

**Report of
The Department of the Army Review
of the Preliminary Investigations into
The My Lai Incident (U)**

Volume II
TESTIMONY

BOOK 10

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

VOLUME II

TESTIMONY

BOOK 10

NEUMANN
SCHOOLFIELD
SOMMERVILLE

ADCOCK
BAILEY
BEERS

BLACKLEDGE
BRYANT
CAMELL

14 MARCH 1970

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SUMMARY OF TESTIMONY

WITNESS: NEUMANN, William G.

DATE OF TESTIMONY: 13 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Airlift Platoon Leader,
174th Aviation Company.

1. KNOWLEDGE OF THE OPERATION.

The witness stated that although his personal log indicated that he had flown some 10 hours on 16 March 1968, he could not recall the specific operation (pgs. 4, 9). He did recall some information regarding the 174th Aviation. He noted that when his unit was supporting an operation occasionally an officer from the aviation would go to the ground unit's briefing, then return and brief the air unit (pg. 4). He noted that their strength was augmented from time to time by ships from the 176th and the 71st Aviation Companies (pg. 12). He noted that by 16 March refueling of lift ships from LZ Dottie was no problem, since by that time that landing zone had refueling capabilities (pg. 7). He noted that he was familiar with the My Lai area, but could not recall the operation in question (pg. 9).

2. INFORMATION REGARDING THE MY LAI INCIDENT.

The witness recounted a bull session that he overheard wherein someone commented that a large number of civilian bodies were seen in the My Lai area. The witness inferred that the deaths were due to artillery fire and did not pursue the matter (pgs. 24, 25, 27, 30, 32). He further related he had spoken in late 1969 to Warrant Officers BURTON, FIELDING, and HOLCOMBE, but that they did not recall any specifics of the incident or any conversations concerning it (pgs. 29-32).

3. ENGAGEMENT OF SUSPECTS WHILE SUPPORTING GROUND OPERATIONS.

The witness stated that civilians were often seen moving down Highway 521 during operations in the My Lai area. These persons would not take evasive action (pgs. 14, 15). The witness described the actions of the support ships aiding a ground operation when dealing with suspects as follows: Persons seen fleeing the ground troops would be directed toward the ground troops so that their identification could be checked and so that they might be interrogated. If they attempted to evade the helicopter, either they were allowed to leave or they were shot. The ground commander made the decision on their disposition (pgs. 19-22, 34-38). He recalled no instance when women or children were killed in the aforementioned situation (pg. 19).

4. OTHER INFORMATION.

The witness noted that he considered the Sharks a very professional unit and added that he never heard them accused of using unnecessary firepower (pg. 33). The witness took over as the Shark commander in May (pg. 23).

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(The hearing reconvened at 0850 hours, 13 January 1970.)

MR WEST: The hearing will come to order.

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

MR WEST: The recorder will be sworn.

(Major Joe C. THOMAS, recorder, was duly sworn.)

RCDR: The next witness is Captain William G. NEUMANN.

(CPT NEUMANN 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. William G. NEUMANN, Captain, Field Artillery, , Headquarters and Service Company, Fort Rucker, Alabama.

Q. United States Army?

A. Yes, sir.

MR WEST: Captain NEUMANN, before we get into any questions I will tell you something about the nature of this inquiry.

This investigation was directed jointly by the Secretary of the Army and the Army Chief of Staff for the purpose of determining facts and making findings and recommendations concerning two general areas:

(1) the adequacy of prior investigations and inquiries into and subsequent reviews and reports within the chain of command of what's 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 furnish information concerning this incident. In other words, whether there was a coverup.

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This investigation is not being conducted to inquire into all the facts and circumstances of what happened at My Lai. It is directed to those specific purposes which I have just stated. For example, we're not directly concerned with the possible criminal culpability of any individual for things that happened there that morning.

We have had made available to us and have reviewed prior official statements obtained in other investigations of the My Lai incident. For example, the statement which you gave to the CID agents at the time or sometime ago.

Your testimony will be taken under oath and a verbatim transcript will be prepared and a tape recording is being made in addition to the verbatim notes being taken by the reporter.

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

You are directed not to discuss your testimony with others, including other witnesses for this investigation except in the performance of official duty or as you may be required to do before a competent judicial, legislative, or administrative body.

In case you have received an order from the military judge in the case of the United States v. Calley, you are advised that it is consistent with that order for you to appear today and provide testimony, and also, our request for you not to discuss the proceedings here, and your testimony before this body does not in any way affect the applicability of that order. Do you have any questions?

A. No, sir.

MR. WEST: Colonel PATTERSON, will you lead the interrogation please?

LTC PATTERSON: Captain NEUMANN, what was your unit of assignment on 16 March 1968?

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A. At that period of time I was the 2d Platoon leader of the 174th Aviation Company, 14th Combat Aviation Battalion located at Duc Pho.

Q. 2d Platoon leader?

A. Yes, sir.

Q. What kind of a platoon is that?

A. A lift platoon. An airlift platoon. We operated under an assault helicopter company with the 1st and 2d Platoons the lift platoons and the 3d Platoon was gunships.

Q. And the aircraft that you were assigned were what type?

A. UH-1D models.

Q. What type of missions would you be expected to fly or were you flying?

A. We flew--

Q. (Interposing) In the 16 March 1968 time frame?

A. We flew--in that period of time we flew CA's, which are combat assaults, of course, and the resupply missions, trash and ash, flare ship missions at night, command and control aircraft for battalion commanders for the various battalions for the 11th Brigade and that's about it.

Q. We have reviewed your statement given to the CID agent, Mr. MERCER, on 20 December 1969. In this statement you described the standard procedure for combat operations, to include the briefing that you received from the company operations officer, the rules of engagement for the door-gunners of your lift ships during a combat assault, the missions assigned to the gunships that accompanied the lift ships in the combat assault, and something to the effect of the large number of combat assaults that you participated in while in Vietnam. With this background data, and with what you have indicated to be standard operating procedure within the 174th, do you recall receiving a briefing on the night of 15 March 1968 with reference to a battalion-sized

operation into the My Lai (4), or perhaps you might know it as the Pinkville area? Before you answer, let me give you a little more information. This mission was being flown in support of Task Force Barker, headquartered at LZ Dottie, and was to consist of an insertion of two rifle companies into the area Pinkville and My Lai (4), with the third rifle company of Task Force Barker to be in a blocking position to the north. The lifted--the airlifted companies--one would go in generally to the west and one generally to the south. Both of these rifle companies were then to push towards the blocking force in the north. Do you recall receiving any briefing concerning an operation of this type?

A. Any actual briefing--I don't recall any actual briefing on this particular mission. On a great number of occasions--this is considered a small lift, in other words. As I stated on the CID report there, what we normally did on the first couple of hours in the morning, we ran CA's that the 11th Brigade had. Usually the coordination on that was made telephonically between the operations section from the 11th, where they had coordinated their battalion's requests for the next day. Then they were called down to our people and we, in turn, gave our own briefing to comply with what they had wanted. Very seldom did we actually work with the battalion people.

Q. I understand that what you are saying is that the aviation people conducted their own briefings and were not briefed directly by the ground units, but I think we should clarify that the operations element of the aviation company--an officer, or someone else within the unit would be designated by the operations people of the aviation company to go to the supported unit and receive a briefing and then come back and plan the mission and brief the aviation personnel?

A. That's kind of news to me. I wasn't aware of this.

Q. Who was your operations officer at this time?

A. My operations officer, I think at the time would have been Lieutenant Lanny MCCRARY.

Q. What makes you think that?

A. Either he or Major GIBSON, Glen GIBSON. No. I stand corrected. Major GIBSON would have been the operations officer or PETERS, Lieutenant PETERS.

Q. Now, you've given me three names, Captain NEUMANN: MCCRARY, GIBSON, and PETERS. Are you guessing?

A. Let me look at this thing. Major GIBSON, he was, for a period of time, the operations officer. He may have gone to be the company XO. Lieutenant MCCRARY took over the guns in February, so he would't have been it, so that leaves-- Lieutenant PETERS was the operations officer at that time.

Q. That's the information that I have, that Lieutenant PETERS was the operations officer. I am also of the opinion, through previous testimony, that Major GIBSON was the commander of the aviation company?

A. That's right. Major WHEAT had left at that time. He left in February.

Q. Major GIBSON was the commander?

A. Yes.

Q. Do you know who the XO was?

A. Captain BOSWELL.

Q. And the operations officer was Captain PETERS?

A. Lieutenant PETERS at that time.

Q. Was any other officer in operations that you are aware of?

A. Any other officer in operations? There may have been a warrant that assisted. MAGNO. CW2 MAGNO. I'm not sure if he was in there then.

Q. But you don't recall any other officers in operations?

A. Not at the time. No.

(At this point in the proceedings COL FRANKLIN entered the hearing.)

Q. So we have established that Lieutenant PETERS was the operations officer. Did you, as a lift platoon leader, ever accompany anyone to a ground unit to receive a ground unit briefing, and then come back and plan the mission as flight lead, and brief the aviation personnel of the aviation company?

A. Yes, sir. I sure did.

Q. Okay. This is the procedure that I described a little bit earlier when I asked if you didn't go to the ground unit and develop the mission and come back and brief the aviation company?

A. Yes. I did, in fact, do this, but it was on possibly one or two occasions and very infrequently.

Q. You do not recall going to Task Force Barker at LZ Dottie on or about 15 March and participating in a briefing for the operation that I described earlier?

A. No, sir, I sure don't.

Q. The operation that I described, the insertion of two rifle companies, would have been a large operation in terms of aviation company thinking. There would have been some refueling difficulties here, unless there were a good number of operationally ready slick aircraft to accomplish the lift, and if the ground commander wanted to get his troops on the ground, both companies rapidly, which I assume was normal. The ground units always wanted their troops on the ground fast, did they not?

A. Right, sir.

Q. To lift two companies with a small number of aircraft, five slicks or so, would have taken several different lifts in order to accomplish getting both rifle companies on the ground, would it not?

A. Well, sir, I am not really sure that there were two rifle companies. Now, we may have lifted just one of the two rifle companies in, if in fact there were two companies lifted. Refueling was not really the problem it may seem. I think Dottie had refueling at that time. They had about four or five refueling points at Dottie which we used for refueling, so that wouldn't have been that much of a factor. If in fact it was but one company, there would be no problem at all from Dottie to south of Uptight, which I guess is My Lai (4) which would have involved about a 10 minute flight.

Q. Let me back off a little bit here. First off, the questions I am going to ask you here and your answers to them --we have got to separate fact from deductive or logical thinking. If I ask you a specific question, I want a specific answer that you do or do not know. If you inject any deductive thinking or logic or standard operating procedure, please so indicate, and we will keep them separated. Do you or do you not recall attending a briefing on the night of 15 March, either at the ground unit or at your aviation unit concerning the operation that I described?

A. No, sir. I do not specifically remember the briefing.

Q. We have previous testimony and have reason to believe that a briefing was conducted, both at LZ Dottie, at the Task Force Barker CP, and subsequently, at the aviation units back at your home station at Duc Pho. On the morning of 16 March, the 174th Aviation Company was augmented by slicks from another aviation company to support this lift because of the size of the forces to be inserted: two rifle companies. We have reason to believe there were nine slicks involved. The PZ was LZ Dottie and the LZ was in the Pinkville, My Lai (4) area. Take off time from Duc Pho was scheduled for 0645. You were to meet these other ships, the augmented aircraft, at LZ Dottie, because they were coming out of another area. The pickup of troops and lift-off from the LZ was effected somewhere in the vicinity of 0715 with touchdown on the LZ at 0730; a flight of nine in V's of three. The flights in the formation were Alpha flight, Bravo flight, Charlie flight. The LZ was prepared

by about a 3-minute artillery prep. Once the artillery had shut off, the gunships suppressed once or more and then escorted the three V's of slicks into the LZ. The slicks were landing to the north. Coming out of Dottie, they then had to proceed to the south, turn to the north, and land at the LZ. Does anything ring a bell, as far as your flying in this operation, yet?

A. No, sir. The nine aircraft--do you happen to know what the weather was like on that particular day? Do you know if it was down low?

Q. No, it was not. It was a cloudy, overcast day, but the visibility was good.

A. The visibility was good, but up high it was not too good?

Q. I estimate that it wasn't. The ground visibility was 3 to 5 miles.

A. I see.

Q. I have here a map 1:50,000, sheet number 6739, entered as an exhibit into this inquiry, Exhibit MAP-5. For orientation purposes the red road running generally north and south is Route 1. LZ Dottie was to the east and just off to the map to the north. There was another fire support base as well. There was another fire support base, do you recall the name of this one?

A. LZ Uptight.

Q. Correct. This is Pinkville, as I believe it was known to the personnel in the area, and I believe you called this river running from the China sea west towards Quang Ngai the Quang Ngai River; Song Tra Khuc. From Pinkville running generally to the southwest is a road, dirt road, Highway 521 and it joins Route 1 to the confluence of Route 1 and the bridge just north of the Quang Ngai City on the north bank of the Quang Ngai River. You have another small river running from the China Sea westerly, meandering approximately 4 to 5 kilometers north of the Quang Ngai River and just north of the bend of this river to the northwest of Pinkville where

the blocking company, the third company of Task Force Barker was in position, and they had walked into this position. The combat assault that I have just described--I don't know your flight path, however, I have reason to believe that the artillery was coming out of fire support base Uptight, so your gun target line would have been from LZ Uptight to the operational area. Your flight path probably took you down just to the east of the road or over the road, and you turned around and went just to the west side of Hill 85, turning to the north, and landed in a rice paddy just to the west of My Lai (4), indicated here (pointing). My Lai (4) on an aerial photograph looks like that (handing the witness Exhibit P-1). Now, of course, we've got this aerial photograph blown up.

Does My Lai (4) and the area just to the west of My Lai (4) where the LZ was reported to be look familiar to you?

A. This whole area is pretty much familiar to me. We've run numerous operations in this area. Yes, it does look familiar, particularly the little bridge you had pointed out, as the blocking force was located to the east of that location. We had a couple of occasions where we helped the infantry people out in that area.

Q. You had conducted several operations in this area, and the one that we are trying to isolate here is a particular operation on 16 March. Do you recall, Captain NEUMANN, how many hours you flew on 16 March?

A. My flight record indicates that I flew over 10 hours on that particular day, which was not uncommon.

Q. Okay. Do you have any recall of the area now, after looking at the map and after the orientation of what occurred up to 0730 on the morning of the 16th?

A. No, sir. I do not. Not specifically on the morning of the 16th. I cannot isolate it.

Q. Okay. I am going to tell you some more as to what we think occurred, based on previous testimony and

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other evidence, with the idea being to try to get you to recall.

A. Can I ask a question?

The LZ you say had an artillery prep? It wasn't then--was it or was it not marked by smoke from the Charlie-Charlie bird?

Q. On short final, the Dolphin lead indicated that there wasn't time to mark, so he didn't need a mark. He went right in when the artillery was landing. There was some discussion, apparently, between Dolphin lead and the C&C reference the mark, but because of the suspected suppression run by the gunships, no mark was made.

A. This lift was a one LZ affair?

Q. So far.

A. You mentioned A, B, and C lifts. Usually, we broke them down only if we had multiple LZ's that we were going into, and it's--

Q. (Interposing) There was only one LZ used at this point of time. The flight of nine then returned to LZ Dottie and made a subsequent pickup of the balance of the rifle company, which was C/1/20. They went southbound again and inserted into the same LZ the balance of C 1/20. The first lift in of C/1/20 was reported cold, however, coming out of the second lift of this LZ, one of the slicks reported receiving fire from a village in the vicinity of the LZ.

A. Do you recall whether that would have been on takeoff after the second lift?

Q. That would have been after departing the LZ area or just as departing the LZ area. You don't recall yet?

(No response.)

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Okay. The slicks then went to pick up another unit, the second company of Task Force Barker. The first company, A Company, if you recall, was in a blocking position down north of the river. C Company was on the ground to the west of My Lai. If you recall the scheme of maneuver, B Company was to air assault somewhere to the south of the operational area. B/4/3 was airlifted from a PZ and went into an LZ somewhere to the southwest of Pinkville. This LZ was also prepared by artillery on LZ Uptight, and as the slicks were on short final the artillery had not cut off, and the slicks made a go-around. Significant here is that supporting this operation at this time was B Company of the 123d Aviation Battalion, called the aero-scouts, which were operating generally in this same area, plus, of course, the normal complement of C&C aircraft. As an aviator, I am sure you can recognize that there must have been some concern in the minds of those flying those slicks as to air speed, altitude, and midair collisions. However, after getting straightened around, they made another approach and landed at the LZ cold, and at 0827 hours the second lift of B/4/3 was completed.

A. Do you know if that would have been a landing on--what is this (pointing to MAP-5), a graveyard? Close to this graveyard down here?

Q. It could have been close to that graveyard.

A. Landing to the east?

Q. Probably landing to the east. Do you have any recall of this operation thus far?

A. It would be a vague recall, at best, right now.

Q. Let me ask you this. Do you think you were leading this operation?

(No response.)

Captain NEUMANN, as an aviator, as I am, and having flown a couple of combat assaults in two tours, I can remember vividly every go-around, and I could number

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them on my right hand, that I have had to make because of failure of the artillery to shut off. I remember them vividly because of the scare factor that went through me sitting in the lead ship and thinking about the stack-up behind. Does this incident--do you recall many go-arounds in your functioning as lead?

A, No, sir. Not that many go-arounds.

Q. And this one does't seem to ring any bells?

A. No, sir. It's entirely possible that I wasn't even leading it.

Q. It is indeed possible that you were not lead. If you were not lead, and I am asking for an opinion, who would logically have been lead?

A. Lieutenant MILLIKIN, Donald MILLIKIN, the other platoon leader at the time. Either he or myself, or if it was a large operation, and by that I mean an aviation battalion type operation, it would have been--

Q. (Interposing) It was not. Do you recall now the augmentation of four ships, or was this a standard practice?

A. Yes. Getting other aircraft from sister companies in our aviation battalion was a common practice to meet the needs of the ground people.

Q. Where did you usually get augmentative slicks from, in the March 1968 time frame?

A. The 176th Aviation Company at Chu Lai and also the 71st Aviation Company also at Chu Lai. They were sister lift companies in the battalion.

Q. Did you also get gunship support from these units?

A. Yes, sir. Gunship support was also common.

Q. How many guns would have participated in an operation of this size under usual conditions?

A. Normally, I would say at least two light teams if we had them. If our company had two light teams we would probably go with two light teams.

Q. Were gunships and slicks in rather short supply in this March 1968 time frame? You recall this was just a month and a half after the Tet offensive of 1968. There were some other activities farther north in the I Corps area.

A. They would have been fairly short at that time.

Q. Do you recall ever flying a lift with nine slicks and only two gunships in your own organic gun team?

A. Nine and two--two gunships? Yes. I'm sure we have, although I cannot isolate again how many ships. The main concern I had as a lift lead, of course, was where we are picking them up and where we are dropping them in and what time the artillery was going off.

Q. We have reason to believe that this lift consisted of nine slicks, four Rattlers, five Dolphins, and the Sharks of one light fire team. We also have reason to believe, and your testimony thus far supports the fact, that you were not Dolphin lead, but Lieutenant MILLIKIN was in fact the Dolphin lead. Who would have been the Shark lead?

A. Normally, it would have been the platoon leader at that time, and I think we stated earlier that it was Captain MCCRARY, Lenny MCCRARY. It's also possible that he may have had one of his senior warrant officers in the lead.

Q. We have reason to believe that it was Captain MCCRARY. Did you ever fly in a Dolphin formation that Lieutenant MILLIKIN was leading?

A. I may have. I can't say for sure, but it is possible. The reason I say that is I may have had another assignment, but on a morning lift like this, I don't think so, because I rank Lieutenant MILLIKIN.

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Q. The fact that you flew 10.8 hours as indicated on your flight record, DA Form 759, leads me to believe that you did in fact fly a good bit that day, even though that was a normal day. But, we are trying to identify where you flew and who you flew for and if, in fact, you were flying in this formation in other than a lead position. As I indicated, it was somewhere in between 0725 in the morning until they left about 0827 in the morning. These times are reflected in the logs of the ground units, which have heretofore been introduced into evidence. During that approximate hour, the Dolphins were flying in and out of this area on four occasions. The incident of the go-around, I think, would ring a bell or should ring a bell, but perhaps, also, large numbers of men, women and children have also been reported along Highway 521 south of My Lai and running--the civilians going both east and west along 521 to the south of My Lai. There were reportedly a large number of these folks along this highway. Do you recall by chance seeing any large numbers of civilians there? Does that help recall anything?

A. Highway 521 that you pointed out to me is the main avenue of travel through that area so that it's not uncommon that there were large numbers of people on that road.

Q. Have you seen large numbers of people on that road before?

A. Yes, I have. When you say large numbers of people what do--

Q. (Interposing) Anything over a half dozen?

A. Yes. Definitely.

Q. Do you recall on previous operations having seen more than a half dozen or so of folks up and down that road?

A. Yes, sir. When I subsequently took over the gunship platoon in May of that year, we had a couple of operations up there, and I personally went down to check out a large number of people down there.

