CZARNECKI, DAVID J	SP4	DOOR GUNNER, CO A		6
DAHNER, WILHELM	1SG	FIRST SERGEANT		18
DAWKINS, CLARENCE J	CPT	INTEL ADVISOR	NOV 67 NOV 68	30
DEWINE, DENNIS M	WO1	PILOT, HQ & HQ DET		6
DICKENS, JAMES A	1LT	AIDE CG	MAR 68 AUG 68	2
DILLERY, EDWARD C	FSO	SENIOR ADVISOR	JUN 69 DEC 69	29
DIONNE, PATRICK H	LTC	PUBLIC INFO OFFICER	APR 67 APR 68	2
DOERSAM, RUSSELL E	CW2	PILOT, GUN PLT		8
DOHERTY, WILLIAM F	PFC	POINTMAN, RIFLEMAN		27
DOINES, RENNARD	PFC	RIFLEMAN, 2D SQD		24
DOVE, BOBBY L	CPT	S1		6
DUFF, EDWARD E	SP4	FORWARD OBSERVER		21
DUKES, CLARENCE	1LT	ORDER OF BATTLE OFF, G2	NOV 67 JUN 68	2
DUNN, ARTHUR J	1LT	INFO OFF	DEC 67 DEC 68	11
DURSI, JAMES J	PFC	RIFLEMAN, 1ST SQD		24
DUSTIN, FRED W	SP4	RIFLEMAN, 3D SQD		27
EARLE, THOMAS B JR	MAJ	G2 ADVISOR	OCT 67 JUL 68	30
EBINGER, JOHN C JR	PFC	RIFLEMAN, 1ST SQD NOT ON OPERATION		20
EIKENBERRY, ROGER	PFC	RIFLEMAN/TUNNEL RAT, 3D PLT		17
ELLIOT, VERNON R	SSG	PLT SGT, 1ST PLT		17
ESTERLING, RONALD J	PFC	MG, 3D SQD		21
EZELL, VERNON P	WO1	GUN SEC, CO B		6
FAGAN, MARTIN F	SP5	COMPUTER		28
FELIX, HOWARD E	SP5	S3 CLERK	NOV 67 NOV 68	11
FERNANDEZ, MARIO D	SP4	RTO		18
FIELDS, ALFRED	PFC	RIFLEMAN, 1ST SQD		21
FIELDS, DEAN JR	PFC	RTO		26
FLORES, ABEL JR	SP5	MEDIC		27
FLYNN, JAMES H	PFC	FORWARD OBSERVER		28
FORD, JAMES E	SP5	CLERK, INFO OFC	DEC 67 DEC 68	11
FORD, WILLIAM	MAJ	OPN OFF, RF/PF	MAR 68 APR 69	29
GALLOWAY, JAMES V	COL	ASST DIVISION COMMANDER	MAR 68 DEC 68	2
GAMBLE, STEVEN J	CPT	CO, BTRY D, 6/11 ARTY	FEB 68 OCT 68	2
GARBOU, CHRISTOPHER	1LT	PILOT, 1ST PLT		9
GARZA, GEORGE A	SP4	MEDIC		26
GAVAN, WILLIAM H	CPT	ADV RECON UNIT	NOV 68 SEP 69	29
GAVIN, DAVID C	MAJ	SENIOR ADVISOR	JUL 67 JAN 69	30

GEIGER, THOMAS W	SP5		S2 CLERK	NOV 68 NOV 69	11
GELLING, LOUIS	COL		CO, 196 LT INF BDE	DEC 67 JUN 68	2
GERBERDING, ROBERT K	MSG		INTEL SGT	MAR 68 OCT 68	11
GETTYS, CHARLES M	MG		COMMANDING GENERAL	JUN 68 MAY 69	2
GIBSON, GLENN D	MAJ		COMMANDING OFFICER		9
GLAFF, WILLIAM O	MAJ		G5 ADVISOR	JUN 67 JUL 68	30
GLIMPSE, STEPHEN R	SP4		RTO		27
GOLDEN, CLARENCE H	MAJ	USAF	FORWARD AIR CONTROLLER	DEC 67 MAY 68	11
GONZALEZ, LEONARD R	PFC		GRENADIER, 1ST SQD		26
GORE, JOHN E JR	1LT		XO, HQ & HQ COMPANY	DEC 67 DEC 68	11
GOUZOULES, WINSTON	CPT		S5, 4/3	DEC 67 JUN 68	11
GRANGER, CLINTON E JR	LTC		AC OF S, G3	JUL 67 DEC 67	2
GRAY, HAROLD JR	WO1		GUN SEC, CO B		6
GREEN, JOHN	LTC		ASST ADV ADMIN	OCT 67 SEP 68	29
GREER, THOMAS F	1LT		LND TO DIVISION	MAR 68 MAY 68	11
GRIMES, JOE JR	SP4		SQD LDR, 3D SQD		27
GRUBAUGH, WILLIAM R	LTC	USMC	SR ADV REV DEVMT	NOV 67 MAY 68	29
GUALTIER, JOSEPH M	WO1		LHQ SEC, CO B		6
GUINN, WILLIAM D	LTC		DEP SR ADVISOR	JUN 67 JUN 68	29
GUTHRIE, JIMMIE W	SP4		EOD SPECIALIST		21
HACKING, DAVID	MAJ		ADVISOR TO RF/PF	JAN 68 DEC 68	29
HAEBERLE, RONALD L	SGT		PHOTOGRAPHER, INFO OFC	DEC 67 MAR 68	11
HALL, CECIL D	SFC		COMMO CHIEF		15
HALL, HOMER C	SP4		RIFLEMAN, 1ST SQD		19
HALLMAN, RODNEY G	MAJ		ASST TO CHIEF OF STAFF	AUG 68 JUN 69	2
HANCE, WILMER J	1LT		AIDE ADC	MAR 68 NOV 68	2
HANCOCK, JAMES H	MAJ		G3 ADVISOR	JUL 67 JUL 68	30
HANKS, JOHN G	MAJ	USAF	FORWARD AIR CONTROLLER	DEC 67 MAY 68	11
HARLOW, RICHARD A	SGT		SQD LDR, 2D SQD		22
HARRINGTON, WAYNE C	MAJ		HQ CMDT	JUL 68 FEB 69	2
HARTMAN, HENRY L	SP4		DEMO SP ATCH FR C/26 EN BN		15
HATCH, LARRY L	SP4		RTO		22
HAWKINS, CALVIN L	SP5		DEMO SP ATCH FR C/26 EN BN		15
HAYWOOD, ELMER G	PFC		RIFLEMAN, 1ST SQD		24
HEALEY, FRANCIS T	SP4		CREW CHIEF		9
HEIN, DAVID B	SGT		GUNNER		28
HENDERSON, JAMES H	CPT		TOC DUTY OFFICER	DEC 67 DEC 68	11
HENDERSON, ORAN K	COL		BRIGADE COMMANDER	MAR 68 OCT 68	12
HERRIS, WILLIAM P	SP5		STENO CG	SEP 67 JUN 68	2
HETHERLY, JAMES H	LTC		IG	JAN 68 MAY 68	2
HIDDE, GARY L	SP4		RTO COMPANY NET		18
HILL, GERALD D JR	LTC		PUBLIC INFO OFFICER	OCT 67 AUG 68	2
HILL, JOHN W	SP5		STENO C OF S, ADC/OPNS	FEB 68 OCT 68	2
HOBSCHEID, HARRY F	1SG		1ST SGT NOT ON OPERATION		23
HODDE, CALVIN D	SP4		CREW CHIEF, CO B		6
HODGES, KENNETH L	SP5		SQD LDR, 1ST SQD		26
HOFFMAN, CARL W	BG	USMC	AC OF S, G3	MAR 68 MAY 69	1
HOFFMAN, RAYMOND P JR	CH MAJ		BRIGADE CHAPLAIN	FEB 68 DEC 68	12
HOLBROOK, RICHARD J	CPT		ASST S2	DEC 67 JUN 68	12
HOLCK, ROY A V	MAJ		S3, 4/3	DEC 67 APR 68	12
HOLLADAY, JOHN L	LTC		BATTALION COMMANDER		6
HOLMES, LARRY G	PFC		RIFLEMAN, 2D SQD		19
HOLMES, ROBERT D	PFC		RIFLEMAN, 1ST SQD		22
HOLTOM, STANLEY E	LTC		PSYOPS OFFICER, G5	JAN 68 SEP 68	2

HONDA, GILBERT S JR	CW3	PILOT, AVN SEC	DEC 67 NOV 68	12
HOOTON, DONALD R	SP4	TEAM LDR, 3D SQD		19
HOUGHTON, DANIEL R	PFC	1ST SQD		22
HRUDA, KENNETH R	WO1	PILOT, 1ST PLT		9
HUFFMAN, CECIL W	SP4	SQD LDR, 1ST SQD		22
HUTSON, MAX D	SP4	ASST MG, 3D SQD		26
HUTTER, DEAN E	COL	SENIOR ADVISOR	MAR 68 APR 69	30
HUTTO, CHARLES E	SP4	MG, 3D SQD		26
JARRETT, CLARENCE H	1LT	ASST G5	MAR 68 AUG 68	2
JENKINS, JIMMY L	PFC	RTO		10
JOHNSON, DENNIS H	1LT	INTEL OFFICER, 52 MID	DEC 67 JUN 68	13
JOHNSON, WAYNE E	CPT	LNO TO QUANG NGAI PROV	DEC 67 APR 68	2
JOHNSON, WILLIAM J	MSG	OPNS SGT		16
JOLLY, JOE T	SGT	FORWARD OBSERVER		28
JONES, JOHN T	LTC	SJA	DEC 67 APR 68	2
JONES, LAWRENCE M	COL	CO, DIV ARTY	MAR 68 MAR 69	2
JONES, MARVIN B	SP4	RIFLEMAN, 1ST SQD		19
KEATING, DONALD R	MAJ	ASST SR ADV REV DEVMT	AUG 67 MAR 69	29
KELLENBENZ, RONALD	WO1	LOH SEC, CO B		6
KELLEY, WILLIAM D	LTC	ASST G3	DEC 67 APR 68	3
KERN, WILLIAM H	CPL	RECON NCO ARTY		23
KESHEL, DONALD J	CPT	S5	DEC 67 DEC 68	13
KINCH, THOMAS J	SP4	ASST GUNNER		28
KINGSBY, DAVID L	SP4	1ST SQD		12
KIRKPATRICK, ROY D.	SGM	NCOIC, BDE TOC	NOV 67 APR 68	13
KISSINGER, HARRY P III	CH MAJ	CHAPLAIN, 1/20	DEC 67 DEC 68	13
KLAUMANN, JAMES J	SP5	CREW CHIEF, CO A		6
KONWINSKI, JOSEPH N	SP4	RIFLEMAN, 1ST SQD NOT ON OPERATION		24
KOREN, HENRY L Y	FSD	C, CORDS, NORTHERN PROV	JAN 67 MAR 68	29
KOSTER, SAMUEL W	MG	COMMANDING GENERAL	SEP 67 JUN 68	3
KOTOUC, EUGENE M	CPT	S2		16
KRIEG, RONALD M	PFC	S2 CLERK	JUL 68 JUN 69	13
KUBERT, LAWRENCE J	SGT	OPNS SGT, LZ DOTTIE, CO B		6
KUECHENMEISTER, GEORGE P	MAJ	LNO, OCOFS BRIEFING OFF	DEC 67 APR 68	3
KYE, SIDNEY	PFC	RIFLEMAN, 3D SQD		25
LABRIOLA, ALBERT C	CPT	CO, 52 MI DET	DEC 67 JUL 68	13
LACKEY, CARL L	WO1	PILOT, AVN SEC	DEC 67 DEC 68	13
LA CROIX, LAWRENCE C	SP4	SQD LDR, 3D SQD		26
LACROSS, JEFFREY U	2LT	PLT LDR		27
LA MARTINA, SALVADOR	SP4	ASST SQD LDR, 3D SQD		26
LANE, RANDOLPH C	CPT	INTEL ADVISOR	JUN 67 JUN 68	29
LEE, ROBERT J	SP4	MEDIC		25
LEWELLEN, CHARLIE R	CPT	ASST S3 TOC DO		16
LEWIS, FRANCIS	CH LTC	DIVISION CHAPLAIN	AUG 67 AUG 68	3
LIAS, RAY L	SSG	SQD LDR, 1ST SQD		19
LIND, DEAN C	WO1	PILOT, 1ST PLT		9
LINKOUS, RODNEY V	SP4	SQD LDR, 2D SQD		19
LIPSCOMB, ANDY A	BG	BRIGADE COMMANDER	MAR 67 MAR 68	13
LITTLE, KING D	SGT	SQD LDR, 2D SQD		20
LIVINGSTON, BRIAN W	1LT	GUN SEC, CO B		6
LLOYD, BARRY C	1LT	SEC LDR, LOH SEC, CO B		6
LOFTIS, ROBERT W	SSG	ADMIN NCO, OC OF S	NOV 68 MAY 69	3

LOGAN, JAMES A	MAJ	LNO, OCOFS BRIEFING OFF	JAN 68 AUG 68	3
LONG, SAMUEL E JR	SP4	GRENADIER, 3D SQD	NOT ON OPERATION	19
LOPEZ, MANUEL	SSG	PLT SGT		27
LUCAS, WARREN J	LTC	PROVOST MARSHAL	DEC 67 MAY 68	3
LUCAS, WILLIAM P	SP4	CREW CHIEF, CO A		7
LUNDEEN, RANDALL R	1LT	PLT LDR, WPNS PLT		17
LUPER, ROBERT B	LTC	CO, 6/11 BN ARTY	MAY 67 MAY 68	3
MAC LACHLAN, WILLIAM I	LTC USAF	AF LNO	DEC 67 SEP 68	13
MADISON, JOE	SP4	MG, 2D SQD		20
MAGNO, MICHAEL O	WO1	PILOT, GUN PLT		9
MAHR, MICHAEL B	SP4	MG, 1ST SQD		22
MANSELL, CHARLES H	WO1	GUN SEC, CO B		7
MAPLES, ROBERT E	SP4	MG, 2D SQD		25
MARCK, ERNEST	PFC	RTO COMPANY NET		17
MARONEY, LEO M	SFC	PLT SGT		28
MARSHALL, BARRY P	SP4	SECURITY SQD LDR		18
MARTIN, LOUIS B	PFC	RTO ARTY		23
MARTIN, THOMAS R	SP4	DEMO SP ATCH FR C/26 EN BN		16
MAY, JAMES A	FSO	SENIOR ADVISOR	JUN 65 JUN 68	29
MC ANAW, JOHN P	MAJ	S3, 4/3	DEC 67 NOV 68	13
MC CLOUD, FRANKLIN	SSG	PLT SGT		22
MC CRARY, LANNY J	1LT	PLT LDR, GUN PLT		9
MC KENNEY, WILLIE J	PFC	MG, 2D SQD		21
MC KNIGHT, ROBERT W	MAJ	S3	JAN 68 AUG 68	13
MEADLO, PAUL D	PFC	RIFLEMAN, 1ST SQD		25
MEDINA, ERNEST L	CPT	COMMANDING OFFICER		23
MEGRATH, ALBERT B	SP4	DOOR GUNNER, CO B		7
MELTON, CARL W	MAJ	S1	NOV 68 MAR 69	13
MERCER, LEON R	SP4	RTO		21
MESSINGER, JAMES N	WO1	PILOT, GUN PLT		9
MICHENER, MORRIS G	PV2	RIFLEMAN, 1ST SQD		20
MILLER, STEPHEN M	PFC	RTO		22
MILLIANS, DAN R	CW2	GUN SEC, CO B		7
MITCHELL, DAVID	SSG	SQD LDR, 1ST SQD		25
MOE, THELMER A	CPT	SEC LDR, SLICK SEC, CO B		7
MOODY, JOHN W	1LT	INFO OFFICER	DEC 67 MAY 68	13
MORENO, ARTURO M	PFC	RIFLEMAN, 2D SQD		21
MOSS, TOMMY L	PFC	RIFLEMAN, 3D SQD		26
MOYS, JOSEPH C	WO1	PILOT, GUN PLT		9
MULHERIN, HAROLD A	WO1	PILOT, CO A		7
MUNDY, JOHN E	2LT	EXECUTIVE OFFICER		18
MURPHY, WILLIAM R	WO1	PILOT, GUN PLT		9
MURRAY, ROGER D	SP4	RTO BATTALION NET		23
MYERS, LUTHER C	SP4	AMMO BEARER, 3D SQD		22
NAVARRE, GEORGE G	SP4	RIFLEMAN, 3D SQD		22
NEUMANN, WILLIAM G	CPT	PLT LDR, 2D PLT		10
NEWELL, JOHN P	WO1	SEC CMDR, HQ & HQ DET		7
OLIPHENT, JOHN L	PFC	AMMO BEARER		28
OLSEN, GREGORY T	SP4	MG, 1ST SQD		25
ORELL, SETH R	CPT	ASST G2 BRIEFING OFF	DEC 67 DEC 68	3
PALMER BRUCE JR	LTC	DEPUTY COMMANDING GENERAL	JAN 68 JUN 68	1
PARKER, HARRY E	PFC	GRENADIER, 2D SQD		22
PARNELL, ROY L	MAJ	ASST IG	MAY 68 SEP 68	4
PARSON, NELS A	COL	CHIEF OF STAFF	FEB 68 AUG 68	4

PARTSCH, THOMAS R	SP4	GRENADIER, 2D SQD	26
PAUL, JOHN H	SP4	RTO COMPANY NET	24
PENDLETON, RICHARD W	PFC	RIFLEMAN, 3D SQD	27
PITTMAN, JOHN L	MAJ	PROVOST MARSHAL	DEC 67 AUG 68 13
PLACEK, JAMES E	PFC	RIFLEMAN, 2D SQD	20
POLSTON, LARRY G	SP4	RIFLEMAN, 2D SQD	27
POWELL, JAMC C	MAJ	ASST TO CHIEF OF STAFF	MAY 68 SEP 68 4
PREW, MAURICE N	FSO	REV DEVMT/CEN GRIEVENCE	JUN 67 DEC 68 29
QUALLS, ORBUN F	LTC	AC OF S, G1	OCT 67 JUL 68 4
RAGSDALE, ROBERT W	SGT	COMPANY C, 37 SIG BN	MAR 68 JUN 68 30
RAMSDALL, ROBERT	FSO	REV DEVMT/CAORE/PLAN	FEB 68 JAN 69 29
RAVENCRAFT, KENNER	SFC	PLT SGT, WPNS PLT	17
RAYNOR, JAMES H	SFC	PLT SGT NOT ON OPERATION	27
RECTOR, ZANE K	MAJ	ASST DIV AVN OFF, BN HQ	7
REID, JOSEPH M	1LT	LNO TO TF BARKER	JAN 68 APR 68 14
RESSEGUIE, ROBERT	FSO	DEP REV DEVMT ADV	JAN 67 SEP 67 30
			DEC 67 JAN 68
REUTNER, JAMES A	1LT	GUN SEC, CO B	7
RIDDLE, HENRY E	SP4	DOOR GUNNER, CO A	7
RIDENHOUR, RONALD L	SP5	DOOR GUNNER, AVN SEC	JAN 68 NOV 68 14
RIGGS, WILLIAM C	CPT	COMMANDING OFFICER	17
RITCHIE, JAMES R III	SSG	ADMIN NCO, OC OF S	JAN 68 MAY 68 4
RIVERA-MUNIZ, ESTEBAN	SP4	DOOR GUNNER, CO B	7
ROBERTS, DANIEL A	CPT	AIDE CG	SEP 67 MAY 68 4
ROBERTS, JAY A	SP5	SR CORRESPONDENT INFO OFC	DEC 68 SEP 68 14
ROBERTS, RANDEL W	SP4	RADIO RELAY OPR	29
RODRIGUEZ, ANGEL M	CPT	ASST ADVISOR	NOV 67 OCT 68 30
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ROGERS, JAMES D	CSM	DIVISION CSM	JAN 68 JAN 69 4
ROGERS, PRESTON S	PFC	MAINT SEC, CO B	7
ROSADO-DELGADO, PABLO	SFC	CHIEF CLERK, S1	NOV 67 NOV 68 14
RUSHIN, EARL	SSG	PLT SGT	20
RUSSELL, ALBERT L	LTC	OPNS STAFF OFF, G3	MAR 58 JUN 68 1
SABRE, RANDOLPH E	CPT	PLT LDR, CO B	8
SAFERSTEIN, THORTON S	MAJ	ASST IG	SEP 68 AUG 69 4
SAIMONS, NICK E	SFC	ADMIN NCO, OC OF S	MAY 68 NOV 68 4
SAINT, CROSBIE E	LTC	ASST G3	JAN 68 JUN 68 4
SAMS, WORLEY L	SSG	ENGR SQD LDR ATCH FR C/26 EN BN	16
SCHIEL, KENNETH	SGT	SQD LDR, 2D SQD	27
SCHLEICHER, RICHARD G	MAJ	S2	MAY 68 NOV 68 14
SCHOOLFIELD, BYRON	CPT	FLIGHT SURGEON	10
SHANNON, RICHARD J	CH CPT	CATHOLIC CHAPLAIN, 1/20	DEC 67 APR 68 14
SHIFLEY, JOHNNY J	PFC	RIFLEMAN, 1ST SQD	21
SILVA, RICHARD F	SP4	MEDIC	20
SITTIG, WILLIAM	FSO	ASST SR ADV REV DEVMT	30
SLEDGE, CHARLES	SP4	RTO	25
SMALL, JOHN H	SGT	SQD LDR, 1ST SQD	27
SMITH, FRED	MAJ	BDE AVN OFF	DEC 67 NOV 68 14
SMITH, GERALD A	PFC	RIFLEMAN, 2D SQD	27
SMITH, RICHARD R	SGT	ENLISTED AIDE ADC/OPNS	DEC 67 SEP 68 4
SOMMERVILLE, GEORGE	CW2	409TH MAINT DET	10
SPELTZ, KARL W	CPT	PSYOPS WAR ADV	SEP 68 AUG 69 30
STAFFA, WILLIAM J	1LT	LOH SEC, CO B	8
STANLEY, HARRY	PV2	GRENADIER, 2D SQD	25

STANSEL, DONALD R	SSG	IO SGT, INFO OFC	DEC 67 JUN 68	14
STEPHENS, CLINTON D	SFC	S2 SGT		16
STONICH, JOHN	SFC	NCIC, INFO OFC	DEC 67 AUG 68	14
STROP, JEROME M	SP5	S2 CLERK	APR 68 MAR 69	14
SWATN, CARROL E	LTC	IG	MAY 68 MAR 69	4
SWEENEY, JAMES L	SP5	MEDIC		18
TAIT, HOWARD D	SP4	DEMO SP ATCH FR C/26 EN BN		16
TAYLOR, LARRY H	SGT	RIFLEMAN, 3D SQD		20
THOMPSON, HUGH C JR	WO1	LQH SEC, CO B		8
TIXIER, LEWIS R	COL	ACTING CHIEF OF STAFF	AUG 68 OCT 68	4
TREADWELL, JACK L	COL	CHIEF OF STAFF	OCT 68 MAR 69	4
TREVINO, FERNANDO	SP4	RIFLEMAN, 2D SQD		27
TREVINO, ROY F	PFC	RIFLEMAN, 2D SQD		27
TREXLER, TOMMY P	LTC	AC OF S, G2	JAN 68 MAY 68	5
TRINKLE, PATRICK	CPT	CO PRIOR TO 16 MAR 68		17
T SOUVAS, ROBERT W	PFC	MG, 3D SQD		28
ULSAKER, CARL C	COL	SENIOR ADVISOR	MAY 67 MAR 68	30
VAN ABLE, HERBERT II	SP5	STENO ADC	OCT 67 FEB 69	5
VAN RYZIN, WILLIAM J	MG USMC	DEPUTY COMMANDER	FEB 68 JUN 68	1
VANN, EDWARD O	SSG	ACTING WPNS PLT LDR		22
VAZQUEZ, DENNIS R	CPT	ARTY LNO		16
VEATCH, JOHN D	MAJ	S2	NOV 68 MAR 69	14
WADSWORTH, JOHN L	CPT	ASST S5	DEC 67 MAY 68	14
WALKER, BERNARD L	MSG	CHIEF CLERK, S1	OCT 68 OCT 69	14
WALKER, GERALD S	1LT	SEC LDR, GUN SEC, CO B		8
WALSH, JOSEPH W JR	SGM	BDE SERGEANT MAJOR	DEC 67 DEC 68	15
WARNER, JERRY	PFC	ASST MG, 2D SQD		20
WARREN, LONES R	SSG	MP SQD LDR SR MP		16
WATANABE, MASASHI	SFC	PLT SGT, 2D PLT		17
WATERSTREET, LARRY E	PFC	ASST GUNNER		29
WATKE, FREDERIC W	MAJ	COMMANDING OFFICER, CO B		8
WATKINS, JOHN M JR	CPT	SIGNAL OFFICER		17
WATSON, WILLIAM E	SGT	SQD LDR		29
WEST, CHARLES A	SP4	ASST SQD LDR, 3D SQD		28
WHITAKER, HOWARD K	COL	IG	JUL 68 JUN 69	1
WHITE, DONALD T	1LT	AIDE ADC/OPNS	NOV 67 MAY 68	5
WHITE, GEORGE C	1LT	PLT LDR, 3D PLT		17
WHITE, JERRY A	MAJ	S3	FEB 69 DEC 69	15
WHITTAKER, BRICE E	SP4	SQD LDR, 1ST PLT		22
WIDMER, FREDERICK J	SP4	ASST RTO COMPANY NET		24
WILKENS, FREDDIE J	SP4	RTO BATTALION NET		18
WILLIAMS, BOBBY G	SP4	TEAM LDR, 3D PLT		17
WILLIAMS, FRANKLIN D	PFC	RIFLEMAN, 2D SQD		28
WILLINGHAM, THOMAS K	1LT	PLT LDR		20
WILLOUGHBY, NEILL J	MAJ	SENIOR ADVISOR	NOV 67 JUN 68	30
WILSON, CLYDE P	CPT	EXECUTIVE OFFICER, CO B		8
WILSON, MELVILLE A	LTC	SJA	APR 68 JUL 68	5
WITHAM, ROBERT W	WO1	PILOT, CO A		8
WRIGHT, FLOYD D	SP4	ASST MG, 3D SQD		28
WYNDHAM, CHARLES K	CPT	CIVIL AFFAIRS OFF, 4/3	DEC 67 JAN 69	15
YOUNG, GEORGE H	BG	ASST DIVISION CMDR OPNS	MAR 68 JUN 68	5
YOUNG, MASON J JR	COL	CO, DIV ARTY	SEP 67 MAR 68	5
ZAMORA, FLORENTINO	SGT	SQD LDR, 3D PLT		17

The following pages of Volume II bear the protective markings "For Official Use Only" and are excluded from automatic termination of such markings in accordance with paragraph 13, AR 340-16. The specific contents of the individual pages which warrant these protective markings are identified by a vertical bar on the right-hand margin. Removal of protective markings from these pages requires the approval of Headquarters, Department of the Army.

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\* Indicates summary of recall testimony

(The hearing convened in Room BF735A, Pentagon, Washington, D.C., at 1640 hours, 1 December 1969.)

IO: This hearing will come to order.

RCDR: The reporters will be sworn.

You, Specialist Seven Kendall J. BETTERIDGE and Specialist Seven Lee B. EDMONDS, do swear that you will faithfully perform the duties of reporters to this board. So help you God.

RPTRS: I do.

RCDR: This investigation is directed by the Secretary of the Army and Chief of Staff, U.S. Army, Joint Memorandum for Lieutenant General William R. PEERS, subject: "Directive for Investigation," dated 26 November 1969. It is marked Exhibit A-1.

The next document is a 30 November 1969 Memorandum for the Secretary of the Army and the Chief of Staff, United States Army, subject: "Investigation of the Adequacy of the Preliminary Inquiries into the My Lai (4) Case," and signed by Lieutenant General PEERS. It is marked Exhibit A-2.

The next document is a 30 November 1969 Memorandum for the Secretary of the Army and the Chief of Staff, United States Army, subject: "Functioning of the Board of Investigation," signed by Lieutenant General PEERS. This is Exhibit A-3.

The next document is a 1 December 1969 letter, subject: "Appointment of Personnel to Assist in Investigation," signed by General PEERS and addressed to those persons he has designated to assist him in the conduct of the investigation. This document is marked Exhibit A-4.

The Investigating Officer, Lieutenant General William R. PEERS, his deputy, Mr. Bland WEST, and the following persons selected by the Investigating Officer as assistants are present:

Colonel Robert E. MILLER, Colonel William V. WILSON, Lieutenant Colonel James H. BREEN, Major Edward F. ZYCHOWSKI, Major Clyde D. LYNN, and Mr. James S. STOKES.

The following persons are absent: None.

Request that Exhibits A-1, A-2, A-3, and A-4 be received in the record.

IO: They are so received.

RCDR: The Investigating Officer will be sworn.

COL MILLER: You, General PEERS, do swear that you will faithfully perform all the duties incumbent upon you as Investigating Officer; that you will faithfully and impartially examine and inquire, according to the evidence, your conscience, and the laws and regulations provided, into the matter now before you without partiality, favor, affection, prejudice, or hope of reward; that you will find such facts as are supported by substantial evidence of record; that, in determination of those facts which are in dispute or are difficult of proof, you will use your professional knowledge and best judgment and common sense in weighing the evidence, considering the probability or improbability thereof, and with this in mind will regard as established facts those which are supported by evidence deemed most worthy of belief; and that you will make such findings and recommendations as are appropriate to, warranted by, and consistent with your findings, according to the best of your understanding of the rules and regulations for the government of the Army, Department of the Army policies, and the customs of the service, guided by your concept of justice, both to the Government and to individuals concerned. So help you God.

IO: I do.

The recorder will now be sworn: You, Major Clyde LYNN, do swear that you will faithfully perform the duties and functions of recorder for this investigation. So help you God.

RCDR: I do.

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Now, the persons appointed to assist General PEERS will be sworn: You, Mr. Bland WEST, Mr. James S. STOKES, Colonel Robert E. MILLER, Colonel William V. WILSON, Lieutenant Colonel James H. BREEN, and Major Edward F. ZYCHOWSKI, do swear that you will faithfully perform all duties and functions in the conduct of this investigation. So help you God.

ASSISTANTS: I do.

IO: Does the recorder or do any of the assistants to the Investigating Officer desire to be advised as to the law, regulations, or orders concerning this investigation?

(There is no response from any member.)

Apparently not. I have a statement to make with respect to this investigation.

This investigation was directed by, and I was appointed jointly by, the Secretary of the Army and the Chief of Staff, United States Army, for the purpose of determining facts and making findings and recommendations concerning:

- (1) the adequacy of prior investigations and inquiries into and subsequent reviews and reports within the chain of command of what is now commonly referred to as the My Lai incident of 16 March 1968; and
- (2) the possible suppression or withholding of information by persons who had a duty to report and to furnish information concerning this incident.

I plan to question personally, or to direct the questioning by one or more of the designated investigating officers, all witnesses, who, in my opinion, may have information which is relevant and material to the matters which I have been appointed to investigate.

You, as my selected assistants, have the mission of assisting me in the conduct of this investigation by performing whatever duties may be assigned to you by me or by my deputy, Mr. Bland WEST.

(OPENING)

From time to time one or more of you may be detailed to conduct separate questioning of witnesses or to perform other duties during a time when my investigation is in session. And there may be times when all or most of you will be present during the questioning of a witness, and you may be detailed to conduct part or all of the questioning. I emphasize that this questioning is solely to assist me in conducting the investigation and in arriving at my findings, conclusions, and recommendations.

I direct your attention particularly and specifically to one important matter. It will not be my task to investigate all the facts and circumstances of the My Lai incident. My task is as set out in the "Directive for Investigation" which has already been read. I also stated my mission a few moments ago. I repeat it so that there may be no misunderstanding.

This investigation was directed by, and I was appointed jointly by, the Secretary of the Army and the Chief of Staff, United States Army, for the purpose of determining facts and making findings and recommendations concerning:

(1) the adequacy of prior investigations and inquiries into and subsequent reviews and reports within the chain of command of what is now commonly referred to as the My Lai incident of 16 March 1968; and

(2) the possible suppression or withholding of information by persons who had a duty to report and to furnish information concerning this incident.

I realize that some of the facts of the My Lai incident itself will be relevant in the conduct of this investigation. However, I counsel you to keep ever in mind the specific and limited purpose of this investigation and to key your actions in support of my investigation to those purposes. If at any time you have a question or doubt in this matter, you should consult with me or my deputy.

We are all under oath to perform all of our duties and functions faithfully. The responsibility for

(OPENING)

weighing the evidence and making findings and recommendations is mine. Your task is to assist me in searching out all relevant facts. Our objective is to ascertain the true facts, the truth, as best this can be done after so long a time has elapsed. Our principal sources of information will be directives, regulations, reports, and other types of documentary evidence and testimony.

I cannot impress upon you too much the gravity of the matter under investigation. This task is one to which you must bring to bear all of your skills, knowledge, and effort.

The general security classification of this investigation will be CONFIDENTIAL except where a higher classification is required. You should keep in mind, though, that it is possible that the report, or at least parts of the testimony, may become a matter of public knowledge, and much of the record itself may be declassified.

It is very probable that some of the witnesses may be called who are already suspected of or accused of offenses relating to the My Lai incident. It is possible that witnesses who are not now suspected of having committed any offense related in any way to matters under investigation may become suspect by reason of their testimony or the testimony of others. You must ever be alert to those possibilities and be certain that Article 31 of the Uniform Code of Military Justice and Fifth Amendment to the Constitution rights, as appropriate to any individual, are not violated.

We already have been, or will be, furnished many documents relevant to the My Lai incident. These include, but are not limited to, the Inspector General's investigation and report, Military Police criminal investigation reports and interrogations, sketches, directives, and reports. You should use these and refer to them as necessary to better prepare you to perform your duties.

You should not discuss your activities in support of this investigation with anyone except in performance of your duties in connection with the investigation or

as you may otherwise be explicitly authorized to do by someone in authority to grant such permission.

Are there any questions?

(There is no response from any member.)

Does the recorder have any documents to submit before the taking of testimony begins?

RCDR: Not at this time, sir.

IO: This hearing is now recessed until 0900 hours tomorrow, 2 December 1969.

(The hearing recessed at 1652 hours, 1 December 1969.)

(The hearing reconvened at 1010 hours, 7 February 1970.)

LTC PATTERSON: The hearing will come to order.

RCDR: The following named persons are present: LTC PATTERSON and MAJ LYNN.

LTC PATTERSON: The purpose of this session is to introduce into evidence directives and documents that are pertinent to the reports of this inquiry and which have been referred to directly or indirectly in the testimony of the individuals appearing before members of this investigation or inquiry.

The following directive, MACV Directive 20-4, dated 18 May 1968, entitled, "Instructions on Investigations, War Crimes," with change 1, dated 7 October 1969.

RCDR: This will be entered into the record and marked as Exhibit D-37.

LTC PATTERSON: MACV Directive 27-5, dated 2 November 1967, entitled "War Crimes and Other Prohibited Acts."

RCDR: This will be entered into the record and marked as Exhibit D-38.

LTC PATTERSON: MACV Directive 381-46, dated 27 December 1967, entitled, "Combined Screening of Detainees."

RCDR: This directive will be entered into the record and marked as Exhibit D-39.

LTC PATTERSON: MACV Directive 525-9, dated 10 April 1967, entitled, "Control, Disposition, and Safeguarding of Vietnamese Property, Captured Materiel, and Food Supplies (U)" with change 1, dated 23 July 1967.

RCDR: This directive will be entered into the record and marked as Exhibit D-40.

LTC PATTERSON: MACV Directive 612-1, dated 16 March 1968, entitled, "Processing of New Arrivals."

RCDR: This directive will be entered into the record and marked as Exhibit D-41.

LTC PATTERSON: TWX message from COMUSMACV to Commanding General, Americal Division, dated 161425Z March 1968, subject: "Congratulatory Message."

RCDR: This message will be entered into the record and marked as Exhibit M-89.

LTC PATTERSON: "Letter of Commendation," Headquarters, 11th Infantry Brigade, to Commanding Officer, C/1/20 Infantry, through Commanding Officer, Task Force Barker, dated 27 March 1968.

RCDR: This will be entered into the record and marked as Exhibit M-90.

LTC PATTERSON: TWX message from COMUSMACV to multiple addressees, dated 080200Z December 1967, "WESTMORELAND Sends," reference "Guidance for Commanders in Vietnam."

RCDR: This will be entered into the record and marked as Exhibit M-91.

LTC PATTERSON: Extract of MACV computer summary prepared by Data Management Agency, subject: "Large Scale Operations," dated first quarter 1968.

RCDR: This document will be entered into the record and marked as Exhibit M-92.

LTC PATTERSON: Extracts of "Handbook for Military Support of Pacification," dated February 1968, from Headquarters, MACV.

RCDR: This document will be entered into the record and marked as Exhibit M-93.

LTC PATTERSON: Extract from MACV "Individual Replacement Packet" with memorandum for record, dated 20 January 1970, subject: "MACV Replacement Orientation Packet."

RCDR: This document will be entered into the record and marked as Exhibit M-94.

LTC PATTERSON: Extracts from MACV Command Center log, dated 16 March 0001 hours to 16 March 2400 hours.

RCDR: This document will be entered into the record and marked as Exhibit M-95.

(EXHIBITS)

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LTC PATTERSON: Extracts of MACV Command Center log, date-time group 170001 March to 172400 March 1968.

A. This document will be entered into the record and marked as Exhibit M-96.

LTC PATTERSON: Extracts of Daily SITREP from COMUSMACV for 16 March 1968, SITREP 76.

RCDR: This document will be entered into the record and marked as Exhibit R-26.

LTC PATTERSON: Extract from COMUSMACV Weekly Summary for the period date-time group 091601Z March 1968 to 161600Z March 1968.

RCDR: This document will be entered into the record and marked as Exhibit R-27.

LTC PATTERSON: Extract USARV Regulation 350-1, dated 10 November 1967, entitled, "Education and Training, USARV Training."

RCDR: This document will be entered into the record and marked as Exhibit D-17.

LTC PATTERSON: USARV Regulation 612-1, dated 8 January 1968, subject: "Issue and Possession of Information Cards."

RCDR: This document will be entered into the record and marked as Exhibit D-18.

LTC PATTERSON: USARV Regulation 870-2, dated 11 March 1968, subject: "Daily Journal Files."

RCDR: This document will be entered into the record and marked as Exhibit D-19.

LTC PATTERSON: Headquarters, USARV, Army Operations Center Daily Summary, dated 17 March 1968, extract and extracts from USARV TWX message 8076 and 8077.

RCDR: This document will be entered into the record and marked as Exhibit R-28.

(EXHIBITS)

LTC PATTERSON: TWX Message from CG, USARV, to CG, Americal Division, dated 9 September 1968, subject: "Reorganization of the Americal Division."

RCDR: This document will be entered into the record and marked as Exhibit M-97.

LTC PATTERSON: Headquarters, USARV, memorandum for record, 17 April 1969, subject: "Preliminary Inquiries Concerning Alleged Massacre of All Vietnamese Residents of My Lai by U.S. Soldiers," signed by WHITAKER, Colonel, IG.

RCDR: This document will be entered into the record and marked as Exhibit M-98.

LTC PATTERSON: Letter, Headquarters, Americal Division, dated 25 May 1969, subject: "Report of Investigation," to CG, USARV, attention: AVHIG, Colonel WHITAKER, signed by Colonel HOWARD, Inspector General, in two copies: one copy annotated, "Received by I&C, IG Division on 4 June 1969," initialled HKW; second copy indicates receipt from IG file with penciled MFR stating, "Office, Chief of Staff, provided copy of Inclosure 1, 25 May 1969, Inclosure 1 obtained for S2 files, 11th Brigade," initialled EPH.

RCDR: The letter read into the record will be Exhibit M-99. The annotated copy will be Exhibit M-100.

LTC PATTERSON: TWX message, true copy, dated 23 May 1969, from Colonel DONALDSON, Chief of Staff, Americal Division, to Colonel HENDERSON; true copy signed by Colonel QUIGLEY, 5 February 1970.

RCDR: This document will be entered into the record and marked as Exhibit M-101.

LTC PATTERSON: Extract, III MAF Force Order 1560.1A, subject: "Command Information and Indoctrination Program," dated 11 September 1967.

RCDR: This document will be entered into the record and marked as Exhibit D-20.

LTC PATTERSON: Headquarters, III MAF Force Order 3040.3, subject: "Minimizing Noncombatant Battle Casualties," dated 13 December 1966.

RCDR: This document will be entered into the record and marked as Exhibit D-21.

LTC PATTERSON: Headquarters, III MAF Force Order PO3121.5, subject: "Standard Operating Procedure for Ground and Air Operations," dated 10 November 1967.

RCDR: This document will be entered into the record and marked as Exhibit D-22.

LTC PATTERSON: Headquarters, III MAF Force Order 03330.1, subject: "Conduct of Artillery, Mortar, and Naval Gunfire," dated 3 February 1967.

RCDR: This document will be entered into the record and marked as Exhibit D-23.

LTC PATTERSON: Headquarters, III MAF Force Order 3460.3, subject: "Treatment of Captured Personnel," dated 8 September 1966.

RCDR: This document will be entered into the record and marked as Exhibit D-24.

LTC PATTERSON: Headquarters, III MAF Force Order 34631.2a, subject: "Processing, Exploiting, Evacuating, and Accounting for Prisoners of War," dated 8 July 1967, with change 1, dated 16 September 1967.

RCDR: This document will be entered into the record and marked as Exhibit D-25.

LTC PATTERSON: Headquarters, III MAF Force Order 5080.5, subject: "Property Damage and Death or Personal Injury to Vietnamese Civilians," dated 3 October 1966.

RCDR: This document will be entered into the record and marked as Exhibit D-26.

LTC PATTERSON: Headquarters, III MAF/I Corps Coordinator Instruction 5370.1a, subject: "Respect for the Law, Property, Institutions, Traditions, and Customs of the Republic of Vietnam," dated 13 February 1966, with change 1.

RCDR: This document will be entered into the record and marked as Exhibit D-27.

LTC PATTERSON: Letter, Headquarters, III MAF, subject: "Spot/Serious Incident Reports," dated 2 March 1967.

RCDR: This document will be entered into the record and marked as Exhibit D-28.

LTC PATTERSON: TWX Message from CG, III MAF, to III MAF, all commanding officers, date-time group 010054Z January 1968, with reference resolutions for 1968.

RCDR: This document will be entered into the record and marked as Exhibit D-29.

LTC PATTERSON: Headquarters, Task Force Oregon, Regulation 335-6, dated 21 March 1967, subject: "Report of Serious Crimes or Incidents."

RCDR: This document will be entered into the record and marked as Exhibit D-30.

LTC PATTERSON: Headquarters, Americal Division, Regulation 335-8, dated 28 January 1968, subject: "Combat Action Reports."

RCDR: This document will be entered into the record and marked as Exhibit D-31.

LTC PATTERSON: Operations order from CG, Americal Division, multiple addressees, extract, 20-67, "Operation Muscatine," with frag order 1, 2, and 3.

RCDR: This document will be entered into the record and marked as Exhibit D-32.

LTC PATTERSON: Extracts of Operations Order, Americal Division, 2-68, dated 23 January 1968, with frag order 1 and frag order 2.

RCDR: This document will be entered into the record and marked as Exhibit D-33.

LTC PATTERSON: TWX Message from CG, Americal, to CO, 11th Brigade, date-time group 070510Z April 1968, subject: "Frag O 24-68," reference disbanding Task Force Barker.

RCDR: This document will be entered into the record and marked as Exhibit D-34.

LTC PATTERSON: Headquarters, Americal Division, General Orders Number 1841, dated 9 April 1968, award of the Purple Heart, Third Oak Leaf Cluster, to Colonel HENDERSON, effective 21 March 1968.

RCDR: This document will be entered into the record and marked as Exhibit M-102.

LTC PATTERSON: Headquarters, Americal Division, Special Orders Number 45, dated 14 February 1968, extract, on the subject of Colonel BARKER's assignment as CO, Task Force Barker, effective 22 January 1968.

RCDR: This document will be entered into the record and marked as Exhibit M-103.

LTC PATTERSON: Headquarters, Americal Division, Tactical Operations Center log, date-time group 130001 June to 132400 June 1968, extract, item 8 reference Colonel BARKER's death.

RCDR: This document will be entered into the log and marked as Exhibit M-104.

LTC PATTERSON: Extracts of Task Force Oregon Field SOP, dated 21 March 1967.

RCDR: This document will be entered into the record and marked as Exhibit M-105.

LTC PATTERSON: Headquarters, 11th Infantry Brigade, Operations Order 1-68, date-time group 041200 February 1968.

RCDR: This will be entered into the record and marked as Exhibit D-35.

LTC PATTERSON: Headquarters, 11th Infantry Brigade, Operations Plan 7-68, date-time group 290800 March 1968.

RCDR: This document will be entered into the record and marked as Exhibit D-36.

LTC PATTERSON: Headquarters, 11th Infantry Brigade, subject: "S3 After Action Report--Deployment of 11th Brigade," letter undated.

RCDR: The document will be entered into the record and marked as Exhibit R-29.

LTC PATTERSON: Letter, headquarters unknown, assumed to be 3d Brigade Task Force, 4th Infantry Division, subject: "Operational Report for Quarterly Period Ending 31 January 1968," dated 2 February 1968, reference sponsor program for the 11th Infantry Brigade.

RCDR: This document will be entered into the record as Exhibit R-30.

LTC PATTERSON: Headquarters, 11th Infantry Brigade, Unit Order Number 13, dated 15 March 1968, subject the assumption of command of 11th Brigade, signed by HENDERSON.

RCDR: This document will be entered into the record and marked as Exhibit M-107.

LTC PATTERSON: Headquarters, 11th Infantry Brigade, historical document, subject: "11th Light Infantry Brigade History," 1 January to 31 December 1968.

RCDR: This document will be entered into the record and marked as Exhibit M-108.

LTC PATTERSON: Letter, Headquarters, 11th Infantry Brigade, subject: "PFC Herbert L. CARTER," dated 6 April 1968 with casualty report, USARV Form 130-R, reference Herbert L. CARTER.

RCDR: This document will be entered into the record and marked as Exhibit M-109.

LTC PATTERSON: The hearing will recess at this time.

(The hearing recessed at 1107 hours, 7 February 1970.)

(The hearing reconvened at 1600 hours, 26 February 1970.)

LTC PATTERSON: The hearing will come to order.

RCDR: The following named persons are present: LTC PATTERSON and MAJ LYNN.

LTC PATTERSON: The purpose of this session of the inquiry is for the introduction of documents into the record as exhibits that have been referred to or are pertinent to the purpose of the inquiry. The following documents are to be entered:

Department of the Army memorandum for Lieutenant General PEERS, dated 20 February 1970, subject: "Census of Civilian Casualties--My Lai."

RCDR: This document will be entered into the record and marked as Exhibit M-124.

LTC PATTERSON: Extracts of Combined Campaign Plan, MACV, Joint General Staff, AB143, 1968.

RCDR: This document will be entered into the record and marked as Exhibit D-44.

LTC PATTERSON: Extract of COMUSMACV's "Guidance for Commanders in Vietnam," undated.

RCDR: This document will be entered into the record and marked as Exhibit D-45.

LTC PATTERSON: MACV disposition form, dated 13 March 1967, subject: "Guidance Letters to FWMAF Commanders."

RCDR: This document will be entered into the record and marked as Exhibit D-46.

LTC PATTERSON: Summary of remarks of COMUSMACV at the MACV Commanders Conference on 28 August 1966.

RCDR: This document will be entered into the record and marked as Exhibit D-47.

LTC PATTERSON: USARV TWX message, subject: "Geneva Convention," dated 3 November 1967.

RCDR: This document will be entered into the record and marked as Exhibit D-48.

LTC PATTERSON: USARV TWX message, subject: "Geneva and Hague Convention Training," dated 22 June 1968.

RCDR: This document will be entered into the record and marked as Exhibit D-49.

LTC PATTERSON: USARV news article from The Reporter, dated 27 April 1968, page 3, purportedly by Jay ROBERTS, entitled, "Men of Task Force Barker Kill 128 VC in Running Battle."

RCDR: This document will be entered into the record and marked as Exhibit M-125.

LTC PATTERSON: USARV extract report, subject: "Annual General Inspection, FY 69, of the Americal Division," dated 31 July 1968.

RCDR: This document will be entered into the record and marked as Exhibit R-31.

LTC PATTERSON: Letter, Headquarters, Americal Division, to Staff Judge Advocate, USARV, subject: "Instruction on the Hague and Geneva Conventions," dated 30 November 1967.

RCDR: The document will be entered into the record and marked as Exhibit R-32.

LTC PATTERSON: Report translated by Lieutenant Colonel STANBERRY, purportedly signed by Colonel KHIEN, Province Chief, Quang Ngai Province, dated 30 November 1969, subject: "Results of the Investigation of the Case of the American Operation in the Son My Area, East of Son Tinh."

RCDR: This document will be entered into the record and marked as Exhibit R-33.

LTC PATTERSON: Extract, Vietnamese Operations Journal, Quang Ngai Sector, for 13 June 1968, certified translation by Lieutenant Colonel Billy M. STANBERRY.

RCDR: This document will be entered into the record and marked as Exhibit M-126.

LTC PATTERSON: Unsigned document received from Mr. James MAY, concerning March and April activities and problems, 1968.

RCDR: This document will be entered into the record and marked as Exhibit M-127.

LTC PATTERSON: Memorandum for record, subject: "Telephone Conversation with Mr. RODRIGUEZ," dated 11 February 1970, signed by Major COOP.

RCDR: This document will be entered into the record and marked as Exhibit M-128.

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LTC PATTERSON: FRAGORD 8-68, dated 24 March 1968, 11th Light Infantry Brigade.

RCDR: This document will be entered into the record and marked as Exhibit D-51.

LTC PATTERSON: Picture of Sergeant HIEN, H-I-E-N, interpreter for the MI detachment, 11th Brigade, during March 1968.

RCDR: This photograph will be entered into the record and marked as Exhibit P-232.

This hearing will be recessed.

(The hearing recessed at 1620 hours, 26 February 1970.)

(The hearing reconvened at 0925 hours, 4 March 1970.)

LTC PATTERSON: The hearing will come to order.

RCDR: The following persons are present: LTC PATTERSON and MAJ THOMAS.

LTC PATTERSON: The purpose of this session of the inquiry is for the introduction of evidence as exhibits which are pertinent to the purposes of this inquiry and have been referred to or used in testimony of some witnesses as well as used in reference during preparation of the final report.

The first exhibit is a memorandum for the Army staff monitor, My Lai, prepared by the Assistant Chief of Staff, Intelligence, dated 31 December 1969, with two inclosures, subject: "Analysis of Enemy Intelligence of My Lai Area (U)."

RCDR: That will be Exhibit M-131.

LTC PATTERSON: Extracts from Headquarters, MACV, Foreign Broadcast Information Summary with VC propaganda for the following dates: 16 April 1968, 23 April 1968, 2 June 1968, and 24 November 1968.

(EXHIBITS)

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RCDR: That will be Exhibit M-132.

LTC PATTERSON: Memorandum for record, signed by Lieutenant Colonel STANBERRY, dated 6 January 1970, subject: "List of Prisoners Captured on 11 June 1968."

RCDR: That will be Exhibit M-133.

LTC PATTERSON: Extracts from United States Military Assistance Command, Office of the Assistant Chief of Staff, Intelligence, Bulletin No. 97, subject: "Enemy Documents," dated 31 July 1969.

RCDR: That will be Exhibit M-134.

LTC PATTERSON: Memorandum for record, Headquarters, 11th Infantry Brigade, Subject: "Trip Report, 1 September to 15 September 1967," dated 15 September 1967.

RCDR: That will be Exhibit M-135.

LTC PATTERSON: Memorandum for Lieutenant General PEERS, subject: "April 1968 Americal/ARVN Operations," dated 2 March 1970.

RCDR: That will be Exhibit M-136.

LTC PATTERSON: TWX from COMUSMACV, MACVDISUM, J2, number 60-68 for period 28 February 1968.

RCDR: That will be Exhibit R-34.

LTC PATTERSON: From CG, Americal Division, to CG, III MAF, 26 Operation Muscatine SIT reports, the following numbers and dates: 350, 354, 356, 358, 362, 366, 370, 372, 374, 378, 380, 382, 386, 390, 394, 397, 398, 402, 404, 406, 409, 413, 417, 421, 425, and 428.

RCDR: These will be entered collectively as Exhibit R-35.

LTC PATTERSON: The last one is a directive, TWX message from CG, Task Force Oregon, to CG, III MAF, subject: "Operational Control," dated 22 April 1967.

RCDR: That will be Exhibit D-50.

LTC PATTERSON: This hearing will recess at this time.

(The hearing recessed at 0934 hours, 4 March 1970.)

(The hearing reconvened at 1215 hours, 7 March 1970.)

LTC PATTERSON: The hearing will come to order.

RCDR: The following persons are present: MR WEST, LTC PATTERSON, and MAJ THOMAS.

LTC PATTERSON: I would like to enter into the record a memorandum for record, dated 4 March 1970, signed by Major APICI, subject: "'I Saw No Massacre at My Lai,' by John CHRISTINE."

RCDR: That will be Exhibit M-137.

LTC PATTERSON: I would like to enter into the record a photograph of Lieutenant General DOLEMAN. This is the photograph that was presented to Mr. CZARNECKI for identification on 7 March 1970 while he was testifying before this hearing.

RCDR: That will be Exhibit P-237.

LTC PATTERSON: The hearing will recess at this time.

(The hearing recessed at 1218 hours, 7 March 1970.)

(The hearing reconvened at 1005 hours, 14 March 1970.)

LTC PATTERSON: The hearing will come to order.

The purpose of the hearing is to introduce as exhibits documents which have been referred to directly in testimony or are required as evidentiary documents.

Interrogation reports, number 52-262-68, 52-280-68, 52-276-68, and 52-277-68 from 52d Military Intelligence Detachment, the 11th Infantry Brigade. These documents are from various days in March 1968.

RCDR: Entered as Exhibit R-36.

LTC PATTERSON: A memorandum for the Provost Marshal General, subject: "Americal Division TOC Journal, 0001-2400 hours, 16 March 1968," signed by Lieutenant General PEERS.

RCDR: Entered as Exhibit M-138.

LTC PATTERSON: Memorandum for record, subject: "Recall of Witness," dated 11 February 1970, signed by Colonel William WILSON.

RCDR: Entered as Exhibit M-139.

LTC PATTERSON: Memorandum for record, subject: "Telephone Conversation with Chaplain (CPT) KISSINGER Re: Memorial Services," 9 March 1970, signed by Major Joseph APICI.

RCDR: Entered as Exhibit M-140.

LTC PATTERSON: Extract from memorandum for record, subject: "MACV Commanders' Conference, 3 December 1967," dated 2 January 1968, from Headquarters, MACV.

RCDR: Entered as Exhibit M-141.

LTC PATTERSON: Department of Army, DCSPER fact sheet, subject: "Company C, 1st Battalion, 20th Infantry," dated 12 January 1970.

RCDR: Entered as Exhibit M-142.

LTC PATTERSON: Department of Army, DCSPER fact sheet, subject: "Company B, 4th Battalion, 3d Infantry," dated 6 February 1970.

RCDR: That is Exhibit M-143.

LTC PATTERSON: Statement signed by Captain Werner UNZELMANN, dated 7 January 1970, reference the location of the report of investigation, dated 24 April 1968.

RCDR: Entered as Exhibit M-144.

LTC PATTERSON: Letter to Lieutenant General PEERS from Life, dated March 6, 1970, signed Thomas GRIFFITH, reference permission for printing Life magazine pages 36 to 42, dated 5 December 1969.

RCDR: That is Exhibit M-145.

LTC PATTERSON: Memorandum for record from Peers Inquiry, subject: "Conduct of Search for and Examination of Documents Relating to the Son My Incident of 16-19 March 1968," signed by Colonel Thomas WHALEN. It is dated 14 March 1970.

RCDR: That is Exhibit M-146.

LTC PATTERSON: A memorandum for record, dated 14 March 1970, subject: "Documentary Evidence used by Lieutenant General PEERS," dated 14 March 1970.

RCDR: This is entered as Exhibit M-147.

LTC PATTERSON: Extracts of I CTZ/III MAF Combined Campaign Plan 1-68, ABl43.

RCDR: This is Exhibit D-52.

LTC PATTERSON: Extract of MACV Planning Directive 9-67, dated 29 October 1967.

RCDR: This is Exhibit D-53.

LTC PATTERSON: Headquarters, MACV, letter, subject: "Activity Guidelines for Corps Tactical Zones," dated 15 February 1968.

RCDR: This is Exhibit D-54.

LTC PATTERSON: Photograph of Specialist SILVA and prisoners of war at night defensive position, 18 March 1968.

RCDR: This is Exhibit P-238.

LTC PATTERSON: Photograph of meeting at night defensive position of B/4/3 on 18 March 1968 with Lieutenant Colonel BARKER, Captain MICHLES, and Sergeant MARSHALL.

RCDR: Entered as Exhibit P-239.

LTC PATTERSON: Photograph showing a general scene of the night defensive position.

RCDR: This is Exhibit P-240.

LTC PATTERSON: Photograph of B/4/3's extraction on 19 March 1968.

RCDR: This is Exhibit P-241.

(The hearing adjourned at 1027 hours, 14 March 1970.)

(The hearing reconvened at 1446 hours, 23 December 1969.)

MR WEST: The hearing will come to order.

RCDR: The following named persons are present: MR WEST, MAJ ZYCHOWSKI, and MAJ COOP.

Major ZYCHOWSKI, do you have a document to enter into the record?

MAJ ZYCHOWSKI: I have a memorandum for General PEERS, which explains my visit on 15 and 16 December 1969 with Mrs. Dorothy M. BARKER, widow of Lieutenant Colonel BARKER. The purpose of my visit was to peruse Colonel BARKER's personal effects to determine if there were any documents, letters, et cetera, that would be pertinent to General PEERS' inquiry into the My Lai incident. I found four documents that could possibly be of some value and attached these to the memorandum as inclosures 1 through 4.

RCDR: Memorandum with 4 inclosures, dated 19 December 1969, subject: "Interview with Mrs. Dorothy M. BARKER," is entered into the record and marked as Exhibit M-18.

Inclosure 1 to Exhibit R-2, Task Force Barker Combat Action Report is entered into the record and will be appended as the inclosure to Exhibit R-2.

MR WEST: The hearing will be recessed.

(The hearing recessed at 1448 hours, 23 December 1969.)

SUMMARY OF TESTIMONY

WITNESS: PALMER, Bruce Jr. GEN

DATE OF TESTIMONY: 25 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Deputy Commanding General, U.S. Army, Vietnam.

1. KNOWLEDGE OF THE MY LAI OPERATION.

General PALMER believed he had heard the expression "Pinkville" prior to learning of the incident. It is possible that he could not divorce the term from Mr. RIDENHOUR's letter. He also may have heard the term either used by his executive officer, Colonel FORRESTER, who had commanded a brigade in that AO, or from the Americal's usage in their reports (pg. 6).

2. PROCEDURES FOR REPORTING.

A report of an atrocity incountry would go through operational channels. The service component involved would order an investigation or other appropriate action, e.g., USARV if a U.S. Army unit was the organization concerned (pg. 2). Usually, the division IG would conduct any investigation ordered (pg. 2). The Americal Division reported directly to USARV since they were under a Marine field force rather than Army (pg. 4). One of the reasons for the directives, e.g. Exhibit D-1, regarding the reporting of atrocities and requiring compliance with the Geneva Conventions by U.S. personnel was to impress upon U.S. advisors to the Vietnamese that mistreatment or torture was not U.S. policy (pg. 10). General WESTMORELAND placed a great deal of emphasis on treating Vietnamese,

friend or foe, properly (pg. 11). A military advisor as deputy province advisor should report an alleged atrocity through CORDS which would ultimately result in a report to MACV. The witness opined that there was no ambiguity with respect to advisory team members reporting U.S. alleged atrocities as well as Vietnamese. Advisory channels should be utilized, or advisory and CORDS channels could both be used by an advisor reporting a U.S. atrocity (pg. 14).

3. OTHER INFORMATION.

a. USARV had command responsibility for the Americal Division. However, the division was under the operational control of III MAF (pg. 2).

b. The Americal Division is the largest American Army division in Vietnam. The idea was to have three separate brigades so they would be self-sustaining if exigencies so required (pgs. 7, 8).



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(The hearing reconvened at 0957 hours, 25 February 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present, LTG PEERS, MR WEST, MR MACCRATE, MR WALSH, and MAJ LYNN.

Sir, the next witness is General Bruce PALMER.

(GEN PALMER was called as a witness, was sworn, and testified as follows:)

General PALMER, sir, for the record, will you please state your full name, grade, and Social Security number?

A. General Bruce PALMER, Jr.,

RCDR: And your organization and station, sir?

A. Vice Chief of Staff, United States Army, Pentagon.

RCDR: Thank you, sir.

IO: General PALMER, we normally have been going through with a combination of reading and verbal instructions to the witness. In your case, I would ask you if you would read these instructions and simply ask you if you have any questions concerning them?

A. No.

Q. General PALMER, would you indicate when you became the Deputy Commanding General of U.S. Army Vietnam and how long you retained this position?

A. It was the end of May or early June 1967. I left there in mid-June 1968, about a year on that job, a little more than a year.

Q. For the record, would you explain briefly what USARV responsibilities were for the Americal Division?

A. We had command, less operational control. There was some confusion of this authority in the beginning. I'll explain that. The predecessor of the Americal Division was Task Force Oregon. It was organized about March, April 1967,

became the Americal Division on 22 September 1967, the same day that General KOSTER took command. While it was Task Force Oregon, General ROSSON commanded it. There was some disagreement as to just what the administrative channel was because this was a very unusual circumstance, where we had a U.S. division working in I Corps under the operational control of III MAF headquarters, whose logistical support came both ways. It came through the Navy at Danang and also through the Army south of the Americal through Qui Nhon. We had a divided logistic responsibility. So there was some question as to what USARV's precise responsibilities were.

As a matter of fact, General ROSSON had been chief of staff of MACV and he had some ideas of his own. We finally sorted it out, though, and as of the time of this incident it was definitely directly under USARV for command, less operational control. Now this means administration personnel replacement, logistic support, training. Just about everything really except the conduct of the operations, which went through MACV channels; in this case, through III MAF, directly back to MACV. So in effect the responsibilities were split.

I suppose an obvious question in something like the Son My incident, is how were these normally handled? Well, normally the report of an atrocity, if it came through channels in country, would go up through operational channels. MACV normally would tell the service component to investigate or take appropriate action. So if it's an Army one, USARV; Navy, they had NAVFOR; Marines, it went to III MAF and so on. Sometimes through, and I'd say about at least half of the time, we'd get word of an alleged atrocity from the States, normally from a newspaper report or some discharged soldier or something like that. Normally, we would get a query from the Department of the Army and, I must say the DA, or back here at the Pentagon, wasn't always too consistent. Sometimes it would go to MACV, if it came to the attention of the joint chiefs and then would go to the proper component, or from the Department of Army directly to USARV. Our normal procedure was to turn it over to the senior commander in whose area or command the atrocity allegedly occurred. His normal procedure was to turn it over to an IG, for a normal IG investigation.

So you see, if it did come to investigation, it was USARV's job to assign or designate a commander to take the necessary action. We did not normally do it with our IG. Usually a division IG would do it.

Q. Would you say, then, General PALMER, by the time we get down to about the middle of March, that the Americal Division or the 23d Division relationship with USARV and with respect to III MAF would be about the same of any other combat division with respect to the field force?

A. Yes.

Q. General PALMER, I have here some extracts from USARV. One is joint message form 176, from USARV to CINCUSARPAC. The top one is from the Army Operation Center Daily Summary, dated 17 March. I have these in the old message form but the bottom indicates the initial entries that came in. One you will notice from USARV, starting at 0800 on the 16th, 0800 on the 15th, 0800 on the 16th which indicates by 0800 Charlie Company had killed a total of 21 and captured 6 individual weapons. You will notice the entry on the following day. It updates this and has this inclusive, the 21 inclusive within the 128. The Army Operation Center simply says the same thing. Were you familiar with these reports? (Exhibit R-28 was reviewed by the witness.)

A. Not these particular ones. I was familiar with the report procedure. Here again, the normal operational reports went to MACV and we would be sort of in the sideline, but we tried to keep track of them in order to be abreast with advance planning and support the operations and so on. We weren't in the direct operational reporting channel. What we did, we established liaison with these headquarters and eventually got copies of their operational reports or got it by phone in an odd situation where we knew they had casualties and needed replacements and that sort of thing.

Q. In the case of the Americal Division, it takes a little doing. We could walk you through it but I don't think it is necessary. But USARV was on the distribution for the Americal Division's SITREPS.

A. I was familiar with that.

Q. In addition, we find that since your people from your G3, work very closely with the J3 of MACV, they had periodic updates between the headquarters, and so there was really no problem in keeping you updated in verifying the information which you had.

A. Right.

Q. But III MAF did not report directly to you. But as a matter of information they did provide a report to the Danang Support Command and also to the provisional corps.

A. Yes.

Q. Well, I wouldn't expect you would be familiar with everything actually that came in; you might have remembered this day.

A. I think this was probably different with the Americal because it seems to me we got it from the field force rather than division, since the Americal was a Marine field force, why we got it from them direct. Normally from the other divisions, U.S. Army divisions, we didn't get one.

Q. I didn't recall when I commanded the 4th that I sent in a report directly to USARV.

A. We got it from the field force. Incidentally, we had direct telephone lines into all of these headquarters, divisions and field forces and later the XXIVth Corps.

Q. Well, the only thing that I can think of that would have caused you to have remembered this particular figure is that this 128 KIA by the 11th Brigade was the greatest success they had had since their arrival in country. It may have conceivably stuck in your mind.

A. I found out later that this was so, only as a result of this investigation. As a matter of fact, MACV made some comment in their operational reporting to this effect. The updating, as you know, is a fairly routine thing, that they update the weapons count and that sort of thing if there is a major difference from the initial report. Often our own casualties would go down from the initial report. For example missing in action would be found and that sort of thing.

Q. With respect to this particular operation, General PALMER, did you ever see a report or hear of a report of any kind which would have indicated to you that something unusual may have taken place in Son My Village in Quang Ngai Province on or about the middle of March 1968 involving U.S. forces?

A. No, when this thing first broke, it was back in April of 1969. We got word of it when General WHEELER got one of the letters from Mr. RIDENHOUR. Colonel McCALL, General WHEELER's executive immediately sent a copy of it to Colonel FORRESTER, my executive. He showed it to me and the SGS and shortly thereafter, the chief and the secretary were told about it. At that time, FORRESTER said he had vague recollections of something like that. After the IG investigation, you know the story--the IG then investigated it after some back channel established the fact that neither MACV or USARV had any record. Then the IG recommended that CID get into it. That was in August as I recall, when he transferred it to them. Then in November, I forget the exact date, MG KNOWLTON sent another message out there trying to get more information from USARV and MACV. By that time the Vietnamese government had gotten in the act and they had made some rather unfortunate statements, saying there was nothing to it. But it was obvious to us, they didn't realize the U.S. had some facts that they didn't know about. So we brought this to the attention of General ABRAMS through Carter TOWNSEND his chief of staff. At that time, KNOWLTON sent a back channel in which he quoted me as having vague memories of such a thing. I can't pinpoint that. We had, about once a month or every 6 weeks, we would have an atrocity case. I can remember in the 1st Cav a rather celebrated one, 1st Division had one, I can remember the--I'll take that back, I didn't remember it. It came back, I didn't remember it. It came back to my mind when I saw the list that the general counsel compiled of the atrocities since 1966, 49 of them at the time it was compiled. One of them was the Americal, the 198th Brigade, which was about this time or a later--

Q. (Interposing) The latter part of May or first part of June.

A. That was the type of atrocity we were getting. In other words, it would be mutilation of a corpse. This was about one-fourth or one-third of the cases. The other would normally be mistreatment of a prisoner, murder, rape of several people, which was a little unusual, because usually these things would involve only one man, sometimes two.

I do recall that one had about four or five men involved. These were all investigated. About half the time, I would judge they were unsubstantiated and about half the time they were substantiated and disciplinary action was taken. I can't recall this one. I do have something tugging in the back of my mind but I can't pinpoint it. I am sure of one thing though, whatever is tugging in my mind, it wasn't one of this magnitude. To my knowledge this is the first and only one that involved a whole unit. I'm sure if that was the case, I'd sure as heck be able to remember that.

Q. Well, there was an incident that took place just north of Quang Ngai City in the latter part of May which didn't come to light until early June, somewhat after General KOSTER left and on this an investigating officer was appointed. I think that you previously intimated it was a nasty case, involving the rape of a Viet Cong nurse, and there were three or four people involved. I can't recall the exact details.

A. Well, it's possible this is one that is bothering me because I left about that time. I didn't see this list until I came back. Some of the cases I recognized right away.

Q. Well, then, you heard nothing concerning--I take it from what you have indicated--concerning anything in Operation Muscatine?

A. No.

Q. Or Task Force Barker?

A. But what did bother FORRESTER and myself, we had heard this expression "Pinkville" before. Neither one of us to this day can pinpoint when we first heard this expression. We don't know whether it was a result of RIDENHOUR's letter or earlier. Apparently in the Americal, they had called this area that for some time.

Q. Certainly within the 11th Brigade.

A. The reason FORRESTER had some memories here, he took over the 3d Brigade of the 4th Division which had just been redesignated. That would be the 3/25. He had taken them over in the fall of 1967, while they were still in the Duc Pho area.

Q. It was January, I believe before he took over from George WARE?

A. That's right. Then they moved into Binh Dinh and the 11th Brigade which was this outfit, moved to the Duc Pho area as a quiet area where they were supposed to train. I remember visiting them, either in November or December 1967 when Andy LIPSCOMB had the brigade. I talked to a couple of their platoons who had come back from a training exercise and they became operational in this area, the Muscatine area in January 1968, so that he had been in there. We had heard that Pinkville thing before. I can't tell you when or why or what. I got in the Americal Division area about once every 6 weeks. People from USARV, the staff officers were probably up there at least once a week. However, there was a gap there in the first 2 weeks of Tet. We were so busy down around Long Binh defending ourselves, that nobody went anywhere.

Q. It's also true that much of the attack on Quang Ngai City--

A. (Interposing) That was a big action going on--

Q. (Interposing) Developed from the Son My area which could have been classified as Pinkville.

A. I recall during this period of time that Danang was the one that was threatened.

Q. And Hue.

A. Hue was hell, and Danang was infiltrated but the area that we were worrying about in I Corps or the Americal sector was the Danang area, not this one.

Q. One of the problems, General PALMER, that we had encountered from time to time with the Americal Division has to do with the fact that it was a nonstandard division, the fact that it had separate brigades with separate units assigned to them and also the division was a huge thing, sometimes from 24,000 to 27,000 and was somewhat cumbersome. I wonder if you would care to comment on that particular point?

(PALMER)

A. This is true. It was the largest American Army division there, and it's true that it was made up of the three separate, independent brigades which had been configured as self-sustaining. General WESTMORELAND conceived this idea of bringing certain brigades together and calling them the Americal Division. It had been done by General MACARTHUR in World War II in the Pacific. The same thing occurred, where they brought in some separate regiments that were in different areas of the Pacific, where they had pulled them together and made the Americal Division. That's where he got the idea of the name. In the earlier days, where there were fewer troops, the separate brigade was quite useful because you could send it to a new area. It was self-sustaining, complete. You didn't have to tear up a division to pull a brigade-sized force out of the division. General WESTMORELAND very much liked the idea of the independent brigades in the early days. Then when we had enough troops where they didn't have to do this fire brigade business--some units were like a yo-yo, going up and down the coast of Vietnam, he conceived the idea of pulling three brigades together. His initial idea was preserve the independent aspect of the brigade so that if he had to reinforce somewhere he could still do it without tearing up that particular division. In the beginning, we tried to do this. The division headquarters and so called division base was an ad hoc thing to start with. The headquarters actually came from MACV, USARV and whatever sources they could find when we first formed Task Force Oregon. The signal unit was an ad hoc unit that was pulled together from other signal outfits, the same was with the MP's. We did pull a separate corps type engineer battalion up there for them. We had a separate armored cavalry squadron; medics were separate. Then as the space squeeze became more apparent, we had an overall ceiling on the number of troops we could have in Vietnam. There were so many things we wanted. We in USARV felt we couldn't afford the luxury of the way the Americal was organized. So we finally convinced General WESTMORELAND that we had to make the Americal more like other divisions and form a more conventional division base, pull the engineers and medics and so on from each brigade and conventionalize it. He reluctantly approved this. Even to this day though, the brigades are still called with a separate designation and they are still a little bit different from the standard brigade. In the mean time, they sent some additional battalions over there, infantry battalions. The original plan was that each separate brigade of the Americal would have gotten an extra battalion which would have given them 12 battalions, infantry battalions, which would have been by far the largest division. One was diverted and it only ended up with 11 battalions. I think at this time it still has 11 battalions. It still made it awful big.

Q. Just coming in, the 4th Battalion of the 21st had been organized with the 11th but didn't deploy with the 11th and came in about 3 months later, actually.

A. But it was a difficult one to organize and command because of this organizational aberration.

Q. And at one time, they had five separate brigades.

A. You're right. Before they went up there, they had the 3/4, then they moved a brigade of the 1st Cav up there, and then the Americal moved and at one time they did have five brigades.

Q. Well, General PALMER, I have a copy of a letter which you addressed to General Harold K. JOHNSON on 15 June 1968. You probably don't remember this letter but you may want to refresh your memory.

A. I remember writing him several letters.

Q. Well, this seems a very pertinent letter to some of our activities and after you reviewed it, I would ask you if you would have any objection of us entering this letter into the record as an exhibit.

A. I do recall this letter, I'm trying to remember what triggered it. I think General JOHNSON had gotten a couple of horrendous letters from people talking about alleged maltreatment of prisoners. I think he asked me to put my personal attention to it, which I did. As I pointed out, a fourth of the war crimes we were getting I would say was maltreatment of the prisoners.

Q. The reason we are interested in this, General PALMER, throughout the course of our investigation we continue to run into these peripheral issues such as the adequacy of training and the adequacy of what policies were and things of this particular category. It is our feeling that this letter would be helpful in our analysis.

A. Well, it's a constant problem because of your constant turnover. The company commander is changing about

(PALMER)

every 6 months or so and new men are coming in all the time. We felt that the orientation back home, as this letter pointed out, wasn't concrete enough. I think it's better now, as I understand. This may have done some good back here. The tendency in the past was to make it too abstract. You want to talk about the Geneva Convention in legal terms and really getting down to brass tacks in a specific case and what is maltreatment and what isn't.

Q. We'll definitely have some comments in this regard.

A. I don't mind you using that letter at all.

RCDR: Sir, this letter will be entered into the record and marked as Exhibit M-123.

Q. I'm not going to ask you to review all these details General PALMER, but just to refresh your memory, I'd like to just show you some documents that have to do with treatment of noncombatants and reporting and so on, just to refresh your memory. I'm sure you know all of these. These are Exhibits D-1, D-6, M-48 and M-82. There also is a message which went out from MACV on the matter of mistreatment of detainees in February 1968, along with a letter which General WESTMORELAND sent to General VIEN and which, I would be sure in your capacity, you are well aware of it.

(The witness reviewed these documents.)

A. One reason that this was necessary, we had instances where an advisor with a Vietnamese unit would be compromised by a Vietnamese interrogation, mistreatment, or torture which appeared as though the advisor was condoning it. I wanted to make sure the advisor understood the current national policy.

Q. These are simply some directives which USARV and Headquarters, MACV General PALMER, had published on such things as serious incidents reports, artillery incident reports and things of this particular category. I just want to show you these and then after you get through looking at the titles and so on, I would like to address a question to you to obtain your impression, to get your broad comments on USARV and MACV policies

with respect to the treatment and handling of noncombatants and the treatment and handling of PW's and also the reporting of any incident or atrocity of any variety, to get just a feel for the policy and the emphasis which USARV placed upon this type of activity in relation to the combat situation in South Vietnam.

A. General WESTMORELAND put a lot of emphasis, personally, on this whole question of not only treating the enemy properly but our Vietnamese allies. As he pointed out, you never knew who you were talking to, with the enemy mixed up with the civilian population, and it didn't make any sense at all to do anything but show the proper respect for Vietnamese people, enemy or friendly. I know that he also talked to General CHAE about this and the Korean groups because we had heard the Vietnamese villagers were practically terrified of ROK troops. He talked to General CHAE about this, even though he had no operational control over the troops. I would say though, probably in every combat theater, when the combat operations were at a high point, the major offensive--I'm sure that I would put more attention on that, more than anything else at the time. You know, yourself, as a commander, you only have so many hours in a day and you have to give priority attention to these things you feel must come first at any particular point in time.

Q. Can you indicate, General PALMER, what means General WESTMORELAND and yourself and other commanders used to emphasize the proper handling and treatment of noncombatants and PW's, aside from written directives?

A. They had a commander's conference which was a combination of allied and U.S. commanders', this was an opportunity. We also had, you recall, the quarterly progress reports. This is primarily a Vietnamese show but then the U.S. commanders were there and discussed things of common interest. I can't recall specifically now this subject coming up, I'm trying to remember.

Q. Well, it did come up a few times as a matter of fact, we have record of it, of General WESTMORELAND having discussed it in December 1967 at one time in Nha Trang, in considerable depth. Above and beyond that, and I don't mean

to put words or thoughts in your mind, but the thing that I always recall was the emphasis which General WESTMORELAND and then General HEINTGES and yourself and the others applied to this during the visits to the division or the other combat units which were quite frequent, I personally hardly recall a time when General WESTMORELAND didn't have something to say on it. Could you comment on that?

A. Yes. This is so, particularly in respect to dealing with the friendly population, the conduct of our troops. This was often hammered on and we tried to talk to new replacements. I remember you used to talk to all your new men by platoons and I know you had me talk to some once. This is standard SOP in all divisions, the division commander, chief of staff, senior or ADC or a senior officer would personally talk to every new group of people coming in. This is one of the subjects that you would normally touch upon. I don't think I can add much more to that.

Q. Well, I think that has been very helpful as far as I'm concerned. Mr. MACCRATE, do you have some questions?

MR MACCRATE: I have just one subject I would like to pursue, General PALMER. You mentioned the advisory teams and impressing upon them their responsibilities for reporting and for making certain that what they observed accorded with the Geneva Convention responsibilities. In this regard, what were the reporting channels of the advisory teams? If an alleged atrocity came to the attention of an advisory team member, to whom should the advisory team member make a report?

A. He had his own channels, the advisory channels. It would start out at the lowest level on the military side, infantry battalion advisor, to the regimental advisor, to the division advisor, to the deputy advisor, to the corps commander, who is a colonel. The senior, the top advisor, being double headed as the U.S. field force or corps commander for example in II Corps if there was such a report, one of the 22d or 23d ARVN Division in II Corps, it would have come up that advisory chain to the deputy advisor who at that time had been raised to the grade of brigadier general. If it were serious or came to the senior advisor's attention, a three star U.S. general, who

would then take it up with the corps commander. There were instances of this, where we had an unusually bad incident occur which our advisors knew about, and we felt we couldn't stand still for it. It would go up the chain and if it was serious enough, it would go, you see, from the rest of the chain to the corps advisor. It would go then to MACV and if it was serious enough, General WESTMORELAND would take it up directly with General VIEN. We had some incidents of that nature where we couldn't condone the mistreatment of prisoners.

Q. Well, if the advisor to the province chief--

A. (Interposing) That's the other side, the CORDS chain of command.

Q. If the military advisor, who might be the deputy province advisor, received an allegation of an atrocity, what were his responsibilities with respect to reporting that atrocity under the established procedures. Would it be ultimately to USARV or to MACV?

A. MACV. The CORDS had a separate channel, then it came together at the corps channel and went ultimately to MACV. USARV was not in the advisory channels that parallel the operational channels, and incidently that's the primary reason you had this split responsibility between USARV and MACV because they wanted to bring the advisory and operational channels together. There is no counterpart to USARV in the Vietnamese organization. They go from the Vietnamese corps to the joint general staff which is at the MACV level. There is no Vietnamese army command as such as USARV. The army command and joint general staff are the same. That is one reason General WESTMORELAND set it up so that USARV had this responsibility, as OPCON and kept the advisory and operational channel separate through the MACV side of the house. These were ticklish and hard to handle because the local advisor had to use his good judgment. If it were minor, he would warn his counterpart, "Say, look we don't do this kind of thing." If it was serious and the man didn't pay any attention to him, then he, under directives, had to report it, and did.

Q. If the atrocity were committed by Americans and a report came from Vietnamese channels to a member of an advisory team, what then was the responsibility of the advisory team?

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A. Exactly the same. Report to higher headquarters through his channels. That channel was the MACV channel. This particular one, I guess, went from district to Quang Ngai Province directly to, I guess, III MAF or DEPCORDS.

IO: It would go to DEPCORDS.

A. DEPCORDS to III MAF.

Q. Which at that time would have been Ambassador KOREN.

A. Yes, but KOREN and then from there back to Ambassador HOMER in MACV if it followed the CORDS chain. Often, though, the province advisors went direct to Saigon and bypassed the corps, but something like you are talking about would follow the OPCON channel. It would have gone through III MAF CORDS back to MACV CORDS.

Q. Properly it would also have gone to III MAF would it not?

A. Yes.

Q. When it goes to DEPCORDS of I CORPS which is under--

A. (Interposing) The deputy--

Q. (Interposing) To III MAF. So, logically, it would have to go to III MAF and then the decision would be made whether it went in DEPCORDS channels or whether it went III MAF channels.

A. Right.

MR MACCRATE: In your opinion, was there any ambiguity with respect to responsibility as far as advisory team members were concerned, if the American forces were involved rather than the Vietnamese forces they were advising?

A. I don't think so. If you are a U.S. officer, whether you are an advisor or in an operational unit, if you are aware of a U.S. misdoing you are duty bound to report it. The channels are slightly different, but I don't see any ambiguity as far as the responsibility of reporting it.

IO: Well, I think the question would come up when you are in an area of responsibility, let's say, of the Americal Division, as a specific example, and the senior military advisor or province gets a report of misdoing of some troops of the Americal Division. Does he take that up with CORDS or does he go directly to the division commander and report to him his complaint or the allegations as the case may be?

A. Well, the behavior of U.S. troops, for example disregard for Vietnamese law and so on, probably what he would have done would go to his local U.S. commander and give him the specific incident. He'll get faster action that way. If it is something serious like a war crime, that serious, I would think he would go up the advisory channel.

Q. Or both?

A. Or both. Yes, he'd probably do both. I think this depended a lot on how--this varied from province to province--how close the U.S. and the Vietnamese units were operating; were they such that the AO's are working jointly or not and the personalities of the people involved here. Some areas are much closer than others.

You know, one thing I failed to mention on the mistreatment of prisoners. Of course, the G2's are always pounding on this; from the practical point of view you don't get any intelligence out of a dead prisoner, and this has always been the case. The greatest offenders of the Geneva Convention are the intelligence people. They are just foolish, just absolutely. They hammer on this from training all the way from state-side and operational-side. I think often this argument is perhaps more effective than the international legal aspect of it, to tell a soldier that a prisoner is just priceless from the point of view of intelligence. If you want to save casualties and accomplish your mission and so on, bring them back in the best possible shape and take care of them. The better care they get the more apt they are to give you information.

I found that in practically every unit this seemed to be getting across. They were taking care of the prisoners pretty well. The cases where they mistreated them, I felt, were rather isolated. However, I guess every unit had at least one, although I don't recall any in the 4th Division.

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Q. I do.

A. They all didn't come to my attention, you see. Of course, the local commander could take action on it immediately, himself.

Q. Well, General PALMER, we appreciate your coming in and adding to the information which we have.

A. I don't know if I helped you any or not.

IO: The hearing will recess at this time.

(The hearing recessed at 1052 hours, 25 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: WHITAKER, Howard K. COL

DATE OF TESTIMONY: 26 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT: Investigations and Complaints Division, Inspector General's Office, USARV, 1 July 1968 until June 1969.

1. THE WITNESS' INVESTIGATION IN THE AMERICAL DIVISION.

a. Purpose of the investigation.

The witness was sent from USARV to the Americal Division in April 1969 to attempt to interview personnel and search through records, pursuant to a back-channel message from DA to USARV (pg. 4). The only information available was that all the inhabitants of a certain area had been killed by U.S. troops, and a map coordinate, and the names of some alleged participants (pg. 4).

b. Method of investigation.

(1) The witness originally attempted to locate personnel who were named and after finding their new station, reported the same to the IG at DA (pgs. 4, 5).

(2) The witness searched the G3 records; Lieutenant Colonel HOWARD, the Americal IG, checked his records; the chief of staff checked with all other staff sections (pgs. 5, 6). HOWARD also called the acting IG (S1) seeking any information of the 11th Brigade, but received a negative reply (pg. 12). The witness stated that he went through the files of his office at USARV and checked with the staff sections there. No indication supporting the allegations was thereby elicited (pg. 14). The witness did not believe that any advisory personnel had been asked for any information (pg.16).

(WHITAKER)

c. Substance of the witness' report.

The witness' report indicated that the available evidence did not support the allegations of any atrocity (pg. 10).

2. RECEIPT OF HENDERSON'S REPORT.

The witness testified that in May 1969 he received a copy of HENDERSON's report (Exhibit R-1) from HOWARD (pg. 7). The Americal IG had called and said that it had been located in the 11th Brigade, but the exact source was not identified (pgs. 8, 9). The witness indicated that HOWARD seemed surprised that the report had been located (pg. 17).

3. OTHER INFORMATION.

The witness opined that as a result of the Viet Cong propaganda inclosed in HENDERSON's report, a report should have been submitted pursuant to MACV Directive 20-4 (pg.15).



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(The hearing reconvened at 0925 hours, 26 January 1970.)

IO: The hearing will come to order.

RCDR: The following persons are present: LTG PEERS, MR MACCRATE, COL ARMSTRONG, and MAJ LYNN.

Sir the next witness is Colonel Howard K. WHITAKER.

(COL WHITAKER was called as a witness, was sworn, and testified as follows:)

RCDR: Colonel WHITAKER, for the record will you please state your full name, grade, Social Security number, organization, and station?

A. Howard K. WHITAKER, Colonel, Head-  
quarters Transportation Command Europe, APO 09451.

IO: Colonel WHITAKER, have you had an opportunity to read the instructions (Exhibit M-57)?

A. Yes, sir, I have.

Q. Do you understand them or have any questions?

A. I understand them; no questions.

Q. All right. Colonel WHITAKER, on my left is Mr. Robert MACCRATE. He's a civilian lawyer and he's volunteered his services to Secretary RESOR to assist in this investigation and to provide legal counsel to us.

A. Yes, sir.

Q. On my right is Colonel ARMSTRONG, and Army colonel, who has been designated by the Office of the Chief of Staff to assist in this investigation. He likewise may address questions to you this morning as well as Mr. MACCRATE and myself. We have other groups that are taking testimony as well.

A. Yes, sir.

(WHITAKER)

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Q. It will be my task, however, to pull together the report, weigh the evidence, and determine the findings and recommendations. You are ordered not to discuss your testimony in this investigation with others, including other witnesses in this investigation, except in the performance of official duty or as you may be required to do so before competent administrative, judicial or legislative bodies. I mention legislative because there is a possibility that you may be called before some of the congressional committees, specifically, the investigation subcommittee of the House Armed Services Committee. In that event, your appearance here and your testimony here would in no way preclude your testifying before that or any other comparable body.

A. Yes, sir.

Q. I do not believe you've been either cited or cautioned by the military judge in the general court-martial case of the United States v. Calley, is that correct?

A. Yes, sir.

Q. I certainly don't think you will be, but in the event that you are your testimony here would in no way change either the applicability or the effect of such an order.

A. Yes, sir.

Q. Do you have any questions at this time?

A. No, sir.

Q. Colonel WHITAKER, would you indicate your duty assignments in South Vietnam?

A. Yes, sir. From 1 July 1968 until June 1969, I was in the Inspector General's office of Headquarters, USARV. I was an action officer in the Investigations and Complaints Division of the IG Office up to the time I got promoted in January 1969, at which time I then took over as chief of the Investigation and Complaints Division of that office.

Q. Very well, that also answers my second question, in that I believe you were the one that was responsible for the action with respect to running down, locating documents

and other materials with respect to the investigation conducted by the Inspector General here in Washington?

A. That's correct.

Q. There are some questions concerning the location and finding of these documents which I think are quite pertinent to what we are doing and that is the reason we have asked you to come in to discuss these things.

A. Yes, sir.

Q. Mr. MACCRATE has been following this through so I will defer to him on asking questions.

MR MACCRATE: Colonel WHITAKER, did you go personally to Chu Lai in April 1969?

A. Yes, sometime in April, I don't recall the precise date, along about mid-April I believe.

Q. Your report of 17 April indicates that it was on 13 and 14 April.

A. That sounds about right.

Q. You were at Chu Lai?

A. Right. At this point I'd like to say I have no notes. I did render a report though it's been several months since I've seen the report, so I may be a little foggy on some precise details.

Q. Well, I'm handing you a copy of your 17 April report (later entered into evidence as Exhibit M-98) and as we discuss this you might have that there so that you can refresh your recollection at any time. What we are anxious to do is to trace out the situation as you found it at that time. To that end if you could tell us exactly what you did do, with whom you spoke, what files you examined, and whether you went down to Duc Pho or did all of your work at Chu Lai, we would be interested in these things.

A. Yes, sir.

Q. Perhaps to trace as best you can recall your investigatory mission at the time would be most helpful to us.

A. Yes, sir. Well, the Inspector General directed that I go and conduct a preliminary inquiry. We had or the command had received a back-channel message from DA here making allegations that there had been a massacre as I recall the message now, and all the inhabitants of a certain village or area were killed by troops of the Americal Division. They gave a coordinate, gave a map coordinate in the message, and they gave several names of participants and witnesses. Of course I don't have access to the back-channel message, but as I recall I believe that in the message they solicited General MILDREN's and General JONES', who was the USARV chief of staff, recommendations as to this situation, also whether USARV recommended that DA pursue the investigation from a Department of the Army standpoint. We did this based on the information that was in that back-channel message. At that time we didn't have access to it. It was my understanding that there were several letters floating around Congress and here in the Pentagon, but we did not have access to the letter that I believe was written by the complainant, who I learned later was a Specialist Four RIDENHOUR or something similar to that. We did not have that, so I was directed by the Inspector General to go up north to Chu Lai and see what I could dig up, see what I could find out, and if possible talk to any of these witnesses or participants that were listed in the back-channel message.

Q. And you found that none of the participants were in country at the time?

A. Yes, there were none that were in the message that were, as far as could be determined between myself and the Inspector General of the Americal Division, Lieutenant Colonel HOWARD, who I worked closely with in this case.

Q. He was subsequently killed, I believe.

A. I read that in the paper, yes. I understand he was. We could find none of those people still in country, so we did some research with the division G1 and the AG people to determine just where they were and the message, the back-channel message, came back from USARV Headquarters,

back to DA here, indicated these people by name and gave DA the current address as we knew it at that time as to the location. I believe most of them were in the States, and as I recall I believe one was in Hawaii. I also provided them with names of other personnel who I thought might be able to shed some light on this particular operation. I included, I forget how many names, three or four additional people; I believe one of them was stationed here at the Pentagon at the time, some major or lieutenant colonel.