Q. Before the 16 March 1968 operation, did you have an opportunity in your operations in this area, or at any time that you can recall, seeing large numbers of men, women, and children in this area and along Highway 521?

A. Yes, sir. On a number of occasions, I had flown the C&C bird myself with Colonel ADKINS, who is the 4/3 commander at the time previous to March. I had been with him in scouting areas and talking to his people on the ground.

Q. What was your opinion of these people when you saw them? Were they Viet Cong? Were they North Vietnamese or were they friendlies or what? What did you think about them?

A. In the several times that I had witnessed people along this road, they appeared to be civilians and indigenous people in the area. They appeared quite normal for that area, you know, just normal people going back and forth. However, the history of this whole particular area from the Song Tra Khuc north to Uptight in that area--the three American brigades--different brigades that I have supported in that area, had consistently sustained heavy casualties. Normally, not so much by armed forces--in other words meeting an armed force--but by booby traps and mines and sapper elements in that area. It kind of makes you think a little bit and wonder if these people are actually civilians. I think, as in so many cases in the Vietnam war, that the people are for whoever happens to be in the area with a rifle at the time.

Q. When you saw these people at various times, and prior to March of 1968 and perhaps after March of 1968, did they take any evasive action when they saw your helicopter or your operation?

A. Normally, they did not. They would just continue walking along the highway going along or about their business.

Q. Did you ever fly as a command and control pilot in this general time frame?

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A. Yes, I sure did.

Q. For whom? Do you recall whom you flew C&C for at various times?

A. Yes. I've flown for Colonel ADKINS of the 4/3, the Old Guard, when they were at LZ Sue. I've flown for Colonel BEERS, off LZ Thunder, of the 1/20. I think those are the only two of the 11th Brigade.

Q. Did you ever fly for Colonel BARKER?

A. Yes, sir. I am sure I have.

Q. Did you ever fly for Colonel HENDERSON?

A. No, sir. CW2 COONEY--that was one of our platoon's missions, the 11th Brigade C&C, and Mr. COONEY had that mission.

Q. I'm using logic now, Captain NEUMANN. You flew 10.8 hours. It's logical to assume that you did not fly in a formation if you were not lead, because you were a platoon leader and ranking, and yet you flew a considerable amount of time. We know that there were C&C requirements other than Mr. COONEY's. Perhaps you might have flown a C&C mission that day. Do you know Colonel LUPER?

A. Colonel LUPER, sir?

Q. Yes?

A. No, sir. I sure don't.

Q. The commander of the artillery, the 6/11?

A. No, sir.

Q. Do you know Major CALHOUN?

A. Was he perhaps the executive officer?

Q. Of what?

A. The 4/3?

Q. Major CALHOUN was the exec and S3 of Task Force Barker at this time.

A. Major CALHOUN.

Q. He talked with a southern accent?

A. No, sir. The name CALHOUN does not ring a bell. It's entirely possible that I may have been flying that particular day with the 1/20, which would have been Colonel BEERS, which would have been south out of the entire picture here.

Q. Showing you Exhibit P-142 and asking you if you recognize that officer (handing the witness a photo of COL BARKER)? Perhaps without a mustache?

A. Is he a Negro?

Q. No. He is not. That's the reproduction of the print.

A. No, sir. I sure don't.

Sir, do you happen to know if Colonel BEERS had any operations going at that time? In other words, in his AO, because 10.8 hours is a considerable amount of time for just a normal Charlie-Charlie unless he had something going himself.

Q. This officer is Colonel BARKER?

A. That's Colonel BARKER.

Q. As I say, he might not have had a mustache in Vietnam. Okay. Let's go back to these--to the area and these inhabitants of this area. In any operation, do you recall taking under fire from your slicks, or recall seeing the Sharks accompanying the slicks, take under fire any of these inhabitants in this area?

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A. Have we ever taken them under fire?

Q. These people we've described as seeing being quite prolific in the area?

A. Yes. On several occasions we have actually placed fire on two people in this area. Yes.

Q. The same type of people you've seen come up and down the highway?

A. Yes, sir.

Q. What was the reason for this? Was this because they were considered hostile or because they took evasive action or what?

A. Well. I would say evasive action--well, let's see now--on your slicks it wouldn't be so much an evasive action as it would be on your gunships. Normally, this would be reported to the ground commander: that they had people moving.

Q. Describe any incident that you can recall in which the inhabitants of this particular geographical area were engaged by either the slicks or the Sharks, that you personally can recall.

A. Would you rephrase that again? I see what you are looking for, but--

Q. (Interposing) You have indicated that the inhabitants of this area have been undertaken by fire from the elements of the 174th Aviation Company. I'd like for you, if you can recall any of the circumstances surrounding an incident that might stand out in your mind, when you recall the engaging of these people?

A. I recall supporting a lift, and I was flying gunships myself that particular day, and we went in--I would say this area around here.

Q. Around Pinkville?

A. Pinkville and perhaps west of Pinkville and the area of these graveyards. We had spotted people down there with weapons, and we subsequently engaged these people--in fact, that particular day I had my hydraulic shot out and I had to make a precautionary landing at Quang Ngai, but it was operations like that where we had definite targets in that area.

Q. These people that you saw with weapons, could you tell me anything about them with reference to their age, sex?

A. No, sir, not really. Not other than that there was a big flash, and they were shooting at you.

Q. Do you recall any incidents engaging women and younger males, children?

A. No, sir, not actually engaging or firing at them. No.

Q. I'd like to show you another photograph and ask you if you recognize that officer (handing the witness a photograph of LTC BARKER)?

A. From this photo alone, I couldn't make an identification. The mustache, and he looks considerably heavier in the face, but from what you have told me, this would be Colonel BARKER, yes.

Q. You don't recognize him as being Colonel BARKER, though, I take it?

A. This photo--it's hard to see.

LTC PATTERSON: Let the record reflect that the witness was shown the original photograph, P-142.

A. He lost quite a bit of weight in the face from when he was in Vietnam.

Q. While you were in Vietnam, do you recall at any time elements of the 174th engaging residents of this area, inhabitants of this area, people found in this area that were not positively identified as carrying weapons?

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A. Yes, sir. I'm afraid I'd have to say yes, that there have been people engaged through evasive actions and evasive maneuvers, who were fleeing the area. I would have to say, yes.

Q. Do you recall any of these incidents?

A. Specifically?

Q. Yes.

A. No, sir. I sure don't.

Q. You recall that there were, and you recall seeing some, and participating in some?

A. (Hesitation) What do you say?

Q. Well, you say the truth and you say exactly what you recall.

A. Yes, I can recall it.

Q. Fine. Tell us about it.

(No response.)

Captain NEUMANN, let me just break this for a moment and say that, regardless of what occurred in this area, at any time during your tour, if there was something that occurred that was wrong that you subsequently felt was wrong, then I think you owe it to yourself, and I think you owe it to your uniform, and I think you owe it to the American people to say what or whatever you know that was wrong. We have a good deal of information, and you are under oath, and it's best that we say it like it is.

A. Okay. Getting back to what I felt was wrong, let's put it this way. People moving around and escaping the area. Yes, we've stopped them, surely.

Q. Shot them?

A. Yes. Not right off the bat. We have tried to stop them and point them back towards the other direction

where the ground commander could bring his people in to play there.

Q. Were any of these women?

A. Yes, sir, certainly.

Q. Were any children?

A. Not so much children as--

Q. (Interposing) Old men?

A. Old men, adults, the whole thing. Yes, sir.

Q. Who was doing this? Was this the slicks that would be doing this type of thing?

A. No, sir. Well, it depends a great deal on the operation. In other words, if it's a combat assault the slicks would be into the area and back out. They would use their gunships or whatever gunships they had available at that time to go ahead and make a report to the ground commander in the C&C bird, or the C&C bird would witness this in the air himself, and if he didn't have them available he would try in some occasions to actually stop the flow of people.

Q. Do you recall any first hand knowledge of any one incident that we've just discussed? Does any one picture stand out in your mind?

A. Yes. I recall an operation to the south of Uptight. Uptight had been abandoned for a short while, and they had an element in there, and I think we had a CA in that particular area. I am pretty sure I was flying a gunship at that time, and we had four gunships, and we dropped the troops into a couple of areas, and they may have had ground forces on the ground. The ground commander--we said we had spotted military-age males and possibly a female or two moving out to the west, and he had wanted us to stop them. There was one particular military-age male with a short hair cut and the whole thing that was particularly "di di-ing," or departing to the west, and I personally went down there and tried to stop him, and he subsequently got away from me.

Q. I'm gathering here now, and the impression I am getting--correct me if I'm wrong--when you conducted operations in this area of operations around Pinkville and My Lai (4) and south of Uptight and so on, that it was--that if you saw inhabitants of the area, Vietnamese, attempting to "di di," or leave the area, that you attempted to stop them by firing in front of them, and if they did not stop, then you would engage. Is that it?

A. Well, we would engage only after we had authority from the controlling ground commander. Yes.

Q. But you would engage them in order to stop them?

A. That's kind of a misleading question, because to begin with we would fire in front of them. We would then give the hand and arm signal for them to move out the other way so that there was no doubt in the people's minds as to what was happening. This information would be reported and the reaction of these people to initial burst across the trail of their intended movement. Then he made the determination whether he wanted them stopped or let them proceed.

Q. This motion that you would give with your hand, I presume--your crew chief or your gunner--would be to signify what to them?

A. To move towards that area.

Q. To move to where the friendly troops were?

A. Yes. It would be to check their ID's or whatever they were doing with the people.

Q. Before you took over the Sharks, which you testified was in May of 1968, you were a slick platoon leader. How long were you in the 174th Aviation Company? When did you first join the unit?

A. I came into the company about the 11th of November, 1967, and I was there until late October of 1968.

Q. And you were flying slicks from November until May?

A. There was about a--other than 2 weeks and, of course, R&R--yes, sir, I was.

Q. What was your--apparently you wanted to be a gunship platoon leader?

A. Initially, I had not really wanted to be a gunship platoon leader. I figured I would get more flight time, and, of course, in the slicks I would be able to know a little more, working through the C&C, as to what was actually happening in the area. It afforded you a great opportunity to find out how some of the battalions were thinking and what they were up to and what they were doing. Just that kind of curiosity was enough to make you want to stay with the slick platoon, but I did subsequently take over the gunships in May.

Q. Did you want to? Was it your desire that you become a gunship platoon leader?

A. Yes, sir. I did want to.

Q. What was your opinion of the Sharks as far as their professionalism, their qualifications, their combat effectiveness, while you were a slick platoon leader after you had been in the slicks for 3 or 4 months?

A. As far as I was concerned, they were the best damned unit going. There was no doubt in my mind.

Q. Were they discriminate in the deployment of the fire power that they had?

A. Yes. They certainly were.

Q. Then you feel that any of these engagements that we were discussing here earlier were properly accomplished in the manner that there was not any indiscriminate killing?

A. No, sir. Not any indiscriminate killing.

Q. They were professionals?

A. Yes, sir.

Q. Would you describe them, subsequent to your taking over command, as professionals?

A. Yes, sir.

Q. Did you make any changes in their operational methods once you took command?

A. Did I make any changes? No, sir. I didn't.

Q. Do you recall anything that would positively put you on the operation on 16 March 1968 at My Lai (4)?

A. Sir, other than my flight time for that day-- the flight time for that day is the only thing that I could positively pinpoint and say, yes, that is it.

Q. But it is possible?

A. Yes, it is possible that I could have flown for another battalion. It sure is.

Q. The records of the operational report, OPREP 5, indicate that there were C&C missions flown that day, so it is quite conceivable that you were not there that day.

A. Let me see, now. There were how many C&C missions? We had one for the 1/20; one for the 3/1, which I know I didn't fly because that was Colonel FRANKLIN; and that was one of the 1st Platoon's missions, to fly for the 3/1, so the one that it could have been would have been flying for Colonel BEERS of the 1/20.

Q. There was a C&C furnished to the 1/20 according to the OPREP 5, which is Exhibit R-3. Did you ever fly with the gunships, that you can recall, prior to the time that you took command of the unit in May of 1968?

A. No, sir, I sure didn't.

Q. Think very carefully, Captain NEUMANN, before you answer this one. Immediately after the operation of 16 March 1968, or prior to your DEROS, did you ever hear any talk or any rumor or have any knowledge of any killings in the My Lai (4) or Pinkville area?

A. Of any killings? Killings is a misleading term.

Q. Put it in your term.

A. Yes. I had mentioned in the CID report that one of my people, one of the people possibly in the 2d Platoon, had come to me and mentioned the fact that there seemed to be a large number of bodies in this area, someplace in this area, but it was in the nature of a bull session more than anything else. Generally, we liked to talk about our missions and what we were doing that particular day. Some of our people would come back and say, "Yes, you can prepare for a big day tomorrow because Colonel so and so would be planning a large combat assault."

Q. Who was this individual?

A. I cannot pinpoint this individual. All I can vaguely remember is from the period of January to March, in that time frame, someplace in there, someone had mentioned that there were a large number of bodies. However, I think the person involved dismissed this as a result of artillery in the area; in other words from the fire. They--he mentioned a large number of bodies.

Q. Did you take any cognizance of this report as a leader of the platoon, or the leader of this man?

A. No, sir. I sure didn't.

Q. Did you ever discuss it with any of the other commanders within the 174th; Captain MILLIKIN?

A. No, sir.

Q. Captain MCCRARY?

A. No, sir. It was entirely possible that one of the other people may have discussed it with me and may have mentioned it to me.

Q. But you recall something about a large number of bodies?

A. Yes. An unusually large number of bodies.

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Q. This was sometime, you think, during the time frame of March?

A. During Task Force Barker's operations.

Q. Do you know when Task Force Barker was dissolved or terminated? Do you recall that?

A. The exact date? No, sir. I can't--the exact--I can assume that it would have been in June or July when Colonel BARKER was killed--in one of our records.

Q. For the record, Task Force Barker was dissolved on 8 April 1968. Colonel BARKER subsequently went down and took another battalion.

A. Colonel BARKER was in another battalion?

Q. He went back to the brigade and became executive officer of the brigade and then went to a battalion as a commander.

A. Do you know what battalion he subsequently had? Was it the 4/3?

Q. Yes. Now, were there any other incidents you recall or any other discussions with anyone while you were in Vietnam concerning this operation or large numbers of casualties?

A. No, sir. There was nobody else that I discussed it with. In fact, it is entirely possible that the people--perhaps I may have heard the conversation of someone mentioning it. We had kind of a barracks-type living quarters, so we all lived fairly close together, and so it's even possible that it was someone talking to somebody else.

Q. Do you recall any other incidents?

A. No, sir. This one does stick out in my mind.

Q. Why does it stick out in your mind?

A. Well, it is the first time that I had heard of large numbers of bodies. In other words, actually there.

Q. What did you think--do you recall what your mental reaction was at that time?

A. My reaction, if any, was that if there was a large number of bodies, there must have been a pretty good reason for it. That's the only thing I can think of.

Q. Did you think they were VC, all armed?

A. This wasn't for me to decide. I wasn't involved.

Q. I understand that. Do you remember your recollection and how it struck you? Did you believe that this was a large VC force when you heard this report?

A. Well, to begin with, it wasn't a report. It was merely a conversation I monitored, and also it did strike me as odd that the people appeared to be civilian-type people that were killed.

Q. Then it was, in fact, a large number of bodies, and the civilian aspect of it was a large part of the discussion?

A. Right.

Q. So that's what makes you recall it in your memory?

A. Right, but this was written off or dismissed at the time. It sounded like either through artillery or they weren't sure just how--off the top of my head I could see where it would be a resupply bird that brings in C-rations, or ammo, or one thing or another that would have seen this.

Q. Subsequent to the time you left Vietnam and until this morning, have you discussed or heard any conversations concerning an operation in the My Lai-Pinkville area, other than what you have read in the newspapers or other public media?

A. Have I read or discussed--

Q. (Interposing) Have you heard or discussed an operation in the My Lai-Pinkville area with any other individuals

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or heard about it from other individuals, by any means, other than reading it in the newspaper or hearing it on the television?

A. Yes, I have.

Q. With whom?

A. CW2 BURTON.

Q. Would you describe that encounter, please?

A. We were trying to relate, subsequent to the call that I received from Major COOP prior to the Christmas break, what in effect actually did happen and in trying to relate what actually did happen. CW2 BURTON at the time was in the gunships, and he spent approximately 9 months of his tour in the Sharks. In trying to remember actually if we were involved in it and exactly some more of the details, we tried to do a little soul searching ourselves and also other members of the company.

Q. Did you discuss any type of reports concerning a large number of--reports you just discussed with me--the large number of bodies that could have been or might have been civilians?

A. Yes, sir, I sure did.

Q. What was the substance of that conversation?

A. Exactly as I have told you. That I recalled, or it seems to me, within that time period that there were indeed a number of people killed.

Q. What was Mr. BURTON's reaction? What did he say?

A. I'm not sure exactly what his reaction was. I am not sure he could back me up or help me as to exactly who was talking at the time or who mentioned this.

Q. Was there anything else that you mentioned to Mr. BURTON?

A. About this particular operation? We tried to get the number of aircraft; the actual PZ's--until I talked to

the CID man, they were unknown to me. I was under the impression I'd picked them up off a dike, off to the north and east of actual My Lai (4). We talked about a man that had lost his weapon or a man that was lost in this area near My Lai. It seems that on an operation we had a number of Americans that crossed this little bridge here in grid square 7180 and moved out to the north, and one man was lost. I can recall having to--our company furnished an aircraft with loudspeakers and the whole works to tell him to just stay down where he was. There was some concern for the man's life. They found him the next morning apparently.

Q. Did you discuss any other incidents or operations in which large numbers of civilians or noncombatants were casualties?

A. No, sir.

Q. Who else have you discussed this with besides Mr. BURTON?

A. Mr. BURTON, Chuck HOLCOMBE, FIELDING.

Q. What was Mr. HOLCOMBE's job?

A. He was in the 2d Platoon of the 174th. Mr. FIELDING was in the 1st Platoon.

Q. Let's take them one at a time. Mr. HOLCOMBE? What was the substance of your conversation with Mr. HOLCOMBE?

A. It was substantially the same as that with Mr. BURTON. As a matter of fact, the three of us or the four of us met with Mr. BURTON at Mr. BURTON's BOQ, and we had a map and we tried to relate--

Q. (Interposing) So the four of you had a meeting or a discussion?

A. Yes.

Q. Where was this discussion held?

A. At CW2 BURTON's BOQ.

Q. Where?

A. At Fort Rucker.

Q. Rucker, Alabama? What was the approximate time frame of this meeting?

A. When I was first called.

RCDR: On 8 December.

WIT: It would have been 2 weeks after that date.

Q. Was it before or after you made the CID statement?

A. It was prior.

Q. And there was just four individuals at this meeting?

A. CW2 BURTON's girl friend may have been there. I am not sure if my wife was there.

Q. Was the meeting arranged for the express purpose of discussing this operation?

A. Yes.

Q. Then as I understand it, you all tried to piece together this operation of 16 March 1968, and did, in fact, discuss some incidents that might or might not have happened on 16 March 1968 with reference to large numbers of Vietnamese nationals becoming casualties?

A. I had mentioned the possibility that I did hear this conversation to see if any of these people were involved in it or had heard the same thing.

Q. And did anyone recall?

A. I'm not sure. This was some time ago.

Q. Do you recall whether any one of those individuals, after the end of your discussion, whether any of those individuals recalled specifically taking part in this operation?

A. These people were confronted with the same situation I was. They have operated in this area, however, none of them

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could exactly pinpoint or relate exactly what incident it was, or which particular lift it was.

Q. Okay. Have there been any other encounters or conversations with any other individuals other than this one that you have described here?

A. No, sir. I would say that these three people would be the primary ones that I have talked to.

Q. Mr. BURTON, I assume, was the only Shark aviator at this discussion that you all had?

A. Yes, he was the only one that was with the guns.

Q. Did he recall being in the guns that day flying in the Sharks?

A. The only recall that he had, as myself, was the fact that our flight records indicated both of us had flown that day. He had flown something in the neighborhood of 3.8 or almost 4 hours.

Q. Did the other officer, Mr. FIELDING, know or recall whether he had flown?

A. Mr. FIELDING? I think his records indicated that he did not fly that day and Mr. HOLCOMBE did. His records indicated that he did fly.

Q. Did Mr. BURTON say anything concerning the operation that he recalled, or that would have led him to believe that he could possibly have been on that operation?

A. Other than the flight records, as far as actual incidents, none of us had known prior to this meeting right here. No.

Q. Did Mr. FIELDING?

A. Mr. FIELDING had mentioned the fact that he had flown C&C for Colonel BARKER, and that he mentioned something about four different points or something about possible LZ sites for dropping troops or something. He had mentioned that he had flown with Colonel BARKER possibly the day before, or 2 days before, the actual CA.

Q. How about Mr. HOLCOMBE?

A. Mr. HOLCOMBE? Again, the only thing we have by way of fact to tell that he was there, or that he could tell that he was there, was from his flight records. He could not recall anything unusual that would definitely distinguish this operation from others.

Q. Did any of the officers recall seeing large numbers of casualties at any time around the general time frame that we are talking about here; February, March, April 1968?

A. By name, I cannot put my finger on a name and say that this man told me that he had seen--however, getting back to the rumors of the talk. I had heard a conversation, or someone talk, or mention the fact that there were indeed large numbers of non-military appearing individuals.

Q. And they recalled hearing this, too? These individuals?

A. No, I don't think so. Otherwise, they would have said something, I am sure, and they would have encouraged me and reinforced what I found.

Q. Did the Sharks have a pretty good kill rate?

A. Kill rate as compared to what? We had no real comparison to make with anybody else. We did, in fact, during the Tet offensive get over 200 and some odd kills, and they were cited and everything else. They earned a good reputation.

Q. They were killers, then, in fact?

A. Yes, sir. They went through their mission. Right. I mean, to say they are killers, that's the primary role of the Army in Vietnam.

COL FRANKLIN: You say they earned a good reputation?

A. Yes, sir.

Q. Colonel PATTERSON has already discussed with you that we had two officers in here yesterday, and one called them killers of civilians, and said he wanted to poke his fist down

the next Shark pilot he ran into. We had another officer tell us that the Sharks were awfully free and easy with their guns. Obviously, with those two officers, the Sharks didn't have a very good reputation. What do you base your statement of the Sharks have a good reputation on?

A. I based it as a lift leader. In other words, flying a lift, I can depend on support being where I wanted it and where the flight would do the most advantage and, you know, during the preparation fires you could always depend on it being accurate, close and right where you wanted it. In the defense of Quang Ngai during Tet, I think any kind of record you want to look at they will compare favorably and probably better than most of the other companies' gunships in the 14th Combat Aviation Battalion.

Q. In what respect?

A. The amount of work that they accomplished in the defense of Quang Ngai.

Q. We had an officer come in here the other day and tell us that he saw the Sharks make a firing pass on a highway and estimated 50 women and children killed. Is this part of how the Sharks got their record?

A. No, sir.

Q. Have you ever heard of the Sharks unnecessarily killing people?

A. No, sir.

Q. Do you know Doctor SCHOOLFIELD?

A. Yes, sir.

Q. Ever heard him talk about it? About unnecessary killing by the Sharks?

A. No, sir.

Q. Have you ever heard anything about the Sharks on this day making firing passes and killing a large number of civilians?

A. No, sir.

Q. Do you recall the Sharks making any claim of big body counts on this day?

A. No, sir. If they would have claimed a large number of kills, I am sure we would have heard of it through the company. In other words, they would have had something to say about it. The only large number of kills that the Sharks actually killed was the thing in Quang Ngai.

Q. Under what conditions did you engage people on the ground?

A. Evasive people or people we were told to go ahead and shoot.

Q. What do you mean by evasive people?

A. People that were actually taking evasive maneuvers or were extremely suspicious.

Q. You'd engage them? What's a suspicious person?

A. One that you can fly down to, and you'll give him your hand and arm signals and try and direct this man to where the ground force commander wants him to go, and he evades and runs and hides and crawls into a spider hole.

Q. You would engage and fire on a person like that?

A. Have I?

Q. Yes.

A. Yes, sir.

Q. You mean to tell me, Captain NEUMANN, when you give a signal to somebody out in a field, an arm and hand signal, which I am not quite sure what this arm and hand signal is to a Vietnamese, to tell him to go back and join the ground forces, particularly if these ground forces are firing-- this person begins to run and tries to hide, that the Sharks would engage these individuals? That's what you said?

A. That's not what I meant.

Q. Well, you better specify what you meant. You just said that. Now repeat what you intended to say, then?

A. I need a situation.

Q. All right, we'll take your situation. You've got a company moving through a hamlet, and you're supposed to screen a certain direction from this hamlet; let's say the south. The company is CA. The troops are going through the hamlet. You've got 5 or 10 or 20 civilians running out to the south in which you are supposed to screen. Some are hiding and some are running our there. You go down and motion to them in this arm and hand signal that you give from a helicopter, and I am not quite familiar with how it works. These civilians ignore you and they continue to run--or these people. Do you engage them with fire?

A. No, sir.

Q. Well, you just said you did.

A. No, sir. Not under those circumstances. We lay down a covering fire. In other words, we will put fire in front of them with doorgunners. You lead a good distance in front of them to stop them. This would be the battalion commander, this is his policy. Okay. We stop them and--

Q. (Interposing) Suppose they won't stop. I've seen a lot of people fired at, and they won't stop.

A. Okay. The ground commander is informed of this and he makes a decision as to what he wants done with them, and we continue from there.

Q. Do you recall at any time when the ground commander said to kill them?

A. No. Not in terms of when you are talking of 20 or 30 people.

Q. How about two? How about one?

- A. There has been that occasion. Yes, sir.
- Q. The ground commander said to kill them?
- A. Yes, sir.
- Q. Was this person always armed?
- A. No, sir. Not always.
- Q. Well, then what was the basis to kill them?
- A. He was escaping the area.
- Q. Are you familiar with the rules of engagement, Captain NEUMANN?
- A. Yes, sir.
- Q. And it's your understanding of the rules of engagement that you can engage an unarmed man who is not taking any hostile action simply on the fact that he is evading? Were these people in uniform? How could you say that these people were VC? What basis?
- A. That they were fleeing the area.
- Q. That would be sufficient evidence to you, or prima facie justification for engaging? Fleeing an area?
- A. Yes, sir.
- Q. Did you ever wonder about this?
- A. Yes, sir.
- Q. Did you ever find it not really too surprising that the Vietnamese people run away from helicopters, seeing what helicopters usually bring with them and what they do? Do you think this is strange for ignorant peasants to run away when the choppers come in, particularly if they have had their families shot up or their village shot up? Then the fact that they are running away--they could be engaged?
- A. Yes, sir. I certainly did, sir.

Q. You thought about it. What did you do about it? You say you thought about this. Were you later on a Shark platoon leader?

A. Yes, sir.

Q. Did this concern you?

A. Yes, sir.

Q. Why didn't you tell the Sharks not to do it? Tell them they wouldn't do it? Why didn't you just put out an order--did you put out an order that the Sharks would not do this, that nobody would be engaged unless--did you take your rules of engagement out and--

A. (Interposing) Yes, I certainly did. The point being we were an element, or we were a supporting unit to be used by the person on the ground in control of the situation, and if we don't have--in other words, the controlling agency tells us what to. We are merely a supporting unit for him to utilize as he sees fit. Now, if he sees fit to kill one man that is evading out of his area of entrapment, that is his decision. It is not my decision. He tells me what to do.

Q. Suppose you believe that person to be an innocent civilian? Suppose it's a girl? Suppose it's a 10-year-old boy? Is it still his decision?

A. It certainly is, sir.

Q. In other words, he makes a decision and you implement it? You execute it?

A. To the best of my ability.

Q. That is your understanding of what your obligations are? This is an order?

A. Yes, sir.

Q. Are you in the habit or belief that you obey all illegal and immoral orders, Captain NEUMANN?

A. Sir, it's not my determination.

Q. It's not?

A. No, sir. Not in this situation, sir. If I were to go along with that, I decided we would not have an effective combat unit in Vietnam.

Q. I'm not here to debate with you, Captain NEUMANN, but I want to make very sure I understand your frame of mind as platoon leader of the Sharks. People would be engaged without weapons or without taking or making hostile acts if the ground commander so designated or so ordered?

A. Yes, sir.

Q. And this frequently would be based--this ground commander would give this information solely on the information he received from the Shark pilots?

A. Information to the effect that, we would call the ground commander and say "Yes, we have two military-aged youths departing to the south" and we would often go down and spot them with smoke, and he would be up in his aircraft orbiting, and he could see them and he could make a decision as to what he wanted done with these people. He would often times say, "Fire a burst in there and try to head them off," and on a number of occasions he said just, "let them go," and--

Q. (Interposing) And on some occasions he said, "Kill them"?

A. On occasion. Yes, sir.

LTC PATTERSON: Captain NEUMANN, do you have anything else that you would like to say at this time?

A. No, sir.

Q. Do you have any other information that we have not discussed or that you might think is relevant for the purposes of this inquiry?

A. No, sir. I sure don't.

Q. Do you have any documents or records or photographs or any type of physical evidence that could be useful?

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A. Sir, the OER list that I mentioned to Major COOP, I was unable to find in my records. I also had a list of AC orders. In other words, people in the 174th Aviation Company-- I think you mentioned that Captain BOSWELL had furnished you with this.

Q. Anything else? Any photos?

A. No, sir.

Q. I'd like to give you an opportunity to say anything else that you would like to say for the record at this time, opinions or anything that you feel should be made an official part of this record.

A. Other than my testimony that was made to the CID agent concerning the nature of this area and north of the Song Tra Khuc and south of the Song Tra Bong River and to the east of Highway 1--that whole area in there has been a hostile area, and you would probably find today that it is today a hostile area. This is not to condone that--if in fact innocent people were killed--however, after hauling out as many American soldiers as I have from this area, it is difficult to believe that these people are actually civilians or civilian controlled as the press brought into play. During a war of this nature, innocent civilians are bound to be killed. I definitely don't endorse wholesale slaughter, but there are going to be a certain number of people killed.

Q. Anything else?

A. No, sir.

LTC PATTERSON: Captain NEUMANN, you are again reminded that the directions that you received previously still apply.

We appreciate your coming to Washington and we appreciate your testimony and your forthrightness and your honesty. It's very important that we get exactly the facts and exactly the rules that were in effect in Vietnam during this time frame.

I want to caution you and make certain you have no questions concerning the directions that you received at

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the outset of this hearing concerning any discussion with any individual; concerning the events surrounding the so called My Lai incident, and the warning to you, and the prohibition to you, of discussing this incident or what has transpired here this morning with any other individual except for those properly constituted bodies; administrative, judicial or legislative. Do you understand clearly what you have been directed?

A. Yes, sir.

Q. No question?

A. No question at all.

LTC PATTERSON: The hearing is closed.

(The hearing recessed at 0945 hours, 13 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: SCHOOLFIELD, Brian

DATE OF TESTIMONY: 13 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Flight Surgeon of the 174th Aviation Company.

1. INFORMATION ABOUT MY LAI.

a. From personal knowledge.

SCHOOLFIELD did not recall flying with the 174th on 16 March (pg. 4). He heard nothing from within the company concerning the 16 March operation (pg. 14). He recalled no rumors about the killing of a large group of noncombatants by American soldiers (pgs. 14, 15, 17).

b. From Warrant Officer CLARK.

He heard some information about civilians being killed on an operation from a Warrant Officer Gary CLARK who was with the 123d Aviation Battalion (pgs. 5, 23). CLARK said that a helicopter pilot in his unit had seen GI's shooting civilians (pg. 6). This pilot landed his ship and threatened to have his doorgunners fire upon the soldiers if they did not stop shooting some civilians who were in a ditch (pg. 6). The pilot was getting an award for this (pg. 7). The 174th Aviation Company was not mentioned in connection with this operation (pg. 6).

2. INCIDENTS INVOLVING THE 174th.

a. Opening fire on the village.

A crew chief was wounded by sniper fire from a deserted village west of Duc Pho (pg. 9). After bringing

the wounded man back to the base the gunships returned to the village and strafed it in retaliation (pg. 9). SCHOOLFIELD reported this to Major WHEAT who reprimanded those involved (pg. 11). There was no repetition of this type thing (pg. 12).

b. Firing into civilians.

SCHOOLFIELD knew of an investigation into an allegation by military observers on a hill that the Sharks had fired on civilians (pg. 15). Those involved were grounded for awhile, but were eventually cleared (pg.15). They had been taken under heavy fire and were just firing back (pg. 15).

3. OTHER INFORMATION.

a. Assessment of the 174th Aviation Company.

The psychological and mental health of the 174th Aviation Battalion was exceptionally good (pg. 4). He felt that the company was professional in the employment of aviation resources (pgs. 4, 18). The pilots were aggressive (pg. 13). He took pride in being in the unit (pg. 15).

b. Assessment of GIBSON.

GIBSON was a good officer who had an excellent rapport with his men and was aware of what was going on (pgs. 19, 21). He had a real feel for the situation (pg.19). His biggest fault was playing cards for long hours (pg. 20).

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(The hearing reconvened at 1004 hours, 13 January 1970.)

MR WEST: The hearing will come to order.

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

The next witness is Doctor Bryon W. SCHOOLFIELD.

(DR SCHOOLFIELD was called as a witness, was sworn, and testified as follows:)

Please state your full name, occupation and residence.

A. Doctor Bryon W. SCHOOLFIELD, medical doctor and resident, address is 4606 Beacher Road, Apartment J5 Flint, Michigan.

MR WEST: Doctor SCHOOLFIELD, before we get into any questions, I want to tell you something about the nature and purpose of this inquiry.

This investigation was directed jointly by the Secretary of the Army and the Army Chief of Staff for the purpose of determining certain facts and making findings and recommendations concerning two major areas;

(1) the adequacy of prior investigations into what is known as the My Lai (4) 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 any information concerning this. In other words, whether there was any coverup of what happened there that day.

This investigation is not being conducted to look into all facts and circumstances of what happened at My Lai (4). For example, we are not concerned with the culpability of any individual for something he might have done that day.

We have had made available to us and have reviewed prior statements obtained in other investigations of the My Lai

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(4) incident. As far as I know, you have not made any prior statements.

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.

The general classification of our report will be confidential, but it is possible that your testimony, or parts of it, may later become a matter of public knowledge.

We ask that you not discuss your testimony in this investigation with others, including other witnesses for this investigation, except as you may be required to do before a competent judicial, legislative or administrative body. For example, the investigative subcommittee of the House Armed Services Committee is one group of people conducting an inquiry into the My Lai incident.

LTC PATTERSON: Can you recall to which unit you were assigned, what your duties were on 16 March 1968?

A. I was with the 174th Aviation Company, and I was with them as the flight surgeon.

Q. When did you join the 174th, do you recall?

A. In October of 1967.

Q. You were with them until when?

A. October 1968, for a year.

Q. You spent your entire tour with the 174th?

A. Right.

Q. Our investigation indicated that during that year you had more than one commander and that the personnel changed. Can you recall the situation as far as key personnel were concerned in March of 1968?

A. In March I cannot remember exactly. I had three different CO's and I am not sure whether it was Major WHEAT or Major GIBSON at that time.

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Q. Our information indicates that Major GIBSON was the CO. Does that go along with your recollection?

A. Right.

Q. How about the executive officer, do you recall if Major GIBSON was the executive officer?

A. I cannot be sure. We went through the war with three of those.

Q. Captain BOSWELL?

A. Captain BOSWELL was XO at that time.

Q. In your duty as flight surgeon, who were you responsible to, within the organization?

A. Mainly to Major GIBSON.

Q. The company commander?

A. Right, and naturally to the battalion. I was also under the battalion flight surgeon there since he was at battalion.

Q. Could you give us a brief resume of what a flight surgeon's duties are in an aviation company, as you see them?

A. Well, basically, the chief flight surgeon indicates you are there to take care of the aviation personnel and pilots and copilots and the crew, both medically and the psychological aspects. We had our own small dispensary there and I was responsible for the sick call or injuries, if they come back to the company area. We had the sanitation. This is not a flight surgeon's duty, but in that case sanitation, and everything else that goes along with being a flight surgeon in the army.

Q. As I understand it, Dr. SCHOOLFIELD, you were an advisor to the commander on the medical and psychological implications of the command?

A. Right.

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Q. In the time frame of early 1968, January, February, March 1968, do you recall your impression of the psychological and medical health of the 174th?

A. I thought, actually, during my entire tour, it was exceptionally good.

Q. Did you have any problems psychologically, that you can recall were rather unusual, with any of the aviation people associating with the people of the 174th?

A. In context with the circumstances, and they were in rather heavy combat at time, I don't think there was any particular problem, particularly with the pilots and copilots. There would be the occasional problems with the enlisted men that you will find in any type of unit, I believe, but nothing that would really be worth comment. I think they were doing an exceptionally fine job and everybody was in very good psychological health as far as that goes.

Q. Did you feel that the aviation company was professionally competent and discriminant in the employment of their aviation resources?

A. Definitely.

Q. Did you fly with the unit at any time?

A. Yes. I flew with them quite a bit.

Q. In what capacity?

A. Well, there were a lot of times. Sometimes it would be runs to Chu Lai and sometimes I would go on resupply missions with them and sometimes I would accompany them on combat assaults.

Q. We have reason to believe that the 174th Aviation Company was the aviation unit that directly supported Task Force Barker in the vicinity of My Lai (4), Pinkville, on 16 March 1968. Do you recall participating as a crew member in this mission?

A. I cannot recall really being involved in that at all.

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Q. Do you recall any of the specific operations that you participated in for any reason?

A. Not by what would be called code names or specific missions. There were some around Quang Ngai when the battle was rather heavy, some rather heavy combat assaults to go in, but to give specific times and dates, I really just don't have the memory for it at the moment.

Q. Do you recall seeing anything on any of the missions that you participated in that makes you recall an incident or operation for any reason?

A. I'm not sure what you want.

Q. Anything unusual, or anything that you did not personally agree with that transpired, or any action taken by any individual that you disagreed with?

A. Not when I was on any of the missions myself. Nothing that I personally observed.

Q. During 1968, was there any incident reported to you from within the unit or that you had information about that caused you some concern as a human being or as an individual?

A. None from within the unit itself. I guess it was third-hand information or hearsay, I don't know which. That would be just from one of the crew members I knew fairly well. Not a crew member, one of the CWOs from the 123d scout company.

Q. Do you recall any of the specifics of that?

A. Well, he used to come down and we were fairly good friends.

Q. Who was he?

A. I just remembered his name a little while ago, it was Gary CLARK. I don't know if he has been here or not and it was no official report or anything like this. We were just good friends and he just mentioned--

Q. (Interposing) Was he a doctor?

A. No. He was a warrant officer, a pilot.

Q. Go ahead, sir.

A. I don't know if he was anywhere in the vicinity himself at the time. He just mentioned that one of the other pilots had at least been recommended for some type of an award for having landed. Of course, I repeat this as hearsay. As he put it--I think all of the ships in the 123d were or--I don't know if they had Hueys or not--they landed alongside a road and apparently they saw some American GIs who they thought were shooting civilians. I cannot say if this was My Lai (4). All he said was, alongside a road. Apparently he had landed, the other pilot landed and had his gunners aim their weapons at one or two, at least GIs and threatened them if they did not stop shooting some civilians that were in a ditch.

Q. This story was related to you by Mr. CLARK who was attached to the 123d?

A. Yes.

Q. Did he come down specifically to tell you this?

A. No, this was--

Q. (Interposing) Just a subject of conversation?

A. Right.

Q. Was there at that time any mention about any of the activities of the 174th?

A. No.

Q. Concerning this operation?

A. You mean at the time he was down there?

Q. Or any time he came down?

A. No.

Q. Did Mr. CLARK mention this on more than one occasion, sir?

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A. No. It just happened to be, you know, it just happened to be an incidental thing that he mentioned.

Q. Do you recall it specifically because of the content?

A. We were both rather disturbed, of course. By the time information gets down it can pass through so many hands and you don't know exactly how much is true, because there are so many rumors of what takes place in Vietnam as anyone who has been there can so verify. You don't know what to believe and not believe. I assume it was being investigated because he mentioned, I cannot say this is true or not true, that at least one person was awarded some type of medal for his action.

Q. You mentioned the story that he told you concerning people by a road, and an altercation between a pilot and advancing U.S. forces, I assume, to keep them from shooting these people. Was there anything else that Mr. CLARK related concerning an incident?

A. No.

Q. That was the extent of the report that you recall?

A. Yes.

Q. What struck you strange about this, Dr. SCHOOLFIELD? What made this stay in your mind, the altercation between the U.S. forces? Or was it the implication of something else?

A. The implication of GIs, as I saw it really, U.S. forces were shooting innocent civilians. I have no way of knowing whether it was provoked, the context of the situation at the time and especially after you read about it in the papers. Needless to say, this was a rather publicized, blown-up and probably one-sided and slanted, but it does at least raise questions in my mind, and especially the fact that he mentioned it at the time. He did not come there specifically to mention it and I have no idea what lead up to it. It was something that came up in the conversation. Like I said, we were just fairly good friends and he would just stop in occasionally, I don't think he was with the 123d the entire time. I think he was within

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our battalion and he would come down and fly when some of our pilots were over there for a particular month. Maybe he would stay overnight.

Q. Do you spell his name with an "e" on the end? CLARK or CLARKE? Do you recall?

A. No, I don't.

Q. Did he discuss it at any other occasion? Did he bring it up again at a later meeting?

A. No, not that I can remember at all.

Q. Did the 174th take many wounded during the early part of 1968?

A. You will have to excuse me. I am trying to think back. It's been awhile.

Q. Tet began at the end of January there and then there was a considerable amount of activity during Tet.

A. Fortunately, we were able to stay away from casualties per se, as far as the action the ships were seeing and the holes that were coming back in the ships and with the number of mortar attacks that we had. You're talking about actual combat?