Q. Well, and you did at some time go to Chu Lai?

A. Yes. I went to Chu Lai.

Q. Will you tell us about that visit, please?

A. Yes. I went to Chu Lai and I spent 2 or 3 days, I believe 2 full days, there and the division IG met me. At that time he didn't know what the inquiry was about. He took me over to the chief of staff, Colonel DONALDSON. I explained the purpose of my visit and went in and talked to General GETTYS. General GETTYS told his chief of staff to give me every assistance while I was there to see what we could come up with reports or any other information relating to the allegation.

Q. Then did you look at that time at Chu Lai for any report of investigation?

A. The back-channel message implied that it may have been investigated previously and in answer to your question, yes, I did.

Q. What did you do?

A. I asked Colonel HOWARD first of all to check his files. I was concerned as to whether there was an investigation from any source. That's the way I put it: has there been an investigation from any source that would tie in with this allegation in this time frame? I asked Colonel HOWARD to make a complete check of his files there in the IG shop which he did. And while he was doing this I obtained the G3 journals of the division and was going through them because at that time we didn't know the specific action they were talking about. As I recall the back-channel message mentioned the month of February and it didn't pin the date down, so

I then went through the journal entries to determine what specific action was taken. So I was working on that while he checked his files. I also asked him, Colonel HOWARD, to personally check with all the staff agencies, which he did. He spent about 2 days there, the time I was there, checking with all the staff heads, about all of them. I don't think he checked with the G4. He didn't think there would be any thing over in G4 involved as I recall. And of course I had talked with the chief of staff there and had asked him if he had any information in regard to this allegation, that would shed some light on the situation. His response was that he didn't have any thing on it.

Q. Did you make any inquiry of the 11th Brigade?

A. No, I didn't personally. Here again, Colonel HOWARD called the 11th Brigade and I don't know whether he talked to the acting IG, they had one there at the time, or the brigade commander to determine if they had any records or reports, investigations from any source that had been completed any time in the past. Colonel HOWARD indicated he got a negative response.

Q. But no one from Chu Lai went down to Duc Pho at that time?

A. No, at that time, no.

Q. Do you have access to the name of the acting IG at the 11th Brigade at that time?

A. No, I don't have it with me. I don't recall.

IO: Was it an acting IG or was it an additional duty?

A. Well, as I recall the brigades all had acting IG's most of whom it was an additional duty; in most all cases, yes.

Q. Right, as I recall--

A. (Interposing) I don't know whether it was the XO, or the S3, or precisely who?

Q. We had this mentioned the other day by somebody. It was indicated that the SI had the additional duty of being the IG.

A. Yes, sir. I don't have his name so I can't shed any light as to precisely who he was.

MR MACCRATE: Well, did there come a time thereafter that you went to Duc Pho or that a representative of yours went to Duc Pho?

A. I didn't....

Q. (Interposing) The 11th Brigade headquarters?

A. I never went there and as far as I know no one from my division went there. Now a little later on and before I rotated out of there in June there was a lieutenant colonel, and I don't have his name, of course, in here, from the MACV IG staff that made some trips up there to conduct a further inquiry into it. Now I don't recall his name but he was from the investigations and complaints element of the MACV Inspector General's Office. As a matter of fact he came up to our office and looked over my report, read my report, and took notes of pertinent data that he wanted.

IO: He was working for Colonel COOK at the time?

A. Yes, sir, right.

MR MACCRATE: Now, we have found in the files a further communication subsequent to your report of 17 April which is dated 25 May 1969 (later entered into evidence as Exhibit M-99) and you will find that the top paper in the group of papers before you. You will note in that that Colonel HOWARD writes to you saying that this day we found a report of investigation at the 11th Brigade and he incloses a copy of that report of investigation. Do you have any recollection of receiving that communication?

A. Yes. I asked him when I left there if he found anything later on to please send it to us. He did send a paper to me sometime in May. I thought it was an after-action battle report from the unit though.

Q. Now if you will examine your letter of 17 April you will note that at that time you had already found the after-action reports.

(Witness examines document.)

A. Yes.

Q. And you had in fact indicated in your report that the February operation could not have been the operation because the after action that you found for it showed that C/1/20 had not participated in the operation; and that therefore you deduced that the operation in question was the operation of 16 March 1968, so that you had examined as of your April 17 report, the after-action reports that you had found. But you had not found at that time a report of investigation.

A. No, not at that time, that's correct, sir.

Q. Now if you will look at the top sheet, I think it's folded over at the moment, you'll notice it's dated 25 May 1969.

A. Yes.

Q. Paragraph 2 states, "A copy of the attached report of investigation was discovered this date and is forwarded to you for your information and such action as you deem appropriate.

A. Yes.

Q. My question is did Colonel HOWARD, at that time, in addition to sending you this written message, speak with you on the telephone and give you any additional information as to how the report of investigation was found and under what circumstances?

A. As I recall Colonel HOWARD told me that this report had been located within the 11th Brigade. Now I don't know precisely who located it, but I know that HOWARD got a copy of it and sent it down to me, yes.

Q. I show you Exhibit R-1, Colonel WHITAKER, and ask you if that is the copy which you received at that time?

(Witness examines document.)

A. I assume that it is; I don't remember precisely. I was thinking that the report I'd received wasn't classified but this could be the report.

Q. We did find a notation that at a subsequent time the classification may have been removed at the 11th Brigade but that would not have been until October of 1969. But you believe that it was a report of two pages with two inclosures?

A. I thought it was a two-page report. And I know what ever it was that I received I forwarded it on to the Department of the Army IG.

Q. What seems to have been received at this time was the report that I've just shown to you. What we are particularly interested in is any information that you were given at that time by Colonel HOWARD regarding the locating of the report and how it was that in May he was able to locate it and had not been able to find it at the time of your visit to Chu Lai in April?

A. Well, as I recall he merely said, "You've asked if we find any additional reports of any kind, any information, to send them to you." I can't recall his conversation exactly, but he said, "The 11th Brigade came up with something which I'm sending to you, with a report that I'm sending to you." As I recall that was the limit of his conversation.

Q. Did he mention the name of Colonel TREADWELL?

A. No. He mentioned no names of any personnel.

Q. Did he mention that Colonel HENDERSON had provided them the information as to where the document might be found?

A. No, he did not.

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Q. Did he indicate the file or location at the 11th Brigade in which this was found?

A. No he didn't; he just said 11th Brigade.

Q. Going back to your report of 17 April, it concludes:

"An examination of all available documents concerning the alleged incident reveals that the complainant has grossly exaggerated the military action in question. No evidence could be uncovered which would substantiate the allegations. Participants and witnesses listed in the DA message were not available for interrogation. In view of this it is recommended that USARV recommend OTIG, DA arrange to interview pertinent witnesses-participants to determine if the allegations have substance.

I would like to ask you from whom you got the impression that the military action in question had been grossly exaggerated?

A. I drew that conclusion from the after action battle report which indicated I believe 128-129 enemy killed.

Q. So you were basing your conclusion here on the after action report?

A. Right.

Q. And not on any supplemental interrogation.

A. Wholly on the reports that I was able to receive and of course relating that with the back-channel message which as I recall indicated that an entire village had been massacred and so forth which indicated hundreds of civilians.

Q. Was there any other investigation that you personally conducted or was conducted under your supervision with respect to this matter?

A. Not from our office. I left there around 20 or 21 June and up to that point there had not been any additional inquiry, no. Inquiries were being made by the MACV Inspector General shop.

IO: As a matter of information, Colonel WHITAKER, when you went up to Chu Lai did you by chance look into any of the files with Colonel HOWARD or anybody else to see what condition they were in? This is looking back to the period 1967-68?

A. I personally did not. No sir.

Q. Yes. Well, I can tell you that we found an absolute dearth of information there. And in our checking to find out why this is the situation we were given an explanation, "Well, we have gone through a couple of IG's, or Inspector General Annual Inspections, and before each of these we just take and we clean out the files, destroy those we don't need, and the others we retire." As a consequence we frankly have found very little in the terms of any kind of reports. Now the directives going out, these all seemed to be in pretty good form but the SITREPS, logs, and any reports of action and so forth, they just don't seem to be there unless they just happened to be attached to one of these ORLL, operation reports of lessons learned, or something connected with that.

A. Well, I personally went through the G3 files of 1968, and spent some time in the G3 journals and so forth. Of course, Colonel HOWARD had picked everything and brought them over and then later on I asked the G3 if they had anything more over there. The answer was, "No, everything was given to Colonel HOWARD," so there was quite a bit but most of these were G3 journal entries. I found a personal operations order, I believe I found two operations orders. One, I forget the date on it now, that indicated that elements of this brigade would conduct certain operations in this particular peninsula. Then another operational order, signed by Colonel PARSON I believe, no, it may have been signed by the 11th Brigade, directed this specific operation in this area. So essentially what I had access to was the information in the journals, the two operation orders, and the after action battle reports which is what I found there.

Q. You will note, Colonel WHITAKER, that the report of investigation or the copy of the report of investigation that was sent to you in May of 1969 and which was found at the 11th Brigade, was addressed to the Commanding General, Americal Division. Did you speak to Colonel HOWARD at that

time as to the searches he had conducted in the Americal Division looking for the original or any other copy of that of investigation?

A. Of this report here?

Q. Of R-2.

A. Yes, this one here?

Q. Yes, excuse me, R-1.

A. The 24 April....

Q. Yes.

A. The 1968 report of investigation? No, I only had that one conversation when he called up on the phone and said that an additional report had been found and he was sending it down and it was located in the brigade.

Q. No questions were asked as to the original of the investigation report?

A. Well no, he didn't at that time say that it was a report of investigation. He just said a report.

Q. Well, when you received it what came down to you was something from the sender of the report, not the recipient of the report, and it was so identified. And my question is, was there no attempt at that time to locate the original of the report? Were you told anything in that respect?

A. No, there was no attempt at that time to locate the basic.

Q. But you had just asked generally in April whether they had any reports of investigations at Chu Lai and you had been told at that time that there were none and you had located none?

A. Right.

Q. Is that correct?

A. That's correct.

Q. Then subsequently a copy is found at 11th Brigade where the report originated?

A. That's right.

Q. Did you then go back and ask at Chu Lai whether they could find the original of that report?

A. I did not, no. I sent the report on to the DA Inspector General's Office.

Q. And there was no indication by Colonel HOWARD as to what had been done at Chu Lai at that time attempting to locate the original of the report?

A. No. There was not. Now I don't know whether the MACV IG Office got into this phase or not, asking about it. I'm not sure, I don't know.

Q. Well, essentially MACV was making inquiry of your shop as we understand it to find out what you had done but was not engaged in independent investigation. Is there anyone who assisted the late Colonel HOWARD at that time that you know of to whom we might speak?

A. There was a major in his office, I don't recall his name now, who may have done some work to assist him; but while I was up there Colonel HOWARD personally, I know, checked with the staff elements and so forth. Now it may very well be that the major that was in the office with him might know something about the finding of this, the location of this report. I'm not sure.

IO: Well, we're concerned that these files would be cleansed in this manner for an IG inspection. If you have any suggestions that you might make at this time which obviate things of this nature I'd like to hear them. I'm not sure that I've made my point clear. I did indicate before how we found very little.

A. Yes, sir.

Q. And we've looked through all the files that have been retired and we find nothing of the things that we're really interested in. We found lots of directives there, we found lots of policy there but....

A. I would like to say also, General, that when I got back down to USARV headquarters I thought maybe that just by chance there might be something there and I personally checked with every staff element in USARV headquarters to see if they had anything at all or reports of any nature that would tie in with this incident. I hit all the staff sections, even went through the files in our office as well, checked our log to see if anything had come in to our shop on it. I personally checked with the head of each staff element, the "1", "2", "3", and so forth and who conducted the search of their files. I think I spent a couple of days or so there when they made this check. The staff elements said that they had nothing in their files at all except the information office did come up with a news release. This was the only bit of correspondence that we got from our own staff. That's all that I could find in our headquarters on it.

Q. Now I would like to ask you a matter of professional opinion. I'm sure you are familiar with MACV Directive 20-4 which we have entered into our record as Exhibit D-1. I think the pertinent points here are paragraph 2 and paragraph 5. I wish you'd first take a look at those please (handing exhibit to witness).

(Witness examines document as requested.)

A. Yes, sir.

Q. Fine. You're also familiar with the MACV, USARV Serious Incident Report, that which we refer to as the Blue Bell?

A. The Blue Bell, yes, sir.

Q. And you also are familiar with the artillery incident report?

A. Yes, sir.

Q. Now, I wish you'd take a look at that document that you have in front of you called R-1 which I think you've already reviewed in the past and particularly look at the two paragraphs at the top of page two. Then in addition I would call your attention to the first inclosure, this is a

the second inclosure, this is a bit of VC propaganda as is indicated in the basic memorandum. I would call your attention to the paragraph number two at the top of the second page, near the top of the second page.

(Witness examines documents as requested.)

A. Yes, sir.

Q. My question then, Colonel WHITAKER, is with your inspector general background and with the environment and the tradition under which we operated in MACV, USARV, within South Vietnam, whether that situation there should have been reported to higher headquarters by the division?

A. Well, of course, this is not too long after Tet. It was a tough situation engaging the enemy in that particular area. It was a very strong VC stronghold and had been for years. I can understand the situation that the troopers ran into. However in my opinion I think that it should have been reported.

Q. Well, as I read it, the force of 20-4, it says any war crimes either real or alleged will be reported and granted that one may not like to make a report, by that direction one is pretty much obligated to make a report, whether one believes or one doesn't?

A. Right.

Q. Well, I don't mean to put words or thoughts in your mind....

A. No, sir, that's all right.

Q. But I'm really asking and if you'd--

A. (Interposing) It's a requirement, sir, by the MACV directive that was in force at that time and I suppose the directive continued in force to report it, yes, sir.

MR MACCRATE: Just one final question, Colonel WHITAKER, in connection with your investigation at the Americal Division, were any inquiries directed, to your knowledge, to the advisory teams either at Quang Ngai Province or Son Tinh District?

(WHITAKER)

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A. From my investigation?

Q. Yes.

A. I don't think so. I can't be absolutely one hundred percent sure that Colonel HOWARD didn't contact someone but I don't think so. If he did I had no knowledge of it.

IO: Fine. Well, Colonel WHITAKER, we appreciate your coming in. We're trying to put this situation together and we've got lots of bits and pieces. I think we're still short a few pieces here and there but we're going to try to leave no stone unturned to really put it together as completely as we possibly can.

A. Yes, sir.

Q. Now if you can recall anything after this time that comes to mind based upon thinking about it or any additional information you've seen, some of your old documents for example, we'd be--

A. (Interposing) I've scanned this briefly (indicating R-1). I still haven't really read it, here again I just glanced at it. Could I go--run through here again and see....

Q. Yes.

(Witness examines document.)

Q. I can tell you what we're trying to determine is the circumstances under which this document was located in the 4th Brigade. And that being one, and second of course is why if this document was addressed to the Commanding General of the Americal Division there was on the one hand, one: no file copy of any form and we know that it went forward in more than one copy, and secondly: why there is no log or journal or something that indicates having received such a report or other reports which we have also heard of. We find nothing.

A. Well, of course, my comments to the chief of staff and every one that I talked to including Colonel HOWARD was to try to locate a report of investigation that might

have been generated from any source, not only from say a congressional inquiry from DA or higher headquarters or MACV, but from any source that would relate to this so-called incident, is the exact way I put it to them.

MR MACCRATE: Didn't Colonel HOWARD indicate some surprise that a copy of a report addressed to the Americal Division had been found in the 11th Brigade and a copy of it not been found at the Americal Division itself?

A. Yes, he did. He said, "I'm surprised that any report showed up", but there again he didn't indicate specifically who obtained it or specifically who it was obtained from. You have the exhibits to this I assume (reading documents)?

Q. Yes, we do. Did Colonel HOWARD offer any explanation--

A. (Interposing) No, sir.

Q. For the inability to find a copy of the report of investigation at the Americal Division?

A. He really did not, he did not.

Q. Thank you very much, Colonel WHITAKER.

A. Thank you, sir.

IO: The hearing will recess at this time.

(The hearing recessed at 1013 hours, 26 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: CUSHMAN, Robert E., Jr., LTG

DATE OF TESTIMONY: 22 December 1969

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Commanding General,  
III MAF.

1. ASSAULT ON MY LAI.

a. The report of 128 VC KIA, three weapons captured, and two US KIA standing alone was not suspicious. The ratios from these statistics were not uncommon, particularly with Army units employing artillery and gunship support (pgs. 2,3).

b. From Highway 1 east, it was a "controlled-fire zone" (pg. 6). The District Chief always gave his approval to fire unless ARVN or RF/PF troops were nearby (pg. 6). General CUSHMAN did not know the artillery prep landed in the village although this had happened in free-fire zones (pg. 5). In hostile areas classified as free-fire zones, the villagers, after being warned, would either move or stay on as VC (pgs. 5,6).

2. REPORTS OF INVESTIGATION.

a. CUSHMAN recalled no reports being made to him by KOSTER or his own staff regarding an incident at My Lai (4) (pgs. 1, 3).

b. CUSHMAN opined that Inclosure 1 of Exhibit R-1 required an investigation and a report to his headquarters under regulations existing at the time (Exhibit M-8, III MAF Force Order, dated 3 June 1967, subject: War Crimes Investigations) (pgs. 1,3,4).

c. The witness had never seen Exhibit R-1, nor was he familiar with the information therein.

d. III MAF probably should have been notified of the allegations in the inclosures to Exhibit R-1. It was a judgment decision for General KOSTER (pgs. 7,8).

e. Neither General LAM nor Colonel TOAN ever mentioned any reports raising doubts concerning the My Lai operation (pg. 3).

f. CUSHMAN had never seen Exhibit M-5, Lieutenant TAN's letter (pg. 9).



(The hearing reconvened at 1500 hours, 22 December 1969.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR WEST, MR MACCRATE, MR WALSH, MAJ LYNN, and MAJ COOP.

The next witness is Lieutenant General Robert E. CUSHMAN, Jr.

(LTG CUSHMAN, Deputy Director of Intelligence, Washington, D.C., was sworn and testified as follows:)

(The witness was given and read a copy of the form instructions concerning the scope and purpose of the inquiry.)

IO: General CUSHMAN, I have here a document which was published by Headquarters, III MAF, on 3 June 1967, subject: "War Crimes Investigation," (Exhibit M-8). I show this document to you and ask you if you are familiar with its contents? Is this the regulation, General CUSHMAN, that would have been in effect in reporting an atrocity on or about 16 March 1968 in the area of the Americal Division?

A. Yes.

Q. General CUSHMAN, we have quite strong indications that something most unusual took place at My Lai (4) on the 16th of March 1968. We have talked to a great number of witnesses who have either been associated with the event or associated with it in the investigative and reporting process. In this, some things point to the fact that you were acquainted with it, primarily by General KOSTER, the division commander, and only to the extent that he had informed you. Can you relate the knowledge that you had of this incident and what information was passed on to you, to the best of your recollection?

A. I can recall no reports being made to me. At the time, my attention was concentrated to the north of Danang. As far as my personal trips went, they were generally north of Danang, this being March of 1968. We had a big logistic problem supplying two Army divisions which had been

introduced into that area. However, I saw General LAM every day, and I saw the commanding officer of the advisory group who was with General LAM every day.

Q. Who was your deputy senior advisor to General LAM?

A. The chief of the advisory group, well, I don't have my records --

Q. (Interposing) You were the senior advisor, were you not?

A. Yes, then there was an army advisory group commanded by a colonel which was under my operational control. I would have to check the records.

Q. We can do that.

A. I think that HAMBLEN had left by then and his successor, the name escapes me at the moment. And my deputy for CORDS, Ambassador KOSS, I believe had taken over by then. I saw them every day, and I had no indications of this type of thing going on.

Q. General CUSHMAN, I show you a copy of the log for the Americal Division, covering the period 16 March 1968 (Exhibit M-6). If you will look at the end, entry 94, at 2400 hours, at the bottom of the page, I wish you would read the latter part of this having to do with Operation Muscatine.

A. Yes.

Q. The question that I have here, General CUSHMAN, is in reading the statistics which came out of Operation Muscatine, where it indicates 128 VC KIA, 3 individual weapons captured, and 2 U.S. killed by hostile action. I would wonder if a report such as that would raise a few flags in headquarters of III MAF due to the ratio of approximately 64 to 1 enemy killed and 43 to 1 in weapons?

A. Not necessarily. When artillery and gunships were employed, in many cases the ratio of VC to U.S. was very high. Army troops were, as a matter of fact, quite expert in continuing coverage of ground patrols with their helicopter gunships and, of course, this is where the casualties

would occur to the enemy, without our having suffered casualties such as you get into with heavy ground fighting. On the relationship of VC to individual weapons, which is quite large here--this happened many times with VC. In other words, I would not expect that this would be civilians but VC armed with grenades, dynamite sticks, and this sort of thing. I would say that it happened frequently enough. This type of ratio wouldn't necessarily raise a flag.

Q. That is the point. The report in itself, unless you knew the details, the report itself, which would be forwarded to your headquarters, would not necessarily raise any doubts or questions in your mind?

A. No, it would not, and in combination with seeing General LAM, as I say, every day, if he had nothing in relation to this type thing, I would never go back to it again.

Q. Do you recall any of your staff members, such as your deputy or your chief of staff or anybody mentioning to you the fact that General KOSTER or somebody from the American Division had mentioned the operation in My Lai (4) on the 16th of March, and some inquiry into it?

A. No. It was not brought to my attention if they knew of it. Of course, I can't --

Q. (Interposing) Did General LAM ever mention this to you while you were there?

A. No, he did not, and I saw him every day.

Q. Would the same thing be true of Colonel TOAN, who was then the commanding officer of the 2d ARVN Division?

A. He did not. However, I was not seeing Sam KOSTER or General TOAN as often in the days of March as I would have ordinarily, because of my preoccupation with the northern two provinces at the time.

Q. General CUSHMAN, I show you a one-page inclosure to a report of investigation (Exhibit R-1) and I ask you to read just that one page, a statement dated 14 April 1968. I would ask you now, within the regulations under which you operated in III MAF, and your policy in III MAF for protection and treatment of noncombatants, prisoners of war and the like,

(CUSHMAN)

if you knew that such a paper had arrived at headquarters of the Americal Division--what would you expect to happen?

A. I would expect to have it investigated, and if it came to me I would probably have to communicate with USARV in Saigon to see whether it would have to be done in Army administrative channels or through command channels, meaning that my headquarters would get it.

Q. Would it--I am not putting words or thoughts into your mind, this is not my intention--but would it be your impression that if an allegation such as this did come in, whether it might be considered unfounded or otherwise, that it should have been reported to you or Headquarters, III MAF?

A. I would say, yes, that it should have been, by terms of the directive which III MAF had in effect. It is very important to keep a clean slate on this sort of thing and check it out as being true or not.

Q. Now, General CUSHMAN, I will ask you to turn to the second inclosure, which is a two-page--actually this is an English translation of a bit of VC propaganda. I would suggest that you just scan the first page because it is the normal VC propaganda. When you get to the top of the second page, I think you will see in the second paragraph that it changes its tone of the propaganda from generalization to specifics. Were you at any time familiar with the fact that the VC were putting out such propaganda?

A. No. I have never seen this before. I do know that they put out this type of propaganda, particularly violent against the Koreans who were in my area, as well as the Americans. I have not seen this particular piece of propaganda, but this is a familiar theme of their propaganda, of course.

Q. Would their second paragraph, for example, would that be the kind of theme that they would use?

A. I can't say. You mean getting to such specifics as this? I think that they did. Generally, I didn't have the time to look at this lengthy type of propaganda which had to be translated. I used to look at the pamphlets, I mean the leaflets I should say, particularly the ones in the DMZ. Usually these were quotations from Americans,

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Q. We have no information that this was ever forwarded to your headquarters. As a matter of fact, I think it would be quite to the contrary. But my question was really rather a theoretical one, as to whether or not, in view of the severity of the allegation that was made here, that as a matter of interest this should not have been called to your immediate attention, or certainly to the attention of your headquarters, with the object in mind that this is going to be thoroughly investigated?

A. Well, it is hard to say. Let's assume that General KOSTER knew it. This would be somewhat a matter of his judgment as to how much he believed that it was propaganda--how much he believed the substance in this, as to whether he waited until the investigation was underway and he had gotten some sort of a handle, or whether he'd say "My gosh, I've got this report, so we will investigate it and then let you know." Because of the situation in which Army divisions were to me, but administratively under USARV, he might very well not have let me know before some substance had been shown to exist in this charge. With this hindsight that we have got now--the alleged happenings indicate hundreds of people. The original report which you showed me, as you said, wouldn't this raise a flag--120-some VC? It wouldn't flag it as anything, perhaps, that he thought should go to me right away. I would say that he should let me know as soon as he might have realized that there was some substance to it. But charges of killing some civilians were made fairly frequently, and we would often check them out and find sometimes, usually, it was a stray round of artillery, and it would be true. It was not an atrocity. It was a regrettable accident, and we would make payment to the families. This sort of thing.

Q. My intent here is not to try and jeopardize General KOSTER at all. My intent is to more or less get a feel of how things operated in III MAF and your policy in handling things. I think it has been extremely important. There is one point that you brought out--the fact that although units were under your operational control, administratively it had many strings tied to Headquarters, USARV. So, the actual chain of command in certain instances wasn't always too clear, and we are going to have to clarify that, too.

A. And you can probably find from the papers and so on that you can command to be presented, perhaps, an exact situation. I never had any trouble with the Army commanding

generals letting me know, even when I wasn't responsible, for major things that were going on administratively. Most of these things do affect to some extent the combat readiness. So, I really didn't have any trouble that way. I mean that there were no artificial fences put up, no personality problems or anything of that sort, and if Sam KOSTER didn't report it to me, I would assume that he hadn't found substance in it. If he had found substance in it, I would have expected him to do it. I don't know whether I could have required him to do it, but I think he would have. He is that kind of officer that he would have let me know.

Q. Just for the record, General CUSHMAN, I have here another letter (Exhibit M-5), which is from Lieutenant TAN, who is the district chief of Son Tinh district, in a report to the province chief. The date of this report is 28 March 1968. The exhibit itself is the English version. Attached to it is the Vietnamese version. I ask if by chance you have ever seen that document?

A. No, I have not seen this document. But I would say the first paragraph exactly describes a large number of combat incidents in Vietnam. Fire opened up on a village which contains not only VC but also civilians, and fire delivered against the village, and there you are. Some civilians do get killed. Most houses in Vietnam do have holes dug in the floor in which, no matter who was firing, the villagers would generally take cover, and this saved many civilian lives by their own efforts. But inevitably, as in this first paragraph if you read it closely, it is just the way many combat actions occurred in Vietnam.

Q. General CUSHMAN, we would like to thank you for appearing before us and clearing up a few points. I would like to say that as time goes on, if by chance any of these things do come to mind, or if you can think of anything which has a bearing on this, we would be very happy to hear from you.

A. Thank you. I tried to, of course, from the time I saw it break in the papers. You say you are investigating the investigation. The facts, I suppose are rather hard to come by. Regrettably, as you know, during the year that the Marines landed up there, we had several murder cases against Marines. It has been known to happen. People go over the edge when little kids are throwing grenades at them.

Q. We recognize the problem that exists in this area as a little separate and distinct from many other parts of South Vietnam.

(The hearing recessed at 1533 hours, 22 December 1969.)

SUMMARY OF TESTIMONY

WITNESS: HOFFMAN, Carl W. BG, USMC

DATE OF TESTIMONY: 15 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Temporary additional duty as G3, III MAF.

1. KNOWLEDGE OF U.S. REPORTS.

The witness was shown various reports containing the information of the Task Force Barker operation with which we are concerned and testified that although he was familiar with the type of report, he did not recall those particular ones (Exhibits R-6, R-8, M-38, R-11; pgs. 3-5). He stated that he could recall no discussion of the ratio of the kills to the number of weapons captured (pg.4). He noted that at this time the attention of III MAF was focused primarily to the north where much action was taking place and where a new headquarters was being established at Phu Bai (pg. 6).

2. KNOWLEDGE OF AN INCIDENT FROM VIETNAMESE SOURCES.

The witness stated that he was not familiar with any VC propaganda concerning the Pinkville area, and had not discussed this area with General LAM (pgs. 6, 7). He added that he had heard no rumors from any source which would indicate anything out of the ordinary having happened in the Pinkville operation (pg. 7).



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(The hearing reconvened at 0955 hours, 15 January 1970.)

IO: The hearing will come to order.

RCDR: The following persons are present: LTG PEERS, MR MACCRATE and MAJ LYNN.

Sir, the next witness is Brigadier General Carl W. HOFFMAN.

(BG HOFFMAN was called as a witness, was sworn, and testified as follows:)

General HOFFMAN, for the record, would you please state your full name, grade, Social Security number, branch of service, organization and station.

A. I'm Carl W. HOFFMAN, Brigadier General, United States Marine Corps. My Social Security number is I'm currently Commanding General, Marine Corps Base, 29 Palms, California.

IO: General HOFFMAN, as a general rule, we've been going into detail and providing instructions, verbal instructions, to our witnesses, but in your case, I feel that we can ask you to look over the written instructions and simply ask if you have any questions?

A. All right, sir.

Q. Do you have any questions?

A. The fact that I've appeared here, General, is this information that should not be disclosed?

Q. Well, no, because we make a daily release which indicates the names of the individuals who have been here as witnesses. It's not so much the fact that you have been here, but the substance of your testimony is what we're concerned with.

A. Yes, sir.

Q. General HOFFMAN, would you indicate what your duty assignment was in mid-March 1968?

(HOFFMAN)

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A. Yes, sir. I was assistant chief of staff, G3 at Third Marine Amphibious Force.

Q. How long had you been in that capacity?

A. I had been there, at that time, for two and a half weeks.

Q. Two and a half weeks. You would have arrived just before the beginning of March then?

A. Sir, I arrived on 21 January and immediately became the assistant division commander of the Third Marine Division, and had been directed to III MAF for 60 days TAD, temporary additional duty, on 29 February.

Q. How long after the middle of March did you remain in that capacity as the G3 of III MAF?

A. Sir, I stayed there until 1 April. I retract that, 1 May.

Q. Where did you go after that?

A. I then became commanding general of Task Force Hotel and moved my headquarters to Khe Sanh and carried on my duty from there.

Q. General HOFFMAN, between the time that the My Lai incident became a matter of public knowledge in the latter part of September or October 1969 and the present time, have you had any conversations with anybody connected with III MAF, or with the Americal Division, concerning the operation, what might have transpired in this area, or the investigative process?

A. No, sir. I have not.

Q. Were you aware, in the middle of March, of Operation Muscatine?

A. Yes, sir. I was.

Q. Were you aware of Task Force Barker?

A. I was aware of the Americal system of organizing task forces. I don't recall Task Force Barker.

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Q. Were you familiar with the operation of Task Force Barker into the Son My area, that is the area north-east from Quang Ngai along the coast, an area sometimes referred to as Pinkville? The operation was on 16 March.

A. No, sir. The specifics of that operation, I'm not familiar with.

Q. I have here, General HOFFMAN, a SITREP from the Americal Division dated 16 March 1968. We have this entered into the record as Exhibit R-6. I would ask if you're familiar with this type of report.

A. Yes, sir. I am familiar with this type of report.

Q. You will note that we have tabbed with red tabs two particular items. Were you familiar with this mode of reporting?

A. Yes, sir.

Q. On the next red tab you will see the results of the operation up to that time.

A. Yes, sir.

Q. You are familiar with this? Do you recall this having been called to your attention at all at that time?

A. No, sir. I don't recall these particular results.

Q. I have here four SITREPS from the Americal Division, which cover Operation Muscatine, which are submitted at 6-hour intervals throughout the day. These are entered as Exhibits R-7 through R-10. I would ask if you will look at them, please.

A. Yes, sir.

Q. Were these called to your attention that you recall?

A. No, sir. I don't recall that these were ever called to my attention.

Q. You will notice that the one that provides most of the detail, General HOFFMAN, is Exhibit R-8, which runs from the period 0600 in the morning to 1200, half a day.

A. Yes, sir.

Q. One thing I would like to point out or call to your attention. In looking at the enemy KIA on the first report, it gave a total of 785, and the total on the last one is 913. Working out the arithmetic on these, it works out at 128 enemy KIA. Also, if you would follow the weapons through, it would indicate three weapons captured. I have here another exhibit, General HOFFMAN. This has been entered into the record as Exhibit M-38. It's III MAF's Daily Historical Summary 76, a copy of which was sent to the Fleet Marine Force, Pacific. I would ask if you recall this document having been sent in. This is simply an extract of the overall document. It is not the overall document itself. This again, General HOFFMAN, if you will note, totals the enemy KIA at 128 with a cumulative total of 922. Looking down at the bottom, individual weapons captured that day, a cumulative total of 160. Do you recall this entry having gone in?

A. No, sir. I recognize the format, and I know that we submitted reports just like this. I don't recall this specific one.

Q. I have another one that I would like to show you right quickly. This has been entered into the record as Exhibit R-11. It is an extract of your daily SITREP from III MAF with the primary address being COMUSMACV. You will note that in this extract paragraph 11 covers Operation Muscatine and provides the same general information which you have seen in the other SITREPS which came from the Americal Division.

A. Yes, sir.

Q. Did this variation in the number of enemy KIA as compared to the weapons captured--do you recall any discussion on this subject that may have ensued at Headquarters III MAF?

A. I recall none, General.

Q. Would this be an unusual kind of ratio for weapons to enemy KIA?

A. It certainly would represent a ratio that we would not normally like to see. However we had experienced other

reports in which we later found that the attacking troops had found a graveyard with fresh graves, and they determined then that these deaths had occurred on previous days because of artillery fire or gunship fire. Therefore, the total on a given day could be quite high and the weapons invariably would be very low on these occasions. So although this ratio is, might be, somewhat surprising if the troops moved in immediately, we did see other instances in which we had very few weapons captured and quite a number of enemy bodies counted. This is true in Marine organizations and Army organizations throughout III MAF.

Q. Well, recognizing that this is true, it is a rather unusual circumstance though, is it not?

A. Yes, sir. I would say it's somewhat unusual.

Q. If you did get a report like that, would you make any effort to check back to find out why such a low ratio?

A. Sometimes we did actually inquire into the situation. I don't recall that we did on this occasion.

Q. Of course I recognize that at this particular time you had many more things to do than this. Your activities with III MAF and I Corps were involved in many areas.

A. Yes, sir. MACV forward was in the process of moving to Phu Bai. We were eager to have the South Vietnamese take over the responsibility for Con Thien up along the DMZ. We were thinking about the 1st Air Cav Division going to Khe Sanh under General TOLSON, various readjustments in our Die Marker plan, and cleaning up the mess at Hue. Our attention was focused to the north, no question about it, at this particular time.

Q. You say that your attention was focused to the north at that time. Can you discuss a little bit of the situation of the Americal Division? From Chu Lai, on which general area was its attention focused primarily? Was it to the north or to the south or was it spread out just about everywhere?

A. I would say that its efforts were spread throughout those southern two provinces equally, although I think at this time we recognized that the real hotbed of trouble

was in the Batangan Peninsula area. I recall in our daily meetings with General LAM, which I attended with General CUSHMAN, that General LAM frequently pointed at the Batangan area as being a real hotbed of VC activity.

Q. As I would understand it about this time, the Americal Division detached some units and sent them north. Do you recall what units those were or the situation?

A. I remember in early April General KOSTER was coming through III MAF en route to Phu Bai to discuss employment of one of the brigades by Provisional Corps Vietnam, PCV, and I've forgotten which brigade it was now.

Q. That was during the time that General ROSSON was setting up a provisional corps, is that correct?

A. Yes, sir. It was. General ROSSON was making frequent visits during mid-March to III MAF and PCV, and I recall he sat in on a number of conferences with General LAM, General TRUNG, General CUSHMAN, and others making plans. But again our attention was focused primarily to the north.

Q. When you were with General KOSTER, talking to him, or with General YOUNG, who was at that time maneuver ADC, did they ever mention to you the fact that they had an investigation underway of something that may have happened in the Batangan Peninsula or the Son My area along about the middle of March?

A. No, sir. They did not.

Q. Did you ever hear either of them discuss this with General CUSHMAN at that time?

A. No, sir.

Q. To your recollection, did General LAM ever discuss something unusual happening there or discuss the subject of VC propaganda concerning what might have transpired there?

A. No, sir. I'm certain General LAM never did discuss this, that is in my presence.

Q. Yes.

A. But I was always present when he was talking with General CUSHMAN in our daily conferences.

Q. General HOFFMAN, I have here a piece of Viet Cong propaganda, which is an inclosure to our Exhibit R-1. I would ask if you would look at this and see if you've ever seen any VC propaganda which looked similar to this? You will notice that the first page is rather standard VC-type propaganda, but at the top of the second page, specifically in the second paragraph, you will notice that the tenor of it changes from generalization to the specifics.

A. Yes, sir. I do see that, but I've never seen it before.

Q. I'll show you another piece of VC propaganda, and actually it's entitled "Notice" and issued by the Quang Ngai National Liberation Front, dated 28 March 1968. (Handing Exhibit M-35 to witness.) I would ask if you've ever seen this document or anything similar to it?

A. No, sir. I've never seen this or anything similar to it.

Q. One final question on my part: did you ever hear any rumors or did you ever have any cause to suspect something unusual may have taken place down there in the middle of March 1968?

A. No, sir. I had no reason to believe anything unusual had occurred in the Americal Division during mid-March.

IO: Mr. MACCRATE.

MR MACCRATE: I have no questions.

IO: I want to thank you for coming in, General HOFFMAN. I was very interested primarily in finding out if you had heard any discussions between General KOSTER or representatives from the Americal Division or from I Corps with senior representatives of III MAF. If by chance sometime in the future you do recall some discussion along this line, I'd very much appreciate it if you'd get in touch with us so we could have the benefit of this information.

A. Yes, sir.

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Q. Do you have anything that you'd like to ask of us or anything you'd like to add to the record?

A. No, sir.

IO: This hearing will recess at this time.

(The hearing recessed at 1010 hours, 15 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: RUSSELL, Albert L. LTC

DATE OF TESTIMONY: 14 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: G3 Section of 1st Marine Field Force, Transferred to III MAF G3 Section on 19 March 1968.

1. KNOWLEDGE ABOUT INCIDENT GAINED AT III MAF.

The witness saw no SITREPS covering 16 March and never heard the My Lai operation mentioned at III MAF headquarters (pgs. 3-5, 7). He knew nothing of an ARVN investigation of the matter and never saw any VC propaganda related to it (pg. 7).

2. KNOWLEDGE ABOUT INCIDENT GAINED FROM 11TH BRIGADE.

a. Meeting with HENDERSON.

In mid-May 1968 RUSSELL visited Colonel HENDERSON with the hope of obtaining command of a battalion (pg. 6). HENDERSON was working at a desk (pg. 6). He indicated that he had checked out an unwarranted charge and was doing the paper work related to it (pgs. 6, 10). RUSSELL recalled nothing specific on HENDERSON's desk and did not know if HENDERSON was talking about My Lai (pgs. 6, 10). RUSSELL chatted a few minutes with BARKER on this occasion, but nothing was said about My Lai (pg. 6).

b. Discussion with S3.

RUSSELL took over 4/3 from BARKER when the latter was killed on 13 June 1968 (pg. 7). During a conversation with Major MACANAW, RUSSELL's S-3, MACANAW said that Task

(RUSSELL)

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Force Barker had conducted an operation in the Pinkville area, had killed a large number of VC, and had sustained quite a few casualties itself (pg. 8). A correspondent had said that some civilians had been killed, but MACANAW had heard that this was untrue (pg. 8). RUSSELL did not relate this story to his visit with HENDERSON (pg. 8). He recalled no talk from B/4/3 about Co Lay or My Khe (pg. 8).



(The hearing reconvened at 1025 hours, 14 January 1970.)

IO: The hearing will come to order.

RCDR: The following persons are present: LTG PEERS, MR MACCRATE, and MAJ LYNN.

The next witness is Lieutenant Colonel Albert L. RUSSELL.

(LTC RUSSELL was called as a witness, was sworn, and testified as follows:)

RCDR: Colonel RUSSELL, for the record, will you state your full name, grade, Social Security number, branch of service, organization and station.

A. Albert L. RUSSELL, Lieutenant Colonel, U.S. Army. My serial number is my branch is Armor, I am presently assigned to the Office of the Inspector General, Department of the Army, Washington.

RCDR: Thank you.

IO: Colonel RUSSELL, before we proceed with any questions, I shall inform you concerning certain matters.

This investigation was directed jointly by the Secretary of the Army and the Chief of Staff, United States Army, for the purpose of determining the facts and making findings and recommendations concerning two matters:

(1) the adequacy of prior investigations and inquiries into, and the subsequent reviews and reports within the chain of command, of what is now commonly referred to as the My Lai incident of 16 March 1968, and

(2) the possible suppression or withholding of information by any person who had a duty to report and to furnish information concerning this incident.

This investigation is not being conducted to investigate all of the facts and circumstances of what happened at My Lai. It is directed to those two specific purposes which I have just stated. Do you have any questions on those two?

(RUSSELL)

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A. No, sir.

Q. I have had made available to me and have reviewed prior official statements obtained in other official investigations of the My Lai incident. To the best of my recollection I have seen no testimony which you have given in this case.

A. That's correct, sir.

Q. Your testimony will be taken under oath. A verbatim transcript will be prepared. A tape recording is being made in addition to the verbatim notes which are being taken by the reporter.

The general classification of the report will be confidential. However, it is possible that the testimony, or parts of it, may at a later date become a matter of public knowledge.

Next to me here at the table on my left is Mr. Robert MACCRATE. Mr. MACCRATE is a civilian attorney, and he has volunteered his services to the Secretary of the Army to assist me in this investigation and also to provide legal counsel to me. Besides Mr. MACCRATE, there are other members of the investigative team who are also questioning witnesses at the present time in various places. However, I have the responsibility of weighing the evidence and making the findings and the recommendations.

You are ordered not to discuss your testimony in this investigation with others, including other witnesses for this investigation, except in the performance of official duty or as you may be required to do so before a competent judicial, legislative, or administrative body. To the best of my knowledge, you have not been cited by the military judge in the general court-martial case of the United States v. Calley. However, if you by chance are cited in that case, your appearance here will in no way change the applicability and the affect of that order. Do you have any question on what we have indicated so far?

A. No, sir.

Q. Colonel RUSSELL, what was your duty assignment on 16 March 1968?

A. I was with the III Marine Amphibious Force in the G3 plans shop. My immediate superior at that time was Colonel Joseph HOTZBOWER, U.S. Marine Corps.

Q. How long had you been in that capacity?

A. Oh, I'm sorry, 16 March?

Q. 16 March.

A. No, sir, I was in I Field Force. I didn't go up there until 19 March, as I remember. So I was working in the G3 section of I Field Force on 16 March.

Q. And how long did you stay in the G3 section of III MAF?

A. I went up on 19 March, as I remember, and left there on 19 June, at which time I assumed command of the 4th Battalion, 3d Infantry (Old Guard), 11th Brigade.

Q. After you joined III MAF on about 19 March 68, did you hear any reference to the operation of Task Force Barker in the Son My area on the 16th?

A. To the best of my recollection, no, sir. I might have gone to a briefing where they mentioned it, but as you know, they brief all of I Corps up there, and I wouldn't remember one isolated incident.

Q. I have here the SITREP of the 23d Division, a copy of which was sent to III MAF. This is a SITREP covering the date of 16 March, 1968. I would like to have this entered into the record as an exhibit.

RCDR: This is entered into the record and will be marked as R-6.

IO: Recognizing that this was 3 days prior to your coming into the headquarters, I would still like to refer this document to you, Colonel RUSSELL. Specifically I would like you to look at the two items which I have tabbed, one showing the operation for this particular day. I ask if these matters were ever called to your attention during that period?

(RUSSELL)

A. Sir, I frankly don't remember seeing these before.

Q. I have here also four operational SITREPS from the Americal Division covering Operation Muscatine for the date of 16 March. I would like to have these entered into the record and marked as an exhibit.

RCDR: These will be R-7, 8, 9, and 10.

IO. I have here the four 6-hourly SITREPS which were submitted by the Americal Division covering Operation Muscatine on 16 March. I would ask you to look through these, paying particular note to the areas which are marked with the red tab and see if, by chance, these were ever called to your attention.

A. No, sir, I don't remember them. I might explain that in the headquarters at III Marine Amphibious Force, the G3 plans shop was in a separate building from the operations center of G3 proper. Consequently, unless we went over for a briefing or something like that, why we didn't normally read the SITREPS, as I remember. I think unless they started sending them down on a little folder, but I certainly don't remember.

Q. Well my purpose in asking about these, even recognizing the fact that you are separated in the plans as opposed to the operations, and even recognizing that you joined this command 3 days subsequent to the event itself, my purpose primarily is to see if there was any talking or questioning and so forth about the operation and some of the statistics which may have been coming out of this, not only during the day itself, but during the period subsequent to it, as long as even 2 months after it.

A. Well, I can answer that, sir. To the best of my knowledge there was never anything that I remember being stated about this.

Q. You did, however, in your plans shop attend the daily briefings which were put on for the III MAF headquarters?

A. Periodically, sir. In other words, I might go once a week, depending if I had the time, or I might go 2 or 3 days in a row, and then I might miss for a week or two.

Q. I also have here the SITREP, actually the daily historical summary from III MAF, for the period covering the date of 16 March, which among other addressees is addressed to Fleet Marine Force, Pacific. I would like to have this entered in the record and marked as an exhibit.

RCDR: This will be entered into the record and marked as Exhibit M-38.

IO: I show you this, Colonel RUSSELL, and would ask if any of this was ever called to your attention? I have still another document of the same category which provides more substantive detail, such as the daily SITREP of Headquarters, III Marine Amphibious Force, which includes as an addressee, Headquarters, Military Assistance Command, Vietnam. I show you this particular portion of the SITREP, indicated between the two lines, and would ask if any of this was ever called to your attention or ever discussed to your knowledge?

RCDR: This extract of the daily situation report from III MAF will be entered into the record and marked as Exhibit R-11.

A. Is this a wrap-up, sir, a weekly summary?

IO: No, it's a daily summary.

A. A daily summary? This is similar to the one--

Q. (Interposing) Yes, with the exception that it gives you the daily total, with a cumulative total for the operation, whereas this goes step by step throughout the day, as it was entered into the log of the III MAF. Well, the point here, Colonel RUSSELL, is that in studying these logs and SITREP's one would note that as a result of this operation, Task Force Barker into Son My on the 16th, 128 VC were killed, 2 U.S. were killed, and 10 or 11 wounded and 3 individual weapons were captured. My question then is: was there ever any discussion in III MAF, to the best of your recollection, concerning this disparity between the number of VC KIA and the weapons count?

A. At that time I can never remember anybody, I don't remember anybody ever talking about it.

Q. Were you ever aware at anytime that something unusual, which may have taken place around 16 or 17 March, was being investigated by the U.S.?

A. I don't know whether this was the My Lai incident or not. I went down to see Colonel HENDERSON, I think it was in May, I think it was a Sunday. I don't know the date. My purpose was to ask him to consider me for a battalion if it became available, and I'm trying to jog my memory on this because this was almost 2 years ago. I am not sure, sir, but I think at the time when I saw him, he was apparently writing a--I don't want to say an investigation because I really didn't see the paper, sir, I don't know. But I think he was a little perturbed because--this was a casual conversation, I was waiting for him to finish whatever he was doing on his desk, you know, trying to form the words I wanted to use to ask his consideration for a battalion, so I wasn't paying attention, I guess. Anyway, he said something to the effect, and I hope I have this correct, sir, because it's hard to recall, that somebody had made an unwarranted charge. I'm sure that he indicated that he had checked it out, and that now he was going through an unnecessary paper drill in his estimation, I guess. This vaguely stays in my mind. It's been almost 2 years, and it was a casual conversation. I don't even know whether he was referring then to what is now known as the My Lai incident.

Q. Do you remember what time in May this was?

A. No, sir, I think it was about the middle of May. I'm pretty sure it was a Sunday. I say that because, when I left, I talked to Frank BARKER and he said that time, "I'm real happy because I'm going to take the 4/3, 1 June." I think it was less than 2 weeks to go as I remember.

Q. Did he say anything at all about an investigation, BARKER?

A. No, sir. I chatted with him only a few minutes, and then I had to grab a chopper to get back to III MAF. I had to make a connection at Chu Lai to do it. I had to be there in Chu Lai at a certain time, and we were approaching the deadline to get back to Chu Lai to get the courier to III MAF. But again, as I say, I racked my brain on this and I tried to recall everything that took place. That's the best I can do on that. The only other thing that I read referred to, and I'm not sure whether it referred to this, was when I became commander of the 4/3--

Q. (Interposing) Well, let's just wait and we'll come around to that. I do want to talk to you about that. Were you aware of any investigation which may have been underway by the GVN or the ARVN concerning anything that may have transpired during that period?

A. No, sir.

Q. Was there ever any discussion within the G3 shop of III MAF or within III MAF itself concerning this operation, or anything that may have transpired?

A. Not to my knowledge, sir.

Q. Were you familiar with any--from discussion with the 2 shop--any VC propaganda, either broadcast or which may have come out in leaflet form, which may have been in terms of slogans, posters, or any other form which may have focused on this particular area in about that time frame?

A. No, sir.

Q. Now, then, would you--as I would understand it, when Colonel BARKER was killed in about the middle of June--

A. (Interposing) I think it was the 13th if I'm not mistaken.

Q. He was killed on the 13th. You subsequently took over command of the battalion from him.

A. Yes, sir.

Q. I would also understand that you heard something within the battalion at that time concerning what may have taken place in the Son My area during that period. Would you relate that for us please?

A. Well, sir, I can remember only one isolated incident. This incident that was brought to my attention, and I didn't even--at that time, I don't know whether it referred to My Lai or where. My S3 and I were talking and I wanted to go down to an operation, either LZ Uptight or the Pinkville area. This was in the latter part of June, as I remember. And my S3 at the time, Major John P. MCANAW--

MR MACCRATE: (Interposing) Major John--

A. (Interposing) MCANAW. I think his middle initial was P. Being new to the area, of course, he told me about the plethora of booby traps in that particular area and so forth. Then he mentioned that Task Force Barker had gone in there and killed quite a few VC and had suffered quite a few casualties also. I believe he mentioned that, I think he said, a correspondent had said that some civilians had been killed. I don't think he mentioned the number or anything. He just said "some," and that from what he heard that was just not true, or words to that effect. And that's the only other knowledge of that particular area that was brought to my attention. My B Company had participated in it and I never heard anybody from B Company mention anything at all about it. At the time, incidentally, I never related the visit with Colonel HENDERSON and that MCANAW scene, it never crossed my mind to relate these two, frankly.

Q. Had you heard rumors that a stateside newspaper had carried stories about the Task Force Barker operation?

A. I think this is what MCANAW was referring to, but I'm not sure. He just said--I'm not sure whether he said newspaper correspondent or correspondent. Again I was focusing more on an operation that I wanted to mount and he was telling me the dangers inherent in this particular area, the Batangan Peninsula. This was, as I remember, the conversation.

Q. Well, you had your Bravo Company with you for some time after that?

A. Yes, sir.

Q. You indicated that you didn't hear them talking about My Lai or any rumors. Did hear them mention Co Luy.

A. No, sir.

Q. Any mention of Co Lay, or My Khe, in which some unusual activities may have possibly taken place?

A. No, sir. And I walked with that company several times as I remember, sir. I think the first time was in June, right after I had taken over. We were in LZ Dottie and I had B Company making a sweep down toward the river, Song Tra Khuc. Coming back up and I walked with them and I

guess it was about a 2-hour walk back to Dottie. And while I was with them I would chat with the soldiers and, you know, walk up to one and shoot the bull with him, ask where he was from, and so forth, walk up to another one and do the same thing. And I never heard them mention anything at all, sir. On the other hand, I was strange to them.

Q. Yes. Did you know a Lieutenant WILLINGHAM in Bravo Company?

A. I had a WILLINGHAM who took over Echo Company.

Q. Had he been in Bravo Company?

A. I'm not sure.

Do you have his first name?

Q. I'm sure I can find it. I don't have it immediately available to me, but I'll get it for you.

A. Yes, my Echo Company commander was named WILLINGHAM.

Q. Mr. MACCRATE, do you have some questions?

MR MACCRATE: Yes, I do, but I might have the WILLINGHAM name here.

IO: He had the first platoon at the time, Bravo Company.

MR MACCRATE: Yes, but I don't have it here with that. Colonel RUSSELL, it is of some interest to us to try and fix as closely as we can the time of your visit to Duc Pho when you observed Colonel HENDERSON at work on some sort of a report. We understand that it might be something that had no relation to our present inquiry, but this is within a time frame that is of interest to us. So I would ask you whether there are any other points of reference that you can use in addition to the one that you've alluded to, that it was a short time before Colonel BARKER assumed command of the 4/3. Have you any idea as to how much or how long in advance of 1 June he learned that he was going to take command of the 4/3? Task Force Barker was actually terminated on 9 April 1968, so might he not, at an earlier time, have learned of this assignment.

A. Yes, sir, sure, he could have. In other words, when I spoke to him, all he said was, "I'm taking over command of the 4/3," as I remember, "on 1 June." And if I remember, I think it was 13 days to go, it was something of that nature. But I only chatted with him a couple of minutes. We talked about various and sundry other things. I congratulated him, of course, on obtaining a battalion.

Q. Now, I realize that this is stretching one's recollection, this next inquiry, but you do recall that Colonel HENDERSON was at work on something. I would be interested whether you have any recollection of the magnitude of the paper around him. Was there evidence of a collection of statements, such as you were familiar with in investigations? Have you any recollection of such a thing with Colonel HENDERSON, at that time?

A. Sir, I just don't know. I think there was a map on the desk, number one. I'm not sure of that, but it strikes me as something I remember, you know, the kind that you carry. And there might have been other papers there. In fact I'm sure that there were.

Q. But nothing that specifically impressed itself in your mind?

A. No, sir. In fact, when he mentioned this, I didn't think anything of it, frankly. I mean it was going on all the time, really, getting something down to answer.

Q. And I understand you had something on your mind at the time when you went in.

A. Yes, sir. I sure did.

Q. Putting these words together again, Colonel RUSSELL, can you--as I remember, he had indicated that it was an unwarranted allegation?

A. To the best of my recollection, sir, yes. Again it was a casual conversation and I wasn't, you know, really soaking up every word. There was something else, my thoughts were rather sort of inward, so to speak. It seemed to me he was a little perturbed. He said something about, you know, an investigation. He didn't say "paper drill," but whatever he said would lead me to believe that that was the case.

And I just, you know, it never really came back to me until much, much later, when this came out in the paper, actually, I guess. Or maybe I mentioned it to the USARV IG, I don't remember that either.

Q. No, we have some indication of you talking to the USARV IG, but his indication was primarily of your hearing rumors to the effect that some articles had appeared in the United States in the newspaper.

A. No, sir, I don't believe I ever, to the best of my knowledge, talked to him about any articles that appeared in the United States, I'm pretty sure of that. But I do remember telling him that my S3 had brought this up in a casual conversation, I don't remember. And my S3 is the one that said something about the newspaper correspondent, or the correspondent, I'm not sure whether he connected it to words or not, even. Again I was focusing on an operation that I wanted to mount.

MR MACCRATE: How does Major MCANAW spell his name?

A. M-C-A-N-A-W. And his address is, I think, 1234 4th Street, Fargo, North Dakota, the Armed Forces Entrance and Examining Station. I don't know the ZIP.

IO: We're talking about your Echo Company commander. Would it have been Thomas K. WILLINGHAM?

A. I believe his first name was Thomas, sir.

Q. Were you aware that this is probably the same individual that commanded the 1st Platoon of Bravo Company during this operation?

A. Well, I'm sure he mentioned it, but I frankly don't remember whether he did or not. I think he took over Echo Company on 1 June. He was already the Echo Company commander when I took over.

Q. Was he a lieutenant at the time?

A. Yes, sir, a first lieutenant.

Q. Well, we appreciate you coming down, Colonel RUSSELL, and you have been considerably helpful to us. From the information which we have discussed with you this morning, and as

you pry your own memory, if anything else does come to mind or if you recall any documents, any photos, maps, any kind of material that would be helpful to us, we'd be very happy to have it in order to be able to record any additional testimony you may have. If you have any questions, or if you would like to make a statement at this time, the floor is yours.

A. Thank you, sir. I've tried to recollect to the best of my ability, those things which I feel might impact on this investigation. It's pretty hard to recall something that transpired, in a conversation, for instance, roughly over 20 months or so ago. I've frankly racked my brain and my memory since I was notified by Major APICI, I believe, that I would appear before you, sir. To the best of my knowledge, I have furnished you with everything that I know about this thing. I'm hoping that a lot of what I have told you has not been colored by events or perhaps something that I've read, because sometimes you have a tendency to do this, but I've certainly tried to be as objective as I possibly can. Thank you, sir.

IO: The hearing will recess at this time.

(The hearing recessed at 1105 hours, 14 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: VAN RYZIN, William J. LTG

DATE OF TESTIMONY: 14 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Deputy Commander,  
III Marine Amphibious Force.

Lieutenant General VAN RYZIN probably saw the captured weapons-enemy KIA ratio (pg. 2). However, this was not so unusual as to raise questions (pgs. 2, 3). He did not recall any conversation with General KOSTER regarding civilians being killed during the My Lai (4) operation (pg. 3). The witness was unaware of any investigation concerning possible U.S. atrocities in that AO or of enemy propaganda which would point to U.S. atrocities in that area (pg. 4).



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(The hearing reconvened at 1430 hours, 14 January 1970.)

IO: This hearing will come to order.

RCDR: The following persons are present: LTG PEERS, MR MACCRATE, and MAJ LYNN.

The next witness is Lieutenant General VAN RYZIN.

(LTG VAN RYZIN was called as a witness, was sworn, and testified as follows:)

General VAN RYZIN, will you please state your full name, Social Security number, organization, and station?

A. William J. VAN RYZIN, chief of staff, U.S. Marine Corps, Headquarters, U.S. Marine Corps,

IO: General VAN RYZIN, we have given quite a bit of instructions to the witnesses whom we have had in here. But rather than go through the situation with you, I will provide you this and ask you to read it or scan it, and I will then ask you if you have any questions.

(The IO handed the witness a copy of the introductory statement. The witness read it as requested.)

A. No questions.

Q. General VAN RYZIN, would you indicate what your assignment was in the middle of March 1968?

A. I was the deputy commander of III MAF.

Q. How long had you been in that position?

A. I reported in on, I believe, 14 February and left in the end of June of that same year.

Q. Were you aware of the operation of Task Force Barker into the area of Son My on 16 March?

A. I wasn't familiar with it under that particular title. I knew the operation as Muscatine. I think it was into the Wheeler Wallowa area. That's right.

Q. There was nothing specific about it?

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A. No. Not for me. My duties didn't involve me in that type of operation at this particular time.

Q. Would you indicate generally what your duties as the deputy commander encompassed?

A. When I first arrived there, I was the second in command and would have succeeded the commander if Bob CUSHMAN had been detached or something had happened. At this particular time, after the 24th Corps was organized, General ROSSON had succeeded to the command. But generally speaking, my duties under General CUSHMAN were to just keep generally familiar with what was taking place operationally. But, as you recall, the Tet offensive had then occurred, and at that particular time we had very, very difficult logistics problems. We had to really concentrate on that area to be sure that we had adequate support up north to take care of Operation Delaware, and at this particular time we were planning for Operation Pegasus.

Q. I ask you to recall if you were involved in the immediate area of the DMZ, and, more particularly, in Khe Sanh?

A. That is correct. As you know, we were some 2,500 tons short in terms of supplies at that time because of the breaking of the roads, the railroad, and the difficulty getting across the Perfume and the Qua Viet River. We were pushing in supplies at 1,500 tons a day. We had to build it up well above the 2,500 tons a day to meet our limit.

Q. General VAN RYZIN, I have here two extract copies of the Daily Historical Summary of III MAF, a copy of which was sent to the Fleet Marine Force of the Pacific, which I will show to you, and ask you if you are familiar with this particular document? This has been entered into the record as Exhibit M-38.

(The IO handed Exhibit M-38 to the witness.)

A. I'm sure I saw this at that time because I did see all the outgoing messages.

Q. I am particularly interested in the item down at the bottom of the page, General VAN RYZIN, where it indicates 128/922. Indicating 128 KIA for this particular operation, which was Muscatine, and a cumulative total of 922. Then,

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going down to the total of 3 weapons captured that day, and a total of 160 weapons as a cumulative figure.

A. Yes, sir. As you know, we maintained statistics out there, and not just in support, but for all operation. And, of course, we were briefed daily on the status of the operation.

Q. My question is whether or not these statistics of 128 VC KIA and only 3 weapons, whether this prompted any inquiry or if some discussion about this went on during the operations or during the briefing at III MAF?

A. No, I don't think it raised any questions because we had cases, not many, but there are cases like that, for example, Khè Sanh, and the operations around Hue at that time. There are cases that you just didn't have a chance to move in on the battle area and obtain the weapons and the counts. So, at the time, I don't recall any discussion on this matter.

Q. Well, I have here another document which is the SITREP of III MAF covering the same period. This has been entered into the record as R-11. You will notice that at the bottom of the page it indicates the plans for Operation Muscantine. On the following page is a rundown of the entries to the log of III MAF.

(The IO handed Exhibit R-11 to the witness.)

From what you have previously indicated, I take it there is nothing here that had created any undue questions?

A. Not at the time. I don't recall any.

Q. We have talked to General CUSHMAN, General VAN RYZIN, and we have also talked to General KOSTER, and, as you might well imagine, a large number of other people. But General KOSTER recalls that he at one time talked to somebody from Headquarters, III MAF, and told them about the operation there, and the fact that some civilians had been killed, and this was under investigation. I wondered if by chance you had any discussion with General KOSTER along these lines?

A. I don't recall any, General PEERS. I was only briefed by the Americal Division, because as I told you

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earlier, I was directed to concentrate in the northern two provinces. I did pay a courtesy visit on the Americal Division. I did visit all the CAP units in that area. Then he gave me a general briefing himself on the area, but I don't recall discussing operation--I believe it was before this time--the Muscatine operation.

Q. Were you ever aware that an investigation was being conducted within the Americal Division, or within the 11th Brigade, concerning something that may have taken place in the operational area of Muscatine?

A. I was unaware of it. The only investigation that I was aware of was the American investigation of the alleged looting in the Hue area. And that's the only investigation that I was aware of.

Q. You knew General LAM, I'm sure.

A. Yes, I did.

Q. The I Corps commander. Did you ever talk to him about, or did he ever talk to you about, anything that may have transpired in this area?

A. No, sir, he did not. I rarely met with him alone. I usually met with him in conferences or when General CUSHMAN went over. I don't recall any time that this matter was discussed.

Q. Was it ever called to your attention in any way that General LAM or other parts of the ARVN or GVN were conducting an investigation?

A. I was unaware of it.

Q. Were you aware of any VC propaganda in terms of radio broadcasts, leaflets, posters, arm bands, slogans, or anything else which would point to something which may have transpired in this area?

A. I was not.

Q. Did you ever have any reason to suspect anything unusual that might have taken place in that area?

A. No. It came as a complete surprise to me.

MR MACCRATE: I have no questions.

IO: Do you have anything or any questions that you would like to ask, General VAN RYZIN?

A. No, I don't.

Q. Do you have any statements that you would like to add for the record?

A. No.

IO: The hearing will recess.

(The hearing recessed at 1442 hours, 14 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: ADKINS, Alvin E. COL

DATE OF TESTIMONY: 28 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: CO, 4/3, 11th Brigade until 1 June 1968 at which time he became G2 of the Americal Division.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

The witness was briefed on the rules of engagement from time to time (pg. 14). These rules provided against unnecessary killing or destruction of property (pg. 14). They could destroy hootches in identified VC strongholds if they received fire from it or if it was otherwise necessary for the security of the force (pgs. 14, 15). At battalion commanders' meetings HENDERSON emphasized the rules of engagement (pg. 14). Prior to going to Vietnam they received MACV rules concerning the treatment of civilians which were passed out to the troops (pg. 27). Winning the hearts and minds of the people was emphasized (pg. 21).

2. KNOWLEDGE OF THE 16 MARCH OPERATION.

While ADKINS was aware of significant contact in the area between LZ Uptight and the south during an operation conducted in conjunction with the 2d ARVN Division, he did not recall the VC body count or the number of weapons captured (pg. 9). He was unaware of an investigation of the 16 March operation (pg. 10). He heard no comments or rumors from anyone concerning the death of noncombatants in the My Lai (4) area in mid-March (pgs. 12, 24). He did not hear of any VC propaganda which alleged that Americans had killed a large number of people in the

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Son My area (pg. 12). No one ever told him of a report from a village chief of Tu Cong or Son My to the district chief or province chief (pg. 13). Although he had a lot of contact with Major GAVIN, GAVIN said nothing about an incident in Tu Cung (pgs. 22, 23).

3. OTHER INFORMATION.

a. Conversations concerning the My Lai incident.

The witness had conversations with Lieutenant Colonel FRANKLIN and Major CALHOUN since the My Lai incident became public knowledge (pg. 3). Nothing specific about the matter was discussed in either case (pg. 3).

b. GOUZOULES' status in Task Force Barker.

He had no recollection of Captain GOUZOULES being declared a persona non grata by Task Force Barker (pgs. 4, 5, 6). He recalled no conversation with Lieutenant Colonel ANASTRANSKI concerning GOUZOULES' status (pg. 6). GOUZOULES did S5 work along Highway 1 (pg. 8). He could not remember receiving any criticism about GOUZOULES from anyone (pg. 8).

c. MICHLES' comments on returning to ADKINS control.

He recalled receiving no derogatory information about Task Force Barker from MICHLES when the latter returned to ADKINS control after Task Force Barker's dissolution (pgs. 15-17). He did not recall MICHLES saying anything about the 16 March operation (pg. 18).



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(The hearing reconvened at 0940 hours, 28 January 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR MACCRATE, COL ARMSTRONG, MAJ LYNN.

Sir, the next witness is Colonel Alvin E. ADKINS.

(Colonel ADKINS was called as a witness, was sworn, and testified as follows:)

For the record will you please state your full name, grade, Social Security number, organization, and station?

A. Alvin Edward ADKINS, Colonel, , I'm currently assigned to the Tactics and Combined Arms Department, U.S. Army Field Artillery School, Fort Sill Oklahoma.

IO: Colonel ADKINS have you had an opportunity to read the instructions (Exhibit M-57)?

A. Yes, sir, I have.

Q. Do you understand them or have any questions?

A. No questions, sir.

Q. On my left is Mr. Robert MACCRATE, he is a civilian attorney who has volunteered his services to the Secretary of the Army to assist in this inquiry. He also provides legal counsel to me and to other members of the investigation team. Colonel ARMSTRONG is on my right, he was appointed by the Office of the Chief of Staff as an assistant to this investigation. Either of these gentlemen aside from myself may also address questions to you this morning. We have other groups such as this that are taking testimony from other individuals. It will be my job, however, to put together the report, to weigh the evidence, and to determine the findings and the recommendations.

As a military officer you are ordered not to discuss your testimony in this investigation with others, including

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other witnesses before this investigation except in the performance of official duty, or if you may be required to do so before competent administrative judicial, or legislative bodies. With respect to the legislative, there is a possibility that you may be requested to appear before one of the congressional committees, more specifically the investigations subcommittee of the House Armed Services Committee, in which event your testimony and appearance here would in no way preclude your appearance before such a legislative body.

A. Could I be given counsel before such an appearance, sir?

Q. Would you be given counsel?

A. Yes, sir, of any kind.

Q. If you wanted counsel it could be provided. You have not been cited or cautioned in the general court-martial case of the United States v. Calley?

A. No, sir.

Q. If you are at one time or another cited in that case, your appearance here would in no way change the applicability of such an order by one of the military judges in that case or any of the other cases which may arise out of this incident. Do you have any other questions at this time?

A. No questions, sir.

Q. Colonel ADKINS, would you indicate your duty assignments within the Americal Division, when you began such an assignment, terminated them and the date of any changes and so on?

A. My initial assignment with the Americal Division, sir, commenced with the closure of the 11th Brigade into the Duc Pho area in December of 1967. At which time the brigade became a part of the Americal Division, at that time I was commanding officer of the 4th Battalion, 3d Infantry.

Q. How long had you been with the 4/3?

A. Since mid-July, sir. I assumed command of the Battalion in Hawaii in mid-July 1967, and I was commander of the 4/3 until approximately 1 June or the end of May, the exact day escapes me, either 29th, 30th of May or 1 June, at which time I became a G2 of the Americal Division.

Q. You took over from TREXLER as the G2 then, is that correct?

A. Yes, sir, but he had already departed, I believe, sir, before I got there and one of the majors, the senior major, assistant G2 at that time, a Major John DORF was actually acting as the G2 when I arrived at division.

Q. Since the time that the so called My Lai incident of 16 March 1968, became a matter of public knowledge through the newspapers and radio and television and so on, have you had any conversations with anybody from the Americal Division concerning the incident itself or the reporting of the investigation of the incident?

A. No official type conversations, sir, I've had a chat with a couple of my acquaintances, a Lieutenant Colonel Jim FRANKLIN, who had the 3d Battalion, 1st Infantry visited Fort Sill and the subject came up, but it was not discussed in a manner in so far as I think of determining how much we knew about it or didn't know or any investigation, or anything of substance of that nature. I also knew Major CALHOUN who was a friend of mine of many years ago when we were both aide-de-camps. I knew that he had been called on some sort of an investigation, I knew that sir, through correspondence with him.

Q. Did he have anything to say in particular in his correspondence?

A. No, sir, not specifically as whether or not he knew anything to have happened or he didn't know, nothing of that nature at all, sir.

Q. Do you remember the name of your S5 when you had the battalion?

A. Yes, sir, I believe it was a Captain GAZULAS, or something of that nature, GONZALES, no GONZALES had B Company, I think it was GAZULAS.

Q. It was GOUZOULES. Do you recall a situation wherein GOUZOULES was more or less declared persona non grata in LZ Dottie and Task Force Barker?

A. No, sir, he never mentioned anything specifically of that nature to me, because he was actually my S5, but he was tabbed, I believe, at one time--if this is what you have reference to, to assist them on something--if this is what you have reference to sir, it's been so long ago I can't recall exactly.

Q. If you recall, Task Force Barker was somewhat of an ad hoc organization.

A. Yes, sir.

Q. Created to fill the void or the vacuum which had been created by the departure of the ROK Marine Brigade.

A. Yes, sir.

Q. Well as we would understand it, as far as the solatium payment for the Vietnamese nationals and so forth that may have been wounded or anything that may have happened to them, GOUZOULES had the responsibility from brigade to not only cover your battalion, but also to cover Task Force Barker. And more specifically he focused along Highway 1, because that's where most of these payments were made as a result of automobile accidents and things of this category.

A. Yes, sir.

Q. But there was a situation there which we understand was called to your attention where word was passed to GOUZOULES that they didn't want him around LZ Dottie.

A. Gee, I really can't recall that specifically, sir, nor do I recall any such conversations that I might have had with Colonel BARKER, I just can't recall anything specifically of that nature. I do know that Captain GOUZOULES spent the majority of his time as you just mentioned along Highway 1, with traffic accidents and everything else that happened along in there.

Q. Do you remember the name of your S3, and your S3 air, S3 air?

A. Yes, sir. My S3 was Major HAWK and my S3 air was Captain MCANAW who later was promoted to Major.

Q. From Captain MCANAW we did hear about this incident and have subsequently talked to GOUZOULES and there's every indication that he was notified that they didn't want him around LZ Dottie.

A. This was Captain GOUZOULES, sir?

Q. GOUZOULES, that's right. This resulting out of a conversation during a meal which had taken place someplace down near the district headquarters of Binh Son.

A. I just can't concretely say, sir, that this rings a bell with me at all.

Q. The discussion had to do with wounding and killing of civilians and according to GOUZOULES, he said, yes, that happens, and that was evidently misinterpreted according to him, and this was passed on to the people at LZ Dottie and Task Force Barker. And as a result of this he was notified through the 3 shop that he was not exactly welcome at LZ Dottie.

A. I have no concrete recall, sir, of any of the Task Force Barker people, including Colonel BARKER ever telling me that specifically.

Q. It might not have been Colonel BARKER himself, it conceivably could have been passed through his XO and 3, the same man, Major CALHOUN for example, or it could have been passed through other channels. Do you remember ever having been contacted on this or something which would sound something like this, by Colonel HENDERSON?

A. Are you talking now about My Lai, sir?

Q. No, I'm still talking about this incident, to tell GOUZOULES to more or less tend to his own business?

A. May I take a few moments here to think, sir, because I'm trying to separate what I say. I want to be sure, I know there were many things that Colonel HENDERSON spoke to me about at various times, both in capacity as deputy, and then as brigade commander.

Q. This would have been in his capacity as the brigade commander.

Q. May I smoke, sir?

Q. Oh, please do.

A. I can't say positively, sir, that I recall such a directive.

Q. Well I'm not sure exactly how--what was said in the conversation, but from what I've heard this might have been the theme of it?

A. I really can't recall any such directive about that sort, sir, because I do know that we had received guidance from brigade regarding payment of the solatium. If in case of inadvertent injuries and this sort of thing--and we tried to keep on top of it as much as we could--precluding first of all, you know, anyone getting hurt, but there were quite frequently, mines and things on Highway 1 that these buses would hit, this sort of thing. But to answer your question concretely, sir, I cannot recall being told by Colonel HENDERSON specifically that he, GOUZOULES, was told to keep out of the Task Force Barker area, per se. No, sir, I cannot recall such a directive.

Q. Do you recall Colonel ANISTRANSKI coming down to perhaps discuss some situation such as this?

A. I don't recall Colonel ANISTRANSKI coming in to see me, sir, while I was in that area, west there. He might have gone to Task Force Barker or LZ Dottie, I really don't know. Later on I met Colonel ANISTRANSKI at division where he was G5, but I don't recall such a subject ever coming up, you know, in discussion around the table or during the conduct of business of any kind. I do recall, though, that Colonel ANISTRANSKI was the G5, but he used to go generally all

over the area, sir. I don't recall Colonel ANISTRANSKI ever coming in, seeing me personally to discuss anything like, of that specific--it's been so long ago and I didn't keep any kind of a diary or anything, sir, I'm shooting here from recall, strictly.

Q. We do understand that ANISTRANSKI was down to see you at the time where you had a rather unfortunate accident having to do with your VIP program, in which quite a few civilians were killed?

A. Yes, sir, that was in, I can't recall, I think it was probably April or May, and there was a dud explosion of some kind, and we got on that thing as fast as we could. In fact it generated some changes in directives as to how this material would be collected and this sort of thing, sir.

MR MACCRATE: Being right across the highway, so to speak, from Task Force Barker, and given the way in which Task Force Barker was put together, on an ad hoc basis, did you give some support assistance to Task Force Barker, some staff assistance?

A. No staff assistance per se, of my staff running both headquarters, however I was levied for one company, which was more or less detached from me and attached to the task force. We gave them certain logistic support from time to time, since I had moved my supply people up to the Chu Lai area, it was a much closer haul from Chu Lai to this area than it was from Duc Pho all the way up. So we had sort of a dual supply arrangement, hooking and driving out of the Division supply areas in Chu Lai. To this extent, yes, we did give them certain support, certain--well, they would make their sorties for say, hooking water or ammunition, rations, because we tried to get at least one hot meal a day whenever the companies could handle it. I had a couple of mess teams back in the Chu Lai area where we used to prepare the food that we would hook out into the areas, yes.

Q. In addition to logistic support of that character, you also gave S5 support?

A. Well only as the General mentioned here, to the extent that Captain GOUZOULES sort of took care of incidents along Highway 1 in this way, now this is to the best of my

recall, sir. I can't state emphatically that that was a specifically written mission, I can't state that, but I do know that he did--he did do some S5 work along that highway where there were numerous people from time to time--was where the population area were there along both sides of Highway 1.

Q. Do you have any recollection of any instances where you received criticism or complaints about Captain GOUZOULES in the performance of his S5 duties?

A. If you are speaking specifically from Colonel BARKER or any of those people, not to the best of my knowledge. I know I got on him one time for not getting some tin out to a place to finish a school that we were helping some people build, and I got on him about that. It went on and on and on and on, but to specifically answer your question, sir, did anyone come to me and specifically complain about him, still not to the best of my recall, sir.

Q. You don't recall getting any such complaints from your S3 or your S3 air?

A. Well I'll have to answer that in this way, sir, there may have been things brought up on the normal course of events, things that were done or were not done, but to put my finger on largely specific isolated incidents, I can't really recall. You know, this is a sort of day to day operation, where you are going, you know, sometimes as much as 24 hours a day. And somebody didn't do something and it comes to your attention, you get it squared away and it really doesn't remain fixed in your memory as a specific incident of any kind.

I'm saying it's possible that it could have happened, but I don't recall any real big issues other than the one thing I mentioned, that I got a little irritated about--was our response there in finishing that one project that we thought we should have had done before that, that it was actually accomplished.

IO: Being in your position, where you were, to the west of Highway 1, opposite Task Force Barker, you were well familiar with the organization and the operations of Barker.

A. Not--I was familiar with some of his operations, sir, I mean as far as day to day operations. No, I can't say that I was aware of everything that went on over there every day, because in early March, I was on an operation into the area called the Horseshoe here which is--we were down in this area which is just about off of that map (indicating to Exhibit MAP-1) here, for 10 or 15 days in early March. Chasing a main force battalion in the area centered here, generally here on 4876, this general area out in here. So we were out in there from time to time and I pretty much lost touch with what was going on over here, because with the normal procedure I would leave a small force to secure what fire bases I had. And I would take an attack CP and the remainder of the units on these operations, sir, and I know we were out there in March, we were out there with part of a battalion again in April. So as far as being acutely aware of minute-to-minute happenings or daily operations in Task Force Barker--only if they wanted to run an operation in conjunction with us, in which case coordination would be made and it would be the same thing with the unit on my north. I also ran some coordinated operations with the Vietnamese to the south, sir, in this way, but I was not in on the day to day operations of Task Force Barker.

Q. Were you aware of the results of the operation of the 16th, in which they reported 128 VC KIA, 2 U.S. KIA, and 11 U.S. WIA, and 3 weapons captured?

A. I can't say that I can verify those particular figures sir, but I can say that I was aware that during--what was it, the latter part of February and on into March, that there had been some contacts over in the general area from LZ Uptight to the south. There had been an operation conducted in conjunction, I believe, with the 2d ARVN Division down in that specific area in which we had heard there was a significant contact and we had some casualties. I can't recall the exact figures of the number of Cong that were reported as killed, not your figures there, I can not recall these exact figures.

But what I'm trying to say here, sir, is that I do know that during a period say, starting in February sometime subsequent to Tet that they did have a number of contacts in that area. And that some of the contacts were reported--

that we had read accounts of rather significant enemy forces, fairly well armed enemy forces having mortars and I believe recoilless rifles.

Q. When you took over as the G2 of the Americal Division, in your briefing by members of the staff since TREXLER was gone at the time, was it pointed out that there was anything which may have transpired out there that day, which might have been on the 16th, in the area which we are referring to as the--well it's the general area of Son My Village, generally known as Pinkville, on about the middle of March?

A. I pointed out as I recall, there were so many briefings, sir, I'm trying to, are you mentioning specifically, was I briefed at the division or did I--

Q. (Interposing) Well, in the process of your getting briefed for your job were you made aware of anything that may have gone on here, or the fact that something was being investigated, or did you know this before?

A. No, sir. I did not know of any specific investigation, to answer that question. In the context of taking over as the G2 as I recall, I was briefed on a number, a great number of areas, sir, I--and from what I recall and from some little experience, that area was pointed out to me as the base area more or less of the 48th Battalion as well as two local force companies. I think the 31st Company and I can't recall the number of the other worked out of that area, and that was generally I believe, looked at by division as one of the fairly heavily infested areas in which the Vietnamese did not have any real control to speak of. That was one of the areas of that type--as well as a few other areas down toward the south there in the Mo Duc area--and then of course up in the north going across the whole board. And there was also briefs, since I was not very knowledgeable being here, about the 2d NVA Division which as you know worked farther north up in the Que Son Valley. But to answer the question specifically, do I recall a briefing of any type indicating an investigation in that area, not to my knowledge, sir.

Q. Now Task Force Barker was disestablished on the 9th of April.

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A. Yes, sir. I think it was about that time in early April.

Q. And shortly thereafter you received your company back from Task Force Barker?

A. Yes, sir.

Q. B/4/3?

A. Yes, sir.

Q. And in addition, I believe you also moved your primary CP to LZ Dottie?

A. Yes, sir, that's correct.

Q. Now, when you did all of that--you took over their area of responsibility, did you get any comments or statements, or rumors, or anything from either U.S. or the Vietnamese side to the effect that there had been some civilians killed down in the My Lai or the Son My area in about the middle of March?

A. Well let's see, as I think about the--

Q. (Interposing) Well, then also while you think about it just think if you ever sat down with Captain MICHLES and went over the operation of B/4/3 in this operation. They were--C/1/20 looking at this blowup we have here (Exhibit MAP-1), landed to the west of My Lai (4) and worked their way on up through My Lai (4) and on to an objective area in the area of My Lai (1) or Pinkville. Whereas Bravo Company landed to the south following C/1/20 and then moved on up north where they joined C/1/20 in a more or less combined night defensive position, just to the west of My Lai (1). Then subsequently they both moved to the south and back up again, down to the Song Tra Khuc River, and I was wondering, if among other things, if you had ever sat down with Captain MICHLES and he told you what they did or what Charlie Company did or anything of this nature?

A. No, I don't recall Captain MICHLES speaking specifically on that operation. I do know that I discussed with him certain of the operations in this area, sir, specifically

an operation that was more oriented over here on My Lai (1). We went through that one and as I recall we did discuss that one, we were looking for indications of enemy in that area for possible coordination, of course to conduct subsequent operations. But I do not recall Captain MICHLES specifically discussing with me this particular operation in any detail, we were discussing these operations more in a general concept in what was found, enemy fortifications, this sort of thing. Yes, sir, we did discuss such things in this whole area here (indicating), since there was also out here on the Batangan Peninsula from time to time, good indications of enemy locations, of bunkers, of tunnel networks, which we found some out in there.

Q. Now I interceded there and broke up your train of thought, and I'd like you to come back to where you took over this AO. You got your company back and you moved back into Dottie. Once there, did you hear any comments or any rumors, or had any reports from the Vietnamese, either civilians or the Vietnamese authorities, to the effect that some civilians had been killed down here, in about the middle of March, in the area of My Lai? Or we could say some of the Vietnamese words they use, My Lai--actually as far as the Vietnamese are concerned there is no such thing as My Lai (4), they refer to it as Tu Cung Hamlet, and another one that they use is Co Luy. Did you ever hear of anything about that, ever hear of an investigation?

A. To the best of my knowledge, no, sir. And I used to touch base with the district advisor in Son Tinh District there from time to time to, you know, keep oriented with him. Where his forces were and also up at Binh Son, but I cannot recall being informed of anything of this nature of which you spoke specifically, I cannot recall such an incident, sir.

Q. Did you ever hear of some VC propaganda which alleged that on the 15th or 16th, the Americans had killed what they term large numbers of people out in the Son My area?

A. No, sir, I don't recall hearing such propaganda nor seeing any leaflets of such a type. I had seen numerous other leaflets, but not of that specific area.

Q. Do you remember when you moved into LZ Dottie? About the date? Task Force Barker was disbanded on 9 April.

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A. Yes, sir, so I would have moved in probably immediately subsequent to that, somewhere, the 10th, 11th, 12th, in there, I'm not sure when. As I said I do not keep a personal diary, sir, on dates and things.

Q. Do you remember in talking with the senior district advisor down at Son Tinh, do you remember his name?

A. No, sir, I cannot recall his name, I can recall the one at Binh Son, I believe it was a Major WILLOUGHBY. The name of the advisor down at Son Tinh just escapes me for the moment.

Q. Would the name GAVIN mean anything?

A. Yes, sir, I believe that was the name, GAVIN.

Q. Did you ever meet another chap down there by the name of Captain RODRIGUEZ or anybody mention to you a report from the village chief of Tu Cung, or the village chief of Son My to the district chief alleging that quite a few civilians had been killed, or did they mention the village chief's report to the province chief in this regard?

A. To the best of my knowledge, no, sir. I can't recall any specific discussion of this--or such reports. I do recall discussing various types of reports with him, but the reports we discussed were of course primarily on enemy location--was what I always went down to check with them, in and where they were conducting operations. To keep them advised to work out some coordinated operations with them from time to time, to bring them in to the actual conduct of operations as much as we could, sir.

Q. Would it surprise you, based on your appreciation and knowledge of division orders and policy to know that in this operation, four or five, possibly six hamlets had been burned to the ground?

A. Yes, sir, it would surprise me, because that was really not division policy at all.

Q. What was division policy?

A. Well, the rules of engagement that we were briefed on from time to time, sir, included no unnecessary destruction, no unnecessary shooting or killing, no unnecessary measures of any sort like this, pretty much down the line, sir. I don't recall that there was anything in the policy which would preclude it, if it were identified possibly as a VC stronghold or a base of some kind the complete destruction would be authorized, sir, within our guidance.

Q. We're referring to the fact that it was a house, something that was a fortified building logically--

A. (Interposing) That it could be destroyed, yes, sir.

Q. How about these hootches and so forth?

A. Well, it would surprise me, sir, if it were done for no reason at all, because I wouldn't think that would be specifically within--at least what I understood the division policy to be, under the general heading of unnecessary destruction.

Q. What were the instructions you issued to your troops concerning burning of hootches, or houses, or hamlets, or anything of this nature?

A. Generally just what I have told you, sir. If it was identified as a VC stronghold; they receive fire from it, it was built up fortified, then we would destroy it, drive them out, check out tunnels, and destroy them. I mean if it wasn't necessary I didn't condone it at all.

Q. Did you have to obtain any kind of approval from brigade or from division before you could proceed on houses, hootches, or anything of this category?

A. What I'm trying to think of, sir, is if there were any ramifications to the thing, in which area you were operating in. For example out to the west in the jungles, these were associated with base camps, there wasn't any questions about destroying them.

Q. Suppose you come into an area where people are living. These are homes, let's say, forget about base areas

or this, that, and the other thing. I know what you're talking about, you're talking about primarily the NVA kind of base camp where you'd find--

A. (Interposing) Or the VC, sir.

Q. Well, same kind of thing, training areas and this, that, and the other, where logistics centers, supply points--

A. (Interposing) To the best of my knowledge we did not--this is very difficult for me to recall these orders, sir, but as far as burning--but to the best of my knowledge it was not authorized unless it was absolutely necessary and determined to be necessary, either for the security of the force or it was being defended--being used for the conduct of some sort of an operation by the enemy. In this case the destruction was authorized, but other than that I know of no specific authorization we had for it, unless it was part of a program whereby they came in and moved people out to get them out of the area--and if I'm not mistaken some people, some of the civilians had been extracted from various hamlets in this entire area, sir, starting way back--I believe someone told me, and I can't swear to this, it's just what I was told, starting back in 1966 or 1967. They were making an effort to get the people under better control and there were some of these hamlets that were only ruins at the time that we went in there. I was told that they were part of the--of a series of programs that were accomplished in that area to bring, or an attempt to bring it under better control and to shut off the VC from their support, and this was given to me as a reason for some of the ruins in the area, sir.

MR MACCRATE: When B/4/3 returned to your command, Colonel ADKINS, do you recall a Lieutenant WILLINGHAM, who was one of the platoon leaders?

A. No, sir, I do not recall Lieutenant WILLINGHAM specifically.

Q. Do you have any recollection of any general evaluation given you by Captain MICHLES, regarding his period of having been attached to Task Force Barker, and special problems he had encountered? Any indication he was glad to be back, any reference to the experience in a critical way?

(ADKINS)

A. Nothing unusual sir, other than that a company returning to its own unit. Other than that, of course, he told me he was happy to be back with the battalion which most units are, you know, I experienced the same thing in moving my battalion to various other brigades, it was always nice to get back to my own brigade again, where I had my support and resources. But from the view point of any unusual derogatory information, sir, I can't recall this, no.

Q. You can't recall anything critical of any attitude found in Task Force Barker, or any aspect of its direction? Let me say that we have received some very complimentary expression with respect to Captain MICHLES being--

A. (Interposing) Yes, sir, he was a good company commander overall.

Q. Being a high grade of man, and there have been suggestions of particular respect for him from individual members of the companies and it does suggest that he's the kind of a man that if he observed something that troubled him, when he came back to home base and back to your battalion, that he might have had a few words to say, that impressed themselves upon you?

A. I really can't recall anything. I think I know what you're looking for here, sir, and I can't recall anything particularly of that nature, other than the fact that of course I was glad to have his company back and he said he was happy to be back. As I mentioned before we discussed generally this area, because we were going to be taking it over, what they found there, what his thoughts were as to what might be there. I discussed some of these same areas with other members of the task force, but I really don't think that Captain MICHLES, to be quite frank if you want to be, would run down another lieutenant colonel to me, because I don't think this was the cut of the individual, sir. He was a very, very mature, one of my most mature company commanders that I had, one of my--and he ran a pretty good company, but I think you've got--we're talking here more or less about professional ethics just a little bit, sir, I think we're talking about if you want my opinion on it. To have him say anything extremely derogatory about the commander over there, I just don't recall it, sir, in so many words, no.

(ADKINS)

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Q. It didn't have to be derogatory, but it could be a comparative, it could be simply a comparative of the rules as laid down by the battalion and the rules as laid down by the task force?

IO: Did he ever suggest for example, that the outfits operated rather loosely over there?

A. Well, let me say this, he might have suggested it, sir, but I don't recall anything specific on it, he might have suggested that when he was with the battalion we operated in a little different manner than he did in the task force; but other than that I can't recall specific incidents that were cited or anything like that, sir, to answer your question, really.

Q. Well, you see, I can understand your point about professional ethics, about him coming back--or he wouldn't want to necessarily make derogatory or degrading comments about another senior officer, but at the same time, just to cite a little incident. For example, we know that Captain MICHLES was not only aware, he as a matter of fact put a stop to it. Two prisoners had been executed, and maybe one had been tortured before. I mean this is just--within the scope of what we're looking into, this is just a comparatively small incident, but it's this kind of think that I'm talking about, whether or not if this gets beyond the state of ethics, you see--

A. (Interposing) Yes, sir.

Q. This gets down to a point of professionalism, and the obligations which all of us have as military officers. We all know what war crimes are, and we know they are to be reported.

A. Yes, sir.

Q. This is what I'm getting at and I think this is what Mr. MACCRATE's getting at, to find out if there was any such discussion which may have led you to even suspect that something like this went on.

A. Not specifically, no, sir, nothing that I could put my finger on, other than what you have already brought up.

here and we've discussed. That their methods of operation were somewhat different in certain extents, they operated in smaller units sometimes, sometimes more scattered, various things of this nature. But I can't recall anything real big that I can put my finger on, sir, that comes readily to mind. Because all during this time we were relatively busy, and I didn't get too much chance to spend any long period of time with any one company. We at that time had the whole area going all the way out to the west and we had the enemy activity, and a focus of interest out here to the west again in April. It was April, in working as part of a brigade operation that we uncovered one of their major base areas, sir, so I was out in that part of the area part of the time.

COL ARMSTRONG: Let's go back to when you were assigned the AO that BARKER previously had, and you got hold of MICHLES and asked him to sort of brief you on what he knew of that area. I believe you said that you had a discussion with him about this?