Q. Yes, flying casualties, people being shot while airborne.

A. At that particular time, I cannot give you any information.

Q. Do you recall the incident when the crew chief of the Shark was shot while on a mission. Specifically, a Shark crew chief or gunner?

A. Yes.

Q. You do recall that?

A. Yes.

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Q. Do you recall how he was shot? Do you happen to recall that?

A. I think there were several of them that were shot. I think I know what you are leading up to. Apparently, the Sharks were on a recon mission, as far as I remember. I don't know if it was just someone took a pot shot at a sniper and the village and I'm sure this was not near My Lai or not My Lai. I saw the ships take off after they had brought the gunner back in, and they were rather aggravated over the situation, and I hate to even give this testimony, but I was--

Q. (Interposing) What makes you think they were aggravated? What makes you feel this way?

A. They specifically said, particularly later--

Q. (Interposing) Who said, do you recall?

A. Some of the people in the Sharks, and I really don't care to indicate any names. I think they went out and did do some strafing on a small village or a couple of hootches. I think, from what I was able to gather from other information, that the village or the places that they did hit were empty or evacuated at the time, and this sniper just happened to be near this village and it was, "This was a known VC village," whatever that means. I got rather upset over it in fact, because an incidental sniper that they were not even able to see, may not have been part of the village, did cause a retaliation of this nature. I'm not a pacifist and I'm not a war hawk either, but I definitely believe, you know, in being able to defend yourself. We are there to eradicate the enemy, or pacify them, or whatever you can do, and that was the mission. I just got rather upset that they were able to at least without other clearance at the time, to go back and make the hit. Of course, when I first got the information, it was just a village. It was just like, you know, "Somebody shot Joe, we're going to get even." It was actually a momentary mental inflammation, you might say. The gunships had been in quite a bit of action and they were all extremely good pilots. I can't think any of them were mentally unbalanced. It was just, I don't really know how to say it, they just actually got mad due to the circumstances. Like I said, I did hear the village was entirely evacuated and I think it was somewhere west of Duc Pho and My Lai (4) was north, so I don't think it was that village.

Q. Can you generate the time frame?

A. I sure can't.

Q. With reference to Tet? Perhaps before Tet or after Tet or during Tet?

A. I don't know. I cannot. I know it was about the first third to a quarter of my tour. I just know it was during the beginning of the tour. It was before Major GIBSON took over the company, if that gives you any better reference.

Q. Who was the Shark 6 at this time?

A. I can't remember. I think if I remember right, Shark 6 is the leader?

Q. Yes.

A. I can't remember it.

Q. Do you remember any of the names of the individuals that seemed to be mentally inflamed as you put it?

A. No. I can remember some faces vaguely, but I don't know the names.

Q. Would you know the names if I ran through them?

A. I might be able to recognize a couple of them.

Q. Mr. DOERSAM?

A. I recognize that name, but I cannot remember. I'm trying to remember the specific ones that may have been on the mission, and I do not know if Mr. DOERSAM was on it or not.

Q. I take it from what you said, that this retaliation, and I'm borrowing your term, that because of the wounding of this one crew chief, they went out to get even. Is that the way you understood it?

A. At least at the time it seemed that way. Of course, I don't know that I was in operations at the time.

Q. How did you hear about this?

A. Well, first of all, the first I knew about it was when they brought the crew-chief in. I went out to the small hospital that was there to check on him and I knew that they were going back out. It was later that I found out that they did go back to the village. They may have been taking more fire or it may have been more than one sniper, but to me at the time it seemed like it may have been sort of a retaliation.

Q. You don't recall how you heard about it or from whom?

A. No, because there were so many people around, especially when the gunships--there were other wounded from actions around being brought in at the same time. It seemed like somebody in the company or some men or maybe one of my own medics. My testimony is not specific, it is my impression.

Q. Do you recall what you did with this information when you received it? Did you talk to anyone about it on any authority?

A. After awhile I went to Major WHEAT, who was in command at that time, and told him I was rather peeved about it and something at least ought to be said or done, I think. At least to the gunships so they would use a little bit better self-restraint if the situation arose at a future time. He did talk to them. He warned them about this and said there will not be any specific retaliations of any type anymore. I was not there when he did speak to them, and since he did at least take some action, talked to them about it and was aware of the situation. You know, at least in his context at the time it took place and he heard about it later. I'm even sure he was at Duc Pho, he may have been up Chu Lai on a briefing or something like this.

Q. How are you so sure, sir, he talked to them about this if you were not there?

A. He told me.

Q. He told you?

A. Yes, at a later time.

Q. Did you report this to anyone else before you got to Major WHEAT?

A. Nobody of higher rank or anything like this. I expressed myself to a number of people about it, just close friends. I was quite bitter because I still was seeing it in a retaliation aspect and it just seemed out of proportion even though if I put myself in their place, I could understand how they feel. Especially knowing some of the frustrations taking place at other times with any of the ships, not specifically the Sharks. They were taking a lot of fire and I had been on some of the missions myself when they could not even get permission to fire back. You know the way they have to get clearance through the higher-ups, and then you have to get clearance with the province chief, and by the time the clearance does come the enemy is gone.

Q. You indicated earlier in your testimony that the company including the Sharks were very well disciplined and a combat effective unit. This was an incident that occurred during your tour. Did you feel after this incident that they became better qualified or were there any more repetitions of such incidents?

A. As far as I know there had been no more repetitions.

Q. This certainly must have cast some doubt in your mind as to their discrimination in employment of their firepower at the time. Did you gain full confidence in them?

A. From what I saw there and heard of. Of course, I was not on every mission. I did go out as much as possible, especially being at company level. I enjoyed it because I could get in on operations and see the entire context of the company working instead of being off in a dispensary working and I enjoy this. I felt they did an extremely good job. I think this was just a momentary, if I can use my old phrase, mental inflammation or getting mad at a circumstance.

Q. I think it's prevalent that gunship people are

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just a cut above the normal helicopter aviator, in that they are in fact using their firepower and seeing the results from the air. Did the Sharks appear to you to be a cut above the norm?

A. I think just about everybody I saw in a gunship was a little bit different.

Q. Did your Sharks seem to take pride in the number of kills they generated?

A. Yes, so did any other gunship that I saw. As far as heavy battle action, they did not get any except for this one circumstance. There was nobody in the village and they just strafed and rocketed a couple of hootches. I am not sure it was a village, this is just hearsay. In heavy battle action, as in any ground troops, I think they were glad to be able to get rid of as many enemy as possible.

Q. Would you say they were aggressive?

A. I would say they would be shirking their duties if they were not.

Q. Then they were aggressive?

A. They were.

Q. Do you know of any individual that took part in this alleged incident which you have been discussing?

A. Other than the Sharks themselves?

Q. Anybody in the Sharks that you can tell me was there?

A. Shark 6 was Captain WOODS, I don't remember his first name. I can remember talking to somebody about it later on, expressing myself about it. I can remember one face, but I cannot remember his name. It's been awhile.

Q. Do you recall hearing anything from within the unit concerning the My Lai (4) operation, 16 March 68, in that time

frame or subsequent to it with reference to a large body count from any source?

A. I really cannot remember anything from within the company.

Q. You heard nothing about anyone seeing large groups of people, Vietnamese Nationals, varied ages and sexes?

A. Other than just the hearsay or the third-hand or fourth-hand information that I mentioned earlier in the interview. I cannot really remember anything of the sort.

Q. Do you recall hearing any of the Sharks or the personnel within the aviation company, operations personnel, medics, discussing the shooting of men, women, children, non-combatants, civilians at any time?

A. At various times you get rumors that there may have been somebody killed who may or may not have been a civilian, but specific incidents, no. I really can't say at all.

Q. Your knowledge of the My Lai incident in mid-March; you heard nothing about this operation while you were in Vietnam?

A. Other than what I already told you. And that did not fall into place until I started reading about it in the papers and then making the association. The name My Lai did not strike me, but Son My Valley, along with Quang Ngai. You start putting that in context, and one day they mentioned something about a helicopter pilot who had landed and saved some children. This was the published version anyway. That is the only way it fell into context.

Q. Do you recall anything about an investigation by anyone concerning any of the incidents in which you can recall sporadic shooting of civilians, suspected civilians?

A. Yes, but these were definite -- and I found out from the Americal psychiatrist. Even at Duc Pho, there were

one or two people that went out and shot a couple of civilians. He was tried for murder and he told me about -- I don't know if they were specifically in the 11th Brigade, he would periodically have to go to Saigon or some place to do an evaluation of them because they were being tried for murder of civilians and there were a number of people tried for the specific incidents.

Q. Do you recall in your discussions with your friends within the medical line, or any other line for that matter, any investigation concerning a relatively large number, more than one or two, noncombatants, concerning any large groups?

A. No.

Q. Did you ever hear of an investigation being made specifically of My Lai (4) or the incident of mid-March 1968?

A. No. I do know of one investigation, not of My Lai. This is something that just came back and I cannot remember. It was above Quang Ngai. I don't know if there were a couple of people in our Sharks or in the Slick platoon. They took heavy fire and fired back at whoever was firing at them. There were a couple military observers on the hill who claimed that the gunships were firing into groups of civilians. As far as I know, I looked into this fairly extensively then, and I talked to all of the people involved. I know the people were even grounded for a considerable period of time, at least in my opinion, whatever that is worth. I tried to get as much information as I could, but I can't remember the exact outcome of the investigation. I think they were completely cleared of it. They were correct in firing back and they were taking heavy fire and there was no doubt about that.

Q. Did you take considerable pride in being a member of the 174th?

A. Yes.

Q. Did you ever have to verbally defend the 174? Did you ever hear any rumors or criticism of the operations of the 174th?

A. Not really.

Q. Did anyone ever, that you can recall, indicate that the Sharks were "killers"?

A. Not in the sense of murder. Pending on your definition of murder, but a murder of civilians?

Q. Did you ever hear them being accused of this?

A. Except for this one incident where there was an investigation.

Q. Then the implication you got from your friend outside of the unit was not one that the Sharks were, in fact, or could have been, killers of civilians or something in that line?

A. No.

Q. Doctor, part of our problem here is trying to establish what occurred at My Lai (4), specifically. We have reason to believe, and previous testimony indicates, that artillery was involved in the My Lai (4) operations. Ground forces were involved in the My Lai (4) operation. The 173d aero-scouts were involved and the 174th, both slicks and gunships were involved. There were a lot of people involved and it has been a long time ago. Yet, before General PEERS can determine whether an investigation was conducted, or if one was conducted whether it was adequate, or whether there was any attempt to suppress or coverup information, it is necessary to sort out what did happen that day with all of the people involved, and to try to put the pieces of this puzzle together. We have reason to believe that certain things occurred at My Lai. People that I have named have been involved in actions that were not proper from any standard. We know the Sharks were there, and we know that the 174th slicks were there. We have certain documents and logs and journals, and all have been entered into evidence, that indicate they participated in some large measure.

A. Yes.

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Q. There is some reason to believe that the Sharks were quite actively engaged in the morning of 16 March and I would like to ask you if you can at all recall, from the depths of your memory, anything that could assist us to determine how much they were involved that morning or if you heard any rumors. From what you told us, you kept up with what was going on as a good flight surgeon would, and we would like to know what they did do that morning, specifically, or whatever part they played at My Lai (4).

A. I wish I could give you more information. As I say, as much as possible, at least when I was there, I tried to keep up with operations even though I would not remember specific names of operations or look on the map and see where they were going and things like this. I know that our company supported the 11th Brigade, at least with the association I mentioned before, and being in support of the 11th Brigade, I assume they went on a combat assault.

Q. Task Force Barker was the unit being supported.

A. I found out a little while ago that our company was involved in that. Sometimes the companies from Chu Lai would come down and aid also. But specifically being involved in My Lai and hearing any scuttlebutt that I can really remember without being there, rumors of some combat situation with the slaughter of civilians at least in the proportion alledged, or I don't mean in proportion, the slaughter of civilians period, I cannot remember a single thing. I have actually been trying.

Q. You have just indicated that you just heard about it.

A. This was sometime later.

Q. Have you and he talked about it since?

A. No, I have no idea where he is or what he is doing and I did not see him that often. I maybe saw him six or eight times the whole time I was there.

Q. I think another reason we have asked you to come in is because you are a doctor. A doctor too is a cut above the helicopter gunship pilots, from most other people perhaps. Your feelings, your opinion of the activities of the Sharks specifically, the Shark gunship, is important as to what type of a unit they were. Would they participate in anything that was not proper in any context? I know I am asking you to separate yourself from loyalty to your unit and what apparently was a good tour for you and a good association, but it's important to this investigation and to what we are attempting to do, to me, it's a lot more important than loyalty to a specific unit, that we get a feel for those Sharks.

A. I still think they were an excellent gunship outfit, probably one of the better ones that I knew of anywhere in the battalion or even in the Americal. There were a lot of good ones, and the leadership changed numerous times, so that I cannot make a specific association. It would have to be a Shark Leader, and I cannot think of who. The gunship people are a cut above, but I really cannot say they would actively participate. They may have without my knowledge.

Q. I am not trying to trap you, or put words in your mouth. I am trying to get a feel for them, rather than compare them with other gun units. Just from a high level looking at this small group of people without relation to others. I guess that's what it really boils down to. Would they or could they at anytime engage civilians and slaughter them in any numbers or even one, just for the fun of it perhaps, or just because they think it may be correct under the circumstances that they found themselves in?

A. I would have to say, probably no. But I'm sure no matter who you had you said "would or could." It's a possibility with anybody.

Q. I am asking for your opinion.

A. As for knowing they were slaughtering a large mass of people, women, children, I would say no, but it's still possible. However, I did not know our company was actually there at the time.

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MR WALSH: Doctor, did you ever hear any scuttlebutt or any conversation about any of the Sharks not paying too much attention to whether somebody running down there was armed, but on occasion taking people under fire without too much concern about whether they were actually VC or not?

A. I can't remember any specific instances where there was no question at all. I'm sure there were a number of incidents where there was a question whether somebody could be a VC or not. I don't know whether they would take them under fire.

Q. Was there ever an incident when you were there that the commander cautioned the gunship to be careful, or more careful, at opening fire on people?

A. On a number of occasions. A lot of times, in the orders there would be a specific mandate that would come all the way down from CG, USARV to be more careful. Maybe from battalion. Something would happen with one of the other companies; somebody would be engaged that would be questionable, they would question the specific incident as I already mentioned. As far as I know, Major WHEAT cautioned them then, and after the investigation of this one other incident. There were numerous times that everybody was warned or cautioned about who to open fire on, because over there, it's as everybody knows, we're not sure who is who.

Q. Was it your impression that these instructions and warning about engaging were very carefully stressed by various commanders of the 174th while you were there?

A. I think so, at least over the period of the entire year.

Q. What was your impression of Major GIBSON?

A. He was a good commander. He probably had more of a feel for the entire situation than any of them that I saw. He was not extremely a "go by the rule book" man, as far as being a perfectionist in some ways, as a couple of the other commanders. This does not mean that he was breaking all of

wild games going, and in fact a couple times I would get into the meeting and caution the entire company. They were staying up too late, and I was afraid. Sometimes they would have games going into the wee hours in the morning and then pilots would be flying. This was the context in which I would be cautioning. He wasn't engaging with the enlisted men. He was more one who would delegate responsibility and he would usually delegate it to responsible people. He expected it to be done, which I think is a good thing to do instead of trying to run every possible aspect by yourself. I think he was extremely good in this aspect. He was not nit-picking whether somebody was shaved 0500 in the morning, when our generators were out, without any light and still dark and not being able to see. I think this was a question of the commander's rapport and respect in this aspect for the men. I think he was the best commander that we had while he was there.

Q. Do you think as a result of his method of operation that he was not, would not have been closely in touch with the details of what was going on in the unit itself as some of the other commanders that were there?

A. No. He was aware of just about everything major that was going on, but every little detail. He expected people that he put in charge to be responsible and to take care of things. When he came in and reprimanded somebody, they respected it more from him and he would definitely reprimand people. With the other commanders, it was a different kind of fear that they instilled.

MR WEST: Going back to something, Dr. SCHOOLFIELD. We were told in testimony by a number of infantryman that operated in My Lai (4) on 16 March, 1968, that they believe that if they told a Vietnamese civilian they saw to halt, that if they ran that they were authorized to shoot. In other words, any civilian in VC controlled territory who evaded, who would not respond to orders to stop, they could shoot them and kill them.

(SCHOOLFIELD)

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Now, I wondered if the Sharks operated the same way. If they flew over civilians, obvious civilians, from their dress, and they were running, apparently attempting to evade, was the rule they could take them under fire. Do you know this?

A. I don't think it was a rule, no.

Q. A rule or practice? Understanding now, we are talking about VC controlled territory, where the population is under suspicion of being VC or VC sympathizers. The gunships are moving along and below the pilot, the gunners see Vietnamese people, civilians running in black pajamas. Would they be authorized under the rules of engagement to take them under fire?

A. I can't say there was a written rule, but where it was a free-fire territory, it was authorized and it was done sometimes by the Sharks. In cases where it would be very suspicious and a lot of them, I know they would.

Q. Some may have shaved the rule closer than others?

A. Yes, and I am in no position to take sides.

Q. A fast moving gunship to discriminate targets when the infantrymen on the ground can see much more clearly and have more time to judge and make sure of a target?

A. I imagine, even the height at which they are flying, a lot of times they do low-level recon. If they were, they could probably see the civilian better than the ground troops. I don't think in either instance, the ground troops or in the helicopter, you can always tell who is what; whether they have something more than their pajamas in the baskets, if they carry a load of mortars or what.

Q. Tell me this. As I understand it, target --

A. (Interposing) If it was in VC territory and if he was in a VC uniform or carrying a weapon, they probably would engage them.

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Q. I understand this is just general. Actually, we are trying to account for the fact that a number of Vietnamese civilians were killed on the morning of 16 March 1968, and in the vicinity of My Lai (4) but at such a distance from the village that it was probably caused by neither artillery fire nor small arms from the infantry.

A. It was just today that I found out that the Sharks and our ships were there and involved in My Lai (4) at all. If they were flying in support of a combat assault many times they are called in on specific targets. I am sure if it's a little tiny kid or something obvious they probably wouldn't go in support, at least this is my impression of them. But many times they are just in support after the assault is done. They usually stay at a fairly good height until they are asked for, or are called in for support, and if anyone says there are some VC evading --

Q. They are a formal target?

A. They are in support. I suppose it's their job to go in, I don't know if this was the circumstance or not.

LTC PATTERSON: Just one final thing, sir. You mentioned Mr. Gary CLARK?

A. Yes.

Q. Was his name Gary or Larry or Joseph?

A. I'm pretty sure it was Gary. I asked one of the captains waiting out here to come in. I was asking him and I was trying to remember his name, as soon as he said CLARK, because I'm pretty sure his name is Gary, and the description fits, too.

Q. You are talking about somebody out here?

A. Yes.

Q. Who was that you were talking to?

A. Captain STAFFA, someone else ready to come in.

Q. Was Mr. CLARK there for the approximate same tour that you were there, from October to October?

A. I don't know when his DEROS was.

Q. How did you strike up an acquaintance with him?

A. As I mentioned before, that may have been before he was in the 123d, or it may have been while he was in it. We would exchange pilots and sometimes he would be down for a night or two. He played a fairly good guitar and I had a musical instrument and occasionally he would run in and talk. We were just good friends.

Q. The reason that I'm asking, there is a warrant officer, Joseph E. CLARK, that was assigned to Company B, 123d Avn Bn, in March, 1968, and that is the only CLARK that is on the roster. I wanted to try to get your friend's description down a little bit to see if we could talk to him.

A. I could. Tall, fairly tall, blonde. He was from California, San Francisco, I think.

Q. You think his first name was Gary then?

A. I think so.

MR WEST: Doctor, thank you very much for coming and we greatly appreciate it and you have been very helpful to us.

(The hearing was recessed at 1118 hours, 13 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: SOMERVILLE, George D.

DATE OF TESTIMONY: 6 January 1970

PLACE OF TESTIMONY: MACV Headquarters, Republic of Vietnam.

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Service Platoon Leader,
174th Assault Helicopter Company.

The witness stated that he was totally ignorant of the incident at My Lai (pg. 7). He added that he had never spoken to anyone concerning the 16 March operation, nor had he heard any rumors about it (pg. 7). He noted that he was busy with maintenance work during the briefings and was generally excused from them so he would not have known of any comments by Major GIBSON, the commanding officer (pg. 8).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-11	Picture of aircraft	Wit did not recognize.	9
P-12	Picture of aircraft	Wit did not recognize.	9
P-26	Picture of aircraft	Wit did not recognize.	8,11
P-27	Picture of aircraft	Wit did not recognize.	8
P-29	Picture of aircraft	Wit recognized as a Dolphin.	9
P-65	Picture of aircraft	Wit recognized as a Dolphin and a Rattler.	8,9
P-71	Picture of aircraft	Wit did not recognize.	10
P-72	Picture of aircraft	Wit recognized as a Shark.	10
P-73	Picture of aircraft	Wit recognized as a Dolphin.	11
P-163	Aerial photo	Entered into evidence.	13
S-5	Statement of Phan CHOT	Entered into evidence.	12,13
S-6	Statement of Mai Quang DANH	Entered into evidence.	12,13

(The hearing reconvened at 1325 hours, 6 January 1970.)

IO: The hearing will come to order.

RCDR: The following persons are present: LTG PEERS, MR MACCRATE, MR WALSH, and CDR DAVIS.

The next witness is Mr. George D. SOMMERVILLE.

(MR SOMMERVILLE was called as a witness, was sworn and testified as follows:)

Mr. SOMMERVILLE, will you state your full name, grade, Social Security number, branch of service, organization and station?

A. Yes, sir. My name is George Douglas SOMMERVILLE, I'm a CW2, Social Security number . I'm an aviation warrant en route to the 268th Combat Aviation Battalion at Phu Hiep.

RCDR: Thank you.

IO: Mr. SOMMERVILLE, before we proceed with any of the questions I shall inform you of certain matters. This investigation was directed jointly by the Secretary of the Army and by the Chief of Staff of the United States Army for the purpose of determining facts 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 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 surrounding the My Lai incident. It is directed at those two specific purposes which I have just mentioned. Do you have any questions concerning those two points?

A. No, sir.

(SOMMERVILLE)

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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 had not seen any testimony which you may have given in any of the previous investigations, either by the Office of the Provost Marshal General or by the Office of the Inspector General.

A. No sir, I have spoken to no one about it.

Q. Your testimony 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 the testimony or at least parts of it may at a later date become a matter of public knowledge.

Aside from myself, there are a couple of other people in this room who may direct questions to you. On my left is Mr. MACCRATE, who is a civilian lawyer. He has volunteered his services to the Secretary of the Army to assist me and to provide legal counsel to me. On my right is Mr. WALSH who is in the same capacity as Mr. MACCRATE, having volunteered his services to assist and provide legal counsel.

There are several other people connected with the investigation. However, when the final report is prepared it will be my responsibility to weigh the evidence to make 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 a competent judicial, legislative, or administrative body.

Have you been contacted in any way by the military judge in the court-martial case of United States v. Calley?

A. No, sir.

Q. In the event you are contacted in that regard, what you say here and your appearance here today will in no way change the applicability of that order. Do you have any questions now concerning anything I have said?

A. No, sir.

Q. What was your duty assignment on 16 March 1968?

A. I was Service Platoon leader for the 174th Assault Helicopter Company at Duc Pho.

Q. What is a Service Platoon leader?

A. Aircraft maintenance, sir. Organizational maintenance on the UH-1 aircraft assigned to that company.

Q. You were not in a flying status?

A. Yes, sir, I was in flying status, but most of my flying was test flights or maintenance recovery.

Q. On that particular day, were you flying operationally?

A. Sir, I couldn't tell you. I don't recall. Right around, I believe, the third week in March I was on R&R, sir. I can't give you the exact dates. I was completely unprepared for this. I hadn't even associated myself with the incident at all. About the middle of March I went on R&R.

Q. Where did you go?

A. Hawaii, sir. I met my wife.

Q. How long had you been with the Service Platoon?

A. Since I'd gotten in country about 10 June 1967.

Q. And how long did you stay there?

A. Until I left country about the same date in June 1968.

Q. Do you have any way of immediately checking on the dates you were on R&R?

A. I don't think I have anything in my record. My record is down in the IG office. I had all my 201 file and everything.

Q. Do you have any specific recollection of when you went and the arrangements you made for meeting your wife and the time and so on?

A. I just can't recall the date, sir. I believe it was the third week. I'm almost positive I was there the third week in March.

Q. That would have put it somewhere around the 15th, 20th, 25th?

A. Somewhere in that vicinity, sir.

Q. Who was your platoon leader?

A. Well, I had the Service Platoon and I was working under the DS detachment there. At that time it would either have been Captain GOLF (phonetic) or Captain CAYTON. I believe Captain GOLF was still there at that time?

Q. And your company commander?

A. The company commander then, I believe, was Major GIBSON. I'm almost positive Major WHEAT had left by then.

Q. Are you familiar with the area of Son My village to the northeast of Quang Ngai?

A. Sir, to name a village, to just call any of these little villages off by name, no, sir. We worked mostly by coordinates. There was just so many of them and their names were so close together. I didn't fly operationally that much. I flew mostly your larger, easy-to-pick-out villages and worked from there.

Q. Did you fly as part of a combat assault?

A. When I first got in country I did, sir.

Q. I'm talking about the March time period?

A. No, sir, strictly maintenance then. I believe in May, it would have been May, they were short of pilots in the gun platoon. I flew with them one morning. I believe it was in the March time period.

Q. Well, let me go over this with you very briefly and describe it to you and see if by chance this will call to mind anything in which you may have been involved.

(IO explains operation on an available map which was not received in evidence.)

Looking at this map, Quang Ngai City is just south here of the Song Tra Khuc. This is the eastern end of Son Tinh District. Generally this is the area of Son My village.

A. Yes, sir.

Q. On this date C/1/20 was air-assaulted to the west of this village referred to as My Lai (4). They proceeded through the village and later on that afternoon they laagered in this general area here. B/4/3 was subsequently air-assaulted into an LZ in this area. They moved north and they laagered with Charlie Company in this area. Now does that call anything to mind? There were two guns and nine slicks from the 174th Aviation that were used in these air-assaults. Here is Hill 85, a very prominent terrain feature east northeast of Quang Ngai City and just north of the Song Tra Khuc.

A. Yes, sir, I know the hill from flying up and down the coast. Just like you say it is prominent. Sir, I was on a lift in that general area one time I seem to recall. But I believe it would have been much earlier than that, when I was flying with the platoon, actually to become acquainted with the aircraft. When I came in country, I wasn't even qualified in the aircraft. But I believe it was earlier than that, much earlier than that. The reason I recall, it seems as though the only place to land was on a little roadway and we had to land in trail. I believe that was just north of the Quang Ngai River. If this is the exact objective, I couldn't tell you. But I'm almost positive, sir, it was quite a bit prior to this time. At that time, I was working just about completely in maintenance. Very seldom I did anything, but I may have been in the air if I was in the area or if the lift was in our area. I may have been up with the maintenance ship, but I don't recall very often that we covered a lift with the maintenance ship north of the Quang Ngai River. Usually the 176th maintenance ship would come down and stay with them, you know, carry some mechanics with them.

Q. Most of the units that were supporting were from the 174th so it would have been possible that you were working out of LZ Dottie providing the maintenance ship?

A. No, sir, I never sat down in LZ Dottie. The way we covered, we'd say okay, the lift is gone at such and such a time. While they were hitting the PZ, we would just take off in the maintenance ship and be in the air when they left and cover the lift from there. As soon as the lift was over,

we'd go back to work as soon as the aircraft was clear of the hot LZ.

Q. But you remember nothing of picking up people at LZ Dottie and putting them in this area west of My Lai (4) and picking up another company at LZ Uptight and putting them into an LZ south of My Lai (1)?

A. No, sir. I never picked anybody up when I was flying operations on either of those LZ's. All my pickups were always south and were usually with a new brigade coming in to stage and moving north.

Q. We're talking now in the period about 6 weeks after Tet which took place at the end of January 1968. What was the condition of your company at that time, aircraft-wise, maintenance-wise, and so on?

A. I seem to recall we were in pretty good condition for slicks. We'd had a few guns, a few of our Charlie models, shot up during Tet and we were coming back in. I believe at that time we only had about five gunships fully operational. We had a couple there off which we scavenged parts to get the other five going. We're putting back. And of the ones shot up during Tet I believe we only lost one. We probably had about 18 slicks and 5 guns, sir.

Q. Did you lose any aircraft during Tet?

A. No, sir. We had a few shot up that came back and we--

Q. (Interposing) Well, I'm talking about as a result of mortars or rockets on LZ Bronco?

A. Bronco, Bronco--

Q. (Interposing) Your home base.

A. No, sir. I don't believe we did right during Tet. I don't think we lost more than five the whole year from mortars. They were damaged but could be repaired there. I don't recall that we really lost one as far as a total loss.

Q. Do you remember receiving a mortar and rocket attack during the time of Tet?

A. Yes, sir. To specifically give you a date, no, sir. But I'm positive we did. Around the period of Tet we started to get hit once, maybe twice a week.

Q. Did you lose many aircraft there or was there only minor or moderate damage to the point where you could fix them?

A. Moderate damage that we could fix: extensive sheet-metal work, more or less scale patches, surface patches. We didn't lose that much though, and we didn't take any rockets. It was all mortar.

Q. Subsequent to this time were you ever questioned by anybody concerning this incident or about anything that you might have known concerning it?

A. No, sir. As a matter of fact it came as a total surprise when Major BAKER contacted me. I never associated myself with My Lai.

Q. Who is Major BAKER?

A. Major BAKER is the WAC in the IG office that called me up at 17th Group headquarters.

Q. During March, April, May of 1968, were you aware of any investigation which might have been underway at that time?

A. No, sir.

Q. Now, you fellows are in this flying business. You were in aircraft maintenance and you are also a pilot. In sitting around discussing events, happenings, and situations in the evening, did you ever remember anybody talking about what might have happened up there or anybody making a lot of kills with gunships on people coming out of a village or anything of this nature?

A. No, sir.

Q. Did you ever hear of any rumors or any talking which might have aroused your curiosity or your suspicion that something might have happened unusual or especially different?

A. No, sir.

MR MACCRATE: Do you remember Major GIBSON's speaking to the company about an investigation or making any reference to the fact that there was an investigation going on?

A. No, sir. Well now, maybe I should clarify something else here. Usually when they had their meetings it would be in the evening. And when I say these, this would be the flight platoons, et cetera. Our maintenance hootch and our people, we were just situated away from the company. In fact, the late hours in the day when they were holding their meetings, we were working on aircraft. We were more or less excused from these meetings. Anything that was considered pertinent we would be told later. But I heard nothing of an investigation whatsoever, sir. As a matter of fact, until yesterday morning, I couldn't have told you where My Lai was. I had read of it in the paper and I had just never associated myself with it. Yesterday morning, I looked at the map to see where it was.

Q. Mr. SOMMERVILLE, we have here some photographs that we understand were taken on the day of this operation. In them you can see certain aircraft. We would like you to look at the aircraft and see if you can identify the units from which they come. Possibly you might be able to recognize some of the personnel upon the aircraft.

(The pictures were given to CWO SOMMERVILLE to review.)

P-26 first.

A. No, sir, I can't tell. I can't get a tail number and can't even make out the emblem on the nose.

Q. Let's try P-27.

A. No, sir, I am sorry I can't make--

Q. (Interposing) Next P-65.

A. This is our aircraft. This is a Dolphin aircraft.

Q. You refer to the craft in the foreground of the picture?

A. The second aircraft looks like a Rattler, a 71st ship. It is a 71st ship, the number two ship. As far as the

personnel flying, I can't tell. The first ship is definitely ours. And the second one, that's the coiled snake, the 71st.

Q. Next I show you P-29.

A. No, sir, other than that is a Rattler, the number two ship. I can't make out anything for sure here.

Q. The second ship in number 29 is a Rattler. That is the 71st. And the color photograph--

A. (Interposing) I can't make it out for sure. It looks like the Dolphin on the nose of this one.

Q. First craft in 29?

A. Very faintly, but I can't say for sure. It may be but I can't be positive.

Q. Is there any notation or marking on the tail?

A. Well, I can't make out the tail number.

IO: Does this look a little bit like your Dolphin?

A. Yes, sir, that definitely is our Dolphin.

MR MACCRATE: Referring to the marking on the first aircraft, exhibit P-65--

A. (Interposing) I can't pick any feature that would identify it, sir. I can't make out the tail number for sure.

Q. Next I show you P-11.

A. No, sir, there is no way I can identify that at all.

Q. Can you distinguish any faces in the window?

A. No, sir.

Q. It's not very clear, we recognize that. P-12, you will notice, is a medevac operation. As we understand, it is not being conducted by a medevac ship.

A. This is quite common. If the ship is handy we do it. No, sir, I can't identify the ship nor the crew chief.

Q. Next P-71.

A. This brings up something, but I'm not positive. At one time, and I don't recall the time period, I was wondering about that. We painted the blades and painted a stripe on the tailboom that you can see here, sir. There were two white and an internal stripe. Red was the 176th. Blue was the 174th and another color was, then, the 61st.

Q. The 61st or 71st?

A. The 71st. Now these pictures, I doubt, were taken within the same period of time because whenever you had this many aircraft with the tailboom painted, just about all of them were painted. We worked to get these dog-goned things painted as much as possible. It is just pretty far fetched, sir, unless there was a big turnover in aircraft, that you wouldn't have more consistent markings that would be more visible than that Dolphin. That strip around the tailboom was a break in a solid color, more than a Dolphin would be. And it was so dog-goned prominent you could see it for a mile. I don't think these pictures were taken at the same time.

IO: Did you see some stripes on some tailbooms in that picture? Is that what reminded you?

A. Yes, sir. I was wondering about it there, about the period of time. I don't remember--probably right after Tet. We didn't change that many tailbooms during Tet, sir, and we didn't get aircraft painted that often.

MR MACCRATE: Now I show you P-72, and it does appear that some tailbooms are painted and some others are not.

A. Yes, sir, there is quite a few painted and you can see it here. What I'm referring to is how here you can make out this slash, a break in the solid color (pointing to the one to the extreme right). And here, there is a break in the solid-color tailboom. Here you have it, here you have it, here you don't have it. This is one of our ships. You can see the teeth. Now, this one doesn't have it.

Q. The one in the extreme left background beneath the yellow building you identify as one of your aircraft?

A. That's our Shark, yes, sir. That is one of our Charlie models, our gunship.

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Q. Is the stripe marking on the ship in the foreground in the center of the picture 174th, 176th, or 71st?

A. I can't tell because the color isn't that well-defined. As a matter of fact, when the tailboom got dirty, it was hard to really discern anyhow.

IO: Can you see any additional markings on the tailbooms of some of those aircraft which might help you identify them?

A. That wasn't an authorized marking. I think this is just a flaw in the photo, that mark up on the vertical fin.

Q. Was there a minuteman symbol that was used by one of the battalions?

A. Yes, sir, that was a 176th gunship.

Q. And where did that appear?

A. That was on the nose. I believe Minuteman was their gunship. No, Minuteman was a designator for their slicks and the Musket was the gunship. But this was forward. I don't recall any vertical marking on the airship because it would get dirty too quickly from the exhaust.

Q. Now I show you P-73.

A. This is one of our ships. You can see the Dolphin on the nose.

Q. That completes the photographs of the aircraft we have.

A. It seems to me you ought to be able to see markings on the tailboom, some break in the solid color.

Q. In the early morning photo the angle of light is rather poor to bring out such coloration.

A. By real close examination, I believe you can see markings on these tails.

Q. When you were looking at P-26 I believe you were pointing to the extreme right-hand craft?

A. Yes, sir. There is just a little break. It is too symmetrical. It has to be this marking. It appears to me it is the stripe around the tailboom.

IO: But did all the lift aircraft in the 14th Brigade have a white stripe then varied stripes for the companies?

A. Yes, sir, as much as possible. Now if you had to change tailbooms or something of this sort and didn't have a chance to get the dog-goned thing painted, they may not have. But as much as possible, they did.

Q. While we are talking about something like this, how long did it take you to paint up the nose of one of your Shark gunships whenever you had to, if you get a new ship and you had to paint it?

A. They could do that during the PE. Actually the painting of it wasn't that much. It was all just a big long stripe. We'd run some masking tape up there, tape the teeth in, and jump on it with a can of spray paint. They could paint it within an hour. The crew chief always did that.

Q. Mr. SOMMERVILLE, we have no further questions at this time. I would ask you to continue to think along the lines of the questions which were put to you this afternoon. We ask that if you do think of anything, particularly concerning any investigation or anything you might have heard and so forth, to please get in touch with us. We are trying to put this investigation all together including the participation of the aviation company, what aircraft flew that day and who was flying them. So if you should recall any of this, which you think would be helpful, we'd like very much for you to get in touch with us. Do you have any questions at this time that you would like to address to us?

A. No, sir.

IO: This hearing will recess at this time.

(The hearing recessed at 1401 hours, 6 January 1970.)

(Summarized unsworn statements taken in the Republic of Vietnam from Phan CHOT and CPT Mai Quang DANH were received and entered into evidence as Exhibits

S-5 and S-6, respectively. An aerial photograph annotated by Phan CHOT was received and entered as Exhibit P-163. Reference to this photograph appears in Exhibit S-5.)

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SUMMARY OF TESTIMONY

WITNESS: ADCOCK, Michael C.

DATE OF TESTIMONY: 29 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Brigade Commander's RTO, Headquarters and Headquarters Company, 11th Infantry Brigade, Americal Division.

1. ASSAULT ON MY LAI.

a. Combat assaults on 16 March.

On the morning of 16 March, the witness accompanied Colonel HENDERSON in the command and control helicopter (pg.2). They probably arrived at the LZ at 0730 hours (pg. 40). He did not recall having mechanical problems with the ship (pgs. 108, 109). Warrant Officer COONEY was their pilot (pg. 5). Mr. ADCOCK could not remember if Lieutenant Colonel LUPER was with them (pgs. 49, 97, 107). However, someone was sitting to his right that could have been LUPER (pg. 107). Initially, ADCOCK could not recall if he saw the combat assault (pg. 5). He believed he remembered two gunships, one on each side, prepping the east and west sides of the LZ prior to the assault (pgs. 3, 4, 8, 38,88). Later, he recalled the lift which inserted the troops (pg. 87). The gunship strafing the western edge of My Lai (4) was expending some of its ordnance in the village (pgs. 9, 88, 117). They began their runs south of the LZ and continued on a south to north line (pg. 118). He could remember this because he was of the opinion that the gunship firing on the west flank of the LZ was unnecessary (pg. 38). He could not tell where the rockets expended by the gunships were impacting (pg. 39). He recalled artillery landing in the village (pg. 89). The witness did not see anything that he

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considered unusual while flying over My Lai (4) that morning (pgs. 28, 29). During the prep and CA the C&C ship remained north of Hill 85 (pg. 42). ADCOCK contradicted his earlier testimony (pg. 30), and asserted he recalled the activity around Hill 85, e.g., report of discovering mortar tubes (pg. 50). He recalled the gunships making gunruns on the north side of Hill 85 (pg. 92). He was under the impression that there was a battle raging in My Lai (4) because of the firing he heard (pg. 28). Although he did not recall seeing hootches burning (pg. 57), he saw smoke coming from the hamlet. He assumed the gunships started the fires (pgs. 26, 27). ADCOCK remembered 30 to 50 Vietnamese exiting My Lai (4) and travelling southwest (pg. 10). While flying at a low altitude of 30 feet, HENDERSON spotted an enemy weapon which they marked with smoke for the infantry (pgs. 90, 91, 98). Although he did not recall B/4/3's combat assault (pgs. 17, 109), ADCOCK recalled HENDERSON becoming upset when the artillery did not stop firing in time (pg. 97). HENDERSON said something to the other person in the helicopter regarding this discrepancy (pgs. 70, 97). ADCOCK speculated that the other person was LUPER (pg. 97). This occurred before leaving for LZ Dottie with the two VC suspects aboard (pg. 97). ADCOCK did not recall seeing the infantry break for lunch (pg. 125).

b. Radio transmissions.

The witness was monitoring all the channels (at least five) that morning (pg. 2). He recalled monitoring the TF Barker command net and the air-ground net, although reception to the latter was very poor. The radio frequencies of primary concern were the Task Force Barker and Headquarters and Headquarters Company (pg. 87). He did not believe he listened to the company nets that morning (pg. 2). He did not recall any unusual transmissions. The radio traffic was hurried and cluttered (pg. 45). He could not recall if HENDERSON or Major MCKNIGHT made radio transmissions regarding two armed VC killed north of My Lai (4) (pgs. 10, 17, 18). He recalled HENDERSON talking with the Warlords, but he did not recall the subject matter (pg. 45). He thought he recalled MCKNIGHT calling the Warlords and requesting that they check out the exodus from My Lai (4) to the southwest (pg. 46). He remembered HENDERSON talking to the ground element, but, he again could not recall the topic of that conversation (pg. 57).

c. Bodies observed.

While flying low-level to pick up VC suspects, he saw 12 to 15 bodies (pgs. 12, 13, 18). He saw these bodies two or three times. However, he only got a fleeting look and could not identify their age or sex (pgs. 21, 22). He did not recall seeing any dead children (pg. 27). His view was obscured because he was sitting in the middle of a crowded back seat (pgs. 13, 107). The witness was unsure of the exact location of the bodies. He described them as being adjacent to a tree lined ditch and path (pgs. 11, 12, 19, 65, 66, 98, 103). Although ADCOCK earlier testified that he saw only 12 to 15 bodies (pg. 30), he later claimed that he saw 35 to 40 bodies (pg. 114).

d. Picking up VC suspects.