A. Well, yes, sir. Normal type discussion of what his estimate of what was in the area; which were the critical points of the area; which areas should we watch; what had he found out about the area from his operations in it; that's correct, sir.

Q. Did he say something to the extent, just in passing perhaps, don't worry about Pinkville; we took care of that? Do you recall any kind of comment like that or any kind of an impression you received that you didn't have to worry about this area, because it had been well clobbered?

A. No, sir, other than I mentioned earlier that there were a number of operations in that area starting as I recall in February--

Q. (Interposing) No, I mean talking to MICHLES and being briefed by MICHLES or debriefing him as it was, however you want to talk about it, to see what the heck you were facing in this extension of your AO. You never got any impression from him that this was an area down here that perhaps you wouldn't have to worry about, because this had been well taken care of?

A. No, sir.

Q. Do you recall Colonel HENDERSON emphasizing to you as the battalion commander, the deemphasizing or emphasizing unnecessary destruction, the emphasizing of perhaps protecting civilians, the emphasizing--let's go in the hearts and minds of these guys instead of knocking them off, this sort of thing? Do you ever remember anything where he started to make a greater emphasis on this?

A. As I recall, sir, we had these batalion commanders' meetings from time to time and this normally was touched on as one of the subjects, the rules of engagement, and the need to be sure that they were understood, yes, sir.

Q. I understand that, but I mean was there any emphasis on this at all, that you recall?

A. Well, I'll have to answer this way; it was one of the things that was emphasized, sir. There were more than just that one thing--one area that was emphasized, there were other areas of emphasis about other items also, that were emphasized also at these meetings.

Q. Well, let's go back now, let's try to think about the atmosphere. The general had left, about 15 March. Task Force Barker had been in operation; Colonel HENDERSON took over the brigade, and I'm sure that on the 15th of March he did not have a battalion commanders' meeting. He had this operation planned, was a big operation, was the biggest operation as it turned out, biggest body count that the 11th Brigade had up until that time. It was the biggest operation of the 11th Brigade up until this time as it turned out, and I'm sure he didn't have a battalion commanders' meeting at that time. But shortly thereafter he must have gotten together with his battalion commanders, either individually or in a group and laid down some policies that he would have them as the brigade commander, and they may not have been any different, but just to reassure you the same policies would be continued, or something, but he wanted to emphasize certain ones.

A. I'm sure this was accomplished, sir, but to pin it to the specific point in time if this is what you want me to try to do--I can't pin it because I know that the same policies and rules that were in effect from the time that we got there continued in effect whether I mentioned emphasis from time to time as we went along.

Q. All right, let's think back a little bit again when you were the acting battalion commander, and see if you can ever recall where it was necessary for you to correct any of your units or perhaps detachments of your people as you saw them in operation, or perhaps overzealousness or destruction, anything like this, where you felt that you had to get them under control, perhaps they were running a little wild, or lack of control?

A. I'll have to answer in the affirmative on this, sir. That this was one of the things that I tried to ride herd on and to control as best I could from going around and moving with the units, reemphasizing this, trying to emphasize to my people that target identification before firing, this sort of thing. Yes, sir, I think if we had any--

Q. (Interposing) That's not what I'm talking about.

A. Sir?

Q. Excuse me, but that's not what I'm talking about. I'm trying to think if you can recall any incident where you had to actually stop activity and get it redirected in a proper area. In other words where you can think where your troops were actually going in the wrong direction and you were emphasizing the wrong thing, and you had to correct them. Can you remember any situation where this occurred?

A. Well I'm sure it had happened a number of times, sir. To put specific things, because this was something, you know, one of the usual things to oversee.

Q. I'm thinking ones that strike your mind, I know that every commander is constantly emphasizing these sort of things to make sure you guys know what you're shooting at when you shoot and this sort of thing, but I mean where you actually saw this squad, squad leader SMITH, whatever his name may have been, "You guys didn't even watch what you were shooting at, the first thing that you did was fire, now let's come off of this and let's get a little careful." Do you ever recall this actually, or feeling that you had to do this sort of thing, in specific instances?

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A. Well, I'm sure that I have, sir, but to pin it down to which unit it was and a particular time and a place I can't. But, yes, I've talked to company commanders about being careful and not doing this and not doing that.

Q. Because they had done this or had failed to do something?

A. Not identifying the target or getting one round fired at them and numerous ones firing back without too much attention, quick response, yes, sir, I can't deny that this has happened.

Q. Okay, let me take you back a little further than 22 months. Let's go back almost 3 years, I guess you'd say. Your starting to train the battalion, you joined them in the summer of 1967 as I recall?

A. That's right.

Q. Do you recall how much emphasis was placed on counterinsurgency operations, and by this I mean not in a tactical side of maneuvering the squads and the platoons, I'm thinking in terms really of the emphasis that was placed on the training for the men to make them realize that they were supposed to win the hearts and minds of the people in this area, or in any area that they went into? I'm just wondering how much of the training of the 11th Brigade or in your battalion that you recall might have been on this stuff?

A. Well, I do know we conducted periods of instruction on it, sir, in the various units. To give you a feel for how much of the overall program, I really can't recall at this time.

Q. I'm not talking about hours, I'm talking about how do you feel it was in the way of its effectiveness. Did you really emphasize this through, did you push this sort of thing, do you recall this, it's an awful long time to think about a training program, I appreciate this.

A. Yes, sir. I think we did give it a certain amount of emphasis, sir, from time to time. Of course, there was

not the amount of emphasis in this particular area that was placed on tactical operations, nowhere near that, but we did have these various classes. As best I can recall we did go over some of the things that we were trying to do over there, they were covered and there were other classes which were conducted as follow-ups, of course, as part of the mandatory training program. And as I recall we picked up on an advanced party visit--we took to Vietnam and returned, some of the MACV rules which we had reproduced and passed out to all the troops in recovering classes, I do recall work in this particular area, sir.

Q. Do you recall in the battalion staff, perhaps yourself or anybody who had ever been to the MATA course or perhaps brigade?

A. Offhand I don't, sir, I did not attend the MATA course.

Q. Or the counterinsurgency course for senior officers?

A. I do know that I had some of my personnel, particularly I think a few of the officers had been to Vietnam before, and we pointed out some of the problem areas, this sort of thing.

Q. When you first took over--well I guess you had already known Major GAVIN previously then to taking over the AO of Task Force Barker

A. Yes, sir, I met him sometime before that, because part of Son Tinh District was also to the west out there, I recall his name now.

Q. Did he ever make a comment to you, "What did you Americal guys do, what went on over in Tu Cung," seems to me to be a typical remark from the district chief to a visiting battalion commander, talking to him? Do you recall anything of this nature?

A. No, sir, I really don't. I know that I think he was a major, Major GAVIN.

Q. He was a senior major.

A. I do know that we had various visits on coordination and many, many things were discussed, but to put my finger on that statement in particular and recall it, sir, I really can't.

Q. I don't know whether the statement was ever made, it just seems to me the natural sort of thing.

A. Major GAVIN was quite a talker you know, and specifically to state, yes, I recall it on such and such a time--

Q. (Interposing) In other words no such impression was given to you, that he had any reason to wonder about what the Americal was doing?

A. No.

Q. An incident perhaps?

A. No, sir, not to the best of my knowledge, I can't recall it.

IO: I have here Exhibit D-7 which is Headquarters, 11th Infantry Brigade Regulation 525-1, "Combat Operations, Rules of Engagement," dated 30 January 1968, would you look at that, I think you'd only have to scan it to indicate whether or not this was the general instruction under which you operated with respect to rules of engagement, handling weapons fire, protection of noncombatants, PWS, etc.

A. Yes, sir, this appears to me to be our guide.

Q. Did you have any problem adhering to these regulations?

A. No, sir. Other than any regulations that you have to keep following-up to insure that it's observed. That everyone stays knowledgeable, with your rotation of people and this sort of thing, it was a constant reminder type thing.

Q. Now, I'd just like to take you back once more, and think during the time now that you were assigned to the battalion, and during the remainder of the time that you were the G2 of the Americal Division, whether or not you heard

any comments or statements, rumors, hearsay, or anything which may have indicated to you or caused you to suspect that something unusual had happened in the My Lai, Pinkville, or the Son My area along about the middle of March?

A. No, sir, I can't.

Q. Colonel ADKINS, we appreciate you coming in. Based upon what we've talked about here and some additional information which perhaps is germane to this investigation may come to mind, based upon the line of questioning, if such does, we'd appreciate you getting in touch with us so we can take advantage of such information. Either by us coming to you or having you return. Similarly, if you can think of any documents, directives, memoranda, maps, photos, or anything which would be pertinent to this we'd appreciate knowing about that. At this time I'll give you an opportunity to ask any questions you may like to ask or if you would like to enter a statement into the record.

A. I have no questions, sir, and I have no statements to make at this time.

Q. Hearing will recess at this time.

(The hearing recessed at 1053 hours, 28 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: ANISTRANSKI, Charles LTC (ret)

DATE OF TESTIMONY: 12 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: G5 Americal Division.

1. CONTACT WITH TASK FORCE BARKER.

ANISTRANSKI was the G5 of the Americal Division from November 1967 through July 1968 (pg. 3). The only contact he had with Task Force Barker was in January of 1968 when he moved approximately 600 refugees from Sa Ky in BARKER's AO to Pho Kin (pg. 3). He knew that the task force was getting a large body count in the Son My area (pg. 5).

2. DIVISION POLICIES.

a. Solatum payments.

Whenever a civilian was killed or injured it was ANISTRANSKI's responsibility to make certain that solatium payments were made (pg. 7). KOSTER wanted settlement made in VC controlled areas as well as in GVN areas (pg. 7). It was KOSTER's policy to send ANISTRANSKI to the site of an alleged incident to determine the facts (pg. 7). At KOSTER's request, ANISTRANSKI had made several such investigations (pg. 8). ANISTRANSKI believes that had a report of 20 to 30 civilian casualties been made, he would have been ordered to go to the area to investigate (pg. 7). He was not asked to investigate anything concerning My Lai (pgs. 4,7).

b. Destruction of villages.

KOSTER made it clear to the staff and his commanders that villages could not be destroyed (pg. 14). In addition, all crop defoliation had to be cleared with KOSTER (pg. 15). The burning of hootches, the destruction of livestock, and the destruction of crops could not be done without clearance from the TOC (pg. 15). If someone had burned a village in accordance with KOSTER's directives, ANISTRANSKI believed he would have known about it (pg. 15).

c. Civilian casualties.

Although he was not familiar with any specific SOP, ANISTRANSKI was under the impression that the CO of an operation had the duty of reporting civilian casualties (pg. 25).

3. INQUIRIES AFTER THE ASSAULT.

a. Staff briefings.

KOSTER questioned the person giving the briefing on this operation about the disparity in the body count to weapons ratio (pgs. 30, 31). KOSTER always asked where the weapons were (pg. 6). The briefer replied that he would check into it (pg. 31). The answer was not given at a subsequent briefing, but KOSTER could have been given the information at one of his closed door sessions (pg. 31).

b. Rumors about the incident.

For about a week after the briefing, the matter was discussed among the GI's at headquarters (pgs. 30, 31). Casual remarks were made about a unit shooting up a village and committing atrocities (pgs. 30, 31). Enlisted personnel discussed it in the messhalls and around division headquarters (pgs. 11, 23, 38). In one particular instance, ANISTRANSKI heard some SP4's discussing the village being shot up (pgs. 22, 23, 32, 33, 34). The person said the incident had taken place down south and mentioned CALLEY's and MITCHELL's names in connection with it (pgs. 22, 33, 34). The person said that there was an investigation going on (pg. 23). ANISTRANSKI did not look to see who said this and ignored it because there were always statements being made in this area and because nothing official was announced about an investigation (pg. 23). Several persons asked

ANISTRANSKI if he had heard anything about a Lieutenant CALLEY or a Sergeant MITCHELL. (pgs. 8). Despite his assurance of access to KOSTER, ANISTRANSKI brought none of this to the General's attention (pgs. 38, 39).

c. LEWIS complains to ANISTRANSKI.

The person whom he recalled talking about murders was Chaplain LEWIS who asked him if he knew about civilians being killed in the operation in the south (pgs. 10, 11). LEWIS never specifically mentioned My Lai (pg. 8), and he often came to ANISTRANSKI with reports of civilians being killed (pgs. 8, 26, 27, 34, 39). ANISTRANSKI never asked LEWIS where he got his information or tried to trace it down (pg. 40).

d. ANISTRANSKI visits HENDERSON on matter.

Prompted by LEWIS' allegation that noncombatants had been killed unnecessarily, ANISTRANSKI visited HENDERSON (pgs. 11, 24). At this time, there was an operation going on, although it is not certain that this was the My Lai operation (pgs. 9, 29). ANISTRANSKI asked only one question of HENDERSON: "Do you need G5 assistance" (pgs. 9, 24). He did not mention either CALLEY's or MITCHELL's name (pgs. 21, 27), nor did he even tell HENDERSON the general information about the killing of women and children which had been given him by LEWIS (pg. 27). HENDERSON replied that he did not need G5 assistance at that time and would seek it through his own S5 when it was needed (pgs. 9, 20, 26). In saying this, HENDERSON stated that information about the operation then under way would be forwarded to ANISTRANSKI from his S5 (pg. 20). ANISTRANSKI waited and never got anything (pg. 26). HENDERSON did not inform ANISTRANSKI that he was conducting an investigation (pgs. 9, 27), nor did he say how many people had been killed in the area (pgs. 7, 9). In two very confusing references, which contradict some of the above, ANISTRANSKI indicated that HENDERSON told him of civilian casualties that had occurred on "another operation" (pg. 9). ANISTRANSKI felt he had discharged his duty by going to HENDERSON about it (pg. 10).

d. ANISTRANSKI speaks to the 11th Brigade S5.

The S5 told ANISTRANSKI that if he wanted "the information" (the content of which is never further delineated), he would have to go to the brigade commander (pg. 21). He did not plan to question a full colonel about his operation (pg. 21). The S5 did not indicate knowledge about anyone being killed (pg. 29).

e. End of the rumor.

ANISTRANSKI was surprised by the fact that the rumor was never discussed among the staff officers (pgs. 10, 13, 31, 32, 35, 38). After about a week, discussion of the incident among enlisted men stopped (pgs. 31, 32). ANISTRANSKI believed that it was stopped in compliance with the policy to squelch rumors (pgs. 8, 30). He postulated further that the increase in activity around headquarters diverted everyone's attention (pg. 38). He did not feel restrained from talking about it himself and was never told not to discuss the matter (pgs. 32, 35). He may have told LEWIS not to discuss it, but this was solely to prevent the undermining of any investigation which KOSTER might have been undertaking (pg. 36). He did not know if the SJA or IG ever heard about the rumor (pg. 30).

f. Other sources of information concerning the incident.

ANISTRANSKI was unaware that any noncombatants had been killed on this operation (pg. 7). Neither KOSTER nor anyone else informed him that there had been civilian casualties (pg. 7). He flew with YOUNG quite often, but YOUNG never mentioned it to him (pg. 9). MAY was quite a talker and ANISTRANSKI saw him quite often, but MAY said nothing (pg. 12). Lieutenant Colonel GUINN did not discuss it with him (pg. 12). Neither MAY nor GUINN ever told him about any ARVN investigation of the incident (pg. 19). He did not discuss it with TREXLER (pgs. 37, 38), or HOLLADAY (pg. 32). ANISTRANSKI believed that if anyone had wanted My Lai investigated he would have been notified by KOSTER (pg. 30).

4. REPORTS OF INVESTIGATION.

ANISTRANSKI had never seen Inclosure 2 to HENDERSON's report (Exhibit R-1) and believed he would have seen it if it had come to headquarters (pg. 13).

5. OTHER INFORMATION

a. Letter from province chief to TOAN.

ANISTRANSKI obtained a copy of a letter from the province chief to Colonel TOAN which was critical of both the Americal Division and KOSTER (pg. 16). The province chief claimed he was not getting the support he needed from

the division in the form of troops to protect against NVA concentrations (pg. 18). He gave the letter to KOSTER who said nothing more to ANISTRANSKI about it other than to acknowledge its receipt (pg. 17). The letter did not mention the My Lai incident or any atrocity (pg. 18). He got the letter from TOAN about the 8th or 9th of April (pg. 18). Exhibits M-28 and M-29 were not the letters to which he referred (pgs. 17, 35).

b. Miscellaneous.

(1) He recalled that the body count of 128 given at the briefing was later toned down to 74 (pg. 6).

(2) He had not spoken to anyone about this incident since returning from Vietnam (pg. 37).

(3) ANISTRANSKI did not believe that KOSTER is the type person who would suppress the My Lai affair (pg. 38).



(The hearing reconvened at 1712 hours, 12 January 1970.)

IO: The hearing will come to order.

RCDR: The following persons are present: LTG PEERS, MR MACCRATE, and MAJ LYNN. Sir, the next witness is Lieutenant Colonel, retired, Charles ANISTRANSKI.

(MR ANISTRANSKI was called as a witness, was sworn, and testified as follows:)

RCDR: Sir, for the record, will you please state your full name, occupation, and residence?

WIT: Mr. Charles ANISTRANSKI, I'm a schoolteacher. My residence is 79 North Grant Street, Wilkes-Barre, Pennsylvania, 18703.

IO: Let the record indicate that Mr. WEST and Mr. WALSH have joined the proceedings.

Before we begin any questioning, Mr. ANISTRANSKI, I want to inform you of several matters. This investigation was directed jointly by the Secretary of the Army and the Chief of Staff of the United States Army for the purpose of determining the facts and circumstances and making findings and recommendations concerning two matters:

(1) the adequacy of prior investigations and inquiries into, and subsequent reviews and reports within the chain of command, of what is now commonly referred to as the My Lai incident of 16 March 1968, and

(2) The possible suppression or withholding of information by any person and failure to furnish information concerning this incident.

The investigation is not being conducted to investigate all the facts and circumstances surrounding the My Lai incident. It is directed for those specific purposes that I have just mentioned. Do you have any questions on that?

A. No, sir.

Q. I have had made available to me and have reviewed prior official statements obtained in other official investigations of the My Lai incident. To the best of my recollection I have seen no statement which has been taken from you.

A. That is correct, sir.

Q. Your testimony here today will be taken under oath. A verbatim transcript will be prepared. A tape recording is being made in addition to the verbatim notes which are being taken by the reporter.

Although the general classification of the report will be confidential, it is possible that testimony, or parts of it, will later become a matter of public knowledge.

There are several people at this table beside myself. On my left is Mr. MACCRATE. On my far right is Mr. WALSH. These two gentlemen are civilian lawyers who, through the Secretary of the Army, have volunteered their services to assist me and to provide me with legal counsel. They perhaps will address questions to you. To my immediate right is Mr. WEST who is an assistant general counsel and has been appointed by the Secretary of the Army as the deputy to me in this investigation. I should point out that I have the final responsibility for weighing all the evidence and in making the final decisions and recommendations.

You are requested not to, either directly or indirectly, or through any other means, discuss the My Lai incident, investigation of the My Lai incident, or the investigation of the My Lai incident which we are conducting, with others, particularly with persons who may have been connected with the incident in any way. This request does not apply, of course, if you are required to discuss the incident in other administrative, quasi-judicial, judicial, or legislative proceedings if you are called before such a body to testify. Also, if you have been cited by the military judge in the court-martial case of the United States v. Calley, your testimony here will in no way affect your appearance before that particular body. Do you have any questions about the particular instructions that I have given you?

A. Sir, one question. I spoke to Mr. WEST, and a member from Mendel RIVERS' office. John REDMAN called me and asked me to come to Washington, too. I neither affirmed nor gave them a negative. I told him that I would let him know, and shortly thereafter, I spoke to Mr. WEST and asked him what

I should do about this. Now, if it is all right with you, I would just as soon go over there tomorrow, since I am in the Washington area, and get this over with.

Q. Your appearance here would in no way prevent you from appearing there.

A. Very well, sir.

IO: What was your duty assignment on 16 March 1968?

A. I was the G5 of the Americal Division.

Q. How long had you been in that capacity?

A. I was appointed the G5 in November 1967, and I departed country in July 1968.

Q. And, you remained the G5 all during that period?

A. Yes, sir, I did.

Q. When did you first hear of the Task Force Barker operation in the Son My area on 16 March 1968?

A. If I may, I'd like to go back a little, general. Along in January 1967--

Q. (Interposing) January 1967?

A. As you were. It was January 1968. The ROK Marines occupied what was commonly known as the Batangan Peninsula, and at that time, General YOUNG, one of the ADC's, asked me to look into that area to find out just what the ROK's were doing insofar as civil affairs and PSYOP were concerned. I had gone down there and had spoken to a Captain TINH, who was the civil affairs officer of ROK Marines. Basically speaking, he had told me that they had had considerable activities with schools and things of this nature and wanted us to pick up the same activities if possible. At the same time, Mr. Jim MAY, who was the senior province advisor for the Quang Ngai Province, was quite interested in a refugee camp that was on one of the hooks in Batangan, commonly known as the Sa Ky, that's S-A K-Y, two words, Sa Ky. He was interested in relocating these refugees. Now, this was in January of 1968. He asked me whether I had the capabilities of doing this. I, in turn, went back and I spoke to General YOUNG, and he later on spoke to General KOSTER, the division commander, and they

asked what assets I needed to move these people. I would assume that there was somewhere in the vicinity of 600 people there. I told the general what I thought I needed there, that I needed two "hooks" for about 2 days to pick up the personnel and their belongings. We proceeded to make the necessary plans with the province chief--KHIEN or TIEN--

Q. (Interposing) Colonel KHIEN?

A. Yes, a small, thin man, and Mr. MAY. Mr. MAY gave me one representative from his office, and in 2 days we had lifted 600 refugees from Sa Ky to Phouc Tinh, a small, safe haven complex that they were building right near one of the Marine CAP teams. Periodically I had flown back in there with "hooks" and Hueys to bring the medication and supplies and the things that they needed, bamboo matting, all sorts of building materials. This is whenever General KOSTER said it was okay to get the "hook." Then my affiliation with that area just about terminated. The only other time that I recall Task Force Baker being formed is when Colonel BAKER, and I knew Colonel BAKER....

Q. BAKER or BARKER?

A. BARKER, Colonel BARKER came up there and was doing some planning with the G3 section. It remains an enigma to me to this day what really happened there. I was never really asked to go in there and investigate anything. But I can say this much. General KOSTER was the type of man that with every new operation required two annexes from my shop to be with them. This went into the division plan. Prior to this time--and I went out with Task Force Oregon. At that time I was a medical operations officer for the entire operation.

Q. You were what?

A. Medical operations officer.

Q. What is your branch?

A. I am a medical service officer.

Q. MSC?

A. Yes, sir. With General ROSSON moving out and General KNOWLES coming in, General KNOWLES still didn't require any annexes to any division plans. They had the division plans with a few overlays. They never had a civil affairs annex nor

a PSYOP annex. When General KOSTER came there, for historical purposes, he desired that we project--the general staff members project--what should be done in these areas before every operation; i.e., are there refugees in that area, if so, if a battle ensues in that area, what we could do to help them? And, based on that rationale I would make up necessary annexes to follow their plan during my tenure as a G5.

Q. You're referring to division-level plans?

A. Yes, sir.

Q. Did you require the same from brigade or battalion operations?

A. Our plans went down to the 11th Brigade, as it did in every brigade. It was incumbent on the commander there, as in this case, Colonel HENDERSON, as I recall--I don't remember the name very well--HENDERSON, I believe, had the job after LIPSCOMB left.

Q. Yes, Colonel HENDERSON. As the records would show, Colonel HENDERSON took the brigade over on the 15th of March.

A. Unfortunately, his S5, and I forget the captain's name, he didn't get in on very many of their operations either, as in the case of the G5--I mean other than in organizing the initial annex. And, from then on in, we programmed all our activities in the G5 area accordingly, and we stayed out of the combat areas. We didn't make any unnecessary annexes. The general didn't want that.

Q. Did you normally attend the daily staff briefings?

A. Yes, sir, I had a presentation that I gave every evening.

Q. Do you recall the results of Task Force Barker in the Son My area on the 16 March?

A. The only thing I can remember, sir, is that fact that they were getting a lot of kills in that area.

Q. I have here Exhibit M-6, which is the log of the Americal Division for 16 March. I call your attention to item number 94, starting about in the center of the item. See if you can remember that being briefed on the evening of the 16th.

A. Yes, sir. If I recall, I heard this briefing. I remember the large number of kills the division had in that area. However, a couple of days later, I think that was toned down considerably. And, I don't know why the 74 stays in my mind.

Q. Seventy-four or eighty-four?

A. Someplace around in there, I don't know why I keep thinking it was 74. This 128 doesn't ring a bell, but 74 does.

Q. Well, if you took the two units--you notice that you have actually three units involved--if you took C/1/20 and used its total, and then took B/4/3 and used its total, there are a few there that are additional ones from gunships that are not included, I believe that this would add up to the 128. Do you remember any discussion concerning this very considerable discrepancy, or the disparity, I should say, of 128 VC KIA versus 3 weapons captured?

A. It would just be hearsay if I did--if I made a statement.

Q. We've heard from previous witnesses that there were more than a few ripples went through the crowd in the staff briefing when the figures were cited.

A. That's always the case, sir. Any time we had a large kill, General KOSTER would turn to the briefer, and he would say, "Well, where are the weapons? Did they get any weapons?" There was always a roar from the back from the nitwits.

Q. Did anybody say anything to the effect that, "Well, that's 128 VC KIA, that's 4 VC and 124 women and children?"

A. Well, I never heard anything like that, sir, I can't honestly state that. Whenever we had a large kill--we've had them, time and time again--one of General KOSTER's favorite--and General KNOWLES' favorite--statements was, "Where are the weapons?"

Q. Do you remember the answer that was given in this instance?

A. Usually the briefer was a young captain, Infantry, and he would say, "I'll check on it, sir."

Q. Were you aware from this briefing that any civilians had been killed in this operation?

A. Not on this operation, but in other skirmishes that we had, whenever a civilian was injured or killed, it was my responsibility, in conjunction with the S5, to insure that the necessary funds were drawn from finance, and that the solatium was paid.

Q. Would this make any difference, as far as the solatium payment, whether they were located in a GVN-controlled territory or located in what might be VC-controlled territory?

A. Not as far as General KOSTER was concerned, sir. He wanted us to settle with everybody. He didn't care where they came from.

Q. Didn't it make any difference how these individuals were killed? Just as an illustration, suppose you had, as this figure has shown, 20 or 30 civilians had been killed. Would that have prompted any action on your part or by General KOSTER?

A. Yes, sir, it would. General KOSTER would normally, as he did on several occasions, tell me to get down there and find out just what happened. Now, this case, I was never called in on this one.

Q. What do you mean you were never called in?

A. I was never called in, sir.

Q. General KOSTER did not inform you, or anyone else in the division inform you, that some innocent civilians had been killed?

A. He did not, sir.

Q. Do you remember on this specific day whether or not Chaplain LEWIS was sitting near you?

A. Chaplain LEWIS used to sit directly behind me, sir, and he used to poke all the time any time something went on like this, and he'd say, "Hey, G5, there are civilians down there, and what are you doing about it?" He didn't run

the division. The general ran the division. I would react to what the general wanted, and I informed him that when I found out any information I went to the general, either to his quarters or to his office, and I spoke to him about it. Invariably I got the support that I needed.

Q. Subsequent to this time, a week or 10 days or 2 weeks or even 3, did Colonel LEWIS ever tell you about some of these reports which he had, which would have indicated that some civilians were killed in My Lai or Son My village on 16 March?

A. Let me say this, I don't recall Chaplain LEWIS ever telling me specifically about this small village. But, I do recall Chaplain LEWIS telling me on many occasions that there were "X" number of civilians killed here, or here, or someplace else. This extended from Duc Pho all the way up almost to Danang. If you remember, our AO, in general, was over there. In each case, I can honestly state that I had gotten chewed out by General KOSTER, and I went into the area and I looked it over as an S5. And on other occasions I had gotten in a jeep and driven all the way to Duc Pho to investigate for General KOSTER some incidents where civilians were killed. He wanted to know personally. This one was news to me when I first saw it reflected on newspaper and TV.

Q. Did you ever hear that an investigation was being conducted?

A. Yes, sir.

Q. In this particular situation and within the division?

A. Not within the division, sir. Hearsay. Now, I heard on several occasions--and we made it a practice because the general didn't want any rumors spread around--any time we heard people making off-the-cuff statements, we tried to squelch them. And, there were some occasions or incidents where some of the personnel would ask, "Well, you're in the G5 business; did you hear anything about a Lieutenant CALLEY or Sergeant MITCHELL?" And, I remember the names. And, I told them, "No, are you looking into it?" I went down to brigade and spoke to Colonel HENDERSON. He said it was another skirmish they had had and that they had a good operation going on in that area. I dropped it right there. I didn't interfere with the commander's prerogative, that prerogative being the deployment of troops.

Q. Well, when you get something like that, is it just an arbitrary cut-off rather than to find out what did transpire from the individual who is telling the story? If I make my point clear, for example, somebody comes to you and says, "Is anybody looking into something like this?" Is it just an arbitrary cut-off, or is it that you search out what the individual is talking about?

A. Sir, we go through channels. I felt I had an obligation to the 11th Brigade to talk to the commander about this, and I did.

Q. And, what did he tell you?

A. That it was another operation, it was a tough area--and we knew it was a tough area--and I took the commander's word for it.

Q. Did he tell you how many people had been killed in there?

A. No, sir, he didn't.

Q. When did you go and see Colonel HENDERSON?

A. I don't recall the dates.

Q. About?

A. Well, I spoke to him every 2 or 3 days when I was in the area, either north or south--

Q. (Interposing) Did he tell you that he was conducting an investigation or that an investigation was being conducted?

A. No, sir, he didn't tell me anything. I just asked him a question, and it was dropped right there, that there was an operation going in the area and that we would be informed through the S5 channels, after the operation, if they needed any assistance. Now, in this same time frame I used to fly around a lot with General YOUNG, and General YOUNG kept me posted. He never mentioned anything about it to me.

MR WEST: Could I interpose here? Mr. ANISTRANSKI, we are an administrative group here. We can use any fragment of information you might have, even if it's hearsay. You mentioned a while ago that something would only be hearsay if you mentioned it. I did want to make that point clear, don't be concerned if it might be hearsay. Anything that you heard that you can remember might prove to be useful to us. We're trying to put a puzzle together.

A. Yes, sir, I'm not trying to hide anything. If I knew it, I would tell you. The Army was my life for 23 years, and I think it is a fine organization. If I have some information I could give you, I will give it to you.

Q. What you have heard others say may not deserve much weight, but it might help put a puzzle together. So, anything at all that you recall could be helpful.

A. The only thing I can tell you, sir, is the fact that every morning at 0700 hours we would go into the general's office and we briefed him on the serious incidents that occurred after the 1700 briefing to about 0600 hours. It was always General KOSTER, General YOUNG, RYDER was in there, GALLOWAY, CROOKS was in there, later on, and also the chief of staff, DIVARTY commander, and the 1, 2, 3, 4, and 5. Nothing was ever mentioned to me. I had invariably spoken to just about every man around there that mentioned something about this, and I didn't get anything out of the 11th Brigade, sir. They never asked for any assistance. And, as fast as it came up, that's how fast it died. The man that I can recall mentioning something about some murders or something like that, people being killed, was Chaplain LEWIS. Chaplain LEWIS and I were pretty close. I listened to Chaplain LEWIS pretty closely because he usually had gotten some good information from the troops. He was down talking to the troops all the time. If you wanted to know something, you could always talk to Chaplain LEWIS. As I told the general, I went down to the brigade, sir.

IO: Now, your visit to the 11th Brigade was prompted by the previous discussion with Chaplain LEWIS?

A. Yes, sir.

Q. Which was an allegation to the effect that some women and children perhaps, or noncombatants, had been killed unnecessarily?

A. Affirmative. That is correct, sir.

Q. Do you recall whether there was any order of magnitude of any variety connected with it? Were there lots of them, or were there just a few, or...

A. (Interposing) Well, he just asked me if I had heard of it, any civilians being killed in one of the operations. And, I said, "No, where did it happen?" And, he told me, "Down south." And, I asked him if Jim MAY knew anything about it. He said he didn't know. So, the morning after the general's briefing, or shortly thereafter, I can't recall the date, there was a lot of pressure right near the end of March on this incident. There was a lot of talk about it. GI's were talking in the messhalls--surprisingly, none of the commissioned personnel talked about it, none of the general staff members, at the mess or at any other place, or the special staff members.

Q. You knew that the enlisted personnel were talking?

A. The enlisted personnel were talking all around headquarters, sir.

Q. Can you be a little more definitive when you say enlisted personnel? Were they within the headquarters, or with artillery, or with the TOC, or where were they doing this talking?

A. Well, most of the people worked in the division headquarters. Either the 1, 2, 3, or 4 shop--I'm leaving my own shop out, because my people would never--I only had one sergeant and one driver. And, the driver was always with me, so wherever I went, he went. But, people crossing over--now, general, I'm assuming that you have gone to Chu Lai.

Q. Yes.

A. Well, when we walked by the division headquarters, by the chapel, over from it, we could hear people talking about it. But, it was all done very jokingly, "Hey, did ya hear about this. Hey, did ya hear about that?" That's it. And, I, after the chaplain mentioned it to me, I don't know how soon thereafter, several times a week, I used to visit each of the brigades and talk to the S5. I had gone down to the 11th Brigade and I spoke to Colonel HENDERSON, and I think his executive officer, Colonel FRANKLIN, a Lieutenant Colonel

FRANKLIN. He was on the way in there to be the XO of the brigade. Nothing was relayed to me at that time. Flying back up, I stopped at Quang Ngai City, and I went to see the senior province advisor, civilian type, Mr. MAY. He never mentioned anything to me, sir.

Q. Did you ask him about it?

A. To the best of my knowledge, no. Jim was the type that would ventilate a lot. He'd tell you anything.

Q. Did you talk to Colonel GUINN, by chance?

A. Yes, sir, all the time.

Q. Did you ask him about it, or did he tell you anything about it?

A. Well, he didn't get in on many division operations in the area. They stayed out of it pretty much.

Q. I'm not thinking so much about division operations as I might be concerning information that may be coming in on the area.

A. No, sir, GUINN never relayed anything.

Q. Now, if these rumors were going about the enlisted personnel, whatever they may be, general knowledge, rumors, or whatever, doesn't it seem strange that somebody didn't go over and ask the IG or the SJA what's going on?

A. I would assume that.

Q. Were you ever aware of the brigade commander making an oral report to the division commander on this matter?

A. He was in and out of the headquarters quite a bit, sir, but I don't know why. I just assumed operations. It was never discussed in General KOSTER's presence. When I say "in his presence," I'm talking about the general's special staff members at a briefing. It was never discussed at the 1700 briefing, nor was it discussed at the 0700 briefing at the general's office.

Q. How about your pre-briefing discussions with the chief of staff, Colonel PARSON?

A. He was new in the game, and he was feeling around, and he never bothered with the 1, the 4, and the 5 very much. He was after the 2 and the 3. But, he never said anything to me. We had a 10 or 15-minute meeting before we went into General KOSTER's office, but he never mentioned anything to me about it.

Q. Was this ever discussed around your messhall up there and in your evening sessions?

A. Surprisingly, sir, it was not.

Q. I have here a copy of the report entered into the record as Exhibit R-1. I would like to show you this report, and ask if you have ever seen this report, or if you have any information concerning this report.

A. No, sir, I have never seen that report.

Q. I would ask you to turn to Inclosure 1, and I would ask you to turn to the pertinent data dated 14 April '68.

A. I've never seen that report either, sir.

Q. I would also turn your attention to the second inclosure which is a piece of VC propaganda. You'll notice that the first page is rather standard, but if you will notice near the top of the second page, and specifically the second paragraph, the tone of it changes.

A. I didn't see that one either, sir.

Q. Did you see any VC propaganda which alluded to an unusual situation at Son My village on 16 March?

A. No, sir. I used to receive propaganda all the time. Whenever we would pick it up, we always gave it to G2.

Q. If this piece of propaganda would have come into the headquarters as a separate piece of propaganda, would you have expected to see it?

A. Yes, sir. Colonel TREXLER would have let me see it, he or OWEN let me see everything.

Q. Who was OWEN?

A. Gary OWEN, lieutenant colonel, G2 before TREXLER.

Q. If these two documents had been sent into the division independently, I am referring to the two inclosures, prior to the preparation of this report, would you have expected to have seen them?

A. Yes, sir. I was given most of these documents. If we picked them up, we analyzed them in the PSYOP section. Then we gave General KOSTER a briefing on what we thought was behind the document. These never came to my attention, sir.

Q. Can you tell me what the division policy was with respect to burning villages and burning houses within the operational area of the Americal Division?

A. In April '67 when we went up to Task Force Oregon--

Q. (Interposing) April '67?

A. Yes, sir. I was in country 19 months, approximately. I extended because I liked what I was doing.

Q. Well, you joined the Americal Division then when it was converted from Task Force Oregon to the Americal Division. I don't think that was made quite clear in the record. But, I take it that's what transpired.

A. It was Task Force Oregon, Americal. I was with them all along.

General ROSSON, in his evening briefings, General KNOWLES, General KOSTER, and even the short time that General GETTYS was there had all, on a monthly basis, had gotten up and talked about the rules of engagement. To the best of my knowledge, sir, he was clear to all of the members, all the general staff and special staff members, and the commanders that were on these briefings, that they would not go in there and destroy villages.

Q. What about the killing of cattle and the destruction of crops?

A. Well, on the destruction of crops, sir, I can state this much. I used to get in on that. It was my responsibility to go down and talk to the province chief, Colonel TINH, and Colonel KHIEN down at Quang Ngai. And we would ask,

and I had an overlay, if we could spray the area. And, they usually gave us a yea or nay, and they would bring it back to the commanding general, and the commanding general would say yea or nay. Now, his intelligence people were in on this too. It was a joint effort from the 2, 5, 3, and the commanding general. And, he would let us know, General KOSTER would let us know, whether he wanted that area sprayed. And, I know of several instances where General KOSTER said, "No." We would not go in there, and, in fact, General KOSTER became very adamant at the requests from the brigades to go in there and spray some of the areas. The fallout on that, he organized what is commonly known as the "rice steering committee." He made me the chairman of that "rice steering committee," and he told me that I would organize all the assets available to me in connection with the province chiefs to go in there and harvest those crops, and the troops went in there to help them. We used to furnish the necessary guards.

Q. The Golden Fleece operation?

A. That's right, sir.

Q. Again coming back to my question, and it was a rather direct question, what was the division's policy with respect to burning of houses, or hootches, and the destruction of crops and livestock and so on?

A. They would not do it, sir. They would not do it unless they called in and got permission from the TOC. Now, the brigade that went out on operations would frequently call and ask for permission to bring fire upon a certain village. G3 couldn't even give that. They would have to contact General KOSTER, when he was around division headquarters he did, or off in the sky someplace---

Q. (Interposing) Would you have expected to know if anybody within one of the brigades had burned the houses in one of the villages?

A. Yes, sir, I would know. I had to spend a lot of time in G3 TOC.

Q. Suppose G3 didn't know it.

A. Well, then someone was taking it upon themselves to go in there and destroy property without letting the commanding general know about it.

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Q. Could this have been RAMSDELL?

A. No, sir, it doesn't ring a bell.

Q. KEATING?

A. It doesn't ring a bell. Well, in any event, sir, I got a copy of the letter. I brought it back to division headquarters, and I let the chief of staff read it. The chief of staff read it, and he said, "Wait." He went in to show the commanding general the letter, and the general called me in and asked me where I got the letter, and I told him. He said, "Okay." I saluted, and I left. That was the last I heard of that incident.

Q. Now, are you sure that what you are referring to is a letter from the province chief to the RVN division commander. Or, a report that he had, which was addressed to him from the district chief.

A. It was a personal letter written by the province commander to General TOAN.

Q. I have here two reports prepared by the district chief, the first one, on 28 March, addressed to the province vice chief. Is this the letter that you are referring to? Did you see an English translation of it?

(The IO handed Exhibit M-28 to the witness.)

A. Yes, sir, I had an English translation of it. But, that's not it, sir.

Q. All right. I have here another which has been entered into evidence also prepared by the district chief to the province chief. And, you will notice that a copy of this had gone to the 2d ARVN Division. And, you will also notice that a copy of it went MACV, Quang Ngai sector, which is to say either Mr. MAY or Colonel GUINN. Is this the letter?

(The IO handed Exhibit M-29 to the witness.)

A. This is not the letter, sir. The one I'm alluding to was signed by the province commander, KHIEN.

Q. Do you remember about the date that you talked to this individual at province?

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A. I don't understand the question at all. Discouraged in what regard?

Q. Well, the G5 part of the operation was not given proper support, perhaps?

A. Now, that's not true. I was discouraged, but not because of the Americal Division. I was discouraged because of the way the medics were operating. That's why I asked for another job. But, I took the G5 job because I thought that it was an area that required considerable effort. You could either make it or break it. It was a good job, I like it.

Q. Well, I didn't understand your reference earlier when you said your affiliation with this area was terminated after a while. Referring, as I understood you, to the Son Tinh district, which is to the south of Chu Lai.

A. I told you that after I had moved the refugees from the Sa Ky, then my affiliations with that area, as far as G5 activities were concerned, were relegated to the S5 of the 11th Brigade. I didn't go back in there. It was the brigade's AO, and they did their own work. They didn't need any special assistance or advice from G5. They had their own S5.

Q. Well, I gather that you had some question as to the kind of job that Captain KESHEL, the S5 of the brigade, was doing.

A. That's right. As I said, when everything was-- when I was told by the brigade commander that information concerning this operation would be forwarded to me through his S5, that was fine with me. He's the brigade commander.

Q. Did you go back to that S5 and get that information when you didn't get what you were promised from S5?

A. He had nothing to give to me.

Q. But, did you actually talk to the S5, Captain KESHEL?

A. Every week.

Q. And did you inquire about this operation for your information?

A. He said if I wanted the information I would have to talk to the brigade commander. And, the brigade commander already gave me an answer. So, I dropped out of the picture.

Q. But the brigade commander's answer was that you should talk to the S5, as I understood it?

A. He said the information would come through the S5 to me.

Q. And, the S5 told you, you would have to speak with the brigade commander?

A. If I wanted further information I would have to go to the brigade commander.

Q. Well, to me, what you're saying is nothing else but that you were getting the run around, and that you were not getting any information. You were told to go to the S5, that he would give you the information. He said, "No, go on back to the brigade commander." Now, to me, that's nothing but the run around.

A. Well...

Q. (Interposing) Didn't it seem that way to you?

A. I had no right to question. He said it was coming up. I wasn't going to question a full colonel on his operations.

Q. You said something about this meeting with Colonel HENDERSON, and that you mentioned the names of Lieutenant CALLEY and Sergeant MITCHELL. I wasn't clear whether you were referring to something that you read recently in the newspaper, or if it had a reference back....

A. (Interposing) I made no reference to a lieutenant and a sergeant with Colonel HENDERSON.

Q. Well, what was the reference about?

A. My statement was, if I'm recalling, that their names were mentioned in or around division headquarters by other personnel, GI's around division headquarters. But, I did not mention the lieutenant's name or the sergeant's name to Colonel HENDERSON at any time.

Q. Do I understand that, at Chu Lai, in the spring of 1968, that in connection with this incident, that the names of Lieutenant CALLEY and Sergeant MITCHELL were mentioned at that time?

A. Yes, sir.

Q. Can you indicate in any way any more specifically than you have, who was mentioning their names? The only person you've indicated up to this time who gave you any information whatsoever about this thing was Chaplain LEWIS. Now, I guess you didn't get the names of Lieutenant CALLEY and Sergeant MITCHELL from Chaplain LEWIS.

A. No. It's just ordinary scuttlebutt being disseminated around headquarters.

Q. Isn't it a little unusual to have scuttlebutt with names of the particular officer or noncommissioned officer hung on it this way? This isn't a generalized bit of scuttlebutt. It's a very specific kind of allegation when you hang someone's name on it.

A. I'd go back to what the General says. Why didn't the IG or the JA pick it up?

Q. I'm not talking about why didn't somebody pick it up. What I'm asking you is what you recall of what was said, and by whom? You say that you specifically recall individuals' names getting related to this thing. Now, you were the first one who suggested that Lieutenant CALLEY and Sergeant MITCHELL's names were being rooted about at that time. So, it is rather significant. I've heard no one else suggest that talk around Chu Lai brought these two individuals into the conversation. And, I think it is terribly important for you to think hard on this to see if you can give us a little insight as to where you were hearing such specifics.

A. Again, the day I heard this, I was coming out of the chapel. The chapel sat across the parade grounds right in front of the division headquarters.

Q. I know where it is. We have just been there.

A. That's where I heard it. I paid no attention and I kept right on going, and I never said anything to anyone. I went right back to the office. I never turned to see who said it, why they said it, or anything like that.

IO: What did they say?

A. They just mentioned his name and that an incident had happened down south someplace, and did you hear about an investigation going on. And, that's all that I heard. I never got in on it. It was never addressed to me. I told you it was hearsay when I told you this.

MR MACCRATE: You're sure now that you're not reading these names back into that time?

A. No. No.

IO: What level of enlisted personnel?

A. Specialists, "speedy fours," privates.

Q. What about the command sergeant major of the division?

A. I saw very little of him, sir.

Q. How about your own noncommissioned officer? Those at the S3 shop and so on. Did they know about this?

A. They never said anything. They never mentioned it.

Q. What was this scuttlebutt? Maybe I have to have a better definition of what scuttlebutt is.

A. Well, we used to eat in a big messhall that was to the left front of division headquarters, and it was in there that you could hear the GI's talking about it. And, the chapel was right there too, if you recall the setup. Now, you could hear them talking and no one ever paid much attention to it because it was never officially announced that there was an investigation going on. We ignored it. There was always some sort of statement being made about something or other.

Q. You didn't eat in the general's mess up there?

A. Yes. Later we went up to the general's mess. Just the select few were eating up there.

MR MACCRATE: You are quite sure that as of March, April 1968, you had not yet started eating in the general's mess?

A. Oh, I was in and out of the general's mess all the time. But, I wasn't officially assigned up there to eat.

Q. Going back to your visit to Colonel HENDERSON, just when was it? What made you make that trip to Duc Pho to talk to Colonel HENDERSON, and just what did you say to him? What was your query or the message that you were taking him?

A. Chaplain LEWIS mentioned it to me. I think it was perhaps some civilians killed in the operation, and knowing that General KOSTER always wanted the necessary information posted at the briefings, we always told him whether there were civilians killed or not in these operations, whether they were killed on the highways by trucks or whether he was shot down, or whatever happened. Animals killed or anything like that. And, when it was mentioned to me by Chaplain LEWIS, I felt that perhaps I could go down and get something from Colonel HENDERSON. When I asked him whether he needed any G5 assistance down there, he said, "No, I don't. And, if we need any assistance from you I'll contact my S5, and you and the S5 will work it out." So, I waited and I never got anything.

Q. What was in your SOP that called for information about civilian casualties?

A. As far as I can recall, the United States Government if they were--as a direct result of combat operations--it was incumbent upon the government to take care, and we did.

Q. No, I'm saying what in your operations brought up the information as to civilian casualties? Your talking about the ultimate result. I'm talking about the day to day operation. Was there any requirement laid on any personnel to report civilian casualties?

A. Not other than what I got from the S5 reports.

Q. But, you told us that the S5's were dealt out of all operations. You told us that once the S5--

A. (Interposing) No. They didn't get in the operation, sir.

Q. You told us that once the S5's gave you an annex

in the operation, that's the end of it. Who, then, had the responsibility for letting anyone know about civilian casualties?

A. The commander of the operation.

Q. And, are you acquainted with any specific SOP of the commander to make such a report?

A. No, I'm not.

IO: Or the S2 or the S3 or the TOC?

A. Well, they were all, sir. At one time or another, when they called in their reports, they would indicate whether or not civilians were killed along the highway or as a direct result of operations. They called them in, they called them in all the time.

MR MACCRATE: Well, how about in the course of operations in a VC-controlled territory?

A. If we could get them out we took them out. That was part of the rules of engagement.

Q. That was not my question. My question was reporting civilian casualties from that area, not about taking them out.

A. I can't answer that question. I don't know what they did for these operations, sir. I didn't go on them.

Q. Do you have any recollection of being told of an operation in June of 1968 that the ARVN was conducting in the same area as Son My village?

A. Geez, we had so many, sir, I don't recall. They were in and out of those areas all the time.

Q. Well, are you quite clear that they were in and out of Son My Village constantly?

A. No, I'm talking about the Batangan Peninsula in January, not this specific village. Any time they had any contact they would know something was in there, and they went after it.

Q. Well, I'm talking about the area just south of the Batangan Peninsula right now. What knowledge do you have about the operation into that area?

A. What district are you talking about?

Q. The Son Tinh District.

A. That's just north of the river?

Q. Just north of the river, that's right. You can see right there on the map. That's the eastern portion, in the orange, of the Son Tinh District (indicating). That represents about one-fourth of it, which extends over across Highway 1 and then over across to the west.

A. Now, they were in and out of that area time and time again.

Q. Well, when you're referring to that entire area, you're talking about something larger than the Son Tinh District?

A. Yes, sir.

Q. What I'm trying to get you to focus on are operations down in the Son Tinh district itself and to the east of Highway 1.

A. No. We continuously fought there, no specific villages.

IO: Let me have just one minute, if I may intercede. Do you recall specifically what Chaplain LEWIS told you, where he said he got his information?

A. He didn't.

Q. He didn't?

A. No, sir. I said this, that Chaplain LEWIS was always around GI's and probably picked it up from them. He was always around talking to GI's.

Q. He did indicate to you that perhaps there had been some unnecessary killing and so forth?

A. Sir, he said that every day to me. He said it constantly, "Take care of this, and why don't you do this, and

why don't you do that."

Q. Now, did you relay that to Colonel HENDERSON?

A. No, sir, I just went down and asked if he needed any assistance from us for that area.

Q. When you made the statement, what do you think the implication was? Assistance to do what?

A. Well, he might have had some refugees that he needed moved, and if that was the case, then there were occasions where we got ships to move them out. Sometimes they got on the road and sometimes they just hid. In this case they perhaps came out and needed evacuation means.

Q. But, even though you had this information which had been passed on by Colonel LEWIS, it was rather broad but did involve the killing of women and children. You never gave any of those specifics to Colonel HENDERSON?

A. No, sir.

Q. Yours was really an inquiry then, rather than a statement of fact, or even hearsay?

A. That's right, sir.

MR MACCRATE: Did you tell him about hearing the names of Lieutenant CALLEY and Sergeant MITCHELL, from one of the companies in his command?

A. No, sir.

Q. And their involvement?

A. No, sir, I did not. That would be an allegation, and I'm in no position to do anything like that.

Q. Well, did he indicate that he was looking into a situation at that time?

A. No, sir, he did not.

Q. He didn't indicate in any way that he was gathering information?

A. He did not.

Q. I come back again to the General's question. I just don't understand what kind of assistance you were proffering if there had been civilians killed. The moving of civilians after an operation was over would seem to serve little purpose.

A. Well, not necessarily after the operation was over, but if the operation was going on and these people were out on the roads and moving out with their baggage and all that, we would come to reason that perhaps they should be moved someplace. We would have had to try to assist to move them into refugee camps.

Q. Is there any way you can fix the time of this visit to Colonel HENDERSON?

A. No, sir. I was down there so darn many times.

Q. Well, can you fix it in relation to the time the chaplain first spoke to you?

A. I can say this much, that Chaplain LEWIS mentioned it to me every time he saw me. He was joking about-- I don't know if you would call it joking, but he would say to me, "Hey, what are you doing for these civilians. What are you doing here? What are you doing there?"

Q. Now, this specific visit to Colonel HENDERSON that stands out in your mind was not a result of a jest from or just a polite teasing from Chaplain LEWIS. This was something substantially more specific than that as I understand your testimony.

A. I took him pretty serious, but he was always mentioning that there was a cow killed here--

Q. (Interposing) But, this wasn't a cow killed.

A. I know. He would mention these things. "There was a cow killed here. There was a bull killed there. A couple of civilians here. A baby injured there. What are you doing about it?"

Q. Now, this was not one of those. This was something else that he spoke to you about. Something specific about a particular operation. Did you go and speak with

Colonel HENDERSON about it? Was the operation still going on when you talked to him?

A. The operation was still going on, yes, sir.

Q. The operation we're talking about, Mr. ANISTRANSKI, only lasted for a matter of a few days. You would have been acting very promptly and very rapidly if you went down before this particular operation ended.

A. On the average of about twice or three times a week, I used to stop in all the brigades and talk with people about what their needs were. Now, I never talked about how many civilian deaths there were in their AO. I never talked about the assistance we had given in terms of food or money, or anything like that. It was my job to find out if they needed it and the S5 was getting it. And, if not, why not.

IO: When you were down there talking with Colonel HENDERSON, did you by chance talk to the 2, or the 3, then Major MCKNIGHT, and Colonel BLACKLEDGE?

A. I used to see them all the time, sir. I don't recall seeing them so frequently that--

Q. (Interposing) Did the S5 indicate that he knew anything about anybody being killed?

A. He did not. No, sir. He didn't give me any idea. He couldn't tell me. The kid was off working in other areas, building schools and things of this nature. And, as soon as his attention was called to something like this, he went ahead and started taking care of it.

Q. Well, did he take care of it here?

A. It was never brought to my attention whether he did or did not. It really came up so fast and then died very suddenly, by died, I mean squelched, or whatever happened to it. I don't know.

Q. Well, I wish you'd clarify that one for me. How was it squelched?

A. People just stopped talking about it.

Q. Did the enlisted personnel stop talking about it, too?

A. Yes, sir. We were always told around the outfits I was in to stop rumors. I guess the commanders around there did a pretty good job of stopping rumors. We didn't know whether it was true or not.

Q. But at the same time I can't see that anybody was searching in any depth to see if there was any validity to it.

A. I said earlier, sir, if anyone would have wanted it investigated, and wanted me in on it, General KOSTER would have notified me to go down there.

Q. Oh, I understand that. I understand that very well. We continue to hear, and we've heard in your situation, and from Colonel LEWIS, that some people were killed here. We continue to hear that rumors were buzzing amongst the enlisted personnel. There is no apparent investigation underway. Yet nobody talked to the IG, and asked him why he doesn't get on the ball, or asked Chaplain LEWIS to get over and make his report, or to get the people that do have the information to make the information available to the IG or the staff judge advocate so that an appropriate investigation could be made. These are the things that seem almost impossible, that in a division where this is as well known as you have indicated, that nothing happened.

A. Well, perhaps it did. But it was never brought to my attention. Maybe the SJA did get in on it. I don't know. I don't even know who was the JA at the time, Colonel JONES or someone else.

MR MACCRATE: You said that it came up very quickly. Could you enlarge upon what you mean?

A. Well, when the big kills were mentioned at the evening briefing, I recall General KOSTER asking, "Where are the weapons?" And then for about a week they discussed this operation. The kills minus weapons, and all that sort of stuff. There were some casual remarks made, if you want to call them that, about going in there and shooting up a village. Then it died right after that.

Q. This is in the course of the evening briefings or the morning briefings that this was discussed?

A. No. You're jumping the gun. I said after the evening briefing when the kills were mentioned, General KOSTER

asked where the weapons were. He asked the briefer. The briefer said he hadn't any report on it, but he would find out. Then, for the next couple of days, there were overtures made. These overtures were made by GI's around the headquarters, never by a staff member, general or special staff.

Q. You used the term overtures. Overtures to whom?

A. Well, statements, whatever you want to call them, that there were some atrocities committed, that they shot up a village. Then it died.

Q. Now the commanding general raises a question at an evening briefing. The man giving the briefing cannot answer the question. Isn't it customary to come back the next briefing session and give an answer, and provide some satisfaction to the commanding general?

A. That's right. The general always got a closed-door session before he went in in the morning. He perhaps got it then.

Q. But, you leave me quite confused as to just what you are saying happened after this initial question was raised. You seem to suggest that first it was raised, and then the question was a matter of concern and was considered over the period of the next few days at the staff level. Then, all of a sudden, you say. No, that it was just something that was being discussed as gossip by the enlisted personnel.

A. No, I didn't say that. It was raised at the evening briefing. General KOSTER asked where the weapons were. The briefer said that he had no knowledge but would find out. Now, he usually had a separate G2 briefing in the morning before the general staff briefing. The general did. He had perhaps gotten his answer from him then. But over the next couple of days there were some comments made by people passing around headquarters. That was it. Then they stopped it. I never heard another thing about it.

Q. Did you know Colonel HOLLADAY?

A. Aviation type?

Q. Yes?

A. I think he used to fly a lot with the general. I used to see him a lot at the briefings.

Q. Did he sit near you in the briefings?

A. No, he did not.

Q. Do you have any recollection about speaking with him about this operation?

A. No, sir, I do not. The only time I went to see Colonel HOLLADAY is when I needed a ship.

Q. Since returning to the United States, have you talked with anyone about this operation?

A. No, sir. Other than what I related to Mr. WEST.

Q. When did you last see Captain KESHEL, I believe that's the name of the S5?

A. I haven't seen him, sir, since I left Vietnam.

MR WEST: I was a little interested in your remark, if I recall correctly, that the general didn't like rumors going around, or speculation going around at headquarters. Is that approximately what you mentioned a while ago? Was it characteristic that people used to feel under any restraint about talking about things that came up such as this?

A. Well, I don't think so.

Q. Around the headquarters?

A. No. I'm surprised that we never heard it around our area. When we went to the general's mess we never heard it discussed. Not one time.

MR WALSH: I'd just like to ask you to state once again what it was that you overheard involving the names of Lieutenant CALLEY and Sergeant MITCHELL?

A. As I recall, it was coming from a Catholic mass, and I walked out, and I was walking toward the G5 office. As I was coming out of the mass, there were GI's who were sitting along the wall there in front of the chapel, and some of them had mentioned the names.

Q. You didn't know them before this?

A. No, sir, I didn't know any of the people that made the statements because I didn't even turn around and look.

Q. But if all you heard were the names of CALLEY and MITCHELL, that wouldn't be enough to stick in your mind, would it? It must have been connected to some action that they had done. I take it--that's really what I want to get your recollection on.

A. It's just recall. You hear someone say something and you have recall.

Q. Right, now what I want is to know why those names stuck in your mind. What was it that these soldiers said? To what effect were they talking?

A. Allegedly they were all talking about the village being shot up and who did it.

Q. By buildings being shot up, could you interpret what they said? Did they mean deliberate killings?

A. No, I didn't make any interpretations.

Q. I'm a little puzzled by the paradox of the recollection of those names. Obviously what they said, what you overheard, made an impression on you sufficient to make these names stick in your head, and yet you say you had no understanding of what you heard.

A. Well, something allegedly this big--

Q. (Interposing) I'm wondering if you could expand on that. I am puzzled by your testimony. You now make reference to something allegedly big. How big? The shooting up of a village? It was pretty big, wasn't it? I mean it was pretty bad.

A. Yes, sir. They were talking about it.

Q. And, they were talking in specifics. To repeat what you said, you said that they had shot people in pretty big numbers. Is that a summary of the impression it took?

A. I dropped it simply because I wasn't asked to look into it.

Q. Right, I understand that. What I'm trying to get at is not something that you did do, or something that you did not do. What I'm trying to get at is what people were talking

about around headquarters to the best that you can recall.

A. The best I can recall is that they were talking about who was involved in it, who did what, and the names were mentioned.

Q. Did they talk about these two people or other people? In what specific way? In terms of rounding people up?

A. They were talking about who were the commanders and leaders in the operation.

Q. And, you understood that MITCHELL was one of the leaders?

A. That is the name that was mentioned. Now, when I walked out of the chapel I continued right on my way, and I never turned around to see who made the statement, or anything like that.

Q. Did you ever discuss what you had heard with anybody else?

A. No, I haven't.

Q. Did you ever talk to Chaplain LEWIS about this?

A. No, sir, I never talked to him about it. He used to mention these things to me. I'd follow them up to see how true they were, and then I dropped it right there. Chaplain LEWIS would come to me time and time again, and tell me about these different things. And, I would, on my way down, or on my way north, whichever way I was passing, I would stop and see.

Q. Did you ever hear any rumors or discussions around the headquarters by anyone with respect to this operation and that it was being investigated for the possible death of a large number of civilians?

A. The only thing I can say is that someone said that they were looking into something, and I never paid any attention to it. If I was called in on it, I would have dug into it.

Q. You did hear that somebody was looking into it?

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not discussing it was from you.

Q. I'd like to read you a statement here from Chaplain LEWIS to the CID. It starts out, "Were you advised not to discuss this statement with anyone?" That was the question. This is the response:

"Yes, I was cautioned by (unnamed individual), ANISTRANSKI, and (unnamed individual) to 'Not discuss it with anyone.' I made many followup efforts on the investigation and I was assured that one was being conducted and that I should not talk about it with anyone. I also tried to open up this topic conversationally with various division staff officers, but learned nothing from them, so evidently we were all cautioned not to talk about it."

A. I may have made that statement. Chaplain LEWIS was the type that walked around and looked for a lot of information. If I knew the commanding general was conducting an investigation of some type, then it was my advice to him that he shouldn't side-shoot the commanding general, if that's what you want to call it. I don't know what he was alluding to. It could have been anything. But, I told you before, Chaplain LEWIS came to me even if a water buffalo got killed. He wanted me to go down there and pay the family if a water buffalo got killed. I did.

Q. Well, yes, but one thing that seems so unusual here, ANISTRANSKI, is the fact that you get an allegation from Colonel LEWIS about civilians being killed, and then your action in solving it is that you go to the brigade commander and ask him if he needs any help. That's exactly what you told me.

A. That's right, sir. It's not my job to find out how they were killed.

Q. Well, I'm not so sure. We all have obligations. We're all military officers. May I have 20-4 and III MAF and just let me read you a few quotes. I have MACV Directive 20-4 which is entitled "Inspections and Investigation of War Crimes." I read you paragraph 5(a), which says:

"It is the responsibility of all military personnel having knowledge, or receiving a report of, an incident or of an act thought to be a war crime, to

make such incident known to his commanding officer as soon as practicable. Personnel performing investigative, intelligence, police, photographic, graves registration, or medical functions, as well as those in contact with the enemy, will in the normal course of their duty make every effort to detect the commission of war crimes, and will report the essential facts to their commanding officer. Persons discovering war crimes will take all reasonable action under the circumstances to preserve physical evidence to note identity of witnesses present, and to record (by photographs, sketch, or descriptive notes) the circumstances and surroundings."

That's MACV and their directive. III MAF, in their Force Order 5820.1 to implement this, says:

"It is the responsibility of all military personnel having knowledge or receiving a report of an incident thought to be a war crime to make such incident known to his commanding officer as soon as possible. The person discovering the crime shall take all reasonable action to preserve," et cetera.

It's a complete restatement of what was said by MACV. Then it goes on to say what the commanding officer is obligated to do. So, we are obligated to report these things.

A. Yes, sir, true. Commander to commander. Now, we have a subordinate reporting....

Q. It says any person. It doesn't say commander. It says any person. That's the point.

A. Well, I'd like to have made the report, but I wasn't there, and I didn't see it. I don't know.

Q. It says having knowledge of it, or receiving a report. And, this is why I asked you the question, having heard this, if you shouldn't have at least gone to the IG or to the SJA, or somebody, to report what you had heard, or to the commanding general, or to General Young. We can't just pass these things off by saying, "Well, I heard of it." These are our responsibilities as responsible military officers. Did you ever discuss this matter with Colonel TREXLER?

A. No, sir, to the best of my knowledge I didn't.

Q. Did he ever mention to you that somebody had informed him that there was a pretty serious incident down there, and then, too, about some burning hootches and houses down in this area?

A. To the best of my knowledge, no, sir. If I had mentioned it to him, I don't recall it.

Q. Well, you said this thing was generally buzzing throughout the headquarters, the enlisted men. I think from the way you described it, that it seemed to be general knowledge. Was the talking so loud that you heard it from the staff mess or the enlisted mess?

A. As I was coming from it, sir.

Q. But none of the officers paid any attention to it or alluded to it?

A. I never heard it from a general or special staff member. They never mentioned anything about this.

Q. Well, with the knowledge that you had, and also recognizing the fact that this was general knowledge throughout the enlisted staff, the fact that you had been given this information, although you did nothing with it, except asking if you could help, can you think of any reason why all of a sudden there was a complete cutoff?

A. Maybe it was the tempo of the action that was going on. We were diverted to other areas. It was pretty trying right then.

Q. Do you think there was an attempt to cover this all up within the division, to suppress it?

A. I don't think the old man would do a thing like that. General KOSTER wasn't that type of man.

Q. Suppose he didn't know about it. Did you ever think about that? Did it ever really come to you, a thought, that maybe, just maybe, this was a real piece of red hot information and that maybe the commanding general does not know about it? I mean, is he so sacrosanct, and is General Young so sacrosanct that you, as a senior staff officer, can't go to him?

A. Oh, we could go to him any time.

Q. Yes. Well, did you go to him with this allegation of a war crime being committed?

A. No, sir, I didn't. I didn't know whether it was a war crime or not.

Q. Well, when you see somebody firing upon innocent noncombatants it's a war crime.

A. But, I didn't see anyone firing at anyone.

Q. You heard it. It was reported to you.

A. It wasn't reported to me.

Q. Oh?

A. It was hearsay.

Q. No.

A. Are you talking about Chaplain LEWIS and his statement?

Q. Yes.

A. Yes, sir, but he makes statements like that to me every week. As long as he was the chaplain of that division.

Q. Did he make statements to you that women and children had been killed to the magnitude that you have indicated here, and--

A. (Interposing) Not to that magnitude, sir.

Q. Well, that's what I'm referring to. I'm not talking about some of these reports that you read, but what he told you. Did he report to you every day, "Are you taking care of the situation where these women and children got killed?" This is a hell of a lot different than talking about a cow getting killed or a water buffalo getting killed, or something like that.

A. We had them killed up and down the highway.

Q. I understand that. But, this is not--that's an accident. And, there may be something involved in a beer brawl, or something like that. This is involved in the shooting of noncombatants, women and children. Did you have those?

A. They were killed all over, sir. We used to take Chaplain LEWIS's statements and try to the best of our ability to trace them down. I don't recall Chaplain LEWIS ever coming up to me and telling me that there "X" number of people killed in an operation, division type. I know that he came to me all the time, and he sat directly behind me at the staff briefings, and he used to poke me and ask, "What are you doing about this?" Well, being a chaplain, he had interests too. And, if I could find out whether the United States Government was at fault, I went ahead. I took care of it and I reported to General KOSTER, and if he thought it was so great that someone should get down there and look in on this immediately, I went. I was never told.

Q. Well, you didn't ask him where he got his information, and make an attempt to track this thing, to go to anybody that might have known in detail what transpired?

A. No, sir, I never asked. I never tried to track it down.

MR MACCRATE: Do you know Chaplain CRESWELL?

A. Chaplain CRESWELL was with one of the DIVARTY outfits, I think.

Q. Do you remember Chaplain LEWIS spending time relaying a report to you that he had received from Chaplain CRESWELL relating to killings?

A. No, sir. Chaplain LEWIS used to walk right down the hill to headquarters. First, to a general staff meeting; second, to the G4 and the G3. He never went into the G4, but into the G5, simply because he was trying to get chaplains on the Vietnam side of the house things: food, clothing, and things like that. I had all kinds of soap and clothing coming in from the United States organizations. He would ask me for it. He would pass the time of day and make these statements. And, I'd say, "Okay, chaplain," and I'd write them down, and I would try to look into them. He'd mentioned it so many times, so many times.

Q. He mentioned this incident?

A. No, sir. About people being hurt and killed and things of that nature. He had me--to give you an idea, he had me chasing a young girl all over South Vietnam. She was injured and we had her evacuated to the Repose, or the Sanctuary, on a hospital ship, and I chased that girl up and down the coastline for 6 months for Chaplain LEWIS. My God, if I were to work for Chaplain LEWIS all day long, I'd never get anything done.

Q. Well, apparently you were quite prepared to work for one person for Chaplain LEWIS, but there were some things that struck you as not having the same importance?

A. They all had importance, sir. We worked for the general, and the general was part of the United States Government.

IO: Well, let me tell you, right offhand, that I don't think you were doing the general a great service by not informing him, but that perhaps is a different story.

MR WEST: Mr. ANISTRANSKI, I wonder in view of the frequent complaints to you, were there possibly incidents in the past where there had been civilian noncombatants killed in the operations of the division that he had complained about, perhaps for you to look into?

A. Yes, I had on numerous occasions.

Q. Do you recall some of those, particularly where they involve the 11th Brigade or Task Force Barker?

A. No, I can't say the one brigade, again. At one time we had five brigades, and then we were down to two, then three, one in training. Any time he had gotten information and brought it to me, I tried to look into it. And, we posted it every night, and we briefed the general on it and we told him exactly what the incident was, what the outcome was, and how much we paid the family if there was any solatium payments due.

Q. Do you recall any incident about an assault on a village in which a number of the residents of the village were killed? Was there an investigation and was a solatium payment paid?

A. Then, again, I'm going to have to go back and tell what the S3 did. They had an obligation to report it to me, that "X" number of civilians were killed, and that they needed money to pay off the family. The voucher came through my office over to finance where we drew the money. On several cases I used to go down south or north, and I'd witness the payment of the family.

Q. Did you or the S5 down the chain have a responsibility of investigating the incident to verify the facts that were there?

A. Yes, they did. I remember a number of occasions myself.

Q. Let me clarify one matter for the record. You said the S3's for the brigade. If I'm not mistaken, you mean the S5, did you not?

A. I mean S5.

Q. All right. You don't recall any prior incidents involving Task Force Barker, do you?

A. No.

IO: Mr. ANISTRANSKI, before we terminate the hearing, if you have any documentation of any sort in terms of items which you may have retained, photos, maps, anything of this sort, that might be of assistance to us, we'd like to have it. In addition, based upon the information we have discussed here this afternoon, we have provided you, I'm sure, with some leads which may have refreshed your memory of some of these things happening. If these bits and pieces of information refresh your memory in any way, I'd appreciate it very much if you would get in touch with us, this investigation, so that we can get the benefit of that information.

A. I'd gladly give you anything I can.

Q. Before we close I would ask if you have any statements or if you have any questions that you would like to ask of me or any other member of the group sitting here?

A. I have one question, sir. Was General YOUNG called in?

Q. Yes, we've talked to General YOUNG.

A. In my opinion, if anyone knew what happened down there, I think General YOUNG would know. And, I'm sure that he would have gone on to General KOSTER. He was the one man in the division that went everywhere. I'd fly with him and I am amazed that he never mentioned it to me. I'd like to make this statement. The reason that I never did anything about it was that if the general wanted me to know or to look into it, I'm sure he would have told me to do it, he or General KOSTER. But, they never told me, sir, so I minded my own business. I'm not trying to bring discredit upon the Armed Forces, I'd never do that. It would be the last thing in my life. If I had the information, sir, I would give it to you, but I just don't know. I don't know what happened other than the few remarks that you heard made.

IO: I would like to advise you again of the fact that we have directed the military people not to discuss this matter with anyone, the matter of the incident, the matter of the investigation, and the matter of this particular inquiry into the investigation process. Your position now is a civilian status. We are not able to issue such a directive to you. But we can request that you keep this information to yourself, and not divulge it to others except as you may be requested to do so before a legislative body, such as you will be doing tomorrow with the subcommittee from the House, or as you may possibly be requested to do so before other judicial and/or administrative bodies.

This hearing will recess at this time.

(The hearing recessed at 1910 hours, 12 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: ARMOUR, Richard J. CPT

DATE OF TESTIMONY: 30 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Commanding Officer, Headquarters and Service Battery, 6/11 (on 16 April 1968 he became the historian for the Americal Division).

In his job as historian, he reported to the chief of staff (pg. 2). As historian he prepared the Operational Reports Lessons Learned (pg. 3). The witness knew in general about the operation (pg. 5). He did not recall being questioned about the 69 killed by artillery, accredited to Delta Battery (pg. 6), nor did he recall it ever being discussed (pg. 7). As historian, he had excess to captured propaganda leaflets, but he did not see the inclosures to HENDERSON's report (pgs. 9, 10). He heard no rumors about the incident, about a confrontation between air and ground personnel, or about the chaplain's concern (pg. 11). He recalled a mention of the weapons ratio disparity at the 11th Brigade briefing (pg. 12). He did recall a member of the PIO shop coming in to see certain files pertaining to Task Force Barker (pgs. 13, 14).



(The hearing reconvened at 1030 hours, 30 January 1970.)

IO: The hearing will come to order.

RDCR: The following persons are present: LTG PEERS, COL ARMSTRONG, and MAJ LYNN.

Sir, the next witness is Captain Richard J. ARMOUR.

(CPT ARMOUR was called as a witness, was sworn, and testified as follows:)

Captain ARMOUR, for the record, will you please state your full name, grade, Social Security number, organization and station.

A. Richard James ARMOUR, Social Security number Captain, Division Headquarters, 32d Army Air Defense Command, Kaiserslautern, Germany.

IO: Captain ARMOUR, have you had an opportunity to read the instructions?

A. Yes, sir, I have.

Q. Do you have any questions on them?

A. No, sir.

Q. Aside from myself here at the table we have Colonel ARMSTRONG, who has been designated by the Office of the Chief of Staff as an assistant in this investigation. Aside from myself, he may also address questions to you this morning.

A. Yes, sir.

Q. We have other groups such as this that are taking testimony from other individuals. I, of course, will have the job of pulling together the report, weighing the evidence, and determining the findings and the recommendations. Do you have any questions at this time?

A. No, sir, I don't.

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IO: We'll take a short recess.

(The hearing recessed at 1032 hours, 30 January 1970.)

(The hearing was called to order at 1033 hours, 30 January 1970.)

IO: The hearing will come to order.

RCDR: All persons present when the hearing recessed are again present.

IO: Captain ARMOUR, would you indicate what your duty assignment was with the Americal Division, when you joined the division, any reassignments you may have had within the division, approximate dates, and of course, the termination of your service?

A. Sir, originally I commanded Headquarters and Service Battery, 6th Battalion, 11th Artillery, the 11th Brigade. I was with them when we went to Vietnam in December 1967. On 15 April 1968 I was reassigned as the division historian up at Chu Lai. I was there until I left on 30 November 1968.

Q. But you were the division historian. And who were you responsible to? Who did you report to?

A. Sir, actually I was responsible to the division commander, and also I was responsible to the chief of military history in Saigon, of the U.S. Army Vietnam. The detachment that I commanded, the 3d Military History Detachment, was assigned to the Americal Division as a unit of the division, and I reported to the division commander and also to USARV.

Q. Well, did you report direct to the division commander or did you report to the G3 or the chief of staff?

A. No, sir. I was reporting to the chief of staff. Originally the history detachment was under the G3, but shortly before I got there, the chief of staff assumed the responsibility of the division historian who reported directly to the chief of staff.

Q. In general, would you spell out your responsibilities as the historian and your functions?

A. Well, sir, my responsibilities were basically to gather and maintain the history of the division through after-action reports, the daily situation reports from the TOC, any special reports that were either developed or submitted to me from the units of the division. I compiled these reports. Some of the ones I thought were most important, were forwarded to USARV and to Chief of Military History here in Washington. But basically I maintained the records of the division, of the units of the division, and the day to day business.

Q. Were you responsible for preparing the ORLL's, the Operational Reports Lessons Learned?

A. Yes, sir. I was.

Q. Yes?

A. I prepared it. I compiled that report from inputs submitted from all the staff sections based upon data that they received from the three brigades. When I received the input from the staff sections I would compile it, go through it and edit it for English. Any repetition from one section to another I worked out by eliminating any repetitious remarks that were made. Anything that was not of a lessons learned nature, but was more of a sort of like a complaint type of thing that could be handled within the division, I eliminated from the report. I then submitted my draft copy to the chief of staff for his approval and the commanding general's approval prior to having it typed and assembled for production.

Q. Since the My Lai incident of 16 March 1968 has become a matter of public knowledge through radio, television, newspapers, and the like, which took place in the latter part of September or early October last year, about 4 or 5 months ago, have you had any conversations with anybody from the division headquarters or from within the Americal Division concerning anything that may have happened at My Lai, the reporting of any such incident, or the investigation of any such incident?

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A. The only conversation I've had with anybody from the headquarters, sir, was with Colonel BENN. He and I came over from Germany together. While we were sitting around waiting to come in here a number of times we just talked, not about the incident. We were both trying to remember what we knew, and neither one of us could remember anything specifically about the incident itself. But he is the only one from the division that I have talked to.

Q. Were you aware of the organization and the operations of Task Force Barker?

A. Yes, sir. I can't remember specific units, but I was aware of the basic organization and of the fact that its mission was to operate in the Quang Ngai area as directed, sir. I was there when the task force was formed. Some personnel from my battery were reassigned or were used to form our Delta Battery, a provisional battery made up of personnel from the resources from our battalion. That was the battery that supported Task Force Barker.

Q. Where was your battalion headquarters located?

A. We were in Duc Pho, sir.

Q. Duc Pho.

A. Yes, sir.

Q. And you had a battery out for each of the battalions?

A. Yes, sir, and our Delta Battery was on LZ Uptight. I saw it on the map this morning.

Q. It was located at Uptight.

A. Yes, sir.

Q. Four-tube battery, as I recall.

A. Yes, sir, I think it was--right. It was four sections, yes sir, four guns.

Q. Well you were aware of this then, and you were also down in Duc Pho as the Headquarters and Headquarters Battery commander.

A. Yes, sir.

Q. Until sometime in April?

A. Yes, sir. It was the 16th of April that I went up.

Q. The incident we're talking about is one of about mid-March, so you were a month at Duc Pho, and the rest of the time you spent as historian in the Americal.

A. Yes, sir.

Q. Looking at our blown-up map (Exhibit Map-1) to the rear of you, with Quang Ngai just across the river, Quang Ngai City, and then Highway 1, of course, running north and south, and Highway 521 running out from, generally from Quang Ngai out to the area of My Lai, which people knew as Pinkville, were you aware of this operation into the area?

A. No, sir. I was aware of the operation throughout the entire area, but I cannot remember any of the specific operations into the My Lai area. I knew that Task Force Barker was operating in that area, that I remember hearing around that time that there had been a battle up in the Quang Ngai area. I don't remember if it was My Lai or where it was, but I remember hearing at the time that we were rather successful, that we had killed quite a large number of VC, and that was about my extent of knowledge at that time, sir.

Q. To refresh your memory, if you'll recall, the 11th Brigade had been operating since January.

A. Yes, sir.

Q. But up to this time, this was the largest body count or the most successful operation one might say, that the 11th Brigade had been into.

A. Yes, sir.

Q. This produced a result of 128 KIA, and was considered quite successful by all concerned. To refresh your memory, I'll show you Exhibit M-17, which is the newspaper of the 11th Brigade, the TRIDENT dated 22 March. Does this refresh your memory?

A. Sir, I don't remember reading that paper particularly but I do remember that the body count was rather large. I didn't remember that our Delta Battery had killed 69, but I remember that, yes, sir.

Q. Let's talk about this Delta Battery for a second.

A. All right, sir.

Q. What did you hear about this Delta Battery killing 69? Do you remember anybody ever questioning whether that battery killed 69 or not?

A. No, sir. If I remember right, that count of 69, I believe up to that time, was the largest number that any of our batteries had ever gotten credit for, the largest number killed. I think the daily briefings that were held in our battalion, I attended that frequently. I remember it was brought out that they had killed 69. I can't honestly say whether it was questioned. It seems to be something in my mind about the number, but I don't remember if anybody ever actually questioned that number itself, the 69. To my recollection, up to that time, I think that was the largest number of kills that one of our batteries had gotten.

Q. Did you ever hear a statement to the effect that, "Hell, we're not sure all of those were enemy?" Or an implication that some of these may have been women and children or noncombatants?

A. No, sir, I don't remember to my knowledge.

Q. Did you ever hear Colonel LUPER talking about this? He was your battalion commander?

A. Yes, sir, he was my battalion commander.

Q. Yes.

A. I don't know, sir. I can't honestly say that I ever heard him question whether or not they were women and children. There may have been some question as to whether or not they were all Viet Cong, but I don't ever remember women and children coming up.

Q. Yes, or noncombatants? Not all enemy? Do you ever recall anybody discussing the size of the prep and the duration of the prep?

A. No, sir. I don't remember that ever being discussed.

Q. Where it was placed?

A. No, sir. I don't.

Q. After you had moved from the 11th and had moved to the Americal Division as historian, you undoubtedly would have custody of at least copies of the combat action reports?

A. Yes, sir.

Q. I have here a combat action report from Task Force Barker dated 24 March, which has been entered into the record as Exhibit R-12. I would show this to you and ask if you were aware of this report?

A. I'm sure I saw it if it came through my office. I read them all that came through, but I can't remember this one in particular.

Q. Well, you notice it was prepared before you arrived at the headquarters. It's dated 24 March.

A. Yes, sir, when I got there, I read back through quite a lot of them, but I don't remember this one in particular.

Q. You will notice that in paragraph 2 that this covers a period only from 9 o'clock the morning of 23 February until 1915 that evening.

A. Yes, sir.

Q. Quite a short operation. I have here another document entitled, "Combat Action Report" dated 28 March, which has been entered into the record as Exhibit R-2, and ask if you had seen this document, recognizing that actually this document itself is actually on standard size, not legal size, paper?

A. Yes, sir. I can't remember ever seeing this one either, sir. Again I'm sure that I read it going back through my records when I got there, but I can't remember specifically seeing any of these before. I'm sure that I must have read this because I went through all of the reports that I did have, sir.

Q. I have here another document, Exhibit R-13, which is dated 19 March, from Headquarters, Americal Division, to the commanding officer of the 11th Light Infantry Brigade. Maybe this will refresh your memory, this particular letter, as far as the requirement for submitting these particular reports, just the one page.

A. I can never remember seeing this letter, sir. I know about the TRAWLER incident. I remember that. As I say, I remember around 16 March that there was a large number of people but this letter, I'm sure, I'm sure I never saw this letter, sir.

Q. A copy of it should have been in the historical files. I would imagine that it was here that the requirement was made?

A. I believe that was the G3's file number, sir. I don't remember at what time the historical detachment came under the chief of staff. If I remember right, the reason it was changed from G3 to the chief of staff is that there was a major who commanded it before I did, and it was something that he and the chief of staff didn't see eye to eye on. The chief of staff took the detachment under his direct supervision to straighten this matter out. This letter, the file symbol, I believe it was the G3's. It was submitted to the brigade, and these reports should have been submitted back to the G3. The suspense date was about 2 weeks before I got up there. I don't want to say that I saw this report. I'm sure I did, but I can't honestly and truthfully say I did. I used to read so many of them and see so many of them. I tried to make it a point when I got up there to go back through to see what they had.

Q. As I recall, you took over as the historian about the middle of March.

A. April.

Q. April, I'm sorry. I have here a document, which is called Operational Reports Lessons Learned from the period 1 February 1968 to 30 April 1968. I would like to have this document and the subsequent ORLL entered into the record as exhibits, specifically the extracts from these particular documents, which are pertinent to the investigation.

RCDR: The extracts of this document will be entered into the record and will be marked as Exhibit R-24 and R-25.

(Extract ORLL, Americal Division, 1 February 1968 through 30 April 1968 is entered as Exhibit R-24. Extract, ORLL Americal Division, 1 May 1968 through 31 July 1968 is entered as Exhibit R-25.)

IO: I would ask you to review this document to see if this is the type report, and if you will recall having prepared this report shortly after you became the historian of the division.

A. Yes, sir, I remember preparing this report. I drew the designs we had on the front. I do remember preparing this.

Q. You might pay particular note to those areas which are tabbed.

A. Yes, sir. I can remember preparing this.

Q. In your capacity as the division historian, did you have available to you samples of VC propaganda?

A. Yes, sir, I think that there was a file, if I remember right. I think there was a file in my register of--no, it was a previous ORLL. I believe in the back of one of the ORLL's it had some VC propaganda, it showed some. I think it was in the back of one of these. And I did see some examples of VC propaganda. The G5 people, the civic action people, were good friends of mine, and they did show me some things that they had found, that they had picked up.

Q. Are you talking about the civil affairs people, or are you talking about Colonel HOLTOM.

A. Yes, sir, the civil affairs people were the people who were friends of mine. However, at some briefings, Colonel HOLTOM, I believe, did pass around an example or two of some captured propaganda leaflets.

Q. I have here one piece of propaganda, which is an inclosure to Exhibit R-1. This is two pages. I would ask you just to check those two pages. Did you ever see anything like that?

A. No, sir.

Q. This is supposed to be a transcript from a Viet Cong broadcast which was made toward the end of March 1968, and was subsequently intercepted, of course, in Vietnamese and then translated to English in this form. And I'm aware of the fact that copies of this were in headquarters of the Americal Division. But you had never seen a copy of this?

A. No, sir.

Q. I would ask you to turn now back to the front page of the document, R-1. This is a report of investigation dated 24 April, and I would ask if you had ever seen this document. I don't think you would have to read it too carefully. You should recognize it by the reading.

A. No, sir. The first I knew that there was even an investigation conducted was when I heard it in the news, reading it in the newspapers, but I had never seen any copy of any investigation. I'm sure that I never had one of these in my files. This is the first I've seen of it.

Q. Now you indicated that you were quite friendly with the G5 section.

A. Yes, sir.

Q. Colonel ANISTRANSKI and some of his people.

A. Yes.

Q. From those people, were you ever aware of something like, well, some people may be in trouble down there, or the fact that there may have been some noncombatants killed unnecessarily?

A. No, sir. To my knowledge, I never remember them saying anything of that nature.

Q. Did you ever hear, through the grapevine, of an aviator reporting or complaining and alleging that some women and children were killed indiscriminately or unnecessarily in this area?

A. No, sir.

Q. Did you ever hear of a confrontation between an aviation unit and some forces on the ground to the point where they were training guns on one another, so to speak?

A. Not that I can remember.

Q. Did you ever hear of an aviator popping smoke to mark wounded civilians requiring medication and that the troops when they went over to investigate it, instead of providing medical attention, finished them off?

A. No, sir.

Q. How well did you know the division chaplain?

A. I knew him in passing, sir. We used to talk at the club. I remember he'd come up to the club sometimes and we'd sit and talk.

Q. Did you ever hear him talking about possibly some women and children being killed unnecessarily down there in Son Tinh District or My Lai or Pinkville?

A. Not that I can remember, sir, by any means.

Q. I would imagine the name that was used most frequently there was just Pinkville.

A. Yes, sir. Pinkville was the name that the area was known by, from what I can remember.

Q. Yes. Did you hear of any comments from any officer or any enlisted man, for that matter, which alluded to something unusual taking place in this area about mid-March of 1968?

A. No, sir, the only things that I can remember was the large number of killed that they had.

Q. Do you remember anybody ever questioning the huge disparity between the number of people killed and the small number of weapons that were captured? 128 VC KIA and three weapons captured?

A. I think some mention was made of that when I was still down in the 11th Artillery, down in the brigade. I think it was the briefing where they said that our Delta Battery had killed 69 people. I believe that was the S3, I think in a general-type discussion they were sitting around talking, I think it was brought up that there were only a few weapons and a great number of people killed. But I think it was sort of like a passing comment. There was no great discussion that I can remember. Now there may have been between Colonel LUPER and Major MCKNIGHT after I left the meeting, but something of that nature, a few weapons, I think was mentioned. But I can't remember anything specific. If it was, I think I had probably heard it from our S3 or Major MCKNIGHT, you know this little briefing, or this small discussion we had afterwards. I don't remember anybody getting up and really questioning the large number of killed. And I don't remember anybody saying, you know, there's gotta be something wrong here: somebody did something wrong.

Q. Did you ever hear any comment to the effect, "Well, a few of them may have been VC, but most of them were non-combatants," or women and children?

A. I can never remember a comment like that, sir. As I said before, at this same type of discussion, there may have been some question as to the large number of people. I can never remember anybody questioning women and children. They may have mentioned something about possibly they weren't all VC, but I can never remember anything about a massacre of women and children. I'm sure that if I had heard something about that, it would stick in my mind. I'm sure that I don't remember anything. You know, women and children were never mentioned.

Q. Now, looking back on your whole experience there now, all the time you were there, did you ever have any cause to suspect that something may have taken place in this area due to the reports and anything you might have heard or anything else that may have caused you to be a little suspect about the situation?

A. No, sir. Looking back through the ORLL that I prepared, the only thing I can ever remember from the reports that I read was that a great number of VC had been killed. I never heard any mention made of women or children. I do know that the 11th Brigade around in that area, the Bantagan Peninsula area, had been sending patrols in there. The large number of mines and booby traps in there were doing the most damage to our people. And I'm sure that at this time most everybody probably felt elated. They thought, "Well we probably wiped them out good in that area." But I never remember anything of women or children or a massacre or anything of that nature.

Q. Okay. Now, let's think back about a different period of time, the period, oh, a month or so prior to your departure, which you indicated I think was toward the end of November 1968.

A. Oh, yes, sir.

Q. Do you remember a Spec 4 or Spec 5 coming to your office and asking to review the operations of Task Force Barker?

A. No, sir. I can't remember that.

Q. Do you remember asking him what he wanted to do this for? He indicated that he wanted to write a paper on operations?

A. If he was one of the people from the division newspaper, I can remember,--I don't know if it was that time, but there was a man who had come in and asked me to make up a written form of, if I can remember right, Operation Muscantine, the dates that it started, the date that it ended, and some of the actions that had taken place in between. I think there was somebody from the division newspaper that said he wanted the information, for the next issue of the division magazine that they were preparing an article on the 11th Brigade or Task Force Barker. But I don't know if it was a Spec 4 or a Spec 5. I do remember several people coming in and asking me to make up a list as to what happened, not actually what happened, just in a chronological order the set down dates of various operations. I don't remember if he asked for this one in particular or just all of the operations conducted by the division between certain periods.

Q. Do you recall a conversation to the effect that, "What's your security clearance?" and being provided assurance that he had a secret security clearance?

A. No, sir. I don't.

Q. Do you remember making available to an individual a copy of the two combat action reports that I had you look over this morning for 23 February and 16 March?

A. I don't remember those two particularly, sir, but I do remember that I did make available to this person the ORLLs for that period of time. I believe that he also wanted to see some of the after action reports from the 11th Brigade. I do believe that I did make these available to this person, sir. But I think I just had given him my folder that I kept on those, plus the ORLLs, and he sat down in my back office and went through them.

Q. Did you ever ask this individual what he was assigned to and what right he had for access to such papers?

A. I believe, sir, if this is the one that sticks in my mind, that he was from the information office. I can remember calling the information office and asking them if they sent this man over. And I remember them telling me, yes, they did. I don't remember who I spoke to, but I remember somebody coming over from the information office for the purpose of gathering this data to write an article. I think it was for the magazine that was coming out, the next issue of our division's magazine.

Q. Are you sure you checked with the information office?

A. I think I did, sir. I'm not absolutely positive, no, sir. I know that I did have some people come over from the information office and I did check with them, but whether or not at this particular time, I am not sure.

Q. Wouldn't it have been somewhat unusual for somebody from the information office to come over and want to talk about an operation that was pretty much history?

A. No, sir, they often made up stories of the brigade, or they would write a story from the time that, let's say, an operation began until it ended, or the time the 11th Brigade got there toward the end of its first year in Vietnam or something like that. And they would write it in sort of like a documentary type, chronological sequence with date and such and such an operation commenced and their part of it. A number of times they'd dig out stories of that nature where they wanted me to go back and get the dates of the operation from when it started, when they were in the area of operation.