ADCOCK remembered landing to pick up two prisoners (pg. 4). The witness believed that the aero-scout ship called to inform them of the VC suspects (pg. 16). He did not recall the exact location of the suspects as they were on the ground only momentarily (pgs. 14, 15). He did not hear any firing in the immediate vicinity when they landed (pg. 15). He did recall that the two military-age males took some of their clothes off and held their hands over their heads (pg. 46). Initially, he thought they took the suspects to Duc Pho (pg. 16), but they could have taken them to LZ Dottie (pg. 22). However, they did not take them back for interrogation immediately (pg. 47). He believed they were still in the aircraft when HENDERSON became upset over the artillery prep not stopping on time (pg. 97).

e. Casualties inflicted by artillery.

The witness recalled a statement made by someone that they thought artillery caused quite a few casualties. However, he did not remember if this was a conversation between HENDERSON and LUPER (pgs. 55, 56). He could not recall HENDERSON showing any concern over casualties inflicted during the operation, nor did he indicate concern over people killed by artillery (pg. 84). ADCOCK did not recall the number of enemy that the artillery purportedly killed (pg. 128). He did not recollect LUPER ever talking with Sergeant Major KIRKPATRICK concerning investigating or inquiring about artillery casualties that morning (pg. 128).

f. Other.

ADCOCK was not sure if he remembered any medevac ships in the operational area that morning (pg. 127). He could not bring to mind HENDERSON's order to resweep My Lai (4), nor could he recall Major General KOSTER's countermand (pg. 131). He could not recall if B/4/3 was reporting any kills over near the beach (pg. 76).

2. SUBSEQUENT ACTIVITIES ON 16 MARCH.

a. Arrival and activities at LZ Dottie.

After returning with the suspects, ADCOCK was not sure how long they were on the ground. He did not recall Lieutenant Colonel BARKER or LUPER being there (pg. 24). He remembered several occasions on which KOSTER met HENDERSON at LZ Dottie, but he was not sure that such a meeting occurred on March 16th (pg. 23). However, after further reflection, he believed that KOSTER did land at LZ Dottie that morning with his aide (pgs. 52, 100). Initially, HENDERSON remained in the aircraft while it refueled, but HENDERSON eventually left, apparently to talk with KOSTER (pgs. 51-53, 99-101). He did not recall what time KOSTER arrived, but it was after their arrival (pgs. 53, 100). He did not recall BARKER's command and control ship coming in to LZ Dottie that morning (pgs. 53, 54), nor did he recall it leaving there for a medevac mission while they were at LZ Dottie (pg. 128).

b. Flight to Quang Ngai.

Initially, ADCOCK did not remember returning to the operational area (pg. 25), but later he testified that they flew back over My Lai (4) at a low altitude and circled the village for a short time (pgs. 54, 103, 110). There was not a lot of firing at that time. U.S. soldiers appeared to be just searching the hootches. There was only a little smoke (pg. 112). He did not see any hootches burning (pg. 103), or any more bodies in the village (pgs. 59, 75, 102). He did not recall KOSTER coming in on the radio after their return to the operational area (pg. 58). He recalled radioing their headquarters and informing them that they were flying to Quang Ngai (pg. 58). Then they flew over B/4/3's operational area near the ocean. He did not recall HENDERSON talking with anyone from B/4/3 (pgs. 106, 107). ADCOCK did not recall who went with

HENDERSON to the meeting in Quang Ngai (pg. 61). It seemed as if he was gone for quite some time at the meeting (pg. 61). After returning from the meeting, the witness believed he recalled HENDERSON calling BARKER for a situation report (pg. 61).

c. HENDERSON's afternoon flight.

After the meeting in Quang Ngai, they returned to their headquarters at Duc Pho. HENDERSON left again later in the afternoon, but the witness did not know any details about that flight because he did not go (pgs. 62, 63).

3. HENDERSON'S MEETINGS ON 18 MARCH.

a. YOUNG meeting.

ADCOCK recalled HENDERSON meeting with Brigadier General YOUNG on 18 March (pgs. 79, 80, 129). It seemed as if HENDERSON was there for quite awhile (pg. 80). He did not recall HENDERSON carrying a notebook or other paraphernalia that morning (pg. 129). He did not recall HENDERSON having a three by five card, or the presence of other officers (pgs. 129, 130).

b. Meeting in the field with MEDINA.

The witness thought that they returned to My Lai (4) and circled it. It was deserted. Then they landed near a graveyard. The chopper ascended while the witness, HENDERSON, and another person, whom he could not recall, stayed on the ground (pgs. 80, 81). He did not know if the other person who got off with them was LUPER (pg. 130). They were on the ground 20 to 25 minutes (pg. 82). HENDERSON and the other individual were up near a building talking with the company commander (pg. 82). The witness did not recall the date of this meeting, nor could he remember where they went subsequently (pgs. 82, 131).

c. Troops of C/1/20.

After the completion of the operation he recalled that the troops were heli-lifted to LZ Dottie. However, he did not recall HENDERSON talking with the troops (pgs. 131, 132). They remained at LZ Dottie perhaps an hour that day (pg. 132). He could not recall where they had been previous to the extraction of C/1/20 or where they went afterwards (pg. 133).

4. OTHER INFORMATION.

a. The witness remained as HENDERSON's RTO for the duration of his tour in Vietnam (pg. 35).

b. He recalled Lieutenant General DOLEMAN and KOSTER visiting on 17 March (pgs. 77, 78). He also thought he remembered WATKE and HOLLADAY coming to Duc Pho that day (pg. 77).

c. Brigadier General LIPSCOMB departed the command via airplane on 15 March (pg. 85).

d. He did not recall HENDERSON going to division to talk with KOSTER on 20 March (pg. 133).

e. He did not recall hearing any scuttlebutt surrounding Task Force Barker's 16 March operation or hearing talk about women and children being included in their body count (pgs. 135, 136).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-31	Black and White photo	Wit may have seen.	126
P-45	Oblique photo, west to east of My Lai (4) area	Used to orient the witness.	19
P-46	Oblique photograph	Used to orient the witness. Wit	66
		pointed out location of the 12 to 15	67
		bodies he saw in My Lai (4).	104
P-49	Picture of Major CALHOUN	Wit recognized.	7
P-50	Picture of HENDERSON	Wit recognized.	8
P-51	Picture of MAJ MCKNIGHT	Wit recognized.	8
P-53	Picture of BLACKLEDGE	Wit recognized.	7
P-68	Photographs of My Lai operation	Recognized as BARKER's driver BEARDSLEY.	
			126
P-158	Aerial photo, BS 716789 My Lai (4)	Used to orient the witness.	20
P-195	Color photograph taken from lift ship on 16 Mar	Shown to witness. Wit identified	9,40
		My Lai (4). Entered into	89
		evidence.	
P-196	Color photograph taken from lift ship on 16 Mar	Entered into evidence. Shown to	9,39
		witness. Wit identified My Lai	
		(4).	89

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-197	P-1 as annotated by the witness.	1-Location of C&C ship during CA.	116
		2-LZ west of My Lai (4).	117
		3-Gunship prep to the west of the LZ.	117
		4-Gunship prep to the east of the LZ.	117
		5-Gunships engaged VC suspect here.	118
		6-Infantry were here when ordered to police up VC weapon.	119
		7-Tracked two Vietnamese children to this location.	120
		8-Direction of travel of 10 Vietnamese.	120
		9-Arrows indicate direction of travel of a large number of Vietnamese that left My Lai (4).	121
		10-Gunships fired rockets here.	121
		11-Position of U.S. troops when wit flew low over My Lai (4) on 16 Mar after refueling.	122, 123

(The hearing reconvened at 1535 hours, 29 January 1970.)

MR WEST: The hearing will come to order.

RCDR: The following persons are present: MR WEST, COL FRANKLIN, LTC PATTERSON, LTC MAHAFFEY and MAJ COOP.

The next witness is Mr. Michael C. ADCOCK.

(MR ADCOCK was called as a witness, was sworn, and testified as follows:)

Would you state your full name, occupation, and address.

A. Michael C. ADCOCK, Roanoke, Alabama, employed by Uni-Royal, U.S. Rubber Company.

MR WEST: Mr. ADCOCK, have you seen our Exhibit M-57 which gives information about the nature and purpose of our inquiry.

A. Yes, sir, I have.

Q. Do you have any question about it?

A. No, sir.

Q. Have you received an order from the military judge in the court-martial case of the United States v. Calley or the United States v. Mitchell? These are two court-martial cases. This would have to do with a request not to discuss the My Lai incident in public, in an attempt to protect the rights of the accused.

A. No, sir.

Q. For the record, Mr. ADCOCK, were you a member of the United States Army on 16 March 1968?

A. Yes, sir.

Q. What was your grade, your outfit, and your duty assignment?

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A. Sergeant E-5, Americal Division, Headquarters and Headquarters Company, 11th Infantry Brigade.

Q. What was your duty assignment?

A. My duty then was Colonel HENDERSON's RTO, brigade commander.

MR WEST: We'll have a short recess.

(The hearing recessed at 1537 hours, 29 January 1970.)

(The hearing reconvened at 1539 hours, 29 January 1970.)

MR WEST: The hearing will come to order.

RCDR: All present when the hearing recessed are again present. Mr. ADCOCK, I remind you that you are under oath.

MR WEST: Colonel MAHAFFEY will lead the interrogation.

LTC MAHAFFEY: Mr. ADCOCK, were you with Colonel HENDERSON in his command and control helicopter on the morning of the 16th of March?

A. Yes, sir, I was.

Q. Did you have on a headset as part of the console, or were you just in the helicopter with him?

A. I had on a headset.

Q. You did have on a headset?

A. Yes.

Q. And what nets were you monitoring on the headset?

A. All nets involved, as many as I could, sir. We had, as best I remember, at least five channels.

Q. Do you remember which ones they were?

A. No, I don't.

Q. Was one of them the Task Force Barker command net?

A. Yes, sir.

Q. Were you monitoring any air-ground communications nets, that is, helicopters to other ground elements?

A. Sir, the best I can remember we could monitor, but it was very poor.

Q. Did you at any time during the morning monitor any of the company nets?

A. I don't think so.

Q. Did Colonel HENDERSON?

A. No, sir. If he had, I would remember it.

Q. You do not recall his monitoring C Company or B Company nets?

A. No.

Q. This was a console?

A. Yes, sir.

Q. Now could you describe the events as you recall them, starting with the time that you arrived in the general operational area. I might tell you that information we have indicated that you got into the area sometime around 8 o'clock in the morning. We'll just take it from that point and would you describe for us what you can recall?

A. We started out kind of early that morning. It hadn't been daylight very long, and I remember the combat choppers go in and they strike the area, fire on them.

Q. Gunships?

A. Yes, sir.

Q. You saw that?

A. Yes, sir, the last part of it. We weren't there when they started. And if I remember correctly, we saw the troops start moving in, into Pinkville, and we just observed, flew around and observed for a while.

Q. About how long?

A. I don't know, sir, it must have been right around 40 minutes, I believe.

Q. 40 minutes?

A. Yes, sir, and I remember seeing several bodies on the ground. I think they were killed by the gunships.

Q. What makes you think that?

A. Well, they were outside the village, and if I remember correctly, they were on one of the sides that the company didn't go in on.

Q. We'll get an aerial photograph in a few minutes and we'll fix a little better the location where you saw these bodies.

A. Again, if my memory's not failing me, we picked up a couple prisoners or something. We dropped down for just a few minutes, I believe, but that was about all. All we did was more or less monitor.

Q. Can you recall any unusual transmissions that you might have overheard over the nets, over either the Task Force Barker net or the brigade net, from the time you were monitoring over that area?

A. No, sir. The only thing I can say about the conversations on the nets that morning, the nets that were linking us to the ground, air-ground, they were usually kind of harried and hurried, and a lot of static.

Q. Cluttered up?

A. Yes, sir. The command nets from the headquarters and Colonel BARKER and such people were always kind of calm.

Q. Let's go back a little bit to the time that you arrived in the area. Now, are you sure that you observed part of the combat assault?

A. I believe I did, sir. I'm not sure. Now, I went on quite a few of these and they more or less got jumbled together. I'll have to say that in all fairness, because everything we did that morning, we did often.

MR WEST: Do you remember how you approached the little hamlet of My Lai (4), Mr. ADCOCK? Did you come right down from Dottie or did you come up from Duc Pho? Do you remember?

A. No, sir. I don't.

Q. Who was with you in the helicopter; you, Colonel HENDERSON, and who else?

A. There was a pilot and copilot, of course, and we had two gunners. If there was anyone else, I don't remember.

Q. Do you remember the names of the pilot and copilot?

A. I remember the pilot well, sir, it was Mr. COONEY.

Q. How about the copilot.

A. No, sir, they swapped copilots on us quite a bit.

Q. How about the gunners?

A. They did a lot of swapping on that too, sir.

Q. No recollection at all?

A. No, sir.

Q. Who furnished the gunners, Headquarters and Headquarters Company?

A. No, sir, the gunners came from the aviation unit where we drew our choppers from. They furnished the gunners.

Q. Was that outfit called Primo?

A. No, sir.

Q. That was your own?

A. That was our own aviation unit. This was the aviation unit at the base, at Duc Pho.

Q. 174th?

A. I believe it was.

Q. Think back now. Was Major MCKNIGHT in the helicopter with you? Think back. Who was with you?

A. He was a lean and tall fellow?

Q. Blonde and slender.

A. Wasn't he Colonel BARKER's XO? Or was he? He was affiliated with Colonel BARKER, I believe. I don't remember. I can't say for sure, sir.

Q. Well, he was the S3 for the brigade.

A. Yes, sir.

Q. He was Colonel HENDERSON's S3.

LTC MAHAFFEY: Were you also the RTO for General LIPSCOMB when he was commanding the brigade?

A. No, sir.

Q. You were not?

A. No, sir, his aide did that.

(The hearing recessed at 1550 hours, 29 January 1970.)

(The hearing came to order at 1553 hours, 29 January 1970.)

COL FRANKLIN: The hearing will come to order. All persons present when the hearing recessed are again present with the exception of Mr. WEST. Colonel MAHAFFEY, will you continue your questioning.

LTC MAHAFFEY: Mr. ADCOCK, I'd like to go back to your association with General LIPSCOMB. You indicated you were not his RTO. Were you associated with General LIPSCOMB prior to Colonel HENDERSON assuming command of the brigade?

A. Yes, sir. I was his driver.

Q. Did you attend the change of command ceremony on the morning of the 15th?

A. Yes, sir.

Q. And then became Colonel HENDERSON's radiotelephone operator, is that right?

A. Yes, sir, he informed me of the change, I think, about a week before.

Q. Going back to Mr. WEST's question concerning the personnel who may have been in the command and control helicopter on the morning of the 16th, I'd like to show you a photo identified as Exhibit P-53 and ask you if you recognize the individual shown in that photograph?

A. Yes, sir.

Q. Who is it?

A. Lieutenant Colonel BLACKLEDGE.

Q. Can you identify any of the other individuals on the reverse side, Exhibits P-49, P-50, P-51, or P-52?

A. I know Colonel HENDERSON and Major CALHOUN.

Q. Would you identify them as to exhibit numbers please?

A. Major Calhoun is P-49.

Q. P-50?

A. Colonel HENDERSON.

Q. And P-51?

A. Major MCKNIGHT.

Q. And P-52?

A. I don't know.

Q. Now we've oriented you on the layout of the aerial photograph which you have in front of you (Exhibit P-1), generally, showing My Lai (4) and the surrounding area. Evidence that we have so far indicates, as I said earlier, that the command and control helicopter approached the area sometime around 0800 hours. Now you've indicated that you thought that you observed the tail end of the combat assault. I'll further orient you. The evidence we have indicated that the landing zone for C/1/20 was just to the west of the hamlet of My Lai (4), about in this area here. Artillery preparation, 4 to 5 minutes, was fired in this general area here, prior to the insertion of the first lift of C Company. Then there were helicopter suppressive fires also placed in the vicinity of the LZ prior to the first insertion. Now going back to your previous statement, what do you recall about that combat assault?

A. Really I don't recall anything about it. I saw several while I was there, and I could be mistaken. But the only thing that I affiliated with it was the KIA's and the combat assault. That's the only reason I said that.

Q. Did you observe when you first came into the area any gunships firing into the area that I indicated was the landing zone?

(MR WEST rejoined the hearing.)

A. I think I did, yes, sir.

Q. I'd like to enter into evidence two 8-by-10 photographs. The first is an 8-by-10 photograph, color, taken by Lieutenant ALAUX on the morning of 16 March 1968, showing the My Lai (4) vicinity and the lift ship in which Lieutenant ALAUX

was flying, and one of the other lift ships. It was taken from the south-southwest in the direction of the north-north-east.

RCDR: This is entered into the record and identified as Exhibit P-195.

Q. The second is essentially the same type of photograph showing generally the same scene except that it appears that it is taken from a slightly higher altitude and greater distance from My Lai (4).

RCDR: This is entered into the record and identified as Exhibit P-196.

Q. Let me just ask you, Mr. ADCOCK, to take a look at both of these photographs and see if they might help you recollect anything concerning the combat assault.

MR WEST: Both of these are taken from the south of My Lai (4), approaching it. If you notice, you can identify some of the terrain features there.

LTC MAHAFFEY: Do they look familiar to you?

A. Yes, sir.

Q. And to the best of your recollection, do you think that you observed gunships firing in the vicinity of the village on that morning?

A. I believe so, yes, sir.

Q. Now as you came into the area, do you recall either seeing or hearing over the radio, information about a couple of armed individuals north of the village, up here. Indications are they were orbiting this area and perhaps popping red smoke or smoke of some kind when you first came into the area.

A. Yes, sir, I believe so. There were people running out of this village.

Q. People were running out?

A. Yes, sir.

Q. In which direction?

A. I believe toward the north here, sir. I think one ship spotted them and another one came in to assist, I believe.

Q. Did the engagement take place after you arrived in the area, or had they already been killed and they were just being marked when you arrived in the area? Can you recall?

A. I believe it happened just a few minutes after we arrived.

Q. After you arrived?

A. Yes, sir.

Q. Do you recall whether Colonel HENDERSON or maybe Major MCKNIGHT made transmissions in regard to those two individuals when you got into the area?

A. No, sir.

Q. You can't recall or you don't think they did?

A. I can't recall, sir.

Q. Now, the next indication that we have is that, as you indicated, people were coming out of this area. A large group of them were moving off to the southwest along this route? Do you recall seeing that?

A. Yes, sir.

Q. How many people do you think there were?

A. There were quite a few. I'd say at least between 30 and 50, that's as many as I observed.

Q. Thirty to fifty?

A. Yes, sir. Of course, normally this happens whenever there was a combat assault.

Q. Do you recall any transmissions by either Colonel HENDERSON or Major MCKNIGHT made with respect to these people leaving to the southeast?

A. Yes, sir. It seems at one time, it might not have been this time, but one time he commented, he never did comment at any length--

Q. (Interposing) Who was he?

A. Colonel HENDERSON. He'd say something like, "There they go," or "Look at them," or something like that. It wasn't a transmission or anything.

Q. It was not a transmission to Colonel Barker, C Company, or any of the elements?

A. No, sir.

Q. All right. Do you recall you talked about picking up two prisoners, dropping down and picking them up? Let me back up a little bit. Do you recall seeing any bodies when you first came into the area? Do you recall the two gunships about this time were orbiting here and marking locations? Did you see any other bodies at that time that you can recall?

A. No, sir.

Q. How about to the south of the village?

A. The first time that I saw them was when we first came into the village.

Q. When you first got into the area?

A. Yes, sir. I don't know which direction we came from.

Q. Indications that we have are that you came generally from the north.

A. That was when I would have saw them.

Q. Where?

A. On the road and side of the road, and some were in the paddies.

Q. Would you take that grease pencil and just try to mark as best you can recollect where you saw the bodies when you first came into the area. Put a circle in the general area. You said you came in, I believe, from about this direction.

A. It would have to be right in here, sir, because I remember it was kind of clear, just a few rows of trees. This is the only place it could be, right in here.

Q. In the northeast corner?

A. Yes, sir, because the rest of it's pretty dense.

Q. Would you put a number 1 in that circle?

(The witness placed a number 1 in the circle that he had drawn on the northeast corner of the village of My Lai (4) on Exhibit P-1.)

How many bodies do you think you saw?

A. Between 12 to 15.

Q. Now did you see any other bodies when you first came into the area?

A. No, sir.

Q. Do you recall what altitude you were when you saw these?

A. Thirty feet.

Q. Thirty feet?

A. Yes, sir.

Q. You were down low?

A. Yes, sir, we were flying just above the ground.

Q. Why?

A. When we came in and went down and circled for a little bit, that's when I saw them.

Q. When you first got in there?

A. Yes, sir.

Q. Are you very sure of that? I'm not questioning you. It's important to try to fix a time when this happened. When you first got into the area, or perhaps later on.