Q. Do you remember this chap's name?

A. No, sir, I don't.

Q. Do you ever remember an individual by the name of RIDENHOUR?

A. No, sir. I saw a man by that name upstairs yesterday, upstairs in the waiting room. I looked at him. I looked right at him, and I don't remember his face or anything. I think yesterday was the first time, really, I can remember seeing him.

Q. Well, with those sideburns and long hair, you might not recognize him either.

A. I do not remember him, sir, from seeing him up there.

Q. Well he remembers being in your office. He remembers you giving him the two reports. I could cite his testimony to you.

A. (Interposing) I won't dispute it, sir.

Q. Along about the first part of November, but do you know what he was assigned to?

A. No, sir.

Q. Well, he wasn't assigned to the PIO detachment. He was a member of the 51st Infantry Company, long range reconnaissance patrol. I believe they had the title of ranger. And so he wasn't connected with the IO shop.

A. I don't remember him, sir.

Q. Well, I think it does bring to light though, one thing. That when we do handle documents and people have access to them, that we have to be a little careful about making sure who we're talking to, and not only that he has a security classification, but that he had the need to know.

A. Yes, sir. I don't remember anybody from the LPR's coming in and asking for--

Q. (Interposing) Before we recess here, I'll give you an opportunity to ask any questions which you may like, or which you'd like also to enter a statement into the record.

A. I have no statement.

Q. I would like to say that, based upon what we have talked about this morning in the line of questioning, if anything does come to your mind which would be of importance to the purpose of this investigation, we'd like very much to hear about it.

A. Yes, sir.

Q. And for you to get in touch with this office. Similarly, if you know of any documents, memoranda, directive, reports anything of this nature, pictures, aerial photos, maps which would be of help, we'd like to know about that.

A. Yes, sir.

Q. I would again remind you that you have been directed not to talk with others concerning your testimony at this investigation except as you may be required so to do in an official capacity.

A. Yes, sir.

Q. Do you have any questions at this time?

A. No, sir.

IO: This hearing will recess at this time.

(The hearing recessed at 1122 hours, 30 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: AUGERSON, William S. LTC

DATE OF TESTIMONY: 4 March 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Division Surgeon,  
Americal Division.

1. KNOWLEDGE OF THE 16 MARCH MY LAI OPERATION.

Lieutenant Colonel AUGERSON was on R&R 13-22 March 1968. Therefore, he had no knowledge of the operation (pg. 4). He heard no rumors of anything unusual occurring (pgs. 4, 5). The witness did not recall Chaplain LEWIS ever speaking to him about a report of unnecessary killing of civilians in My Lai (4) (pg. 16). AUGERSON did not think he could "brush off" that type of story (pg. 17).

2. INQUIRIES OR REPORTS CONCERNING THE OPERATION.

The witness did not recall hearing or seeing any VC propaganda relating a massacre in Son Tinh District (pg.17). He was not aware that an investigation was conducted concerned with the 16 March My Lai operation. AUGERSON had never heard that the ARVN or GVN authorities were investigating a U.S. operation in that area (pg. 18). He had no reason to suspect something unusual had occurred in Son My Village (pg. 19).

3. OTHER INFORMATION.

a. AUGERSON discussed the staff organization and members prior to the formation of the Americal Division from Task Force Oregon. It was an informal staff and everyone was very happy with their jobs (pgs. 5-7).

(AUGERSON)

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b. The witness related organization and personalities of the staff after the division was formed (pgs. 7-14).

c. After Colonel PARSON became chief there was some stress. PARSON was more interested in administration and logistics than in the division's operations (pg. 12). There was some stress between PARSON and the G3 (pg. 10). However, the stress was not so great so as to impair the division's effectiveness (pg. 4).

d. AUGERSON did not believe the G3 had as much freedom and creativity as he would have liked (pg. 11). This was because of Major General KOSTER's influence. KOSTER made his presence felt in the G3 section (pg. 13). However, the brigade commanders probably had a great deal more operational freedom than the G3 (pg. 13).

e. LEWIS was probably more sensitive to the troops' problems than most career-military chaplains (pg. 15).

f. KOSTER was an approachable individual, but in the normal performance of duties he was formal and somewhat distant (pg. 16).

(The hearing reconvened at 1500 hours, 4 March 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR MACCRATE, MAJ ZYCHOWSKI, and MAJ LYNN.

Sir, the hearing calls Lieutenant Colonel William S. AUGERSON.

(LTC AUGERSON was called as a witness, was sworn, and testified as follows:)

Colonel AUGERSON, sir, for the record will you please state your full name, grade, Social Security number, organization, and station?

A. William Sinclair AUGERSON, Lieutenant Colonel, Medical Corps, Social Security number: . I am Director of the Military Medicine and Allied Sciences Course, Walter Reed Army Insititute of Research, Walter Reed Army Medical Center, Washington.

RCDR: Thank you.

IO: Colonel AUGERSON, have you had an opportunity to read the instructions?

A. Yes, sir.

Q. Do you understand them or have any questions concerning them?

A. No, sir.

Q. On my left, Colonel AUGERSON, is Mr. MACCRATE who is a civilian lawyer. He has volunteered his services to the Secretary of the Army to assist in this inquiry and also to provide legal counsel to me and other members of the team. On my right is Major ZYCHOWSKI who has been designated by the Office of the Chief of Staff as an assistant in this investigation. Besides myself, either one or both, Mr. MACCRATE or Major ZYCHOWSKI, may address questions to you this afternoon. We have other groups such as this who have been taking testimony. It is my responsibility to put together the report

and to weigh the evidence and submit my findings and recommendations.

Colonel AUGERSON, would you indicate when you started your assignment with either Task Force Oregon or the Americal Division and any changes of assignment you may have had and when you terminated your service with the division?

A. I reported in to Task Force Oregon around the 9th or 10th of September 1967. I was on paper, carried as belonging to, I believe, the 55th Medical Group down in Qui Nhon as a parent organization. I was the task force surgeon until the division was formed, at which time I became the division surgeon. A little later, I think around December, when we organized a medical battalion headquarters, I commanded the medical battalion headquarters at the same time. I stayed in those-- really doing the same job all that period of time until I left country in July 1968 to return to my current assignment.

Q. Well, with that service over that period of time, I think you will be able to give us a good insight into the division.

A. I'll try.

Q. Having worked with General ROSSON--

A. (Interposing) No, sir, he had left--

Q. (Interposing) He had departed. General KNOWLES--

A. (Interposing) He had just been carted off with his hepatitis just before I got there. I expected to serve with him, and when I arrived he had gone.

Q. Well, then I take it that General KOSTER had moved in?

A. No, sir. General MATHESON--Salvé--

Q. (Interposing) S-A-L-V-E MATHESON, yes, a good man. Then, you stayed there until General KOSTER came in?

A. Until General KOSTER came in.

Q. Well, fine. What we're really interested in is Task Force Barker and anything that may have transpired. Looking at the map to your rear (Exhibit MAP-1), which is actually for the greater part, this is Son My Village or Son Tinh District. You will notice over in the lower left hand corner or southwest corner of the map you will see Quang Ngai City over there, to tie you in, and Chu Lai is about roughly 25 or 30 miles to the north here along--

A. (Interposing) I have the geography.

Q. Fine. Did you have any reason to have Task Force Barker called to your attention?

A. Well, I was aware of Task Force Barker and in the way--I wasn't involved in the detail planning of its--you know, it was put together fairly hastily. I wasn't directly involved with the detail medical planning. I did get asked for some ideas from the 11th Brigade medics about how are we going to swing this medically. So naturally I was aware of it. They were a bit off up by themselves, and so I--

Q. (Interposing) Well, they were up there on LZ Dottie, which did put them by themselves. They were really more closely associated geographically with you at Chu Lai than they were with their own brigade headquarters at Duc Pho?

A. Task Force Oregon kind of got off to a hard scrambled start in being an extemporized organization, I think. A lot of us tried to do at least the best we could by similar offerings. So occasionally I would stop in at the fire base and--Dottie, I believe it was, and I would always, when I was there, stick my head in the door at the TOC, but I spent most of my time visiting with the medics. They had a, I've forgotten the names, one or two, 2-year doctors who were up there, and I think felt a little bit isolated, so I was aware of BARKER and his activities.

Q. Well, Task Force Barker's area of operation normally was to the north of this yellow line. On occasion they would obtain what was referred to as an AO extension, which was actually to take a piece of the 2d ARVN Division's area of operation. They'd done this a couple of times in the month of February. To be specific, they did it on the 13th and the 23rd of February. Now then, this brings us down to this other

operation about the middle of March. Do you recall that operation, having it called to your attention in any way?

A. No, sir. When the matter came up in the news, I was quite surprised. I thought about it, and it turns out I was on R&R in Hawaii during this period. I was on R&R from the 13th until the 21st or 22nd of March when I returned, and I thought carefully about this. I can recall no rumors, and as a medical officer, not that I chase rumors, I like to try to keep up with what was going around. I just don't recall even any rumor as such.

Q. Let me see if I can give you a little bit of information that may refresh a few rumors to your memory that were floating around the division at that time. Did you hear about a warrant officer, aviator from the 123d Aviation Battalion who had reported some indiscriminate killing of women and children, unnecessary killing of women and children?

A. No, sir.

Q. Or who had been involved in a confrontation with some ground elements of Task Force Barker?

A. No, sir, I did not. I read in the newspapers about such an event, but I did not, and I'm somewhat surprised in that, as I read, the fellow subsequently evacuated some children somewhere. So with my contacts, both my organic medics in the division, and I certainly spent a lot of time with the supporting medical people, if those children might have ended up in the medical channels, I would have expected to have heard very explicitly about it.

Q. What was your relationship with the civilian hospitals in the various provinces? Specifically where this child was taken was the Quang Ngai hospital?

A. I got down to Quang Ngai some. I tried to keep myself informed about the situation there, but I did not get there as often as I did at Tam Ky. The problem was it was a little bit tougher to travel to Quang Ngai. As I recalled during the Tet exercise the Quang Ngai hospital had been in

the middle of a fair amount of fighting. The way I kept informed, usually was we had a periodic or monthly conferences with the MSC officer assigned to the 2d ARVN Division and with some of the U.S. MILPHAP people at the Quang Ngai hospital. So it's the sort of thing that I might have-- it's not the sort of thing if it was interpreted as a routine matter at that end, I wouldn't have heard about it. If it had been something dramatic and best proceeded at that end, I might have--

Q. (Interposing) We've talked to the American authorities from the hospital. They were, frankly, no more aware of it than you were. You said you were with this staff for such a period?

A. Yes, sir.

Q. You perhaps have some observations and so forth of the inner functioning of the staff, particularly since you saw them in this evolutionary process, going from Task Force Oregon and two commanders and even though when you left, this still was not a division per se, it had not been organized on ROAD tables. It was still a division headquarters directing the activities of three almost separate brigades. Now, I think it would be helpful if you could tell us in about the June time frame, about the command relationship that existed within the division and more specifically within the division headquarters. Here I'm talking about primarily, along about the latter part of March--April, that period, not June? Any transition that may have transpired as you saw it within the division from General MATHESON to General KOSTER and so on. Also the relationship that may have existed between the command element of the division and the general and special staff and between the chief of staff and the general staff and the special staff, so to speak. Then I'll come down and ask you some specific questions.

A. I want to be responsive, and I know you expect considerable frankness, and so I don't want to be in a position of being a subordinate trying to second guess my superiors.

Q. You should know that we've already talked to all of the general staff officers of the division. We've talked to a great number of the special staff officers, and we've talked to all of the command elements. So we're well aware of this.

We do ask you for frankness and a forthright expression of your opinion as you saw it.

A. Let me just say and preface my period in the division as extended over in the early part of General GETTYS' service. If it's of any help in evaluating my comments here, I've also served as division surgeon in the 82d Airborne Division when I was at Bragg in 1962 and 1963 time frame. So I have been on some other Army type staffs. When I arrived with Task Force Oregon it was quite a small informal organization that made me feel quite welcome right away. General MATHESON was a very relaxed, approachable fellow and having previously been with some airborne units he made me feel quite at home. I was taken with the rather close family feeling within the division staff at that time, and some of it may have been the external pressure of the adversity, and they'd obviously found that--

Q. (Interposing) Who was the chief of staff at that time, was it Colonel MUSSER?

A. Colonel MUSSER was the chief at that time, and of course, he made me feel most welcome and a very easy beginning there. At that time we had the general guidance that it would probably become a division and followed on some of the planning for that. Of course, the 1/101 was engaged quite heavily in the field. General KOSTER came in shortly thereafter and subjectively made quite a good impression on me. He is obviously a highly intelligent man who was a bit reserved, but at the same time did nothing to change the rather friendly family feeling within the division staff. Much of the work there at that time was accomplished quite informally without big paper chases and exercises, and this made it very agreeable. Colonel MUSSER was different in terms of life style than some chiefs of staff that I had worked for and since, that he made one feel responsible and at the same time he was not the fire eating out kind of chief of staff and rather, I think, led the staff by example and, of course, medically made it most agreeable to work with him. Clint GRANGER was the G3 and was obviously to me, imaginative and aggressive fellow and a thoughtful one. The 4, reflecting some of the nonstandard ways of doing business in the division, at that time I was under the staff supervision of the G4. This has been set up that way rather than the usual G1 manner. Colonel EBLIN was

somewhat slow and deliberate, but hard to rattle and had a good business-like way about him and certainly was quick to take my advice. We got along well, I thought. I'm trying to remember the G1's--WALLBY was much involved with organizing the planning of the division structure. I knew him, but I didn't have a whole lot to do with him at that time. So in terms--I don't know whether I'm going into too great a length.

Q. (Interposing) This is the back drop coming in to the April time frame?

A. Well, I would say as things evolved, the division internal staff arrangements, through January at least that I can recall, stayed as much as I've described it. Of course, during that time there were a lot of external changes. We brought in two brigades, the 11th and the 198th and in February, as I recall, we staged the 3d Brigade of the 82d. Through all this I found it a most agreeable bunch of people to work for. As I recall, there was far less bickering and staff rivalry during that period than I encountered in garrison situations. I left out another general staff member. When I first arrived a Lieutenant Colonel ANISTRANSKI, a medical service corps officer was running the medical section, my predecessor having already departed. A little later on, I forget exactly when, the chief of staff approached me about what would be my reaction to Colonel ANISTRANSKI becoming the G5. I think he wanted to get some idea as how it would alter the functioning of my shop. I thought it was a good idea. Of course, Colonel ANISTRANSKI and I were reasonably close. He's senior to me, and I thought it might be helpful in terms of my arrival, and we got along very well. At the same time, when he became the G5 he didn't intrude into the medical operations, and I tried to work real closely with him. I've done a lot of medical business in the 5 area. Now, in terms of command relationships, the business of making into a division or getting ready to make into a division the three highly independent and independent-minded brigade operations, separate brigades, is an interesting thing to do, I should think, even under the best of circumstances. I think there was probably more pulling and hauling on the logistics and the personnel support areas than there was on the tactical side, although I'm not the best judge of that. It was frequently upsetting from the division to not be able to, as staff officer, to directly influence people

in the brigade. Certainly their perception and things was the other way around. They'd been put together into an independent unit. They didn't want whole lots of staff advice, and medically--

Q. (Interposing) Well, you were right in the middle of that one because your medical battalion was part of the support command ostensibly, but yet it wasn't--

A. (Interposing) Yes, that's right.

Q. I think that's what you are really trying to say.

A. My general feelings through the years has been if somebody fusses at me about problems, it would be nice to give me the resources to solve them. Sometimes the brigades would buck on up their medical problems, but not be too quick about playing the game from the divisional point of view. If the problem was evident enough to everybody, people played the game pretty well. There were times in May when we shifted forces around a lot, where the brigades were a little reluctant to shift some medical resources. But when Colonel PARSON became the chief of staff there were some other changes in the division as well. We got Fred QUALLS. He became the G1 about that same time frame. At that time we did rearrange things so the G1 became my general staff supervisor. We worked quite amicably. Colonel PARSON, of course, was a considerable different fellow than Colonel MUSSER. His style was somewhat more traditional in terms of being a fairly formal fellow who preferred to have more of his status sources in written form. This is my personal judgment, of course, perhaps a little less relaxed or little less comfortable with the untidiness of the tactical operations and et cetera. If I could proceed from the other, from his side of the fence maybe we were a little too formal, and as he became chief of staff things became a little more formalized within the general staff.

Q. You had quite a change about this time, didn't you? Of course, I'm not sure exactly of the time when Colonel TREXLER arrived, but he evidently had been there for some time, you didn't--

A. (Interposing) Well, TREXLER was over, most of my time, was over with the 198th as the XO over there.

Q. During this time period that you are referring to, he was in the capacity as the 2, and Colonel BALMER had come in to replace GRANGER as the 3.

A. Gary OWENS was the G2 during most this period. BALMER came in as the 3, and we got along, you know, from my point of view, quite as well as GRANGER and I had. I've always felt the medical people needed to keep much closer to what the 3 is up to than what the 4 is doing. So that worked along fairly well, except there was an awful lot of things going on during that period.

Q. Well, was this, or this new staff and so on that was here, ANISTRANSKI was still there--

A. (Interposing) He was the 5, yes, sir.

Q. Yes, and what's the name of the 4, BURKE, was that his name?

A. No, CLARKE.

Q. CLARKE?

A. Frank CLARKE.

Q. Yes.

A. I knew Frank when he had the support battalion of the 198th. We'd amicably disagreed a few times. He was a very easy and bright fellow to work with.

Q. Of course, other people that were immediately associated with this was your JAG officer and your inspector general.

A. Yes, the inspector general, I remember best, was Carrol SWAIN, who came in rather late in this story. He and I did a lot of business together. Of course, as you know, the language of IG complaints often revolves around medical matters as well. We set up the thing where in part so I'd keep from forgetting how to use the stethoscope, I'd also make a point of personally seeing the IG medical complaints that had worked up to his level. So now the lawyer--

I frankly have forgotten his name, but we had no difficulty. I think it was evident that he was able to do his job, but he was starting to get into some trouble drinking too much.

Q. Doing what?

A. There were a couple of times when he seemed not to be able to hold his liquor very well.

Q. I see.

A. One of the few, I might add, one of the few people that I encountered, you know, in that grade in Vietnam.

Q. Looking at the, let's say the chief of staff and division commander and the functioning of the general staff, primarily from an operational point of view, not so much in the logistics or the personnel area--

A. (Interposing) Yes, sir.

Q. Was this a healthy and effective relationship?

A. I think there are two parts to your question. Sir, if you wouldn't mind restating it, I'd like to--

Q. (Interposing) Well, I am bringing it down to the relationship that existed between the command building, primarily between, let's say, Colonel PARSON and the 2 and the 3 shop and 5 and also with respect to the commanding general himself and the ADC's with those agencies?

A. Let me first say that there was a good deal of general staff business that in terms of the morning reoccurring morning meeting that the special staff people such as myself ordinarily were not involved in. During the time period we're talking about here in March, I think it would about then, after Colonel PARSON became the chief of staff, I did get the feeling that some of the general staff, the 3 in particular, felt somehow stressed or distressed. I can't think of a concrete example, except that I did get a feeling that they might have thought the chief was a bit hard on them or not appreciating their point of view. My picture of General

KOSTER was and is a fellow that on the operational side has some fairly specific opinions and ideas and may not have given some of his 3's a feeling of being a free and creative spirit as they might have liked. That's a general officer's prerogative. The G5, I think, was sometimes distressed at the requirement for Americans to assist the Vietnamese through the established governmental and particular governmental structure, which in some cases he felt was, I suspect, corrupt or at least inefficient in terms of the results of our efforts. So on the other hand, he worked pretty hard at it, and I think within our resources. Most of the people that I dealt with in the division, at all echelons, really tried pretty hard to do right by the Vietnamese. I was quite impressed with the amount of individual effort the Americans would expend on MEDCAP activities. As I say, I do know the 5 was sometimes distressed by the inefficiency of the Vietnamese. The assistant division-- you asked about the assistant division commander?

Q. Yes. Well, that's right. I am interested primarily in terms of, at that time General GALLOWAY, then Colonel GALLOWAY who had just arrived on the scene--

A. (Interposing) Yes, sir.

Q. So he could not have had too much influence. But General YOUNG had been there in terms of what you might say the ADC-B where he was overseeing predominantly the logistics and administrative area, but had something to do with tactical area. Then when General RYDER left, he moved up to take over more in the operational role?

A. I don't remember the exact time sequence of it, but--

Q. (Interposing) It was about the 14th or 15th of March.

A. But I couldn't remember exactly when that transition took place. General YOUNG was, I think, a complicated fellow. He often would very much keep his counsel and not give staff officers much feedback as they would talk with him or bring a problem to him. I think he, and the things most frequently dealt with was the medical rearrangements in the division. I think he was interested in plans about a conventional division organization, but felt that we needed to wait for higher headquarters' approval on the matter. The rumor, as I say, I never had any particular difficulties, but the rumor I got from the

general staff before making a decision. That's secondhand information and not anything I can think of.

Q. That's very helpful. Let me ask you a couple of things here. Please understand that this is not, these are not universal impressions.

A. No.

Q. But some of the things that I've gathered from talking to people such as yourself about the way they saw people. Now, some of them indicated that Colonel PARSON, as the chief of staff, seemed to be more oriented towards administration and house keeping logistics than he really was towards operations.

A. I think that would be. I can certainly see why somebody would say that, and I shared that view.

Q. Well, now, another one that comes to the foreground is that as time went on, under General KOSTER, operations in particular seemed to be more and more centralized in him?

A. Well, I was just making a note for myself about my previous remark about Colonel PARSON. I don't know what his instructions were, of course, from the general, in that with quite, as you know, quite a few of the commanders, but particularly General KOSTER, the daily way of doing business was to spend a good deal of time visiting the tactical commanders in the field. That is to say, the brigade commanders and the battalion commanders. Inevitably with the generals out, and the ADC's did this, too, of course, with the generals out it was sometimes a scramble for all of the staff, and I assume the chief of staff, too, to keep up with what was going on, you know, not unusual for the staff briefing to give something that they felt was current information, only to have it corrected by somebody who was in a helicopter and had more recent information. General KOSTER, as I said, got around a lot and made his presence felt. Since he had a helicopter and I didn't, and I like also--instead of reading reports to see what was going on. I fairly frequently would travel with him or with Colonel GALLOWAY or with General YOUNG. In terms of centralization of operations, as I said earlier, I think General KOSTER always did give quite fairly explicit guidance

to his 3. In the briefings at the battalion level, say, that I would sit in on, but very often wouldn't, because I'd be over talking with the medics. General KOSTER, at that level, as I recall, was always quite careful not to make suggestions or directions more reserved for the brigade commanders. So I'm sure inevitably brigades would have the feeling, the brigade commander might have the feeling that he was around telling his battalions what to do. But I personally didn't receive much of that. As far as having a great deal to do at directing operations, I think that's correct to say about General KOSTER.

Q. We have also heard from some individuals that some of the operational side of the general staff, which you were searching for a word to describe it, felt somewhat restricted or confined in their job in the TOC or in these places, were sort of fenced in and never really got to perform the function that they had been trained to perform. This may have created some misunderstanding, let's say, between the general staff and the chief of staff and others?

A. Well, I think that some people might have felt that. I do recall, and I don't remember the exact time frame, I do recall that this came up enough that sometime, in what I thought of as the spring, the chief of staff, Colonel PARSON, did manage to get an aircraft allocated for the chief of staff and the general staff to get around a little bit more on staff visits in a more informal way than had been customary before. So in that sense, it was perhaps recognized.

Q. Was this the helicopter that had been Clint GRANGER's helicopter as the G3?

A. I don't recall, sir. The other thing is, of course, most of the--for a while the staff, of course, had some prior tactical assignment in Vietnam. Colonel PARSON, of course, came straight in the country in that job, and it may have been more, much more awkward for him to, you know, getting trapped, as you say, at his desk. So that there was an element of that feeling.

Q. Well, I take it from what you said, looking or being in this whole area, being an outsider looking in, that there were some difficulties, possibly some friction and maybe some

misunderstanding, but they weren't of, I think you're saying, they're not of a major category?

A. That would be my impression. I've been on some other organizations that were certainly more administratively, or from the staff sense, disturbed than this one. I also, as a personal thing, feel that both commanders and staff officers have quite a variety of styles of doing business, and what might not look as the optimal way to some staff officer might exactly suit the personality of the commander who is ultimately responsible.

Q. Did you notice any change when Colonel GETTYS came in? You were leaving there shortly thereafter, I believe?

A. General GETTYS--

Q. (Interposing) General GETTYS, I mean.

A. It makes, I think, my point exactly. He's quite a different kind of person than General KOSTER. General GETTYS is much more oriented on people, I think, than General KOSTER. It's not a value judgment, but an observation. When he arrived, General GETTYS emphasized a lot of personal things, and so I got involved with them. In that sense there was a change. I think, although I was not there long--General GETTYS' style, I think--as I could see it, was to delegate authority somewhat more substantially and then hold the subordinate people to account for it.

Q. You had one other special staff officer, and I wish you would comment on how you observed his performance, one of your contemporaries there, and that's your division chaplain?

A. Ah-ah--

Q. (Interposing) Colonel LEWIS?

A. Yes, right. I thought he was, well, chaplains are probably--doctors are that way, too. Chaplains are a little bit different in the Army. I thought him quite a sincere and conscientious fellow. The picture I got from an informal conversation, of course, he sent me a certain amount of business, too, of course, was that, ah--

Q. (Interposing) I hope you also sent some to him?

A. Oh, yes, sir. That probably was varied a lot as chaplains are making changes, as commanders and chaplains bounced off one another. It was a fairly tough job, but he seemed like a pretty flexible fellow in that sense. I think also some military chaplains may get a little too identified with the tactical unit or with the Army at the expense of some sensitivity about their parishioners, if you will, and I don't think he did that. He seemed to spend a lot of time, and now and then some young fellow would show up in country and decide he was a conscientious objector all of a sudden, LEWIS would spend quite a bit of time talking with him.

Q. Fine. Mr. MACCRATE?

MR MACCRATE: Colonel AUGERSON, I would like to ask you one further opinion in relationships, and that is what you observed as to the relation between General KOSTER and General YOUNG. I appreciate that this is difficult for you to comment upon in your position, but flying with both men, as you did, you may have gotten some feel as to the extent to which matters were entrusted to General YOUNG and the kind of reign on which his activities were held?

A. It is hard to answer that. You know, at Leavenworth when the students don't have anything else to do, they used to talk about what do you do with the ADC's, and it's not easy to have one or be one. I can't answer the question about what limits or what instructions that General YOUNG had from General KOSTER. I can recall on a couple of occasions when he was more on the logistics. General YOUNG was more on the logistics side and one staff member or another being a little bit upset that General YOUNG had made some commitment to provide some kind of support to somebody or another that the staff hadn't had a chance to think over. So on that side, it gave me the impression that he had a fair amount of latitude or felt he did. On the operational side, I really can't say. I did travel, when he was the tactical ADC, with him and again he didn't do very much directing for the battalion commanders when I was around. He did on occasion make a suggestion, but it was quite clearly that, rather than any direction. I would not say that General KOSTER and General YOUNG were close, but that's not General KOSTER's

style as I would observe him. He's a man who tends to be a little bit distant. In the mass, certainly affable and an approachable man, but in his normal performance of his duties he was fairly formal and fairly distant. Certainly not a hail fellow well met. Lest I convey an impression that I don't want to, not insensitive to human matters, much concerned about our medical operations and just not a hail fellow well met.

Q. Was Chaplain LEWIS one who would go about with rather a free manner of expression, talking loosely about one thing or another?

A. Yes, maybe that's--

Q. (Interposing) A rather casual person?

A. He certainly conveyed that notion. I think administratively, as far as running his operation he was not that casual, but he certainly conveyed some informality in a casual manner. I prefer, you know, 2 years or more is a long time back. I don't trust my memory anymore than I do anybody else's. I prefer not to make a statement, unless I can think of a concrete example. I would say he might be a little quick to express an opinion without going on to dwell into the facts.

Q. Now the fact is that a report had come to Chaplain LEWIS with regard to some unnecessary killing of civilians in this operation on the Son My Village. He, in describing what he did with this information, among other things, has told us that he spoke to you about it. I wondered if there was anything in your recollection that relates itself to that; anything that you recall of him talking about it. We get it from him, he sort of bounced from person to person with his story?

A. Well, as I said, I trust my memory no more than anyone else's, and he may have. But I don't recall it, and with the advantage or disadvantage, in that respect, I'd like to think if something, had there been something concrete, you know, it seems that if something like this had really happened, that I would have at least pointed him in the right place.

Q. There was quite a bit of VC propaganda on this subject, and quite a bit of it was around your headquarters. Do you remember any talk about that and some unusual events that had gone on in Son Tinh District? The VC were making a great deal of noise about it.

A. My only knowledge is what I've read, you know, in the papers since then--in a--well, it wasn't an area that I was particularly familiar with in the times I went down there occasionally--

Q. (Interposing) But talking about what was at the division at the time. Did you ever hear any references to VC propaganda relating to this?

A. No, I don't remember a thing about that. I'm much more troubled by what WILSON said, and I--

Q. (Interposing) You mean LEWIS?

A. I mean LEWIS, I'm trying to, very hard to think about it. I just don't. I don't recall it. I can't say that he didn't touch on the matter, but I don't know--I don't recall. I'll say this, that I might have been busy and distracted at the time, but I find it hard to believe about myself that if somebody had presented me with a story which sounded like the story announced earlier, that I'd brush it off. I can--that's all I can say.

Q. Who were the two young doctors assigned to Task Force Barker?

A. Frankly, I thought this might come up, and I haven't been able to recall their names, nor have I--I didn't keep a diary. I can't from my miscellaneous papers reconstruct that. I do remember that a fellow named Harvey FREEMAN or FRIEDMAN was the brigade surgeon. I expect he's out of the service now, but he served with the 11th in the Hawaii before they came over there.

IO: What was his grade at the time?

A. He was a captain.

Q. Captain?

A. Right.

Q. And these other ones were captains that--

A. (Interposing) Yes, sir, just putting in their--

Q. (Interposing) They were working primarily out of LZ Dottie?

A. Yes, sir. One of them--the second one there--can't remember his name, did do some circuit riding, too. He used to have a fairly regular schedule of getting out there. As I recall, they didn't have a particular active MEDCAP program. A small one, but nothing very much, and I don't recall any medical sort of operations.

Q. Did you ever, at any time, understand that an investigation was underway within the Americal Division of something that may have happened northeast of Quang Ngai City or in Son Tinh District in the spring of 1968?

A. I don't believe so, sir. I was aware of an investigation, and I don't think it was related to this. This was one that the support command commander, Colonel ROSE, was assigned as an investigating officer, and I got involved with that, somewhat.

Q. You're referring to the one basically, I think, that had to do with a VC nurse and some rapings and so forth, generally north of Quang Ngai?

A. Yes, sir.

Q. North and little west of Quang Ngai City?

A. I never even knew the exact position, but it didn't sound like it had anything to do with this, but that's the one investigation that I was aware of.

Q. Had you ever heard that the GVN or the ARVN were investigating some U.S. activity in this area?

A. No, sir.

Q. Well, this one final one, and that is, whether or not at any time that you were there, subsequent to the middle of March, you had any cause or reason to suspect that something unusual may have taken place in this Son My Village or My Lai (4) area?

A. No, sir. I thought about that a lot, but I just don't recall.

Q. We'll give you this opportunity, Colonel AUGERSON, if you would like to ask any questions, which you may like to address to us or if you'd like to enter a statement into the record.

A. Well--one question I would like to ask to perhaps refresh my memory about Chaplain LEWIS' mentioning having brought up the matter with me. Do you recall roughly when this conversation might have taken place--perhaps no--

MR MACCRATE: (Interposing) It would be very shortly after you came back from R&R if it took place.

IO: Or perhaps even before you went on R&R.

A. I went on R&R about the 13th--

Q. (Interposing) The 13th. So it would be just after you came back?

A. After I came back, and for perhaps, or just because it's a bit depressing coming back from R&R. My memory of that period is rather vague, I'm sorry to say.

MR MACCRATE: He would have presumably, have received the information while you were on R&R, and we would fix the date that he received the report somewhere around the 18th of March, and you returned, I believe you said around the 22nd?

A. Thereabouts.

Q. Thereabouts. So that it would be very early in the time that you were returning.

IO:           The hearing will recess at this time. Thank you  
very much.

(The hearing recessed at 1600 hours, 4 March 1970.)

SUMMARY OF TESTIMONY

WITNESS: BALMER, J.D., Jr., COL

DATE OF TESTIMONY: 18 December 1969

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Assistant Chief of Staff, G3, Americal Division.

1. PRIOR TRAINING IN RULES OF LAND WARFARE.

a. In the units prior to arrival in the Americal Division.

Advance parties from the 198th, while it was at Fort Hood, and the 11th Infantry Brigade, while it was in Hawaii, came to the division and received packets with the "Nine Rules" (Exhibit M-2) and "Enemy in Your Hands" (Exhibit M-3), and copies of the existing draft SOP (pg. 32). In addition, persons who came with a unit were provided a packet containing these cards before arrival in the country (pg. 44).

b. In-country briefing.

The orientation of the units upon their arrival included a stress by the chain of command on the matter of treatment of noncombatants and the rules of engagement (pg. 32). The units also received an on-the-job orientation as they phased out prior units in an AO (pg. 44). Thereafter, replacements went through a one week course in Chu Lai at the Americal Division Combat Center, which included classes and a packet of information containing the required cards (pg. 44). Every Thursday morning, General KOSTER greeted the replacements personally, and emphasized the rules of engagement, treatment of civilians, handling of prisoners, etc. (pg. 32). All individuals were aware

of the rules governing combat operations (pg. 32), whether they were MACV or III MAF (pg. 33).

## 2. PREOPERATIONAL PLANS AND BRIEFINGS.

Colonel BALMER was on R&R in Hong Kong on 16 March and did not return until either 17 or 18 March (pgs. 6,22, 34). Lieutenant Colonel William KELLY was acting G3 during his absence (pgs. 4,6). Upon BALMER's return, KELLY and Major BENN reviewed for him the principal operations, brigade by brigade, during his absence (pg. 6). The body count of 128 VC was considered significant (pg. 7).

## 3. ASSAULT ON MY LAI.

### a. BALMER's recollection of the assault.

He stated that there was a three minute prep which saturated the landing zone (pg. 10), southwest of the objective area, and that C/1/20 was introduced at LZ 1 (Exhibit MAP-1) to move northwest towards the My Lai (4) hamlet (pg. 7). He later stated that four 105's could fire only a very light prep (pg. 10). Another company was blocking north of the area (pg. 7). No opposition was encountered as they moved in initially. Then they came under heavy fire (pg. 8). The fact that it was a hot LZ was recently learned by BALMER in General STILWELL's office from either Major WATKE or Lieutenant Colonel FRANKLIN (pg. 20). In the ensuing action, they took a heavy toll of the 48th VC Battalion (pg. 8). They then went through the objective area to the northeast for a night holding position with B/4/3 and the next day they were lifted out (pg. 8). A plan to have the companies sweep to the west back through the objective area then to LZ Dottie was discarded due to minefields left by the ROK Marines (pg. 8).

### b. Disparity between the weapons captured and the body count.

He explained the disparity was due to the skill of the enemy in recovering weapons, as only two or three individual weapons were captured to a body count of 128 (pg. 8). He stated that he was quizzed on this during later briefings (pgs. 8,9), which he gave to distinguished visitors (pg. 12), but that it was not of sufficient significance to have it checked into (pg. 9), and he never

knew of any efforts to account for the disparity (pg.14). The capture of a cache was the only time that weapons would be taken in quantity (pg. 8). The large body counts were common during Tet, which this closely followed (pg.9).

c. Disparity between the enemy and friendly KIA.

This disparity indicated a very successful operation, and was not that unusual (pg. 11). There were no efforts made, to his knowledge, to account for this (pg. 14). The same ratios occurred during Tet (pg. 11) Here, it was due to a combination of artillery, gunships, etc. (pg. 12).

4. INQUIRIES CONCERNING THE ASSAULT.

a. Division SOP or regulations on reporting civilian casualties.

BALMER stated that he did not recall a specific requirement to report civilian casualties that was spelled out in division SOP (pg. 12), nor was there a requirement to report it to higher headquarters (pgs. 13,21). If he had received such a report, he would have passed it on (pg. 12). Civilian casualties were not regarded as an SIR or a Blue Bell, but were related to the operation itself, and would have been in the SITREP (pg. 13). The brigade had no instructions to report civilian casualties but he did expect them to report significant matters, based on their judgement (pg. 22). He further stated that it would be possible to coverup the death of a number of civilians, if the task force commander, in concert with the company commander, reported a few of the deaths, and told their men not to discuss the matter (pg. 28). There was no division liaison officer to report back, but usually the Commanding General, or one of the ADC's would be in the area of a combat operation (pg. 27). The company, on its own, he felt, could not have covered up something of this magnitude (pg. 27).

b. Investigations in the division.

He felt that an investigation would start at battalion level if necessary, or at brigade, depending on the severity of the incident, and stated that if a number of civilians were killed by gunship or artillery it would have been investigated (pg. 14). He never heard of an

investigation being directed (pg. 16), although he would not necessarily have been aware of it (Pg. 18). He would have found out, he feels, from the close interworking of the staff (pg. 18). Serious incidents did warrant investigation (pg. 21) and he felt that this was emphasized so that each commander knew that civilian casualties would be investigated (pg. 34). The investigation would not be conducted as formally as an artillery or gunship incident (pgs. 23, 34).

5. REPORTS OF INVESTIGATION.

a. Combat action report.

Exhibit R-2, the Combat Action Report, was not recalled as having been seen (pg. 15), but he did feel that it was unusual for an after action report to cover such a short period, one day (pg. 15).

b. HENDERSON's report.

The inclosures of Exhibit R-1 were not recalled as having been seen (pgs. 18, 19), but he felt that the use of a specific date and time was unusual in propaganda (pg. 19).

6. OTHER INFORMATION.

a. He had no knowledge that General KOSTER countermanded an order of HENDERSON's for C/1/20 to sweep back through the area.

b. He had never heard of a confrontation between aviation personnel and ground personnel in the vicinity of My Lai (4) (pg. 14).

c. He described how the morning and evening briefings were conducted and the difference between them (pgs. 16,17) and stated that HOLLADAY was a daily participant and considered a "regular" (pgs. 19, 20).

d. Exhibit D-5, Americal Regulation 525-4, dated 16 March 1968, he stated was developed by Major SAINT and Lieutenant Colonel KELLY (pg. 29).

f. He had prior discussions with the following personnel:

(1) Lieutenant Colonel BAXLEY, his successor as the division G3 (pg. 3);

(2) Lieutenant Colonel GRANGER, his predecessor as the division G3 (pg. 4);

(3) Lieutenant Colonel KELLY, the acting G3 at the time of the My Lai incident (pg. 4);

(4) General KOSTER, who telephoned him (pg. 4) and discussed the requirements for reporting civilian casualties to higher headquarters, and the abbreviations used in SITREP's (pg. 22);

(5) General STILWELL and General KERWIN, in an official reporting capacity (pg. 4);

(6) Colonel TREXLER, who was the division G2 and his trailer mate (pg. 4);

(7) Lieutenant Colonel SAINT, who was then a Major and his deputy in G3 (pg. 4);

(8) Major WATKE, just before and after speaking with General STILLWELL several weeks back (pg. 5). WATKE may have told him it was a hot LZ (pg. 20); and

(9) Lieutenant Colonel FRANKLIN, of the 11th Brigade, may also have been the one who told him it was a hot LZ (pg. 20).

BAXLEY, GRANGER, KELLY, and SAINT were used to refresh his memory on rules of engagement, SOP and reporting procedures. He did not ask about specifics with regard to 16 March (pg. 5).

g. He discussed the formation and background of the Americal Division on pages 36 through 47. He also pointed out:

(1) That HENDERSON did not like the idea of a tailor-made unit (pg. 39);

(2) A formal breakdown of the ADCs for operations and support was difficult. One had the southern half of the

division for awhile, and the other had the north  
(pg. 41); and

(3) He usually contacted the III MAF G3  
daily (pg. 42).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
D-1	MACV Directive 20-4	Saw recently because of Congressional Inquiry.	26
D-5	Americal Reg 525-4	Recalled that SAINT and KELLY prepared the document. Did not recall if it went out in draft to brigade prior to publication.	29
D-6	MACV Directive 525-3	Not recalled. Philosophy was consistent with his SOP.	25
M-6	Americal log	Entry 28 (0940 hrs. 69 VC killed) not recalled. Entry 94 not recalled.	10,11
M-8	III MAF Order 5820.1	Not recalled.	26
M-9	Americal letter, 24 Mar 68	Not recalled. Prepared CG's office and by Chief of Staff.	23,24
R-1	HENDERSON's report	He never saw inclosure 1 or inclosure 2. Most unusual to have specifics in propaganda.	18,19
R-2	BARKER's report	Not seen. Unusual for a combat action report to cover only one day.	15
MAP-1	Wall map	Used to show how he briefed.	7

## SUMMARY OF RECALL TESTIMONY

WITNESS: BALMER, Jesmond D. COL

DATE OF TESTIMONY: 13 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: G3, Americal Division.

1. DISCUSSION WITH CHAPLAIN LEWIS.

The witness had indicated on his initial appearance before the board that he had no knowledge of the incident at My Lai (4) (pg. 49). He was read a part of Chaplain LEWIS' testimony concerning an alleged discussion in BALMER's office (pgs. 50, 51). The witness stated that he did not remember the discussion, although he would normally converse with LEWIS daily during the dinner hour (pg. 51). He stated he could not recall LEWIS coming to his office to talk of any subject (pg. 52). He did not know the name My Lai (4) prior to its appearance in the newspapers, as they would use coordinates, and he never heard LEWIS use it, or the term Son My Village, Tu Cung, or Co Luy (pg. 53). He did not recall LEWIS mentioning anything about Task Force Barker; a warrant officer aviator; Major CRESWELL; or a chaplain from division artillery (pg. 53). The witness had known LEWIS previously and was fond of him, holding him in highest regard. He felt that LEWIS was talkative and was keenly interested in all operations of the division (pg. 54). He felt that if LEWIS had come into some knowledge of a large number of civilians being indiscriminately killed that it would be expected that LEWIS should have taken it to either the command element or the chief of staff. He agreed he also could have gone to the SJA or the IG (pgs. 55, 56). It would not be logical that this would be checked through chaplains channels, for the G5 would even be a better starting point (pgs. 56, 57).

## 2. RELATIONSHIPS WITH GENERAL KOSTER.

The witness stated that as the G3 he was bound to the TOC and did not travel generally (pg. 55]. He stated that actually General KOSTER acted as the G3, and that he operated on a "fourth assistant G3 level" (pgs. 55, 56]. He stated that he did certain planning and tried to keep the TOC going, but that he did not operate in a G3 role as it is normally thought of (pg. 56]. The witness stated that in December 1967, General RYDER was one of the ADC's and enjoyed a close relationship with General KOSTER. When RYDER left, YOUNG took his place, and Colonel GALLOWAY became the ADC for logistics (pg. 57]. KOSTER then centralized more and more of the authority into his hands alone (pg. 58]. Colonel MUSER, the chief of staff, who departed in early February, got along well with KOSTER. Colonel PARSON did not and the witness felt that from the time PARSON became the chief of staff things "started falling down fast" in their coordination, general atmosphere around the headquarters, and morale. He felt it was a great setback for the division when the change of chiefs of staff occurred (pg. 58]. He stated that the atmosphere of the division was not good in December, and was terrible by mid-February. The witness blamed it on the fact that KOSTER had no confidence and did not trust responsibility to PARSON (pg. 59]. He also stated that when a request came to him to command the 52d Artillery Group, KOSTER pigeon-holed it for one month and resented the witness' leaving (pgs. 59, 60). He stated that he thought Colonel ANISTRANSKI got along fairly well with the general (pg. 60], but that ANISTRANSKI along with TREXLER, WALL, and CLARK all were treated approximately the same way (pg. 61].

## 3. PLANNING OF AN OPERATION.

### a. The General's control over operational planning.

The witness stated that General KOSTER would receive all phone calls pertaining to G3 operations during the night, because the general had become upset when the witness had once set up a warning order to aviation units (pg. 62]. The witness stated normally the OPLAN would be submitted to division for any operation which would involve more than one company. He stated that if a written order and plan did not get to division, the brigade or task force commanders would still get General KOSTER's clearance before acting (pg. 64]. The witness stated that KOSTER frequently

would clear the plan, through visiting the brigade or task force headquarters and would neglect to inform the G3 until the operation was in progress (pg. 64]. He maintained his control over the battalions and brigades in that he controlled all aircraft and aircraft allocations (pg. 65].

b. The Son My operation.

The witness stated that if there was no plan for the operation, the approval would be given either over the telephone or most probably through a personal visit from the brigade commander (pg. 65].

c. Intelligence information.

The witness stated that the G2 had an intelligence flow from the subordinate units (pg. 66]. In an instance such as the discrepancy over the location of the 48th Local Force Battalion, it was possible that Task Force Barker had "the best available intelligence" and they considered their source in estimating the presence of the unit (pg.67].

4. WITNESS' KNOWLEDGE OF PROPAGANDA LEAFLETS.

The witness was shown a number of exhibits (See Exhibit List, infra], most of which he did not recall seeing (pgs. 68-70]. The witness did recognize Inclosure 1, to Exhibit M-36, which was VC propaganda inclosed in a memo to the commander of the 2d ARVN Division (pg. 68). He did not know where he had seen the particular document and felt that possibly Colonel TREXLER had shown it to him (pg. 68).

5. KNOWLEDGE OF HENDERSON'S REPORT.

The witness stated that he had no knowledge of a letter written by General KOSTER to Colonel HENDERSON, directing him to investigate the incident and submit a report (pg.71]. The witness stated that the first time he saw Exhibit R-1, which was HENDERSON's report, was on his first appearance before the board (pg. 72]. Most of the files maintained at G3 were concerned with operations, and classified documents were kept in a safe in the plans office adjacent to the TOC (pg. 73]. The witness stated that there was a procedure to go through and periodically clean out the files. He said that they would burn documents which were no longer necessary using a certificate of destruction. If the document was important it would be retired (pg. 73].



SUMMARY OF RECALL TESTIMONY

WITNESS: BALMER, Jesmond D., COL

DATE OF TESTIMONY: 28 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: G3, Americal Division.

1. DISCUSSION OF THE BURLINGTON TRAIL OPERATION.

The witness in response to questioning concerning the Burlington Trail and Norfolk Victory operations stated they were the last two operations that he had any participation in as far as planning was concerned (pg. 77). The operations which started on 8 April began a week prior to his departure. He described Burlington Trail as an attempt to expand the operations to the west in order to open the road into the special forces camp at Tien Phuoc, as well as to repair bridges in order to have a land artery to Tien Phuoc (pg. 77). It was also an effort to bring the ARVN into the Americal Division operations to an increasing extent (pg. 77). He described in detail the units involved and base area 117 (pgs. 78,79). He described the performance of the ARVN as being very fine and encouraging (pg. 80). He stated that in the Burlington Trail area and the Wheeler-Wallowa area the principal enemy was the 2d NVA Division (pg. 80). In response to a question concerning General KOSTER's role in the planning of the operation with Colonel TOAN, he stated that there was cooperation on the very early planning in the delineation of the area of the operations and for the coordination with the ARVN (pg. 81). He recounted in detail the planning phase (pgs. 82, 83), and stated that General KOSTER did not concentrate on the Burlington Trail operations more than he was paying attention to Wheeler-Wallowa because KOSTER covered the entire division's area of operations (pg. 83). He stated that KOSTER made

frequent visits to the Quang Ngai area and to Duc Pho (pg. 83). He felt that General YOUNG's role at this time was shifting from that of support into that of operations (pg. 83). He did not recall HENDERSON participating particularly in the operation and did not recall HENDERSON coming to division headquarters specifically to plan Norfolk Victory (pg. 84). He felt that the planning for the brigades was done at brigade level by the division commander or General YOUNG (pg. 84). He did not think that General KOSTER was any busier during this period than he was during other periods and that the operations did not increase their problems at division (pg. 84). He stated he never accompanied General KOSTER anywhere nor did he receive any report from KOSTER about a meeting at the 2d ARVN Division headquarters with Colonel TOAN concerning a letter alleging the death of 500 civilians in the Son My area. He did state that he received the "fall out" of KOSTER's visit to the headquarters to the extent that he needed to know about it (pg. 85). He stated that General KOSTER did not talk with him concerning conversations with senior ARVN officials or brigade commanders. He stated he would see KOSTER only at the evening briefing (pg. 88). He discussed General KOSTER's control over the division down through brigade level and stated that the Americal Division brigades did not have the freedom or latitude as did other brigades which passed through their AO (pgs. 92, 93).

## 2. DISCUSSION OF DIVISION PERSONNEL.

The witness stated that he did not meet Colonel HUTTER (pg. 87). He stated that Colonel PARSON was not in any way involved in the planning of the Burlington Trail operations with the ARVN from a tactical standpoint (pg. 87). He said that PARSON, as chief of staff, was aware of the planning but did not participate in it (pg. 87). He felt that PARSON had a role which dealt with matters affecting the Americal Division at its headquarters. PARSON very infrequently accompanied KOSTER and had no role in tactical planning (pgs. 87, 88). He described PARSON as primarily an administrative type of chief of staff who was essentially bound to the TOC (pg. 92). He described an incident in which the G3 helicopter was redesignated as the chief of staff's helicopter (pgs. 93, 94). He felt that PARSON, being under considerable pressure, extended the constraints to the witness' job (pg. 94). The witness stated that he

did not recall Chaplain LEWIS making a report to him in his office (pg. 95). The witness felt that Colonel AUGERSON, presently stationed at Walter Reed, was an astute observer of the temper and tone of the division staff and might give helpful testimony (pg. 95).

3. OTHER INFORMATION BEARING ON THE INCIDENT AT MY LAI.

a. The witness did not feel that there was any permissiveness in terms of the troops dealing with women (pg. 92). He did not ever hear of a case involving misconduct with women, rape, or the killing and shooting of women and children (pg. 94).

b. He stated that it was possible that operational activities would overshadow or tend to submerge action on letters or VC propaganda (pg. 91). He felt that this may have been magnified by the general's failure to take full benefit of the staff (pgs. 91, 92).

c. In discussing Task Force Barker's prior operations in the Son My area on 13 and 23 February, he stated that he did not recall anyone challenging the body count of 78 with no weapons captured (pg. 45). He did not recall anyone questioning the total of 146 KIA and five weapons being captured on these prior operations (pg. 96). He stated that the Burlington Trail operation, which resulted in 170 enemy KIA and 48 individual weapons captured, was not compared with the Son My area (pg. 97). He described the enemy as masters in policing up combat gear (pg. 97).



(The hearing reconvened at 1025 hours, 18 December 1969.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR WEST, MR MACCRATE, COL WILSON, COL FRANKLIN, and MAJ LYNN.

The next witness is Colonel J.D. BALMER, Jr.

(COL BALMER, Jr., Office of the Chief, Legislative Liaison, Pentagon, Washington, D.C., was called as a witness, was sworn, and testified as follows:)

IO: Colonel BALMER, before we proceed with any questions I shall inform you of several matters.

This investigation was directed jointly by the Secretary of the Army and the Chief of Staff of the United States Army, for the purpose of determining the facts and making recommendations concerning two matters:

(1) the adequacy of prior investigations and inquiries into, and the subsequent reviews and reports within the chain of command, of what is now commonly referred to as the My Lai incident of 16 March 1968, and

(2) the possible suppression or withholding of information by any person who had a duty to report and to furnish information concerning this incident.

This investigation is not being conducted to investigate all the facts and circumstances as to what happened at My Lai. It is directed at those specific purposes of which I have just stated.

I have had made available to me and have reviewed prior official statements obtained in other official investigations of the My Lai incident.

Your testimony this morning will be taken under oath. A verbatim transcript will be prepared. A tape recording is also being made in addition to the verbatim notes being taken by the reporter. Although the general classification of the report will be confidential,

it is possible that the testimony or parts of it may, at a later date, become public knowledge.

There are several people in this room who may ask you questions. On my right are Colonel FRANKLIN, from ODCSOPS; Colonel WILSON, from the Inspector General's Office; and Mr. WEST, from the Office of the General Counsel, will soon join us. Mr. WEST has been designated as my deputy. All of them, are, in fact, my assistants, and they are authorized to ask questions in my behalf. On my left is Mr. MACCRATE, who volunteered to the Secretary of the Army to serve as legal counsel to me and other members of the investigating team. He likewise may address questions to you. In the final analysis, however, I have the responsibility of weighing the evidence and making the findings and recommendations.

You are ordered not to discuss your testimony in this investigation with others, including other witnesses for this investigation, except in the performance of official duties or as you may be required to do before a competent judicial or administrative body. In addition, you are cautioned that if you are subject to the order issued by the military judge in the general court-martial case of the United States v. Calley, your appearance in no way changes the applicability and/or effect of that order. Do you have any questions at this time?

A. Is the transcript made available to the witnesses for review and editorial purposes, or do you have it made as a permanent record of the investigation?

Q. No, we had not intended such. It is being thoroughly edited within the investigating team and by the people who are present during the course of the inquiry. But we are not referring them to the individuals concerned, and it is not our intention to do so.

A. Such transcripts, such records would not be available if I were to be called before some other body or court.

Q. If you were called before such a body, we could make your transcript available to you to refresh your memory as to what you may have indicated here. Do you have any other questions?

A. No, sir.

Q. Colonel BALMER, what was your duty assignment on the 16th of March 1968?

A. Assistant chief of staff, G3, Americal Division.

Q. How long had you been in that capacity?

A. From 7 December 1967 to that date.

Q. And how long after the middle of March did you remain in that capacity?

A. I departed that assignment on the 15th of April, approximately 1 month following that date, 15 April 1968.

Q. And who was the officer that followed you, do you know his name?

A. Yes, sir. Lieutenant Colonel William J. BAXLEY. B-A-X-L-E-Y.

Q. Do you know where he is stationed at the present time?

A. Yes, sir, he is on the staff and faculty, Industrial College of the Armed Forces, Fort McNair.

Q. Colonel BALMER, prior to this hearing and subsequent to the breaking of the My Lai incident in the press in the latter part of September--in that time frame--had you talked to anybody concerning this situation, or have you written to anybody concerning the My Lai incident?

A. I have written to no one, but I have talked to various individuals concerning My Lai, not only in the course of such information as it came before me in the office of the chief legislative liaison, as a subject of Congressional inquiry. As the matter became public knowledge, I subsequently had discussions with other people who were there at the same time.

Q. Can you name those individuals?

A. I talked to Lieutenant Colonel William J. BAXLEY, who followed me as G3. I talked to Lieutenant Colonel Clint GRANGER, who preceded me as G3. Colonel GRANGER is presently assigned to DCSOPS. I talked to Lieutenant Colonel William KELLEY, assigned to Pentagon, DCSLOG, who was the acting G3 at the time of the My Lai matter. I talked to General KOSTER by telephone--

Q. (Interposing) Concerning this incident?

A. Yes, sir.

Q. Did he call you or--

A. (Interposing) He called me. I talked to Colonel TREXLER, assigned to DCSOPS, who was the G2 at the time and my trailer mate; I talked to General STILWELL; I talked to General KERWIN--

Q. (Interposing) These had been in an official reporting capacity and had nothing to do with the incident directly, is that correct?

A. That is correct. General STILWELL and General KERWIN, of course, were not present at that time and were not involved, or in the chain of command in direct relation to that.

Q. I am concerned primarily with the Americal Division or personnel who were either directly or indirectly associated with the incident.

A. Lieutenant Colonel SAINT, Crosbie E. SAINT, who was at that time a major and my deputy in G3, who is presently in the officer personnel directorate, OPO; of those who were directly around at the time, that was the extent of those I have talked to that I can recall up to this time.

Q. Did you talk to Colonel PARSON?

A. No, sir.

Q. Colonel HENDERSON?

A. Yes, sir, but not about the incident. I saw

him in the hallway and we didn't discuss anything except I paid my respects to him in the hallway outside of OCLL.

Q. Colonel HOLLADAY?

A. I have not seen Colonel HOLLADAY. I talked to Major WATKE just before and just after going into General STILWELL's office several weeks back, and then I saw him once in the hallway. I have not seen anyone else that I can recall right now in the immediate area of concern or responsibility.

Q. What was the purpose of these discussions?

A. Primarily in the case of Colonel BAXLEY, Colonel SAINT, Colonel KELLEY, and Colonel GRANGER-- those were the four specific ones--to refresh my memory in the event that I was called before this or any other group concerning questions which I could possibly conceive, and essentially rules of engagement, SOP, and reporting procedures. Those were the three areas. I was trying to recall what was prevailing at the time--the status of our SOP in the Americal Division at that time, our precise reporting procedures. I saw a message up in OCLL going out. Of course, it is the normal routine to deal with MACV concerning MACV Directive 20-4. I anticipated that I would be asked if I was aware of this--was it present down at division? So I did ask that question of Colonel GRANGER and Colonel BAXLEY, if they were aware of it, that was the extent of my preparation.

Q. Was there anything aimed specifically at the incident of 16 March 1968 and what reporting and investigation or otherwise may have transpired?

A. No, sir, not any specifics with regard to 16 March, just our general procedures.

Q. Can you tell me, Colonel BALMER, when you first heard of the My Lai incident or any activity relating to it?

A. Yes, sir. I would say in early August it came to my attention that such an investigation was being conducted.

Q. Early August of what year?

A. This year, 1969. That was by the virtue of, again, my assignment in the OCLL office. The fact that inquiries had been received concerning the area known as Pinkville. It meant nothing to me at the time. I am in the plans and operations division, which is one of the branches. It handles Congressional correspondence, special inquiries, things of this nature. I was only told, at that point, that there was a matter concerning Pinkville which I could be hearing about later. Several weeks later, I realized that Pinkville was, in fact, in the area of operation of the Americal Division at the time that I was in the Americal Division. Then I monitored the information which was coming in more closely; as to what was developing in the case, leading up to the announcement to the Congress and to the public of the preferring of charges against Lieutenant CALLEY in early September.

Q. You indicated that you were the assistant chief of staff, G3. But you also indicated that you were not present on the 16th of March. Will you so explain?

A. I was on R&R in Hong Kong during that period of time. I may have been en route back. I have not been able to double check precisely my date of return, but I believe it was the 17th. I think that I departed Hong Kong in the early morning hours of the 17th, but I was not in the division headquarters or division area on the 16th.

Q. Do you recall whether you arrived early on the 17th or whether you arrived back in Chu Lai late on the 17th?

A. I can not recall, precisely. I believe, however, I came into Chu Lai about noon on the 17th. I can verify it.

Q. If you came in on the 17th or any time in that period, you are undoubtedly acquainted with the operation into the Son My area by Task Force Barker. How was this first called to your attention?

A. The acting G3 in my absence, Lieutenant Colonel KELLEY, reviewed for me some of the principal operations of the division in my absence. Primarily from the stand point that I would be briefing distinguished visitors as

they passed through division headquarters, and also to review what had transpired. I went over to the tactical operations center, the TOC, and stood before the map, as I recall, between Colonel KELLEY and my operations officer, then Major Clark BENN. They reviewed what had happened, brigade by brigade, including Task Force Barker, in my absence, as I recall.

I recall that when they came to Task Force Barker the body count of 128 VC which was reported, was quite significant. It is a sizable number, of course. And then I was given a general outline of the operation. I recall briefing on the operation, three or four times in the month that I remained there following 16 March. I did not remember the 128 until I had seen the figure 128 go back and forth, when it came out in General STILWELL's office in conversation. But once it came out, I recalled it--that, yes, I recall it was the figure of 128 that I recall briefing. But in my briefings of the operation--I can generally review for you on the map all I can recall without any referral to SITREPS, after action reports, or any documents. I have not done any of that--no review of the matter except my discussions which I outlined to you.

Q. I think it would be of interest, Colonel BALMER, for you--we have here a blow-up of the area-- (Exhibit MAP-1) if you would review, as best you can recollect, how you briefed this operation.

A. I habitually would start my briefings with a general orientation. The G2 would always precede me in a G2 type briefing. In that case it was Colonel TREXLER. I would then review our organization, the missions of our task units, and generally go south to north. I would generally start down in the Duc Pho area, then move up to the Task Force Barker area, Chu Lai area, Que Son area, Tam Ky, all the way up to our northern boundary. On Task Force Barker--this particular operation--I recall that it was a two-company operation. My memory serves me that way. It has since been brought out that there was a third company involved in a blocking position. In the early morning hours of 16 March, there was a very brief prep fired from LZ Uptight--and those were 105's. I have seen somewhere that they were 155's, but I didn't recall that. There was a short prep. I understand that it was 3 minutes. Now, again in review, a short prep was fired on the landing zone. As I recall briefing it, the landing zone itself was southwest of the objective area, and the company was introduced at that point, shown here as LZ 1, C/1/20. Following their CA into the area, they were to move to the northeast towards the objective area, shown here as the My Lai (4) hamlet. The other company was in a blocking position to the north of the area, which I cannot pin down precisely.

The company itself did move initially, with virtually no opposition, into the objective area and then came under heavy fire. Subsequently an action ensued in which, as the reports then came out, they took a very heavy toll of the 48th VC Battalion. They struck through the objective area--there were no further artillery missions fired other than the prep--and then moved on to the northeast for a night-holding position where they married-up, joined up, with the other company, which I think was B/4/3, to the northeast. Then the following day they were lifted out. I recall that there was considerable discussion as to whether or not the companies would join together and move out, sweeping to the west back into the objective area, then back to their base locations, LZ Dottie, and back up to LZ Uptight. That was discarded, however, because of the very heavily mine-infested area. We had considerable difficulty in the area of operation in the preceding 2 months with the Americal operating there, specifically Task Force Barker, with minefields up there, which had been left there by the ROK Marines, which had occupied this area for a period of time, which I believe dated back late 1966. The Americal Division, beginning in December 1967 and going at least into January, in four increments, relieved the ROK Marines. But, to assist in this operation, the prep was fired from LZ Uptight, before the introduction of C/1/20 in a CA in the LZ at this location (referring to Exhibit MAP-1). The second company was introduced and formed a blocking position. The operation went to the northwest. The body count was 128. I do recall there was a disparity between body count and the weapons which we were able to recover. As I recall, there were only two or three individual weapons and no crew-served weapons captured in this operation. The next morning --

Q. (Interposing) How did you explain that?

A. The skill of the enemy in recovering weapons from their fallen comrades, which was characteristic of operations in this area. It would be rare that we would go in and get a heavy body count and a heavy count of individual arms and crew-served weapons captured, also. The enemy was just so skilled at taking the weapons from their fellow VC, in this case, that we seldom got a heavy weapon cache find. The only times we would get any weapons in any quantity would be in a cache, but in an operation itself seldom would we get the weapons in any sizable quantity. But it was a wide disparity in this case, I recall being quizzed during briefings: "Gosh, we

only got 2 weapons and 128 VC. That is quite a disparity there." And that is about where it dropped. Simultaneously, I was briefing on many other operations going on in the division area across our almost 100-mile front, deep into the mountains of the west. Each briefing involved some 15 to 20 different operations, many more significant operations in the last several weeks. We had, of course, the normal charts to summarize the operations, brigade by brigade, accumulative body count, accumulative weapons, accumulative POW's.

Q. This wide variation in the ratio of reported enemy KIA and three weapons captured, this wasn't of sufficient significance to have it really checked into?

A. No, sir. It was not. There were a number of operations in that time frame. Of course, this was right on the heels of Tet, where we had very sizeable body counts, particularly in the Que Son Valley area. Not down here, with the exception of a few ROK operations, which had fair body counts when they in fact went out of their base camps. But it was not enough to flag it to the extent that I would have challenged it with "Let's reverify that body count because it is so high and the weapons captured are so low." It was generally felt by Colonel TREXLER and myself that this was by far Task Force Barker's best accomplishment to date, as far as enemy killed were concerned, and that the 48th Local Force would be dead in this area-- would certainly be set back for a considerable period of time.

Q. Was it brought out to you that after B/4/3 landed to the south of Pinkville and had moved to the north or laagered with C/1/20 on the night of the 16th, that the following day they conducted an operation to the south?

A. I did not recall, sir.

Q. And then subsequently moved back to the north through the general area of My Lai (1) or Pinkville?

A. I do not recall that, sir. I recall that they were lifted out the following day. The fact that they conducted an operation on the 17th and then were lifted out either later on the 17th or early 18th, my memory fails me there, sir.

Q. Was there any indication as to the size of the artillery prep and the location of it?

A. Yes, sir. I didn't recall this, but since then I have recalled it. It was a 3 minute prep, and it was on the LZ itself. The LZ was well saturated. To the extent that it was a cold LZ initially, I did not recall this, again, until the conversation in General STILWELL's office, that when the first group went into the LZ, it, at the last minute, became hot. I recall briefing it as an unopposed landing--moving down to the northeast with no opposition. The prep had saturated the LZ and, as was customary with all our preps, the high ground immediately surrounding it or any other location --

Q. (Interposing) Do you know how many tubes were used by the artillery unit at LZ Uptight?

A. I thought three 105's. That was my recollection of it.

Q. Could three 105's with a 3 minute prep have saturated or beat down an LZ?

A. How much saturation three 105's could do in 3 minutes at the rate of fire would be more than-- I hadn't considered that. It would be no more than 20 to 30 rounds at normal rates of fire.

Q. We have indications that there were actually four there--four 105's--

A. If there were four 105's firing and it was 3 minutes, they would be hard pressed to get off more than 3 rounds per minute, 9 rounds per tube. It would be about 36 rounds, a very light prep. During this general time frame, we began to phase down our preps. We had been going in with 100 and 200 round preps. We were beginning to be more frugal with our expenditures off the board. So the preps were more judiciously planned--shorter duration and higher intensity at the beginning.

Q. I think that we have enough, right there, Colonel BALMER. I show you here the log of the Americal Division (Exhibit M-6). I want to show you two entries and ask if these were ever called to your attention? Specifically, entries number 28 and 94?

A. (Witness reads from exhibit.) Item 28. I can't

recall that specific entry, General PEERS. The initials, I believe belong to Clark BENN who was the operations officer. It looks like a CB here, but it may not have been. I don't recall seeing that entry, sir, and I noted that a point in time, 0940 in the morning they reported 69 VC. Number 94, I don't recall specifically. However, as I was being briefed following my return, I was briefed so thoroughly by Colonel KELLEY that I don't think I actually read that entry--sat down and read that general entry.

Q. That would have been the entry on which they based the operational results which they gave you upon your return?

A. Yes, sir.

Q. Now, it did not include the data, to your knowledge, to the effect that 69 were killed by artillery fire?

A. Had that come to my attention, I think that that would have been a significant part of my three or four briefings the following month. As I recall, it was-- in the area of the LZ and as far as the effect of the artillery preparation--certainly nothing on the order of 69. I just remember the total figure of 128. Now I see that it was three individual weapons captured (looking at the exhibit). I have not seen this, General.

Q. Was there any discussion also concerning the variations in the ratio of enemy KIA to friendly KIA?

A. Any discussion on it?

Q. Yes, a 128 to 2.

A. Other than a very successful operation and other than what I have already mentioned, the disparity of enemy killed versus enemy weapons captured. Our own casualties being so light certainly was a mark, from my standpoint, as a read out, of a very successful operation. It wasn't all that unusual--to have a body count that heavy and have only two U.S. killed, in this case, and ten wounded reported evacuated. We had instances during the Tet where the ratio was also very disproportionate from the standpoint of enemy killed versus U.S. killed. It was due to a combination of artillery,

gunships, and armored firepower available to us, and TAC air. Particularly where they didn't hole up any place, then we would have a heavy body count and few U.S. casualties. I don't remember questioning this operation to that extent, no, other than that which I have outlined.

Q. On the matter of these briefings, Colonel BALMER, would you indicate why these briefings were presented?

A. Yes, sir. We periodically had distinguished and senior visitors passing through the Americal Division headquarters at Chu Lai and it was customary upon their arrival there to take them to the briefing room adjacent to our tactical operations center and review our situation in the division, our mission, our organization, and our current operations. It was normally an across-the-board type briefing with a G2 leading off. G3 would follow and I would be followed up by the G5. In some cases we would have a G1 and G4 presentation. In some cases the division commander would get up and give a summary, depending on who the visitor was. The bulk of the briefing was done by the G3. The G3 portion varied in length, but it would normally take about 15 minutes to go through the division organization, mission, present disposition, current operations, and more significant recent operations. We never discussed future operations, sir, except just in the broadest terms: "We continue to move in Operation Wheeler/Wallowa, or Operation Muscatine continues to the west, continues to seek out and destroy the enemy." It was a standard procedure for all visitors, civilian or military.

Q. Colonel BALMER, within your division standard operating procedure, did you have a requirement to report civilian casualties?

A. No, sir. I do not recall that a specific requirement to report civilian casualties was ever spelled out. Certainly, if there were civilian casualties reported of any consequence, I would have reported it to III MAF. Many operations--I shouldn't say many--but on occasions, when civilians were hit by our fire accidentally, through our own medical evacuation procedures we dusted them off to the 2d Surgical hospital at Chu Lai. We would take note of this at the TOC--that there were three, four civilians dusted off to the 2d Surg. A requirement to report civilians so evacuated to higher headquarters, I

do not recall specifically, certainly not in writing. Had it been an unusual occurrence--that 30 civilians, for example, were evacuated to the 2d Surg or to the brigade aid station, this certainly would have been an item, which in my judgment--and my judgment alone--I would have reported to III MAF. I can't recall ever doing that, however.

MR MACCRATE: Could this have been covered in the requirement to report serious incidents, somewhat akin to the "blue bell" system of reporting?

A. I would not associate the two, sir. I would consider it an operational matter, an incident related to the operation itself--worthy of reporting its significance to higher headquarters. Provided it was of such a nature that a sizeable number of civilians were either killed or wounded, we took steps to assist those that were wounded or to even evacuate, in lieu of their having been killed, some of the bodies. I would have reported this. I can't recall ever evacuating a civilian who had been killed. In fact, I cannot specifically recall a report coming in from any of the units that they had killed 1, 2, 3, 4 civilians, or any number. I recall dustoffs. Some of our dustoffs were joint. We would dustoff a soldier wounded with a civilian wounded in the course of an operation. We habitually did not evacuate dead bodies, even our own.

IO: If it had been known within the 11th Brigade that 20 to 28 civilians had been killed, would you have expected this to have been reported in their SITREP?

A. Yes, sir, I would have. I would, indeed. It is a significant matter related to the operation.

Q. If this number of 20, or something in excess of 20, had been reported telephonically to your headquarters, would you normally expect that that would be reported to the TOC?

A. Yes, sir, I do. As I say, I can't recall any parallel incident but certainly, had it been brought to my attention, that in the course of this operation today 25 or 30 civilians had been reported killed--a most significant, indeed, occurrence--this would have been reported to III MAF. This case--because of how unusual it was--I would have cleared that with the chief of staff or the general, himself, before I made the appropriate report--but this would be part of the normal reporting procedures.

Q. Irrespective of how they may have been killed, would you have expected an investigation to have ensued?

A. No, sir. I think it would depend on how they were killed. Let me retract that. I retract that because this was the same time frame where artillery incidents became such a matter of concern to the entire command. And even though, through the preceding period of time--months and years--it was generally realized that civilians were killed in the course of artillery preparations in some incidents, or air strikes directed in areas which were not completely free of civilians, it certainly should have been investigated. If we killed 20 to 30 civilians as part of the artillery prep, or the gunships had inadvertently taken under fire and killed civilians, certainly an investigation should have been directed.

Q. When you say an investigation, what kind of investigation do you mean?

A. It would start at an appropriate level, in this case, Task Force Barker, at a minimum. They should report their results as expeditiously as possible, in this case straight to division. The brigade commander could get the investigation, depending upon the severity of it. If I were in the TOC and they had reported 25 civilians killed, I would have expected some type of investigation, but there was no incident like that ever reported while I was there.

Q. In this time period, did you ever know of an effort being made within the command to consider the disparity of the weapons count or the ratio of the enemy KIA to friendly KIA?

A. This particular operation?

Q. Yes.

A. No, sir, none whatsoever.

Q. In your capacity as assistant chief of staff, G3, did you work closely with the aviation officer?

A. I did, yes, sir.

Q. Did you ever from him or any other source, hear of a confrontation between aviation personnel and personnel on the ground in the vicinity of My Lai (4)?

A. I did not, sir.

Q. I have here, Colonel BALMER, a document which has been entered as Exhibit R-2. It is the report by Headquarters, Task Force Barker, subject: "Combat Action Report," dated 28 March, addressed to the Commanding Officer, 11th Infantry Brigade. I show you this document and ask if you have ever seen this document?

A. I do not believe so, sir. I do not recall, sir, that I have specifically seen this document. This was dated some 2 weeks prior to my departure. I do not recall seeing that at division.

Q. What was the specific date that you departed the division?

A. 15 April 1968.

Q. You will notice in paragraph 2 the time frame covered by this report. Is that normal for a combat action report to address 1 day or less than 1 day, approximately 10 hours or so of an operational period?

A. It is not, sir. Most unusual. The after action report and the combat action reports that we were receiving--we received very few--normally encompassed a much longer length of time--an entire named operation or a major segment of it. That is why I am quite certain that I did not see this. Here is an after action report for a one-day period. It would have highlighted so much for me. This was just another portion of Operation Muscatine, as I read it. We would just lump the whole thing together and say, "Muscatine continues."

Q. At the moment, I do not know whether this report was forwarded to the Americal Division headquarters as an individual report or whether it came forward, perhaps, as a part of the normal periodic operational report which units were required to submit.

A. I can't verify that in either case, sir. I do recall that trying to get after action reports from the brigades was a difficult matter. They were invariably late. We were always trying to wrap them up to keep up with the operation. And we normally would go out and say that we would like an after action report covering such and such a period. That is why this one I don't recall having seen.

Q. Did you ever hear that an investigation had been directed to look into the situation which occurred in My Lai (4) on 16 March 1968?

A. No, sir.

Q. If such an investigation had been directed, would you normally as the G3 have been aware of it?

A. Not necessarily, sir, and probably not. I was so absorbed in on-going operations that I would not necessarily be made aware of such an investigation. By virtue of the method of operation of the Americal Division staff at that time, I was essentially CP bound. I rarely went into the field. I was normally in the operations center the majority of each night and day, between there and division headquarters.

Q. How far was your TOC from your division headquarters?

A. About 400 yards, sir.

Q. Your evening staff briefings, did you attend them?

A. Yes, sir.

Q. Did you attend the morning staff briefings?

A. Yes, sir.

Q. Was there normally, at such times, quite an open and free discussion of operations and ongoing activity both administratively and operationally?

A. Open discussions involving --

Q. (Interposing) Yes.

A. All present at the meeting?

Q. Yes.

A. If I may, a bit on the nature of the meetings: the morning briefing was conducted in the commanding general's office; the evening briefing in our formal briefing room adjacent to the TOC. The procedure for the morning briefing would be that the night operations officer would lead off,

briefing from large maps on the wall of the CG's office, reviewing what had occurred since the evening briefing. Then, everyone present, and that was the G staff, the two ADC's, the chief of staff, and the CG, and the aviation officer--officially that was the list of attendees--we would go around the room, and the CG would ask for any special notes that they had. So an opportunity was presented to everyone present to bring up whatever matter he thought significant or appropriate to bring up at that time. I had my notes each morning, and there were three, four, or five items each day I wanted to bring to the general's attention since the last time I had an opportunity to talk to him--special ongoing operations which he might not be aware of. For instance, if I were headed to Da Nang to visit III MAF headquarters, I would return that evening. Something of this nature. The operational aspects of that morning briefing were covered as the night briefing officer went through his briefing. The general or one of the two ADC's would ask questions that they might have. And the general would give such guidance as he felt necessary at that time, and we would adjourn. It was a relatively short period, 15 or 20 minutes.

At the evening briefing there was no discussion. That was a formal presentation by two briefing officers who would in turn brief you on the friendly and enemy situations. One officer would normally take the enemy and the other would take the friendly and go right through the briefing very rapidly. Occasionally, on Friday we would have a special subject which we could bring out--when our rice harvest protection operations were going on or things of this nature, special briefings. There was no discussion from those present at the evening briefings, and questions would normally be by the CG only. That briefing would average about 30 minutes.

So any discussion was at the morning briefing. And in the evening briefing, in addition to the G staff we had the special staff and the principal commanders supporting the Americal Division, approximately 30 to--there are 40 chairs in that briefing room, 30-40 chairs. It was a full house. The morning briefing was closed.

Q. If an investigation had been directed by headquarters of the Americal Division to look into a rather serious confrontation of air units with ground units and

in the excessive use of firepower and perhaps, killing noncombatants, would, in your judgment, an investigation of this magnitude and this order been called to your attention as the AC of S, G3, or would it not?

A. Again, I must answer that, sir, as not necessarily. However, if such an investigation was ongoing, of a magnitude such as you outlined, I can hardly believe that it would not have come to my attention one way or the other, because of the close interworking of the staff. I can't help think that had it been--had a large scale investigation of an allegedly serious matter been underway, I would not have known of it. But, again, it is conceivable.

MR WEST: Suppose it was an investigation of an alleged war crime, an investigation of the alleged killing of a substantial number of noncombatants, civilians. Would this have fallen into the same category?

A. I think that my answer would essentially be the same, sir. If there was anything which even touched on a war crime investigation, ongoing, in one of our major attached elements--in this case, the 11th Brigade's Task Force Barker--or under division, I hardly think it would escape my notice, one way or the other. Whether it be the IG involved, provost marshal involved, or the chief of staff's office involved, or the ADC's involved--some way, I can't help but feel that I would know of it.

IO: Colonel BALMER, I have here an attachment to a report (Exhibit R-1). I ask if you would read this inclosure, which is one page in length, and tell me whether you ever saw that document or not.

A. No, sir.

Q. It was reported that, prior to the submission of this report and the attached statement, this information was sent to Headquarters, Americal Division. Thus, even though you may not have seen this statement, was any of the information contained in the second paragraph ever called to your attention?

A. No, sir, it was not.

Q. It appears to be quite a serious allegation.

A. Very much so, sir.

Q. I now refer you to the second attachment. This is an English translation of some VC propaganda. Exactly what form this propaganda took I am not certain at this moment. I will say that most of the first page which you are looking at is somewhat the normal type of information which the VC would have. However, at the top of the second page, the second paragraph, it changes in character. Have you ever seen a copy of VC propaganda which included statements such as this?

A. No, sir, not a specific date, time, and the specifics of American troops having killed this number of people. Had I seen such a statement I feel certain I would have inquired further into it. Other than as you have already pointed out, this is the type of propaganda that we saw frequently. A specific paragraph of this nature I think I would have questioned, sir.

Q. Did you ever hear of any propaganda media that the VC were using to indicate that something unusual had taken place in My Lai (4) on about the middle of March? Media such as posters, such as slogans, signs, arm bands, and things of this category?

A. No, sir.

Q. Prior to your departure from the Americal Division on about 15 April, did you hear any rumors, any comments, any statements, or anything that may have created suspicion, that something unusual took place in My Lai (4) on the 16th of March 1968?

A. None whatsoever, sir.

Q. You heard of no discussions within the aviation unit or units?

A. I did not, sir.

MR MACCRATE: Colonel BALMER, I believe you indicated that at the morning briefings among those present was the aviation officer?

A. Yes, sir, I recall that he was there normally. It was Lieutenant Colonel HOLLADAY at that time, as I recall.

Q. And he was a daily participant when in the area in such morning briefings?

A. I can not recall precisely. Colonel HOLLADAY or the aviation officer was a 7-day-a-week regular. He even attended on Sundays, too. I believe that he was. I do recall that he was absent from time to time, but he moved about the division area a bit more freely than the G staff and on occasions was not present. As I recall, he was considered a regular and, as a rule, was present at these morning meetings. I could be mistaken on that. He was there when significant matters on aviation were discussed. There was some discussion on whether or not he should be present as a regular. My recollection is that Colonel HOLLADAY was a regular.

Q. Do you have any recollection in this time period, March 1968, of Colonel HOLLADAY at such morning briefings, discussing any matters relating to the operation of the aviation units in connection with the Pinkville project--Task Force Barker operation--that you described to us earlier?

A. No, sir, I have no recollection of Colonel HOLLADAY bringing up such a matter.

Q. You stated a little earlier that it had been your recollection that the operation in My Lai (4) had been unopposed, but recently in General STILWELL's office you had gotten the impression that some opposition had been encountered. Can you identify for us from whom you received this information, that the operation was opposed?

A. Most of our combat assaults--when we went into our landing zones following artillery preps--were unopposed. What we call a cold LZ. As I say, I recall briefing that as a cold LZ. As I mentioned earlier, in General STILWELL's office it was brought up that some fire had been received as the troops were being landed in LZ C/1/20--and that the word went out over the command net at that time that the LZ was not cold but, in fact, hot. Who said that in General STILWELL's office, I am not certain. I believe it may have been Major WATKE. He was the one in the room most familiar with the helicopter aspects. He was airborne at that time, and, as the commanding officer of the 123d's aero-scout company, either he or Lieutenant Colonel FRANKLIN, of the 11th Brigade, may have brought up that point. I cannot be precise there, sir.

Q. I gather that you are unclear today as to just what was your operating procedure in 1968 with respect to the reporting of civilian casualties. You first said that how they were killed would determine whether an investigation should ensue, and then you said, "No, I retract that." And you talked about what might be the situations that might warrant an investigation. But as you think back as to what was your attitude at the time, I gather that there was no clear delineation as to what should be done?

A. That is right, sir. The reason I retracted that was that as I thought more about the number that General PEERS gave me, 25 to 30--certainly if that number of civilians had been reported killed, there would have been an investigation. It definitely would have been flagged in my mind as a reportable item to pass through our normal operational reporting channels, in this case to III MAF. But the reason I changed my answer was that if one or two had been killed in the course of an artillery preparation--if it had been mentioned that one or two had been accidentally killed--there was not, to my recollection, a firm, hard requirement to report this up through operational and command channels at that time.

Q. In answer to a question by General PEERS, you said that certain things were significant matters relating to operations, and therefore you would expect the brigade to report it up to the division. What instructions did the brigade have to help define what was a significant matter relating to operations that it would pass up to division in respect to civilian casualties?

A. In respect to civilian casualties, none, sir, in writing or--again in my recollection--none passed specifically to the units, such as in the event of civilian casualties, make certain--(whether it be one or ten)--and report this to division headquarters. I can not recall any such instructions going out or any firm written guidance from headquarters of the division, or higher, of a precise requirement to report that.

Q. Why would you expect the brigade to regard certain things in this area as significant, and certain other things they could dismiss as insignificant? What guidelines would they be expected to follow, in your mind?

A. Judgment alone, sir, as a significant reportable matter related to the combat operation at hand.

Q. Have you been present during any of the testimony given for the Congressional subcommittee?

A. No, sir, I have not.

Q. I believe you referred to General KOSTER calling you on the telephone. General KOSTER did in his testimony here indicate that he had spoken with you to inquire about the reporting of civilian casualties within III MAF and the Americal area. Were there any other matters covered in that conversation, that you can recall, where you were assisting General KOSTER to refresh his recollection? We are concerned about this, because we find that when people talk to one another ideas originate. And when we are trying to get to what are the facts, we like to trace these things back to the source. Now, did you cover anything else in that conversation that you can now recall that would help us in this respect?

A. The only matter that General KOSTER and I discussed, other than the requirements for reporting civilian casualties to higher headquarters, was the abbreviations we used in our operational reports or situation reports. He had asked me what GIA stood for. I could not clarify what the abbreviation GIA stood for. He asked me what the parenthesis S was after the detainee. For example, VCS was a suspect, He said that is what he thought. So he asked me only what that S stood for, what the G stood for, and then what our requirements were that I have already indicated.

Q. You indicated that you spent most of your time involved in ongoing operations and were in the TOC a great part of your day, and that you would have returned to the TOC at Chu Lai sometime on the 17th of March --

A. (Interposing) I believe it was the 17th, sir.

Q. Do you have any recollection during your period in the TOC or as you were following communications at that time or perhaps as reported by others, that General KOSTER

countermanded an order that had been given by Colonel HENDERSON with respect to the sweep back by C/1/20 through My Lai (4)?

A. No, sir, I do not. We monitored in the division TOC, the division command net, of course, and could hear some of the transmissions made by General KOSTER, to whoever he was communicating with. Others we could not, depending on the range and where he was. Similarly, we could hear the ADC's. But as far as General KOSTER countermanding an order by Colonel HENDERSON to sweep back, no, sir.

Q. You at no time have heard of such an order during this time frame in 1968? Was such a matter ever discussed in your presence?

A. I can't answer precisely, because when I was at the map, I recall there was some discussion whether they were going to walk out or be lifted out. Why I recall that, I think is only because of the briefing I received on my return. In fact, the plan initially was that they would sweep back to the west. They in fact, it was determined that it would be more prudent to lift them out. The reason was essentially because of the mine infested area, booby trap infested area. It was a very difficult area of operation, indeed, from that standpoint. But, precisely who made the determination, and what instructions went out, or if any countermanding was done, I can't answer that.

Q. Do you have any recollection of the reason for discussing the possibility of walking out?

A. No, sir. I would imagine that when the initial operation order was developed by Task Force Barker, the plan had called for that, in order to --

Q. (Interposing) This is a matter, not of your recollection, but of conjecture. I show you Exhibit M-7, and ask you if that is anything which you participated in preparing?

A. I recall this message, sir, drafted by my assistant, Major SAINT. I see it was dispatched on the 19th of March. I was back at that time, and I do recall a congratulatory message on Muscatine going out.

Q. And I show you M-9 and ask you if you participated in the preparation, drafting, or conception of that document?

A. I do not recall having drafted this personally, or it having been done anywhere in the G3 offices or the TOC. Now that you show it to me, I recall this. I had not previously recalled it. This was a period of great emphasis on doing nothing which would jeopardize our mission there. It was repeatedly emphasized by General KOSTER and the principal commanders. It initially came up 3 or 4 months earlier concerning any indiscriminate burning of enemy or suspected VC villages or hootches. That is what I recall brought this problem into focus. There would be no burning of villages or anything related to this unless expressly cleared by General KOSTER or one of the two assistant division commanders who normally had a specific area of responsibility. But I do recall that now.

Q. You recall the 24 March communication from General KOSTER to all commanders. Do you recall who it was in division headquarters who prepared the communication?

A. I do not, sir.

Q. Do you recall any discussion about its preparation?

A. I do not, sir, at this point in time.

Q. Are there any indentifying marks upon it that would indicate its source and who might have participated in its drafting?

A. There is, sir. It was typed from the CG's office; that was his office symbol. It was not typed in G3. That was General KOSTER's office symbol, and I would presume that this was, in fact, typed in the CG's office and not done by G3.

Q. Well, would the chief of staff's office participate in the preparation of it?

A. Yes, sir. I would certainly believe that to be the case.

Q. Well, as the assistant chief of staff, would you be involved in its preparation?

A. Not necessarily, sir. In that particular case, I was not.

Q. And you have no recollection of any discussion of the preparation and dispatch of any such directive on or about 24 March?

A. None whatsoever. At this time, as I have indicated, I do not recall that document.

IO: With respect to this same subject, Colonel BALMER, do you recall, either at a commanders conference or at one of your evening staff briefings, General KOSTER addressing the subject of civilian casualties in the considerable detail?

A. Considerable detail, I do not, sir. I cannot remember this being a special topic that he brought up in either of the two daily meetings.

Q. I am concerned more with the emphasis which he placed on it than I am on the matter of detail?

A. The emphasis was clear --

Q. (Interposing) In a discussion?

A. In a specific discussion?

Q. In a specific discussion.

A. No, sir, as a specific topic highlighted at a specific meeting, I cannot recall.

Q. I have here a document which has been entered into the evidence as Exhibit D-6, Directive 525-3, Headquarters, MACV. I would ask if you have seen the document.

A. No, sir. I do not recall ever having read this document.

Q. Was the philosophy concerning noncombatant casualties and minimizing them, as indicated here, consistent with that which was put out in your SOP and that which is included as a matter of policy for the division?

A. I feel that I can answer that in the affirmative, yes, sir. I have not read this thing yet, but the subject of this MACV directive, as I look at it quickly, the tone of it, I feel certain is reflected in our Americal Division application of combat operations--certainly in minimizing noncombatant casualties.

Q. I have here another exhibit, D-1, from Headquarters, MACV. Would you indicate whether you have seen this document or not?

A. Yes, sir, I have seen this document. I have only seen this document within the last 2 weeks. We happen to be processing this as a matter of Congressional inquiry. I particularly remember this one because the April 1967 version of MACV Directive 20-4 has scribbled across the front: "Superseded by 1968 version," and I have seen both of those two, but seen them in the course of my present duties only.

Q. You do not recall having seen this document when you were the G3 of the Americal Division?

A. I do not, sir.

Q. I show you another exhibit, Exhibit M-8, prepared by Headquarters, III MAF.

A. Sir, I do not recall having read this specific document, "III MAF Force Order."

MR WEST: Colonel BALMER, we have, I would say, sufficient evidence to indicate that in this combat assault of Charlie Company on My Lai (4): there was no enemy opposition whatever from the hamlet; the company drew no enemy fire, they suffered no killed, no wounded except one man who shot himself in the foot; They reported 86 to 90 VC killed as their share of the day's body count but other evidence indicated that there were very few persons found dead in the area who could have been logically classified as a VC or VC suspect; that there were a substantial number of women and children killed in the hamlet that morning; that no one outside the company was present in My Lai (4) during the operation with the exception of certain persons attached to the company commander's command group; that they were not visited by any superior officer during this period; and that, in the 2 or 3 days immediately following that, and including the afternoon of 16th, no one from Task Force Barker, or the brigade, or the division, visited the scene. This indicates to me a

sort of isolation of the battlefield, in which events could take place without the knowledge of brigade or division. In your opinion, is it possible--considering the way the division, the brigade, and Task Force Barker operated, the type of reports that were required to be made and were received--that a hundred or more noncombatant civilians could have been killed in My Lai (4) that morning and it would not have been made known up the line to division?

A. Possible, yes. However, I certainly cannot conceive of such an occurrence not being reported. Certainly there was a clear obligation on the part of the entire command chain to report any unusual, uncharacteristic occurrences such as this.

Q. Let me put it in a little different way. I get the picture of a combat assault in which a company is lifted in and put on the ground. They are there on their own, by themselves. They have radio communications. You have the task force commander, brigade commander, the division commander, perhaps, the assistant division commander for maneuver who are out, generally in the area in their helicopters. They have radio communications. They can ascertain what is going on in that way, but they don't get down on the ground and talk to the company commander and see what is going on. When the day ends, and they go back to their headquarters to their billets, only the company stays on the scene. So, to a good extent they are isolated, by themselves. Now, let's suppose within the company something like this occurs, and they decide that they are just not going to say anything about it. Is there any apparatus through which the events would be reported and this conspiracy--if you want to call it that--would be defeated by that system?

A. If anything of the magnitude and nature of what is under investigation here in fact, occurred, it is inconceivable to me that the company could have successfully, on its own, concealed it, because of the intense command attention at all levels given to any significant operation. And this was the most significant operation within that particular time frame, certainly of those several days. Either the commanding general or one of the assistant division commanders habitually were in the immediate area of any combat operation if we had any reason to believe it

would be of any consequence--and certainly the task force commander himself. It was his operation of the day; his prime responsibility was its supervision.

Q. Let us assume that the task force commander, in concert with the company commander, took care to insure that no more than a few civilian deaths were reported, told their men not to talk about the matter--that it was under investigation--not to talk among themselves about it, or to others. Under those conditions, would it be possible that you wouldn't have heard about it--that the division wouldn't have learned of the incident?