A. We went down pretty low and circled a couple of times, and we picked up the prisoners.

Q. All right now, let me tell you that the evidence we have indicates that you picked up the prisoners within about 5 or 10 minutes after you got into the area. What I'm trying to pin down is what you saw right off the bat, when you first came in the area.

A. I didn't notice anything.

Q. You didn't see anything at that time?

A. No, sir. I was sitting in the middle of the chopper, there's a seat on each side. I was right in front of the radio. And I couldn't see very well what was going on until we started circling and the chopper banked.

Q. Banked?

A. Yes, sir, and then I could see down.

Q. Do you recall anything other than the gunships orbiting to the north of the village up here, marking these two bodies. Do you recall anything else that might have happened before you went down to pick up the prisoners or

that you might have seen?

A. No, sir. I can't.

Q. Now when you went down to pick up these prisoners, do you recall where you picked them up?

A. Once again, I remember that it was pretty sparsely populated by trees and stuff. It was more in this area.

Q. Might have been along that highway?

A. Along this highway here, sir (pointing to Highway 521)? I don't know, I can't say for sure.

Q. We think, based on what we know, that you probably dropped down and picked up two prisoners or suspects in this general area, pretty much along that road itself. You can't recollect any of the details concerning that pickup?

A. No, sir. But there was someone else in the chopper with us besides Colonel HENDERSON and myself. I can't say for sure it was Major MCKNIGHT, but whoever it was got out and got these two people, I believe.

Q. Was it a doorgunner?

A. One of them was a doorgunner.

Q. That went out to get them?

A. Yes, sir. I believe there was somebody else.

Q. The doorgunner and one other individual?

A. The doorgunner was the main one. He jumped, just about off the bat, he jumped out and went and rounded them up, he and our passenger.

Q. Did you tie them up?

A. I believe so but I'm not positive.

Q. Where did you sit them in the helicopter? It was getting pretty crowded about that time?

A. Yes, it was.

Q. Were they sitting on the floor?

A. One was, I believe, and one was on the seat.

Q. How long were you on the ground, do you think, while you were picking them up?

A. It didn't take more than a few seconds. It wasn't long.

Q. Were there any ground troops, U.S. ground troops, around while you were picking them up?

A. I didn't see any.

Q. You didn't see any at all?

A. No, sir.

Q. Did you hear any firing?

A. Yes, sir, it seemed like you would hear a little popping. You couldn't hear it well.

Q. Nothing in that immediate area?

A. No, sir.

Q. Did your doorgunner do any firing as you went down to pick them up?

A. He fired a couple times to try to make them stop. He didn't hit them.

Q. Your doorgunner?

- A. Yes, I believe.
- Q. How about a scout ship?
- A. Yes, sir, there was a Primo scout ship.
- Q. In that area?
- A. Yes, sir. He was the one that called.
- Q. Called you?
- A. Yes, sir. and told us. I think he thought they were suspects, I believe.
- Q. And then you went down and picked them up.
- A. Yes, and he was down further from us.
- Q. At the time you went down?
- A. Yes.
- Q. Was he doing any firing or could you tell?
- A. I believe he too was trying to signal us, shooting in front of them or around them, trying to make them stop.
- Q. You think your doorgunner fired some warning shots in front of the people to stop them?
- A. I believe he did. I'm not sure, I can't be positive.
- Q. After you picked them up, what did you do next?
- A. We went back up, but I couldn't say for how long.
- Q. Did you take the prisoners back?
- A. Yes, sir, we took them back to Duc Pho.

Q. Do you remember observing, shortly after this, the second combat assault which would have been over in the vicinity of Pinkville, over here by B Company?

A. No, sir.

Q. You do not recall observing that?

A. No, sir.

Q. Do you recall after having picked up these prisoners going back over to where you had the two bodies over here? Perhaps Colonel HENDERSON or Major MCKNIGHT were talking to some of the ground elements and trying to get them to come out to pick up weapons from these two bodies?

A. No, sir, not that I remember. Most of the time I couldn't monitor the transmission unless it was pretty lengthy because I was too busy trying to change channels for him.

Q. For whom?

A. Colonel HENDERSON.

Q. Was he doing quite a bit of talking that morning?

A. More than usual, I'd say. he didn't talk too much, but he did more than he usually did that morning.

Q. How about Major MCKNIGHT.

A. He did a little too, I believe. There was someone there. I'm not positive it was Major MCKNIGHT.

Q. Do you recall any ground elements moving out toward the two bodies--

A. (Interposing) No, sir.

Q. To pick up the weapons?

A. No.

Q. You do not?

A. No, sir.

Q. I'd like for you think again about where you took the suspects after you took them up. Let me ask you first, do you recall how long you stayed in the area with the two suspects, how long you orbited the area?

A. No, sir, I can't recall. I don't know how long we stayed.

Q. Well, we think, based on what we know, we think maybe you stayed in the area for another 20 maybe 30 minutes at least, just in that area, watching the progress of the operation. Now was it during this period of time that you saw the bodies that you talked about earlier?

A. After we picked those--

Q. (Interposing) After you picked up the prisoners?

A. No, sir.

Q. When did you?

A. Before we picked them up. Well, as we were picking them up. I don't remember exactly where we picked them up, I remember what the terrain was like.

Q. Well, we're pretty sure, Mr. ADCOCK, that it was down in this area where the command and control helicopters went down and picked up the two prisoners or two suspects. Now can you fix in your mind whether it was before you went down to pick them up, or at the time you went down to pick them up, or after you picked them up that you first saw these 12 to 15 bodies?

A. I know it wasn't after.

Q. What makes you sure of that?

A. Because it was one of the first things that I saw, I'm positive of that. It was one of the first things that I really noticed, and that's about the only thing positive I can tell you. But I don't think they were down here.

Q. The bodies?

A. No, sir.

Q. Where do you think they were?

A. Like I said before, according to the way the map looks, it was this area here. Because like I said, it more fits the description I have in my memory, this area.

Q. The northeast corner of the village. I'd like you to take a look at another aerial photograph here, identified as Exhibit P-45. Now this is an oblique shot looking from this general direction here to the northeast. Now looking at it from that viewpoint, you can see a river coming around here. Do you still think the bodies you saw were up in this portion or where?

A. I think I remember this row of trees here.

Q. Pointing to the southwest corner of the village.

A. This was right here.

Q. Do you remember where you saw the bodies in relation to that corner?

A. Right here.

Q. Indicating in the southwest corner.

A. That would put my previous statement off a little bit.

Q. Well, almost 2 years have gone by. It's hard to recollect.

A. I remember these trees like this. There was a row of trees, and it was right along in these trees. It seems like there was a little trail right here.

Q. A little trail?

A. Yes, sir.

Q. Let's take a look at another shot here. This is a vertical shot identified as Exhibit P-158 of the same village. Now the area where you were just looking, this is the southwest corner here. You can see a trail running out to the south. That's the small trail here. We also have another trail coming due south about the center of the village, coming due south down to 521. Were these bodies along this route, or were they near the hamlet itself?

A. I couldn't say for sure. I know there was a trail, I know there was a row of trees--

Q. (Interposing) Well, if you'll notice this trail that goes due south out of the village, there are trees at various spots along in here, and of course there is a tree line along Route 521. Now do you think that it might have been along Route 521, or along this route coming due south out of the village, or in the southwest corner of the village?

A. I couldn't say for sure.

Q. Well, I'd like to have you mark, if you will, on this aerial photograph to the best you can recollect where you saw the 12 to 15 bodies, recognizing that you may be off some because of the lapse of time involved. Are you of the opinion now that you did not see them in the northeast corner of the village?

A. Yes, sir, because I know I saw the trees, the row of trees. It was kind of unusual because you don't

find them in rows. And there was a trail or a ditch or something similar to a trail, and they were along that tree line and trail.

Q. Were the bodies spread out or were they pretty close together?

A. No, sir, they were not close together.

Q. They were not close together?

A. The majority of them weren't.

Q. Where not?

A. Yes, sir.

Q. What distance did the bodies cover, 25 meters?

A. I'd say about 25 to 30 meters.

Q. Twenty-five to thirty meters?

A. Yes, sir.

Q. And you estimate in that 25 to 30 meters, 12 to 15 bodies?

A. Yes, sir.

Q. Could you tell what they were?

A. I didn't pay that much attention.

Q. Were they uniformed or could you tell?

A. They looked like just any others over there. I don't think they had. I don't know, I can't say for sure.

Q. But you were about 30 feet off the ground at the time you saw them?

A. Yes, sir, I remember we were close.

Q. Were you hovering or just hopping at the time you saw them?

A. No, sir. We weren't hovering.

Q. Flying at a low altitude?

A. Yes, sir.

Q. Did you get a good look at them at all or just a fleeting look?

A. It wasn't a real good look. It was sort of more than a fleeting look. I looked at them two or three times.

Q. Two or three times?

A. Yes, sir.

Q. And still couldn't tell whether they were kids, old men, a mixture, or what?

A. No, sir.

Q. And you believe you saw them prior to picking up the two suspects?

A. Yes, sir.

Q. We believe, Mr. ADCOCK, that you took the two suspects back to LZ Dottie rather than Duc Pho. Do you recall taking them back to Dottie?

A. No, sir, not really, but I don't recall. I know we took them back to an LZ. I couldn't say for sure.

Q. I think the evidence is pretty clear that you did take them back to Dottie. Apparently while you were there, General KOSTER came in, or was there. Do you recall that?

A. Yes, sir.

Q. You do recall what, him being there or coming in?

A. I don't know, sir. I couldn't say for sure.

Q. Well, what we think happened is that you took the two suspects back to Dottie. They were turned over to MI interrogators, PW interrogators. Do you remember that?

A. Yes, sir.

Q. Do you remember who took them down to the PW cage, or did somebody come from the PW cage to the chopper or--

A. (Interposing) No, sir. I don't know.

Q. You had them in the chopper now, and they had to get down there. You don't recall how that happened?

A. No.

Q. When you dropped these prisoners off, did you immediately take off and go back to the operational area, or was it at that time you saw General KOSTER.

A. Again, I can't say for sure. The reason that I'm not certain is General KOSTER came down several times when we were there, and we'd have a put down. This happened frequently. I can't say for sure that it didn't happen this morning that we're talking about.

Q. Again, from the evidence we have it looks like Colonel HENDERSON's command and control helicopter was on the ground, probably refueling at Dottie. General KOSTER then came in and after he had gotten on the ground he and Colonel HENDERSON talked for a while. Do you recall their being together and talking a while?

A. I believe so, but I'm not sure.

Q. Let me go back again. Do you recall how long you were on the ground at the time you took these two suspects back?

A. No, sir.

Q. How about Colonel BARKER, do you remember seeing him on the ground at that time?

A. No, sir.

Q. Do you remember Colonel LUPER?

A. The name sounds familiar.

Q. He was the artillery battalion commander?

A. Yes, sir.

Q. Do you remember him being there with you that morning?

A. No, sir.

Q. You're not sure whether Colonel BARKER was on the ground at that time or whether you saw him at that time?

A. No, I'm not sure.

Q. You do recall taking the prisoners back and dropping them off?

A. Yes, sir.

Q. You do not recall how long you were on the ground?

A. No, sir.

Q. Do you recall some information coming back

from that PW team that these two prisoners really weren't prisoners, that they were really PF's that had been held by the VC for a while.

A. No, sir. I don't recall that.

Q. Now after you dropped the prisoners off, did you go back over the area, over the My Lai (4) area?

A. I don't know, sir.

Q. Colonel HENDERSON has told us that after the suspects were dropped off, they went back over the operational area. Do you recall anything about the period of time that you went back over the area?

A. No.

COL FRANKLIN: Do you think you've got the right day? This was probably your first CA?

A. Yes, sir.

Q. Now you started off your tour in Vietnam as General LIPSCOMB's driver?

A. Yes.

Q. You became Colonel HENDERSON's RTO. You've got two VC. You'd probably never been next to a VC before. You probably had never seen one before, had you?

A. Right.

Q. Here is one of these guys probably sitting next to you, and one of them is down on the floor. You don't have any feelings about this, like he might attack you or might try to jump out or push you?

A. I was watching them, sir.

Q. You were watching them, so you remember? Now most people are uncomfortable in a helicopter when you've

got Vietnamese with you, VC anyway. It's very important. I want you to try to remember here and just be patient with us. Now try to think, was it sort of a long time you were uncomfortable or wary or watching these Vietnamese, or you just sort of flew right with them and dropped them off somewhere?

A. No, sir. I don't think it was a long period of time.

Q. Could you have stayed up in the air about half an hour or less than half an hour?

A. I can't say for sure, sir.

Q. Okay, somebody runs up to your chopper and takes these two VC. Can you recall now if usually about this time most people in a helicopter have to relieve themselves? You had been flying about an hour, hour and one-half; you probably had coffee. Do you recall getting out of the chopper and taking a rest, shaking your legs. Again, this is your first day; you just captured some VC?

A. No, sir. I don't remember.

Q. You just can't quite remember. Was this village burning?

A. Yes, sir, there was a little smoke.

Q. What do you mean a little smoke?

A. Well, I was under the impression gunships-- I think that's what I remember smoke from.

Q. You saw smoke in the hamlet?

A. Yes, sir.

Q. You assume it's gunships. Why do you assume it's gunships?

A. No basis.

Q. That's okay, I just want to know what you thought. If you thought it was gunships, fine. I'd just like to know why thought that.

A. When a gunship fires a rocket, you see when it hits, a little fire and a little smoke. I was under the impression that's what I noticed.

Q. Well, you didn't see a lot of hootches burning then?

A. No, sir.

Q. These bodies you saw, did you see any kids' bodies?

A. No, sir.

Q. Well, you go wheeling around in the chopper and you suddenly look out and everybody sees 15 bodies. There's usually something on the intercom. Do you recall anything, anybody talking or saying anything about the bodies?

A. No.

Q. Nobody pointed out the bodies to anybody else?

A. No, sir.

Q. Didn't that seem strange to you?

A. Well, all of us in the chopper, we could all see them.

Q. Did you have seats on the chopper? Was Colonel HENDERSON--was he riding looking in the same direction as the pilot, or was he in a seat that looked straight out the door?

A. No, sir, he was facing the same direction as the pilot. He was directly behind the pilot.

Q. Everybody was facing the same direction the pilots face. You didn't have the side seats except the doorgunner, and everybody, you said, could see those bodies?

A. Of course now, Colonel HENDERSON, his was unlike the rest of our seats. Of course now, the seats are just bars, a little thing across it. The person on the end can swing his legs and look out, face out the door that you're referring to, but I don't think Colonel HENDERSON could have. Now, of course, he can lean out.

Q. I was referring to the fact that sometimes they have seats that are up perpendicular to the direction which the pilots are facing, but you didn't have those in yours?

A. No.

Q. What impression did you have? You listened to a lot of radio traffic. You're with the brigade commander. What was in your mind, just what was going on down there in this hamlet?

A. Well now, this was the first combat assault I had been on, and I didn't have anything to compare. So I didn't see anything unusual.

Q. Did you think there was a battle going on down there?

A. Yes, sir.

Q. Why?

A. There was a lot of fire.

Q. There was a lot of gunfire?

A. When we came in and they let them out, I remember when they went in the tree line up here, along this edge, they were firing. This is what I had imagined in my mind as a combat assault. And it fit the description, and therefore I didn't see anything unusual.

Q. Do you remember Colonel HENDERSON being upset about anything at any time during this? Did he seem pleased?

A. I can't say, sir. Colonel HENDERSON doesn't show his expressions very well.

Q. After you dropped these prisoners later in the morning, we know you went down to Quang Ngai. Colonel HENDERSON had an appointment down there to see the province chief. That was late in the morning. Do you recall that?

A. I can remember going into Quang Ngai. I can't remember the exact day, or what about. I can remember what the place is like.

Q. Before you went in there now, we've got some time we have to account for. You dropped these VC about 0840 and you go into Quang Ngai, I believe, after 11 o'clock. And you see General KOSTER about 0930 or 0935 for a certain period of time. So can you recall any time flying back over this area?

A. If we did, I can recall it, sir.

Q. Do you recall Colonel HENDERSON or Major MCKNIGHT or somebody talking about a large body count; excited, a lot of bodies, a lot of enemy, a lot of VC?

A. No, sir.

Q. Did you ever see any more bodies?

A. Before we went on this mission I just overheard that the village was supposed to be a nest of VC. There was supposed to be quite a few people, and that's

the only time I recall anything said about it.

Q. Who did you hear that from?

A. I don't have any idea, sir.

Q. Do you recall anything about some mortar rounds? Where it says P-1 there on your aerial photo, some talk about some mortar rounds, with a bubble over there, gunships, infantry going down. Do you recall anything about that?

A. No, sir.

Q. Did you ever see any more bodies anywhere at all around My Lai (4)?

A. No, sir.

Q. The only bodies you saw were these 12 or 15 bodies?

A. Yes, sir. I may not have been paying that close attention, but that's the only time I can remember seeing them.

Q. What kind of altitudes were you flying? You don't remember flying back so you don't remember what altitudes you were flying?

A. No, sir.

Q. Did Colonel HENDERSON ever hesitate to get real low whenever there was action? Did he hesitate to get low at all?

A. No, sir.

Q. Even when there are gunships in the air, lift ships, other C&C's. Would he just tell his pilot to go on down and take a look?

A. No, usually he waited until these people

were already deployed and the gunships started to hit. Then he didn't mind. He went down quite often, in fact.

MR WEST: The hearing will be recessed.

(The hearing recessed at 1640 hours, 29 January 1970.)

(The hearing reconvened at 1645 hours, 29 January 1970.)

LTC PATTERSON: The hearing will come to order.

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

LTC PATTERSON: I remind you that you are still under oath.

I'd like to, in an effort to assist your recall of the events of 16 March, give you some facts. It is almost as if you could close your eyes and re-live the 16th by telling you some of the information we have available to us your activities; yours, Colonel HENDERSON's and the C&C ship's. See if we can sort out sequence, times and places, just a little clearer than what we've been able to do substantially so far. Colonel HENDERSON has talked to us and given us a good deal of information. You were right next to him while he was airborne at least during this particular period, so we're hopeful that we can establish the sequence of events not only from testimony but also from documentary evidence that we have available to us. Now going back to the 15th of March, and after the morning, we believe, you and General LIPSCOMB, we have information, departed almost immediately after the ceremony and you drove him in your jeep to the heliport?

A. Well, we had an airstrip at Bronco, Duc Pho, and there was a plane that picked him up.

Q. Fixed-wing airplane?

A. Yes, sir.

Q. Did Colonel HENDERSON go with you in the jeep, or did you and General LIPSCOMB go by yourselves?

A. That's right.

Q. Did he take his aide with him?

A. I don't believe so.

Q. Just you and he and his baggage probably, or was the baggage already there?

A. No, sir. We took the baggage I believe. No there was another person there, another one of the staff, but he had been there prior to this.

Q. This is 15 March. How long had you been in country at this time?

A. About three and one-half months.

Q. You arrived--

A. (Interposing) I arrived the last day of November.

Q. Had you been working for General LIPSCOMB as his driver-aide during this period?

A. Yes, sir.

Q. Had you done much flying with General LIPSCOMB?

A. Not at all prior to arriving in Vietnam.

Q. And how about when General LIPSCOMB flew, did you spend much time as an RTO for him in the helicopter?

A. No, sir.

Q. Most of your duties were confined to the ground

and the jeep and handling the radio for him?

A. Well, we were a new outfit. We had to start from the beginning. There's a lot of little things that was my job.

Q. You had been with the brigade for some time in Hawaii?

A. Yes, over a year.

Q. When did Colonel HENDERSON notify you that you were going to become his radiotelephone operator as opposed to his aide or vehicle driver?

A. He never did, sir. Before General LIPSCOMB left, he called me in the office.

Q. Who did?

A. General LIPSCOMB. I had heard, there was a rumor, that he was leaving. But that was my first official notice that he would leave, and he told me he wanted me to stay on with Colonel HENDERSON. And Colonel HENDERSON, we never met and had the usual briefing. It just happened.

Q. Well, Colonel HENDERSON was around the brigade headquarters during this period of time, wasn't he?

A. Yes, sir.

Q. What was his job?

A. The XO.

Q. Did you have any dealings with him or talk to him many times?

A. Not many times. We were familiar, though, that was about the extent of it.

Q. Did this new assignment kind of take you by surprise a little bit?

A. No, sir. When I first heard the rumor that General LIPSCOMB was leaving, I thought about all the possibilities that could happen. That was the one, I figured, that would happen.

Q. Did Colonel HENDERSON have a jeep driver?

A. I can remember him having one in Hawaii, but I don't believe he had one in Vietnam. Colonel BARKER had a driver. I think he used the S3 driver.