A. In that context, I would say it is possible. In fact, if, either at task force level or company level, those who were present at that time were told the investigation was being conducted and that there would be no discussion--if that instruction had gone out it's conceivable to me that it would not be known at brigade or division level.

Q. You had your--the division itself had no one on the ground reporting directly back to them concerning the operation? A liaison officer, for example? You had to depend on reports that came in through channels?

A. Regarding this specific operation, again?

Q. Yes.

A. No, sir. In fact it would be an exception for anybody to be on the ground from division level or even the brigade level. From time to time, yes. From the division level on the ground during the actual operation when they are encountering resistance, it's not too frequent. But no division liaison officer.

Q. In general, you relied on integrity, and the system, and the reports that came through channels, to learn what was going on?

A. Yes, sir. The normal reporting procedures--whether it be by radio, whether it be in writing, whether it be reports coming back from members of the division staff or command group who had been there--were our means of getting information.

A. So, in fact, it was possible for there to have been a coverup at lower levels?

A. I would say, yes, sir, it was possible.

IO: Carrying on the discussion of Mr. WEST, Colonel BALMER, would it be conceivable in your mind that the events which he described so vividly would have been known by the people on the ground and conceivably by other individuals in the task force, and also, that the people in you headquarters might have known about it, and that if the situation did not come to light --

A. (Interposing) It is conceivable yes, sir. Conceivable because of our modus operandi countrywide-- essentially CP and TOC bound, in my case. I did not ever visit that area on the ground. I did visit Task Force Barker headquarters. So it is conceivable that, had that information been known at division headquarters, it might not have come to my attention. Even though of the magnitude which it may possibly be, I still would not have necessarily known about it. I was just not in the investigative command channel to that extent.

Q. I have a document, Exhibit D-5, which I would like to refer to you and ask if you have seen this document. It is dated 16 March, Regulation 525-4, Headquarters, Americal Division.

(IO hands document to COL BALMER.)

A. I recall this document. Yes, sir, I have read this.

Q. If you will look at paragraph 10, you will notice that his document uses as a reference MACV 525-3, amongst other things, and also includes III MAF Order 3121.5. To your knowledge, was this document put out as a working document for informational purposes prior to the publication of the document?

A. I cannot again, sir, recall. I recall the development of this. I recall the two officers most concerned in its development were then Major SAINT and Lieutenant Colonel KELLEY. This going out in draft form to brigades or to the field for comment--I cannot say this with any assurance.

Q. Not for comment, but for information purposes prior to publication.

A. I do not recall, sir. I'm sorry.

COL WILSON: I assume you to be familiar with the reports control symbols there. On the combat after action report we found ABDF-GC1. What would that mean?

A. GC1?

Q. GC1, right, following the subject.

A. I'm trying to remember the breakout. If I recall, I think we were GE at that time, no GF. G3. So if you back up, that would make it G1. We would run that one down quite readily. ABDF was the prefix--or the one I attributed to having been typed in the CG's or chief of staff's office. GC1--I don't recognize it. It's probably an 11th Brigade control symbol.

COL FRANKLIN: Sir, you mentioned there was intense command interest in significant operations. Was that reflected in your briefing officers really being so up to date on what happened at this evening briefing? Were these people pretty well put to the test by the command group in there as to what happened, in detail?

A. As far as their being very knowledgeable, the briefing officers themselves were, in all aspects of the briefing, very definitely. Those two officers were in the TOC all day and spent the entire day preparing themselves to be as well equipped as possible for the evening briefing. They got every shred, piece of information we could get our hands on, and would relay as much of that information as would seem appropriate at the briefing for the division commander.

Q. And this operation here was the most significant that Task Force Barker had been engaged up to this time? Even a cursory reading of the log, as we have it up here, shows that C Company claimed a 90 body count, the LZ was hot, and there were no C Company casualties. That is what you get from the log. And if you check further, you would find out that 69 of these 90 casualties were from artillery fire and the arty prep. There were only, say, 50 to 100 rounds fired. If this were brought out at the briefing, would this cause considerable discussion? I mean would this flag it as sort of unusual--90 body count and zero casualties, and a hot LZ?

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A. I would think that it would certainly be taken up as a noteworthy, certainly significant item. Whether a discussion would take place in that particular environment, I couldn't say--most likely not. There would be no discussion on it. In fact, you would read it yourself.

Q. Sir, you say that there is a clear emphasis on not hurting civilians. Generally when there is an emphasis on something by a general officer or commander, this is reflected both in talking all the time and also in documents. Now, if there is a clear emphasis on not hurting civilians, there would generally be a reporting system so that the commands know that civilians are hurt. For example, in the 9th Division there is a special--in the G3 shop they set up a procedure of implementing reports, spot reports. And also, in not hurting civilians, you have to be very precise on your rules of engagement. You know better than I how much we dwelt on those things. And usually in a G3 shop you get involved in these kinds of documents. You have seen one "rules of engagement" document dated 16th March. Prior to this, was there a document that you operated out of concerning rules of engagement?

A. Sir, I'd like to review, if I might briefly, the background on the question that Colonel FRANKLIN has addressed to me. As you know, Task Force Oregon was formed in 1967, early 1967, and before it moved into the Chu Lai area to relieve the Marines, a draft SOP, or an SOP itself, was prepared by the--I learned this later--the G3 to be, Colonel George WALLACE. This was written before Task Force Oregon entered the area, Chu Lai area. As a Task Force Oregon field SOP, written SOP, it was provided to the units which were attached to the Task Force. At that time it was 196th; 1st Brigade, 101st; and 3d Brigade, 4th Division. As Task Force Oregon became Americal Division in October of 1967, it was then necessary to revise, for heading purposes if no other reason, that this was now the Americal Division SOP and no longer the Task Force Oregon SOP. Considerable work was accomplished on bringing it up to date and making it as effective as possible, the Task Force Oregon SOP in the hands of the attached units, by my predecessor, Lieutenant Colonel GRANGER.

When I arrived at division headquarters, the first week in December 1967, this was one of the outstanding projects. He said: "Here is our existing SOP, Task Force Oregon. Here is our working draft on our Americal Division SOP. We are trying to get this thing out into the hands of our attached units." At that time we were taking on units rather

rapidly in the Americal Division. So, using such reference material as was available to us from all sources, I turned this project over to Major Crosbie SAINT, and he worked long and hard on this. It was staffed, throughout the division staff, for the preparation of the various annexes. I then got Lieutenant Colonel KELLEY into my G3 shop, and one of the special projects that I gave him was to work on this SOP and to get it out. We wanted to get it published and formalized and in the hands of our normal units as quickly as possible. He put additional effort into it, and it finally went out in this same time frame as the Americal Division SOP, a copy of which I have not seen since I departed the Americal Division. This was in my last several weeks of duty in the Americal Division.

But as the various brigades came into the Americal Division, first the 198th from Hood in October 1967 and then the 11th Brigade from Hawaii in December, in each case the advance parties came to the division and one of the emphasized items was our SOP. The packets we gave to each unit and each individual of the incoming unit, as I recall, had the "Nine Rules," the handling of the enemy, and it had a working copy of our existing SOP. So, the draft SOP, which had not gone to press with the Americal Division heading, was given to the 198th and the 11th Brigade advance parties. Additionally, in the orientation of the advance parties, and the main bodies, when they arrived, the matter of non-combatants and the rules of engagement were stressed repeatedly throughout the entire chain of command. This was a special item which General KOSTER emphasized each week as he greeted the replacements for that week, who went through a 1 week orientation, in-country training cycle. He covered the broad rules of engagement. I accompanied him on these orientations on several occasions. He did this first thing every Thursday morning. It would stress the importance of our mission in Vietnam, the impact of injury to the civilians through our own combat operations, treatment of the civilians whether they be suspected of being VC orientated or not, handling of prisoners, and was an area which was covered in the week's instruction at our combat center at Chu Lai. So, the Americal Division, before it was Task Force Oregon, made a decided command effort to verify that the attached units and all individuals of these units were fully aware of the existing rules which governed our combat operations there.

These rules--whether they be from MACV or III MAF--I do not recall referring to USARV documents--the fact that III MAF operated directly under MACV--we recognized that we had a directive to follow all up and down the line. I have already testified about having in my hand the MACV directive pertaining to this subject. The III MAF force order change directive I cannot precisely recall. This document I do recall: Regulation 525-4, Americal Division, dated 16 March (Exhibit D-5). It was a G3 effort to get it out.

I see now that our control symbol appears to have been AGA in as much as 30 copies were distributed to ABDF AGA. That must have been the G3 symbol there.

But, emphasis was placed on insuring that we did not do anything to damage our mission there, whether it be bringing death or injury to noncombatants or destroying their means of livelihood, whether it be their villages or their stock, it was emphasized hard. I doubt that a day went by that the subject was not in some way addressed by the responsible commanders at various levels.

This was the same time frame where artillery incidents came into focus throughout the entire command. An investigation was required for artillery incidents, and if one civilian was even wounded, an investigation followed. I subsequently moved down to the II Corps area and, by that time, they had been formalized to an even greater extent. There was an elaborate reporting and investigating procedure for artillery incidents or any incident where noncombatants were either injured or killed. This same philosophy prevailed at the Americal Division during my relatively short tenure as G3. The written documentation for reporting and the precise governing instructions from III MAF, I am not clear on 21 months later, sir. I apologize that my recollection is so poor, even though I have had conversations with some of the people who were also there at that time in anticipation that I might be asked to recall what the circumstances were. There was just so much going on each day, which was an 18 and 20-hour day, that it is hard to sort out, at a late date, this particular operation as a part of Muscatine. Notwithstanding the fact that the log put out by our TOC reflected significant enemy killed, light friendly killed and very small weapons captured I do not recall having this flagged in my mind to the extent that, during the next 3 or 4 weeks, it was a matter of concern to our on going responsibilities there at G3.

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nor that we were aware that any investigation was under way. This might appear unusual inasmuch as I was associated directly with the command elements, but again, because of the method of operation, matters even of such significance as this one appears to be, would not necessarily come to my attention or to the attention of any of my people.

If I may, sir, on the matter of my return from R&R, if this is important, I can verify that either from tape I sent home, a letter, or my bank checkbook, possibly. I can verify if I returned the 17th of March or the 18th. I am not absolutely certain. If it is significant I will verify that and report back.

IO: We would be glad to have it verified and, in addition to that, we would ask that you review your statement about this period and also any letter, papers, memoranda, directives, and so forth that you may have which are pertinent to the purposes of this investigation. We would like very much to have that information made available to us.

A. Yes, sir.

COL FRANKLIN: Just to pursue this a little further. Even, then, if there were no precise instructions written on reporting any kind of civilian casualties, you feel this was emphasized so much that every commander in the Americal Division knew if he hurt civilians that he had to investigate and report them?

A. Yes, I feel the answer to that question is the affirmative.

Q. And by investigation, what would be your definition of investigation? I mean informal or formal?

A. Well, certainly you would start off with an informal investigation at whatever level deemed appropriate. Then based on that, whether it became a subject for a more formal investigation would have to be determined. The focus on this so-called infantry incident, a term which I used later, was nothing like the focus on an artillery or even a gunship incident. We just didn't have infantry incidents which, in my mind later on, was a case where through U.S. infantry ground action innocent civilians were in any way harmed, injured, or killed. So, the procedure is not precise there. It was greatly formalized on artillery procedures. I relieved battery commanders for killing one civilian through error up in the II Corps area. I just reviewed the records on that.

(BALMER)

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Q. Well, okay, let's say in a combat action involving infantry there is every reason to believe that a certain amount of civilians were killed by artillery and gunship fire--innocent civilians. Would this be investigated? Would this be a cause of concern?

A. I should say. Cause of concern, yes. Be investigated, most probably. But again, not under the same formal umbrella which existed over artillery or possibly even a gunship incident, or air strike problem. I think, the same didn't prevail. If there were civilians on the ground in a small unit operation and anything happened to them, it just didn't have the same umbrella, for want of a word, over it that artillery incidents commanded.

IO: Colonel BALMER, in terminating this portion of the briefing, I would like to advise you that we have made every effort that we can possibly make to insure that the individuals who may appear before this body have not had available to them discussions with other individuals, materials, documents, and so on, so that there can be no suspicion cast on the validity of this hearing and this investigation. I find it highly regrettable that, in your instance, even prior to this appointment of this investigative body and subsequent thereto, that your position has led you into involvement in reporting procedures to the higher level, i.e., to Department of the Army, the Defense Department, and to the Congress. It has been our intent that none of the people involved have any association whatsoever with this inquiry. Accordingly, even at this time, it is going to be necessary for me to take some action to insure that you are isolated from this process so that there can be (1) no influence on you, and (2) that you may not have any influence upon the process itself. I wanted you to know that, because I will be in touch with the head of the legislative liaison in the very near future on this matter.

A. Yes, sir.

Q. Before we close, I would ask if you have any statement or if you have any information which would assist us in the purpose of this investigation?

A. Pertaining to your remarks just then, sir. Tomorrow is my last day of duty in OCLL. I will then go on leave effective Monday the 22 of December and, then, beginning 1 January 1970, proceed to Fort Wolters, Texas, for 4 months TDY there, followed by 4 months more TDY at

Fort Rucker, Alabama, for purposes of helicopter training. I will then subsequently have a PCS which is not expected to be back to the chief of legislative liaison office. So I am essentially in my last day of duty with OCLL and my susceptibility to material related to this--Congressionals, Defense or high level Army correspondence--will be virtually eliminated as of tomorrow.

I will review, sir, my personal records to verify my return date from Hong Kong and review tapes which I recorded during that same week to see if there is anything in those tapes which may bear on the subject of this investigation and report them promptly, certainly, before I depart. Other than that, sir, I don't have any further remarks to make at this time.

IO: This hearing will recess.

(The hearing recessed at 1230 hours, 18 December 1969.)

(The hearing reconvened at 1245 hours, 18 December 1969.)

RCDR: The following persons are present: COL FRANKLIN, COL BALMER, and MAJ LYNN.

COL FRANKLIN: Colonel BALMER, to help us out and to get some feeling for the background, I would like to have you, if you would, discuss the condition of the Americal Division, when you joined it, which I believe was in December, events leading up to and the reason for creation of Task Force Barker, and a little bit about the training that you conducted in the Americal, with specific emphasis on treatment of civilians. So if you could just start off and tell us what you will.

A. Very well, sir. I joined Task Force Oregon in June 1967. I was assigned to the 196th Light Infantry Brigade as commanding officer of the 3d Battalion, 82d Artillery, the direct support artillery battalion of the 196th. At that time, Task Force Oregon, which had some 4 months earlier relieved the Marines in that area of operations consisted of the 196th Light Infantry Brigade. The commanding officer had been Brigadier General KNOWLES, who brought it up from the 25th Division area. When I arrived, the brigade commander was Brigadier General Frank LINNELL. The Task Force

consisted of the 196th; the 1st Brigade, 101st; and the 3d Brigade, 4th Division. The 3d Brigade, 4th Division, had its headquarters at LZ Bronco in the Duc Pho area of operations, south of Chu Lai. They had a sizeable AO in that area. The 1st Brigade, 101st, was operating in an AO to the west of the Duc Pho area into the high ground.

Between the Duc Pho area and the Chu Lai area, the ROK Marine Brigade had a sizeable AO centered at what we now have generally shown on the map as LZ Dottie, generally between Quang Ngai and Binh Son. That was all ROK AO, was generally across the map on, let's call it, very roughly, the east-west grid line 94. It went down, at least initially, to the Song Tra Khuc River. About this same time frame there was an adjustment made, and the 2d ARVN Division got a piece of the ground between the Song Tra Khuc River and the remainder of the ROK AO, which is now shown on this map as this portion (indicating on Exhibit MAP-1). So what we had in the summer of 1967 was the 196th in the Chu Lai area, the ROK Marine Brigade south of the Chu Lai area, and north of Quang Ngai the 2d ARVN Division, with the 3d Brigade, 4th Division, and 1st Brigade, 101st, to their west.

About September, I think it was September 10th, the 1st Brigade, 101st, having just previously closed into the Chu Lai area, initiated an operation to the west of Tam Ky, which is not shown on any of these maps, in the Que Son Valley area. This was the area of operation of the 2d NVA Division. So we had NVA to the northwest, we had VC around Chu Lai, and we had VC in the ROK Marine Brigade area, and mostly VC now in the Duc Pho area. Quite a contrast in the operations: open conventional type fighting in the Que Son Valley area and decidedly unconventional guerrilla warfare operations in the remainder of the division AO, with tremendous problems encountered by our forces in the VC's booby trapped, mined, quickstrike, night raid area.

By late September 1967 we had the 1st Brigade, 101st, operating in the Que Son valley area in an operation which was at that point dubbed Operation Wheeler Wallowa, a long duration, highly successful operation from the standpoint of impact from the enemy. The 196th remained in the Chu Lai area. The ROK Marine Brigade was still in this area (indicating) to the south of Chu Lai, and the 3d Brigade, 4th Division, still in the Duc Pho area. In October 1968, the 198th Infantry Brigade, from Fort Hood, arrived and moved

into the Chu Lai area initially, and began relieving elements of the 196th. The 196th was then a three-battalion brigade with a battalion AO carved out. We commenced a gradual operation as the 198th came in, battalion by battalion, were orientated to the area, conducted some initial training, and gradually took over the AO of the respective 196th battalions. As this occurred, the 196th moved up to join the Operation Wheeler Wallowa, moving gradually to the northwest area. Approximately at the same time, the 1st Brigade, 101st, began to move out farther to the north, again gradually turning Operation Wheeler Wallowa over to the 196th. So, then we had, in November: the 196th predominant American element in Operation Wheeler Wallowa in the west-northwest of Tam Ky and the 198th engaged in protecting Chu Lai, conducting an operation in Chu Lai area, and still the ROK Marine Brigade to the south, the 2d ARVN Division, and still the 3d Brigade, 4th Division. At that point one battalion was cut out here. The 3d Brigade, 4th Division, moved up to Wheeler Wallowa and was attached to the 196th. It became a four-brigade operation, as I recall, leaving only two battalions of the 3d Brigade, 4th Division in the Duc Pho area.

At this point in time, the advance party of the 11th Brigade arrived. They were scheduled in December from Hawaii, and the plan was that they were to relieve the 3d Brigade, 4th Division, in the Duc Pho area. Though they were initially introduced into the Chu Lai area, we moved them down by a combination of means from the Chu Lai area to the Duc Pho area, relieving the 3d Brigade, which then moved its brigade headquarters, as I recall it, up to LZ Baldy, halfway between Chu Lai and Da Nang. Operation Wheeler Wallowa was our principal operation at that point, but this operation was still a ROK Marine concern, this being again between the Song Tra Bong River and the area just north of Quang Ngai.

The decision then was made by MACV that the ROK Marine Brigade would relocate itself to the north so we would not have a situation where it was U. S., ROK, ARVN, U. S.--a better alignment of forces--and enemy pressure in the Hoi An area to the north of Tam Ky and to the north of LZ Baldy, an area in which the enemy had considerable freedom of movement and which was considered to be a very appropriate area of operation for them to move into by III MAF headquarters, then commanded by Lieutenant General CHRISTIAN, who was taking General WALT's place.

So the ROK Marines moved out in four increments, and as they moved out the Americal Division assumed responsibility for their AO. As I recall, the 198th was given responsibility for a sizeable AO to the west of Route 1 and before the high ground began. The area to the east of Route 1, in general, was assigned to the brand new 11th Brigade. Lieutenant Colonel BARKER was given command of a three-company task force with supporting artillery and other supporting elements and moved into LZ Dottie at that time and took over a sizeable portion of what used to be the Old ROK Marine Brigade AO.

Q. The ROK Marines then, had been in that area. Why did they create Task Force Barker? Why didn't they put a battalion up there? Do you recall?

A. Let me recall the rationale for that one. Your question here is with the ROK Marine Brigade--how come we put a three-company Task Force in there? Why not take an entire organic battalion and move it in?

Q. Yes.

A. Why a tailored outfit?

Q. Yes, Colonel HENDERSON had stated that he didn't like this.

A. Yes, he didn't like it a bit. I am trying to recall the division rationale for that. Because of the way that we had divided it, the Duc Pho AO over a long period of time with the 3d Brigade, 4th Division, and 1st Brigade, 101st Division, operating in that area, it was a natural breakout of three major elements. So we needed three controlling headquarters. Even though the headquarters was controlling a battalion minus inasmuch as we borrowed companies from each of the three organic battalions in the 11th Brigade, it was necessary to create a fourth headquarters element in order to give this to a battalion equivalent unit. The 11th Brigade did not like at all having their brigade headquarters at LZ Bronco in the Duc Pho area, the 2d ARVN Division in between them, and then this newly created Task Force Barker headquarters physically separated from them. The only road we could use, and then only in daytime, was Route 1. And then that was heavily-mined, too, and had to be swept daily. But that was the general reason behind it, if I recall.

So, that brings us up to early 1968, and we had the 11th Brigade headquarters in the Duc Pho area, the 2d ARVN division in Quang Ngai and the area generally to the south with a piece north of the river as well, Task Force Barker to their north, the 198th with an AO here and extending to this peninsula and throughout the entire Chu Lai area-- it extended out considerably. It used to be a rather tight AO with the 198th in pretty tight. The Marines were in even tighter when we came up in early 1967. We gradually expanded the AO, and as the 198th gradually pacified their area, they were able to go south of the Song Tra Bong River and a battalion minus force operating in an AO cut out into the old western portion of the ROK AO. About this time Tet occurred. The 1st Brigade, 101st, moved up north and redesignation of the 3d Brigade, 4th took place. They became 3d Brigade, 25th Division, returned to the II Corps area, as I recall now what happened.

So, that was the general evolution of the elements of the Americal Division, except to mention a new one. The 3d Brigade, 82d, came in. The advance party arrived on or about the 1st of March, right in that time frame. I can't recall precisely, sir, but at one point in time we had five brigades we were trying to control from division.

Q. Okay, you were trying to control five brigades. During the period through say December 1967 to January or February 1968, would you describe some of the plans and operations you were going through at headquarters level that controlled these five brigades, or portions of them, to recognize from Task Force Oregon and after that into the Americal Division? Paint a picture of what it was like up in Chu Lai?

A. It was, needless to say, an extremely busy, full period. Resolving from a task force arrangement into a TO&E division organization entailed some considerable growing pains, complicated by the detachment of major elements during this period of time, a brigade and five units. I neglected to mention that the 3rd Brigade, 1st Cavalry, was attached to us and operated up in Wheeler Wallowa for a period of time in early 1968. They came in, as I recall, in January of 1968 and operated to the north and to the west of the 196th. I would need a larger map to put all these units on. But, with the 1st Brigade, 101st, moving into Task Force Oregon, the Americal Division, and out; the 3d

Brigade, 4th, in and then out in name initially and later detached, the name being changed to 3d Brigade, 25th; the 196th being a charter member in Task Force Oregon and then the Americal Division; the arrival of the 198th in late 1967, and then at the end of 1967 the arrival of the 11th, the arrival of the 3d Brigade of the Cav, and of the 3d Brigade, 82d Airborne, the pressure on the division staff was considerable, to say the least.

Q. You were G3 during a lot of this period?

A. I was, indeed. I assumed that position in early December at the time of maximum flux, and the period of December and the first 3 months of 1968 were ones not only of the Tet operation, but of rapid detachment and attachment of units of the Americal Division. So control was a problem of considerable proportion.

It was necessary for the division commander to range over a very wide area. He used both of his assistant division commanders to the maximum extent that he could to assist him in supervising and controlling the operations. The formal breakout of assistant division commander for operations and assistant division commander for support could not, in all cases, be followed. There was a period of time where one of the ADC's had the southern half of the division AO and the other had the northern half as their area of primary concentration, notwithstanding that one of them was technically carried as the ADC for support.

In order to control units so far flung over such a very large area of operations, I believe the largest in Vietnam of any division it necessitated extraordinary command and control measures. This was exercised primarily through the air mobility of the general officers in the Americal Division at that time. On a daily basis the general officers covered the AO to the extent that they could, visiting the units, of course, in particular situations engaged in significant operations. This tended to cause the G staff, particularly the G3, to be very much bound to the CP itself. I do not recall ever accompanying the division commander during the 4 months plus that I was G3 on any visit he made to the field. I recall accompanying only one of the two ADC's on a field trip. When I first came in, the G3 had a Huey at his disposal 24 hours a day. This was quickly rescinded and controlled by the chief of staff.

I was hard pressed just to get around to get a general feel of the overall operation and to even visit the brigade headquarters, to say nothing of the battalion headquarters or even Task Force Barker. I had to make a special point to get a helicopter and go down and visit Task Force Barker, which I did, in this approximate time frame. I can't remember precisely the date that I did this. But because of the control problem, it was very important that I remain in the TOC the major portion of each day, as well as of each night, just to keep tabs on everything that was occurring operationally in the division.

We communicated with III MAF headquarters in our daily reports to III MAF and our situation reporting procedures, as well as in radio communications that we had. We also had telephone communication. We had radio communications which had a scrambler device on it and I could discuss operations on a secure net at that time. But I spoke with the G3 at III MAF almost daily on some matter. We had a constant flow of distinguished visitors in and out of the division headquarters, which entailed, as I have already described, briefings of some magnitude and on short notice many times. We had General WESTMORELAND in at least three times during my short tenure. We had General Harold K. JOHNSON twice. We had General CUSHMAN, almost weekly, from III MAF. Each required an update briefing and usually would be arriving in 30 minutes. We had General DOLEMAN, then deputy CG of USARV. We had members of Congress. We had other senior general officers then arriving to assume important commands in country. Individuals who were programmed to be division commanders customarily came up and received a rundown on what the Americal Division was doing and how they operated. I can't recall specifically whether General PEERS visited during my time, but I believe that he did.

Q. Now, this reorganization to go from the task force to division obviously entails a tremendous administrative problem in the fact that you are a bigger composite. Does this have any effect on the operations of these outfits and also, perhaps, limit the general officers' time in dealing primarily with operational matters because of a major concern for administrative matters?

A. No. It, of course, created a major problem, but the focus of the division commander and the assistant division commanders clearly was operations, which, by virtue of that fact alone, caused the G3 staff element to assume those aspects of the G3 function which were administratively necessary for any operation on an almost total basis. I

didn't express that very well. The general officers devoted themselves to the maximum extent to operations. G3 did, too, to the point that it was necessary but we also had considerable administrative problems in order to provide our reports, not only our current reports, but the after action reports; to meet other III MAF requirements for written documentation; and to receive visitors from elements such as ACTIV who brought in new combat innovations and totally consumed all of our time.

You couldn't begin to operate as a TO&E division organization was actually supposed to exist. It was necessary to augment in order to operate, not only around-the-clock to the degree that we did, but to accomplish all the other necessary responsibilities which we had beyond just keeping abreast of and filling our responsibilities to on going operations.

At one point, I had a Lieutenant Colonel KELLEY as my assistant. Major Crosbie SAINT, Butch SAINT, was the assistant prior to Colonel KELLEY's arrival, and Colonel KELLEY was pulled up to the chief of staff's office, so once again Colonel SAINT, then Major SAINT, became the assistant G3. I had a major as a plans officer. I had a major as an operations officer. I normally had three captains. They were assistant operations officers and briefing officers. It was necessary to augment our enlisted support staff at the TOC also, in order to meet all our on going operations and reporting responsibilities.

So, it was a period of intense activity on the part of division headquarters, Americal Division. Transition from a task force to a division and the rapid turnover of units in and out of the division area, the normal on going responsibility which any division in a combat environment has. All of these added up, placed a tremendously heavy workload on the staff, and the command group as well. This was coupled with the fact that Tet was then in progress. It was a most demanding period on the part of everyone who was assigned to the division at that time. To be fully aware of all written documentation which would be relevant to a G3 operation in country, to be aware of it and to implement it, was not all that easy, of course. We were hard pressed to keep up on a day-to-day basis, and to the extent that we could, we would on such additional projects as getting the SOP into its final form and into the field. We spent a good

portion of everyday with our finger in the dike trying to keep some situations from getting out of hand and to accomplish what was necessary, hour by hour. It is a separate effort to plan beyond the immediate 2 days or few weeks ahead. The G3 plans officer was hard pressed to be left alone to do his planning. He was brought into ongoing current operations more than we liked to bring him into it. We just needed his services.

The training units, the principal training, was conducted at our Americal Division Combat Center, located at Chu Lai. All individual replacements pass through on arrival and assignment to the Americal Division. It was a 1 week course. It included familiarization with our area of operation, included information on the enemy and his methods of operation, it had an excellent class on bobby traps and mines, it included the final in-country inprocessing for each man to insure that he had all his basic equipment as an individual in the unit, including a packet of information which had the required cards that they had to carry.

Q. These cards were given out at the combat center?

A. Yes, I am sure that I can answer --

Q. (Interposing) How would you get those cards if you came over with a unit like the 11th Brigade? C/1/20, where would they get those cards?

A. Their advance party was advised of the requirement for carrying such cards in country, were provided with such card packets, and they went back to Hawaii and worked up individual packets and provided each man in Hawaii, before he took off to Vietnam, with a basic packet of information needed for his in-country processing and the requirement that he carry the "Nine Rules," the "Handling of the Enemy," and several other cards. I do not recall exactly what that list was of cards that he carried. But that was the principal in-country orientation and training conducted. As far as training per se, it was not conducted from a certain individual level. It was on-the-job training or in-country orientation training. The training was accomplished by a gradual phase-in, phase-out process. I have already described that the 198th took over gradually from the 196th, battalion AO by battalion AO.

Similarly, the fire bases were phased in and phased out. If you took out one artillery batttety from a fire base, you brought in another, and there was an overlap of gun sections and an overlap of the fire direction personnel. We had a very careful overlap of the procedures for clearing artillery fires. We had a system similiar to that used throughout the country, going through province and district headquarters where we located liaison officers with radios to net with our own when telephones would not do the job, and we would clear, as appropriate, artillery fire missions.

Q. Do you happen to have personal knowledge of the situation in Son Tinh District? Did they have a pretty good system down there?

A. I do recall we had no difficulty with Son Tinh. It was a smooth operation. I never physically walked into the district headquarters at Song Tinh. I passed over it in a helicopter on a number of occasions. I never landed there and talked to Lieutenant Colonel GUINN. I recall meeting GUINN in Quang Ngai on one occasion, and I think I saw him up in division headquarters.

Q. You mean GAVIN or GUINN?

A. GUINN.

Q. I think GUINN was district --

A. (Interposing) He was district --

Q. (Interposing) No, GAVIN was the district advisor. GUINN was the deputy province senior advisor

A. I was under the impression that GUINN had Son Tinh during this time, that he lived on a little hill on the other side of the road and he worked down at district headquarters.

Q. What period of time are you talking about?

A. The time frame where I was concerned with the division overall instead of just the 196th.

Q. I think that you will probably find it was GAVIN. They were both living in country about 18 months, about the same amount of time that you were.

A. I could very easily be mistaken. Province headquarters at Quang Ngai, Colonel ULSAKER. Colonel ULSAKER was the 2d ARVN Division's advisor. Was he senior advisor at that time? I believe he was. I think he is in the area, Carl ULSAKER. I believe he is in the building, if I am not mistaken. Province at Quang Ngai, district at Son Tinh, our fire advance procedures were effective to enable both of those headquarters to give us fire plans for the district which were effective, and it was an automatic procedure.

Q. Let me ask another question. You are the G3. The 11th Brigade is your newest unit in country. What was your impression compared to the other outfits? Were they an "uptight" outfit? How did they operate? Did you get their reports in?

A. There was no noticeable difference between the brigades which were attached to the Americal Division during this time frame. Naturally the brigade that had been there a longer period of time worked a bit smoother. The 11th Brigade came in and had their share of initial growing pains just as the 198th before it had, and I am sure the 196th, even though the 196th came up from the south, 25th Division area, as a trained and seasoned brigade. I was not with them when they arrived. I joined them later. But I certainly cannot say that there was any noticeable difference between the 198th and the 11th Brigade, or for that matter, any of the brigades that we took on from other units in Vietnam, the 101st Division and the 1st Cav. You can appreciate that units coming in and out rapidly were different in basic routine. Their operational procedures, including reporting, required considerable smoothing out between division and brigade headquarters. But in each instance this was done quite readily. I certainly would not say that the 11th Brigade was any slower to assimilate than any other brigade, or that they had more difficulty.

Q. How about Task Force Barker? Did you have any occasion to come to any evaluation, conclusions or determinations about them?

A. No. Nothing unusual stands out in my mind, no problem areas with Task Force Barker any more than any other unit which occasionally was late in submitting either a SITREP

or an order that we were after, or an after action report we wanted, or a spot report we needed. We had spot report difficulties with all units. This was a constant problem. Task Force Barker, even though it was made up as it was from companies from different battalions, certainly from a division standpoint, we did not have any more difficulty with them than with any other. We were very proud of Task Force Barker in the way it was able to operate geographically separated from its parent brigade in Duc Pho and removed by distance as it was even from division headquarters. Task Force Barker was, in my judgment, well respected, well thought of.

Q. Were you also a little bit concerned? I mean, this big distance removed from a newly formed brigade--that didn't come up in--

A. (Interposing) Because of our command and control procedures which we had we did not anticipate nor did we experience any, nor did we have any early concern that Task Force Barker would not be able to handle that mission in that AO.

COL FRANKLIN: I really appreciate your giving me this information, Colonel BALMER.

(The hearing recessed at 1320 hours, 18 December 1969.)

(The hearing reconvened at 0946 hours, 13 February 1970.)

IO: The hearing will come to order.

RCDR: The following persons are present: LTG PEERS, MR WEST, MR MACCRATE, MR WALSH and MAJ LYNN.

Sir, the hearing recalls Colonel Jesmond D. BALMER, Junior.

(COL BALMER was recalled as a witness, reminded that he was still under oath, and testified as follows:)

RCDR: Colonel BALMER, sir, I remind you that you remain under oath before this hearing.

IO: Colonel BALMER, I think you have met all the people at the table here at the present time, have you not?

A. I have not met this gentleman here.

(MR MACCRATE introduced himself to the witness.)

IO: Colonel BALMER, Mr. MACCRATE volunteered his services to the Secretary of the Army to assist us in the investigation, also to provide legal counsel to me and other members of the inquiry. All of the people at the table here this morning may address questions to you. One thing I should tell you. Since we last talked to you, we have learned much concerning what transpired at My Lai, the reviews of the incident and the investigations of the incident. All told, from the day we started the investigation to the present date, we have interrogated approximately 350 witnesses. Besides that, we have assembled a vast number of documents relating to the incident and the investigation and so forth, so we are in a much better position right now to ask questions than we were at the time that you were in.

In addition to that kind of knowledge, we have been on the ground and had the opportunity to visit MACV, USARV and III MAF. We actually conducted physical inspections of their files to determine whether or not any documents were present, and we did the same thing with the Americal Division and the 11th Brigade. We also had an opportunity to visit I Corps and talked to General LAM. We likewise visited the

2d ARVN Division and had an opportunity to talk to now General TOAN, probably Colonel TOAN, as you recall him, and some of his staff and advisors. We subsequently interviewed several of the advisors who were present at that time. The same thing is true of the province, with respect to Colonel KHIEN and his successor, Colonel BINH, and we talked to members of his staff and the advisory elements both on the military side and the pacification side or the civilian side. We also visited district headquarters and talked to the people there who were on the scene. We've talked to Captain TAN who was the district chief. We've also talked to quite a few of the Americans who were present. Likewise we visited Dottie and we flew over the operational area. We went into My Lai (4), so that we could tie in a lot of this information that we have and the physical locations on the ground. So, as I've indicated, we are in a very, very much better position today than we were at that time. I might say that, at the present moment, we have no reason to suspect you are guilty of any violation. We did want you to come in to fill in some of the gaps, if you could, and to verify and check out some of the testimony and perhaps ask you some questions concerning your previous testimony. You should know we have been spending perhaps what may seem an inordinate amount of time in coming up with our findings and our recommendations. The reason for this is that we want to make sure that we leave not one stone unturned within the best of our capabilities, and within any reasonable time element, to make sure that we know everything about this incident and its reporting and investigation as we can possibly know.

Having said that, I'll ask you at this moment, if you have any questions?

A. No, sir.

Q. First, I would like to refer to your testimony of 18 December when you visited us. At that time you indicated several things. First you indicated that you had no knowledge of a most unusual situation or event, including the killing of some civilians which had taken place at My Lai (4), which we actually know now as Thuan Yen, subhamlet of Son My Village, on or about 16 March. Is that correct?

A. That is correct, sir.

Q. You also indicated that you had no knowledge of the confrontation between aviation personnel and personnel on the ground in the vicinity of My Lai (4) on 16 March 1968?

A. That is also correct, sir.

Q. You also indicated that you had no knowledge of an investigation of the incident of 16 March which had been directed, actually directed and conducted?

A. Correct, sir.

Q. Now, in his testimony before this inquiry, Colonel LEWIS testified that the division staff, commanding general, and Colonel BALMER in particular were aware of the incident and its investigation, and he discussed these matters with Colonel BALMER repeatedly. I'll give you a few of the quotes from his testimony. "CRESWELL kept needling me." When he says CRESWELL, he's referring to Major CRESWELL who was the chaplain of DIVARTY. I don't know whether you know him or not?

A. No.

Q. I continue:

"A. CRESWELL kept needling me so I went back to see BALMER, and he assured me that this was being wrapped up."

That's one quote. Another quote:

"I told BALMER that I had heard some pretty bad things and he said he had too. I heard this was going to be thoroughly investigated."

Another quote; he stated that:

"BALMER was willing to sit down and go over this as much as he knew."

Those were his exact words. He also went on to say:

"Well, I told him -- I asked him -- I said, 'I heard civilians had been killed.' That's a rather odd statement, but that's the way it came out, and he said: 'Chaplain, that's what I heard. We're having an investigation made on the spot.' Not just once, but a number of times."

So, here we have four quotes from the testimony of the division chaplain which indicated that you and he had discussed this matter and would indicate that you had quite a bit of knowledge, which is quite contradictory to the three points that I mentioned to you before.

A. Yes, sir.

Q. Now, with this as a background, I'd like you to just think this thing over for a few moments, or as long as you need to, and then I want you to tell us what you can remember about your discussion with Colonel LEWIS.

A. Sir, I do not remember those conversations in that context or I would not have previously testified as I had. I had conversations with Chaplain LEWIS almost daily. This was normally during the dinner hour every day of the week. As far as specific conversations, on specific incidents which you are referring, I do not recall that at all, sir. All I can say in that regard, is that we were having operations day after day. This was the Tet period, post-TET period in which from time to time there would be operations conducted where there were civilians in the area and a possibility that some of them could have become caught in the crossfire or otherwise involved in the operation, always existed. We, of course, relied on reports from the field. The principal operations were not in that particular area. They were in the operation of the Wallowa area where we had much heavier contact. As far as remembering my talking to Colonel LEWIS in the vein which he has testified, specifically this operation and that civilians were in fact involved, and an investigation was being conducted, I simply do not recall it sir, not at all.

Q. Now that you've heard these, can you take and recall anything that he may have said to you that he may have interpreted as him telling you something?

A. No, sir. I cannot. Those conversations took place in the TOC. There were staff officers in there from time to time. In this instance, I am talking to the chaplain who came to the TOC from time to time, with all the operations on going and the press of the activities and actions which were in progress, it is conceivable that he could have said, in regard to that operation, something was irregular. As far as my answering him that it is going to be investigated and looked into and I heard also that something was strange, I do not recall that, sir.

Q. Well, he did testify that the division staff and the commanding general were aware of the incident and he discussed these matters with you repeatedly. As far as some people in the headquarters knowing that something was wrong, we have had other individuals testify in a similar vein that more than a few people in the headquarters knew that something unusual transpired. There was much talk among the enlisted personnel in particular according to the testimony we have received.

A. The unusual aspect of that operation was not that anything irregular had occurred but that the large body count was reported, the fact that they had reported some 128, which is the unusual aspect of that. But that any portion of that was in fact, women and children, certainly I have no recollection whatsoever of having any positive or definitive information on this and other than just any idle conversation, I might have had with Chaplain LEWIS, either in the TOC or in the mess hall, I don't recall that.

Q. If he had passed it to you, in your judgment, from what you've said Colonel BALMER, it would have not been idle conversation, but an atmosphere where you had a drink or something and were waiting for the briefing to go on in the evening. Did he ever come to your office and sit down with you and say, "Now I've heard this," and explain to you what he heard?

A. I cannot recall Chaplain LEWIS coming to my office, sir, and talking about that or any other subject. He came by my office as all staff officers did from time to time. I was in a separate little building about 40 or 50 yards from the TOC or over at the division command building itself. As far as Chaplain LEWIS coming to my office and sitting down and addressing this specific subject, if he did, I simply do not recall that, sir.

Q. Let me mention a few places, people and things and see if you can put these together with Colonel LEWIS. For example, did he mention My Lai?

A. I never heard the word My Lai (4) or recall using the word My Lai (4) prior to its coming out in the newspapers in September, or Pinkville either. We used coordinates.

Q. Did he ever use the term Son My Village?

- A. I never heard the word, sir.
- Q. Did he use Tu Cung?
- A. Never heard it.
- Q. Co Luy?
- A. None of those words are familiar to me whatsoever.
- Q. How about Task Force Barker?
- A. Yes, sir.
- Q. What did he mention about Task Force Barker?
- A. What did he mention?
- Q. I'm asking these questions about what he mentioned.
- A. I do not recall Chaplain LEWIS saying anything about Task Force Barker specifically.
- Q. Did he mention anything to you about an aviator, a warrant officer aviator from the 123d Aviation Battalion?
- A. Not that I recall, sir. No, sir. I do not recall that.
- Q. Did he tell you, for example that he had gotten his information from Major CRESWELL?
- A. I don't even recall Major CRESWELL's name, sir.
- Q. Or from another chaplain?
- A. I do not recall that, sir.
- Q. A chaplain from DIVARTY?
- A. No, sir.
- Q. Now then, having seen this situation, I'd like you to tell me what kind of a person Colonel LEWIS is. Does he do a lot of talking so that it becomes somewhat difficult to separate the wheat from the chaff or to get down what he is talking about? I'd just like you to explain your appreciation of

him, not so much as a chaplain, but as a person, so to speak, and how he approached problems.

A. I knew him previously, sir. We were together at Fort Leavenworth in 1960 and 1961. At that time I got to know him and I was quite fond of him. When I came to the Americal Division headquarters and found him on the staff, I was pleased to see him again. We had a personal friendship as opposed to a general staff officer-special staff officer relationship. I have the highest regard for him as an officer and chaplain and as an individual. I would say, in my opinion, that he is more talkative than the average chaplain, certainly as far as emerging himself in military matters. He was keenly interested in all the operations of the division. He was in and out of the TOC. I recall that. He had a good knowledge and feel of what was going on. I had many conversations with him day after day during the relatively brief time that I was in the headquarters. But in my last several weeks there, from the time that I returned from R&R, the evening of the 16th until my departure on the 15th of April, the specific conversation with Chaplain LEWIS alleging that innocent civilians were in fact casualties or victims of a particular operation. I don't recall that conversation. It was one conversation on many, many, many I had with Chaplain LEWIS each day on matters that concerned the division, but as far as his, if in fact that he has testified that he has come to my office --

Q. (Interposing) I didn't say that.

A. That conversation doesn't stand out. As far as my making a comment of, "Yes, I am concerned," or words to that effect about this, or also that I had heard something that this was being investigated or reinvestigated, I can only believe it was in a vein that if it was unusual, certainly it was going to be looked into and it is going to be given command attention. If it is as reported, then something will be done about it, but as far as reporting it to me, the G3, when the reporting channels would be to the command channel or the assistant division commanders or the chief of staff or the G5, the IG. My mind was totally on on going operations. Certainly G3, as a staff section, would not be conducting an investigation. I am certain that if he construed my remarks that way, he certainly misunderstood. Speculation from time to time, if there were civilians involved, either being hurt by artillery or gunship or sometimes on a combat assault, occurred from time to time during that period, as I am sure it did in all units in Vietnam and still does. At least it did when I left there about a year

ago, but a single stand-out report, such as the one under investigation here, and my saying, "Yes, I knew something about it and something is going to be done about it", in the conversation with the division chaplain, certainly 2 years later, I don't recall that.

Q. Would it be conceivable that he mentioned something like this in just idle chatter and it all gets lost in conversation, so to speak? You talked about a lot of things.

A. Quite conceivable, considering I was having a conversation with the division chaplain and it was an unofficial conversation.

Q. Let me give you a hypothetical situation so I can get your appreciation from the point of view of the Americal Division. If Chaplain LEWIS, for example, knew that an inordinately large number of civilians were unnecessarily or indiscriminately killed, that here had been a confrontation that could have developed into a violent one between an aviation unit and a ground element, if this information had arrived in the chaplain's channels and got to Colonel LEWIS, what is the action to be taken at the Headquarters, Americal Division? We're not talking about what you know about Army regulations and this, that and the other, but only as you handled things in the Americal.

A. If such information came to the attention of Chaplain LEWIS at the Americal Division headquarters at that time, the action which he would be expected to take, I believe, and should properly have taken, would have been to take it to the command element or at least to the chief of staff. There was no clearly delineated channel for special staff officers who might have certain information, whatever the type may be, reporting to any specific agency. It just was not defined. I do feel, though, that in the atmosphere that prevailed at that time, that his maximum centralized control was by the division commander, that for any action and in some instances, many minor actions, the channel would be the commanding general. I believe that it was generally recognized by the staff officers there, both general and special, that as far as G3 in the division was concerned, I was essentially TOC-bound. As I think I reported previously, I never, in a single instance accompanied the commanding general any place. I was not a textbook G3, either as taught at Leavenworth or throughout the Army

or practiced at any other divisions. The commanding general was in fact his own G3. This comment was made repeatedly and told before I went there. General KOSTER was his own G3 and certainly I didn't want that job. I strongly did not want the job. I was brought in there. Because of that atmosphere prevailing, and this was well known and was well recognized by the officers there, what BALMER's true role was. I was not operating that division. I was doing certain planning and trying to keep the TOC going. I tried to keep the visitor flow going. I tried to make the proper reports. I tried to keep the maps posted. I tried to make sure the briefings were correct. I tried to be available at all times to the commanding general, the assistant division commander and chief of staff, but I can't visualize that any staff officer there who would visualize BALMER, even now, as being a key mover in that division. I was far from it. I was at about a fourth assistant G3 level in a comparable division in my opinion. I was not the G3.

Q. Let me ask you some more questions now. We are happy to have you in here. But, even within this environment, and I will come back to this, but I want to get this one point cleared up first, Colonel BALMER. What I am saying is that it appears that Chaplain LEWIS had information or at least an allegation that a major war crime had been committed.

A. Yes, sir.

Q. Your recommendation is that he should take it up with the command element. I would think also that since this is their business and it's all spelled out in Army regulations, which you operated under and I operated under, that it could have gone to the SJA or it could have gone to the IG to let the matter be thoroughly investigated?

A. That's right.

Q. In your judgment, having that information, would it be logical to check it out through chaplain's channels? Having that information that an allegation had been made and an oral report had been submitted that an individual had seen and had observed the indiscriminate killing, not just of a few civilians, but large numbers of civilians, noncombatants, women, children, old men?

A. No, sir. It would not be logical at all. It would properly rest, notwithstanding what Army regulations set forth,

which is very clear of course, it certainly is not something the chaplain should be informally checking out. It should be done properly by one of the other agencies. G5 would be a start-point better than the chaplain. The chaplain would be the last one to be out checking informally or running down rumors or idle gossip or anything.

Q. Now, I'd like to come back to this other point about General KOSTER being his own G3. You've indicated, I think quite clearly and succinctly, your relationship in the planning and operations side of it. I'd like to ask your appreciation, sitting where you were at that time, of the command relationship and the responsibility and authority between, let's say General KOSTER and General RYDER on the one hand, who preceded General YOUNG, and then the relationship between General KOSTER and his chief of staff, Colonel PARSON'S relationship with General YOUNG. Do you think you're qualified to do that one?

A. I'll take a try at it, sir.

Q. All right. That would be helpful to me.

A. When I arrived at division headquarters in early December of 1967, General RYDER was one of the assistant division commanders. He had a relatively close relationship with General KOSTER. General KOSTER seemed to entrust to him certain responsibilities and delegated certain authority to him which was not the case when the next ADC came in to relieve General RYDER, and that was Colonel GALLOWAY.

Q. I don't think it worked quite that way. I think General RYDER and General YOUNG were there at the same time. General RYDER, I take it was a maneuver ADC and General YOUNG more or less handled the logistics and supply side of the house?

A. That's correct, sir. As briefly as I could state, the relationship between General KOSTER and General RYDER was much closer than General KOSTER and General YOUNG. There was a personal friendship basis of sorts, at least as I observed it, between General KOSTER and General RYDER which did not exist between General KOSTER and General YOUNG. As you just stated, General RYDER had maneuver responsibilities and General YOUNG primarily had support responsibilities. This was fuzzed

up pretty much. At one point there was a geographical breakdown. One went south and one went north. Each morning, after the morning briefing the general officers would get airborne. General KOSTER went one direction and the ADC's had taken off also, so we had three general officers airborne in various places. We were trying to keep track of them in the TOC, where they were going, what they were doing and what orders they were putting out. It was a gigantic task for my personnel in TOC and myself to keep track of them, also to implement such instructions that they in fact radioed back. We could only communicate with them when they were airborne, unless we could find out exactly where they were and get them on a land line. After General RYDER left, General KOSTER centralized more and more of the authority and operational responsibility in his hands alone. His relationship with the chief of staff, Colonel MUSER, who departed in early February when Colonel PARSON came in, there was an overlap there of a couple of weeks, it wasn't anywhere as near as close. General KOSTER and Colonel MUSER seemed to have a close relationship and worked well. This was certainly not the case with Colonel PARSON. Colonel PARSON came in, and things started falling down fast. When I say things were falling down, certainly the feeling among the staff in our coordination and our team work, the general atmosphere around the headquarters. Administratively, operationally, discipline, morale and in all respects. It was definitely a great set back for the Americal Division when that change of chief of staff occurred. Instead of moving together as a team at that point, things were coming apart at the seams rapidly, I felt.

Q. You're talking now about the February time period?

A. I am indeed. During the change of chief of staff and the atmosphere prevailing in the division headquarters. The atmosphere was bad enough in December with General RYDER and Colonel MUSER there which I could detect as a member of the 196th Light Infantry Brigade and that was the reason that I decided when I heard a rumor, a month in advance, that my name was on a slate to be G3, I said that's the last thing that I want. It would be an honor for an artillery officer to be a G3 on a slate with five or six good infantry officers, but not at that headquarters. I didn't want the job because of the atmosphere and the relationship which existed between the division and the brigades and the feeling at brigade level and the feeling throughout the staff. The staff officers whom I talked to and the officers from the brigade whom I talked to said, "Don't go." I said, "Don't worry."

If I'm offered that job I'm going to respectfully decline." That word must have got back, because I was not offered the job. I was ordered in there. It wasn't a week later that the commanding general said anything to me other than a nod, certainly to discuss "I brought you in as my G3." I was just literally ordered in there with no recourse whatsoever.

Q. I don't think I'm quite with you on the relationship between General RYDER and Colonel MUSSER, the chief of staff.

A. That was fairly good. General RYDER and Colonel MUSSER, no problem there. But I was going back and saying the atmosphere was not good in December and it was terrible by mid-February with the departure of General RYDER and the departure of Colonel MUSSER and the new changes, and to a very large degree the chief of staff. It was very evident to all concerned that General KOSTER had no confidence or did not trust much responsibility, except answering the telephone in the headquarters and doing the normal headquarters chief of staff job, to Colonel PARSON, and to a similar degree this went down to the staff. This caused bad feelings between the chief of staff and the staff officers concerned. It was the most unhappy group of staff officers and unhappy headquarters I have ever had any contact with and certainly ever heard tell of it. It was so diametrically opposed to every other division. I've talked to many G3's. I've talked to many staff officers. I stayed there sixteen and one-half months. Nothing similar took place as far as running a division headquarters was concerned. They were surprised. You were the G3 of the Americal Division. That's wonderful. An artillery officer, great honor. Gee, that was wonderful. I said, "That was not wonderful." I wasn't G3. I was about the fourth assistant G3 if you compare it with another division. It was a most unhappy situation, and when an opportunity came to extend for the 52d Artillery Group, I saw it as a chance, among other things, notwithstanding the opportunity it presented, to leave that Americal Division earlier than my normal rotation date. When the request came from USARV it was pigeon-holed on General KOSTER's desk. It sat there for over a month while he didn't answer USARV or address me on the question at all. I knew about this because of a telephone conversation from Saigon that said that "You have been recommended to be the CO of the 52d Artillery Group come May if you will be released." I said, "I'll probably be released

but it hasn't been brought up." Finally it was brought up, and since I had been in Vietnam almost a year I wanted some leave before extending for another 6 months, which caused my departure on 16 April, which normally would have been 2 July. This certainly didn't help the relationship between the command section, or at least General KOSTER and myself, I don't think. Frankly, I felt he resented this. I would have thought he would have said "This is a fine opportunity for you. We're going to replace you. Take your leave and go on and extend. I'm happy for you." He didn't say a word. He said, "OK, we'll think about it." I think that describes better than anything else the relationship that existed between General KOSTER and myself. This same relationship certainly existed among other officers. It was one big unhappy family.

MR MACCRATE: I would like to inquire, were there members of the internal command upon whom General KOSTER appeared to rely more than others?

A. Definitely, sir. Initially, Generally RYDER or Colonel MUSSER. After their departure, virtually no one. I can't recall any. There was no partiality there. General KOSTER ran the division with total centralized control. As far as relying on any other staff officer or treating me differently than any of the others, I didn't feel that, certainly. I shared a trailer with the G2 and our feelings were identical, as were the feelings of the staff officers. He didn't play favorites at all, not at all. As far as having any special confidant, none that I know of. Special staff officers did fair a bit better. By that I mean the chaplain, Chaplain LEWIS, Colonel JONES the SJA, they seemed to have a different relationship with him.

IO. They don't get into the operations.

A. Not at all.

MR MACCRATE: What was the relationship with the G5, Colonel ANISTRANSKI?

A. The same, sir, except I felt personally, General KOSTER liked Gus ANISTRANSKI better. ANISTRANSKI was on the verge of asking for reassignment many times. We would unload on each other when things were going tough. When we were

tired and behind the eight ball. Things were many times tougher than they had to be. He was one unhappy officer in his relationship with General KOSTER. It certainly wasn't better than mine or Colonel TREXLER's or Colonel WALL's. It was pretty much across the board. Colonel CLARKE felt the same way when he came in the G4. He came in midway through all this. He came in all happy and inspired and ambitious and motivated and ready to charge and 2 weeks later he was ready to resign.

Q. Who was this?

A. Colonel CLARKE, Frank CLARKE. He's right here in the Pentagon.

Q. What position did he hold?

A. He came in the G4, sir.

Q. This is one that we did not talk to.

What was the relationship between General KOSTER and General YOUNG as far as delegating authority or responsibility?

A. Not as much as General RYDER. He did of course give him certain authority and responsibility.

Q. Did he seem to have confidence in him, that he could pick up the ball and move out with it?

A. I never felt that way. I never felt that he had great confidence in him or anyone there. I might even say for General RYDER as well, except that because of their personal friendship he enjoyed a slightly different relationship. I think he had special trust and admiration for Colonel MUSSER, the chief of staff, but he departed, I believe 5 February. It was a maximum centralized command and control and a tight staff input in operations which was entirely unique.

Q. In line with this, I am very happy you brought this up. One of the things that completely amazed me was that the division commander personally allocated aircraft in terms of helicopters.

A. As an example of this, on one particular operation I could see an operation building up, and they called me about 0300 in the morning on a determination whether or not to wake up the commanding general or one of the ADC's. It seemed so evident to me that a combat assault was necessary that I put out a warning order to the aviation, oral, and prepared a warning order to be prepared to do it, the exact time frame, about 0900 - 1000. Then I would advise General KOSTER at breakfast immediately or as soon as they got up. He learned about this warning order that I put out in this one case before I had a chance to talk to him. To say that he was upset with me is putting it mildly that I had the audacity as the G3 of that division to put out a warning order of any sort, and I should have awakened him. That's the way we had to function. If something occurred at the time I went to bed at midnight or thereabouts until I got up around 5 o'clock, the phone would ring every 30 minutes about something. My big decision would be whether to wake up General KOSTER or General RYDER and get their guidance as what to do. I got real sick and tired of it finally and I said you call General RYDER and General KOSTER directly. After a few weeks of that, that thing got out of hand. Here I am leaving some captain or major on duty and the decision of when to call the general officers went back and forth very badly. I didn't dare allocate an aircraft. I didn't dare make a recommendation after a point in time, sir. He commanded the individual squads, which has been said of a lot of commanders.

Q. Let me ask you one thing. You weren't there on the 16th and you didn't come back in until some time on the 17th?

A. I have since checked and I came back in on the evening of the 16th, sir.

Q. You were undoubtedly present on the morning of the 17th? Do you remember General DOLEMAN being there when you had your morning staff briefing? You knew General DOLEMAN. We all worked together in the Pentagon.

A. Right, sir.

Q. Did he mention to you at that time that he had countermanded an order to move Charlie Company 1/20 back into My Lai (4)?

A. No, sir, he did not. Not that I recall. I recall General DOLEMAN's visit, but I wouldn't have known it at that time frame. There were so many going through there, but as far as General DOLEMAN mentioning to me that he had countermanded --

Q. (Interposing) Not General DOLEMAN, but General KOSTER.

A. KOSTER?

Q. When you came in for your Sunday morning briefing, which I take it must have happened quite early, do you remember seeing General DOLEMAN in your staff briefing?

(Negative response.)

I'm thinking about the briefing in General KOSTER's office.

A. Yes, sir. On Sunday it was an hour later.

Q. It could have been an hour later because I know at 0820 he was down at Duc Pho, both of them.

A. It must have been the regular time then.

Q. Well, I'm not even sure it took place. I'm just asking if it did take place? My question is whether or not he told you at some time in the afternoon of the 16th that Charlie Company was being ordered to go back into My Lai to make a body count by age, by sex and by method of being killed. He did not mention to you that that order which had been issued to Charlie Company by Task Force Barker had been countermanded?

A. I do not recall, sir.

(IO left the hearing room.)

Q. Colonel BALMER, with respect to planning an operation such as the Son My operation, which is depicted graphically on the map behind you, to what extent would such an operation have to be approved by division?

A. The OPLAN would normally be submitted to division. It was on virtually every case for any operation involving more than a company. This was a task force operation. Inasmuch as they were normally planned a few days or a week or more in advance, the operation plan and then the operation order would be submitted to division, in which case the commanding general personally would okay it. So an operation such as Task Force Barker would definitely, without question, be cleared either by the submission in advance of the operation plan or the operation order would follow it, and would be personally cleared by General KOSTER. The exception to this would be if it came up so fast that the written order and plans did not get to division, in which case no brigade commander or task force commander would think of setting out on the operation without clearance with General KOSTER personally.

(IO reentered the hearing room.)

Q. I am going to ask you that same question again so you can repeat your answer for General PEERS. On an operation such as the Son My operation involving Task Force Barker, the plan depicted on the map behind you, what approval would have been required at division level?

A. Such operations, sir, were always cleared. This was done by the unit preparing to conduct the operation submitting an operation plan and then their operation order and it was cleared personally by General KOSTER. In those cases where the time frame was so short General KOSTER would verbally clear a plan by his visiting the brigade headquarters or the task force headquarters as he did. We would discover large operations going on, back at division, which we had no plan for, no advance information on. The operation was virtually underway before we knew about it back at G3 section because of the methods used to clear operations. No commander, brigade commander, would think of conducting an operation of this size or any magnitude, certainly above a company, without clearing it with the commanding general first.

IO. It wasn't a question, then, of giving an AO and say now, "This is your area of operation, I want you to operate in there."

A. By no means was it. Of course the reason for that was the aircraft and the aircraft allocations. They couldn't conduct it without helicopters, and inasmuch as division controlled the helicopters, their hands were tied as far as going ahead with the operation. So it just flowed, the plan of operation, the approval, the allocation, the aircraft, and the operation itself.

MR WEST. Our evidence, Colonel BALMER, is that there was no written plan, no written OPORD for the Son My operation. Under those circumstances, how would this approval have been given?

A. Orally, sir, orally, by telephone most likely, or more probably by a personal visit. The brigade commander would come to division or either General KOSTER personally or one of the ADC's would be on the ground, at the headquarters concerned, in this case the 11th Brigade or Task Force Barker and say, "Go. We'll get you the aircraft."

Q. Perhaps on the basis of a briefing outlining the plan?

A. That was the normal thing that happened. On any given day General KOSTER would take off and go to brigade headquarters and "What are you doing now, on this operation? Okay, how about let's go up here and work this out. We'll give you the aircraft." It would be cranked up on the ground, right there. I would learn about this later in the day maybe at the evening briefing.

IO: Also, wasn't there somewhat of a special relationship which existed between Task Force Barker and the 4th of the 3d, as compared to the other two battalions in view of their close proximity to division headquarters? For example, even though General KOSTER may be going north or west, because Task Force Barker and Dottie are so close, he can stop by there practically when the helicopter took off. We're talking about 12 or 15 minutes to get there. As a consequence, from what I've heard, they were a little more closely scrutinized than other operations.

A. I couldn't say positively but I would surmise the same, yes.

MR WEST: Well, it would be your judgment, then, that General KOSTER had approved this operation prior to kicking off?

A. I would bet my life on it. No question in my mind. I know of no operation of any magnitude such as this, certainly larger than a company operation, during the time I was there that General KOSTER didn't personally approve. I can't recall any that they conducted without General KOSTER's knowledge or tacit approval at least.

IO. With respect to this kind of approval, how would the intelligence be brought into the picture? For example, we know that the 48th Local Force Battalion generally operated around this area. We also know that the 48th Battalion was racked, more than a little, during Tet. They had moved to the west to refurbish, retrain, get fillers, get additional equipment coming in from North Vietnam. We find that there's a great difference in where people think the 48th was. We had some people carrying it out to the west. We have other people carrying it just southeast from LZ Dottie by about 6 or 8 clicks. Under those circumstances, how would the order of battle information and other information concerning the enemy be brought in to the analysis?

A. Inasmuch as I lived with the division G2, Colonel Tommy TREXLER, I was very much aware of his difficulties each day in getting the best intelligence that we could and the flow of that intelligence. Definitely, as in all units, and it was the case here, the intelligence flow was from bottom to top. Colonel TREXLER had a hard time in some cases getting all the intelligence which the subordinate units had, the brigades. However he had enough from which to make a reasonable assessment from a division level. The intelligence gathering effort, of course, was very decentralized. Certain intelligence would be available down at the company or task force or brigade levels which at that specific time wasn't available at division. There's a time lag, before either the written intelligence summary or spot report or word of mouth or command visit would bring it back to us.

Q. Yes, but what I was getting at here, Task Force Barker, for example, if they briefed General KOSTER, they say, "We've got information that the battalion's located right down here in the area of My Lai (4)." Everybody else who's in the intelligence business say they aren't there at all. They're

way out to the west. MACV was carrying them out west. Your division was carrying them out west. Province and 2d ARVN indicated that likely they had moved from the west and were in this area due northeast about 8 or 10 kilometers of Quang Ngai City. But not out in the Pinkville area. Now how do you get that information pumped into you?

A. How is that information correlated?

Q. Yes.

A. I can only say, sir, that had to be a command judgment. As you've already indicated, we're getting reports from districts, province, from higher and lower, and the commander on the ground at the briefing, at Task Force Barker headquarters in this case, has to say, "Well, I have intelligence which indicates the 48th is here. Province is carrying them here. Division is carrying them here. III MAF has them here." The decision, of course, as you well know, is made on a feeling of the best available intelligence, and the source of that. In other words you get where this information came from, "We had an informer, we got a VC and he said the 48th was here." Of course, all that information is taken with a huge grain of salt and cross-checked in every way we could. Division G2 had a very tricky task trying to provide the division commander with the best intelligence he could at the division level with the number of different directions intelligence was flowing in from. In each case I would say, sir, it was based on his feel, at the headquarters he was in, as to the intelligence that they had. General KOSTER would bring intelligence which of course the brigade did not have. It would come to the division from other sources. We had information from III MAF or MACV or wherever, indications were such and such. Brigade, even though we tried to get this information to them, would not always have it in time for a CG's visit. If he just came out of a morning intelligence briefing at his office and got in his helicopter straight for brigade, he was armed with certain intelligence and would correlate it.

Q. What time of day on the 15th did you depart, on 15 April?

A. My departure date from division headquarters? Early in the morning, sir.

Q. On the 15th?

A. I believe it was the 15th. I signed out on the 15th and took off right after breakfast, said goodbye to General KOSTER. He was walking in to breakfast. I was headed to pick up my baggage and hit the chopper. It must have been about I would guess 0700 in the morning, 15 April I believe, I took a helicopter to Danang, a Huey.

Q. I wanted to show you certain documents. For the record, would you indicate to me whether or not you have seen these, any of these, documents. We have one here that's entitled Exhibit M-28. Uniquely, it's dated 28 March 1968. It's a letter from the district chief to the province chief. The Vietnamese version is on the back, English on the top.

A. I do not recall ever having seen this document, sir.

Q. I have here an inclosure to another document which I would like to show you, just the inclosure. The Vietnamese, again, is on two pages of it, on the back, so you can look at it in the Vietnamese. The English is on top. This is a bit of propaganda which the VC had put out which had been intercepted and translated into English and a copy provided to the division and to the 11th Brigade as well. The first page can be read for just general content. The second page I would suggest you look at a little more closely. Inclosure 1 to Exhibit M-36.

A. This rings somewhat of a familiar bell. Whether I saw this specific document, I cannot positively say. I believe, however, I did.

Q. Well, I'm thinking primarily of the contents of the second paragraph. This is highly pertinent. Can you think of any circumstances that you might have conceivably seen this under?

A. Possibly it was shown to me by Colonel TREXLER.

Q. Well, just look at that document now.

A. Documents such as this propaganda document, VC

propaganda, I saw from time to time, G5 or G2. I may have seen this one. If I did and read this, with the information I had at the time, I would have said, "Sheer propaganda." I certainly wouldn't have said, "Well this is a terrible allegation here. I think we should take some action to look into this. I trust division is doing something with this. If this is true it certainly doesn't tie in with the information we have." I just read it through as another propaganda document. This one is a familiar theme, of course. That's why I say I may have seen it. I have a feeling that this one I may have, in fact, seen.

Q. Would, for example, Colonel ANISTRANSKI provide you with copies or call it to your attention?

A. Conceivably, yes, sir.

Q. I know that copies of this came to the division. Whether or not this came to division prior to your departure, I'm not sure, to tell you the truth.

A. I can't say positively. I have a feeling I may have seen this.

Q. All right.

MR MACCRATE: If you saw it, colonel, it would be our information that you saw it in the final days that you were there at division headquarters, if this in any way helps you to relate the circumstances.

A. No, sir, it does not. Of course a great deal of other matters were on my mind at that time. It would be just another propaganda document which was put out from time to time by the VC. We had copies sent to us at division headquarters for whatever value they might be to us. This specific one, having read that second paragraph, didn't ring a bell then, and I'm sure had I had that I would have dismissed that as more propaganda.

IO: I have here another document which is a letter from the district chief to the province chief dated 11 April 1968. The Vietnamese version is on the backside, English

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I call your attention first to the Vietnamese version because it has somewhat of a strange format to it.

A. It's not very legible. I don't know how they're able to translate that. No, sir, I'm certain I have not seen that document.

Q. Some individuals think they have seen this particular document in the headquarters of the Americal Division. We have not pinned it down as yet. I have one other document that I would like to describe to you from the information which had been given to us. That is a letter which is reported to have been written by General KOSTER to Colonel HENDERSON. This letter would indicate that General KOSTER had visited Colonel TOAN and that Colonel TOAN had reported to him information which had been obtained by memorandum from the Son Tinh District chief, to the effect that there had been some unusual happenings and quite a large number of civilians killed in the Son My area about the middle of March. This letter also was reported to have directed Colonel HENDERSON to investigate it and to submit a report. Have you ever seen or heard of such a letter? It is also supposed to have had attached to it a copy of the memorandum from the district chief to the province chief.

A. No, sir. I have no knowledge of such a letter being written or of having seen it.

Q. Did you ever see a paper, it could have been in report form, it could have been in letter form, from Colonel HENDERSON in which he cited the fact that he has investigated the allegation which was made by a warrant officer, pilot? The effect was that there had been unnecessary killing of civilians in the Son My area, that there had been a violent argument between the air and the ground elements, that he had looked into this situation and checked it with quite a large number of people, but that he could find no basis of fact in the allegation, and while it was true that 20 or so civilians may have been killed, these were killed as a result of artillery fire, gunships, and getting caught in crossfire? This letter, if it came in, should have come in towards the latter part of March or within the first few days of April. Did you see such a letter?

A. I believe, sir, that a copy of that letter was shown to me when I appeared here on 19 December. At that time I answered I had not seen it. If I'm not mistaken, it used the phrase "some 20 civilians caught in the crossfire." I recall having read that.

Q. That's no problem to show you that. But this is a different document that I am talking about. I'm talking about the allegations of a warrant officer pilot that had been investigated and it was found that there was no basis of fact, untrue. Really, this was just one of those things in a battle that takes place.

A. No, sir. I have not seen that.

Q. I will show you the document we are referring to. This would have arrived subsequent to your departure. (The witness was shown Exhibit R-1).

A. I believe this was --

Q. (Interposing) Look at the date on it and then go to the next page and look at paragraph 2. Look at the top of the next page, Colonel BALMER. You see what they're talking about.

A. I had not seen this. This document, I'm certain, was shown to me when I appeared here previously.

Q. But I'm talking about --

A. (Interposing) No, sir, that's how I correlated it, 20 --

Q. (Interposing) This paper could have been about three-quarters of a page in length. In other words, instead of being this long, it could have been signed off on the first page.

A. No, Sir.

Q. Well, let me ask you one more question concerning the files. Where were most of the reports and things of this category filed?

A. All of the files which we maintained at the G3, sir, were concerned with operations. We had a safe in our plans office which was adjacent to the TOC. If the document was classified, as most of these were, it was locked in that safe. Those were operational reports as opposed to investigative types or intelligence types or propaganda types.

Q. You kept your own G3-type files?

A. Yes, sir, we did.

Q. Did you also have a safe over at the TOC where you kept the top secret papers from the command building?

A. No, sir, we didn't have top secret control there in G3 of the command papers. Our safe was purely the G3 plans and documents which we had to have to discharge our responsibilities. Certain operational plans of higher headquarters, which were classified of course, we kept in the G3 safe. But as far as filing top secret documents from the command section in our G3 shop, no, sir, that was done by G2.

Q. Did they have a procedure of any kind to periodically go through and cleanse these files?

A. Yes, sir. We had such a volume of papers coming in there --

Q. (Interposing) What did they do? Did they retire any of these files or did they just up and destroy them with destruction certificates?

A. The latter, sir. We had a little burning machine out back of the TOC. We had all sorts of papers there relating to Task Force Oregon, for instance, which unless they had some value to us were destroyed. But generally speaking, certificate of destruction, and burn them.

Q. Well, this is one of the matters we're going to have to check into and make some recommendations on, because I know a great deal of this took place. From an historical point of view, from trying to develop details of Task Force Oregon, it would be almost an impossible task, with the

exception of papers that got outside of the headquarters. The reason I'm asking these questions is to see if perhaps you would have any clue as to what conceivably might have happened to such papers as I've been showing you here this morning. We can neither find such papers in the headquarters of the Americal Division nor can we find a record of such papers having arrived there. As a matter of fact, all we found was a dearth of information.

A. All I can say, sir, because of the press of on going actions and activities, and the tremendous flow of paper work, that it was a monumental task. In all cases, we simply weren't staffed to properly process all incoming papers and log them in properly and properly file them.

Q. Just from the point of pure logic, a lazy individual would have retired them. To be honest with you, it's a whole lot easier to retire files than it is to burn them.

A. We did have a division historian, and I made certain he got copies of every after action report. But trying to get after action reports from units which were busy with on going operations--they'd put their least efficient officer in a corner and say, "Write an after action report and stay out of our way, because division wants one." Every once in a while we'd say, "Okay, get those after action reports in. Let's get it up. We've got to get it up to USARV." It was the same story, I'm sure.

Q. Well, now I'll get back again and thank you, Colonel BALMER, for coming in. But I would ask that you keep thinking on this. Based upon what we've asked you and shown you here this morning, if you can think of anything that fits into place, I'd appreciate your getting in touch with us so we can take advantage of it. At this time if you have any questions you'd like to ask or statements you'd like to make for the record, you're welcome.

A. Yes, sir, I would. I would like to say I regret that I am unable to provide precise information on this particular operation and the matter being investigated here. Some of my remarks here, I think, were made to try to explain how it was that my memory was so imprecise, notwithstanding the length of time which transpired. I wish that I could

provide much better information and assist this investigation in some more meaningful way. I don't feel at all good, I would like to say, sir, about having to discuss the internal relationships which existed at division headquarters. I hope that in some way that it perhaps was helpful, my remarks, but I regret having to air that. It was a bad atmosphere and to get my own personal feelings, viz-a-viz the commanding general--

Q. (Interposing) Well, this is important because, to a degree, it can explain why things happen or why things may not happen.

A. I've tried to forget that period of my military service to the extent that I can. That also accounts when I received your message to review all my letters and tapes, as I had already done. I just did not, and pointedly did not, carry paper one away from division headquarters, not a map, not an SOP, not an after action report, not a picture. I just moved out minimum. I left everything there. I had no desire to retain any official papers from that operation. I have maintained throughout my career a footlocker which I have for every assignment which hopefully, in the future, would be of some value. I was looking for something which would help me in the future. I carefully said, "What do I want to take away?" And I said, "Nothing, except myself." And that, I think, would explain why also I have nothing in the way that I can refresh myself on. And I regret also, as I said, that I could not be more helpful to you.

Q. Fine, thank you. The hearing will recess at this time.

(The hearing recessed at 1125 hours, 13 February 1970.)

(The hearing reconvened at 0925 hours, 28 February 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR MACCRATE, MR WALSH, MAJ ZYCHOWSKI, and MAJ LYNN.

Sir, the hearing recalls Colonel BALMER.

(COL BALMER was recalled as a witness, was reminded that he was still under oath, and he testified as follows:)

IO: Colonel BALMER, we want to talk with you a little while this morning concerning some of the operations that were under way in the Americal Division in connection with the ARVN just about the time you were departing. You'll remember two operations specifically I think. One was an operation called Burlington Trail and another called Norfolk Victory. We want to discuss both of them, but I think our primary interest is on Burlington Trail. Can you indicate how this operation got started, the planning behind it and the various factors that went into the planning?

A. I'll certainly try, sir. I'm going to have to reach back a long way to recall.

Q. Take your time, we're in no particular hurry.

A. I could think about that; do you have a map?

Q. Well, I have a map here that has the operational area for Burlington Trail to the north; your base area 121 is the general area where Norfolk Victory was located. I can tell you a little bit about it. In Burlington Trail the force that participated, on the U.S. side of course, was the 198th Brigade. It had two infantry battalions minus the 1/6 and the 1/46. It also had the 1st Battalion of the 1st Cav, the 1/1. I take it that's the whole Cav squadron. The ARVN had a battalion of the 1/6 and it also had a company of the 3/4. The other operation to the south, Norfolk Victory, the 11th Brigade had the 1/20 and also C/4/3. The ARVN had two battalions, the 2d Battalion of the 4th Regiment and 3d Battalion of the 5th Regiment.

A. I do recall these as the last two operations which I had any participation in as far as the planning was concerned and some of the execution of it. It so happens I named these two operations from a list which was provided by III MAF. I selected from the list. Several names went into the division commander and he finally selected Norfolk and Burlington. I said it should be two words and I came up with the Victory and the Trail, Colonel TREXLER and myself. I'll try to piece together what I can remember about the two.

Q. The operations, both of them, started on the 8th.

A. 8th of April.

Q. Which is about a week prior to your departure.

A. Yes, sir. My successor, Bill BAXLEY, was aboard at that time. I believe he was in the CP, yes, he was. I was in the process of turning over as much as I could to Colonel BAXLEY. So between Colonel BAXLEY and myself and Colonel TREXLER, the G2, and Colonel SAINT, my assistant G3 and Major BENN, Clark BENN, we did some planning under the general guidance which the division commander set forth for me. On Burlington Trail this was, as I recall, basically an attempt to expand our operations to the west. We had, prior to this, conducted a number of operations north and south along main highway QL 1. We had also had a very extensive operation which was still continuing at this time, Operation Wheeler Wallawa, our biggest operation. To open up the road into the special forces camp Tien Phuoc and to repair several bridges which were knocked out in order to have a land artery to Tien Phuoc, so that we would not have to rely completely on aerial resupply. That was the main reason for the operation. It was also an effort to bring the ARVN into the Americal Division operations to an increasing extent. The 198th at that time basically had responsibility for the Chu Lai perimeter and the operation itself was to be initiated from the northwest corner of the Chu Lai perimeter. In the area then must have been the 1/46. I can't recall who had that northwest corner but in any case it was to be launched simultaneously from the Chu Lai perimeter northwest corner and from Tam Ky. It was as all our operations, primarily

combat air assaults and we were to progressively push along the Tam Ky-Tien Phuoc corridor, shown, on this map as Route 533. I'd forgotten that number, in fact I don't believe we used that number 533. We had selected a series of objectives which were on the periphery or within base area 117.

Q. May I ask a question about 117?

A. Yes, sir.

Q. Had you not also received as part of the combined campaign plan, an objective, in calendar year of 1968, of neutralizing base area 117.

A. Yes, sir, I do recall that. The overall campaign plan had a series of some seven or eight major objectives and listed the base areas. BA 117 was on that list. To the extent that we could, we were to proceed in our planning toward the neutralization of these and 117 was on the list. I didn't recall that it was a cut off on the calendar year 1968 however. I can't recall exactly the time frame but I'm sure that must have been the case. BA 117 and the objectives along the periphery of it, to the north and northwest, and the road leading to Tien Phuoc were the principal objectives which the Americal Division, working with the 2d ARVN Division elements, were to proceed to neutralize. The operation, the actual date of it's initiation, I believe you indicated 8 April.

Q. We have, from the records, 8 April.

A. Yes, sir. I couldn't have recalled that specific date except it's in my very final days at the division headquarters. The operation started with artillery preparation from--they had a fire base, we established either a three-gun or six-gun fire base in the northwest corner of the Chu Lai perimeter. The hill number, I'd need a 1:50,000 map.

Q. Well, I don't think we need to get that specific, Colonel BALMER.

(BALMER)

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A. All right, sir. In general, the operation (pointing to Exhibit MAP-9) was initiated in this area with the ARVN pushing out to Tam Ky to the west-southwest and with 198th element pushing out generally due west, with US artillery supporting primarily and US airlift of course, both out of Tam Ky and out of our positions in the Chu Lai perimeter. Operation objectives marked there as 1, 2, 3. I cannot recall our exact disposition of forces on those.

Q. Those really are not objectives. They are just references to the memorandum, Colonel BALMER.

A. I can't recall--just a minute, perhaps I can select a little bit more of the high ground. The ARVN had some artillery also. They had three 105's on a hilltop about 10 kilometers south of Tam Ky and they were fired in coordination with our own Americal Division artillery.

Q. What did you have, a composite battery there? You must have had some 155 or 8-inch in there someplace.

A. We did, sir. I'm trying to recall where. The 105's were on the forward fire bases. We had some 175s and 8-inch composite just off the road north out of Chu Lai and about half way to Tam Ky. We had heavy battery positions. I'm trying to recall where we had the medium artillery, 155. In any case there was some 155 support there from the 3/16. In that case we had three guns at Tien Phuoc from the 3/16. And we also had, I believe, three 105s at Tien Phuoc. In any case we had a U.S. artillery battery composite, of medium and light, at Tien Phuoc, I believe, sir. That's right, they were firing from Tien Phuoc back to the east. The ARVN from their small fire base south of Tam Ky were firing, and then from our longer established fire bases in the Chu Lai perimeter with heavy artillery and light artillery we also fired in support. In general, if we went after the high ground adjacent to the road we had to push down the road, we had--I'm trying to recall how the boundary was drawn there.

Q. Well, I don't think we have to get into the details of the operation. I do know that along about the 13th that you had quite a heavy mortar attack against the U.S. element which ended up with quite a few wounded. I don't think there were any killed but you had--I forget the number that were wounded. Seventeen.

A. I do recall that. I do recall that we took some casualties there. I didn't recall that there were some 17 U.S. wounded.

Q. Yes, 17 wounded, that's right; 25 minute mortar attack.

A. This was one of our, during the short period I was there, major efforts to have a combined operation with the ARVN. The planning which preceded the operation with the 2d ARVN Division and with the Tam Ky Province officials was in considerable detail. As I recall, the performance of the ARVN was very, very fine, very encouraging throughout. I don't recall any major action in which either the ARVN failed to perform well or the U.S. failed to perform well or there was any difficulty in the coordination or that there was any civilians involved.

Q. What was your primary enemy? Was this part of the 2d NVA Division that had moved through from the west?

A. It was, sir. In the Wheeler Wallawa area and also the Burlington Trail area, the principal enemy was always the 2d NVA Division. It's composition was constantly changing. VC were mixed in there, particularly closer into Tam Ky and along the coast, but primarily the 2d NVA Division. We were continually receiving reports and keeping under observation all the main avenues of approach leading into the base area 117 which is a very ill-defined base area.

Q. Who was commanding the 198th at the time?

A. Colonel--

Q. (Interposing) Well, I don't think it's really important but I would visualize that he probably did most of the planning in conjunction with the regimental commander of the 6th?

A. Yes, sir.

Q. And General KOSTER and perhaps yourself and others were working with Colonel TOAN at 2d ARVN Division headquarters with respect to this operation and with respect to Norfolk Victory which was initiated on the same day to the south with the 11th Brigade?

A. That's right, sir. From the standpoint of the division headquarters, just the very early planning. That is, the general delineation of the area of operation for both these two operations, the broad coordination with the ARVN, the clearing of the area which we were going to use, was the principal planning that went on at division level. The 198th was involved up here with the ARVN and the 11th Brigade involved down in Norfolk Victory working out of Quang Ngai. So it was Quang Ngai City operation here and the Tam Ky Province and city operation to the north.

Q. What were the regiments of the 2d ARVN? The 4th, the 5th, the 6th, and what was the other one? They must have had a fourth regiment.

A. I think they only had three at that time, sir.

Q. Is that right?

A. Yes, sir. I believe there were only three. I'm trying to recall the movements of battalions back and forth if I can remember them all, if I can reconstruct a little bit, sir. We had, I recall, between nine and ten battalions. They were rotated in and out of a training category. At all times we either had one or two battalions which went to a training area in the DaNang area, leaving in general either eight or nine battalions which were maneuvered between Quang Ngai and Tam Ky among the 4th, 5th, and 6th regiments. I don't recall another regiment, sir.

Q. Well, actually most of them did have three. There were occasionally some of them that had four. Did each of these regiments have four battalions?

A. No, sir, they did not. As I recall they were short, I can't recall their strength, sir, but they were not a four-battalion, full ARVN TO&E organization. All I remember at any one time is either 9 or 10 battalions, and

again they were rotating 1 or more battalions, 1 or 2 battalions out of the training area in the Danang area. But certainly there weren't 16 battalions. I don't recall a fourth numbered regiment.

Q. Well, can you just discuss very briefly for us your participation, at least, and what you know of the 11th Brigade's participation in Norfolk Victory? I'm thinking primarily of the planning phase, Colonel BALMER.

A. Yes, sir. Other than details where all fire bases were and how we drew the boundary--well, I've already outlined the broad concept, of course, which flowed from division; the determination, in consonance with the campaign plan and our overall division objective, to open up the road to the west and go into base areas 117 and 121. It would be a coordinated, two-prong attack with the 11th conducting the Norfolk Victory and, of course, 198th the Burlington Trail. The determination of the forces which would participate, in general terms, was made at division. The boundary lines were drawn at division. The broad concept, that it would be a US-ARVN operation, that the broad concept for artillery support and helicopter support, was set forth at division. As I recall in the case of Norfolk Victory, it was a two-prong attack both from the north and the south with the bulk of the forces north of base area 121 in Norfolk Victory from 2d ARVN Division, if not all. With the 11th Brigade coming up from the southeast. I believe that is correct. I recall the fire bases which were established as we lifted the artillery into the best position to support this operation. I recall that the ARVN actually staged from the airfield just to the west of Quang Ngai City. I recall that the operation in general yielded very negligible results. The enemy just wasn't there. We had been in that area previously and had some contact, enough to lead us to believe that there could well be some sizeable enemy forces in there or that they had drifted back in there. We had received many reports to that effect. But during that final week I was there and the Norfolk Victory operations a dry well in general, I was interested to--when I returned to the United States on my extension leave to hear on the radio references, several times, to Norfolk Victory and to Burlington Trail. I was surprised they were still actually in progress. I thought they would be short duration operations just to open up those roads, to work with the ARVN and then to pull back.

It turned out Burlington Trail went on for a number of months, I think some 6 or 8 months. Another reason for Burlington Trail was Wheeler Wallawa had gotten so large and so unmanageable that we felt that a separate operation, a separate named operation, would be a tider way to report it and handle it to work with the ARVN throughout the entire operation, to give them a precise area of operation in which they could work side by side with the American forces. And, of course, to further in a meaningful way the missions which were handed down to the Americal Division from III MAF headquarters and higher in the combined campaign plan.

Q. Let me ask you about General KOSTER during this period. At that time you had Wheeler Wallawa, you just initiated Burlington Trail and you also initiated Norfolk Victory. Which area was he focusing on at the time? What part did General YOUNG play in all of this?

A. I don't believe I could say that General KOSTER concentrated on either area more than the other. He, in general, covered the entire division area of operation of course. In terms of where most of the action was, Wheeler Wallawa and the Burlington Trail area and the Que Son Valley area and the area around Tam Ky were always much more active than the other area. So in terms of his attention more in the Burlington Trail, Wheeler Wallawa area. However, he made frequent visits to the Quang Ngai area and, of course, to the Duc Pho, 11th Brigade, area. General YOUNG's role at this time had been shifted a bit. Whereas earlier he was primarily for support, he was getting more and more into operations.

Q. Well, that's right. With the departure of General RYDER he moved into the maneuver ADC spot so to speak.

A. Yes, sir. Even though the line was a little bit fuzzy in cases. I can't recall that General YOUNG concentrated on either Norfolk Victory or Burlington Trail more than the other. It was worked out primarily, of course, at brigade level but with constant and daily division cognizance and monitoring of the operation.

Q. What about Colonel HENDERSON's personal participation in this now? You remember at that time, he was probably just coming out of a cast. He had been wounded on the 21st and the severity of the wound didn't really become known until the 23d. At that time the foot was put in a cast and remained in a cast for approximately 2 weeks. Of course, you were at division headquarters but you undoubtedly know about his participation and so on. Can you comment on that?

A. I'm afraid I can't meaningfully, sir. I don't recall Colonel HENDERSON being at division headquarters specifically to plan Norfolk Victory. I did not personally visit the 11th Brigade CP during that final week. So actually participating personally with Colonel HENDERSON or having any direct contact with him on this operation, I did not. My main concern was to get out the division operation order and to give such support as the two brigades needed and such coordination with the ARVN and the provinces as we could render from division level. As far as Colonel HENDERSON coming into the TOC at division or into our plans shop there and actually sitting down and working with us on that, it did not develop that way. It was done at brigade and it was done by either the division commander or General YOUNG or both being present at the brigade and working it out, sitting down with maps and said let's go at it this way.

Q. From an operational point of view, with three major operations under way, was General KOSTER more or less busier during that period than he was during other periods?

A. I don't think I could make a differentiation there. He was always extremely busy, 7 days a week, fully committed. I don't recall that this peaked at all with this. These operations did not materially increase our problems at division. As far as we're concerned, the 198th, 11th Brigade were involved in two new-named operations with the ARVN and the work load, as far as we were concerned was just about the same because of the lessening of the Wheeler Wallawa operations shifted attention to our two new-named operations. We had not named any operations before.

Q. And at that time you were working just with three brigades? Is that right?

A. I believe so, yes, sir.

Q. The 11th, the 196th, and the 198th?

A. That's right, sir. By that time, the Cav had moved on and we had lost the 3/82. Just three, sir, at the time I departed. We had five, at one point we had six for a short period of time there. But only three brigades.

Q. Now what about the planning with respect to the 2d ARVN Division? Where was this done?

A. It was done at the division headquarters at Quang Ngai.

Q. Did you accompany General KOSTER on that?

A. I did not, sir. As I stated previously, I never on a single occasion accompanied General KOSTER anyplace.

Q. Yes. At any time, and I'm thinking about just perhaps the day of your departure or along in that time, did General KOSTER ever come back and tell you about a planning meeting with--not necessarily a planning meeting but an operational meeting with Colonel TOAN in his headquarters, along with Colonel HUTTER. He perhaps mentioned to you that General TOAN had called to his attention a letter from the Son Tinh District chief to the province chief alleging that the Americans had killed up to about 500 civilians in the Son My area?

A. No, sir, I certainly do not recall any conversation with or information from General KOSTER to that effect whatsoever. I did receive the fallout, certainly, of his visit to the Quang Ngai Province headquarters and 2d ARVN Division headquarters to the extent that I needed to know at the TOC and the G3 office. But certainly, any reference to some 500 casualties inflicted on the populace--

Q. (Interposing) Was there any mention about VC propaganda?

A. Yes, sir. During this period the VC propaganda down in this area was always intense.

Q. Well, I'm talking about VC propaganda which may have focused on Son My or Son Tinh indicating that a large number of civilians had been killed by American forces?

A. Sir, I cannot, as I stated previously, specifically remember that. One of the exhibits you showed me the last time, as I stated previously, did ring a faint bell, in that this was the type thing which the VC particularly in this area, were harping on. It was the type of thing I would read and set aside as their normal run-of-the-mill propaganda that they grind out.

Q. Well, of course, what I've showed you, Colonel BALMER, actually was a transcript of a VC broadcast which, although I don't know the source of it, in all probability came out of that powerful station which they had in Hanoi which fairly well blanketed practically all of South Vietnam and particularly the northern part.

A. Yes, sir.

Q. Now I'd like to go on for just a moment. Was this the first real attempt, you might say, to get combined or joint operations with ARVN?

A. No, sir. Certainly on a scale such as these two operations actually included, this was the largest up to that time. We had worked with the ARVN forces on a smaller scale, not on a separately named operation. I'd have to think here a bit for specific examples of other--

Q. Well, I'm sure you had some before, but about this time, along about the latter part of March or the first of April when the combined campaign plan came out for example, was there a more or less deliberate attempt on the part of the U.S. and on the part of the ARVN, for that matter, to conduct more combined operations and get the ARVN out into the hinterland?

A. Clearly, definitely. This was the new approach, the new emphasis; work with the ARVN, proceed with your combined operations to the maximum extent possible based on their state of training and their capabilities. Planned operations included. The rationale underlying these two operations, definitely, to the extent that we can work with the 2d ARVN Division, let's get them out there. It was a clear shift in emphasis during the time frame after Tet.

(BALMER)

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APP T-26

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Q. The 2d ARVN Division senior advisor up until about the 1st of April had been Colonel ULSAKER.

A. Yes, sir.

Q. He departed about that time. His replacement arrived a few days ahead of time, a colonel by the name of HUTTER. Had you met him?

A. I had not. I did not meet him. I knew he was coming in but I don't recall meeting him. After he came through division and he was present there, I don't recall specifically being introduced to him.

Q. I see. Now in this whole period was Colonel PARSON in any way involved developing this improved coordination and cooperation with ARVN?

A. Certainly not, sir, from a tactical standpoint. From a conceptual standpoint, that is, how we can better support them, work closely with their artillery and amalgamate to the extent that we can all our fire planning and give them such helicopter support as we can. When they need air support make sure that the air support is also forthcoming. He was in to the extent that, being the chief of staff of the division, he was aware of all this. But from an actual tactical planning standpoint, no, sir.

Q. Well, I'm thinking of this, Colonel BALMER. You have a shift in emphasis in the sense you got a different orientation which is provided in the combined campaign plan. At the same time or almost concurrent with that, there is a new senior division advisor and the possibility of PARSON being involved in one way or another in insuring this new advisor is brought fully into the picture and can play his full part in affecting this closer cooperation and coordination with the ARVN.

A. Colonel PARSON just didn't have that role, sir. He was cast in a role similar to my own. Our concern was primarily and strictly with matters affecting the division at division headquarters. He did not accompany General KOSTER either except very, very infrequently. He simply was not in on the planning, certainly anything tactical

whatsoever, other than following the new shift in emphasis, yes, we're going to work with the ARVN, yes, we're going to support them, yes, we're going to conduct new operations, beyond that, no. Colonel PARSON simply was not a chief of staff who worked with tactical operations. He just was not used in that capacity.

MR MACCRATE: With respect to General KOSTER's visits to Colonel TOAN and his filling you in on those aspects of their conversation as relevant to your forward planning, do you have any recollection of reports coming in to you from General KOSTER at the closing days of your time there with respect to Norfolk Victory and the fact that it had been, as you describe it, "a dry well", and what might be done in view of that? Any reference to this topic?

A. No, sir. General KOSTER did not have conversations with me which gave me feedback from his visits to the field and certainly talking to the senior ARVN officials or ever the brigade commanders. When he returned to the command post daily I did not see him except at the evening briefing. I just was not given a briefing or a debriefing of his days activities. We just didn't have that kind of relationship.

Q. Well, in your discussions at that time at division were you considering the termination of Norfolk Victory before you left?

A. I believe so, sir. There had just been no contact beyond sniper fire. There was no meaningful contact or any enemy uncovered in base area 121. They had probed in it rather deeply, as I recall, before I left headquarters. It was, as I recall, reasonably evident to me that the operation certainly was not going to last very long. But as far as the specific termination date of it before my departure, I don't recall anything like that, sir.

Q. Had any questions been raised of possible redeployment of the units which were engaged in Norfolk Victory?

A. Not that I can specifically recall, sir, but I'm sure this must have come up because once it was realized that the enemy simply was not there, we're not going to find him at least, we're going to have to shift the forces and redirect the planning. I'm trying to remember what was the next plan we had. We had others planned beyond that.

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Q. Yes, you are.

A. I'm not smiling.

Q. Yes. This was provided us by General KOSTER, so we'd like to have this entered into the record as an exhibit.

RCDR: Sir, this photograph will be entered into the record and marked as Exhibit P-233.

(A 26 February 1970 memorandum from MG KOSTER to LTG PEERS which accompanied the photograph, Exhibit P-233, was received into evidence and marked as Exhibit M-129.)

IO: Yes, I believe the fifth individual in the back row from the left is then Lieutenant Colonel Jesmond D. BALMER.

A. Yes, sir, right behind the division commander, flanked by the G2 and the G4.

Q. Do you know the date that this picture was taken? You will notice that--

A. (Interposing) Colonel HENDERSON's got his foot in a cast.

Q. Colonel HENDERSON is there and has his foot in a cast.

A. Let's see, I can fix it pretty closely, sir. I see we have an overlap of the DIVARTY commanders. I can fix it real close in just a minute. I'm trying to remember when--I believe during the last week of March, sir.

Q. Yes, I don't believe your IO officer is there, is he? Lieutenant Colonel DIONNE?

A. I believe Colonel GALLOWAY, now General GALLOWAY, the last week in March--

Q. (Interposing) Colonel GALLOWAY came in, I believe, on the 14th of March.

A. Colonel Larry JONES came in about the middle of March for a short overlap. It must have been about the last week of March, sir, 1968.

Q. Well, that would pretty well jibe with the time that Colonel HENDERSON had his foot in a cast.

Well, Colonel BALMER, we appreciate you coming. We know that it's been a long trip for you, but this has added significantly to our appreciation of what was transpiring at that time. I would ask you a question of opinion in closing.

A. Yes, sir.

Q. That is, with all of things going on which you had, it was about this time that we're seeing the VC propaganda and we're seeing the letter from the district chief to the province chief and so forth with this thing just coming to the surface so to speak. The question would be whether or not these operational activities would overshadow or tend to submerge any possible action which may have been taken on any letters or VC propaganda or things of this category, whether the commanders and so forth were so busy or so involved in other things that they just didn't have time to take care of these other details.

A. In my opinion, yes, sir. Because of the very high level of the operation and the extent to which everyone was committed to their individual responsibilities, it was just not possible to take fully into account every suggestion of an area which should be looked into or checked out. You just simply couldn't run down all the possible areas where it should be in the normal course of operations closely scrutinized and monitored. It was VC as it is now, unrelenting, as you well know, sir. Also, as you know, when you're engrossed in the actual conduct of a combat operation you can only take so much of that into account. You just proceed with your planning to the extent that you can. Certainly you can't dismiss all of it, there could be some element of it which is useful in the planning as an index to the enemy's mood and their thinking. But as far as responding to VC propaganda or reports from certain civilian sectors that there had been any irregularities by American forces, this is the type thing which no combat leader simply can't take full cognizance of and conduct their operations.

Q. Would it be unfair to say that this might conceivably be magnified by either not having a fully effective staff or, not taking full benefit of the staff?

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A. I think the latter statement is fair. I would hope the first statement is not correct except to the extent a division staff in that environment certainly is committed at times beyond its capabilities to properly assume all their responsibilities. Certainly there are indications, in my opinion, that full use is not made of the staff, specifically the G2 and G3 elements. As you know--

Q. (Interposing) And you also had a primarily administrative type chief of staff.

A. Very definitely we did. Either he was not able to or was not permitted to assist the division commander and the assistant division commanders in the tactical planning and monitoring and guidance to the brigade. He was in a similar situation to my own and G2. We were essentially CP and TOC bound, and that's where we remained.

Q. Now let me ask you another question. Even recognizing the fact that you were TOC and Chu Lai bound so to speak, did you ever get any kind of feeling that within any part of the division there was a certain amount of permissiveness in terms of the troops dealing with women?

A. No, sir, I did not. I say that in comparison to observing other units in Vietnam during my entire stay in country. Certainly it was not any different from any other place as far as permissiveness of the part of the looking the other way, either in the combat operations or in the conduct--the personal conduct of the troops on and off duty to the extent they were off duty there. Discipline was tight. No question about that. Command supervision was very tight from the top.

Q. In what sense?

A. The degree to which supervision was exercised by the division commander. To the extent that it would tend to overshadow the command responsibility and discipline responsibility of some of the lower commanders, brigade down. General KOSTER's a very strong commander, he believed in centralized control and he exercised it, not with his staff but

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it permeated down to the brigades. The brigades which became organic to the Americal Division did not have the freedom or latitude in operation perimeters that the brigades that came through there did. It was entirely different when the 3/82 came in with Colonel BOLLING, entirely different when the Cav went through there, entirely different when the 4th Division with Gene FORRESTER came in there. They just didn't understand the way we operated with such tight control from division, exercised through the command element. And they also were, I think, a little bit taken back, I can't be sure of this, by the lack of authority which the division staff appeared to have, particularly the G2 and G3. I would certainly guess that this has been brought out. As I indicated the last time I was here, I simply did not fill the role the G3 normally filled in the division. This was confusing to people like Colonel FORRESTER and Colonel BOLLING and the other brigade commanders who came in there, General LIPSCOMB even. They would come to me for certain information or guidance or what they could expect in the way of artillery support or helicopter support. My answer invariably was, "I'm sorry, I can't answer that, I'll have to check with the general." I just could give them nothing. This became progressively the case as time went on. I'm sure if you haven't already talked to my successor Colonel Bill BAXLEY, he could indicate the extent which he operated the G3 or did not operate the G3 in the normal sense of the word and the job. But an example of taking away the freedom of movement of the G3, I think can be brought out by this. My predecessor, Colonel Clinton GRANGER here in DCSOPS had a helicopter, Huey, on the pad all day long. If he wanted to go out to one of the brigades to find out what was going on, to give them some information, to get some information from them, to take a look at an area, check a road, check anything, he could leave the TOC for an hour and do it. When I arrived in early December the G3 had a helicopter and it was called the G3's helicopter. I exercised this to the extent that I was able to under the chief of staff during the first part of my short stay there as G3 when Colonel MUSSER was chief of staff. When Colonel PARSON came in, when he heard the G3 had a helicopter and he didn't have a helicopter, he said that's hereby re-designated the chief of staff's helicopter and you won't use that without clearing with me. I want you to stay in that TOC. He simply didn't see any reason for me to get in that

helicopter and take off when he had responsibilities to division headquarters there and he liked very much to have me there. So I didn't use that helicopter any more after Colonel PARSON came. I think this points out the extent which the G3 was brought, strictly into the division and did not function properly.

Q. Well, would you say that this is through General KOSTER or Colonel PARSON?

A. A little bit of both, sir, a little bit of both. Not clearly either way. Colonel PARSON was under considerable pressure, no question about it. However he extended the constraints on me.

Q. Well, I can understand your feelings of this tight rein and discipline and so on and I can read this in many of the directives and the SOPs that were published. But having a policy and enforcing the policy is quite another thing. I was just wondering whether or not any of this information concerning this permissiveness with the civilian population had gotten back to the division staff.

A. You mean in terms of--

Q. (Interposing) I mean in terms of when they go into a village, raping Vietnamese women and so forth.

A. I never heard of a case of it, sir. I certainly would have remembered had I heard. Of course, VC or civilians, so when we get a body count, in division, certainly we would not go back in G3 and challenge were all those civilians male, military-aged with a close-cropped haircut? To that extent, certain permissiveness, they looked the other way. Maybe some of them weren't as young as a young soldier should be, maybe an older man but it's well known VCs come in all ages and sexes and sizes. So from that standpoint, yes. When they report casualties, they didn't go out and determine that all those casualties were very definitely card-carrying Viet Cong. But as far as misconduct with women, rape, killing and shooting women and children, I had never heard of a case of it, rumor or otherwise, or dreamed of it. If I did hear of any suggestion of it, as possibly construed in Chaplain LEWIS's appearance here, I took it in the context of he's talking about civilians overall.

This is a command matter which occurs constantly and it's going to be investigated and it's going to be investigated through the normal investigative channels, whether it be command channel or the IG, or the JAG, or one of the general officers, or brigade commander. It was sort of, "That's very fine chaplain, now get out of my TOC, I'm busy". Even though we were good friends. Coming up here on the plane last night I thought of an individual who you may not have talked to who might be helpful in certain respects and that's the division surgeon, Colonel AUGERSON who's out at Walter Reed now. If he has not appeared here you may care to consider that from the standpoint of a very astute observer of the temper and tone of that division staff. We had a number of conversations on this matter, the general unhappiness. My trailer-mate, Colonel TREXLER, was so unhappy that he wanted out of that staff and did so, I'm sure, at the expense of his career. As I stated previously I would have requested same had I not been already in the process of moving. We simply were not functioning as a G2 and a G3 should and must function to do their job. It was put into a very difficult compromising position to the extent that it could no longer be lived with. Colonel AUGERSON, I think, might be a benefit in that area if that area is to be studied any further.

Q. The Task Force Barker had two previous operations into the Son My area. One on the 13th and another on the 23rd of February. In each instance they reported quite a sizeable VC body count. Friendly casualties were quite small. At the same time the operations were considered unsuccessful in that they had not accomplished their objective. In one instance they had a body count of 78 and no weapons captured. Do you recall this and any discussion concerning this kind of reporting to division? Was there any discussion about who these people were? Was it the 48th Local Force Battalion, was it a local force company? Who were these people that they were reporting as casualties?

A. I recall no one challenging that at division, sir. The 48th local force battalion area was heavily infested with VC. It was an area which U.S. forces went into very infrequently. When they did, they had in previous operations sustained some sizeable casualties mostly through mines and booby traps. The fact that Task Force Barker went in there

and reported a figure of 78 body count, which I would not have recalled had you not just mentioned it, and failed to report any weapons, I don't recall challenging that, sir, or anyone challenging it or any discussion of it except that Task Force Barker had a successful operation and accounted for 78 of the enemy. Any suggestion that the enemy were innocent civilians or that among those of 78 body count were anything other than males of military age, no recollection that anyone seriously challenged that, sir.

Q. Well, in their operation which took place on the 23d from 0900 in the morning to 1900-1915 that evening which is in the area of My Lai, My Lai (1), the results which were reported were 68 VC KIA, 1 CIA, wounded, and 10 VC suspects. There were 5 individual weapons and 10 B-40 rounds, and a few rounds of mortar. Friendly losses were 1 U.S. killed and 14 U.S. wounded and 2 APC's damaged. The previous operation, which is on the 13th, indicated 78 KIA and 0 weapons.

A. That means within a 10-day period they reported 146 KIA and I think you said 5 weapons on the first operation.

Q. That's right.

A. No recollection at all, sir, that anyone raised an eyebrow or challenged that. The feeling was that you had U.S. forces operating in an area which had been a VC haven and would continue to be until it was neutralized. The 48th Local Force was carried there and the fact that we had been able to get in there and make contact and take those casualties was very satisfying to the division. It just didn't strike us as being that unusual. The body count, which by present standards in Vietnam, seems high, were not high at all to Wheeler Wallawa contacts. Americal Division, during Tet and during this period, was really into the enemy. They had heavy body counts in the Que Son Valley and they still do around Danang area. As you well know it's a hot area.

Q. Well, I can understand that, but you see here's the thing. Here in this area, you're finding an operation such as this, with practically no weapons and quite a sizeable body count. But then as you get over into operation Burlington Trail, which, at the time this cut off, for the period 8 to 20 April, there were 13 U.S. KIA and 69 WIA. Quite obviously a lot of these were the result of mortar attacks. On the enemy side 170 enemy KIA, but the weapons

count is 48 individual and 21 crew-served weapons which seems to be a reasonable weapons count. Vastly different from that which we find down in the Pinkville area or the Son My area continuously. Yet nobody raises the question.

A. In retrospect it would appear based on this that someone at division should have challenged that disparity. Certainly I can realize that. We kept a box score, of course, at division of weapons captured as well as enemy casualties. The ratio we even kept on our briefing chart, and we changed it as the ratio was modified so a very careful tabulation was made of this. And from time to time a question would come up as to disparity between--if we killed 70 enemy we should have 70 weapons from someone passing through there. That question is answered as you know in general, that just doesn't happen in contact with the enemy, they police the battlefield, they're "past masters" of that art like no other enemy ever has been. They simply take the weapons and ammunition and everything off their fallen comrades. In fact they're "past masters" at getting their bodies off and their wounded off to the extent which American forces can't match. The enemy is killed usually at long range, much of the killing is done with gunships and artillery, giving the enemy ample time to police the combat gear from their fallen fellow soldiers. So it just didn't strike us as all that strange. It depends on the time of day. If it occurred late in the evening and we didn't get the body count until the following morning, through the night they'd police and strip all the weapons off. It just didn't ring a bell. As you look at it now I can see well this is strange, how come it always--there was some reasonable ratio here but down here all of a sudden is a vacuum, we just kill people and we don't have any weapons to show for it. There are other explanations too, there are a lot of souvenir hunters out there. Some time they say well we have to turn these weapons in, some of these people who are actually out there counting are souvenir collectors. They are DEROS'ing next week. There are other reasons. So it is just not a solid index that something could possibly be awry.

Q. Well, Colonel BALMER, we appreciate you coming in and wish you a safe trip home.

A. Thank you very much, sir.

Q. I would remind you that you have been ordered not to discuss your testimony here with others. I don't think I need to provide you with any further guidance.

A. No, sir, none whatsoever.

IO: The hearing will recess.

(The hearing recessed at 1043 hours, 28 February 1970.)

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SUMMARY OF TESTIMONY

WITNESS: BAXLEY, William J. COL

DATE OF TESTIMONY: 22 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT: Replaced Colonel BALMER as Americal Division G3 on 14 April 1968.

1. TASK FORCE BARKER COMBAT ACTION REPORTS.

Colonel BAXLEY could not explain the absence of Task Force Barker's combat action reports in the G3 quarterly report. He stated that he did not know that they had not been included therein, and he denied any intentional failure to include these reports (pg. 7). The witness thought that his deputy had kept an adequate log on combat action reports (pg. 8). However, he did not know the date that these reports came into the division G3 office (pg. 7). BAXLEY said that he gave no instructions to destroy any of these reports, e.g., for an IG inspection (pg. 8).

2. INQUIRIES CONCERNING THE ASSAULT.

a. U.S. investigations.

BAXLEY had never heard of any investigation conducted concerning an incident in the My Lai (4) area (pg. 9). He did not recall seeing Exhibit R-1 or any attachments thereto (pg. 10).

b. Vietnamese investigations.

The witness had no knowledge of the Son My Village Chief submitting a report alleging U.S. atrocities to the Son Tinh District Chief. Also, he had never heard of a

report from the district chief to the Quang Ngai Province Chief concerning U.S. combat actions in that area (pg. 12).

c. Discussions concerning the assault of My Lai (4).

When the G2, Colonel TREXLER, briefed the witness upon his arrival in the division, there was no discussion as to the disparity of weapons captured in relation to the large body count (pgs. 4, 5). However, in his previous job as a battalion commander in the vicinity of LZ Baldy, he and his S3 probably wondered about the lack of weapons captured (pg. 9). He heard no talk around division headquarters about something unusual occurring in My Lai (4) (pgs. 8, 9). Major General KOSTER never told BAXLEY about a meeting he had had with Colonel TOAN wherein TOAN informed the Americal commanding general of allegations of unusual activities occurring in Son My. Nor did KOSTER tell him that TOAN intended to conduct an investigation, or that TOAN requested KOSTER to do likewise (pgs. 12, 13). He did not recall a conversation with the division chaplain regarding a report from a pilot alleging unnecessary killing in the Son My area (pg. 13). He never recalled Brigadier General YOUNG mentioning that something went wrong in that operation or that Colonel HENDERSON was looking into it (pg. 26).

3. DIVISION OPERATION REPORT OF LESSONS, FEBRUARY TO 30 APRIL 1968 (Exhibit R-24).

BAXLEY admitted Exhibit R-24 was prepared under his supervision. He pointed out that the Task Force Barker operation of 16 March 1968 was not the only significant operation in condensed form within this exhibit (pg. 15).

4. OTHER INFORMATION.

a. The witness had talked with Colonel BALMER for about five minutes over the phone about this incident since it became a matter of public knowledge.

b. He had no recollection of transmitting relevant records back for retention (pg. 16).

c. BAXLEY did not recall an incident in which a briefer from G2 or G3 was briefing the 123d Aviation Battalion on a body count and was guffawed to such an extent that the senior officer told the aviators to quiet down (pg. 25).



(The hearing reconvened at 1445 hours, 22 January 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR MACCRATE, COL ARMSTRONG, and MAJ LYNN.

Sir, the next witness is Colonel William J. BAXLEY.

(COL BAXLEY was called as a witness, was sworn, and testified as follows:)

Colonel BAXLEY, for the record, will you please state your full name, grade, Social Security number, organization, and station.

A. Right. Colonel William Joshua BAXLEY, Jr., Industrial College of the Armed Forces, Fort McNair, Washington, D. C.

RCDR: Thank you.

IO: Colonel BAXLEY, have you had an opportunity to read the instructions?

A. Yes, sir.

Q. Do you understand them, or do you have any questions concerning them?

A. No, sir.

Q. On my left, Colonel BAXLEY, is Mr. Robert MACCRATE, who is a civilian lawyer. He has volunteered his services to the Secretary of the Army to assist me and other members of this inquiry team in the conduct of the investigation and also to provide legal counsel. On my right is Colonel ARMSTRONG, who has been designated as an assistant to the inquiry team by the Office of the Chief of Staff. Either of these gentlemen may address questions to you this afternoon.

A. I understand.

Q. We have other groups that are likewise taking testimony from other individuals. I will be responsible for

pulling together the report and weighing the evidence and making the findings and the recommendations.

Being a military officer, you are directed not to discuss your testimony here with others, including other individuals who may appear before this inquiry as witnesses, except as it may be necessary in the performance of your official duty or as you may be required to do so before competent administrative, judicial, or legislative bodies.

A. I understand.

Q. In terms of legislative, I might explain that. It is possible that you may be requested or required to appear before one of the congressional committees. The most likely one would be the investigation subcommittee of the House Armed Services Committee, in which event, if you are called, your appearance here would in no way preclude your testifying before that body.

A. I see, sir.

Q. I'm of the opinion that you have not been cited or questioned by the military judge in the general court-martial case of the United States v. Calley?

A. No, sir.

Q. I would like to say, however, that if by chance you ever are so cited by that judge or the judge of any of the other court-martial which may relate to the My Lai incident that your appearance before this investigation would in no way change either the effect or the applicability of the order.

A. Okay, sir.

Q. Do you have any questions?

A. No, sir, I do not, sir.

Q. Colonel BAXLEY, would you explain when you were assigned to the Americal Division and what your duties were with the division?

A. Yes, sir. In October, I arrived around 4 October, sir.

Q. Of what year?

A. Of 1967, as advance party, and I think the Americal had just been designated Americal from old Task Force Oregon. I arrived as advance party for my battalion. I had the 1/6 Infantry of the 198th Brigade, which was in Fort Hood, and I trained it there. Do you want me to go through where we were, sir?

A. Well, no. How did you remove yourself from the 198th up to division?

A. Okay, fine, sir. On 31 March I turned over my command where I was OPCON to the 196th up at Baldy. They'd been operating up there ever since Tet. I'd been up with the Marines. I came down to division about the next day, went on R&R, and got back around the 10th, I suppose. Then I assumed the duties of the G3 about the 12th or 13th. Colonel BALMER left about the 13th or 14th.

Q. He was there from the time you arrived and while you were on R&R? BALMER was there and was still there when you returned?

A. Yes, sir, and stayed as the G3 for about 2 or 3 days, until I could catch up.

Q. You took over, then, around about 15 April?

A. 14th, 15th, something like that.

Q. All right.

A. That's when I really took over. I think my orders say about the 1st or something like that, but I took over after coming back from my leave.

Q. When you took over, were you briefed upon the operation for the--

A. (Interposing) In the past and so forth?

Q. Yes.

A. Yes, sir. I was briefed on all the operations going almost back to Task Force Oregon. The G2 had quite a briefing, a historical briefing. It was Colonel TREXLER

who put on this briefing, and he gave it to me. I sort of remember that there was heavy action down there; it was just one of a series of things that he mentioned during this time.

Q. Did he go into the organization of Task Force Barker and why it was created?

A. Not much, sir. I knew that, sir, because I had been in the 198th Brigade and--may I turn to the map here (Exhibit MAP-1)--this is our battalion. We started out at Duc Pho. I relieved the 1/4 Infantry down here. About 5 December I came up to just north of Tra Bong, if I can find it on the map here. Here's Chu Lai. Here's Tra Bong River. I had this area up in here (indicating), sir. And then on 7 February I was pulled out and sent to Danang in OPCON of the 1st Marine Division. So I sort of knew that they were down in there, and I knew how they were organized.

Q. Can you recall what Colonel TREXLER told you about the operation of Task Force Barker in this particular operation down in the eastern end of Son Tinh District?

A. I've been trying to remember, sir, exactly. Of course, I've read a lot of newspapers, so it was a major action, I thought. It looked like it was a major action. I remember sort of thinking it was sort of like an action I had just before I left the battalion, which was up north. We killed about 120 against the unit, so at that time I was thinking about that.

Q. Do you remember the figures that Colonel TREXLER told you about that time?

A. No, sir. I've seen a lot in the newspapers, to be honest with you.

Q. Well, the one day. I could get out the logs of the Americal Division.

A. Yes.

Q. The 16th, the log (Exhibit M-6) indicated 128 enemy KIA, 2 U.S. KIA, 11 U.S. WIA, and 3 weapons captured.

A. I think I read that in the paper, too.

Q. Do you remember Colonel TREXLER mentioning any

discussion which may have taken place concerning this disparity of the weapons versus the number of enemy KIA?

A. No, sir, but I know that we always had a feeling that if you had a large body count--I mean this is a personal feeling, although it's not my feeling as a commander--and you didn't capture some weapons, sort of why? I think this is the feeling of most commanders and senior staff officers.

Q. Particularly if you have a big killing?

A. Yes, sir.

Q. One or two that's--

A. (Interposing) Well, that's different, sir, sure. They might have been sappers or they could have had grenades and things of that nature.

Q. Could have had somebody else policing them up?

A. Oh, very easily, sir, that's right. As well as the bodies, too.

Q. Would you think for a minute, whether he mentioned anything about some reports on some burnings going on down in this area, burning of hootches and burning of hamlets and so on.

A. No, sir, not that I know of, no. I'm trying to have some total recall and it's pretty difficult, General. When he would go with this historical presentation, which he did day after day, you just sort of gave it perfunctory attention. After a while it was a series of battles and nothing seemed suspect at the time, to be honest with you.

Q. Do you recall a directive being put out by division requiring the 11th Brigade to submit three, I would call them after action reports, combat action reports?

A. Not specifically, sir, but on a major battle the instructions were that we would submit these things. I would normally get it from General KOSTER or Colonel GELLING, the brigade commander. You just knew that you were supposed to do this. We submitted these, sir, in my battalion.

Q. Now, this directive that I have, which has been

entered into the record as R-13, was signed off on 19 March by the adjutant general of the division. I would ask if you had seen this directive, and I would imagine there might have been comparable directives going out to other brigades, or whether you saw the report which came in as a result of this directive?

(Witness received and reviewed the document.)

A. Did I see this or other type, just like it? I don't think I ever saw the one that went to the 196th. I was OPCON to the 196th at that time. I know I didn't see the 198th's, because I wasn't with them. I may have seen one like this. We had an action in March just south of Hoi An. You know where Hoi An is, I believe, sir, which is up north of Chu Lai. We were operating in coordination with the cav up there, the division cavalry. And we submitted an after action report on our operation. It could have been in a form like this. I just don't know.

Q. Right. This, of course, was required by division, as you can see. Then the rest of the exhibit goes out to the Task Force Barker and to the 1/20 Infantry requiring them to submit reports.

A. Right.

Q. I have here two reports submitted in compliance with this. One is a combat action report, Exhibit R-12, of 24 March, covering the action of 23 February; I have here another one, which has been entered into the record as R-2. This covers the action of 16 March 1968, into the area which we are discussing.

(Witness received and reviewed the documents.)

A. I would normally see these, sir. It's according to when they got up to division, but I have a feeling I would have seen them, and I know this would have gone into the quarterly after action report of division. I would have seen evidence of these, I'm sure. We don't know when this got there, do we?

Q. No, I don't. I wish I did know when it got there.

A. Oh, I see. It wasn't marked. I see.

Q. We might ask you some questions about those logs up there after a while too.

A. All right, sir, fine. I did see these as the G3, sir, and I probably did see these. I just can't remember that I'm looking at the exact documents, sir.

Q. One of the things that you've indicated is that with this kind of a report upon it, what one might consider it a highly effective operation, that it would fall into your quarterly report.

A. Yes, sir.

Q. We have reviewed the quarterly report and find no mention of it.

A. That's terrible.

Q. Well, of course, we then wondered why this was not included.

A. I have no knowledge that it wasn't in there or why or anything like that. No intent, I don't think, not to put it in there.

Q. At this time this was the most successful operation that the 11th Brigade had had, so from a numerical point of view, it could be considered very successful.

A. Yes, sir, and very significant.

Q. But you don't recall other than you normally would have seen this report when it came in?

A. Yes, sir, I'm sure.

Q. You'll notice the last paragraph, actually the last two paragraphs, 15 and 16.

A. Yes, sir. I doubt whether I saw these or not. They don't particularly ring a bell, but I could have.

Q. To the uneducated, these might not have much meaning.

A. Yes, sir.

Q. But to ourselves, with what we know of the situation, it has particular meaning. We got on this question of finding these documents. Would you tell us how you handled the documents in the G3 shop?

A. Documents of this nature, sir?

Q. Yes, that's right. Were they logged in? How were they filed, and were the files cleansed periodically?

A. Things of this nature could come into the operations center. They probably would come into my deputy, who sat right next to me in that little shack we had down there. I'm sure that we were logging them in. I can't remember exactly what the log looked like and so forth. But I had some people who were supposed to be doing that for me, and I felt like they were doing it for me.

Q. Well, with specific reference to this, particularly the 28th report, we have never been able to find a copy of that at division. This copy came out of the files of the 11th Brigade. So as a consequence we just sort of ran into a blind alley there. While you were there, did they have any reductions of the files or cleaning of the files, or did they have an IG inspection?

A. We had an IG inspection. I think it was about the time General GETTYS got there. I guess a little before. I'm not exactly sure when. But there was no particular cleansing of the files that I know of.

Q. Sometimes, you pick out anything, aside from what they needed specifically for the IG, and they either are thrown out or retired.

A. Yes, sir, but I didn't give any instructions like that to my people. I wouldn't do that, particularly to combat files.

Q. Well, we're not through searching for this yet. We may just find it.

A. Good.

Q. Did you hear any talking around the division headquarters by Colonel TREXLER, for example; by the G5, ANISTRANSKI; or QUALLS, the G1; or by the chief of staff,

Colonel PARSON, about anything which may have indicated that something unusual took place down in Son Tinh District with Task Force Barker. This may have resulted in the burning of some hootches, houses, or hamlets, or the unnecessary or indiscriminate killing of civilians, either by artillery, gunships, or by ground troops or getting caught in a cross-fire, anything of that nature?

A. No, sir. Let me explain my answer a little bit. When I first heard that they had an action down there I was up at Baldy. We were on the trail of a unit, so we were rather busy. But my immediate reaction, when you hear a large body count and you don't get a lot of weapons, was to sort of wonder. After I left the battalion, went on R&R, came back, and took over my duties I never really heard any particular mention of it. I think that Colonel TREXLER continued to brief the action, however. There were no insinuations of things of that nature to my knowledge, sir, and I lived with Colonel TREXLER for about 3 months in a house up there.

Q. You'd never heard anything about the weapons count, or you'd never heard any sort of derogatory comments concerning, "You got that big body count, but hell, a lot of them were women and children"?

A. Yes, I didn't hear that, but when my S3 and I heard about it, and I don't know if we heard about it from Colonel GELLING. Of course, we didn't hear about it right away. I would say we probably heard about it 3 or 4 days later when we were about 70 miles away and so forth. I would say that my S3 and I sort of just--I remember we sort of looked at each other and said, "That's a lot of bodies and not many weapons." So that was the reaction.

Q. Did you ever hear of any investigation being conducted of something that may have transpired down in this area?

A. Not to my knowledge, sir. Maybe I should have, but I'm still just trying to recall.

Q. I'll show you a document and see if you can recall any part of it.

A. Okay, sir.

Q. I have here, Colonel BAXLEY, a document which has been entered into the record as R-1, dated 24 April 1968, subject: "Report of Investigation," to the Commanding General, Americal Division, from Colonel HENDERSON, Commanding Officer of the 11th Brigade. I would ask you to check the basic document itself, which is about a page and a half long?

(Witness received and reviewed the document.)

A. I know I should have probably seen this, sir, being the G3. I feel sort of bad not having total recall, and I don't believe I saw this report.

Q. Now, take a look at the first inclosure, if you will, which is a statement dated 14 April 1968. That's just a one page statement. Do you ever recall seeing that piece of paper?

A. I don't believe I did, sir, no.

Q. Our understanding is that this piece of paper, plus the piece of paper that's underneath it, came to the division before this report was submitted. Then subsequently this report was submitted attaching these two as well, so you could have seen that paper, or you could have seen all three of them together in the report form.

A. Yes, sir.

Q. Now, I'd ask you to take a look at the second inclosure.

A. All right. These words I can remember from somewhere, either a newspaper or a reprint of The Stars and Stripes. I'm not sure where. But you mean in this form? Is that what you are saying?

Q. What I'm concerned about is whether or not at that time you saw them, or whether or not you're hearing something that may have been indicated in the newspaper, or something of that nature?

it's a Communist theme. I don't know, sir, if I really saw it at that time.

Q. Did you ever see anything like this second paragraph on the second page, for example?

A. Not, sir, to my remembrance. I wish I could be of more help.

Q. Well, it's conceivable that you might not have seen it.

A. I'm struggling to remember, sir, really.

Q. I have here, Colonel BAXLEY, another document which we have entered into the record as Exhibit M-35. This is not propaganda. This is a notice from the Quang Ngai National Liberation Front Committee, dated 28 March 1968. This is the Vietnamese version, and on top of it is the English translation. I would ask you first to look at the Vietnamese version to see if you've ever by chance seen this document.

(Witness received and reviewed the documents.)

A. I don't think I have, sir.

Q. Well, but you might read the document proper.

A. I think I would have remembered, sir, if I had seen anything that said 500 civilians were killed over there while I was there. I know I'd remember that, because that's more significant than many things that happened. Do you want me to read the whole document, sir?

Q. You might just glance through it. It's just a question of ascertaining whether or not you saw this document.

A. No, sir. I didn't see it, particularly looking at what they're saying there. I did not see this document, I'm sure. Things like beheaded bodies and things of that nature, I'm sure that would have made an impression on me.

Q. Did you ever hear of a village chief from a village in central Quang Ngai here, Son My Village, submitting a report to a district chief concerning unnecessary killing of women and children?

A. No, sir, not that I know of. I can't recall any of the district chiefs. I knew the ones I've associated with as a battalion commander or as a G3.

Q. Actually, we're talking about the village chief of Son My submitting a report toward the end of March to the district chief of Son Tinh District?

A. That this happened?

Q. Yes. I'm just checking to see if you'd ever had any bit of information concerning such a report that this village chief had made to the district chief?

A. Not that I can recall, sir.

Q. Did you ever hear of another report from the district chief to the province chief with an info to the 2d ARVN Division commander concerning American action out in this area?

A. In March, in this area?

Q. Yes. This would have taken place in late March, early April.

A. The same incident?

Q. Same.

A. Not that I can recall, sir. I'm trying to think hard, but not that I can recall.

Q. Did General KOSTER ever talk to you or did you ever hear him tell other people about his trip to talk to General TOAN, or General TOAN coming to see him and telling General KOSTER that he had some information concerning some unusual activities in this area that he was going to conduct

an investigation and he would ask General KOSTER to also conduct an investigation?

A. No, sir. If I may shed a little light on how I operated with General KOSTER and General GETTYS. With General KOSTER, I was mostly an inside G3 and not privy to a lot of things the general did. With General GETTYS, it was the opposite. I was sort of right with him all the time. And I don't mean anything about these remarks. It's just the method of operating. General GETTYS was new and so he wanted me around. Of course, I came in new and General KOSTER had been there a long time. General KOSTER was a little reserved and General GETTYS was different, that's all.

Q. Did Colonel LEWIS, the division chaplain, ever come over to you and ask if you knew anything about a report of one of the pilots coming in and talking about his confrontation with American forces down here? This pilot was taking out a wounded boy and saying there were a lot of bodies, a lot of what he called unnecessary killing of women and children?

A. I can't remember an exact conversation along those lines with the chaplain, sir.

Q. Yes.

A. I know the chaplain. We had two chaplains, as a matter of fact. I think we had two at that time, or later on we had two lieutenant colonels. I can't remember the name of the other one.

Q. Normally, you have a Protestant chaplain and a Catholic chaplain. I think Colonel LEWIS was the senior. He was the division chaplain at that time.

A. He was a Protestant.

Q. Yes. Was there any policy in the division about not talking about these operations and certainly not getting all these rumors started, this, that, and the other thing, putting a damper on that sort of talking going on?

A. No, sir. There was a policy, of course no written policy, and to my knowledge I was not told anything like that. I know that any time we would have something that would happen, that a soldier would do something to a civilian or something, it was reported and the man was court-martialed. I remember an incident where the 1/52 Infantry, sometime in May or April involving a company commander. They were given a general court-martial; it was publicized. I don't know the outcome of that, General.

Q. Is that the case that took place in June and it had to do with--

A. (Interposing) A rape/murder I think, I'm not sure. But I think it was men of the 1/52 Infantry. A captain I believe was involved in that as well as some enlisted men.

Q. Yes. An investigation officer was designated?

A. Yes. I really wasn't a part of it, but I knew it was going on. I think before I left in October 1968, they had even started the court-martial. I think the judge came up from down south.

And when this thing broke in the papers, I was thinking about this and just that question you asked me, numerous little things like that they are not trying to hide. Murder and rape are not little, but it's one of the happenings.

Q. Mr. MACCRATE?

MR MACCRATE: Colonel BAXLEY, I have here the Americal Division Operational Report of Lessons Learned from the period 1 February 1968 to 30 April 1968.

(This document was later received in evidence and marked Exhibit R-24.)

In the G3 portion of this report you will find Operation Muscatine reviewed on page 35. I would like you to examine that report in the light of Exhibit R-2, which

Major LYNN will furnish to you.

(Witness received the documents.)

R-2 is the abstract report which you examined before. Please indicate if that refreshes your recollection at all as to the preparation of the quarterly report? You will find this operation compressed into one sentence. And anything that this brings back to you of what may have been said which led to it seems almost a playing down of what was a highly significant operation?

(The witness reviewed the documents.)

A. No, sir, I have no real answer for you there. It seems like it should have gotten a much bigger play than that, naturally. Let's see, may I look at these other operations?

Q. Yes, indeed. I would assume that it was put together under your supervision.

A. Yes, sir. A lot of people had a hand in it, but I reviewed this, I'm sure. This is probably my fault if it's down in this form. I was looking back, as an example, from my own personal knowledge in Wheeler-Wallowa. Here is one sentence: "On 11 March 1968, elements of the 196th Infantry Brigade, which was the 1/6 Infantry, reported heavy contact there on the 21st and 22nd. Elements of the 196th and 1st Squadron of the 1st Cav," and I was operating in conjunction with them over by the coast. "Were engaged southwest of Hoi An," and so forth. Well, we killed about 118, and on the 22d, I think was when we did it. And on the 21st I think the Cav over on the coast killed about 110 or something like that. We got about 36 weapons. I'm not sure how many we got. Of course, that probably should have been built up too, is what I'm trying to say, sir. It's probably not a very good answer, but that was significant.

IO: You were saying?

A. It was sort of condensed.

Q. One isn't singled out for condensation.

A. No, sir. I know that very well, having been there, you know, for the operation. To me I don't think it's been singled out, sir, because here over 200 were killed in 2 days by two different battalions. That's just my opinion, sir.

MR MACCRATE: Colonel BAXLEY, since returning to the United States have you had occasion to talk with other former members of the Americal Division?

A. Yes, sir.

Q. And have you had occasion to talk about events in the spring of 1968, particularly anything relating to the operations of Task Force Barker?

A. Well, after the thing broke in the newspaper, the only one that I really talked to in detail was with Colonel BALMER about 5 minutes over the telephone. He called me about the second week in December before he came to this committee. That conversation was very general. You know, "Bill, can you remember a report," and things of this nature. It lasted for about 5 minutes, and that was it. He did not call me back, and I'm sure he didn't, because he read your instructions. I think he's gone out of the area. I've talked to some others subsequent to that. I've talked to Colonel TREXLER and to Colonel KELLEY. They told me immediately that they would not talk about anything. They told me to relax, to come in and testify.

Q. During the period that you were the G3 of the Americal Division, do you recall sending to records retention any of the records of the division? We're mindful of the fact that there should have been substantially more additional material at the division than that which we've found when we were recently there. There is at least an indication that some materials must have been forwarded back for retention. We find it difficult to trace any transmittal. We wondered if you have any recollection of the transmitting of records back for retention?

A. No, sir, I don't. I'm trying to think hard about it.

I assume some of those things could have been done routinely. I had about eight majors working for me, and I assumed maybe that they might have done it.

Q. Did you have a historical officer?

A. In the division?

Q. Yes.

A. No, sir. That was over under the chief of staff.

Q. Who was he?

A. Let's see, he was a captain, I think. I think he was rather fat.

Q. I'd like to find his name, because I'd like to talk to him for just a little while?

A. Yes, sir. I don't know his name.

IO: Well, think real hard now, because I know in my own division that I had in 1967, I had a real hard time putting down the historical facts. I created a tactical operations group, not only to pull together the history, but also I was a great exponent of small unit tactics. So I had these people focused in on that particular thing. As a matter of fact, I think you know one of the individuals I had up there initially.

A. Who was that?

Q. PETREE.

A. Yes, sir.

Q. Yes, because you indicated that you replaced him on the 14th.

A. I relieved him. Yes, sir, he was my sponsor.

Q. That's right. He screamed and hollered, but that's what he did sometimes. But that's the kind of individual I

put on. I was looking for more than history. I was looking for operational techniques, and that's why I pulled in what I considered one of my best battalion commanders to do that job. He subsequently became the G3.

A. Right, sir. Let's see, I have a strong feeling that Major HILL would remember his name. He worked for the chief of staff, sir, right under his wing. I remember questioning him.

Q. You mean in the command building?

A. Yes, sir, well, I think he also had another little office somewhere when we were there. I don't think he was right in the command building.

Q. Did you feed things in to him?

A. Yes, sir. He would get them mostly through my exec who had that relationship with him, and he would come to the TOC to Colonel BENN, who was my operations officer. I'm not sure of the exact setup we had, but he was under the chief of staff, and I don't believe he sat in that building. I think he was under the control of the chief of staff, and up until the time I left in October of 1968, I don't think that relationship was changed. It might have been changed later on.

Q. As you can see, we have the problem of very considerable import and very considerable magnitude; important to the 11th Brigade; important to the Americal Division; important to all of us in the United States Army. As far as I'm concerned, we're not going to leave a single stone unturned to try to put this whole story together, and I can tell you that we already know a great deal of it. We don't know everything by a long shot. But you were in a very critical position, where you should have had a great deal of knowledge. We haven't told you much here this afternoon, but I will say that I would like you to continue to think about this. If anything comes to light based upon the line of questioning we've had concerning what might have happened at My Lai, get in touch with us. In the American channels you would hear words like My Lai and Pinkville, terminology which Americans use. The

Vietnamese, on the other hand, and the Viet Cong use an entirely different set of names for these various places. Looking at this, for example, as you will notice on the U.S. map, Exhibit MAP-1, this is referred to as My Lai (4), and here is My Lai (5). This isn't the way the Vietnamese know it at all, because to them this is Tu Cung Hamlet, one of the four hamlets in Son My Village. And this hamlet Tu Cung, has five subhamlets: Thuan Yen, Binh Tay, Binh Dong, Trung Hoa, and Trung An, you see?

A. Yes, sir.

Q. Right, and here's another one that may possibly come to mind, Co Lay; Co Lay, (1), (2), and (3).

A. Yes, sir.

Q. Another one is My Khe (3), (1), (2). It would help if by chance you can think of any documents which in your judgment might be of assistance to us. We recognize that you know a whole lot more about what those files looked like in those days than we do. I'll be very honest with you, the files of the Americal Division that they retained from that period, as far as reports are concerned and things of this category, are almost nil. We can find copies of directives, but the important things we could not find in the files of the Americal Division. Why they're not there, I'm not sure. We're going to continue to look for them in various places, but if you can think of anything that would call to mind something related to something along about here, we'd like to hear about that, maps, photos, anything that will bear upon it.

A. May I ask you a question, sir?

Q. Yes, sir. Well, first, before we get down to questions, would you mind looking at the office of the chief of staff. Here you have about 12 people in the office of the chief of staff here. And here you have the history detachment.

(The witness was shown the Americal Division officer roster as of 15 April 1968, which was not entered as an exhibit.)

A. May I look through the chief of staff?

Q. You certainly may.

A. No, these two officers were briefers, carried in the chief of staff's office, but we used them in the TOC. KUECHENMEISTER and LOGAN, sir.

Q. These were the briefers for the G2 and the G3 shops?

A. Yes, sir. We carried them there, sir. The chief of staff let us use those two slots. The G2 and G3 ran the TOC together. We pooled our resources on briefers.

Q. What were their names again, please?

A. KUECHENMEISTER, George P., sir, captain, Armor; and LOGAN, James A. LOGAN, Armor captain, who is now a major, I know because he left us and he went up to the 1/1 Cavalry Squadron.

Q. Do you know where either of those are now?

A. No, sir.

Q. All right. I want to ask you another question now, too. Go right ahead. Now check the one down there in the historical detachment.

A. I thought he was a captain, but it says Major HINWOOD.

Q. Isn't there another captain listed at the top of the next page?

A. HINWOOD, Major HINWOOD, and then club section. I suppose that's the officers club. I'm not sure. PORTA, Lieutenant PORTA. Nobody else is mentioned, just one man.

Q. You might look through there and see if there's anybody else around the headquarters or even in you shop that you might have had over there.

A. Yes, I had two people, sir, that I put stock in and of high integrity. One of them is here. Before I came here, I thought maybe it would be a good idea to go and talk to these people and say, "Okay now, can we remember what happened, so I can be intelligent when they ask me that question." Then I found out that you didn't want this done, so I didn't do it.

Q. Who were these people and how long had they been in the sector?

A. One was Major Butch SAINT. He's in Armor OPO. He was there when I arrived. He was the executive officer, the number two man. He had been there, I suppose, at least 2 to 3 months. He had been in the 1/1 Cav prior to that and he left me about the last of May 1968. He is a very knowledgeable individual and would probably know a lot more than I know about records, where they were and their disposition. Colonel BENZ was a major. He was my operations officer and ran the TOC, an outstanding man. He went to Europe direct, and got a battalion. I haven't heard from him since, sir. I don't know if you know all this information or not, sir. I wish I had them right here, because they are very knowledgeable and were there right on that job whereas. I moved around a lot. Some things I didn't know but those two people really know the G3 shop from about February to about August.

Q. That will be helpful.

A. Yes, sir. I think they're very knowledgeable.

Q. And these other two were the briefers for you?

A. Yes, sir. I had some others that were briefers. We were always losing briefers, gaining them and losing them.

Q. Right about this time, however, they were the ones.

A. I think so.

MR MACCRATE: That is dated 15 April (referring to Americal Division officer roster.)

A. Okay. KUECHENMEISTER was a morning briefer. That meant he worked at night. I'm not pronouncing that right, sir, but it's on this page. LOGAN, Major LOGAN now, was an evening briefer. That was the 1700 briefing, sir.

IO: Yes.

A. May I look through the G3 section?

Q. You certainly may.

A. This gentleman's name is Crosbie E. SAINT, and it's Clark H. B-E-N-N, Corps of Engineers. In the G2 section Colonel TEXLER had another briefer, Captain ORELL, Seth R., Infantry. I'd say he left probably sometime in June.

Q. We don't need anyone after that.

A. Those were, I think, the three main briefers. In fact, ORELL briefed every evening briefing, because he was so good, and I believe LOGAN and KUECHENMEISTER alternated the morning briefing from the night's work, from the night before.

Q. If he's a good briefer, he's probably got a good memory?

A. He was good. He was outstanding. Then he went to get a company. I hope he's all right. I haven't heard from him since, because I left in October and he was still in the field.

Q. That will be helpful for us. Are you finished looking there? We got the name of HINWOOD. Does that ring a bell?

A. It doesn't ring a bell.

Q. Just about the time somebody would get into a job and you thought you knew him, you'd go back to say hello to him the next day, and he wasn't there. He'd either gone out to take a unit, or he had gone home, or he had been shot, or something would happen, he'd have malaria.

A. I had eight majors and eight captains, and I know I turned over almost one and a half times in 6 months.

MR MACCRATE: How about Richard J. ARMOUR? I'm looking in the 15 August Americal Division officer roster. (The roster was not admitted into evidence as an exhibit.) It indicated that he took over as historian 17 April 1968.

A. That's who I knew, then.

IO: That's the one we're looking for then?

A. Yes, he's a captain.

MR MACCRATE: It says major/captain.

A. That's authorized/actual. The first one is authorized. That's who it is.

IO: I'll be waiting for him to come in. I already got a description. Now let me ask you something?

A. Yes, sir.

Q. Do you ever recall a situation such as this ever coming to your attention? One of your briefers or one of TREXLER's briefers may have gone over to one of the aviation battalions, which I understand your people did periodically to brief them on operations throughout the division.

A. No, but I had a daily relationship with the aviators, sir, because in the TOC they had a section there. The function of these officers was to make sure that the two aviation battalions were well up on everything that's happening operations-wise or aircraft-allocation-wise or air strikes, the whole thing. We normally had a major and a captain in there on duty from the aviation people.

Q. Who was your aviation officer at that time?

A. HOLLADAY, sir.

Q. He was also the battalion commander, if I'm not mistaken.

A. Yes, sir, of the 123d, but not of the 14th. Every afternoon at 1600, unless I was caught out, I spent 1 hour having people come by me who were going to brief and make sure that they knew what they were going to say. Allocation of aircraft for the next day's operation was under General KOSTER. This was done after we left the main briefing at 1700 and went over to the special briefing in his office, and he approved all that.

Q. You did have this very close working relationship with your aviation officer and your deputy aviation officer?

A. Yes, the executive of that battalion, yes, sir.

Q. And what was his name? Was he the executive of the battalion?

A. No, he wasn't, sir, no. He was a major. He was a blackheaded major, about 6 feet tall, very personable.

Q. May he not be listed there?

A. Yes, sir. I think his name was RECTOR, sir.

Q. RECTOR?

A. Yes, sir, Major Zane K. RECTOR, R-E-C-T-O-R, Artillery, Assistant Division Aviation Officer was his title. He was not the battalion exec, right. That was a Major LANGSTON, I think. I'm trying to think who his assistant was. Do you want that? He had a captain, I think. He was a pretty knowledgeable person.

Q. The 14th Aviation Battalion was not organic to you?

A. No, sir.

Q. That was a separate one?

A. It was attached. The 123d was organic? Yes, sir. It didn't look like an organic battalion, because we made an aero-scout company, sir, out of B Company. A Company was intact, but B Company was made an aero-scout company.

Q. Let's come back to this briefing that I was talking about a little while ago. Your people had this very close working relationship with these aviation people, at the TOC level? But you also wanted to keep the aviation people informed of what was going on? Did this also apply down to the pilots within the organization and the crews?

A. Yes, sir, I'm sure it did, because these people would visit just constantly and keep people informed.

Q. We understand that at some time somebody from either the G2 or the G3 shop went down to the battalion to brief the personnel there. To recount the story, when they got to the part about this operation into the Son My they cited the figures of 128; there was a lot of guffaw and hooting and hollering. They just indicated disbelief, that, "That isn't correct," to the point where the senior officer present had to get up and tell them to quiet down and, "Let's not have any more talking like this going on."

A. I can't remember that exact incident, sir.

Q. I just wondered if anybody had reported it to you?

A. Not that I can remember. I think hard about it and come back and talk about it?

Q. Yes. This becomes somewhat germane to us, because we know generally how much was known in the 123d Aviation Battalion.

A. Yes, sir. We had a very close relationship with them in our TOC. I didn't see them every day to talk to each of them individually about everything that went on.

Q. Did you ever sit down and talk to HOLLADAY for any length? Do you know what I mean? Just shooting the bull?

A. Yes, sir.

Q. Did he ever tell you about anything like that?

A. Not that I can recall, sir, except that the first time I heard about it, I remember it was a lot of bodies and not many weapons. I remember that distinctly. I heard that

as a battalion commander, and then maybe it was mentioned two or three times later on. In April and May I was a busy G3. I'd been there just a few days when we had to move the 196th Brigade to the Camp EVANS in the Phong Dien area.

Q. How close were you to General YOUNG?

A. I knew General YOUNG very well, sir. I'd go out with him perhaps maybe once a week, may once every 10 days.

Q. Did he ever tell you anything went wrong down there, with Colonel HENDERSON looking into it, trying to find out what happened?

A. Not that I can recall. He may have said that they were looking into it, but I just can't recall any specific conversation that we had. When I first heard about it, probably 3 or 4 days after the action which was when I was up at Baldy that I remember, I sort of raised the eyebrows and said, "Well, you didn't get many weapons." I don't know if General YOUNG told us this or General GALLOWAY or Colonel GELLING. I can't remember exactly who told us that. We were pretty busy out there.

Q. You also got a copy of the division News Sheet, didn't you, which provided you this kind of information?

A. Yes, sir.

Q. Do you have anything further, Mr. MACCRATE? Well, if anything does come to mind, Colonel BAXLEY, please get in touch with us.

A. Yes, sir, I certainly will. And I'm sure you don't want me to see Major SAINT or anybody like that?

Q. Well, no, you don't have to see him. We'll take care of that.

A. Yes, sir.

Q. You had a question that you wanted to address us. I was going to give you an opportunity to ask any questions that you wanted, or if you wanted to, if you'd care to, to enter a statement into the record.

A. I've forgotten that specific question I was talking about. I would like to enter a statement, sir, if I may. As you know, in combat over there you don't work for one man a long time. You go from boss to boss. But I would like to state that I think that there was an awful lot of integrity in the Americal Division, and that's from the commanding general right on down. I don't know if that's the kind of statement you want me to say, but I believe this to be the truth. And I'm not sure exactly what happened in this incident.

Q. But if you had the feeling that if somebody knew something was wrong that they'd have really got into it.

A. Yes, sir, right away. I feel that way personally, because of all the things that--when some things did go wrong that they were reported. Now, they weren't of the magnitude of 100 or 500, but if something would happen or went wrong, then there was prompt action taken. Now, I will say this, and I really can't document it, but I would suspect that some of things might not come into the G3's reporting channels right away. This is a possibility. Commander to commander, I don't know, but I don't believe General KOSTER would hold anything back. This is my belief of General KOSTER. I didn't work for him as G3 but about 2 months.

Q. We do know, at a minimum, as indicated in that report, that you had combat action reports.

A. Yes, sir.

Q. This part was reported.

A. That's right.

Q. Twenty to thirty women and children or noncombatants were killed. That part, I think that's fairly well documented.

A. Yes, sir.

Q. Above and beyond that, that brought us to a different story, but we find no reference of even this being reported to a higher headquarters.

A. The 20 to 30?

Q. No.

A. Well, it's bad that that happened.

Q. Well, if you have anything further, please get in touch with us.

A. I certainly will, sir.

Q. The hearing will recess at this time.

(The hearing recessed at 1600 hours, 22 January 1970).

1 402 1

SUMMARY OF TESTIMONY

WITNESS: BEASLEY, John D., III, MAJ

DATE OF TESTIMONY: 22 December 1969

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Assistant Chief of Staff, Americal Division.

1. PRIOR KNOWLEDGE OF THE MY LAI INCIDENT.

The witness stated that he had absolutely no knowledge of the incident at My Lai until it broke in the press (pg. 5). He did not recall attending the evening briefing on the 16th of March 1968 (pg. 5). He did not recall the mention of a confrontation between U.S. ground and air troops at any of the prebriefings which he attended (pgs. 15, 16). The witness noted that he recalled having seen the Viet Cong propoganda attached to HENDERSON's report of 24 April, Exhibit R-1 (pg. 7), but did not recall ever having seen a copy of the My Lai Village Chief's report alleging 450 deaths due to U.S. fire (pgs. 8, 9). He did recount that Task Force Barker was involved in a sizable encounter within a month or month and a half after Tet, but noted that he did not believe that it was a part of the incident under investigation (pg. 13).

2. INVESTIGATIONS OF THE ASSAULT ON MY LAI.

The witness stated that he was never aware of an investigation concerning the My Lai incident (pgs. 11, 12). He added that if there had been a formal investigation with orders cut, he would have known of it (pg. 12). He noted that he never discussed the incident or an investigation concerning it with Colonel PARSON, the chief of staff (pgs. 5,7). He furthered that he did recall Colonel

HENDERSON briefing the commander of the division about an incident, but this did not involve My Lai (pg. 6).

### 3. REPORTS OF INVESTIGATIONS.

The witness was questioned as to his knowledge of Exhibit R-1, a report with appended statements submitted about the 20th of May, and a report submitted about the 3rd, 4th, or 5th of April concerning Warrant Officer THOMPSON's allegations. He replied that he had never seen any of those reports (pgs. 7,9,12), except for the Viet Cong propaganda noted above. The witness allowed that if there had been an operational report he might not have seen it in the normal course of his duties (pg. 12).

### 4. ROUTING OF DOCUMENTS ADDRESSED TO THE DIVISION COMMANDER.

The witness stated that if something came into the headquarters addressed to a general officer or the chief of staff, he would see it, unless it may have been personally delivered by a full colonel (pg. 9). He noted further that if a report was delivered to the commander or the chief of staff, it would be given to him for delivery to the AG, or directly to the AG, so that it could be logged in and a memo made of its receipt (pgs. 9, 10). He added, however, that in some cases when immediate action was necessary, some such documents might leave his office, bypass the AG, and go directly to the IG or the JAG (pg. 11). The witness related that all papers of the commander, and assistant commanders, as well as the chief of staff, were kept in his safe, but that in some instances if the envelopes were sealed and marked "personal" he would not have access to them (pg. 3).

### 5. OTHER INFORMATION.

#### a. Division policy on the treatment of civilians.

The witness stated that there was a written division policy concerning the protection of villages and the civilian populace which was prepared, he believed, in December 1967 or at least by 15 January 1968 (pg. 17). He noted that he was familiar with Exhibit D-5, concerning the same subject, but that it was not the same document to which he was referring (pg. 17).

b. Persons to whom BEASLEY has spoken of the incident.

The witness noted to the interrogators that he had spoken to Major Carl KREBS, Colonel LUPER, and Lieutenant Colonel DIONNE about the My Lai incident since the story broke in the papers (pg. 4).



SUMMARY OF RECALL TESTIMONY

WITNESS: BEASLEY, John D. MAJ

DATES OF TESTIMONY: 14 and 16 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Assistant Chief of Staff, Americal Division.

1. CONTROL OF DOCUMENTS.

a. Logging and control slips.

The witness testified that after he had been in the division for awhile he gave up trying to keep a log for all the material circulating in the headquarters (pg. 25). He noted, however, that he did keep certain records to indicate what had happened to certain documents that he had handled (pgs. 26, 27). These forms were later discarded (pg. 27). The witness added that the record of documents that was made was located in a green accounting book which was kept in Sergeant RITCHIE's desk (pgs. 64-66).

b. Filing system and facilities.

The witness stated that the files were kept in a safe. He recalled no particular problem with a drawer of the safe being stuck closed for any extended period of time and did not recall anyone storing a helmet in one of the drawers (pgs. 28, 29, 77). The witness noted that Colonel PARSON kept some official papers in the lower right hand drawer of his desk, but added that he himself had access to this drawer (pgs. 25, 29). The witness further stated that he did not recall a field safe in General KOSTER's office (pgs. 76, 77).

c. Access to documents.

The witness testified that the commanding general had in and out boxes which were kept in the safe when he was not present. He noted that he had access to them in case anyone wanted to determine the status of any action (pg. 33). He noted also that the general's aides, Lieutenant ROBERTS and Lieutenant DICKENS had access to these boxes (pg. 33).

d. Destruction of documents.

The witness related that early in his tenure of office, he destroyed many documents relating to the organization of Task Force Oregon (pg. 29). He kept destruction certificates in the safe on all classified documents destroyed (pg. 30). He noted, however, he did not recall recording confidential documents destroyed (pg. 64).

e. Documents left upon the witness' transfer.

The witness stated that when he left his job as secretary to the general staff, all documents in the safe were signed over to Sergeant RITCHIE and not to Major POWELL who replaced him (pgs. 30, 31). The witness said he left no official papers in his desk when he left the headquarters (pgs. 24, 25).

## 2. ROUTING OF ACTIONS THROUGH THE WITNESS' OFFICE.

The witness allowed that his office was often bypassed, thus leaving him without control over many documents and actions in the headquarters. He stated that the general officers would often assign something to an action officer without going through his office (pg. 31). He did not believe that this was an attempted effort to keep him out of the picture, but was a result of the amount of work carried out by the general officers (pg. 32). He stated that he often showed items to the chief of staff who would have already seen them coming from another staff section. He added that he did not appreciate being bypassed by the staff sections, but felt that it was merely a result of the pressure on the headquarters personnel. He asserted that if he had been given a confidential report of investigation, he would have immediately shown it to the chief of staff.

If it were returned to him for safe keeping, he would have put it in the safe (pg. 32). He declared that if the chief of staff had given him Exhibit R-5, he would have probably simulataneously given him instructions to send it to the G3, JAG, AG, or G2 (pg. 55).

3. RECALL OF THE MY LAI INCIDENT.

a. Discussions among staff members.

The witness stated he could remember several meetings between Colonel HOLLADAY and the chief of staff, and could remember one in particular where Colonel HOLLADAY was quite irratated and spoke loudly about nonaviators receiving the Distinguished Flying Cross (pgs. 34, 35). He did not recall HOLLADAY reporting to YOUNG concerning any allegations about helicopters and indiscriminate firing by ground troops (pgs. 35, 36). The witness recounted that he heard something about 80 people in a ditch near Hill 85 and Task Force Barker. He is not sure but believed the source of this information was Major KREBS (pgs. 48-52).

b. Investigations and reports.

The witness stated that since he was shown Colonel HENDERSON's report during his first testimony, he had thought about it and now believed he saw something similar to it. He was still not certain, but felt that if it were in division headquarters, he would have had access to it (pgs. 37-39). The witness stated he could not recall having seen a written directive from General KOSTER to Colonel HENDERSON to investigate allegations arising from My Lai, and could not recall having any discussion with either of the principals (pgs. 52, 53). The witness was shown Exhibits R-5, M-30, M-31, and M-34 but could not recall having seen any of them (pgs. 48, 54, 59, 61, 62). He asserted he could remember a five or six page report with 20 to 25 statements attached. However, he stated he could not associate this with Colonel BARKER (pg. 63). The witness declared that he could not recall anything concerning an investigation. He added that if any investigative report had been hand carried to the general, he would not have seen it until if and when the general sent it out for action by a staff officer (pg. 76). He noted that if HENDERSON's 24 April report had arrived during General KOSTER's R&R, it would have been held for his return (pg. 72).

c. Knowledge of propaganda.

The witness stated that he had seen the VC propaganda attached as an inclosure to Exhibit R-1 (pg. 45). He recalled seeing Exhibits M-33 and M-35. He believed that Captain JOHNSON, the liaison with the 2d ARVN Division, brought the former to him. He noted that he recalled only certain portions of it (pgs. 45, 47).

## 4. OTHER INFORMATION.

a. Trips to Quang Ngai City.

The witness recounted some problems in Quang Ngai City and stated that Colonel PARSON made several trips there in the late spring. The witness did not know the reason for each particular visit but believed PARSON visited Colonel ULSAKER and Colonel HUTTER (pgs. 41, 42). He related that he also arranged for General KOSTER to speak to personnel at the 2d ARVN Division headquarters (pg. 44). The witness noted that most meetings held between personnel of the Americal Division and personnel from Quang Ngai were probably concerned with the concept of joint operations which were being urged by higher commands during that period (pgs. 80, 81).

b. Knowledge of missing documents.

The witness stated he could not account for the lack of any logs, certificates of destruction, or other documents in the Americal Division dating back to his tenure of office (pgs. 66, 67). The witness had no explanation why a copy of Exhibit R-5 cannot now be found in the Americal Division headquarters (pg. 56).



(The hearing reconvened at 1739 hours, 22 December 1969.)

MR WEST: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR WEST, MR WALSH, COL MILLER, COL FRANKLIN, and MAJ COOP.

RCDR: The next witness is Major BEASLEY.

(MAJ BEASLEY was called as a witness, was sworn, and testified as follows:)

RCDR: Please state your full name, grade, Social Security number, branch of service, organization, and station?

A. John D. BEASLEY III, Major, Institute of Combined Arms and Support, Fort Leavenworth, Kansas.

IO: Before we ask you any questions Major BEASLEY, Colonel MILLER has certain information that he would like to give you at this time. Colonel MILLER.

COL MILLER: Major BEASLEY, this investigation is being conducted by General PEERS and others of us here. It was directed jointly by the Secretary of the Army and the Chief of Staff of the Army for the purposes of determining facts and making findings and recommendations concerning two major areas:

(1) the adequacy of prior investigations and inquiries into, and the subsequent reviews and reports made within the chain of command of what is now commonly referred to as the My Lai incident of March 16, 1968, and

(2) the possible suppression or withholding of information by any person who had a duty to report and to furnish information concerning this incident.

The investigation is not being conducted to investigate all of the facts and all of the circumstances and what have you. It is directed primarily to those two major areas that I just mentioned.

We have had made available to us and we have reviewed many statements made by witnesses in other official investigations.

(BEASLEY)

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APP T-36

Your testimony today will be taken under oath and a verbatim record will be made. In addition to the reporter, we are also making a tape recording.

The general classification of the report is confidential, but there is a possibility of some or all of the testimony at a later time could become a matter of public knowledge.

You see several people in front of you. Directly in front of you is Lieutenant General PEERS, the Investigating Officer, and he has the sole responsibility for weighing the evidence and making the findings and recommendations in this case. To his immediate left is Mr. WALSH, civilian attorney who is acting as legal counsel and advisor. To General PEERS' right is Mr. WEST, who is with the Office of General Counsel, Department of the Army. On your immediate left is Colonel FRANKLIN, and I am Colonel MILLER. All of us may at some time or another ask you questions today.

I have one other matter that has to do with discussing what goes on in here. You are directed not to discuss testimony which you give during this investigation with others, including other witnesses for this investigation, except that you may be called to do so in the performance of your official duty or you may be required to do before a competent judicial, administrative, or legislative forum or body.

I do not recall that you are under the order of the military judge in the case of the United States v. Calley. Have you received any orders in that case?

A. No, sir.

Q. In the event that you do, you are expected to comply with that order and your appearance here in no way affects that order in the event that you receive one.

A. What's the nature of that order? I'm not familiar with it.

Q. There is a limitation on the discussion by anybody who may be a witness in that case. They cannot discuss the case except as they may be authorized to do so by the military judge. Do you have any questions at this time?

A. Yes, I do, as a matter of fact. You mentioned that I could discuss this in the nature of official business?

Q. If you are required to do so. Here is a case where you have been called in the performance of official duty. You may be called before an Article 32 investigation or some other--

A. (Interposing) I haven't, sir.

COL MILLER: That's about it.

IO: Major BEASLEY, what was your duty assignment on the 16th of March, 1968?

A. I was the assistant chief of staff for the Americal Division.

Q. How long had you been in that capacity?

A. Since September.

Q. Was that while it was Task Force Oregon or had they just converted?

A. No, sir. When I took over--I believe I took over, as a matter of fact, on the day we became the Americal Division, 23 October or 23 September. I'm frankly not sure.

Q. How long after the 16th of March did you remain in that capacity?

A. Until 2 June 1968, sir.

Q. Where did you go from there?

A. To the 1/6 Infantry Battalion and became the battalion S3.

Q. Since the time that the My Lai incident broke into the news in print and TV and radio, September and early October this year, have you had any conversations with anybody connected with the Americal Division, or in the brigade, or in the task force concerning the My Lai incident?

A. Yes, sir, I have.

Q. Would you care to indicate who these individuals are and what you talked to them about?

A. Yes, sir. Major Carl KREBS is assigned to Fort Leavenworth. And in the course of a routine conversation, I asked him if he ever heard of this place out where it was, and I do remember the term now. A Colonel LUPER. I called him and he said he had been to Washington, had been here or to some other committee. That is frankly all we talked about. Let's see Lieutenant Colonel DIONNE, General KOSTER's information officer, as I understand it, asked me if I was coming this way, and I said that I wasn't aware of anything. About a day later, or that afternoon, Major COOP called. I told my boss at Fort Leavenworth, Colonel JOHNSON, that I would be coming out here after Major COOP called, because of my duty assignment in the Americal Division. Principally, I think that's it. As a matter of fact I can't think of anything else. I take that back, Captain LEWELLEN, whom I just met today. He and I were in the same battalion, although at different times, and we discussed people that we knew. We both know Lieutenant CALLEY. We did not discuss anything pertaining to the incident and neither asked the question if it happened, what was your part, or any of that sort of thing.

Q. We have been rather anxious to talk to you primarily because those of us who are strictly on the military side know about the kind of people who are in a division as an assistant chief of staff, somewhat in the terms of secretary of the general staff, you might put it--how knowledgeable they are about what goes on in the division headquarters, particularly in the office of the chief of staff within the command group and within the general and special staff. So for this reason we have been anxious to talk to you, and we moved you up on the schedule so to speak. I would like for you to indicate to us when My Lai (4) or the activities which took place in My Lai (4) on the 16th of March, first came to your attention?

A. Sometime this year whenever it broke in the newspapers, and I'm not sure about that date, sir. I knew what we referred to as Pinkville. I was--I had no knowledge of anyone shooting any civilians down there until I read that allegation in the newspapers on whatever day it broke out. It seems to me it was sometime in November. Someone mentioned earlier here September or October. I don't think I heard of it until sometime in November, but if it broke in late October then that's when I heard about it.

Q. Did you attend the daily staff briefings?

A. There were several, sir. Some I did and some I did not. The briefing in the morning in the division commanders office, I did not attend. There was a, if I might run through the briefings as I remember them, 0700 briefing in the chief of staff's office in which the general staff officers and selected special staff officers--the avation officer--said, "Okay, these are the problems for the day and this is what we're going to do, and this is what we're going to tell the general about," then they went into General KOSTER's office, and I did not attend that. I did attend the evening briefings at 1700, providing I didn't have something else I thought to be a little more important. Whenever I could I attended that, but often I did not attend.

IO: May I have the log of the Americal Division?

(RCDR hands document to IO.)

I have here Exhibit M-6, which is the log for the Americal Division for the 16th of March. I will ask you to turn completely to the rear, about five pages from the back, and look at item 94, at the bottom of the page. You will notice in the fifth line it starts, "In Operation Muscatine..." Would you read that please. (Witness reads as requested.) Were you present at the staff briefing on the evening of the 16th?

A. I don't know, sir.

Q. Well, these figures indicate 128 VC KIA, 3 individual weapons captured and 2 U.S. killed by hostile action?

A. Sir, I can't honestly say that I was present that evening at the staff briefing, although I did hear of a big fight that Task Force Barker did have. I can't say for sure. If you're asking me if I was in that briefing, I don't know.

Q. I'm asking about these ratios primarily to see if any discussion ensued concerning 128 VC KIA and 3 weapons captured, a ratio of about 1 to 43 and the 2 U.S. KIA ratios of about 64 to 1?

A. Again, I just don't remember if I was there, sir, on the date of 16 March that you indicated.

Q. Did you ever discuss an inquiry or investigation into some situation in the My Lai area shortly after the 16th of March with the chief of staff, Colonel PARSON? Or did he ever discuss it with you?

A. No, sir.

Q. You recall Colonel HENDERSON reporting to division headquarters to present an oral briefing to the commanding general?

A. I do, sir. I do, however, remember this specific incident, and this wasn't it, to the best of my knowledge. The specific incident was about a soldier, and I want to say the soldier was from the 11th Brigade, but I'm not positive that he was. But this was the incident as I remembered it: two to four American soldiers were in the back of a two and one-half ton truck driving down the highway towards, in the vicinity of Quang Ngai. They may have been south of Quang Ngai, or maybe a little bit north. And one of these American soldiers shot a Vietnamese civilian--shot a Vietnamese riding a motorcycle near the truck. And I don't remember if the motorcycle was behind the truck or passing it. This guy cut him down, and an American officer chased this truck down and got ahold of these chaps. I remember that incident, but it is difficult for me to associate it with the 11th Brigade. I can't say they were 11th Brigade soldiers. They might have been support command soldiers. I do remember that incident. I do not remember this incident.

Q. But Colonel PARSON never discussed with you any inquiry or investigation that was under way for the activities in the My Lai or the Pinkville area on or about 16 March?

A. No, sir, he did not.

Q. Let me have R-1.

(RCDR hands document to IO.)

I have here a document, Major BEASLEY, that has been entered into the record as Exhibit R-1, Report of Investigation, dated 24 April, to the Commanding General, Americal Division, signed by Colonel HENDERSON, Commanding Officer, 11th Brigade. I would ask you if you have seen this report of investigation.

(IO hands the exhibit to the witness.)

In that particular passage which you just read, the village is Tu Cung is the Viet Cong name for My Lai(4). That inclosure is an English translation of VC propaganda.

A. Now, I've seen this term, "The American Devils." I remember that very clearly.

Q. Yes.

A. In the heading, I've seen that term. I don't know whether I can go on here and say, I've seen this (indicating), but I've seen that "American Devil." Let me finish it, but I think I have seen this piece of paper right here. I've seen this. Is this an attachment?

Q. Yes.

A. I've seen this, sir, and the part I remember specifically is the part about the Vietnamese girls who sell themselves for one dollar. I do remember that, sir.

Q. Do you remember the part at the top of page 2, the second paragraph?

A. I don't remember reading, but if it's part of this paper, I remember the heading and I remember this part of it (indicating), and I'm sure I read it. I think I read this paper.

Q. Not necessarily. Those two papers, or the information contained in them, were reported to have been sent to the Americal Division, and subsequent thereto this report was submitted inclosing these two attachments.

A. Now, there was an incident in which the province chief, the senior Vietnamese officer in the province, and I--in Tam Ky Province it was either Colonel KHIEN and Quang Ngai it was Colonel TOAN. Now, I might have them reversed.

Q. I think you do.

A. I do? And Quang Ngai then it was Colonel KHIEN--

Q. (Interposing) To the best of our knowledge, all of the evidence would indicate that Lieutenant Colonel KHIEN was the province chief of Quang Ngai.

A. Then I'm sure he was, sir, but I remember those two, because they came to division headquarters and from time to time they came down and were irritated. But I don't remember them coming down and accusing anyone--I didn't hear of it--of anyone shooting anyone. We did have trouble with a bomb. An American airplane dropped a bomb, and as I remember the aircraft was taking off from Chu Lai Air Base and a couple of miles from the end of the airfield dropped a bomb, and I'm sure that it killed someone. They were pretty irritated over that. I do remember one of the province chiefs coming down--as a matter of fact, I think the chief of staff took him in his office, and we gave him some tea and coffee to make sure he was a little cooled down before he got to see the commanding general. I don't remember any province chief coming up to talk about 450 civilians being killed by Americans.

Q. Do you remember a piece of paper coming in which could have been an English translation of the village chief's report or the hamlet chief's report which makes this allegation?

A. Unless it isn't--no, I can't say that I remember a report, sir, submitted by a Vietnamese province chief stating that Americans killed 450 people. There was something way north in the 196th Brigade area around Tet, but that as I remember was defensive fire from LZ Baldy. Some

of it went in a village, and there was a problem on that some--I don't remember the term--compensatory money was paid. Gratuity? No, that wasn't the word.

Q. Solatium.

A. Sir?

Q. Solatium.

A. That's it, sir. That was paid up north. I don't remember anything--I don't remember anyone saying that American troops killed 450 Vietnamese in a certain village. I don't remember that.

Q. You remember this before being delivered to the chief of staff?

A. I am not trying to be wishy-washy. Nothing got into that division headquarters unless I put my hands on it, unless a full colonel gave it to a general officer, or the chief of staff. And if this came into division headquarters, I'm sure that I saw it. There is no doubt in my mind about it. But, General, I don't remember seeing that.

Q. If this was hand-carried to the chief of staff, you might not necessarily see it then. Is that correct, from what you just said?

A. Yes, sir. If this was not, however, given to a general officer or the division commander or the two ADC's, or the chief of staff, then it was given to me. If it was given to the commanding general--every night his aide picked up the gear on his desk--whatever he had left over. Oft-times when the aide had to go with general, then I did it. The only items in the headquarters that I didn't have access to were special intelligence items, and they were handled by--well, I don't think there was any channel at all. One man to one man, and that was it. Other than that, I probably had access to this. But I don't remember seeing this document.

Q. If that document had been hand-carried to the chief of staff and subsequently shown to the commanding general, how would that have been entered into the log of the Americal Division? Where would it be filed?

A. It would be given to the chief of staff who would

either give it to me or to the AG, division adjutant general, and a memorandum for record would be prepared, but I kept no files. The assistant chief of staff kept no files except those necessary to operate on a daily basis. The AG kept the files. The chief of staff most likely would have given it to me and told me to give it to the AG, and that's what I would have done. I can't comment on the specific filing system, because I don't know it.

Q. There are several possibilities here. One, it could have remained in the safe of the commanding general--

A. (Interposing) No, that was my safe, sir. Everything from the CG's office went into my safe. All the general officers and the chief of staff went into my safe.

Q. If they had an envelope, and had it sealed, and marked personal, would you have known what was in it?

A. No, sir.

Q. Did they have such things?

A. Yes, sir, they did.

Q. Did the chief of staff also have such things?

A. Yes, sir.

Q. What would that normally include?

A. One item which I was shown later was a booklet that comes from the Office of the Chief of Staff of the Army--I'm sure you all are familiar with it; I was not. I signed for the document whenever it arrived and then gave it to the commanding general. I opened the outer package, but the inner package was for the commanding general. When it was necessary to account--whoever keeps track of these documents here in the Pentagon didn't get back one of my receipts, and they sent me a second receipt and said, "Either you're missing a document, or we're missing a receipt." So I had to count all the documents. I went in to see the chief and said, "I have to count all the

weekly summaries from the Office of the Chief of Staff of the Army, and in doing so it is going to be necessary that I look at them." He told me to go ahead. He took one out, and showed it to me, and I proceeded to count, and came up with all of them, and sent the receipt back. This is an example of things that are personal that I later had access to.

Q. You are referring to the chief of staff's weekly summaries?

A. Yes, sir, but I handled it for a while without knowing what it was.

Q. If a document had come in to the chief of staff or the commanding general, and if it was being sent to the IG, for example or the JAG, would it go through the adjutant general or could it go directly from your office to the IG or the JAG?

A. I'm not sure I understand the question, sir.

Q. Well, your point was that if a document left your office, it would go to the adjutant general for distribution. My question is, instead of it going to the adjutant general, if it were intended for the inspector general or the JAG, could it go directly from your office, or the chief of staff's office, direct to the IG or to the JAG, bypassing the AG?

A. Yes, sir, it certainly could have, and this was often done. We had short suspenses, and it became necessary from time to time to do that. I would personally hand-carry it over there. Often the IG or the general's personal staff officers would come in to see the commanding general, talk about whatever they were going to talk about, and then the IG would come and say to the chief, "The general gave me this guidance and told me to do this by this suspense." And most often I would hear about this, maybe not from the IG himself, but from the assistant IG. I would normally hear about this sort of thing except probably some close-hold items. There were some things going on that I didn't know about.

Q. Were you ever aware at any time that there was

an inquiry or investigation going on in this instance?

A. No, sir. Not on this My Lai thing.

Q. Did you ever hear either the commanding general or the chief of staff or any other senior officer in the headquarters direct that a formal investigation be conducted? This would be along the time of about early May?

A. Yes, but it was on a missing document. That was the chief of staff as I remembered it. "Formal investigation," I might have to hesitate just a minute on that word, because it was a divisional investigation. I know it wasn't a formal investigation to run down a document, and they found it.

Q. If a formal investigation had been directed, would there have been a division order cut on it appointing the investigating officer and stating the purpose of the investigation?

A. Yes, sir.

Q. Did you ever see a document that came in along about the 20th of May, 1968, that was a report of investigation that had several statements appended to it from about 15 to 25 witnesses? Did you see a document which fits that same general description which may have been submitted? No, let me rephrase that. Did you see, to the best of your recollection, a report that came in in the early part of April, perhaps sometime about the 3rd or the 5th of April, which was about a four or five-page report covering an allegation which had been made by a helicopter pilot concerning activities which took place in My Lai (4) on the 16th of March?

A. No, sir. I did read, however, every investigation in the division that came across my desk, artillery incidents, trucks running over Vietnamese. I read all those.

Q. Did you read any operational investigations?

A. No, sir. Most of my tasks were administrative in nature. I didn't get into the--

Q. (Interposing) For example, were you there in June, in the headquarters?

A. Up to the 2nd of June, sir.

Q. You may have been gone then. We were led to understand that there was another situation which developed in another area in which a formal investigation was conducted?

A. I heard that rumor. I did hear that rumor in Vietnam, when I was in the battalion.

Q. Did you ever hear any rumors, any discussion, or hear anything which may have created suspicion in your mind concerning what might have taken place in My Lai (4) on 16 March 1968?

A. No, sir, 16 March in My Lai (4), I can't associate that to anything. I remember that Task Force Barker, the unit in question, they had a helluva fight some time after Tet and I remember that. But it was near a mountain, and they were taking recoilless rifle fire. They lost a company commander, an APC or two, and I remember that fight very clearly about Task Force Barker.

Q. Would that have been in February?

A. It was after Tet. I could have been late February; it could have been early March; it could have been the middle of March, in fact. I do remember that they had a wicked fight down there.

Q. It could have been in this same area?

A. No, sir, it was out by a mountain. I remember that.

Q. What was the number of the mountain? 85?

A. I wouldn't know sir, but General JOHNSON visited the Americal Division and--as a matter of fact, this visit was in April, because he came about every 4 months as I remember--he went somewhere else, and we had to deliver his baggage to Quang Ngai, and I delivered them, because we

wanted to make sure it got there and the right amount and all that sort of thing.

Q. You are talking about the Army Chief of Staff, General Harold K. JOHNSON?

A. Yes, sir. The Chief of Staff, Army, General JOHNSON. I was to deliver his baggage to Quang Ngai. And as we flew down out around the coast, I looked in there and saw this high ground where some of the fighting had taken place. I noted that that's the mountain, by God, where they had a big fight. And Task Force Barker was in on it, and I remembered that Task Force Barker had a fight and saw the area in which they had the fight.

Q. What day in April was this now, because I might be interested in this one?

A. Sir, I sure couldn't tell you. But the point of the matter is that General JOHNSON visited Americal Division--I think it was in April--I'm sure it is recorded somewhere. As a matter of fact I bet it--I don't know whether they put that in the division log or not. They might. If it's in the division log, we can determine the exact time that he was there if it was in April, and I think it was. Did I answer your question, sir?

Q. Well, I'm not sure, because Task Force Barker was disbanded on the 9th of April.

A. Ninth of April, sir?

Q. I am trying to reconstruct in my own mind when they had this battle. We have not heard about this battle yet.

COL FRANKLIN: Excuse me, sir. Did the company commander get a DSC? Was he killed or wounded?

A. Oh, the details, I couldn't--I tell you, there was a lieutenant named RANSOME killed down there. He had both legs blown off and his name was RANSOME.

Q. In this battle?

A. I can't remember if it was in this particular battle, but that's the name I remember from somewhere south

of the division headquarters, I couldn't say if the company commander got a DSC out of the fight.

Q. You say you were flying over the ocean and looked in and saw the mountains?

A. Yes, sir. The mountain was to the west of where we were flying.

IO: It could have been conceivably to the west too, but I don't know what pertinence this really has right at the moment, but I do want to check this some way or another.

COL FRANKLIN: Just one question. On the 17th of March, you sat in with the chief of staff at 7 o'clock in the morning?

A. Yes, sir.

Q. Prior to going in to the general. Now on 16 March this would have been a pretty big battle. There is a high body count, 128. Do you recall in this pre-brief at 0700 in the morning, anybody talking about, "Task Force Barker really got a big body count"? It may have been the biggest body count for the Americal at that time-- I don't know.

A. Well, it was not the biggest fight, and I don't recall this. This would not be an item that would be discussed, unless it was really big. The chief of staff--there wasn't any extraneous talk in these meetings. He handled the meeting. It went from the G3: "What have we got going today?" "We have a combat assault here; we have a combat assault here; I need five helicopters; we need a decision on the movement of a trains," or something like that, and on down to G3, G2. It might have went G2, G3, but there wouldn't have been--the chief of staff would not have allowed that sort of a talk to go on, I don't believe. He handled that thing and they didn't--

Q. (Interposing) Did anybody ever bring up a problem at one of these pre-briefs which you heard about a confrontation between American troops--a chopper pilot and a ground unit--or a potential confrontation? Did you ever hear anything about that?

A. I've heard of problem areas between American troops and Vietnamese. I wouldn't specifically relate this--

Q. (Interposing) American and American troops?

A. Oh, no, sir. No, sir, I did not.

IO: Before we terminate this portion of the hearing, Major BEASLEY, I would like to say that we are going to go into this to the depth that is necessary until we can establish precisely what was done. What happened at My Lai (4) and what happened in the investigative process and so on.

You were sitting in a critical position. Now that we have talked about this situation, and it is conceivable that this may, at a later time, bring something to mind. Some of these things might fall into place for you. If you do recall anything which has to do with the inquiry and the investigation of My Lai (4) or the reports, one of which we have shown you here, for example, we would like very much to hear about it. We would like for you to get in touch with this office. In the same sense, if you by chance have or run across some documents, photographs, maps, or anything that would pertain to this particular subject, we would also appreciate having those.

Before we conclude, I would ask if you have any statement, or any additional information which you would like to provide us to assist us in the purpose of this inquiry?

A. Yes, I do, sir. One cannot help but read the papers and news magazines. I'm a bit appalled by the way that all media have taken after the Army. Americal Division--and I'm not trying to whitewash or cover for Americal Division, but the policy of the division commander--I never heard him say it, but he didn't believe in that sort of thing. There was a paper that was written prior to 15 January 1968, and I feel sure the date of the paper was something in November or December, and this paper had to do with the destruction of villages, and I remembered it clearly, because I worked on it. The paper was written principally by the division G3. The first sentence is, "War is an inherently destructive action." And I remember a little about the paper itself. But the sum of the paper was: "Now, we know war is bad. Commanders have got to

protect their troops. But there will be none of this tearing up villages and killing anyone."

As I remember this paper was signed by General KOSTER, and it was in the form of guidance to commanders. I am not sure of the manner of distribution. We did have some commanders conferences about the time, and it may have been handed out there. General KOSTER may have spoken to the commanders privately or when visiting units, that sort of thing. I don't know what guidance he gave. I do know a paper was written, and the first sentence is, "War"--well, maybe not the first sentence, but a sentence very near the front of this paper is, "War is an inherently destructive action." And I remember that--and the point of the matter was--oh, I spent my first tour with the Vietnamese, and there's two different wars, one fought by the Vietnamese, and one fought by the Americans, and I was getting a chance to see both sides. I was glad to see this paper being written, because--well, I kind of believe the Vietnamese are on our side, the ones that I knew, and its necessary to work with them if we are going to win this thing. And that's why I appreciated seeing that paper written.

Q. You indicated that was prepared in the time frame of November or December 1967?

A. If I had to guess on a date, I'd say December of 1967. It may have extended clear until January 15th, but I don't think so. I'm trying to remember, and I tell you the reason why, sir. The officer who put in the principal amount of work on the paper was a Lieutenant Colonel GRANGER. He was the division G3. He is the guy that came up with the broad brush, and I remember this came out, then they flushed it out a little bit, and I proofread it, took it in to the chief, and that's the thing. I remember this paper. I remember that one well. But I would say the date would be sometime in December, but it may have extended as late as 15 January.

Q. While we are talking about documents that were published by the division, I will show you Exhibit D-5, "Combat Operations, Rules of Engagement," dated 16 March 1968, and ask you if you are familiar with this document.

(IO hands the document to the witness.)

A. Yes, sir, I am. The man who wrote this--if

necessary I could name the man who wrote this--Lieutenant Colonel William D. KELLEY, principal action officer. He may not have, in fact, written all of it, but--

Q. (Interposing) Lieutenant Colonel KELLEY in the G3 Section?

A. No, at that time he was performing as special assistant to the chief of staff. Colonel KELLEY and I were in the same office, and that's not the paper to which I refer, sir.

Q. I have another paper here dated 24 March (Exhibit M-9). It is addressed to all commanders over the signature of the commanding general.

(IO hands the paper to the witness.)

A. This is not the paper to which I refer, sir.

Q. Would this be similar in content and scope to the paper that you are alluding to?

A. Yes, it would. Yes, sir, it would, but the paper I'm referring to is much earlier--much earlier.

Q. Were you familiar with this paper when it was prepared?

A. Yes, sir, I remember this.

Q. Do you recall what prompted the preparation of this paper?

A. No, sir. I don't.

Q. Do you recall any meetings of the commanding general and his principal staff officers and commanders to discuss the safeguarding of noncombatants and protection of property about this time period?

A. We did have commanders meetings. To my knowledge, I don't remember General KOSTER saying this to the brigade commanders. I do remember however, that the division G5, a Lieutenant Colonel ANISTRANSKI--don't remember his first name--was always on this sort of thing, sir. He was always pushing this sort of program. To answer your specific question, sir, I do not remember the division commander saying this to the brigade commanders.

IO: Anybody else have any questions?

MR WEST: Do you know who wrote this particular letter to the commanders?

A. I think--I will guess the G3 before I get a fix on the symbol here (looking at the letter). The symbol says CG, but I--I had problems on that--that may not be the symbol--

Q. (Interposing) Colonel BALMER appeared before us and testified and said he never saw it before.

A. He left about--I tell you when he left the division, sir. He and a full colonel, the artillery commander, left--I believe Colonel BALMER was gone by--oh, it strikes me about 15 March, as a matter of fact--the date that he left the division. It may have been slightly later, but not much. When he left the division, the artillery commander--DIVARTY commander left the division also in March--maybe towards to the end of the month as I remember it.

IO: Who was the artillery commander at that time and who replaced him?

A. The artillery commander was Colonel Mason J. YOUNG, and he was replaced by Colonel Larry JONES, who was recently promoted to brigadier general or selected for promotion. I doubt that he is a brigadier general by now, but he's almost that. Then, as 5I remember, there was some overlap.

Q. Do you have anything else you would like to enter into the inquiry as a matter of record?

A. Just the paper to which I refer, and you subsequently brought these up. The paper to which I refer is not shown here. That's all I have, sir.

COL MILLER: Major, you seemed to express a great amount of relief that this letter which was published sometime between November and January was actually published. Why was that? Is there something that made you feel that this was absolutely necessary? Had something gone on in the division or what?

A. No sir, and if I express relief--

Q. (Interposing) This is my impression.

A. Well, if I conveyed the wrong impression to you, sir or--well, I did not intend to convey relief. The point of the matter was that I felt this was a good, solid guidance. My first tour in Vietnam, I saw things that were not well done, and I was glad to see this sort of thing. It was published and, for all I know, it should have been followed. That's what I wanted to convey, sir.

Q. Hadn't there been anything like that published before at higher quarters or division?

A. Well, I doubt it, sir, and for a very good reason. One, we had--well, I can't for sure name all the units, but a lot of separate brigades and the separate airborne brigades, and these units were commanded by brigadier generals--two of them as I remember--and the others by strong colonels and they ran their own show. And I think that probably the Task Force Oregon commander, in my own opinion--certainly in no way valid--was that the Task Force Oregon commander said, "Okay, we got some NVA here, you move your brigade over there, take them out, and that will be fine." And then the brigade commander went and did it. That was my opinion of how the force operated, and, consequently, I doubt that there were published rules and regulations.

IO: I would like to remind you again you have been directed that you should not either directly or through others discuss the My Lai incident, including subsequent investigations and reports, with any person who may have connected with this incident, in any way.

Of course, this doesn't apply if you are required to discuss the case in another administrative, quasi-judicial, judicial, or legislative group, or as you may be required to do so in the performance of your duties and appearances before other authorized bodies.

This hearing will be recessed.

(The hearing recessed at 1845 hours, 22 December 1969.)

(The hearing reconvened at 0932 hours, 14 February 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR WEST, MR MACCRATE, MR WALSH, COL FRANKLIN and MAJ LYNN.

Sir, the next witness is Major John D. BEASLEY.

(Major John D. BEASLEY, III, was recalled as a witness, reminded that he was still under oath, and testified as follows:)

RCDR: Major BEASLEY, you are reminded that you remain under oath before this hearing.

IO: Major BEASLEY, since we last talked to you, just a few days before Christmas, we have talked to a large number of people. All total, from the time we started the investigation up to the present time, we have talked to something in excess of 350 people. Some of these people, we've talked to as many as five times. When we talked to you the first time, we didn't know much about the situation in various areas, and we were sort of groping in the dark. Aside from the number of people we have talked to, we've also assembled a large number of documents having to do with the incident itself, the investigations, and the reviews of the incident.

In addition to all of that, we've also had the opportunity to visit South Vietnam, where we met the people at MACV, USARV, III MAF, Americal Division, and also the 11th Brigade. In each instance we have been invited and accepted the invitation to go through their records, and screen their records for any papers and documents which may relate to various aspects of the My Lai incident. In addition, we had the opportunity to visit the 2d ARVN Division and talk to General TOAN, who was Colonel TOAN at the time you were over there, some of the people in his headquarters, and some of the U.S. advisors there. We also visited province and talked to a great number of people in the U.S. advisory element. Also the ARVN, or the provincial staff itself. The same thing may be said of Son Tinh. We also visited LZ Dottie--

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A. (Interposing) Son Tinh?

Q. Son Tinh District? Actually Son My is one of the villages of Son Tinh. We visited the district and we talked to the former district chief, who was then a Lieutenant TAN, T-A-N, and he has been moved from there, and at the present time is located as the intelligence officer of Quang Ngai Province. We've talked to the people who were associated with that particular part of the operation. We visited Dottie just to see what it looked like. We also had an opportunity to over fly the Son My area and to get on the ground at My Lai (4). While we were in South Vietnam, we also got the geographic name of places straightened out. That which appears on U.S. maps as My Lai (4), we found actually was the sub-hamlet of Thuan Yen, which is one of the five sub-hamlets of Tu Cung Hamlet, of which Tu Cung is one of four hamlets of Son My Village. We got all of that straightened out, and we were able to go through My Lai(4) and to geographically locate where some of the incidents that we know about took place.

We worked at the Americal Division, and talked to the people there. We have talked to a large number of people from the various headquarters and from several units, so we are in a position today to ask some intelligent questions. What we are seeking now, is to fill some of the gaps that we have in the information.

We have a reasonably complete story of what happened, but we need to fill the gaps and this is the primary reason for your recall. Also, we want to provide you with some additional information, and talk to you about some of the things that you testified to previously, to see if we can refresh your mind further.

A. Fine, sir.

Q. Before we proceed with the questioning, do you have any questions that you would like to ask at this time?

A. Well, maybe I should go ahead and ask it now, sir. I noted that you said, you read through the Americal Division files and there was a paper that I referred to in there, the first sentence of which began with, "War is an inherently

destructive action" and I, at that time told you it was written by Colonel GRANGER. Did you all come across that particular paper, or if that will come out later I will hold the question?

Q. Frankly, I do not recall having come upon it. Now I'll be very frank with you. We didn't find too many papers in the Americal Division headquarters, and that's one of the things we want to talk to you about too. I'll ask Mr. MACCRATE to lead the questioning this morning, and after he gets through with a particular line of questioning the other people will address questions to you as well.

MR MACCRATE. Major BEASLEY, I would first like to inquire about the files of the headquarters of the Americal Division in this period during the spring of 1968, just prior to your departure from division headquarters. With our communication to you about coming to testify here today, we did inquire whether you had any documents or related materials, and I was wondering if you did have any that you had brought with you. Any materials to which you have been able to refer, to refresh your recollection since you were last here?

A. Not at all, sir. I looked through them. I don't have a thing. I left the division headquarters and went directly to a battalion, taking with me very little, and as a matter of fact I took my clothes, and that was it. I don't have any papers, notes, or that sort of thing.

Q. On this very point we have talked to Sergeant SAIMONS.

A. Yes.

Q. You may recall that he was the document NCO who arrived during the month of May of 1968, prior to your departure and as we were interrogating him about certain documents he made this statement,

"This is one thing, though. Major BEASLEY left, of course he didn't go very far away. He just went out in the field. He left a lot of his papers, a lot of papers there. His desk was just

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full of papers, papers stacked all over every place. Major POWELL and myself made an attempt to sort these papers out, and had a bunch of papers we didn't know what to do with. They were just typed scraps of paper and notes and things like this, which we kept separate and gave to Major BEASLEY when he came back. The time when he stopped in the office we had quite a bit of that stuff stacked on the book case. If I recall correctly, two manila envelopes were sealed with that stuff of his. It was marked Major BEASLEY on the outside of it. What was in there, I don't know."

Having received this testimony you can understand my questions?

A. I certainly can. These were efficiency reports written by Colonel MUSSER, when he left. He left in the early part of February, February 6th. We did have quite a large number of efficiency reports that weren't getting back here to Department of the Army, and this was Colonel MUSSER's working--his draft of efficiency reports, and he asked that we save them until such time as all the efficiency reports had arrived at DA, or we didn't get anymore questions on them. I believe there were two folders--two manila envelopes full of penciled efficiency report drafts. I don't ever remember taking those out of the headquarters however, and I'm not too sure that Sergeant SAIMONS or STEVENS or--did he say that--I don't mean to question you--

Q. (Interposing) I have given you his full statement in respect to it, and you will note he says, "What was in there, I don't know."

A. Well, it was efficiency reports from Colonel MUSSER, that Colonel MUSSER had written.

Q. He has indicated that there were other papers that he gathered together, and also delivered to you, at that time.

A. And bank statements. I left all those in my desk. I know that.

Q. Whether or not the official papers other than the

efficiency reports that were included in this assembled material?

A. No, sir. Other than maybe the old drafts of papers I was working on, but I don't think anything--There was nothing --no final typewritten papers in any of this stuff.

Q. What was the general condition of the files in the headquarters, at the time that you left?

A. I would say about average, sir. We didn't--we kept very little in the headquarters. The staff sections and the AG filed staff actions that were completed, or a decision rendered. Colonel PARSON did keep copies of some papers in his desk.

Q. In his desk?

A. Yes. He had a little--in his lower right drawer, he partitioned off and kept certain staff actions that he was a little bit concerned about, he kept those in manila folders.

Q. Now, Sergeant SAIMONS also stated, "Just before I left I started an OER log. We were having so much trouble with losing OER's and I maintained a log of these OER's and as far as establishing a log for anything else, I didn't, not that I recall." This reference to losing OER's does occasion us to inquire, what controls you had over the materials circulating in the headquarters?

A. Specifically on OER's I maintained a log--well, I lost my administrative NCO. He went to the field and was killed and Sergeant RITCHIE came in and I had him maintain an OER log. He kept it in one of those long green books, about that wide and about that long (indicating approximately 18 inches long and 10 inches wide) of OER's coming in and going out.

Q. Did you attempt to control any other papers?

A. We did for awhile, sir, when I first came into the division and then we just--we found that we couldn't do it, and we did not.

Q. . . . . Would you tell us something about the safe in your office? We've had considerable testimony about it, and some of the testimony we've had is quite remarkable?

A. . . . . I had one safe in my office. It was probably four or five drawers. I believe it was a four drawer safe.

Q. . . . . That is the testimony we have received from the various personnel of the office, that it was a four drawer safe.

A. . . . . I had the combination and Sergeant RITCHIE, at the time I was there, I believe he had the combination, as did the general's steno and very well the general's aide might have had the combination, because if the general came into the headquarters, they might want to get into it. I don't believe the two ADC's had the combination. We kept room in the safe, the top two drawers, I believe it was for the general officer's in and out box, and we put these back in the safe in the evening when they were finished with them. Down in the bottom drawer I kept the weekly summaries from the Army office of the chief of staff, plus about one or two other documents that I was signed for on a permanent basis, well it might have been more than that really. Yes. I would say more than two or three documents that I was signed for on a permanent basis in the bottom drawer, and then in one of those drawers I kept a stack of efficiency reports written by Colonel MUSSER, and also in one of the drawers we kept--there was a 1203. Are you familiar with that, sir? It's just a simple recording form for handling documents. Whenever we would handle so many documents and build up a stack of 1203's, we would take those out, and put them in an envelope and put those in the safe. That very well might have been one of the things that was in one of the manila envelopes, the 1203's.

IO: . . . . . What's a 1203, again?

A. . . . . It's just my copy that I have turned in the document to someone else. It's my insurance--

Q. . . . . (Interposing) A tear off sheet?

A. . . . . Yes, sir. It's a little pink--

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MR MACCRATE. (Interposing) What did you do with those after--

A. (Interposing) Well, by this time, I think it, was quite some time and I probably threw those away, the 1203's.

Q. When you say this time are you speaking of 1970 or before you left in 1968?

A. Well, I'm speaking of after I left the division headquarters, and came back to the division headquarters at one time or another. I went back to try and get some lighters for Colonel MUSSER. If that's when Sergeant SAIMONS gave me these manila envelopes, that's when I probably got the 1203's. I don't have them anymore, so I probably threw them away.

Q. We also understand that there were personal folders for the commanding general, and possibly Colonel PARSON, and the ADCs?

A. Personal folders? Are you speaking of the reading file, sir? The morning reading file?

Q. No. These were folders in which papers were kept for the individual senior officers. We had General Koster's envelope described to us as an accordian with a fold over--

A. (Interposing) That's right. It was a brown one. I think that was in the safe too, sir.

Q. And it had General KOSTER's name on it?

A. I believe there was a folder like that, or a paper like that. I would agree with that.

Q. Did you ever have occasion to examine that folder?

A. No. I do remember that there were one or two-- something like that in the safe.

Q. Was that folder in the safe when you departed?

A. Yes, sir. Well, I don't specifically remember seeing it, but I sure as hell didn't take it out of there, either

think anyone could put a helmet in that safe.

IO: Well, I'll tell you, SAIMON wished the hell, he couldn't have kept it in there too.

A. Why is that, sir?

Q. Why? Because it was taking up all of his safe and everytime he would take the helmet out and get things organized the helmet would be back in there again.

A. Well, then he probably did have it in there. I'm just not--I don't remember anything about a helmet.

MR MACCRATE: We've had testimony that it may have been in the second drawer at one time when it was stuck, and we also had testimony that there were miscellaneous papers in the second drawer. We have an extremely serious situation with respect to papers that were in your custody, Major BEASLEY, and this is a terribly serious matter at this point with respect to these documents. Now, you have indicated that in addition to the papers kept in your safe you recall that Colonel PARSON had some in his lower right-hand drawer?

A. Yes, sir. I could go in there and--

Q. (Interposing) You knew the contents?

A. No, I didn't know the contents of all of them, but I had no qualms about looking for things in there. There was nothing classified at all in there.

IO: Let me ask you before you leave this stage. I understand during the early part of your tenure of office, and also Sergeant RITCHIE while he was there, that a great deal of the safe was just sort of packed full of documents? I wouldn't say packed full, but there was a large number of documents. In questioning Sergeant RITCHIE, he indicated that much of those had to do with the organization of Task Force Oregon, and as a consequence had been outdated. He indicated to me that between yourself and himself, and PFC HERRIS or Specialist HERRIS, that the three of you had destroyed these?

A. Yes, sir. That's right. I do remember going out and destroying them, now. I don't believe that they were Task Force Oregon papers. Right offhand it doesn't occur to me that that's what they were. We did--I tell you--I think we

Q. Did you deliver it to General KOSTER?

A. No, I just left it in there.

Q. Did you ever have any difficulty with any of the drawers of the safe operating?

A. Yes. I think we did have trouble, about the third drawer down, as I remember. From time to time it wouldn't shut. I don't think it was any big thing however, but I--

Q. (Interposing) Did you have any trouble with the one that wouldn't open?

A. No, I don't remember anything like that, sir. We did have a small safe at one time when I first came in the division headquarters. A field safe and we couldn't get that open once or twice, but that--I don't think I had really assumed the job, by the time we still had this.

Q. Well, now we are talking about the period in the latter part of your tour?

A. Yes, sir. We would have had the big safe by then.

Q. And we have had testimony that there came a time when the second drawer of the safe was closed for a long period, locked shut and couldn't be opened. Do you have any recollection of that?

A. No, and I don't see how that's possible--no, I wouldn't--I was going to say that's the kind of safe that you open at the second drawer, but as I remember now the safe had a--the combination was at the top drawer and you had to turn that little button--a little bit older type safe. I don't remember that, and I don't remember the second drawer was closed, sir.

Q. Do you remember a helmet that one of the aides insisted on storing in one of the drawers?

A. I remember a problem about a helmet. I don't think he put it in a safe. I think it was too big. I don't

recorded the destruction of each one of those because it was some sort of previously important paper. However, I am sure we recorded the destruction of each one of them, well, the secret at least. I know we did, sir.

IO: A lot of organization papers, many of them which originated at MACV and USARV, probably over-classified at the time, the classification having been overtaken by events.

A. Well, we did make a couple of attempts to get that thing straightened out. I am sure there was some junk in there, and it was necessary to clean it out.

MR MACCRATE: Where did you put your destruction certificates?

A. Sergeant RITCHIE kept them and I wouldn't say exactly where he kept them. You have to keep a log of that and we kept a folder--

Q. (Interposing) In the safe?

A. Yes, sir, because that's a pretty sensitive thing.

Q. Do you know where in the safe, it was kept?

A. I wouldn't say right offhand, where.

Q. You don't know if it was there when you left?

A. I didn't specifically check. No, sir. I am sure it was. The destruction certificate now.

Q. Was any inventory made of the contents of the safe, at the time you departed?

A. No, because I turned it all over to Sergeant RITCHIE knowing that I was leaving and he was signed--I tell you what, sir. I believe he even changed the combination of the safe, just before I went on R&R and I couldn't get in it, anymore. This was after Major POWELL came in.

Q. When did you go on R&R?

A. Late in May and I think it was the 25th, or the 26th of May, or about then.

Q. I believe Sergeant RITCHIE had already left?

A. Then it had to be Sergeant SAIMONS by then.

Q. But, as far as your custody over the documents, you delegated all of that to the NCO, and so you yourself required no signature from Major POWELL when he took over the duties from you?

A. Well, I don't think we delegated the authority quite like that. I wouldn't say that, but as it--as it occurs to me now if Sergeant SAIMONS was there, he did sign for all of the documents--as a matter of fact, I believe he did sign for all the documents from Sergeant RITCHIE when he came in. Well, I'm just frankly not sure what procedure we used, but it was straightened out and I was satisfied with it.

Q. But it was between the sergeants and not between the majors?

A. Right, sir, because Major POWELL wasn't around at that time. He didn't get in until 20 May, or 15, or 20 May.

Q. But, he was around before you departed?

A. Yes, sir, he was and there was several things that we checked over, the general officer fund and that was not quite squared away. I did not have a receipt from an agency in Japan and they were going to send it and I believe we got that squared away, or Major POWELL did. We were reasonably cautious about this sort of thing.

Q. Well, was there generally a difficulty in communication around the headquarters? Did you feel your shop being bypassed and did you have difficulty in keeping control of what was coming in the headquarters?

A. We didn't have difficulty in keeping control of it, sir. The shop was--my office was bypassed. The generals were in a hurry. They would call a staff officer and they would say, "I want this right now" and the staff officer would take that directly into the general, and the general would act on it and sent it out. Other problems that we had--in the reading file--I made up a reading file every morning and they would jerk secret messages out of it, and give it to an action officer, assistant G3, G2 or someone and say, "Do this right now". Most

often, as a matter of fact all the time, these guys would-- usually other majors and they would come back and say, "I've got your document and I'll bring it back." Since they had their own copy. We did have trouble keeping up on what was going on, yes. There was no attempt, I believe to keep me out of the picture. It was just that they were too damn busy to bother with me.

Q. Well, Sergeant SAIMONS stated that, "We would get messages in and might think that they were of some importance and take them back and give them to the SGS and he's never seen the document before. He takes it into the chief of staff and the chief of staff says, 'Hell, I saw that yesterday. The G3 brought that in.' This happened frequently." Would you agree with that as a statement of conditions?

A. Up to the word, "frequently". It did happen. Well, I wouldn't even fight that too much. I wouldn't fight "frequently". It happened and I felt bad about it.

Q. One gets the impression of a pretty loose headquarters, so far as communication in and out and control of paper within that headquarters.

A. Well, we had control of all the secret documents. Now, those routine staff actions and what to do at an award ceremony, we didn't bother too much about that, and didn't get too excited about controlling that, and in that sense I think that it was reasonably loose. If the G1 sent over a paper on what to do with most anything--If it was a relatively loose item that could be handled tomorrow as well as today, I didn't get too excited about it.

Q. If a confidential report of investigation came into the office, what would you do with it?

A. I would think that that would be pretty important and I would give it to the chief of staff right away, sir.

Q. Then, if he returned it to you for safekeeping, what would you do with it?

A. I'd put it in the safe.

Q. Where would you put it in the safe?

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A. Well, I just don't remember which drawer right now, but I think I kept most of my stuff in one of the drawers. It occurs to me that General KOSTER's stuff was kept in about the second drawer down as I remember, because he usually had such a--he just never would do his paperwork. He usually had such a large stack in his in and out box. He might have had only one box really, in or out--in, I guess. I'm not too sure if he had an out box or not.

IO: Did he have a hold box?

A. No. I don't believe he did, sir. I do know now that he just had an in and out box, and we would always take the things out of the out box and take action on those, and the in box stayed full all the time.

MR MACCRATE: Who helped control the papers in his in box?

A. Just Specialist HERRIS and the general's aide would make sure that there was no one in the general's office when the general wasn't there. I would go in--

Q. (Interposing) But, who would control what went in and knew what was there, so if someone wanted to see a particular paper?

A. Generally I would. If the document came into the headquarters either Sergeant RITCHIE, Sergeant SAIMONS, or myself signed for it, if it was secret. Then we sent it to the chief, and then into the general, and maybe he didn't act on it for a week or two.

Q. Then if someone wanted to see it--

A. (Interposing) The G3--I would go back in his office and thumb through his papers and say, "The paper is still there."

Q. So you frequently were in the general's pile of papers in his basket?

A. Not really. Well, yes. Once a week or so, I would say, to determine what's in there.

IO: We've talked to the aides of General KOSTER and we talked to Captain ROBERTS for example. We asked Captain ROBERTS

specifically if he took care of papers and so forth, that were coming and going to the general, and whether he cleared the desk at night time and he said, that he had nothing to do with that, that you took care of all of that. We subsequently talked to Lieutenant, now Captain DICKENS, who was General KOSTER's subsequent aide and we found that in this regard he had much greater leeway and authority, and he did take care of General KOSTER's personal papers. Now, it's primarily--well, not primarily, but we are interested in this period when ROBERTS did not have this authority to go in and do this.

A. He had the authority, because I've seen him come in there and get the box out of my safe, and take it back to the general's office, when the general would come back late at night. And Specialist HERRIS in the morning, came in about 0630, and he would come in and get the general's box and take it into his office. Usually the aide came in with the general. Often times the aide left with the general and HERRIS would bring the box back. But, there are times when the general came back in the evening, 8 or 9 o'clock, or something like that, and would want to see his working papers, and the aide would come in and get them, and I've seen Captain ROBERTS do that, and take them back to the general. I've seen him do that. Captain DICKENS or Lieutenant DICKENS at that time, was a little more aggressive than ROBERTS, and I think probably did that a lot more.

MR MACCRATE: And he had his desk for a period in your office, did he not?

A. For a time when he was not really the aide. I think his actual duty title was assistant aide or something like that. He was--he actually worked for General KOSTER, but on a daily basis he worked for me and handled the visitors coming in and out. I think it was for about 2 or 3 weeks long.

Q. Referring to your handling of visitors, coming in and out, sometimes you would see the various officers in the command, who would be coming in to see the general. I'd like to ask you if you can recall, back to this period in March of 1968, a meeting one Sunday morning when Colonel HOLLADAY, possibly with a measure of anxiety, and another individual, a member of one of the aviation units, came to the headquarters, and perhaps seeking to talk to the commanding general?

A. I don't specifically remember that, although Colonel HOLLADAY was up there quite a lot and often excited. He

was a forceful man. He had some real problems in moving his aircraft, and as I remember, down at Chu Lai, the Marine Corps Airfield, and they were trying to move them out to an Army Airfield. I remember that he had some unbelievable problems in that.

Q. Well, do you remember him coming in one day with a complaint that had been made by a helicopter pilot about something that had occurred in an operation, and wanting to speak with one of the commanding officers, whether the commanding general or with one of the ADC's?

A. No, I just don't specifically recall that. He very well could have, but I don't specifically recall him wanting to come in to speak with anyone.

Q. Well, do you have a recollection of a staff officer speaking with the chief of staff?

A. I remember one time, but it was in the evening, when Colonel HOLLADAY was just mad as hell, chewing on his pipe and he went in to see the chief, and things got a little bit loud in there. I closed the doors, but I really don't associate that with what you're asking.

Q. With what do you associate that particular episode?

A. Nothing really much, there was also some Distinguished Flying Crosses being awarded to nonaviators, and Colonel HOLLADAY was pretty irritated about that, about this time.

Q. Was this the occasion for the flareup with the chief of staff?

A. Sir, it's just hard to pin down. I remember at one time that Colonel HOLLADAY was--said, "That he didn't think nonaviators should be awarded the Distinguish Flying Cross," and as a matter of fact, I agreed with him and told him so there, and one evening he went to see the chief, and whether that was the subject they discussed, I don't know. We always had a lot of people in there to see everyone after the evening meeting, which was about 1745 to 1830 in the evening. There were several in there to see General YOUNG, and a couple in there to see general so and so--

Q. (Interposing) I'm anxious to hear about this particular situation that seemed to have occasioned concern. Anything that you can recall on those? Not the general flow of traffic in and out of the office?

A. Well, I rarely--well, I did sit in the chief's office from time to time, when a staff officer was talking about a certain topic of which I had knowledge. The casualty reporting system was one. I remember that clearly, that might have been Colonel MUSSER, rather than Colonel PARSON. We always had flaps, we always had problems. I just--it's difficult to recall anything specific, if I set down here and thought about it for a minute, I might be able to come up with something, sir.

Q. Well, I'd like for you to think about what you may have heard about the complaint of the helicopter pilot, regarding the action of the ground forces, indiscriminate firing, confrontation between the aviation unit and the troops on the ground. Do you have any recollection of hearing Colonel HOLLADAY speak with Colonel PARSON about this, or did you possibly thereafter speak with Colonel PARSON about it?

A. No, I don't remember anything like that--helicopter indiscriminately--I tried to take some notes here--helicopters indiscriminately firing on ground troops--we had one of those--we had an incident like that. That was up in the 196th Brigade. The battalion commander fired on another battalion's troops, I think it was, killed one or two--

Q. (Interposing) I'm talking about a confrontation rather than a firing, where the aviation unit had its guns trained on the ground forces?

A. I don't remember anything.

Q. In connection with an episode relating to the shooting of noncombatants?

A. I don't remember anything about that, sir, and I also read that in the papers, in the newspapers.

Q. I'm not talking about what you recently read in the newspapers, I'm talking about something that took place in your headquarters back in 1968, when you were there. There are doc-

uments that came into your headquarters from which you were presumably responsible, and were there at that time. Now, for example, on or around the end of March, or in early April, you were informed that a report came into your headquarters with respect to a helicopter pilot's complaint regarding the indiscriminate shooting of civilians. Now, did you ever see such a report in your files?

A. No, sir, I don't remember such a report.

Q. Sergeant SAIMONS, has testified as follows:

"Q. Now let me ask you about one other piece of paper. Did you ever see a paper about three quarters of a page long, which was in response to an allegation which had been made by a pilot, a helicopter pilot, to the effect that some women and children had been killed on the 16th of March? Have you seen this one?

"A. Yes, I remember a paper coming in. A helicopter pilot complaint that some women and children had been killed.

"Q. When did you see this come into you?

"A. I don't believe it came into me. I believe I saw the document in some of the files after it came in."

We asked him then, about the date on the document and other identifying features and he was not able to provide those. Now, any documents that Sergeant SAIMONS found in the files, would presumably have come into the files during the time you controlled the files?

A. Yes, sir.

Q. And we would like for you to think very hard about this document, and what you can recall about it, and where it was in the files of the Americal headquarters?

A. I remember an allegation by some Vietnamese, but this was out of Ly Tin headquarters right near Chu Lai, that a helicopter had flown over a sampan in a bay, and I think this

is the one that Sergeant SAIMONS is talking about and somebody in the--the people in the sampan alleged that somebody in the helicopter fired an M-79 into the boat--onto the sampan. As I remember our MP's, Colonel LUCAS specifically, the Division MP --I think he was the one at this time, or maybe Major Ben BONNER investigated this, and they found the sampan and the fragments were inside out, indicating that the round had exploded inside the sampan. They hunted down some people, who allegedly were in the sampan, and one of the things they were looking for was somebody wearing a red helmet and I remember this investigation.

Q. Was it red or orange?

A. Red is what hits me.

Q. Someone else described the same incident and told us it was an orange helmet, but it would appear to be the same. Now, do you have any recollection of any similar incidents of report, and a report upon it?

IO: Let's go over this again if I may, because, what you're relating is not quite what Mr. MACCRATE said, and not only quite, it's a long ways from what Mr. MACCRATE said. Just to refresh your memory as to what he did say. He said, an allegation made by a warrant officer aviator to the effect that ground forces had done some indiscriminate firing on noncombatants, and had unnecessarily killed some women and children. The paper goes on to say that this matter has been thoroughly investigated and it closed by saying, that although there were some people killed, these were killed by artillery, and gunships and crossfire, and that therefore the warrant officer allegation could not be supported. Now, this paper as we would understand it, and the evidence when we went through it, Mr. MACCRATE and I, have been going through this personally, is about three-quarters of a page long, whether it is a letter form, directive form, record form, I do not know. It's addressed to the commanding general and signed by the brigade commander of the 11th Brigade. Now, that is the paper that Sergeant SAIMONS said that he saw, and that is the paper that we're asking you if you saw?

A. I just don't know, sir. There was a paper that I saw when I first came up here. I think this was the report

of investigation. If I can lead into your question, I could-- I just don't know the answer to your question, but if I can lead into it, just a little. When I first came here you showed me a report of investigation by Colonel HENDERSON. I think that's what it was titled, a couple of pages long, maybe three. I've laid in bed so many nights and thought about this. I'm beginning to believe that now, I saw something like that. I can't say for sure, but it's--something is back there. There's something in my mind, that maybe I saw this report by Colonel HENDERSON. Now leading into that, I don't believe that I ever saw this paper by an aviator--

MR MACCRATE: (Interposing) The paper would not be by an aviator. Now listen Major BEASLEY, to what General PEERS has been describing to you. This is a report upon the aviator's complaint, possibly a report by Colonel HENDERSON?

A. Well, I just can't say for sure that I saw it. If it was in that division headquarters, I'm sure that I had access to it however, but I just don't recall that, sir.

IO: This is what we would like to know whether or not you did have access to it, very frankly.

A. I think that, excuse me--

Q. (Interposing) No, the reason for this, as we've indicated in order to find out who saw what paper, and who had access to them, and so on. This is why you're receiving this rather direct line of questioning.

A. Yes, sir, I understand.

Q. Let me put it in context, so you will know a little more about it and then you might--then therefore I would assume you'd heard some of these rumors and reports. We know for example, Major BEASLEY, that more than a few people in the headquarters knew that a warrant officer had complained to his commanding officer, and it got to the command that there was some unnecessary killings of women and children in My Lai (4) on 16 March, and there are several people in the headquarters that knew that a complaint had been registered. As a matter of fact, there are some indications that it was rather common gossip,

(BEASLEY)

and people were talking about it. It was certainly well known in both companies of the aviation battalion, and everybody was talking about it, so having registered this complaint, it would have to be checked into and this is the response to it. A warrant officer complaining that he saw this killing and he was greatly upset about it, and so he registered a complaint. This is the response to his complaint concerning the unnecessary killing of women and children, saying that there were some noncombatants killed that day, but not done purposely, but it was done by artillery and gunships during the course of battle and therefore the allegation couldn't be--

A. (Interposing) This paper came in then, there was some actions on that which caused Colonel HENDERSON's report, do I have it right, sir?

Q. No, you don't. We'll come around to that. We're talking about two entirely different reports you see. We showed you one report before.

A. Yes, sir.

Q. We will show you that one again, but the report I will tell you about was dated 24 April. The piece of paper I'm talking about now, should be dated somewhere toward the end of March, or early April. The best date we can affix to it is somewhere between 4 and 6 April.

A. I just don't recall seeing what you describe, sir. I just simply can't pull it out.

MR MACCRATE: Well, do you recall something similar to this? You seem to have in your mind some things, that you haven't yet told us about?

A. Yes, the red helmet--the one which General PEERS said was completely separate. I remember that one.

Q. Well, now in addition to that with respect to Task Force Barker and its operations, and any reports with respect to that?

A. Well, with respect to Task Force Barker, when I saw Colonel HENDERSON yesterday, I remembered that he had been wounded and the last time--when I saw him yesterday I

remarked that the last time I saw him he had a cast on his leg, and I think he was in some way a responsible commander of the Task Force Barker, but that the task force I think, was attached to his brigade.

IO: Where did you see him?

A. He came up to the division headquarters, sir.

Q. What time of day was it?

A. Early in the morning. We had some sort of a commanders meeting--division commander had a commanders' meeting.

Q. Are you sure?

A. Yes, sir, because--yes I am, because he had to sit in the front row of the seats, because he couldn't bend his leg and I went over and straighten out the place, and then I left.

Q. That would have been sometime towards the end of March or early April, he was wounded on the 21st. He had his leg put in a cast on the 23d, and it was only for about 2 weeks.

A. I do remember that and I know they had a commanders' meeting.

Q. What was the discussion in the commanders' meeting?

A. I didn't stay--I know I made up the notes for it though, well, I don't specifically remember the notes, but I know the procedure that we went through. We ask each staff officer to submit data for the staff meeting, and each paragraph was on a separate page, and then General KOSTER had--these were really staff notes submitted by the chief of staff for the general--for the commander, and then General KOSTER had his notes. I don't know what he had to say.

MR MACCRATE: Well, now, did you keep track of Colonel PARSON's movements, his comings and goings?

A. Yes, although he didn't really go too much, to anyplace.

Q. Well, you recall along around the middle of April 1968 that there was a period, where he was in frequent communication with people down in the Quang Ngai City?

A. I remember that we did have some problems down in there and I called a lot to talk to them. I either talked to Colonel ULSAKER or a Colonel HUTTER, I'm not too sure which one, and then yesterday I met Colonel GUINN and I had talked to him previously, to arrange -- the division commander coming down there, and that sort of thing, maybe once or twice the chief did go down there at times, yes, sir.

Q. Can you fix in time, the visits of the chief to Quang Ngai?

A. No, other than the weather was pretty good and it had to be in the late spring, March, or April, or the early part of May.

Q. Do you have any recollection of what was the business at that time, what was the concerns, why was he going back and forth to Quang Ngai?

A. No, I don't know precisely what he went down there for, but I also remember that whoever was the -- it must to have been Colonel HUTTER, now.

Q. By then Colonel HUTTER would have been -- he took over on 1 April.

IO: The 1st of April.

A. He -- and I just happen to note this right now, as a matter of fact -- Colonel ULSAKER was senior advisor down there or something.

MR MACCRATE. 2d ARVN Division.

A. That's right, he rarely had too much to do with us, but I do know now that Colonel HUTTER often came up, and had several times asked me about a swimming beach and things like that, but he did come up for business quite a lot, I do remember that now. As a matter of fact I think he brought up some Vietnamese with him up there, and he also brought up his

S3. A major by the name of HANCOCK, Bob HANCOCK -- and they often came and Major HANCOCK would stand outside the CG's office, and I talked to him, and apparently Colonel HUTTER was inside there.

Q. Did Major EARLE come up on any of these visits? Major EARLE, who was the G2 Advisor at the 2d ARVN Division?

A. The name rings a bell, but I don't associate any face with it at all, sir.

Q. You remember Colonel GUINN coming up?

A. No, that's just what I was telling him yesterday, I don't think I ever met him, but I remember the name now. I saw him yesterday, and Colonel CLARKE said, "Is that the Colonel GUINN that used to be in Quang Ngai", and I said, "Well, yes it is, because I talked to him from time to time and so I went over, we agreed that we never met each other -- Colonel GUINN and I did, but that we had probably talked on the phone several times. Yes I'm sure I talked to him on the phone. He had something to do with a sector as I remember, down there.

Q. Yes, he was the advisor to the Quang Ngai Sector --

A. (Interposing) I don't believe he was the boss, sir. I think he was a subordinate -- second in command.

Q. Well, he was a deputy province advisor, but he was the senior military man?

A. Oh, I see.

Q. Do you remember the province advisor of Quang Ngai Province?

A. I didn't remember him until yesterday, and someone mentioned the name Mr. MAY and that did ring a bell, tall fellow also he used to wear a cowboy hat, and the day he left General KOSTER had him up for a little dinner or something, and I didn't remember it until yesterday, until someone mentioned the name Mr. MAY.

Q. You remember along about this time Mr. MAY being up from Quang Ngai to Chu Lai?

A. He came up to the division, not on a regular basis.

Q. You have any recollection of his coming up along about this time, that Colonel PARSONS was going down to Quang Ngai, do you remember Mr. MAY coming up to Chu Lai?

A. Come to think it, I think maybe the chief did go down to see him once or twice and Mr. MAY and maybe he --

IO: (Interposing) You say you called and made arrangements for General KOSTER and so forth, to go down and see Colonel HUTTER and, perhaps, TOAN; perhaps, to see Mr. MAY and maybe Colonel KHIEN. Did you know what they wanted to go to see about?

A. No sir, what I did, I called them and said, "Hey, General KOSTER wants to come down and talk to y'all," then I was specifically speaking, usually with Colonel GUINN -- "He wants to come down and talk to y'all for awhile, can you handle him at 10 o'clock. . . ." and well, "We can't take him until 4 o'clock this afternoon. . . ." "So okay," that's about what I did. What time can you take him? We also started taking some visitors down there. They would come up and we would take them around the division, and take them to 2d ARVN, and I think the reason was because General WESTMORELAND said that he wanted us to work well with ARVN, so General KOSTER showed how well we worked with ARVN, for that reason we took them down to the 2d ARVN Division, and I think we did that several times in the spring.

MR MACCRATE. Do you have any recollection in connection with these visits, of having seen this VC propaganda that you told us back in December, that you remember having seen before?

A. My recollection of the VC propaganda --

Q. (Interposing) In relation to these visits at Quang Ngai, that was going on at that time?

A. Well, I do remember this, now I do remember this -- I got a second point I want to add in here if I can -- we did get into the division headquarters some small -- well, rather common VC leaflets that I had seen on a previous tour, and I

do remember getting these in and I don't remember what they said, but we did have some leaflets. As a matter of fact, the G2 sent over quite a few of them, and all the people in the division headquarters, the privates, the drivers, and the clerks wanted to take one and send it home as a souvenir, and I think probably most of them did. We got in some of these, I read it -- I don't have any souvenirs and don't want any. I remember these, but I sure as hell don't remember what they said. If I could see one maybe it would bring up something.

Q. Well, you previously saw a piece of VC propaganda that we have here, a part of Exhibit R-1. I showed it to you and you indicated that you thought you've seen that before (handing the exhibit to the witness).

A. Yes sir, I think I have seen this one before. As a matter of fact I can say for a fact that I have.

Q. Now, I would like to show you Exhibit M-33, which is essentially the same piece of VC propaganda, notes that they have taken down from a radio broadcast, and you'll see a Vietnamese copy attached to it, behind the English translation (MR MACCRATE handed the exhibit to the witness). Now, it's our information that such a piece of VC propaganda was in fact given to officers from the Americal Headquarters at this time in April 1968, and so your recollection of having seen such a document accords with the other evidence that we've received. We are very interested in having you reflect for a minute as to the circumstances under which you saw the documents, and just where it was, where it came from, who had it, and what you did with it?

A. I made a little note here--one of the notes I wanted to bring up to you. I spent the--you sent over intelligence summaries, I read them because they were interesting, really interesting. I used to read those all the time. One of the things I read in detail, now to get specifically to your question, we had an LNO and I believe he was right in Quang Ngai, 2d ARVN Division headquarters, and I want to say his name is Captain JOHNSON--I think that's pretty close. He might have been the one who brought up these leaflets. Now this occurred to me, but boy, I wouldn't want to pin him down as being the one who brought

them up, but he used to come up often and talk--by rights, I believe he actually did work for the chief of staff, but in fact he worked for the G2 and G3, to handle some of the operational things. Captain JOHNSON might have brought these up--then your last specific question was, did I see this paper here?

Q. Now, what you're looking at is a recent English translation, so that it's physical appearance might be somewhat different. The contents would essentially be the same and the Vietnamese from which it is translated would presumably be the same Vietnamese that might have come into headquarters, with an English translation.

A. We did not have to, but there was some papers that came in, that we had to translate ourselves, and we sent them to G1.

Q. G1?

A. G5. I take that back. G1 had a Vietnamese captain, sir, I don't remember his name. A tall chap, tall for a Vietnamese even, and he did some of our translations--no, he ran the translators--the interpreters--this--

IO: (Interposing) These were the ones that were signed out. Your normal translations, if I may just ask, how were they done within the division? You had an MI detachment. As a matter of fact, your MI detachment was the 51st MI Detachment?

A. You're right.

Q. They would be the logical ones to translate intelligence type documents.

A. You're right, sir. Things I was referring to, was the invitations. We used to always get invitations from God knows where, and the quickest way was to have the G1 translate those and tell us what they meant, but you're right. I think I have seen this. There are two things that come specifically to mind, when I went through this before where the one sentence in here--the American puts a dollar on his penis and so, and the Vietnamese Ranger Battalion--letting the Vietnamese die for the American. I would say that I have

seen this, with specifically those two--I note up here that this does deal with light machine guns, and killing innocent civilians. I don't remember that specific paragraph here. I do remember these other two paragraphs I have mentioned and for that reason, believe that I probably saw this piece of paper, sir.

MR MACCRATE: Well, where did you believe you saw it?

A. Oh, in the headquarters, I'm sure it came in. It very well could have come in, in a G2 propaganda summary-- a G2 intelligence summary. If it came in separately under a separate piece of paper--oh, I just can't think of how that was done though.

Q. Let me show you another piece of VC propaganda. This is in the form of a notice, dated 28 March 1968. The English translation is on top of it (Exhibit M-35), and again the translation is recent, but presumably according to what you might have seen back at this time in 1968. I think from the first page you can see the general tenor of it. Do you recall having seen that before?

A. No, not this one, sir. I wouldn't say that I've seen this paper.

Q. Along about this time in April of 1968, the time that you recall Colonel PARSON going down to Quang Ngai and possibly arranging for evisits by General KOSTER. Do you recall ever seeing a report from the district chief to a province chief with respect to an incident that had occurred in Tu Cung or Co Luy, which are hamlets of Son My Village?

A. Those names wouldn't have meant a thing to me at that time, but I don't remember them.

Q. Well, they might not have meant very much to you, but they would readily be ascertainable on the map as being not too far from Chu Lai at that time. Does this ring any bells? Some of the people for you in division headquarters did feel that some of those names meant something to them.

A. They might have. Whenever we got in a--and could I give you a reason, why he was there? Whenever we got in a report of significant action, the G2 whenever he got a report

and when he thought it was important, he would call the chief and either one of the clerks or myself, if the clerks were all busy, and would take this report--4 casualties, killed 8 VC, or something like that--a good spot report, we would go on and plot it--

Q. (Interposing) I don't think we have to go into all the operational data that you may have recorded, but let me show you Exhibit M-34 and ask you if you ever saw that letter before, when it was in the headquarters of the Americal Division?

(MR MACCRATE handed the exhibit to the witness.)

A. Well, as I do read this paragraph now--I mean not paragraph, but the phrase that deals with helicopter gunships. And, something about gunships and Task Force Barker, and there is something like that--gunships and Task Force Barker.

Q. Do you remember seeing a copy of this letter, with a communication from Colonel TOAN, the commanding general of the 2d ARVN Division?

A. Well, I just can't recall seeing this, but I do remember specifically--I do not recall seeing this, but there is something I recall somewhere, about helicopter gunships and, that is related somehow to Task Force Barker.

Q. Well, now, you must remember more than that?

A. Well, I'm just trying to pull it out. This is just coming up. Is there a mountain -- something near a mountain? Let me see if I can pull this one out. Okay. It's 80. There's 80 people, gunships and a mountain. 80 people in a ditch.

Q. Any people firing in the ditch?

A. Well, the gunships, that's where they got them. The gunships got them in the ditch. There were 80 NVA. Something is -- I remember something.

Q. Do you remember the mountain, was it Hill 85

A. Someone asked that previous to this time, and I

have no number, but 80 personnel, 80 NVA, 80 people in the ditch, when the helicopter gunships killed them, and this is related to Task Force Barker somewhere near a mountain, I remember that now. And, the figure of the body count is somewhere in the 80's.

MR MACCRATE. Now, you remember it in relation to something --

A. (Interposing) In Task Force Barker?

Q. Well, but who told you about this? Is this at the evening briefing? Is this something to do with what Colonel PARSON was talking about? Was it a report to him that came in and you were talking to him about? You talked to PARSON quite a bit according to -- not PARSON, but Colonel HOLLADAY. I understand he made quite a practice of coming into headquarters. As a matter of fact, he had to be there every night. After that briefing?

A. I believe he did.

Q. He had to come over and he had to explain to the commanding general the allocation of the aircraft for the following day and at that time, the commanding general made the decision. So, automatically, he was at headquarters at least once a day, every day, 7 days a week. So, he was in and out of there quite frequently. Do you remember having heard this from him, or from Major WATKE, or having seen this on a piece of paper?

A. I'm just trying to think. Major WATKE?

Q. WATKE. Company Commander of Bravo Company of the 123d Aviation Battalion.

A. WATKE. I don't believe I knew him. He got hurt though. He got hurt somehow. Helicopter crash. Shot down. Hurt his foot and got a Silver Star. I can't remember him.

MR MACCRATE. Now, this is in the middle of April.

A. I'm trying to come back here, now.

IO: Let me give you a couple of other people that may have talked to you about this.

A. Oh, yes sir, I'm not -- I'm just trying to pull it out.

Q. Well, what I'm trying to find out is if you saw that on a piece of paper, or whether somebody told it to you, or who told it to you?

A. Well, I had a real good friend in G2, an assistant G2. Major DORF. And, he gave me -- kind of kept me up to date, because I was out of place. And, he used to come over once every 2 or 3 days, and I'd go up to his shop.

Q. Well, it wouldn't go through the G2 people. We've talked to most of the people that were assigned to the headquarters that actually worked in the G2, one of them, for example, KUECHENMEISTER.

A. Captain KUECHENMEISTER.

Q. And, LOGAN.

A. LOGAN. I remember him. A tall colored boy, also, MURROW, or MOORE. I don't remember his name. I wouldn't say right offhand where I got this 80 people in a ditch. Let me see now.

Q. Let me give you a few more things that might help you get it. Put out of your mind, NVA.

A. Put out of it?

Q. Yes.

A. Okay.

Q. You're talking about, on one hand you say, the people in the village, and then you qualify them as saying NVA. Make these civilians, women and children. Have soldiers firing in to the ditch. Also have a helicopter land and take a young child out of the bodies and fly him to the hospital in Quang Ngai. Put with that, a confrontation between a helicopter unit and the ground element, where they had really a head to head confrontation to the point where they had machine guns trained on one another.

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A. Okay, sir.

Q. Now, if you have any idea, maybe you'd better tell us.

A. Seven soldiers medals. When WATKE got shot down, crashed, WATKE -- yeah, it had to be him.

Q. Yes, that's right.

A. When he got shot down--

Q. (Interposing) But, that has nothing to do with this incident. We're talking about 80 people in a ditch.

A. Yes, sir.

Q. Are you familiar with the point of reference. How close were you to the G5, ANISTRANSKI?

A. I think we were pretty close.

Q. Would you have talked about stuff like that with him?

A. Oh, I think he would have, yes sir.

Q. How about the chaplain?

A. Chaplain LEWIS.

Q. Did he ever come in and complain about people being killed or anything?

A. No, I don't think he did, sir, not the chaplain. Well --

Q. (Interposing) Think about that a moment, now.

A. I am trying to think.

Q. Because, you want to remember, we've talked to all these people.

A. I am getting just a little bit caught up now, because I read that in Time magazine, where THOMPSON I think, had to turn his guns to keep the troops from killing.

Q. Do you remember about a captain who had shot a woman?

A. In part of this? That's what I'm trying to remember now. Yes, sir. Yes, sir. Now, these other things that you're adding on, I can't remember that. But the first word that came to my mind was 80 people in a -- when I first started this -- 80 people in a ditch, and gunships, and a mountain. Wait a minute. I'm in my office, somewhere in my office. Somewhere in my office. Major KREBS. I wouldn't say that he said it either. Sir, there's something there, but I just can't seem to pull it out anymore. I don't--

MR MACCRATE: (Interposing) Let's go back to this letter of 11 April, Exhibit M-34. Do you remember along about this time, seeing a copy of this directive of General KOSTER's to Colonel HENDERSON in the 11th Brigade? Along with which he sent a copy of this letter, down to brigade asking Colonel HENDERSON to look into this allegation, that was contained in this letter of 11 April? Do you remember seeing something about this?

A. The one thing I remember specifically about the 11th Brigade is that they ran an operation that they weren't supposed to, and General KOSTER got on them like a tiger for that. But, I think General LIPSCOMB was there then. I remember that. And, I don't remember General KOSTER sending anything to--but I think if he did send one like that, it would be in the division file.

Q. Well, where would such things be filed?

A. General KOSTER's typist, HERRIS, if that's who it was at that time, would have kept it in his file, and I think a copy of it would have gone to the AG for dispatch.

IO: Was this in letter form?

A. Sir?

Q. Even if it were in letter form?

A. Yes. Yes, I believe it would have. I had a note. I told you last time on my first appearance, and I think you were asking about a paper that Colonel BARKER-- Colonel HENDERSON--the report of investigation by Colonel HENDERSON, and you asked where it would go, and I said the AG. Thinking that over, I think that would have gone to the JAG. I think the chief of staff would have sent that to the JAG for some sort of action. And, about this time, that JAG was Colonel--oh, a little short fellow. I don't remember his name right offhand, but I remember now that in this light, he was over in the division headquarters quite a lot, and wanted to see the chief. He was a staff judge advocate. A rather short fellow. A hell of a nice guy.

MR MACCRATE: We've talked to him.

A. And, he was over there to see the chief. And, I think a piece of paper such as this would have probably got to him. It would have been given to him for some sort of staff action. Maybe he wanted to see the CG, now. Well, he wanted either to see the chief of staff or General KOSTER.

Q. Well, you have no recollection of receiving anything from General KOSTER about an allegation such as this, asking Colonel HENDERSON to look into it?

A. No, I can't really say that I do, sir.

Q. Do you have any recollection of talking to Colonel PARSON about it? Did you ever see any papers about such a matter in Colonel PARSON's right-hand bottom drawer as you went through it?

A. No. No, I wouldn't say that I did, sir. I just don't recall seeing anything like that.

Q. Did you ever see it in the commanding general's in-basket as you went through it, looking for papers?

A. No, I don't think so, sir.

Q. Do you have any record of things that the commanding general sent out? Did you keep any log of the directives that he sent out? Did you have a follow-up file?

A. Yes, but this was just a little bit different. When the chief of staff would receive instructions from the general, he would write him a staff note, give it to the typist. We'd type up a copy of that, and we would send a note out to the staff agency, and put the suspense file that Sergeant RITCHIE kept, and we stored it in this one. That was our control to get an answer back.

Q. Major BEASLEY, I am going to show you Exhibit R-5 which is a document from the files of the 11th Brigade at Duc Pho. You see a file copy of a board of investigation, dated 24 April 1968, from Colonel HENDERSON to the then General of the Americal Division. We previously showed you, when you were here before, a true copy of that document. I want you to look at that and think carefully, and tell us what you can recall about the first time that you saw such a document at the division headquarters.

(The witness examined Exhibit R-5)

A. This is the paper, sir, R-5, that I spoke to General PEERS earlier about. There is just something back there. I can't say for sure that I saw it, and as you said, in the division headquarters. Well, I'm not too sure -- well if you got it from there, I'm sure that's where it was, but I'm not --

Q. (Interposing) Listen to me, please. You constantly get off the track. We're talking about something that came from the brigade headquarters. That paper that you have before you is the file copy taken from the 11th Brigade.

A. I see.

Q. Now, I'm asking you about what would have been perhaps the ribbon copy and one carbon copy, that would have come in to the commanding general, and into the headquarters where you were the SGS, and had the responsibility for the security of such documents, including confidential documents such as that. Now, this was during the time that you had that responsibility. And, I would like to know what you did with the documents, because, it cannot be found there today.

A. Well, this is another grey area for me, sir. I don't specifically remember seeing this one as I said, my first time up here. There is a doubt, however, there's

something back there dealing with this. God, I've laid awake so many -- trying to pull it out. If it came up to that headquarters, I think I would have seen it.

Q. We know it came up to the headquarters. We know it was there. That's been thoroughly attested to. Did you ever get any instructions to dispose of copies of that?

A. No, sir.

Q. Did you ever on your own dispose of copies of that?

A. No, sir. I did not. The only thing that I -- well, I guess that doesn't relate to this at all. The only thing that we ever disposed of were the copies of a paper that I had written dealing with General WESTMORELAND's instructions to change the nature of the operation -- of the description of operation from search and kill -- or search and destroy or -- I guess that was it, search and kill to search and destroy. We don't use those anymore. And, General KOSTER had told the chief of staff to put on it "For Official Use Only". And, the chief of staff told me. Well, I failed to do that, and it got out, with no marking on it. So, we had to call all the units. I had the AG do it I think, and say, "Get rid of that one". And, then we typed up another one, and we put "For Official Use Only" on it and sent it out again. That was the only thing we ever called back and destroyed, or tried to get back, to get rid of it. The unmarked copy.

Q. Well, if the chief of staff handed that to you, what would you do with it?

A. Well, I think he would probably give me some instructions on what to do with it. Send it to the G3, the JAG, the AG file, or to the G3, "Is there any truth in this," or to the G2, "Is there any truth in this," to the --

Q. (Interposing) Well, that's a report of investigation that you have there.

A. Yes, sir, I'm well aware of that.

Q. And, you're suggesting to send it over to the G3 to see if Colonel HENDERSON is telling the truth?

A. No, what I'm saying, sir, is that I think something like this would be pretty important, and I think that persons at a far higher level than me, general officers, would make that decision, and that I wouldn't be told.

Q. But, you kept their files for them. That's the whole point.

A. Oh, I see.

Q. You were responsible for the files. You were responsible for the documents that came in, that were classified, for safe keeping.

A. There's no doubt about that. I was.

Q. You have no explanation for why no copy of that, cannot be found at the Americal Division headquarters?

A. I do not, sir.

IO: Would you log that document if it would have come in to you? This is another contradiction that we have, in this logging system of yours. The fact that by regulation you log only secret or above with no regard for the content other than the security classification, or you might say the import of a particular piece of paper, in its content. How would you keep track of a piece of paper like that?

A. I don't believe I would have attached this much importance to this. I believe I would have given this to the chief of staff, if it would have gotten to me.

Q. Well, we're lead to believe that this paper was hand-carried.

A. Oh, I see.

Q. To the chief of staff.

MR MACCRATE: We find it quite remarkable that you, working as you did with the chief of staff, don't have a very clear recollection of the handling of the document. Would you look please to the inclosures of the document?

(The witness did as requested.)

You'll see that the first inclosure that you come to actually Inclosure 2, that the two pages use the pieces of VC propaganda that you indicate that you have seen.

A. Yes, sir.

Q. Now, if you would look at the last sheet please?

(Witness did as requested.)

Which is the statement, dated 14 April 1968? Do you recall having seen that?

A. No, I don't specifically recall seeing this one. I do recall that one of these province chiefs, the one in the north, or the south, Quang Ngai Province, or Quang Tin Province, at one time or another, both of them were down to division headquarters. I do remember that.

Q. Colonel KHIEN?

A. It's so difficult for me to remember who was where. If you could--

Q. (Interposing) Well, Colonel KHIEN was the Province Chief of Quang Ngai Province. Colonel KHIEN. K-H-I-E-N

IO: Let me try to put some of this particular time into focus for you, which may be helpful to you.

A. Yes, sir.

Q. This paper was dated 24 April. A few days after that, General KOSTER went on R&R for 7 days, and he had a 3 day extension, back in Hawaii. So, he was gone, as I remember the days, from about 28 April through 7 May. And, during that period, General YOUNG was the acting division commander.

A. Yes, sir.

Q. Does that help to--I'm sure you remember the time, because you would have handled papers differently, at that time. Was there any indication of, "Well, we'll hold this paper until General KOSTER returns?"

**CONFIDENTIAL**

Q. Do you remember Colonel HUTTER coming up with Colonel TOAN to talk to General KOSTER? We know, for example, that General KOSTER wasn't down to see Colonel TOAN. And, if he saw Colonel TOAN, he would obviously see Colonel HUTTER. Unless, HUTTER happened to be away at the time. We also know that he went down to see Colonel KHIEN. And, we've had indications that he had visited the Americal Division headquarters.

A. This is Colonel TOAN?

Q. TOAN.

A. Yes, sir.

Q. If you look at some of these papers, you see why all the people are involved here or interested. I'll see if I can make it clear to you. Let me have Exhibit M-30. You can see the distribution there.

(IO handed the exhibit to the witness.)

A. This is the distribution that you are speaking of.

Q. You see 2d ARVN Division headquarters. Now, Colonel TOAN had a copy of it. You'll also notice that a copy of it went to Quang Ngai MACV Sector, Colonel GUINN or Mr. MAY, and there is also a courtesy copy to the district senior advisor.

A. Now, there is something. Okay. Courtesy copy. I hate just to snatch up things like that, but courtesy copy.

Q. We never use that in our--

A. (Interposing) That's a bit strange. Courtesy copy, courtesy copy. That phrase comes to mind.

Q. The reason we are asking these questions is that, all the papers that you have had referred to you this morning, with the exception of the one that has Captain RODRIGUEZ's signature on it, we have been told by various people who were actually in the headquarters of the Americal Division--we know, for example that General KOSTER picked up a copy of that. It was given to him.

**CONFIDENTIAL**

Q. Well, let's forget about these, because I'll come around to some of these later. I want to talk to you for just a minute about procedures, and so forth. Now what about the destruction of materials? Did you always make out a destruction certificate?

A. Yes, sir. We only destroyed once or twice while I was there.

Q. What if the paper was confidential, did you make out a destruction certificate for confidential?

A. I don't remember, but it seems to me that we made out a destruction certificate for everything that we destroyed.

Q. Oh, I don't think you did that. That would be impossible.

A. Well, we didn't destroy quite that much. One thing we destroyed is USARV chief of staff notes. I remember knocking off a copy or two of those. I don't think we recorded that. I doubt if we would--I doubt if I did record confidential documents destroyed.

Q. And where did you maintain your certificates of destruction?

A. We put them in a little folder and kept them in the safe.

Q. In the classified safe, or the unclassified safe?

A. I only had one.

Q. Well, you had one in your office, that was a classified safe and was there another file cabinet?

A. Yes, sir, there was. Sergeant RITCHIE had a couple. He had some--

Q. (Interposing) Where did you keep your logs?

A. Like Sergeant RITCHIE kept the visitors log--

Q. (Interposing) Well, I'm talking about document logs.

A. In Sergeant RITCHIE's desk, the 1203's we kept right in his desk.

Q. Are you sure you did?

A. Well, there's a little bit more, sir. Two parts of the log, the 1203 and the long green--I wanted to say, it was kind of a accounting book about that long, 18 inches long, 10-12 inches wide--8-10 inches wide. I don't remember whether they put that in the safe. I don't think he put that in that safe.

Q. What did he log in the book? Didn't you usually use standard forms for logging things?

A. Yes, we had a set of standard forms and we discontinued those some time later, and switched to putting it all in the book.

Q. That's against regulations.

A. It might have been, sir.

Q. I think you ought to think about that. As a matter of fact, we've had no indication of this, now, from talking to Sergeant RITCHIE and talking with Sergeant SAIMONS and his replacement, Sergeant LOFTIS. I only heard part of RITCHIE's statement, but it's just a question of how the log was maintained. One maintained a continuation on the log, whereas the other one affixed a copy of the log to each document, and handled it separately.

A. Well, that was the way we did it initially, when Sergeant LENTZ before Sergeant RITCHIE came in made two copies. The document would come in, we would take two copies of the log, make out--enter the information on a log, Sergeant LENTZ kept one copy and they attached one copy to the document. But this wasn't doing us a bit of good, because these documents were being hand-carried, handled right to the action officer and I was losing the document, losing the log copy. We'd come up, at the end of the week with a few documents present and had been signed out, and we could match up the carbon to the original, and then we had a few that we couldn't match up. And then that's when we started putting them in the book, as I remember, Sergeant RITCHIE had the green book and I think he started putting all this

stuff in the green book.

Q. He had it in his desk?

A. I believe he did, sir, I believe he kept it in his desk. It was kind of like an accounting book.

Q. What would you do in the case of a classified title?

A. I don't know. The 1203's had to list the title and he kept those in a small black folder, book. We did something else with the top secret because RITCHIE was not authorized to handle top secret. I know I was and I handled the top secret, and kept a 1203. We didn't get in that many and I knew where they were and we got them back.

Q. Where did you store them?

A. Didn't store them.

Q. What did you do with them?

A. Gave them back to the message center personnel who had brought them down. I didn't have authorization to store top secret. I did one night, had no choice, I kept it and I think everybody was up most of the night when I kept it there. Turned it in the next morning. But I didn't normally store top secret.

Q. Well, I'm really not concerned about top secret. We're not dealing in that, at the moment. What I'm trying to do is to find out how you handled documents and really what I'm going to ask you is, can you give any explanation of why it is that in the Americal Division we cannot find any logs, showing the receipt of papers, nor can we find any certificates of destruction nor can we find any of the papers themselves. There is no record whatsoever.

A. Logs, certificates of destruction--

Q. Logs, certificates of destruction, nor the documents themselves. By regulation you're to maintain your log for a period of 2 years before destruction.

A. And certificates of destruction is a bit longer than that, I think that's 3 years.

Q. I'm not sure what it is.

A. Well, I cannot give you an explanation on any of the three. Our logs were very poor as a matter of fact. Certificates of destruction I don't see why those would be thrown away.

Q. Let me ask you one more question. Now you indicated something about a field safe, earlier this morning.

A. Yes, sir.

Q. Where was that field safe?

A. It was in the corner of the office that I took over. Major QUALLS, Fred QUALLS, had that. He was promoted to lieutenant colonel, became the G1. It never did work.

Q. Did it have a dial combination on top of it or have a lock on it?

A. Both, both sir. It had a dial and then a place where you'd hook a lock. I think that Specialist HERRIS later--well, I wouldn't say for sure what we did with that, because I don't know, but I somehow, something is here that Specialist HERRIS, General KOSTER's typist, finally got hold of a field safe. He got hold of something and had it back there.

Q. Did he have it, was it in his office or in the general's office? We've heard something about it, perhaps being on the right side of the desk out a little ways from the desk, against the wall. You've been in and out of that office quite a few times.

A. No, that's where the air-conditioner would have been, I don't think it was there. I'm trying to think, he had a--

Q. (Interposing) I don't need a diagram. All I want is you to indicate where it could have been.

A. (Interposing) I don't remember where it was. I think that HERRIS had one. I would believe that it would be in the CG's office, because it was just too unsafe to leave it outside. And if they had one I'm sure they would have put it in General KOSTER's office.

Q. I'll tell you what I'd like to do. We've got a lot of things that we've discussed and you seem to remember them. What I'm going to do is just give you a little time to think these things over, so that you can do a little fitting together, and then we'll get together with you again. Now you just take your piece of paper there and let me tell you what I want you to try to remember. The first item is 80 in the ditch. The second thing is, hold until General KOSTER returns. The third thing is that the Quang Ngai province chief is unhappy. The fourth thing has to do with a courtesy copy. The fifth thing has to do with the possibility of a formal report of investigation, the one that I described to you with the attachments. And then I would like to know when you saw it, where you saw it, what were the contents of the document, and who made out these statements, whose statements were they. And the final item is this last discussion of ours having to do with the field safe. Where was it, who was responsible for it, what kind of documents were placed in it, if any. I'm going to hold you here over the weekend and we'll get to you the first thing Monday morning. We'll give you a little time to do some serious thinking on those and see if you can help us, because any bit of information you can give us on those will be of considerable assistance to us.

MR WALSH: I'd like to add one thing to that list. And that is, do you have anything you can recall about this communication from General WESTMORELAND about you not using search and destroy or search and kill, and what General KOSTER said about that. The timing, when it went on, and the circumstances.

IO: Then of course, that's just limited things that you've indicated you had some knowledge, or thought you did. There's some other things that Mr. MACCRATE talked to you about this morning, I would certainly hope that you would think about that. And that includes any discussions, any interrelationships between the Americal Division with the 2d ARVN Division, Colonel TOAN, and Colonel HUTTER, and also with Colonel KHIEU, the Quang Ngai province chief, or Mr. MAY, or Colonel GUINN. And I will still add a third one here, too. And that is anything that may have happened with respect to, with relationship with Son Tinh District. The district chief being Lieutenant TAN, T-A-N, his senior advisor, Major GAVIN, G-A-V-I-N, or his assistant, Captain RODRIGUEZ.

A. I missed the Vietnamese lieutenant's name, sir.

Q. TAN, T-A-N, he's the district chief.

A. Major GAVIN, Captain RODRIGUEZ--

Q. (Interposing) Major GAVIN, Captain RODRIGUEZ. Before we recess in just a moment I would like to again caution you Major BEASLEY, we've given you more information today. My caution is to reaffirm the fact that you've been ordered not to discuss your testimony with others, including anybody who has appeared or may appear before this inquiry. Have you appeared before the investigation subcommittee of the House Armed Services Committee?

A. Yes, sir, I did.

Q. All right, fine. All I want to say there is your testimony here would in no way preclude any appearances before such legislative bodies.

A. Yes, sir, I understand that.

Q. All right, fine. We'll recess at this time.

(The hearing recessed at 1207 hours, 14 February 1970.)

(The hearing reconvened at 1100 hours, 16 February 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR MAÇCRATE, MR WALSH, MAJ ZYCHOWSKI and MAJ LYNN.

Sir, the hearing recalls Major John D. BEASLEY.

(MAJ BEASLEY was recalled as a witness, was reminded that he was still under oath, and testified as follows:)

IO: Major BEASLEY, when we recessed Saturday, I indicated to you that I wanted you to remain in the District over the weekend, so that you could have some time to think about some

items that I have given you. And you indicated that perhaps you had at least some fleeting knowledge of these particular things. The purpose of our session this morning is to go over these items, see if any of this has brought anything to mind.

A. Yes, sir, it did. I have six or seven pages of notes in response to the questions that you asked. Then in addition, I have seven paragraphs which came to mind as a result of the questions that you asked me. From time to time I would like, sir, when you ask a question, then that brought up another item that I wanted to refer to in relation to that question, that I had thought of that you did not ask. And I'll specially note that when I'm going through this.

The first one was, "80 in a ditch". And I said initially the other day this relates to Task Force Barker near a mountain. The gunships were involved, some sort of helicopter gunships were involved, but I don't know the precise participant. Then, this is the things that I thought of. There was some heavy fighting by Task Force Barker near a cave, bunker or some sort of tunnel. There was a use of a recoilless rifle, but I'm not too sure whether it was enemy or friendly recoilless rifle. Bombs, or mines, this came up, caused heavy US casualties and I think it was a bomb, a dud bomb as a mine, there were over 30 casualties in this fight, in one U.S. company or platoon. Someone ran a medevac all night, most of the night, late at night.

We got an emergency call from the hospital for blood donors and I was in the office, 11:00 or 12:00 at night. It was part of our plan that when they needed blood they called me, and I called the staff sections, and that sort of thing. We got a lot of donors and we got them especially out of the clubs in the division. They had been drinking; that didn't matter at all to the doctors. They were using the main, what doctors referred to as the main line technique; plug it in to the donor and straight in to the receiver. The chief of staff went over there and the guy that he mainlined to was a lieutenant named RONSOME and Lieutenant RONSOME died the next day, died of wounds the next day. That's what I remember about this fight. And I've added note 6--excuse me, I'm not on note 6 yet.

There is something else in relation to the question that you asked. I remember being told something about an enemy force in an irrigation ditch. There was a fight and the friendly forces captured the platoon leader, one of the platoon leaders of the enemy forces, and this captured platoon leader said that one of the things he told his troops was never to fire at a helicopter. Now, this irrigation ditch was somewhere near this mountain fire.

Then I refer to the note, gas or chemicals. There was some use of gas or chemicals in this fight. And S.J. DENMARK who was the division chemical officer, and additionally he would be the assistant G3, may know something about the use of chemicals, friendly or enemy, or gas in this Task Force Barker fight.

Q. With respect to these casualties, is this a situation where Task Force Barker, somewhere between 5 and 10 March had got caught in a minefield and I think they had to evacuate 17 or 18, but had a total of about 25 casualties?

A. I can't say that they got into a mine field, sir. There was something about a bomb, a mine, a dud, and heavy casualties.

Q. During this operation that we're talking about here, Charlie Company we know, had only one casualty. That was a man that was shot through the foot. Bravo Company had a couple of people killed early in the morning and there were some casualties later on the operation by Alpha Company, as a result of sniper attack. This doesn't quite hold to the operation that we're discussing, other than the reference to the people in the ditch.

A. Well, now, I do remember that you showed me a log, that I thought it was three casualties, or three weapons.

Q. It was 2 U.S. killed, and 11 wounded, and 3 weapons captured.

A. This was a sizable number of casualties. This relates to the irrigation ditch. I remember that. And one other thing I want to say is, when they were interrogating

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One added thing that I wanted to add here, this is my note 6. At one time several Vietnamese officers, the province chiefs, Colonel THO and Colonel KHIEN and division commander, Colonel TOAN, they all came to the division headquarters, either that day, or within a couple days of each other. One of them had a ceremony, and I think that was Colonel THO and he asked us to participate in some sort of ceremony, and we did. Everyone was unhappy; he was irritated; there was not a stomping of feet, but there was a problem and he was in the division headquarters with the problem. I think Colonel HUTTER was with him. They came in and they wanted to talk to the general, but he wasn't there. They wanted to talk to any general--no, to the division commander, but he wasn't there. Maybe one of the ADC's was. In any event they didn't get to talk to the CG until later in the afternoon and they talked to the chief of staff for a while. This was some time around noon. Then General KOSTER came in and they talked to him later on in the day.

Q. What time period did that happen in?

A. I want to say about 11 o'clock.

Q. What day and what month?

A. I can't pick up anything on that, sir, the day and the month.

Q. Well, if Colonel HUTTER were there, that meant that the individual you're talking about is Colonel TOAN then and not Colonel KHIEN.

A. Yes, that's what hit me, but I recall both of these province chiefs were around there.

Q. Well, I'm talking about quite a different situation. They all came in at one time. And you indicated another time when Colonel KHIEN came in with Colonel HUTTER, that just wouldn't quite ring. TOAN came in, perhaps with HUTTER, some time after the 1st of April, because that's when Colonel HUTTER took over.

A. Well, it very well could have been Colonel TOAN. But within this period also, both of these province chiefs were in their headquarters. I'd say it was no more than 3 days

and they both come down, one shaking hands and doing whatever they were doing with their ceremonies. But the other one came in and he wanted to talk to somebody, and he wanted to talk about something.

Q. Could that have been fairly close after Tet? We know that Colonel KHIEN was most unhappy during Tet because he felt that the Americans had done a lot of talking but then when Tet occurred, the Americans weren't there to back him up. This was subsequently rectified and Colonel KHIEN felt much better about it. Is that the situation you're talking about or are you talking about something later on?

A. I've got another note here that might deal with this backing up thing. And I'm not trying to get away from what you asked me, and I'm not answering your question exactly either, because I don't know, but maybe this will help.

We had some sort of a fairly massive aid or assistance program going on after Tet, and this was going south and it was in the vicinity of Quang Ngai somewhere. There was a lumber problem and the G4 had his hands full of lumber problems and aircraft problems, CH-47's. General YOUNG was really on top of this; he knew every piece of lumber and aircraft that had been in and out of there. And the G5 got on this too, because it had to do with real short suspenses--get this for him now. Tents, lumber, maybe even money payments, money for them to live on, solatium I think you call it.

There was a movement of a large number of refugees from somewhere south of Chu Lai, and this was a fishing village of some sort, to somewhere else, also south of Chu Lai. Colonel ANISTRANSKI was in on that. And he always briefed on this fishing move in his briefings. He used the term "short range, high impact project", and moved a bunch of fishing boats by Navy. It doesn't occur to me that his program came right after Tet, though, sir. It really doesn't, because after Tet, I think Binh Son got overrun at Tet and boy we worked on that one to get that back up to date. I think that was the one we did around Tet. I'd say that this might be just a little bit later than Tet although at Tet, things were hopping around there. I just can't tell you; I don't have a day, sir.

Q. Wasn't there quite a movement of people later on, out of the village of An Ky and Ky Xuyen, noticing here on the map,

just north of Pinkville (referring to MAP-5). Up to the area which is up in here, I believe it is located right up in this area, where they established a new village and just moved the people around, possibly up in this area.

A. That may have been it, sir. And I've also got a note on one of these things; one of these places got burned down; a refugee village of some sort was also burned. That may have been the response, the reason for the fairly massive aid program.

Q. Let's move on to the next one now; what about the courtesy copy?

A. I don't come up with anything on that, sir, at all; it's a strange term, but I can't come up with anything more.

Q. Was this with respect to the formal report?

A. We had plenty of reports in the division. And I think I saw most of them. I saw the artillery incidents, helicopter M-79 reports which I think you said, red or orange, something like that. There was an investigation that Colonel HOLLADAY was in on, where a young girl was killed by a helicopter. Maybe more than one young girl. There was a search by the aviation section to find out who flew where, at a given time. I don't know what the results were. A battalion commander got in trouble for firing on some troops. Missing in action cases, we had reports on those, investigations on those.

Then with respect to Colonel BARKER, well, he did call up there one time and I talked to him a little bit on some problems. He was in some trouble with some general over some eggs, had some trouble resupplying him. He also came-- Colonel BARKER did, something on a weapons cache, but this was in Duc Pho and out of the AO. And there seems to be something else, but I can't come to it, what it is. I don't think it had to do with M-16's; I don't think he was in on the persons wrongly declared dead, and we had that one in our division.

And this leads me to the other point. We always had press around, newspaper types. They were--well, I thought

there were just too damn many. I didn't have anything to do with it, so I didn't say. They were always around. They had to get wind of anything like this.

And I've got a note on the back of one of these pages. There was a U.S. soldier who shot a Vietnamese on some sort of bicycle on Highway 1; a Vietnamese was riding down the highway and this soldier just leaned out of the back of a truck and shot him. So I think it happened some time in November or December of 1967. This chap was actually apprehended by some officers. The JAG handled it. I think it was Colonel JONES at the time. And to the best of my knowledge, they resolved the case.

Now getting back to your specific point, I don't have anything solid on the investigation. I can't think of an investigation coming into the division headquarters which wouldn't come through us, through myself or the chief. In one of these hearings, either here or the House, somebody mentioned about a hand-carried copy of an investigation. If that got in and was levels above me, I may very well not have seen it. Or if it came out, I probably wouldn't have seen it until it came out of the headquarters with instructions for someone to do something about it. Then I probably would have seen it. That's about it on formal reports, sir.

Q. I think we also had the field safe.

A. Yes, sir, I've got an added note on that, but I don't find field safe on here. Okay, here it is, sir. There was a specialist 5 named VAN something or other; I don't remember his last name.

Q. VAN ABLE?

A. VAN ABLE, that's it. He was the secretary to General RYDER first, then General GALLOWAY, and later a secretary, and this was after I left the division, for General GETTYS. But I saw him. If there was a safe back in that headquarters section, then he would have known about it. Also HERRIS. I'm not trying to tell you all his work, but these were the names that came to mind. Specialist HERRIS, at the end, I think, was General KOSTER's secretary. He had a filing cabinet outside, maybe a couple of them. He and the aide-de-camp worked out of that filing cabinet. So HERRIS, or Captain

DICKENS, or VAN ABLE would know about this field safe in General KOSTER's office. I just don't remember one being in there.

Q. All right, let's put this safe aside now, and go down the rest of your notes.

A. I've got these things that you asked in reference to the helmet and safe the other day, sir. There were three big items, now that I think of it, in the safe. One was a black loose-leaf folder like this one right over there in the corner. This was classified secret and it was put out by MACV, what every field grade officer in Vietnam should know. I had one for the general officers, chief of staff and myself, that they were supposed to read. They all read it before they got to the division. The AG had one other for the officers in the division. We had that in there. We had an earlier history of Task Force Oregon. I sent that over to the historian. I think we also kept, at one time or another, the division policy book in the safe. This was a thick folder, open from the top, a useless thing; I never did use it.

And at one time we were having an IG and I had to sign for all the equipment in the headquarters building. Captain ROBERTS was supposed to sign for me, for one of the helmets for a general officer. I remember that Colonel HOLLADAY told me one time that General KOSTER never wore a helmet, just wore earphones, and this was, as Colonel HOLLADAY said, a very dangerous practice, and he recommended that General KOSTER wear a helmet, but was ignored. As Captain ROBERTS had General KOSTER's helmet, he may have at one time had it stuck in his safe. I don't remember anything about it being in there or a safe drawer being closed.

Q. How about Lieutenant GAMBLE's helmet? Was he not a pilot?

A. Yes, he was a pilot. I forgot him; yes, he did come in. I don't believe that he kept his in the safe, though because he came in and worked beside me. As a matter of fact, I don't know where he kept his pilot's gear, but he was around there for a short period.

MR MACCRATE: What was this thing you called a policy book, this useless thing that you never used?

A. What we did, every 3 months we had a policy book by staff section and the division G1 and all the general and special staff. And they had seven to ten-page summaries stating who was in the section, how the section was organized, the principal functions of a section, activities that the section monitored, potential problems that can be identified for the next 3 months, and it was a thick one; it was 3 or 4 inches thick. Every 3 months I would hand it back to the staff sections and have them update it, and they would send it back and I would put it back together again and I kept it but to the best of my knowledge no one ever used it. I'm sure no one ever looked at it. There is a term for that and I can't remember what it was. I think I referred to it as a policy book, had the division SOP in it, that sort of thing.

Then I've got a couple of other items. sir. And now I get into where I start adding what else came up. I think you asked, sir, before I left here Saturday, you asked what are the circumstances surrounding General WESTMORELAND's guidance. Now he came to the division on a regular update visit, and had the usual conference with the CG in private and that sort of thing. And then we went over and gave him our division briefing, 2, 3, and 5 update. And after the briefing he gave some guidance as to what he thought should be going on, or what was going on in Vietnam. And he said, "Don't use search and kill, don't use search and destroy. This is causing for the press types--the press are writing poor reports about U.S. operations, using these terms. And these terms don't fit in with the win-the-hearts-and-minds-of-the-people ideas that we had so often discussed in Vietnam. And when we use the term, 'We're on a search and kill operation,' it just looks bad for the operation. The word 'kill' apparently implied some bad things that we didn't want to get across, that we didn't wish to have applied."

And after this meeting, General KOSTER asked the chief to have a paper prepared summarizing General WESTMORELAND's guidance. I wrote the paper; it was a one page paper to all commanders. The first paragraph I summarized General KOSTER's guidance and stated the reason--the press were taking us to task. In subsequent paragraphs, I said that we should use next, recon, enforced search, search and clear, search and hold, offense operations. The paper went out initially without

any classification on it at all. We had to get it back and destroy those old copies and put, "For official use only" at the top. This problem was mine, because I was told to put, "For official use only" on it and didn't do it and had to get them all back.

MR WALSH: What date was this?

A. It had to be during Tet. I think General ABRAMS took over in April or May 1968 so it was probably either in February, or March, or April.

Q. You can't fix it any closer than that?

A. If I had something to relate it to, I really can't right off hand, sir; I can't think of a date on the paper.

Q. Do you remember if your paper dealt with any changes in any directives, or any written MACV publications with respect to search and destroy, search and kill operations?

A. I didn't refer to those, no, sir.

Q. Do you know if there were ever then any subsequent communications received with reference to search and destroy operations?

A. Yes, we received some additional guidance on that, through messages. They were probably from MACV or USARV. This got to be a pretty big thing about that time, some time in the spring; I think this was pretty important that we stop saying this kill, kill, kill, destroy, destroy, destroy, and working with the people. We're conducting all kinds of operations.

Q. Let me ask you, was there anything more to this than simply the public relations aspect of it? Was there anything said, either by General WESTMORELAND then or subsequently with respect to the conduct of search and destroy operations, search and kill operations, and does that mean, not the type of operation, but the type of activity that was consistent with policy?

A. Yes.

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A. I have nothing else, sir.

Q. I would like to remind you that you have been directed not to discuss your testimony here with others, including other individuals who may have appeared or may possibly appear in the future before us. Of course, you have been called before the investigation subcommittee. If you are recalled by that body or any other comparable body, your testimony here will in no way prevent you from appearing. This hearing will recess at this time.

The hearing recessed at 1145 hours, 16 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: BENN, Clark H. LTC

DATE OF TESTIMONY: 30 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: TOC Officer, Assistant G3, Americal Division.

The witness was the PSYOPS officer with the 198th Infantry Brigade from September 1967 until 28 January 1968, when he was assigned to the Americal Division G3 office where he completed his tour (pgs. 2, 3). He discussed Operation Muscatine and the formation of Task Force Barker (pgs. 3, 4). He vaguely recalled the 16 March operation, and stated that the 11th Brigade called back in the evening with numerous corrections for the journal entries (pgs. 4, 5). The witness did not attend the evening briefings (pg. 6), and did not recall any discussion of the weapons' ratio disparity (pg. 7). He never heard of an aviator's report of the killing of civilians, of an air to ground element confrontation, or of a report from Chaplain LEWIS (pgs. 9, 10). He did not recall seeing the VC propaganda inclosed in HENDERSON's report (pg. 10), nor did he see any report on the incident (pg. 11). He did hear a rumor in the headquarters of an investigation into a rape at the 198th Brigade (pg. 12).



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(The hearing reconvened at 0942 hours, 30 January 1970.)

IO: The hearing will come to order.

RCDR: The following persons are present: LTG PEERS, COL ARMSTRONG, and MAJ LYNN.

Sir, the next witness is Lieutenant Colonel Clark H. BENN.

(LTC BENN was called as a witness, was sworn, and testified as follows:)

Colonel BENN, for the record, will you please state your full name, grade, Social Security number, organization, and station?

A. My name is Lieutenant Colonel Clark Hamilton BENN, my Social Security number is \_\_\_\_\_ Headquarters, 249th Engineer Battalion, APO 09360, Germany.

RCDR: Thank you.

IO: Where is APO 09360 or whatever it is, Germany?

A. Karlsruhe, sir.

Q. Karlsruhe.

A. Yes, sir.

Q. All right. Colonel BENN, have you had an opportunity to read the instructions?

A. Yes, sir. I did.

Q. Do you understand them or have any questions?

A. No, sir. I understand.

Q. Besides me here, I have Colonel ARMSTRONG at the present moment, and it is also very possible that Mr. MACCRATE,

(BENN)

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a civilian lawyer, may appear while you're here. Mr. MACCRATE has volunteered his services to the Secretary of the Army to assist in this investigation and serve as legal counsel to me. Either Mr. MACCRATE, if he comes in, or Colonel ARMSTRONG, in addition to myself, may address questions to you this morning. We also have other teams that are taking testimony from other witnesses. It will be my job, however, to pull together the report, to weigh the evidence, and to determine the findings and the recommendations. Do you have any additional questions at this time?

A. No, sir.

Q. Colonel BENN, would you indicate your duty assignment within the Americal Division, when you joined the division, your assignment within the division, any reassignments you may have had, and then, of course, your termination of service with the division?

A. I remember, sir, I reported to the division on 28 January 1968, and I was assigned as the assistant G3, TOC officer. I remained there in that position until I left, which I believe was either on 3 or 4 September 1968.

Q. Did you remain with the division, or did you take a new assignment?

A. I returned to the United States at that time.

Q. You came in January and left in September?

A. I came in country in Vietnam, sir, to the 198th Infantry Brigade, and that was in September.

Q. Part of Task Force Oregon, then?

A. Yes, sir.

Q. Yes.

A. Then I remained with the 198th Infantry Brigade until I joined Americal Division officially, which was on 28 January 1968.

Q. What was your position within the 198th?

A. On paper, sir, I was the PSYOP officer. In actuality, I was an assistant G3. Actually, I ran the TOC in the 198th Infantry Brigade.

Q. Since this matter of the My Lai incident became a matter of public knowledge, about 4 or 5 months ago in September or October 1969, have you had any conversations with anybody connected with the Americal Division, related to the incident, either the incident itself, the reporting of the incident, or the investigation of the incident?

A. No, sir. Except yesterday when I reported in I talked to Captain ARMOUR, but we just said that we were there in the Americal Division at the same time.

Q. No substantive discussion then?

A. No, sir.

Q. Well, now, what I'm going to do this morning is take you back about 22 months, back into March and April and May 1968. I recognize that memory is a sort of a fleeting thing, but I do want to go over this thing. At times I'll try to refresh your memory with certain information, because we'd like you to be able to create as accurate a picture as we can of what actually was going on within the TOC and within the G3 section of the Americal Division at that time. Now will you indicate when you first became aware of Task Force Barker? Were you aware that there was such an organization?

A. Yes, sir. I was. Let me stop and think a minute, sir.

Q. Do you remember what caused the creation of Task Force Barker? Do you remember who had been in that area before?

A. Yes, sir. The 198th had been in that area before, and the 3d Brigade, 4th Division had also been in the area before.

Q. Yes. Who else? Besides U.S. forces.

A. Yes, sir. The whole operation was Operation Muscatine, which was an operation to replace the Korean unit that was there. They were moving to the north, and Americal Division had to find a unit to put in there that was basically a battalion-size unit. Therefore we had to form Task Force Barker. But I don't remember exactly when it was formed. I forget the date, sir.

Q. It was in the latter part of January. You are familiar with this operation in there, running the TOC, that was conducted in the Batangan Peninsula? Also, in early February there was an operation out into this area that we're looking at on this blowup here to your rear.

A. Yes, sir.

Q. Which people commonly refer to as Pinkville. The U.S. maps refer to it as My Lai. Actually it's Son My Village in the eastern part of Son Tinh District. They also conducted another operation generally against the area of what we now refer to as My Lai (4) on about 23 February, in which one company got pinned down, and finally they had to deploy quite a bit of their mech, their APC's, and so forth, in order to get this company out. Quite a successful operation, a body count in the upper 70's, 77, 78, 79. Now, I'd like to come down to the operation on the 16th. Do you recall that operation?

A. Vaguely, sir.

Q. Yes.

A. I recall it more now after reading the log prior to testifying here. I do recall the basic operation. It was an operation where, as we did daily in the Americal Division, we combat assaulted an element into the general area of a trouble-spot--Pinkville and the villages around there had been a continual trouble spot--to see what we could find. In addition, as I remember, to take out people and possibly relocate them into other areas.

Q. Well, this was part of some operation. It was not part of this one, although I think your recollection is fairly accurate in the sense that there were other operations in here to move large groups of people. I have here Exhibit M-60, the log of the Americal Division for the 16th, which

you have previously seen. The items that I would ask you about are of course the first items that are shown here, which are sort of checked, from 5 to 10. This just indicates the time of the landing and a buildup. But skipping down to the third page, item 28, do you recall that item coming in?

A. Specifically, hearing it either over the radio or the telephone?

Q. Well, no. I'm talking about this item where we have 69 killed by artillery fire, whether or not whether you recall this figure, whether there was any discussion concerning this at the time or at a later date.

A. Not specifically this figure. I do have a vague recollection. Whether it was this actual incident or not I am unable to say. We had a little trouble. I can see by looking at the log, as reference to the changes that were made, "Delete" et cetera in the back here, that the reporting during that morning must have been confused either at the 11th Infantry Brigade or perhaps at our TOC, although I don't recall that. Of course, this was a battle that was going at the time. There were many reports. As a result of this, I'm sure, I'm pretty certain that this is the one, the 11th Brigade called back in the evening making a lot of corrections to the journal entries. Now, I don't know whether they called back specifically on this one or not. But to answer your question again, sir, I do not frankly remember any question on these 69 VC KIA.

Q. Yes. Well, you see your time of entry is 0940, yet the report actually shows up in the log of Task Force Barker as 0830, and it says 69 VC killed. We finally pick it up in the log of the 11th Brigade at 0930, and it's 69 killed by artillery. And this is one of the reasons why I'm asking the question. But it's 69 killed by artillery. I wonder if anybody ever asked the question of how big the prep was or where did they kill them and so on.

A. We did ask those questions. Whether we did on this one, frankly, sir, I don't remember.

Q. Well, knowing what I know about it, there are many hard questions that could be asked about such a report. This was a comparatively small artillery prep, and to kill 69 in this

kind of a prep where people are supposed to be in bunkers and so on, would be most unusual. Well, going to the latter part of the report, item 94, that's on page 9. You'll notice down on the fifth line it starts on Operation Muscatine.

A. Yes, sir.

Q. Were you familiar with this?

A. The operational summary?

Q. Yes.

A. Well, yes, sir. We prepared the operational summary each evening. Usually the officer that was on duty in the TOC, after going back and recapitulating with each of the units to make sure that the figures that were given were correct, would make the operational summary that we turned in, and then put here.

Q. Now, did you make it a practice to attend the evening briefings?

A. No, sir. I did not attend the evening briefings.

Q. Well, you may have heard something from it. You will notice here that the results which are indicated are 128 VC KIA, 3 individual weapons captured, 2 U.S.KIA, and then there's a total of 11 U.S. KIA. Do you remember any discussion at all in the TOC to the effect that General KOSTER or General YOUNG had asked where were all the weapons?

A. Well, sir, as I remember, they asked this quite frequently, as did many reporters that came around. I frankly can't remember that on this date that they specifically asked. No, sir. I can't answer you. I don't know.

Q. You don't know of any particular discussion concerning this disparity in this case of 3 weapons and 128 KIA, quite a ratio?

A. That's correct. Yes, sir. It may have, sir, but frankly, I don't remember, because it did come up quite frequently in both the briefings by General KOSTER and by the ADC's as they went around, and also by the reporters that came into the Americal Division. We had many body counts where the

weapons count was very low. They were usually always questioned by the ADC's and the division commander. As far as I know, there was always a fairly logical explanation.

Q. Did anybody in those instances go out and say, "Where are the bodies?"

A. Sir, I didn't understand you.

Q. "Where are the bodies?" You know. I've heard a lot of these reports, too, and I always made it a practice, depending on the size of the unit, a PF platoon, if it killed over 10, I'd go out and take a look at them. In our companies, they killed anywhere between 15 and 25, I'd go out and take a look at them. Now if a U.S. company claimed they killed 50, anywhere between 25 and 50, I'd be out looking at them, too, even when I was the I Field Force commander, and certainly even tighter than that within the division. So I just wonder if anybody would go out and really take a look at it on the ground, see what those bodies looked like, whether the bodies were there or not.

A. Usually, sir, I don't know whether this was the case here, but usually General KOSTER or one of the ADC's would always fly into the area when there was a big count going on, almost always. I would say that--

Q. (Interposing) Well, did they fly in the air? You can't very well count from the air. You get down on the ground and make an eyeball-to-eyeball count. Remember that ever having been discussed, getting down to a real hard body count?

A. It was the policy of the division that you must see the body before you report it. Yes, sir.

Q. Well, let me have the SOP of the 11th Brigade. I refer you here to an Exhibit M-56, which has been entered into the record, which is the SOP of the 11th Brigade. I would ask you to read paragraph 4, which shows up on page 38. Is that the procedure, generally, that was followed within the division?

A. No, sir.

Q. That seems to me to be a pretty loose definition.

A. Yes, sir.

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Q. This just says estimate or "guesstimate" to me.

A. The policy, as we used it at division as explained to me by the G3, the body count must be verified by an individual. An individual alone was not sufficient to justify body count. As far as I knew, this was the policy of the division. I can't say myself whether it was in writing or not, but it was, I think, common knowledge, at least in the Americal TOC. I think it was. This second paragraph here is incorrect, because Americal Division did not use this "probably kills." We reported only the number of confirmed body count.

Q. All right. From looking at this log of this date, can you indicate the times that you were on duty within the TOC and which part of this log you supervised?

A. Normally it should be the part of the log that I have initialled here on the right-hand side.

Q. Yes.

A. This would indicate that I was in the TOC at least 'til 1456.

Q. Is this your initial here?

A. Yes, sir. My normal practice was that I would come in early in the morning, somewhere about 0600, and usually stay 'til about 2200 or 2300 at night. But this would indicate that I perhaps wasn't there in the afternoon, but I believe I was. The initial over here would have been the TOC officer that was there. I might have been present in the TOC, but he was also there, too.

Q. Yes. Do you recall the individual whose signature this is on the subscore? Like you say, you were there through item 53. Who picked it up on 54? I would think his last name began with a "B."

A. Began with a "B." There was a Lieutenant BARKSDALE, but I'm not sure whether he was there at that time or not.

Q. You don't recognize the initials on here, then?

A. No, sir.

Q. All right. Now then, in your capacity as the TOC officer, you supervised both the day and the night shift, I take it. Generally, around the TOC the intelligence side and the operations side as well. Primarily coordinate and integrate the whole thing. Is that correct?

A. I would say partly, sir. My basic job was to coordinate the activities of the TOC, and to provide information to the commanding general at his briefings, more of a coordinator and information furnisher than decision maker.

Q. Yes, I understand that. Although, at times, would it be necessary to call back to the units that supplied the information to insure that the information was accurate and proper and so on? Get points clarified?

A. Yes, sir.

Q. Now, in that particular capacity, you had a great deal of knowledge of what was going on within that division, perhaps beside from people that were actually getting on the ground, as far as the people in the headquarters itself, probably as much as anybody in the headquarters. Did you ever hear during this operation or shortly after the operation of an aviator reporting that he had observed what might be termed the unnecessary killing of women and children or noncombatants in this area?

A. No, sir.

Q. Did you hear anything about a possible confrontation or disagreement, which would be a mild way to put it, an argument, I think, a confrontation is the best term, between an air element and one of the ground elements?

A. On this date, sir?

Q. On that date.

A. No, sir.

Q. Did you ever hear of a chaplain who had talked to the division chaplain, whom I would be sure you know. Do you

remember who the division chaplain was at that time? Colonel LEWIS, does that ring a bell?

A. Vaguely, yes, sir.

Q. Do you remember Colonel LEWIS or any of the other chaplains talking to you or talking to anybody else concerning some women and children which were killed in this area about the middle of March?

A. No, sir. To the best of my recollection, no.

Q. I have here an exhibit entitled R-1, and I'd like to refer to you an inclosure to it, which is a piece of VC propaganda, two pages. I would ask you to review those two pages to see if you've ever seen this particular piece of propaganda or anything like it? This was reported to have come out in broadcast form from the Viet Cong and taken down and transcribed and then translated into English, which you have here. I don't think you have to read too carefully on the first page. This is more or less like any other VC propaganda, rather broad and sweeping allegations. Do you recognize this at all?

A. Well, I hate to say, no, sir. But I saw several similar to this. Whether I've seen this exact one, sir, I don't know. I don't recall it.

Q. Would you have any that get down to specifics, citing the place and the date and the number of people involved and so on?

A. Did I, sir?

Q. Yes. Generally it's been indicated to us that most of the VC propaganda was pretty broad and pretty sweeping, but very little to indicate such a specific allegation as shows up in the second paragraph here, which says, "On 15 March in Son Tinh District." Then they go into the details of what transpired.

A. Sir, I don't remember seeing this.

Q. Well, we have information that this piece of paper or one comparable to it had arrived in the headquarters of the

division. That's the reason I'm asking whether you had seen this piece of paper or had heard of such a piece of paper with such an allegation in it.

A. I may have seen a paper, but I don't remember this incident.

Q. All right, fine. Turn back one page. This is a statement which is also attached, statement of 14 April. Have you ever seen such a statement in the headquarters Americal Division?

A. I don't remember it, sir.

Q. You don't remember or you don't remember it?

A. I don't remember this. No, sir.

Q. Yes. All right.

A. I do not remember this.

Q. All right. Now, turn back to the first page, right to the front of the document. This is Exhibit R-1, Report of Investigation, dated 24 April 1963. I wished you would review this one, about a page and a half, and tell me whether or not you have ever seen this?

A. No, sir.

Q. Never seen this report?

A. I don't believe so.

Q. Fine. Did you see any report which alluded to something unusual having happened in Son My Village on 16, 17, or 18 March?

A. To the best of my knowledge, no, sir. My first indication of this incident was when I heard it through the press.

Q. Did you ever hear any of the officers in the staff mess or any of the enlisted personnel around the headquarters talking about possibly what an aviator had reported, talking about some killing of women and children or noncombatants?

A. Yes, sir. I sure did.

Q. Yes? Yes?

A. There was an incident. What I heard was that there were some people that were raped and there was an investigation going on. That was a rumor, sir.

Q. Yes.

A. Now I don't work on rumors. I worked in the TOC 16 to 18 hours a day, and I had a job to do, and that was not my responsibility, for investigation.

Q. Well, what unit are you talking about, and what time?

A. Sir, I don't know. I thought it was the 198th Infantry Brigade.

Q. In that situation you are probably correct, because we do have information that an investigation was made of an incident in the 198th Brigade. You would probably remember that because that was your old brigade.

A. Yes, sir.

Q. But this occurred 3 months later, roughly, in the month of June.

A. That's the only rumor, sir, that I knew of when I was in the Americal Division.

Q. From any comments you may have heard around the division or any statements or anything that you observed, did you ever have cause for suspicion that something considerably unusual may have taken place in Son My Village around about the middle of March 1968?

A. No, sir.

IO: Conceivably, based upon the questions I have asked you here this morning, you may have some thoughts come to mind that have been well tucked away for a long time. If this be the case, we'd appreciate very much having you get in touch with us so we can take advantage of this information. Additionally, if you have any or know of any documents in terms of directives,

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reports, memoranda, photos, aerial photos, maps, or anything of this sort which would be of assistance to us, we'd like to know about that kind of material. I'll give you this opportunity to ask any questions that you would like or if you would like to enter a statement into the record.

A. Yes, sir. I'd like to make one statement for the record. I'd like to say that it's very difficult coming back after 22 months to recall the incidents that took place 22 months ago. This is especially true. There are many things that I have recalled just in the last 2 days since I have been called, and just come to me like this, for instance that paper that you showed me concerning a statement. I don't recognize the exact statement, but I'm sure that there were several such statements to include specific instances, I don't know about this one or not, but I remember one specifically up in the 196th Infantry Brigade area that I saw a similar thing came out through the G2 shop.

Q. When was this?

A. This was very shortly after I arrived at the Americal Division. It must have been somewhere around February, March, or April. Frankly I don't remember what it said, whether it was a similar piece of paper. The only reason I bring it up is there are many pieces of paper that came across my desk during the day. I looked them over quickly. My job was in the TOC to try to coordinate the action, a lot of things going on, and I had given statements today as best as I can remember 22 months ago.

Q. Well, I wish you'd try to remember about this 196th incident because what I'm interested in is to find out if any of these allegations and so forth that are made, whether or not they were investigated and thoroughly checked out.

A. Well, they certainly weren't by me at all.

Q. Well, I understand your position. You're not in the investigative process. You're there to coordinate the reporting of the operations. But I can get the time and a little bit of the detail from you, I can check the others out very quickly. This is the first time I've heard anything such as this on the 196th.

A. It would be very difficult for me, sir, to try to remember the exact time. I do remember the general area.

Q. Yes. Well, perhaps it'd be easier on this.

A. It was in the Que Son Valley.

Q. That's further up to the northwest yet.

A. You do not have the map.

Q. No, no, I know where the Que Son Valley is though.

A. Very near Que Son. This sir, might have been a radio broadcast perhaps. I can't remember whether it was in writing or whether it was passed to me by the G2 or whether this was over the radio. As you pointed out this thing, I'm sure that I've read not only this one, but I've read I'm sure at least one other. What it was that just strikes a bell in my mind.

Q. You think you've read this one?

A. No, sir.

Q. Well, what do you recall about this 196th? What happened up there now?

A. Sir, date, time, place, incident, I don't know. I don't remember. I'd be foolish to try to make a statement, because I frankly don't remember.

Q. Well, I'm not expecting that you remember all these details, but I think so far you've just indicated two things: one, 196th; two, Que Son Valley. Do you recall anything about the nature and scope of the incidents?

A. No, sir.

Q. Well, this is the reason why I'd like you to keep your thinking cap on to see if we can't take advantage of this. This becomes somewhat relative to the Americal Division, as to exactly what happened, what takes place in such incidents. I'd remind you before we recess that you've been directed not to discuss your testimony here with others including other witnesses, except as you may be required to do so before competent administrative, legislative, judicial bodies. Do you have any questions at this time?

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A. No, sir.

IO: Fine. The hearing will recess at this time.

(The hearing recessed at 1025 hours, 30 January  
1970.)

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SUMMARY OF TESTIMONY

WITNESS: CLARKE, Frank P. COL

DATE OF TESTIMONY: 13 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: G4, Americal Division.

1. RELATIONSHIP OF THE WITNESS WITH THE COMMAND AND STAFF ELEMENTS.

The witness testified that his relationship with the command element was extremely good (pg. 3). Further, he functioned well with the others on the general staff (pg. 3). He noted that as far as logistics were concerned he worked fairly independently (pg. 4).

2. WITNESS' IMPRESSIONS OF THE OPERATIONAL FUNCTIONING OF THE GENERAL STAFF.

a. Relationship of General KOSTER with his G3's.

The witness related that there was a problem with the G3, Colonel BAXLEY, and the chief of staff, Colonel PARSON, caused by the latter's feeling he was not completely informed of operational matters which were contrived by General KOSTER and his G3 (pg. 5). Prior to BAXLEY's assuming the position of G3, the position was held by, then Lieutenant Colonel BALMER (pg. 5). The witness opined that KOSTER at that time operated almost as his own G3 and occasionally did not keep BALMER well informed as to operational matters (pg. 6). This caused some embarrassing moments from time to time (pg. 6).

(CLARKE)

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b. Relationship of KOSTER with Colonel PARSON.

The witness felt that PARSON was kept fairly well informed and was not left out of matters (pg. 7).

c. Relationship of PARSON with the general staff.

The witness stated that PARSON often used the book solution when another approach should have been employed (pg. 7). He did not influence the staff as much as he, perhaps, could have done (pg. 7).

d. Relationship of the assistant division commanders with the general staff.

The witness stated that the assistant division commanders were empowered to make corrections in the division operational area or to instruct the appropriate staff member to institute a change (pg. 7).

e. Relationship of the general staff with subordinate commands.

The witness explained that staff members could work with commanders of subordinate units without having to work through the division command element (pg. 8).

f. Relationship of the assistant division commanders with General KOSTER.

The witness stated that from his vantage point the assistant commanders' relationship with their commander was not too close, but was purely professional (pg. 11).

3. KOSTER'S CONTROL OF OPERATIONS.

The witness related that a battalion or larger size operation would have to be approved by the division commander because of the paucity of aircraft available (pg. 11).

4. THE WITNESS' OPINION OF THE EFFECTIVENESS OF THE DIVISION.

The witness asserted that although during his time with the division it was not organized as a ROAD unit, it was nevertheless effective (pgs. 11, 12).

5. THE WITNESS' FAMILIARITY WITH THE 16 MARCH OPERATION.

The witness could not recall anything of the Task Force Barker, 16 March operation including any rumors of atrocious activity, any investigation, or any Viet Cong propaganda concerning the operation (pgs. 16-18).

(The hearing reconvened at 1646 hours, 13 February 1970.)

COL ARMSTRONG: The hearing will come to order.

RCDR: The following persons are present: COL ARMSTRONG and MAJ COOP.

The next witness is Colonel Frank P. CLARKE

(COL CLARKE was called as a witness, was sworn, and testified as follows:)

Will you state your full name, grade, Social Security number, branch of service, organization, and station?

A. My name is Frank P. CLARKE, Colonel, United States Army, presently a student at the National War College, Fort Leslie J. McNair, Washington, D.C.

COL ARMSTRONG: Colonel CLARKE, have you read the instructions (Exhibit M-57)?

A. I have.

Q. Do you understand them?

A. I certainly do.

Q. Do you have any questions concerning them?

A. I do not.

COL ARSTRONG: The hearing will recess at this time.

(The hearing recessed at 1657 hours, 13 February 1970.)

(The hearing reconvened at 1820 hours, 13 February 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR MACCRATE, MR WEST, MR WALSH, COL ARMSTRONG and MAJ COOP.

IO: I have two individuals with me that I think I should acquaint you with. On my left is Mr. MACCRATE and on my right is Mr. WALSH. Both Mr. MACCRATE and Mr. WALSH are civilian lawyers who have volunteered their services to Secretary RESOR to assist us in this inquiry and also to provide legal counsel to me and the other members of the investigation team. Besides this group of course, we have other groups that are taking testimony. Do you have any questions at this particular time concerning the instructions which were provided you?

A. I do not, General.

Q. Colonel CLARKE, our purpose in calling you in is not so much to discuss the My Lai incident but to get your impression of the functioning of the division headquarters, the interrelations within the command element, between the command and the general staff, and with the special staff.

A. Yes, sir.

Q. The position of the chief of staff and also the relationships with the brigade commanders or other major unit commanders. Now, I think first I would ask how was your relationship as the G4? You were the G4?

A. Yes, sir.

Q. Yes. How was your relationship as the G4 with the command element and with the chief of staff?

A. Well, first I think we ought to set the time frame - -

Q. (Interposing) If you will?

A. If I may, please.

Q. Well, I'm talking primarily of the time period about March. It could be somewhat after that and also it can precede that. I think you were in the position where you probably functioned under General KNOWLES for a time, is that correct?

A. That's not correct, sir, that's what I wanted to - -

Q. (Interposing) All right. When did you join?

A. I came over with the 198th Brigade. I had the support battalion in that brigade. I did not become division G4 until February 1968.

Q. All right. And how long did you remain in that capacity?

A. I remained in that capacity until October 1968, sir. At this time I returned to the States, sir.

Q. Then you served with General KOSTER and General GETTYS?

A. That's correct, sir.

Q. That's fine. It's the early period that we're concerned with, primarily, the period after you had arrived and the departure of General KOSTER. We would like your appreciation as to any adjustments that might have been made in the staff subsequent to that time by General GETTYS?

A. Well, as to G4, my relationships with the command element was extremely good. There was a job to do and everyone recognized that the G4 side of the house required a lot of work. I attended the normal staff meetings in the morning except for that portion of the staff briefings that required special security clearance. I did not attend that. I saw the relationship of the general and special staff during the conduct of these and I also attended the evening briefings, a daily happening. If there was a problem in the logistics area, I got to speak my piece and arrived at a solution with the rest of the staff as required. My relationships with the chief of staff were, I think, correct. I had no difficulties whatsoever in my relationship. My experience with the whole staff, sir, was an extremely pleasing one. I might have a little difficulty with one of the ADC's when he found something wrong that really wasn't a G4 problem. I still solved that problem because I was asked to. Professionally it was rewarding job, sir. I had no difficulties at all.

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Q. Now you were working in a somewhat specialized area?

A. Yes, sir.

Q. Logistics. I would say that many of the special staff elements could be considered in that same light there.

A. Yes, sir.

Q. They are specialists.

A. Yes, sir.

Q. Like the JAG for example and things of this category. So there wouldn't be much of an opportunity for somebody to run their business so to speak?

A. That's correct, sir. I was in that enviable position. I was my own boss to a great degree.

Q. Let's skip over then and give me your appreciation of the operational side?

A. Well, this is strictly impression, sir, and based on no facts.

Q. You were a general staff officer. You were there. I am asking for impressions because the functioning of this headquarters can have quite a bit of bearing upon how things were handled and how papers and so forth were distributed. This is the reason that I'm conducting this varied, assorted questioning at the moment.

A. Right, sir. The G3's were in the midst of just changing jobs. I do not know when they changed jobs. We had Colonel BALMER as the G3 and he left, and I think there was a slight period of time when the incoming G3, a Colonel BAXLEY--I don't believe they met on the job.

Q. I think that's correct. Colonel KELLEY filled in the gap.

(CLARKE)

A. I believe that's correct.

Q. Yes.

A. Colonel BAXLEY is an old friend of mine. His relationship with General KOSTER was fine. I believe in the heat of everyday events he and the chief of staff did not, sometimes, get along as well as they might. That's with a chief of staff relationship with the G3.

Q. Are you talking about Colonel PARSON, when he was the chief of staff?

A. That's correct. Only that Colonel PARSON had a feeling he was left out of the things that developed between the general and his G3. He did not know about them until after the fact. This type of thing. I can't give you specifics.

Q. Well, did the G3 feel the same way? That he was left out of some of the things until after the fact?

A. I don't believe so, sir. My relationship with Colonel BAXLEY I remember more, because when General GETTYS came in there was a close relationship between General GETTYS and Colonel BAXLEY.

Q. That's what I wanted to see, but I'd first like to know your impression of the relationship with respect to BALMER when he was there. You were there about 2 months with Colonel BALMER?

A. I don't know the time period.

Q. I forget the exact date when Colonel BALMER left, but I think it's around the 14th or 15th. So you had about 2 months with him roughly?

A. Yes, sir.

Q. So I'd like to get that relationship, and also with respect to--not KELLEY because that was such a short period it would be hard to say, although he was an old hand in the division--but with respect to Colonel BALMER? Did you get any impressions on Colonel BALMER and his function with the chief

of staff and with the commanding general or with the ADC's?

A. The only impression I have of the relationship of Colonel BALMER with anybody within the command element was his relations with the commanding general himself.

Q. Yes.

A. I got the feeling, quite often, that General KOSTER probably didn't need a lieutenant colonel as G3. In fact he was running a pretty tight ship and I admired him, the way he did business and so on. But he sort of left the G3 out once in a while. I think there were some embarrassing moments that would come up occasionally when the G3 didn't know what somebody else had been told to do, this type of thing. But I want to impress upon you, gentlemen, that I was not in on the tactical side of anything.

Q. We know that. We know that you don't. Speaking for myself, I've had a little bit of this tactical experience and I know the position of the G4. I know what your responsibilities are. You have an influence upon the tactics and the tactical operation.

A. Yes, sir.

Q. But it's in a rather indirect fashion if I can put it that way.

A. That's correct, sir.

Q. Everything from the bullets to the beans that are necessary to fight one of these things.

A. Yes, sir.

Q. So one of the reasons that I wanted to talk to you is because you're sitting on the outside looking in, and so you can give a more objective opinion. That's the reason why I'm coming right down to this. Now, you I take it felt that in many cases General KOSTER served as his own operations officer?

A. I believe he did. Yes, sir.

Q. Yes. Now in the same vein, did he keep Colonel PARSON informed so that he'd have the ability to coordinate the staff action, your work with a tactical operation?

A. I hesitate to give you a yes or no on this because it was my impression that he did keep Colonel PARSON informed. I felt that the G3 was left out more often than anybody of those times, that he gave me that impression. I didn't get the feeling that the chief of staff was being left out of things as much as was the G3.

Q. How was Colonel PARSON in your judgment? Granted you were a subordinate working with a rather senior full colonel, but you've worked under chiefs of staff before. How did he function as a chief of staff?

A. I think many times he tried to run a Leavenworth solution to a problem when the book solution probably shouldn't have been used. At staff meetings, he'd go right around the room. "Now what are you going to tell the general?" This type of thing, in order to keep informed. I don't think he influenced the staff so much as perhaps he could have. Again, you've got to realize that the two ADC's are out flying around all day, giving instructions.

Q. Well, let me ask you this now. What authority did the ADC's have with respect to issuing instructions and taking corrective action where need be?

A. I think any time they were out in the division area of operations, if they saw something that needed correcting they'd do it on the spot, and probably inform the staff later, whoever should be informed. If they found things the staff should take action to correct, if it was beyond the capabilities of those they visited, why they'd see the appropriate staff officer.

Q. Would you, in your capacity as the G4, have not only the responsibility, but also the authority to make decisions on logistic matters?

A. Within the purview of strictly supplies. If somebody called up and said we need this or want this, I'd work with the support command commander to effect it if it

was a legitimate request. I never gave orders to anybody in the support command because they had their commander. I never gave orders to the support battalions of the brigade because there was a different chain of command there.

Q. I take it when you were--let's see. I don't know who was the support command commander later on; it was Lou TIXIER?

A. Lou TIXIER replaced Bob ROSE. I did most of my work with Bob ROSE. There was a slight overlap there. Prior to ROSE was Colonel PRITCHERT, I believe it was, sir.

Q. Now, about the lacing up with the brigade commanders, the DIVARTY and all that, between the command group and the staff? Could the staff go down and get things straightened out without having to work with the commanders, without having to work through the command element?

A. Yes, sir. I visited throughout the division area almost daily. I'd go in and let the XO know I was in the area, go on over and talk to the S4, support command commander, this type thing, with no problems. I had no difficulty. In fact a lot of times, since I didn't have my own chopper, I would ride with one of the ADC's. If they were stopping at a fire base, I'd get off and go talk to the battalion S4 and see if he had any problems, this type of thing. No difficulties.

Q. Well, I think a lot of that was through need rather than design in the sense that you had to go that way or not go at all, because you didn't have the capability to get a chopper every time you wanted one. That's how I would visualize it with the amount of lift you had available.

A. Yes, sir. The size of the AO, they couldn't give the G4 a chopper. The support command commander and I used to get one to share occasionally.

Q. I've gone through that same argument and they've tried the same business on me, so I understand.

A. Yes, sir.

Q. What other division staffs have you worked on?

A. I worked on General OWENS' staff in the 1st Armored Division.

Q. That was down at Fort Hood.

A. I had a maintenance battalion there for pretty near 3 years. The Americal Division is only the second division I've actually been on the staff of. As a junior officer I was in the 1st Division, the "Big Red 1." My previous experience with troops was with 7th Army for 3 years but only at the headquarters. But in the capacity I did get out to the divisions quite often.

Q. You've had limited divisional experience, I think that's really what you're telling me, at least in a combat environment.

A. Yes, sir.

Q. But even recognizing that, I think with your military training at Leavenworth and various places you know what is expected of a staff. You know how they function and I think you fairly well covered this, but there is another very important element--did it look like a happy house?

A. For certain of the people it was. For others, for instance the G3, no. For the chief of staff I would say no. But I'm putting thoughts in there that are really mine, but that's my impression, sir. But for everybody else I would say yes. The G1, the G2, the G4, the G5, I'd say yes.

Q. The G5 was one?

A. Yes, sir.

Q. Colonel ANISTRANSKI?

A. Up until the last few days he was in the division.

Q. Yes.

A. And then he showed signs that I never suspected before.

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Q. May I ask what they were?

A. His farewell remarks there at a farewell dinner.

Q. Yes, what did he say?

A. I can't remember the words, but my impression was that he wasn't happy.

Q. How about the special staff?

A. Well, Tom JONES was the JAG, Colonel JONES.

Q. Yes.

A. And his replacement was--I can't think of his name.

Q. WILSON?

A. Yes, sir. I'd say in that respect they were happy. The provost marshal, yes. The aviation officer.

Q. Pretty hard to read, huh?

A. Yes, sir. He is.

Q. How about the chaplain, Colonel LEWIS?

A. Colonel LEWIS seemed extremely happy. I would say that he was quite happy. I'm trying to think of the Catholic chaplain that came in to replace him.

Q. Yes.

A. I would say that Colonel LEWIS was satisfied and happy.

Q. All right. I think we've gone through the special staff enough. I've got a couple of other questions that I want to ask you, but before we get off this I would ask you, Mr. MACCRATE, if you have any?

MR MACCRATE: What would be your appraisal of the relations between the commanding general and the ADC's? Was it from

your point of observation a close relationship; did you have an opportunity to form any judgment as to the degree of reliance upon the ADC's from your particular vantage point?

A. First I'd say it wasn't as close a relationship as some commanders developed with their assistants. It was strictly a professional relationship and I saw them called on for advice quite often. I saw cases where that advice was followed. In my relationships I never saw either one of the ADC's, any discredit cast upon them whatsoever.

IO: In that vein, when General RYDER was there and General YOUNG I believe was the one overseeing your logistics area, were they both on the same relative par as far as their applicability with the commanding general is concerned?

A. Oh, I think there was a little closer relationship, a more personal relationship, and it still wasn't personal, between General RYDER and General KOSTER.

MR WEST: Do you know whether during the time General KOSTER was there, the brigade commander could plan and conduct an operation on his own?

A. I would say no.

Q. Who would have to approve that, a battalion-size or larger-size operation?

A. I would say the commanding general, sir. For one reason, the brigade commander did not have enough resources in the way of aircraft to conduct an operation. They were controlled by division and the general kept a tight finger on the aircraft to see that they were properly utilized. I would say there's no way in the world they could do it.

Q. Did he ever delegate this authority to his ADC for maneuver?

A. Not that I know of, sir. As I can recall the aircraft board was used daily in the morning briefings.

IO: The morning briefing or the evening briefing?

A. I may be turned around there.

Q. I think we all are.

A. Maybe it was the next day he--

Q. (Interposing) I think it was after the evening briefing that he went over to the commanding general's office to get a breakout of the aircraft allocations.

A. Right, sir.

MR WEST: John HOLLADAY?

A. John HOLLADAY, yes.

IO: Now again, impression is my concern, opinion, but a professional opinion. Was this an effective division headquarters?

A. Yes, sir.

Q. Was the division effective?

A. Yes, sir.

Q. What are you comparing it to?

A. Impressions is all. When you look at the area of operations, the place we were, the 2d ARVN Division, a threat that was in that area, attack up north to Danang--this type thing. General WESTMORELAND would come up to discuss operations; the III MAF commander would come down and discuss operations. I think if the division had not been effective, sir, there would have been changes made.

Q. Well, we get some people that say that it was a good division headquarters and functioned well. Then we start looking at the bits and pieces and we find that there are some problems; there are problems aviation wise, for example. You have an aviation battalion that belongs to the division that's an ad hoc kind of arrangement. The 123d Aviation Battalion with its aero-scout company which caused no end of adjustments and was a pain and strain for some time. You

also had some severe problems with respect to artillery or who commanded the artillery. At this time you were still operating under the brigade concept and the brigade commander thought he was running his artillery. There was some, essentially not head-to-head problems, but it's a difficult thing to coordinate. They also had the support command problem with each of the brigades having a support command, in effect, which thereby prevented you from having a proper support command at the division. There are these kinds of problems that existed which perhaps detracted really from the capability of the division to be able to function as a ROAD division was designed to function. Now having said that, what do you think?

A. Well, I would still adhere to my former opinion that it was an effective division. I would agree with you especially in my area, that having the three separate support battalions of the brigade and then having a support command for only the division base was not good. In someone's mind sometime they saw the need for separate brigades, and then when they saw the need was no longer there, they organized the division, after I left of course. But under those conditions, once the Americal Division was formed, those were all division aspects as I saw it.

Q. Well, that's what I'm talking about. I think you hit the nail right on the head when you said under those conditions it functioned well. But the real question would be how much better could they have functioned if they'd had a conventional ROAD division?

A. I think we sort of enjoyed a little luxury in manpower of 40 or 60 or 80 spaces, some number in there, I'm not sure. Not excess people but having this separate support battalion headquarters. For instance, they could have been almost eliminated, and this was my recommendation to a USARV board that came up to investigate just this possibility. This was eventually done.

Q. Yes, but it took a year and a half of pushing and pulling to do it because it didn't go ROAD until 15 February 1969, as I remember the date.

A. Yes, sir.

Q. I have gone over the impact statement by each of the brigades and the major command, so I'm familiar with how they have used the things.

I'm not going to miss any opportunity to see if by chance you being in the staff and around the headquarters, how much you knew about the operation of Task Force Barker into this AO which you see on the map there marked in orange, in about the middle of March 1968. I would be sure you're familiar with Task Force Barker?

A. Yes, sir.

Q. In fact I think you supplied them directly from Chu Lai, didn't you? I say you, the support command?

A. No, sir. We actually arranged with the 198th Brigade to supply Task Force Barker.

Q. But then instead of coming from the brigade headquarters at Duc Pho that is well to the south, you elected to use the--

A. (Interposing) Elements of the 198th Brigade.

Q. Okay. Well, you are familiar with Task Force Barker then and the composition of it?

A. Yes, sir.

Q. You are undoubtedly familiar with the operation into this area. You recall the results that came out of the operation on 16 March?

A. No, sir. I do not.

Q. Well, I'll tell you what they were, and these came out in the evening briefing on the night of the 16th which is a Saturday night. There were 128 VC KIA, 2 U.S. KIA, a total of 11 U.S. WIA, including one that had shot himself in the foot, and three weapons captured. Now those are the actual figures and I understand they were briefed there and also the CG used this in his briefings for VIP's repeatedly for some time. This was the biggest operation that the 11th Brigade had had up until

this day. Now, do you remember any conversations that may have ensued when this briefing was conducted?

A. No, sir. In fact in thinking back, I thought that Task Force Barker at that time was under the 198th.

Q. They had been, but they came out from under them. They had been reassigned or perhaps reattached would be the proper terminology, to the 11th Brigade.

A. No, sir. I don't recall. I attended many briefings where the G3 briefed visiting dignitaries, visiting military, but I didn't hear anything specific on Task Force Barker's operation.

Q. Did you hear anybody say 128 killed and only 3 weapons? How can they do that?

A. No, sir. I didn't.

Q. Did you hear anybody say there in their--you sat in the first row, didn't you?

A. Yes, sir. I did. The second row, sir.

Q. Well, you sat right behind the command group is where you sat, I think?

A. Yes, sir.

Q. In the special staff section. And the hangers-on sat in back of you?

A. That's right.

Q. But while this briefing was going on, did you hear anybody say, "Yes, 128 VC; 4 VC and 124 women and children."?

A. No, sir. In fact I can't say that I was even at the briefing. There were many evening briefings that I didn't attend only because I was up north or down south. I had a major that would have attended the meeting, sir.

Q. Did you ever hear any rumors or hear anything around the division headquarters or in the mess or anyplace which would indicate that one of the helicopter pilots from the 123d Aviation Battalion reported through his channels that there was some unnecessary killing of women and children in this area northeast of Quang Ngai City?

A. No, sir. The first time I heard about that was when I read it in the papers. I never heard it before that, sir. In fact the whole My Lai thing was a big surprise to me. I never ever heard a rumor.

Q. Well, let me see if you ever heard of these. Did you ever hear of Son My? Son My Village?

A. I was trying to think of the name of a village today that the VC overran, the town over in there. That's the only village whose name--that and Kham Duc are the only two names of operations.

Q. Kham Duc is probably very damn clear in your mind.

A. Those are the only two that I remember.

Q. Yes.

A. And one up north.

Q. Well, I don't want you to close your mind though.

A. No, sir.

Q. Because I'll tell you, and as strange as it may seem, there are a hell of a lot of people in your headquarters that knew this.

A. Well, in all honesty I never heard of it. I heard of an investigation that was going on.

Q. What did you hear about the investigation?

A. I find out now it was not the My Lai thing but we were told there was an investigation going on and that we should take every effort to avoid finding out anything about it because we might possibly be on a court-martial.

Q. What was that?

A. This I can't say, sir; it involves as I found out when I returned to the States an officer allegedly having attacked a VC nurse, but I didn't know about it at the time. That's the only investigation I ever heard rumors of.

Q. Well, did you ever hear of a confrontation that took place between an aviation element and forces on the ground, to the point where one helicopter had machineguns trained on the U.S. forces?

A. I'm just trying to remember. I never heard that, sir.

Q. You never heard it. Did Colonel LEWIS, the chaplain, ever come over and talk to you about something he'd heard about the killing of women and children?

A. No, sir.

Q. Did you ever hear of an investigation about this time around the end of March through the end of May?

A. No doubt, I did not.

Q. Did you ever hear of any Viet Cong propaganda which focused on Son My Village, in reprisal for something which may have taken place by the American forces in that area in about mid-March 1968?

A. No, sir.

IO: Well, we appreciate very much having you come in. I will remind you that because of the importance of this investigation, the directive or warning which was issued concerning talking, I'd like to again caution you, is still in effect.

A. Yes, sir.

Q. That is to say that you are ordered not to discuss your testimony here, your discussion here, with anybody, including those who have or may appear as witnesses.

A. All right, General.

Q. Except of course in the performance of official duty or in the event you are required to appear before a competent administrative, judicial, or legislative body.

A. Yes, sir.

Q. All right. Now why I say this legislative, there is a possibility that, since you have not already appeared there, that you might be called before the House Armed Services Committee. I'm only saying that if you are called by that body or any other comparable legislative body, your appearance here this afternoon or this evening would in no way prevent you from appearing there and giving testimony.

A. I have heard of the committee. I have not been called.

IO: Good; thank you very much. The hearing will recess at this time.

(The hearing recessed at 1858 hours, 13 February 1970.)

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SUMMARY OF TESTIMONY

WITNESS: COMEAU, Robert F., Major

DATE OF TESTIMONY: 19 December 1969

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Deputy Staff Judge Advocate, Americal Division.

1. PRIOR TRAINING IN RULES OF LAND WARFARE.

a. Training at Americal Division.

In mid-December, the Americal Division established a program for briefing all incoming replacements. There was a block of instruction on the Geneva Conventions and war crimes. Since the 11th Infantry Brigade was already in country, it had benefited very little from this program as of 16 March 1968 (pg. 12).

b. Prior to disembarking for Vietnam, the Geneva Conventions were a training subject conducted at the unit level by a non-JAG. This was required by regulation to be POR qualified (pgs. 12, 13).

2. REPORTS OF INVESTIGATIONS.

a. HENDERSON's report (Exhibit R-1).

COMEAU had never seen HENDERSON's 24 April report until he came across it last summer as part of his official duties with the Office of the Judge Advocate General (pgs. 5, 7). Upon learning of the incident, COMEAU talked with Colonel JONES, the division SJA. Neither had any recollection of reports or the incident (pg. 4).

(COMEAU)

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b. Description of an Americal Division Investigation as required by MACV Directive 20-4.

Investigations under the provisions of MACV Directive 20-4 were subsequently conducted by the division on unrelated incidents. An investigating officer from outside the brigade was appointed (pg. 8). This required a senior officer (pg. 7). He would have been briefed at the SJA office (pg. 6). Then the officer would have received investigative support from the CID office and ample transportation support (pg. 7).

3. OTHER INFORMATION.

a. COMEAU was Deputy SJA from December 1967 until 24 July 1968. He was the 11th Brigade's JA prior to its arrival in Vietnam. He assumed the job as division SJA on 24 July 1968 and continued until 7 December 1968 (pg. 3).

b. There was an 11th Brigade reunion at Cameron Station in November 1969. All of the battalion commanders and other personnel in the Washington area were present. Nothing indicating specific knowledge was expressed, only their reactions to the news reports of the incident (pg.2).

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(The hearing reconvened at 1730 hours, 19 December 1969.)

IO: The hearing will come to order.

RCDR: The following named persons are present:  
LTG PEERS, MR WEST, MR MACCRATE, MR WALSH, COL FRANKLIN,  
COL MILLER, MAJ ZYCHOWSKI, and MAJ LYNN.

Sir, the next witness is Major Robert F. COMEAU.

(MAJ COMEAU, was called as a witness,  
was sworn, and testified as follows:)

RCDR: Will you please state your full name, rank, Social Security number, organization, and station?

Q. Robert F. COMEAU, major, Office of  
the Judge Advocate General, Department of the Army,  
Washington, D.C.

IO: Major COMEAU, before we begin any of the question-  
ing I will ask Colonel MILLER from the Office of the Judge  
Advocate General to inform you of certain matters.

COL MILLER: Major COMEAU, this investigation was directed  
jointly by the Secretary of the Army and the Chief of Staff,  
United States Army, for the purpose of determining facts  
and making findings and recommendations with respect to two  
major matters:

(1) the adequacy of prior investigations and  
inquiries into, and subsequent reviews and reports within  
the chain of command, of what is now commonly referred to  
as the My Lai incident of 16 March 1968, and

(2) possible suppression or withholding  
of information by any person who had a duty to report  
and to furnish information concerning the My Lai incident.

The investigation is not being conducted to  
investigate all of the facts and circumstances of what  
actually happened at My Lai. It is directed primarily to  
those specific purposes which I just outlined.

We have had made available to us and have reviewed  
many of the official statements obtained from various witnesses

(COMEAU)

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in other official investigations of this incident.

Today your testimony will be taken under oath. A verbatim record will be made, and in addition to the reporter's record a tape recording will be made.

Although the general classification of the report is confidential, it is possible that the testimony, or at least parts of it, will become a matter of public knowledge at some later time.

You can see that there are a number of people in the room, and I'd like to acquaint you with them and their purposes and duties.

First, of course, is General PEERS who is the investigating officer in the case and who has the responsibility of weighing the evidence and making the findings and recommendations. This responsibility is his and his alone. On his immediate left is Mr. MACCRATE, a civilian attorney who has been made available by the Secretary of the Army to assist and advise General PEERS. Also a civilian attorney, immediately on your left, is Mr. WALSH. On General PEERS' immediate right is Mr. WEST from the Office of General Counsel, Department of the Army. Colonel FRANKLIN and myself are also assistants. Any one of us may, at one time or another, ask you questions.

You are ordered not to discuss the testimony you give in this investigation with others, including other witnesses for this investigation, except in the performance of your official duty or as you may be required so to do before a competent administrative, legislative, or judicial body.

Are you now under any order from the military judge in the case of the United States v. Calley?

A. No, sir.

Q. In the event you should receive an order with

respect to your testimony from him, or through him, your appearance here in no way affects that order. Do you have any questions?

A. No, sir.

IO: Major COMEAU, what was your duty assignment on the 16th of March 1968?

A. I was the deputy staff judge advocate of the Americal Division, sir.

Q. How long had you been in that capacity?

A. Since some time in December 1967. I was the judge advocate of the 11th Infantry Brigade in Hawaii from August 1966 until it deployed to Vietnam in December of 1967. As soon as the brigade arrived in Vietnam and joined the Americal Division, the brigade judge advocate shops were then assimilated into the division staff judge advocate's office, and I moved to Chu Lai at that time.

Q. How long did you remain in that capacity?

A. Until the 24th of July 1968 when I became the staff judge advocate, and I remained in that capacity until the 7th of December 1968 when I rotated from Vietnam.

Q. I believe there was also a period subsequent to Colonel JONES' departure and the arrival of your new SJA when you served as the acting JA in his absence. Is that correct?

A. It may have been about a day, sir. I think it was about a day. I remember taking one action as the JA. It was about the 3rd of April I think.

Q. Since the My Lai incident broke in the press in September, October, have you had any conversations with anybody concerning the My Lai incident?

A. Yes, sir.

Q. Persons who were associated with the division or with any of the units within the division?

A. Yes, sir, I have.

Q. Would you name those for us?

A. I attended a 11th Brigade reunion at Cameron Station. It was, I believe, in late November at which all of the battalion commanders and other people in the Washington area were present. I was particularly curious to hear what people said at that time, having been involved officially from the Department of the Army in fringes of the matter. All it was was personal reaction. There was nobody who indicated anything concrete to me, and I was particularly looking for it. In fact I had my wife listen for it as well. Nobody could really put their finger on any of these things. Nobody was talking about such things as the HENDERSON report or an investigation that might have been run at brigade or division level. It was only reactions to the incident itself and they were varied.

Q. In what sense were they varied?

A. Well, some were pro-CALLEY and against CALLEY. Of course, the general reaction was this incident and all the publicity attending to it was seriously detrimental to the reputation of the brigade as a whole. Most of the reactions were emotional ones; the realities of war and this sort of thing, attempting to find some sort of way to explain it to their own satisfaction. People were having a hard time wrestling with their own consciences about it. We didn't really get into--it was difficult for me to specifically question people about whether they knew about the incident, whether any reports passed their hands, and whether they had a hand in drafting any of these reports and that sort of thing. I didn't ask those specific questions and certainly there was no information volunteered to me.

Q. You didn't ask them?

A. No, sir. I was at a party and I didn't feel it was appropriate since I wasn't conducting an inquiry.

Q. Have you had any other discussions with individuals from division headquarters?

A. Colonel JONES, who I believe has already testified here, and I talked about it during the fall a few times in the sense of examining each other's recollections to try to reconstruct the sequence, which was so long ago and was right

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about the time of his departure and after his departure, to see if either of us might have heard from anybody. We threw names at each other of people who were in other parts of the division staff such as the G2 and the G3 and the IG and people like this that might have brought it to our attention. And both he and I, from the outset of these conversations, had no recollection and couldn't come up with any recollection as a result. That's essentially it as far as contact with anybody.

Q. Well, our next question is a follow-on to that. Do you recall any inquiry, investigation, report, or anything of that nature concerning the My Lai incident of 16 March 1968?

A. No, sir. The only thing that rang a bell to me when I first heard about the case, and I first heard about the case in mid-July of this year when Colonel WILSON of the inspector general's office came to our office, the Military Justice Division of the Office of The Judge Advocate General, seeking some legal advice about the direction he was headed in this investigation, was the following: At that time I read a little statement and one or two others and I was struck immediately by the fact--first of all my reaction was why didn't I hear about this at the time? My second reaction was that you've got a criminal case here. Why isn't the Provost Marshal General in on it? I recommended that he (Colonel WILSON) get it over there immediately. Shortly thereafter, a couple of weeks later, it was over in the Provost Marshal General's office. Sometime shortly thereafter I read Colonel HENDERSON's report when it came through with one of the investigative papers. I read it particularly with a view to noticing any language that might have been familiar or might have indicated to me that I've seen this report before, because I'd worked for Colonel HENDERSON for a year and a half before we went to Vietnam. I dealt with him frequently when we were in Vietnam and it would appear that this might have been the sort of thing that he might have, on the way through, stopped off and shown me and talked to me about. Having read it, it just didn't strike any familiar chord with me at all. It was my reaction and it is now, that I never saw that report before I saw it here in the Pentagon. I had visited the 11th Brigade on field visits. I went on R&R to Hawaii about 2 days after the incident occurred and came back about a week later. It wasn't until after the 24th of April, which was the date of Colonel HENDERSON's report, as I recall, that I next went to Duc Pho to the 11th Brigade's headquarters. Perhaps if I had been there during

the meantime or during that period in between he would have said, "By the way, I have this report." But, at no time did it come to my attention then or after it was submitted.

Q. Did you ever hear of an oral report of inquiry?

A. No, sir. Not until I saw some of the investigative files, but not over that at all. Never, sir.

Q. If there had been a written report of an investigation, or a commander's inquiry into a situation where some 20 to 30 civilians were killed, would this have normally been sent to the staff judge advocate's office for review?

A. If it were an investigation ordered by MACV Directive 20-4, I believe it is, concerning investigation of war crimes, then it would have gone out with a formal appointment of an investigating officer by the division commander, who was the general court-martial convening authority, and in all likelihood the preparation of that appointment would have been done in the SJA office. The officer would have been sent over for a briefing when he started his investigation. This report, as I understand the circumstances, was more of a tactical operation type of thing, and I don't believe 20-4 was applied. In those cases it's hard to tell. Perhaps, if the division commander felt it was really something hard at the outset, it would be logical for him to refer it over to us or whoever initially got the report at division--if it had been something hard at the outset.

Q. Major COMEAU, I have here a combat action report dated 28 March, from Task Force Barker. I would ask if you've ever had an opportunity to see that in the headquarters of the Americal Division?

(IO hands Exhibit R-2, Combat Action Report, to the witness.)

A. No, sir.

Q. I have here, what we refer to now as Exhibit R-1 which is probably the report of investigation prepared by Colonel HENDERSON which was submitted on the 24th of April which I believe you referred to before. When you saw the report, did it have the two inclosures?

(COMEAU)

(IO hands Exhibit R-1 to the witness.)

A. I recall seeing the second inclosure, sir. I don't recall seeing the first one, although it may well have been in the file. As I say, I saw it here in the Pentagon. I did not see it in the Americal Division.

Q. You were not made privy to this report while you were with the Americal?

A. No, sir.

Q. Reading the attachment, Inclosure 1, do you consider the allegation in paragraph 2 to be of sufficient merit that it would of necessity have to be reported to MACV as an allegation of a war crime?

(The witness reads over paragraph 2 of Exhibit R-1.)

A. I would say so, sir. I think I'd talk to the Vietnamese officials concerned and get them to explain what they meant by "gathering," but on the face of that it looks like they are talking about killing people who were in--"They moved them from the battlefield," and especially when you are talking about children and women who were disarmed and put aside someplace and talking about "gathering." When that happens, in my opinion, they then become protected persons, so the physical violence exercised against them is in violation of international law and is a war crime. Whether at this point, and just seeing that paragraph with nothing more, I would have reported it immediately on that basis to MACV, I'm not sure. I know that MACV would come back and would want some more facts, so I think I would be inclined to get them right away before I turned in the report.

Q. Your one point was that you would want to talk to the people?

A. I wouldn't necessarily want to talk to all the people. I would want to talk to the people that said--the village chief or the district chief.

Q. According to paragraph 3 of the report of investigation, it indicated that this matter had been discussed with the district chief who puts no credence in it.

A. That wouldn't be enough.

Q. At this stage of the game, assuming that this report was considered unsatisfactory, that it did not provide the requisite information and details, and a formal investigation was ordered, what would be the normal process?

A. A senior officer would be appointed by the division commander. Incidentally, I'm relating this process relying not only on my experience with the regulations, but on another incident which we ran an investigation on under this MACV directive about June in another brigade. In that case, a full colonel was appointed as the investigating officer. The resources of the criminal investigation detachment of the division were made available to him as were the resources of the staff judge advocate's office. In addition, he had all kinds of administrative and transportation support. We went into a full-blown investigation which meant contacting everybody that might know anything about it and getting statements from them. Where we could, we uncovered living victims or living witnesses who were not subjects about the possibility of conducting lineups for identification and this sort of thing. It would be a full-scale investigative effort. They would put the other normal criminal investigative efforts on the back burner.

Q. In a situation such as this, where you have an investigation going on within a unit or say a brigade, would it be normal to select an officer from the brigade or to direct the brigade to conduct its investigation?

A. I think not, sir. No, sir, it wouldn't. For one reason, in order to maintain complete impartiality in the investigation. The second reason is the fact that everybody in that brigade isn't going to be involved in that investigation. That brigade still has a mission to perform, and it is also important not to completely take the brigade out of action by taking senior officers in the brigade for the investigation. For instance, the company involved may have to be put on an extended stand down in order to conduct the investigation--maybe even a whole battalion, and other units are going to have to take up the slack. So, it's a combination of an impartial investigation and minimizing the combat effectiveness of the brigade. It should be someone from the outside, and all your investigative resources should be from the outside.

Q. Sometime during the month of May and generally in the time frame from maybe the 5th of May to the 20th of May,

did Colonel HENDERSON or Colonel BARKER come to you to ask for some assistance or possibly guidance in the conduct of the formal investigation?

A. Not with enough specificity that I knew what it was about. Normally, either at Duc Pho or up at division, when they came for some legal advice, they often came to me because we worked together at brigade. They would bring up something like an investigation or some other problem, but usually they would go into it enough so that we knew what we were talking about, or else I would ask enough so that I knew what we were talking about because there are investigations and then there are investigations. It is pretty hard to give the proper advice unless you know what kind of investigation you are being asked about. It's possible that I was asked for and did provide advice on the administrative aspects of this investigation, but it's sort of unlikely.

Q. Now, let me ask you some rather theoretical questions to get your best judgment on. If a written report of a situation came in and came into the office of the chief of staff and the commanding general, where would you expect to locate such a document?

A. That's hard to say, sir.

Q. Would there be a logical repository for it?

A. If the report was going to end at division you mean? If it wasn't going to be forwarded on higher? In other words, you are talking about the original report that ends at the division and the division is the final addressee?

Q. Yes.

A. It would normally be filed, it seems to me, in the staff section that had the primary area of interest. Artillery overshoots, for instance, would go right to the G3. Some investigations of artillery overshoots which resulted in officer Article 15's would wind up in our files. Funds would go to the G1 and this sort of thing. It depends on the functional area of primary interest in the investigation. The functional interest of the staff judge advocate in getting involved with investigative reports is when we are talking about disciplinary action and it would follow thereupon. With respect to the other MACV 20-4 that was run, the war crimes investigation that was run, copies of that, the

division's copies of that, were in the SJA's safe to be forwarded on to higher headquarters. We had the action. There were a series of court-martials that followed thereupon, and there were parts of the file that we used in that series of court-martials. Unless disciplinary action follows it would probably wind up in another staff section. One like this could wind up in either G3 because of the operational overtones or in G5 because of the civil affairs overtones. It could conceivably or ultimately wind up in our office if a foreign claim was initiated. But, if a foreign claim were initiated, it would go through Vietnamese channels to a MACV claims office, the nearest one of which was Danang. Then they would be sent back down to us to gather information. We aren't the office of record on that. We aren't a foreign claims approval office nor are we the final office of record. Also, if it were a foreign claim, this would fall under the combat claims exclusion and probably wouldn't get off the ground to begin with. It may not have gotten to us for that reason. Those are the only reasons it would have gotten to us.

Q. Well, this same logic could be applied to even what might be termed as a formal report?

A. Because of the way a formal report usually gets started and because of the JA responsibility for a war crime investigation by the MACV regulation, it is usually forwarded through JA channels and a file copy is dropped off at JA along the way.

IO: Mr. MACCRATE?

MR MACCRATE: You have in front of you, Major COMEAU, Exhibit R-1. Just taking your generalized comment to that specific document, where, if you were going into the division headquarters, would you attempt to find that document?

A. First, because this document was retrieved from the S2 office, the cover indicates that it was retrieved from the S2 in the brigade, I would probably first look in the G2 of the division. If I didn't know it had come from the S2 office I wouldn't look there. I would be inclined to look in G3 or possibly G5 because we are talking about something that was concluded to be a propaganda campaign, and because of the involvement of Vietnamese civilians, I think, I might look in G5.

IO: Anything further?

MR MACCRATE: No.

IO: Colonel MILLER?

COL MILLER: Suppose this had come to your attention or somebody had showed it to you while you were there. What do you think your recommendation would have been with respect to the initiation of a formal report at that time, and again this is a hypothetical question?

A. I haven't read this for some time. My reaction the first time I read it was where are the statements, is this all, there must be more, and where are the statements that were taken in these interviews, and the backup that went into this thing. I would look for that first.

Q. Assume that that is the report that comes in and that's what you've got.

A. Like I say, I would go back to the originator first and request the backup. I don't mean any big formal demand. I'd call on the phone and I'd say: "Where's the backup," or I'd bring it down to Duc Pho and see if these people had made written statements. I'd talk to the people and look into a little more of these reports that were described in the report.

Q. You've read the report?

A. Yes, sir.

Q. Is that the sort of thing that, had it come into the division when you were there, you would expect to be notified about or brought into, particularly considering Inclosure 1?

A. Yes, sir. I would expect to have been brought in on it.

Q. That's all I have.

MR. MACCRATE: Major COMEAU, you did mention that you were acting JA on one day and you did confer with General KOSTER on that day. I assume that had nothing to do with--

A. (Interposing) No, sir. That was a court-martial case and it was ready for the general's action and he wanted to get it in on the day I happened to be the acting JA.

IO: Major COMEAU, before we terminate this hearing we will give you an opportunity to make any statement you would desire to make if you have any statement to make. Also, we would request that if any time in the future any of this might possibly come back in your mind that might have possibly slipped from your mind, or if you can recall any documents, maps, photos, or any kind of material that might be of assistance to us, we would appreciate having it.

A. Are you interested at all in the training aspects?

IO: We are very much interested in the training aspects. We are going into it in some detail at the present time and will be going into greater detail in it in the future.

A. I've got a little bit of information on it, but not a whole lot.

This has come up in our staff work here in the building and other questions have been raised about the adequacy of the training. The question of what training was given in Vietnam came up in particular.

In the Americal Division, in about mid-December, we established a program for the briefing of all incoming replacements. They went to the Americal combat center, which was our replacement training center, for about a week. This had been going on for some time. In about mid-December we started a block of instruction on the Geneva Conventions and war crimes. This was about an hour and was conducted by a judge advocate. It followed immediately the general's welcome to troops coming to the combat center.

The 11th Brigade had already arrived in country and I believe were not the beneficiaries of this training, particularly Company C, which was the advance party for the brigade. But any fillers that the brigade got from the middle of December on got this training. I don't have the lesson plan for this training. They are available in the staff judge advocate's office in Vietnam.

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During my tenure they were kept in a loose leaf notebook entitled, "Geneva Conventions" which we kept readily available because just about everyday one of our captains or myself were going down to give this instruction. Included in this briefing were some of the war stories that are told about maltreatment, ear cutting, dropping people out of helicopters, and this sort of thing with specific references to the articles of the code that they involve. We also covered the obedience of orders question, which is one that is not covered too widely in instruction elsewhere for the simple reason that if you start to instruct on this issue back in the United States in basic training, you run into people that interpret disobedience of illegal orders as justifying their not getting haircuts and this sort of thing. Over there we thought it was necessary to tackle it, and we did tackle it, somewhat carefully, and talked in terms of the order that is obviously illegal to anybody with common sense such as taking a prisoner out and killing him and this sort of thing. The exact time of this instruction could be tracked and married up with the brigade's processing time and can be found in the SJA files under file symbol 204-05.1, Orientation and Briefing Files Pertaining to the Geneva Convention. There is a separate file folder on it. There is other material available in the SJA office under file number 401-02, which is the legal opinion files and covers many categories under the subtitle of International Law, which is once again a separate folder. The file dealing with enemy prisoner of war processing and classifications which also had some offshoots into this area is under file symbol 509-01. I would guess that a lot of these files haven't been retired, but have been kept on because of the recurring nature of the problem. As I say, the lesson outline for the Geneva Convention instruction is in a loose leaf notebook, or was in a loose leaf notebook, in one of these plastic covers so that it could be used readily. Now, on the Geneva Convention instruction, in addition to the normal requirement for it of once a year as I recall, there was a message that came out from the Department of the Army, dated June of 1967. This added the Hague and Geneva Conventions as an additional subject for POR processing under AR 612-35. This was a message change. In the course of our POR processing there were a lot of night classes given, and I have checked with our warrant officer, who was our personnel warrant for the brigade, involving the POR entries, and he remembers posting this Geneva Convention. He remembers that it was added in as one of the evening classes. It wasn't conducted by a JA. It was conducted as a unit thing or type of responsibility. There is really no specific indication of what was taught exactly to any unit during that particular type training.

IO: This would be entered on an individual's records?

A. It was entered on a POR sheet, which I understand, through talking to Warrant Officer MIDDLETON, who was our admin warrant there, was routinely destroyed when they get in country. This is not one of the entries that are required to be on the DA Form 20. Only the annual Geneva Convention entry is required to be updated in pencil, so it would probably be impossible to find out whether a given individual who went to Vietnam with the 11th Brigade got this instruction that I just described, except by his own indication or the indication of the S3 or someone like the training NCO or someone like that.

Q. Did you ever have the opportunity to check into the training that was given by the 3d Brigade of the 4th Infantry Division which was at that time located in Duc Pho and whose place was being taken by the 11th Brigade as sort of a sister unit?

A. You mean the training that they were giving to the 11th?

Q. Yes. The initial indoctrination into the country, that was provided by the 3d Brigade of the 4th which served as the sister unit to the 11th.

A. No, sir. Within a matter of a day or two after I got into country, I went to the division and was involved in division problems right away, one of which was this combat center for training, and I really don't know specifically what was done with the 11th Brigade.

Q. Well, that information will prove most helpful to us, I am sure, although as you indicate, it may not have application to certain units of the 11th Brigade. We will have to check into that, but as far as the training as it developed is concerned, it will be most helpful to us.

A. Also, sir, I don't have a lesson plan for the Americal. I do have one upstairs for the 4th Division on Geneva Conventions and war crimes that I got in The Judge Advocate General's School course as part of a packet, but I haven't been able to find the one that we actually used.

IO: Does anybody else have any questions?

MR MACCRATE: Do you have any recollection of any disciplinary

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matters for C/1/20 that may have come to your attention that might have had any relevance for our consideration as an indication of how disciplinary problems within that company might have been handled?

A. I recall some combat refusals from that company, sir. These people refused to go back out in the field once they got in the rear area. It was my recollection that in C/1/20, in fact I talked to Colonel BEERS about this while I was over there, what was done generally was to handle them by nonjudicial punishment, battalion level nonjudicial punishment as much as he could, to try to get the man back into the field. That was the object of the exercise rather than keep him down in Long Binh jail for his whole tour. Let me look through this. I have a summary of the general court-martial cases here with me. I do recall, sir, that GRUVER, one of the people that has been on TV and in the newspapers, went to the Long Range Patrol Detachment and he was tried and convicted by special court-martial for some sort of a failure to obey orders. It was a violation of Article 92 of the code. It may have been off-limits or it may have been the failure to obey some officer's orders. This was while he was with the Long Range Patrol. As I recall, Lieutenant CALLEY also went to the Long Range Patrol Detachment. I don't know whether GRUVER was there at the same time or not, or whether there was any direct involvement.

Q. Was this the division LRRP?

A. Yes, sir.

Q. RIDENHOUR also belonged to that, didn't he?

A. Yes, sir. RIDENHOUR doesn't ring a bell at all, sir. I remember when I saw the interrogation of CARTER, the man that shot his foot. I remember there being a case and I thought it was C/1/20 and I remember a case on a man who allegedly shot himself in the foot. We forwarded charges to Camp Zama where he had been medevac'd. I checked since with Colonel BEERS and he indicated that it wasn't CARTER. I further checked with TAG Casualty Branch and found from a line of duty investigation report that CARTER was injured in the line of duty as a result of an accident. There was no indication of disciplinary action. Sir, I don't have anything else.

IO: This hearing will recess at the present time.

(The hearing recessed at 1815 hours, 19 December 1969.)

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SUMMARY OF TESTIMONY

WITNESS: CRESWELL, Carl E.

DATE OF TESTIMONY: 12 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Chaplain, Division Artillery, Americal Division.

1. VISIT WITH BARKER AT THE TOC.

Either on 16 March or the day after, he visited with Lieutenant Colonel BARKER briefly at the Task Force TOC. BARKER was talking with his executive or operations officer whom the witness recognized as Major CALHOUN (pgs. 3,4,25).

The attitude in the TOC was hostile. Sniper fire had been received in the Pinkville area and they were going to go in and clean it out (pg. 4).

2. THOMPSON'S DISCUSSION WITH CRESWELL.

Warrant Officer THOMPSON saw Father CRESWELL on 16 March or possibly 17 March 1968. THOMPSON was very upset and angry (pg. 5). He related to CRESWELL a fairly complete account of what he had seen (pgs. 5-7), including the fact that after evacuating civilians, the infantry fired on those remaining (pg. 6). CRESWELL became angry because he believed THOMPSON's story (pg.6).

CRESWELL's decision was that THOMPSON should lodge an official protest in command channels and the witness would make a report through official chaplain channels (pg. 5). CRESWELL believed that THOMPSON told him that he had seen General YOUNG about the matter. He was positive that THOMPSON had reported it to his immediate commander (pg.8).

3. CRESWELL -LEWIS MEETING.

After hearing THOMPSON's story, CRESWELL met with the division chaplain, Lieutenant Colonel LEWIS on 16 or 17 March (pgs. 5, 14). He related to LEWIS THOMPSON's allegations essentially as he had received them (pgs. 5, 14), and stated that he did not believe THOMPSON would fabricate this (pg. 14). CRESWELL recommended an investigation and threatened, "If there was not going to be an investigation into these charges I was going to resign my commission" (pg. 5).

LEWIS said that he would bring it up at the division briefing (pg. 6). About three days later LEWIS told CRESWELL that there would be an investigation (pg. 6). He also said that the matter had been brought to the attention of the commanding general or the chief of staff (pg. 9). LEWIS indicated that THOMPSON was not the only complainant (pg.15). CRESWELL did not ask who else had complained (pg. 16). CRESWELL felt that LEWIS was sympathetic to his request for an investigation (pg. 15).

Two weeks later LEWIS told CRESWELL that the investigation was progressing (pg. 9). CRESWELL did not pursue the matter further because he knew that the allegations had been forwarded through command channels (pg. 10), and that he could trust the division chaplain to process the report through technical channels (pg. 11).

4. REPORTS OF INVESTIGATIONS.

The witness was of the opinion that a cursory investigation was conducted because an in-depth investigation would have revealed facts corroborating THOMPSON (pg. 12). However, he never saw a report of the investigation (pg. 13).

5. KNOWLEDGE OF ENEMY KIA'S CREDITED TO DIVARTY.

When informed that Divarty was credited with 69 VC KIA on the My Lai (4) operation, CRESWELL was surprised. He never missed a Divarty briefing while in Vietnam. The witness was sure that after talking with THOMPSON he would have recalled a large number of artillery KIA's if mentioned at the briefing (pg. 21).

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6. OTHER INFORMATION.

a. The witness had been Divarty chaplain for two months on 16 March 1968.

b. Since the My Lai incident has become a matter of public knowledge, CRESWELL has only discussed it with his bishop. He has not talked with anyone from the Americal Division (pg. 3).

c. He was not present at the memorial service prior to the operation but he remembered that there was one (pg.5).

d. Chaplain LEWIS DEROS'd in April or early May. His replacement was Chaplain DOLAN (pg. 18).

e. CRESWELL never discussed My Lai (4) with the Divarty commanding officer.

f. The witness was never told not to discuss THOMPSON's allegations (pg. 19).

g. CRESWELL was noncommittal as to whether the division attempted to cover up what occurred in My Lai (4). It was his impression that the allegations were not seriously considered (pg. 20).

h. He never heard any discussions in Divarty about My Lai (4) (pg. 20).

i. He discussed the allegations with Father FORESTER and Major Carl KREBS while in Vietnam. Their attitude was that it did not happen, and if it did--"that's war" (pg. 23).

j. Father CRESWELL felt that there was an unbelievable amount of callousness on the part of the Americal Division when it came to the protection which should be afforded to Vietnamese civilians by the laws of war (pg.23).



(The hearing reconvened at 0925 hours, 12 January 1970.)

RCDR: The following name persons are present: LTG PEERS, MR MACCRATE, MR WALSH, and MAJ LYNN.

(The next witness is Mr Carl E. CRESWELL.)

(MR CRESWELL was called as a witness, was sworn, and testified as follows:)

For the record, would you please state your full name, occupation, and residence.

A. Carl Edward CRESWELL, Episcopal priest, 1225 Rural Street, Emporia, Kansas.

IO: Mr. CRESWELL, before we proceed with any questions, I shall inform you of several matters.

This investigation was directed jointly by the Secretary of the Army and the Chief of Staff, United States Army, for the purpose of determining facts and making findings and recommendations concerning two things:

(1) the adequacy of prior investigations and inquiries into, and subsequent review and reports within the chain of command, of what is now commonly referred to as the My Lai incident of 16 March 1968, and

(2) the possible suppression or withholding of evidence by any person who had a duty to report and to furnish information concerning this incident.

This investigation is not being conducted to investigate all facts and circumstances of what happened at My Lai. It is directed to those two specific purposes which I have just stated. Do you have any questions on those two matters?

A. No, sir.

Q. I have had made available to me and have reviewed prior official statements obtained in other official investigations of the My Lai incident. To the best of my knowledge, I have not reviewed a statement made by you.

Your testimony will be taken under oath. A verbatim transcript will be prepared. A tape recording is being made in addition to the verbatim notes being taken by the reporter.

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Although the general classification of the report will be confidential, it is possible that your testimony, or parts of it, will later become a matter of public knowledge.

The individual on my left is Mr. MACCRATE, and on my right is Mr. WALSH. Mr. MACCRATE and Mr. WALSH are both civilian lawyers and have volunteered their services through the Secretary of the Army to assist in this investigation. They may also direct questions to you this morning.

You are requested that you not directly or through others discuss the My Lai incident including the subsequent reports with any person who may be connected with the incident in any way and who is to be or has been a witness in this investigation. For your information, we are directing those persons who are in the military service that they not discuss their testimony. In the case of civilians, we do not have that right at the present time, but we are, however, requesting similar cooperation.

A. I will accept the rule, sir.

Q. I should clarify the fact that this does not apply if you are requested to discuss the case in other administrative, judicial, or legislative proceedings. And I should also say that in the court-martial case of the United States v. Calley, what you have to say here will in no way change the effect of that particular order. Do you have any questions at this time?

A. No, sir.

Q. Mr. CRESWELL, would you state what your duty was on the 16th of March, 1968?

A. Division Artillery chaplain, Americal Division.

Q. How long had you been in that capacity?

A. Approximately 2 months, sir.

Q. And how long did you remain in that capacity?

A. Until I DEROS'd in September, 1968.

Q. Between the time the My Lai incident became a matter of public knowledge in the newspapers, radio, and television and so on in the latter part of September or October of last year and now, have you had any conversations with anybody connected with the operation or with the Americal Division concerning the events which transpired at that time?

A. Yes, sir, I did. Chief Warrant Officer--I think his name is Hugh, when he was in the aviation section. He went from there to division aviation, and I'm not straight in my mind. It was either the day of the operations or the day that I--of the 16th. He came in to see me very, very upset with the story--

Q. (Interposing) I'm talking about the period after this broke in the news up to the present time and not subsequent to the event itself.

A. Would you rephrase the question. I'll pick it up and answer it right.

Q. Since the My Lai incident has become a matter of public knowledge last year, in about the latter part of September or October through various news media, have you had any conversations with anybody concerning the incident?

A. My bishop.

Q. I'm referring to individuals who may have been associated with the operation?

A. None whatsoever.

Q. Or from the Americal Division.

A. None whatsoever.

Q. What was your first knowledge of the operation of Task Force Barker in the area of Son My which was to take place on the 16th of March?

A. My first actual knowledge that it took place was the day that it happened or the day after when I was in the battalion TOC.

Q. Who did you talk to there?

A. Colonel BARKER just briefly, kind of a courtesy visit.

Q. What did Colonel BARKER have to tell you?

A. It was kind of an introductory visit. We talked for a few minutes. We were standing by the map board. There was a major standing there. I don't know whether it was the XO or operations officer. But they were talking about an operation against Pinkville. Frankly, I'd never heard the area referred to as Pinkville before so I asked them where it was on the map. They were laying on a CA the next morning and Colonel BARKER said--

Q. (Interposing) Did he say which specific part of Pinkville or Son My that he was referring to?

A. No, sir, just Pinkville in general. And I made some remark to the effect that I didn't think we really fought wars this way, and I laughed.

Q. Did you hear any part of the briefing?

A. No, sir.

Q. Did you have an opportunity to talk to any of the unit commanders or any of the personnel in the command that afternoon or subsequent to the time they may have been briefed?

A. No, sir.

Q. I know that I'm trying to take you back a long time. It's nearly 2 years now. But it is quite important to us if you can remember anything about what might have taken place there that afternoon so we can get the frame of mind of the individuals that were involved in it.

A. Well, sir, the frame of mind in that TOC was decidedly hostile. Apparently they had been taking sniper fire out of the village. It was coming from somewhere in the vicinity of Pinkville, and they were simply going in to clean it out.

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Q. We understand that there was a memorial service held that afternoon for one of the individuals who had been killed by either a mine or a booby trap a day or 2 ahead of time. Were you present at any part of that service?

A. No, sir, I wasn't. As a matter of fact, I had forgotten there had been one. I remember that there was one, but I wasn't there.

Q. We understand that it was conducted by a brigade chaplain or chaplains.

A. Right.

Q. I think there were two, both a Catholic and Protestant.

A. Yes, sir.

Q. Now then, coming down to the day of the operation itself, were you present at LZ Dottie during the operation?

A. I was not.

Q. You had no personal knowledge of the operation or the functioning of the TOC, or any of the people involved?

A. None whatsoever.

Q. When did you next hear of the operation and under what circumstances?

A. It was, I'm willing to lay odds, on the 16th, the day of the operation--no later than the 17th--when Mr. THOMPSON came to see me. He said he had flown in, and he came in and sat down very upset. He was terribly upset and wanted to know what to do from that point on. It was my suggestion that he lodge an official protest in command channels, and I'd do the same thing through chaplain channels. I believe he saw General YOUNG, and I saw Chaplain LEWIS, the division chaplain. I told him about these allegations that had been made and that I had an awful lot of confidence in Mr. THOMPSON, and that I would--well, I'll be perfectly honest. I said that if there was not going to be an examination into these charges, I was going to resign my commission. I felt that

strong. And he said he would go to division level--as a matter of fact, there was a division briefing that night--and bring the subject up. I next saw him about 3 days later and asked him what had happened, and he said, yes, there would be an investigation, and there was nothing to worry about. Four days later I think the story came out in Stars and Stripes that 128 people had been killed in My Lai and that they recovered three weapons. THOMPSON and I got together and laughed, because this was the official version of it.

Q. Can you be a little more specific and tell us what he told you when--well, first let me rephrase that. Did he come to your office, or was this the initial discussion, a rather casual discussion?

A. He came to my office.

Q. He came to your office?

A. He did. As I said, he was physically upset. I don't remember his exact words but he said it was a hell of a problem, and he didn't know exactly what he was going to do about it. He related the story of the day's operation to the effect that he had been assigned to lift some troops from Task Force Barker to Pinkville. And on a subsequent flight, he had seen an awful lot of bodies, from the air, of what appeared to be noncombatants. And he had landed at one point to evac civilians. He also told me that he had to threaten an American officer to lift them up and get them off the ground. After he left, they fired on the rest of the civilians and he was very, very angry. As a matter of fact, so was I because I believed him, and this sort of thing theoretically just doesn't happen. But theory and reality are two different things in Vietnam.

Q. Did he tell what kind of aircraft he was flying and what was his mission there, or did he go into detail?

A. He didn't go into details. I assume that he was flying either--I believe he was in a scout squadron, as a matter of fact, which leaves little room for passengers.

Q. Did he tell you about a situation wherein he had marked some bodies with some smoke grenades and an individual came over to these bodies and nudged one, and that he backed off his helicopter and then he saw this individual step away and shoot this woman on the ground? Did he tell you about that?

(CRESWELL)

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A. He said he saw some people shot on the ground. I do remember him saying something about the smoke grenade, somebody kicking it away, and then in another case he made one pass, and there was a group of bodies in a trench, and there was one there, apparently a child, who was still moving; and he saw a Negro soldier moving up to that trench, and when he moved back, the child was obviously lifeless.

Q. Did he tell you that he had subsequently returned to the trench and with aid of his crew chief and doorgunner had extracted a small child, who was flown to Quang Ngai Hospital?

A. Yes, sir.

Q. Did he give you an estimate as to the number of people he thought were dead in the village?

A. He did, but there have been too many numbers flying around in the last month.

Q. It wasn't just one or two?

A. No, sir. It was a group.

Q. Did he also indicate that he had also seen some bodies on the road, possibly some other bodies in the village?

A. He did.

Q. And he told you about the confrontation with the American officer in getting the children out of the bunker?

A. He did.

Q. He evidently went into some detail with you.

A. Yes.

MR MACCRATE: Did he at any time, as you now recall, refer to a captain and the actions of a captain in respect to this operation?

A. Not to my memory. He did refer to a "sawed-off runt of a lieutenant." I can't recall anything about that.

IO: I have a couple of other questions. You indicated that Warrant Officer THOMPSON had reported to General YOUNG or that his report had been reported through General YOUNG?

A. At this point, it is my impression that he saw General YOUNG.

Q. Do you recall specifically if he told you about how he had lodged a report or protest?

A. Well, I'm reasonably sure that he spoke to his immediate commander, a major whose name I don't remember.

Q. Would the name WATKE mean anything?

A. Not at this point, sir. It rings a bell, but I can't say. And I'm sure that he did say that he had seen General YOUNG.

Q. This is the first indication we've had that THOMPSON had talked directly to General YOUNG, and this is the reason I'm asking the question. But you're of the impression that he had indicated he had talked to General YOUNG?

A. Most definitely. This is my impression. We are almost 2 years away.

Q. After you had talked with him the first time and then you had met together again and discussed the article which had appeared in Stars and Stripes or some publication concerning 128 KIA and 3 weapons captured, and it looked like a farce, and after it had been agreed previously between yourself and Mr. THOMPSON that you would take it up through your chaplain channels and Mr. THOMPSON through his command channels, did he indicate to you at that time what action, if any, he had taken?

A. Other than--I know he had taken action. I know he had taken it to his immediate superior. As a matter of fact, the day that I talked to him I believe he tried to talk to General YOUNG, but General YOUNG was not in the area. I think really he started with General KOSTER, but couldn't find General KOSTER, either. I would suppose within 3 days he had seen General YOUNG.

Q. Once you had obtained this information, Father, what action did you take then?

A. I took it to the division chaplain and repeated the story in substance that Mr. THOMPSON had given to me. And I told him that Mr. THOMPSON was going through command channels, and I was going through technical channels, and I thought an investigation was most definitely called for because this sort of thing had to be proved or disproved. It can't be let lie around like a cancer. He assured me that he would take it higher, to the chief of staff, I suppose. I talked to him later, and he said that it had been in some manner brought to the attention of the chief of staff or division commander and that there would be an investigation.

Q. Did you submit your report to him in writing?

A. No, verbally.

Q. Did you at any time submit a report in writing?

A. No, sir.

Q. What happened after that, Father?

A. I would suppose--well, the article came out, of course, in Stars and Stripes, and from what I felt to be the facts of the case at that point, I thought it was ludicrous. I really did. Then the 11th Brigade paper came out with the story essentially the same as Stars and Stripes. As I recall, one of the things that struck me was the number 128 was terribly low compared with the number I got from Mr. THOMPSON. Once again, I can't even speculate on the number he gave me. I would suppose that it was about 2 weeks later that I asked Chaplain LEWIS if the investigation was progressing, and he said that it was. Quite frankly, I dropped it there because, once again, the information I had was allegations and really had to be supported by Mr. THOMPSON's report through command channels and

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I'd be awfully glad to support him, but I couldn't carry the ball myself. It was really up to division to do something about it.

Q. Do you know who Chaplain LEWIS talked to?

A. No, sir.

Q. Your superior?

A. I can only assume that it would have been the chief of staff, Colonel PARSON, but that is an assumption.

Q. Quite a serious and, I would say, horrendous allegation had been given you. Do you consider in this instance that just reporting it to the chaplain was sufficient?

A. Yes, sir, for two reasons, the first of which is I knew that the same report was being forwarded through command channels.

Q. How did you know that?

A. Because Mr. THOMPSON told me that he had done this.

Q. But when nothing seemed to be happening about it, would it be appropriate to let an allegation such as this drop with the faith you had in Warrant Officer THOMPSON?

A. Well, sir, I was in a position where, really, all I knew was what he knew. His was the firsthand report. Mine was the secondary report. We went at it, really, from two directions. As I said, when it comes from Hugh THOMPSON to me, it's an allegation. When it comes from me to somebody else, it's hearsay. I really think that I went as far as I could. I was not first person singular there.

(CRESWELL)

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Q. This is true. At the same time, within the division we do have investigative mechanisms set up for this specific kind of thing. And even though one might personally not desire to repeat something as hearsay, it would seem desirable at least to have gotten Warrant Officer THOMPSON in touch with the IG or with the JAG to insure that the proper investigative process was being applied. I grant that retrospect is a whole lot better than foresight, but I take it that you did not at any time ever check with JAG or with the IG or with the chief of staff or talk to anybody else about this thing.

A. I talked to the division chaplain, sir, and, heck, if a guy can't trust his division chaplain--and I don't mean that as facetiously as it sounds.

Q. No, I recognize your point. You too were following technical channels. Of course, I'm looking at things from the point of view of a soldier. If anything as really horrendous as what had been reported to you--sometimes it seems that military channels might not be quite sufficient. But in accordance with all of the directives that we have in terms of the rules of land warfare, in terms of the Geneva Convention, in terms of safeguarding noncombatants and human life and so forth, whether they be enemy or noncombatants--it would appear to me that all of us would be obligated to insure that something was done.

A. Well, sir, let me tell you something at this point. I'm not a complete stranger with the JAG office. I went over from time to time. And from time to time I saw charges filed against American troops in cases of out and out first degree murder which, nine times out of ten, were reduced to manslaughter. And I became absolutely convinced that as far as the United States Army was concerned, there was not such thing as murder of a Vietnamese civilian. I'm sorry, maybe it's a little bit cynical. I'm sure it is, but that's the way the system works.

Q. What about the office of the inspector general?

A. I never went to the IG. I'll be honest, I became very cynical about the whole attitude of the United States Army toward the civilian population of Vietnam. Maybe I'm a bleeding heart, but I don't really think so.

Q. Of course, I would feel that having felt that way that you could have even discussed it with the division commander. I would hope that you had a high degree of rapport with General KOSTER, General YOUNG, and other people in senior command positions within the division.

A. Actually, the only one I knew well at all was General GALLOWAY. He wasn't in the area.

Q. He arrived just a few days before this operation took place. So General GALLOWAY at that particular time-- perhaps later on he might have had some influence on an investigative process, but at the moment he was very new to the division.

A. I think this other factor really worked in because I did make a report, and I was very, very disturbed. There was, it seems to me, a cursory investigation--

Q. (Interposing) Why do you say there was a cursory investigation? What do you know about the investigation?

A. That nothing happened, sir, and if THOMPSON was right, then an investigation of any depth had to come up with something. It really had to.

Q. And you had faith and believed in THOMPSON?

A. Yes, sir.

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Q. At this time, was there any questioning of the investigation while it went on?

A. I don't even know how it was conducted, sir, so I can't really say I questioned it. I don't know who did it or when. I was simply assured that it had been investigated and the proper action would be taken.

Q. You never saw a report? You never heard of any written report, any verbal report, or anything of this nature?

A. No, sir.

MR MACCRATE: Did you ever ask to see a copy of such an investigation?

A. No, sir, I didn't.

Q. You indicate that you had a certain lack of confidence in the staff judge advocate of the Americal Division. Was this based upon one, two, or three experiences or more?

A. I'd really hate to pin it down to the JAG of the division. I can think of three specific instances in which the initial charges and specifications were murder and subsequently were reduced to manslaughter. As a matter of fact, one of these was a man riding along in the back of a "deuce and a half" who simply reached over and hit a civilian with an M-16, the butt of his rifle, and killed him. This was a manslaughter rap. And this does not instill a heck of a lot of confidence in the judicial system.

Q. You're talking about technical charges, and simply the fact that something is reduced from murder to manslaughter doesn't mean that it isn't taken seriously and the prosecution continued. From what you say, I gather that the individual was brought to account, but not charged with as serious a crime as, at least in the first instance, might have been indicated.

On the other hand, there would not seem to be premeditation, a kind of wanton act of that sort that would make it what is frequently called first degree murder. Now, I think that there are differences here and when we start leveling charges of the nature that you've been leveling, you ought to be very clear as to what you're saying. In my mind, there is a substantial difference between sweeping everything under the rug and saying that a particular charge would be the most serious crime or a less serious crime. It seems to me that you're not saying, at least in that particular situation, that it was just swept under the rug but that proceedings were brought on what was not the most serious charge, but a less serious charge. Are there other instances that come to your mind?

A. No, no, I stand properly rebuked.

Q. Well, it wasn't my intention to rebuke, but more to make sure that the record is clear as to the nature of your concern. We all have concerns in this regard, but I think that by a little further detailing of what we have on our mind it makes clearer what we have reference to.

MR WALSH: Father, I wonder if you could recount as specifically as possible your discussion with the division chaplain, your first discussion and subsequent discussions. Take the first discussion. Where did it take place?

A. In his office, which would have been the same day I saw Mr. THOMPSON. Once again, the odds are that it was the 16th. And the division chaplain and I got on very well. We were good friends. We are good friends. He was one of my instructors in chaplains school. Chaplain LEWIS and I went in and sat down, drew a cup of coffee, and I said, "There's something I'd like to talk about." I was rather upset, and I related to him the story essentially as I had gotten it from Mr. THOMPSON. I told him that I had an awful lot of faith in Mr. THOMPSON, that I didn't think he was fabricating this, that we had agreed that I would

go through technical channels and he would go through his, and that I would ask the division chaplain to make the incident or the allegations known to the proper authorities and request an investigation at division level. He said that he would do it. As a matter of fact, he said he would do it at the briefing that night. And I think I next saw him about 3 or 4 days later and asked him what had happened, and he said that he had talked to somebody--I'm sorry I can't remember who, if he told me that--and that there would be an investigation and that mine was not the only complaint and that the machinery was being geared up. As a matter of fact, he left the area before too long, and he came home.

Q. Do you have the impression that he was sympathetic to your suggestion that there be an investigation, or did you have any feeling that he was skeptical?

A. Sir, I think he was very sympathetic.

Q. Subsequent to your inquiry, 3 or 4 days later, did you have any further discussions with him about how the thing was progressing or what action was being taken?

A. Nothing that I can recall. I'm sure that we talked about it from time to time in passing, and each time I was assured it was progressing.

Q. But you can't recall anything more specific about discussions with him?

A. Nothing specific.

Q. You don't recall anything more than that?

A. I'm sorry.

MR MACCRATE: You did stay, however, until September of 1968, about 6 months thereafter. Do you have any recollection of anything occurring in that 6-month span that suggested that the investigation had reached a particular point or that there had been a report

or anything of a definitive nature with respect to it? Did you do anything by way of followup? Did you make any inquiry? Did you receive any word? Was there anything at all which suggested what came of all of this after March when you had started the thing going along with Mr. THOMPSON?

A. Well, sir, the only thing that came of it later was that Mr. THOMPSON was awarded the DFC for flying the civilians out of there. I thought it was kind of interesting since it was American fire he was protecting them from. Kind of a veil of silence descended.

Q. Did you discuss the award with him at that time in these terms you've just described?

A. He came into the--I guess I was down at this hootch, and he came in that day, and he had the box and the citation. He handed me the citation, and I simply noted that it was for evacuating civilians from a fire zone. And he had told me before the conditions, and I think that's probably all we said about it. He read it and then threw it in his footlocker.

Q. You indicated that in the conversation with Chaplain LEWIS he had indicated that yours was not the only complaint. Do you have any idea as to what other complaints he referred at that time?

A. No, sir. If it's left to me, I can only assume that Mr. THOMPSON's complaint had also been registered at division level, and he had heard about it there. That is an assumption. I don't know.

Q. Did you, in addition to Mr. THOMPSON, have some acquaintances among other members of the aeroscout unit?

A. Not at that point. The reason that I knew him so well was he had been transferred over from the DIVARTY section. There were two others whose names I can't even recall.

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Q. Do you remember any discussion among other personnel of this event or attitude towards Mr. THOMPSON, any of the atmosphere of the time regarding his lodging a protest?

A. I'd really hate to answer that because it's based on impression, and impressions can be so wrong. My impression was that they were kind of hostile toward him.

Q. Are you relating that hostility to the individuals, or are you, as you suggest, just engaging in a generalization of impressions which is really undefined and perhaps grows out of your dismay in retrospect that something wasn't done at the time?

A. I'd be the first one to concede that you might possibly be right.

IO: Mr. CRESWELL, where is DIVARTY headquarters located with respect to headquarters of the Americal Division?

A. A mile and a half down the road, sir, roughly. It's up at Ky Ha airstrip. DIVARTY headquarters is right down the road from Ky Ha.

Q. Rather close, then, to the aviation unit?

A. Right next to it, sir.

Q. But separated by considerable distance from division headquarters?

A. Right. It's up on a ridge.

Q. I was there recently, and I take it the area you're describing is the area that generally overlooks a Naval base.

A. Exactly.

Q. Did you feel that you had reasonably close contact with the division headquarters?

A. Not terribly close, but I knew most of the people down there.

Q. Was it on a social basis, or was it on an official kind of basis?

A. Much more so on a social basis.

Q. Did you ever talk to the DIVARTY commander about this incident?

A. No, sir, I didn't, and I've kicked myself an awful lot because there's a man that sure as hell would have done something.

Q. You indicated that in your mind nothing had been done, that you considered the investigation superficial or something to that effect.

A. A prejudiced judgment, but it is mine.

Q. How did you hear about this investigation? Did it come back to you from Chaplain LEWIS, or how did you get the information?

A. The information I really got from LEWIS was that one was progressing. I don't remember even when Chaplain LEWIS DEROS'd.

Q. When did he DEROS?

A. I'm trying to remember right now. I believe in April, April or May, because Chaplain DOLAN came in, who, of course, was an absolute stranger to the whole situation.

Q. What was the name of his replacement?

A. DOLAN, D-O-L-A-N.

Q. You indicated that a "veil of silence descended." Had there been any talk about this thing prior to the descending of the veil?

A. This was a strange thing about it, sir. The day after the My Lai operation, I never heard the name My Lai mentioned in public again, not at the clubs, not anyplace--it was strange--or Pinkville.

Q. We have indications that there was more than a little talk that went on within the aviation company.

A. I'm sure that there was, sir, but I wasn't with the aviation company. But in the rest of the division, it was a--of course, there's no reason to assume really that there was an awful lot of general knowledge about My Lai.

Q. Well, it was fixed firm in your mind because of what Warrant Officer THOMPSON had said to you. But what I'm seeking is if there was anything that--since there was no noise in the first place--if there ever was a veil of silence.

A. I accept your stipulation, sir. As a matter of fact, I recall 2 days after the operation I was at the division PIO office, and I asked them what kind of release they were going to make on that operation. And they said they weren't even going to make a release. They were going to let 11th Brigade handle it, which I thought was kind of rare.

Q. Were you ever cautioned in any way about not discussing certain things any further?

A. No, sir.

Q. That an investigation was underway and nothing was to be gained by loose talk about it?

A. Never, sir.

Q. Recognizing the situation now just for what it was, would it be your impression that there was any attempt within the division to cover this thing up?

A. I'll be frank, sir. To say yes would be one heck of a serious charge. It would be my impression that there were no tremendous means used in order to investigate the situation. I won't say negatively that they tried to cover it up.

Q. But your only link with the situation was your discussion with Chaplain LEWIS? Aside from that, you basically had no information?

A. Except what I had, of course, from Mr. THOMPSON, which I passed on.

Q. But as far as the investigative process--

A. (Interposing) That's all I knew.

Q. You really had nothing on which to base a judgment other than the fact that nothing had come out of it.

A. Exactly.

Q. In your normal course of events, were you a member of the division mess, or did you normally eat at the artillery mess?

A. Artillery.

Q. You had very little intercourse, so to speak, with the division at that level for, you might say, meeting in the evening before dinner and discussing things in this category.

A. Very rarely.

Q. Were there any discussions at all within DIVARTY concerning this?

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A. Very rarely.

Q. Were there any discussions at all within DIVARTY concerning this?

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A. None, sir, none to my knowledge.

Q. Let me give you one situation, for example, which I can show you in the division log which indicates that the artillery prep was reported to have killed 69. This came in to division and was entered in the division log. Was there any discussion at all at DIVARTY concerning this inordinate number of VC being killed by an artillery prep.

A. I've never heard that figure before in my life, sir, and I never missed a briefing at DIVARTY all the time I was there.

MR MACCRATE: When did the DIVARTY briefing take place?

A. We had two daily, morning 0630 and evening 1700.

Q. And if you were in the area, you attended it, you say?

A. Yes, sir.

Q. Would you have any way at this time of confirming whether or not you attended the DIVARTY briefing on the afternoon of the 16th of March or the morning of the 17th?

A. It is entirely possible that I missed the one the afternoon of the 16th, because that would have been the afternoon that I talked to Mr. THOMPSON and Chaplain LEWIS. I'm sure I was there the morning of the 17th.

Q. And you're quite clear that you never heard anything regarding a very large number of KIA's by artillery prep at My Lai (4)?

A. I'm sure that after talking to Mr. THOMPSON on the 16th, if I would have gotten that figure on the 16th or the 17th, it would have stuck in my mind.

Q. What was your understanding of your obligation to report to whom, and in what manner, the matters that came to your attention such as what Mr. THOMPSON brought to you?

A. My understanding was when violations of this sort are brought to one's attention, one simply reports it to one's superior. You kind of have the choice in my situation between taking it through technical channels or command channels. In this case, since command channels were being covered by the man who was primary in the situation, I went through technical channels. In retrospect, I wouldn't do it the same way at all.

Q. Did you have any understanding--were you ever informed at what time an officer, be he chaplain or otherwise, turns to the IG?

A. I suppose I'm too deeply--I was an enlisted man for 12 years, and I think I'm just too darned conditioned to thinking of the IG as the arbiter of individual bitches to really put him in his right place in the Army. That's one of my hangups. In retrospect, once again, I can see that he had a legitimate role to play in the situation and wasn't given an opportunity to play it.

Q. I believe in your statement to the CID, when you were asked if you had any photographs or documents or materials that might relate to this, you replied you did not but that you thought the division PIO did. Do you have any specific knowledge as to materials that you understand were lodged with the division PIO?

A. All I can say is I did go into the PIO--I'm sure it was the next day--and talked about the My Lai operation. I don't believe with the man who was there, but they said at that point that they had photographs in the division PIO of the operation, but they weren't going to do the story. The 11th Brigade was going to put it out in a news sheet.

IO: Having this bit of information on your mind and feeling as strongly as you did about it, did you discuss this thing either officially or unofficially with anybody around DIVARTY?

A. I discussed it unofficially with Father FORESTER who was the assistant DIVARTY chaplain. I also discussed it unofficially with Carl KREBS, a very good friend of mine who happened to be at division headquarters operations. I think they both really thought that I was getting upset about nothing, that it probably never happened, and if it did happen, well, that's war.

Q. It must have been a strange attitude that developed because you've mentioned it several times, about, "Well, that's war," and so on. I was associated with more than a few divisions in South Vietnam, and I can assure you that the indifference that you have indicated here this morning is not typical. Quite the contrary, people are very concerned about it, to the point where, if one civilian would even get nicked by a piece of artillery, the incident was investigated and a proper report filed. Here I am being told about hundreds of people being killed or a large number of people being killed and, "Well, that's war." So what I'm saying is that what you are describing here this morning is vastly different from anything that I have ever been acquainted with, and I wonder about the attitude within the division. Was this the way division talked and the way it acted?

A. I would just be delighted to be proved wrong. I think you realize that. I would be, but there was just an unbelievable amount of callousness. I don't know why, I really don't. For one that studies human nature, it's an unbelievable thing to watch.

Q. Well, in the same sense, you see, from my point of view it's also quite unbelievable that you, a member of the cloth at that time and feeling as strong as you did, did not insure that this thing was properly investigated, take it to the proper investigative source within the division, the division commander or the IG or the JAG

or somebody that could do something about it, at least to satisfy it in your own mind that justice was being done.

A. Once again, sir, in retrospect you're absolutely right. But once again, in terms of the material I had-- I was not at My Lai--I was relating something that I had heard. I had a tremendous amount of faith in Mr. THOMPSON. Well, there's always a possibility in this case that he did see things differently than what really happened. Perhaps there was an investigation that was legitimate. There was really, quite frankly, a question in my mind at that point of the depth of the investigation and always has been. But there's always the possibility, you know, that I was wrong.

MR MACCRATE: How much contact had you had with Task Force Barker?

A. Minimal, sir.

Q. Was that the first day you met Colonel BARKER that you described to us, the 15th of March?

A. It was.

Q. Did they have any special reputation in division of which you were aware?

A. No, sir.

Q. Did you know any of the personnel in Task Force Barker?

A. No, sir. They all came in with the 11th.

Q. You mentioned that when you spoke to Colonel BARKER there was a major present. Would the name CALHOUN ring any bell with you?

A. I'm sorry, sir. It would be purely speculation at this point. I'm sure I heard it at the time, but I didn't file it.

Q. If we were to show you a photograph of Major CALHOUN, might that refresh your recollection?

A. It might. I can't guarantee it.

Q. While he's getting out the photograph, do you recall again the name of the major you spoke to in the operations center?

A. Division? Carl KREBS. But my impression of My Lai was completely different than any that he had or had come through channels.

(IO hands photographs, including Exhibit P-49, to witness.)

Q. I show you photographs of three individuals and ask you to identify any one of the three as being the major with Colonel BARKER on the morning or afternoon of March 15th.

A. People look different without steel pots. I'd have to estimate that it was the top one (indicating P-49).

Q. The top one does happen to be Major CALHOUN. And Major CALHOUN was the executive officer/S3 of the task force. Do you know a Warrant Officer CULVERHOUSE?

A. I know the name, but I can't put a face on it.

Q. Did you at any time speak with the crew members who flew with Mr. THOMPSON on the 16th of March, either COLBURN or ANDREOTTA?

A. Not to my recollection. I might have spoken to him, but it was not in reference to this.

Q. Did you speak with Mr. THOMPSON about his putting in his two crew members for an award?

A. He said that he had done this, yes.

Q. Did he indicate to you any aspect of processing these awards?

A. Not to my recollection.

Q. Do you recall what individual you spoke to at division PIO when you went in a couple days after the operation and asked about what kind of story they were going to put out?

A. I'm sorry, I can't.

Q. Do you remember if it was an officer or an enlisted man?

A. It was an officer, a lieutenant.

Q. Do you remember anything more about your discussion other than this statement that brigade was going to handle it?

A. I'm sorry.

IO: Before we recess the hearing, if you have any documents, any memorandums, any photos, maps, or other materials which might be of assistance to us in this investigation, we'd very much appreciate having them. Do you have any by chance?

A. I'm sorry, sir, I don't have anything. I'd be glad to give it to you if I had it.

Q. Also, I'm sure that we have this morning added a little bit to your knowledge of what transpired through our discussion. If at some future time this information and other things start to come together in the back of your mind and you recall some information which may be of assistance to us, we'd very much appreciate your getting in touch with us so we can arrange to have this information made a matter of record. Before we recess, do you have any statement which you'd like to make or any questions you'd like to ask?

A. Sir, the only statement that I'd like to make is that I've probably made the Army sound very bad this morning. I don't really mean to. I love it. I've spent 8 years active and 10 reserve. I think this is why My Lai upset me so much because it is just terribly out of character. It really is, at least the facts as I thought I knew them. As I said before, it's possible that I was wrong and that there was an investigation, and that the allegations were disproved, and that I was never informed of this at any time.

Q. Do you have anything further?

A. No, sir.

IO: This hearing will recess.

(The hearing recessed at 1045 hours, 12 January 1970.)