Q. Did you wonder who was going to take over the responsibilities for your jeep?

A. Yes, sir.

Q. Do you know who did?

A. After I left?

Q. Well, you turned over your jeep, apparently on the 15th?

A. I filled both capacities.

Q. So you became quite a worker, then, for Colonel HENDERSON?

A. Yes, sir.

Q. Where did you leave your jeep when you climbed on board helicopters out there? Did you just leave it right there?

A. Our helicopter was about, I'd say, around 100 yards, it was parked around 100 yards from headquarters TOC. And the mess hall was more or less between headquarters and the heliport where we kept the chopper. That's where I stayed, was in the mess--well, it was the general's mess and then the colonel's mess. We more or less just walked out.

Q. Did you stay with Colonel HENDERSON as an RTO for the balance of your tour?

A. Yes, sir.

Q. So your tour in Vietnam was with General LIPSCOMB and Colonel HENDERSON?

A. Yes.

Q. Okay. Let's think back to 15 March. After you came back from taking General LIPSCOMB to the airport, I would imagine you felt like you lost an old friend because you had been with him for some time?

A. Yes, sir.

Q. Do you remember when you reported to Colonel HENDERSON, and then what he expected you to do right away?

A. I believe it was that afternoon.

Q. Right, and what did you do? Did you go right up in the aircraft?

A. I believe so, yes, sir.

Q. Where did you go?

A. I don't remember.

Q. This was your first experience?

A. Right.

Q. And you put that old headset on the first time. That console, did somebody give you a briefing on the console?

A. Yes, sir. Lieutenant WOODRUFF then was General LIPSCOMB's aide. I went with General LIPSCOMB and Lieutenant WOODRUFF two or three times prior to his departure, and he briefed me. Of course, I more or less just had to learn by feeling it out after that.

Q. I have reason to believe that you went that afternoon of the 15th, up to LZ Dottie to see old Task Force

Barker. I think Colonel HENDERSON probably went up to get briefed on this operation that was going to take place on the afternoon of the 16th. Now you may not have been a part of that briefing, but I think you probably found yourself on the 15th at LZ Dottie. Do you recall being there that afternoon?

A. I can remember going, and I can remember Colonel BARKER. Now I had always seen him around headquarters, and this was the first time I had seen him as commander in the field.

Q. As a commander right out there at his new home?

A. Task Force Barker had just been formed.

Q. Yes, well it had been formed a little bit earlier, in the latter part of January. Okay, they were probably gone for a period of time while Colonel BARKER briefed or conducted a briefing for Colonel HENDERSON, and then Colonel HENDERSON came back and probably went back on down to Broncho because it was late in the evening or that afternoon.

A. Yes, because I remember that was the first time I started logging flights.

Q. And you were going to begin drawing some pay for this pretty quick here, weren't you?

A. Yes.

Q. Now the 16th, the morning of the 16th, again, you were perhaps told on the night of the 15th that you were going out the next morning?

A. I don't think so.

Q. No?

A. No.

Q. You don't recall getting the ship ready or getting frequencies set up on the machine or making any plans, or anyone telling you that the colonel would be going up early in the morning to watch an operation?

A. Yes, sir, I do too, because I had to fix out a sheet with all the frequencies and the call signs.

Q. Apparently you asked somebody and got the frequencies that you were going to need the next day on your radio so they'd be all set up.

A. I got my maps and everything ready.

Q. Did you make any plots on any of the maps.

A. Yes, sir, I usually went in the TOC; this was after I established a pattern. But I may have gone in the TOC that night to try to see where we were going and so forth.

Q. So you could be all set for the colonel and not be like a dope the next morning.

A. Yes, more or less.

Q. I think you testified earlier that you got on station in time to see part of the lift?

A. Yes, sir.

Q. Okay, now let me tell you what we think happened about this time. Looking at your aerial photograph, the lift was coming out of Dottie; you remember LZ Dottie, now, is up here to the northwest of My Lai (4). Then there were about nine slicks in formation, vees of 3. Do you know what vees of 3 are? And a couple of gunships were alongside of them, and an artillery prep was going to be conducted. Do remember where the artillery was coming from?

A. Uptight.

Q. Uptight, that's correct. And the artillery began, oh, 0725, 0727, somewhere in there, and was to be quick, to stop about 0730, at which time the lift was to be on the ground, the first nine-ship lift. You may not have been here for this now. But I'm telling you this to see if you recall. The nine ships came to the south, turned, and landed to the north right here in the paddy to the west of My Lai (4). The artillery prep was finished. There may have been some residual smoke and some residual dust. The gunships, of course, one on each flank, we fell, were suppressing on the flanks as the slicks came in and landed.

A. Yes, I remember, because I thought this one over here on this side was a futile attempt because there wasn't too much over here.

Q. You're pointing to the left side, the creek?

A. Actually it was a little closer than that. You say they landed over here?

Q. Just to the west of My Lai (4).

A. Now there was one strafing right along here.

Q. Right along this north-south ditch?

A. Yes, sir, they were strafing along here.

Q. On the west side of the slicks?

A. I can remember thinking they shouldn't have been there. It wasn't doing any good.

Q. Did you only see two gunships there working on both flanks?

A. As best I remember, yes.

Q. Okay, that supports just about what we have, that there was one on the west and one on the east. The one on the east was suppressing along the edge of the village, and the one on the west generally over on the west side of the LZ, making the runs from south to north. Is this the way you kind of remember it?

A. Yes, sir.

Q. On the slicks, the outside doorgunners probably suppressed as they were going down. There was not only the rockets and miniguns of the gunships, but also the firing from the slicks, and still probably a little smoke and haze from the artillery that had just gone on. Do you remember seeing this?

A. Yes, sir, because the only reason I remember that too is because they were firing not really at targets but just more or less cover.

Q. Did you notice where these rockets were landing? Could you see the puff of smoke from the rockets?

A. No, sir.

Q. The exhibit photographs that you were shown earlier, I'd like to show you again. This is P-196. This picture, we feel, was taken in one of the lift ships as it was on final for the LZ that morning, not gunships as we discussed earlier. The man that took the picture, this is his foot. He was in a lift ship, and this was another lift ship, and there was another one back over here to the right of the photo. Just to orient you on the photo, if you'll see how this little trail goes up into the village, and this road is 521, and there you have it. So this picture was taken back in here, going to the west side of My Lai (4). This tree line, east-west tree line, is this one, and this little tree line is kind of obscured by that smoke. Now you may not have seen it from that view, that is, from the south looking north as that photograph is. Do you recall seeing a sight similar to that, or did the village look that way to you that morning?

A. As I remember seeing this, like I told you earlier, the ships landed right in here, the gunships. We were somewhere right in here looking down. They were on my left.

Q. You were just north of Hill 85 and between 521 and 85 and looking to the northwest then, and that would

have put you out of the artillery from Uptight. So on this photograph Exhibit P-196, do you recall something like that then?

A. Yes.

Q. You notice there's a lot of smoke there?

A. Yes, sir.

Q. Did you wonder what that was?

A. The artillery just finished firing. I thought it was all in order.

Q. Right. The next photograph now is the slicks continuing on, which is by comparison, as you'll see, very similar to the scene in P-196. Of course, P-195 is a little bit later in time and you can see, from reference to the ground there, that they're on the other side of 521 now. The slicks are inbound, and you'll notice the smoke is a little taller, a little higher, and it should have been right about this time that those gunships made their suppression run.

A. Yes, sir.

Q. Do you think you remember seeing something like this?

A. Yes.

Q. Now we have reason to believe this happened right around 0730 in the morning.

A. Yes, sir. It was early.

Q. And where did you come from at this time?

A. Where were we coming from? At this time, now?

Q. Yes, think back, that morning.

A. Didn't we go to Uptight before--

Q. (Interposing) I don't know. I'd like for you to recall now, the morning of the 16th, your first big day. You probably were concerned about getting to that aircraft on time, wondering where it was and when it was going to land and pick you up. This was at Duc Pho, I imagine. Weren't you at Duc Pho--

A. (Interposing) Yes, sir.

Q. When you started?

A. Yes, sir.

Q. The aircraft was coming out of Duc Pho, but it had to come over to your pad. Mr. COONEY had to bring it over there.

A. Yes, sir.

Q. Do you remember about what time it was when you got down in that aircraft and you started making sure those radios and your maps were straight?

A. No, sir. I don't.

Q. But you took off out of there, and there must have been some thought about what time you were going to be in the operational area for this operation?

A. Yes, sir.

Q. Where did you go? Did you go up to watch the slicks load at Dottie, or did you go to Uptight and watch the artillery prep?

A. This is not in reference to this particular morning. I remember distinctly one morning we went to Uptight. I think this is what, if I'm not right, this is what confused me. We got to Uptight before--it was still between daylight and dark. And I remember being on Uptight early one morning, but I can't say for sure it was that morning.

Q. Did they start artillery firing that morning?

A. Yes.

Q. Were they firing a prep?

A. They were supposed to, yes, sir.

Q. Did you go and watch the prep?

A. I don't know, sir.

Q. The next thing you recall, though, is just being to the north of 85, Hill 85, this block of ground, and looking to the northwest and seeing essentially the same photographs, P-195 and P-196, and the gunships suppressing on both flanks and the slicks landing. I presume you saw that?

A. Yes, sir.

Q. Quite a gaggle of helicopters down there in that place? Did you see quite a few helicopters on the ground at the LZ?

A. Yes, sir.

(IO entered the hearing at 1710 hours.)

Q. Okay, where did you go right after the ships took off? The helicopter took off to the north probably, coming out in this direction, and you indicate you were down in this area?

A. Yes, sir.

Q. What were the actions? Where did the helicopter go then, your helicopter. Let me just help you a minute. Some time right after this lift, the gunships that you remember seeing here had two separate engagements. One was somewhere to the north-northeast of the village, and one time they were down here. One time the helicopter, the gunship, was down very low to the ground doing a very tight circle. Do you recall seeing this?

A. Yes, sir.

Q. Where was that? You don't recall?

A. No, sir.

Q. Do you recall seeing this activity in the open area up here as far as the gunships were concerned?

A. Yes, sir. I remember that corner. They had some activity up here. Yes, sir.

Q. How did they get them? Did they make gun runs on them or--?

A. I don't know.

Q. You don't remember seeing that? Do you remember Colonel HENDERSON making any comments about this time concerning that incident?

A. No, sir.

Q. This was the first time for you that you had seen some VC being engaged by gunships?

A. Yes, sir.

Q. Do you remember seeing this incident down here south of the road?

A. Not with the gunships, no, sir. As I said before, I can remember the Primo chopper--

Q. Right, that's a little later?

A. Right, sir. I don't think I can remember this other one.

Q. But you do recall seeing this incident up here?

A. Yes, sir.

Q. Do you recall how many?

A. I don't remember exactly seeing it. I remember there was a message about it and I remember, I think, they requested the gunships. I could see them up here.

Q. And you were still down to the south of the village?

A. Yes.

Q. And did they mark them with smoke?

A. Yes.

Q. And did they request some ground forces to go out there, or how did they figure to confirm these, do you remember?

A. No, sir.

IO: Let me ask you, do you remember flying up there yourself after the gunships had left and there were some bodies out in the rice paddies?

A. I do remember the bodies, yes, sir.

Q. And so you were circling around rather tight yourself?

A. At the time I saw these gunships, yes, sir.

Q. Generally north of the village, up in this area, around in here some place?

A. No, sir, that's not where I remember seeing the bodies, I don't believe, sir.

Q. According to much of the testimony, there were a couple of bodies lying in the field there and Colonel HENDERSON-- you were his RTO, were you not?

A. Yes, sir.

Q. He flew around the area, more or less securing the area until he could move some ground troops in there to pick up the weapons?

A. Yes, sir, I remember securing, I remember flying and observing while the ground troops got there.

Q. That was up north of the village very early in the morning shortly after you arrived on station?

A. Yes, sir.

LTC PATTERSON: Do you remember seeing the ground troops move across the open area?

A. Now they came up through, I believe.

(IO withdrew from the hearing at 1716 hours.)

Q. Some time while all this was going on, and smoke was popping up in here, there was some firing going on down here, some rocket runs, right along the north side of the hill, to your south. Warlords were making some gun runs. Do you recall that?

A. Yes, I wondered how they got from here to here so quick.

Q. Right. That was a different unit as you now know.

A. It wasn't originally from us. Yes, sir.

Q. Do you recall them originally making their firing runs, shooting rockets? They were making their runs generally from the northeast to the southwest. Well, about this time, Mr. ADCOCK, is when this little affair was going on down here. Probably you didn't see it because there wasn't the splash of rockets down here, there weren't any rockets here, but there were rockets along this hill. Okay, what was Colonel HENDERSON saying all this time? Do you recall any communications?

A. I believe he tried to talk to the Warlords.

Q. Okay, what was he talking to the Warlords about?

A. I don't know, sir.

Q. Okay, probably also saying something to Coyote 6. Do you remember who Coyote 6 was? Colonel BARKER?

A. Yes.

Q. Pretty quick there was smoke popping north of the area to mark those two little fellows. There was some smoke appearing, different colored smoke down in this area, and there was still the lingering smoke along the hillside. And about this time we have reason to believe that Rawhide 3--who's Rawhide 3?

A. S3.

Q. Of whom?

A. Major MCKNIGHT.

Q. Yes. He reported seeing a large number of folks down along the road moving out to the southwest.

A. I believe he was flying Primo, no?

Q. Do you remember hearing the transmission at any rate? He wanted the Warlords to get down there and check them out?

A. Yes, sir.

Q. Do you recall this?

A. Yes.

Q. What happened then? Pretty quick now is when that little bubble helicopter that they called Skeeter went down and separated--well, there were supposed to be four fellows down there, four VC, military-age males, but he separated out only two of them. There was some concern because there was supposed to be four and now there were two. This was about the time you were all going in for your run to pick them up. Do you remember anything like this? They've got their shirts off, they're standing out in the field and start stripping with their hands over their heads.

A. I remember that. There were two of them.

Q. There used to be four, and there's only two.

A. Right.

Q. The time, Mr. ADCOCK, was about 9 o'clock in the morning. They had been around for 30 minutes by this time. In the meantime the second lift of helicopters was coming here and had departed. Was Rawhide 3 riding with you?

A. I don't know, sir.

Q. You picked up these fellows and you went down there and there they were, with their hands over their heads, stripped to the waist. Somebody went out and got them as you indicated earlier and put them on your helicopter?

A. Yes, sir.

Q. And you sat them on a seat, or did you sit them on the floor of the helicopter?

A. I can remember one of them on the floor.

Q. One of them on the floor. Did you have some concern about this fellow, what he might have aboard him, under his pants?

A. Yes, sir.

Q. And maybe you thought this wasn't such a very fine idea?

A. I was watching them just in case.

Q. Just in case he had a knife or something because you felt very responsible?

A. Yes, sir.

Q. How long was he in the helicopter? You took off; did they stay aboard a good bit or did you take them right back and get rid of them?

A. I don't think we took them right back, right at the moment.

Q. You probably cruised around a little bit.

A. Just a little.

Q. Thinking, "Good golly! We want to get rid of these fellows." About this time a second lift was going in, Mr. ADCOCK. Another combat assault, the one that Colonel MAHAFFEY mentioned earlier. This one was over here southeast of the area, near the ocean, near the Pinkville village, or a pretty good size, built-up village. An artillery prep was fired in there too. And the nine slicks again were coming in, but the artillery didn't get shut off in time and the slicks had to make a go-around. Do you recall this, or hearing anything about it?

A. Yes.

Q. You do?

A. I don't really recall this area, but I remember the artillery didn't stop at the time and Colonel HENDERSON was just a little upset.

Q. He was just a little upset about that because that meant that the slicks had to go around and make another try?

A. Yes, sir.

Q. Did you watch them; did he watch them?

A. I can't recall, sir.

Q. Were the VC still aboard the helicopter, or the two individuals you picked up?

A. I don't know, sir.

Q. This happened about 0815, 0820 in the morning, 15 to 20 minutes after you had picked up these two fellows.

A. Yes, sir.

Q. And do you think you went back to LZ Dottie with them?

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A. Yes, sir, it may have been 20 minutes. I guess it didn't seem like it was that long. I know we didn't when we picked them up go directly to Dottie.

Q. You hung around there somewhere and you recall Colonel HENDERSON being upset?

A. Yes, sir.

Q. Do you recall him saying anything to anybody about it? Did he call the artillery?

A. I believe he did, but I'm not certain.

Q. Was Colonel LUPER right there and did he talk to him about it?

A. I don't remember.

Q. About this time there were some body counts being reported by the ground units in My Lai. Do you recall hearing anything about that?

A. Yes, sir.

Q. What kind of body count, large; small; 14; 15?

A. I can't really say, sir. I didn't have much time out. It didn't register, large or small.

Q. Had you seen these dead bodies by this time that you testified earlier, these 12 to 15? Or did you see them later? Perhaps, Mr. ADCOCK, if we go back in on your approach. The helicopter went in and picked up these two Vietnamese who were considerably down the road down here. This is where they were, large numbers of people along this road, 521, heading towards Quang Ngai. They were, in fact, down the road a piece, and a helicopter came in and landed in this direction. Did you see them at that time? Or was it later?

(The hearing recessed at 1806 hours, 29 January 1970.)

(The hearing reconvened at 1815 hours, 29 January 1970.)

RCDR: Colonel PATTERSON and MAJ COOP are present. I remind you that you are under oath.

LTC PATTERSON: About this time, before you answer that question, the previous question, there was some activity around Hill 85, and the Warlords were going to put some people on the ground. They found what they thought were a couple of mortar tubes.

A. Yes, sir.

Q. Did you see them? Did you see that little Skeeter down there hovering around?

A. No, sir, but I remember there was a transmission on the radio about that.

Q. Do you remember where you were? Both this activity and the lift that went in over here with the artillery that didn't shut off, it occurred between 0815 and 0830 in the morning. Are you still airborne?

A. I don't know, sir.

Q. What about those two Vietnamese you had on board? Were they still with you when all of this was going on? Do you recall?

A. No, sir.

Q. We have reason to believe about this time is when you departed this area and went back to LZ Dottie to get rid of these two Vietnamese you had on board, and probably also to refuel.

A. Yes, sir.

Q. Making an approach into Dottie, did you land right at the refueling point? Did the Vietnamese get off right there or did you land first?

A. No, we landed first and the Vietnamese got off.

Q. And then you hovered over to the fueling point.

A. Yes, then we refueled.

Q. This was somewhere around 0840 in the morning, and this was after, I assume, you heard all this about the mortar tubes on Hill 85, and after they started this artillery business over here. Perhaps even Colonel BARKER was at the refueling point?

A. I don't remember.

Q. Can you remember dropping the prisoners and going over to refuel? Did Colonel HENDERSON get out of the ship at this point? Did you have to monitor the radios for a while by yourself, or did he stay aboard?

A. No, he didn't stay aboard. He got off.

Q. Was he gone for a little bit? The reason I think you might be able to recall this is suddenly you were all by yourself here with some responsibility, because you knew this operation was still going on out here. Did the pilot shut the helicopter down?

A. I believe so. I don't know, I can't say for sure.

Q. Colonel HENDERSON got off, you recall that? After he refueled did he move the helicopter from the refueling point?

A. Yes.

Q. He did?

A. Yes.

Q. And went somewhere, not too far, and set down here, and was going to wait for Colonel HENDERSON?

A. Yes, sir.

Q. Then did he shut her down and decide to wait or did he leave it running? Somebody would have checked to see whether or how long Colonel HENDERSON was going to be gone.

A. I don't know whether he shut it down or not, sir.

Q. But the radio stayed on?

A. No, sir. We shut it down. They don't keep the radios on over there.

Q. Do you remember shutting the radio down?

A. I think so. Yes, sir. I think I monitored. Yes, sir, I monitored while the chopper was refueling.

Q. Then he moved it and shut it down, and you turned the radios off?

A. Right.

Q. Were you there for a good piece of the time, do you recall?

A. I don't know.

Q. Do you remember seeing Colonel BARKER come back with Colonel HENDERSON? You probably got outside your helicopter to stretch your legs, talk with the crew?

A. I don't remember that either.

Q. General KOSTER would have come in. Do you remember him coming in?

A. I believe so. Yes, sir.

Q. You were still there, shut down?

A. Yes, sir. I think it was while we were refueling.

Q. You remember his ship came in?

A. Yes, sir.

Q. Is that where you think Colonel HENDERSON went, to talk to General KOSTER?

A. Yes, sir.

Q. Did he come in while you were shut down?

A. I don't know, sir. I can't think.

Q. The reason I'm asking this question is to try to fix the time. We have reason to believe you got back to LZ Dottie and put the Vietnamese out at about 0840 in the morning, and then you went and hovered over and shut down. It would have been 0850 or 0900 in the morning. It would have taken you 5 or 10 minutes to refuel, hover, park, and shut down, which you say you did. General KOSTER came in and landed somewhere around 0930. It would have been about 30 minutes.

A. Yes, sir.

Q. We know General KOSTER landed at 0930 or at least arrived at the Task Force Barker location at 0930.

A. Yes, sir.

Q. And this probably is where you two joined up. Do you remember this ship being parked right handy to yours, or being right close to yours, or setting down next to yours? How do you remember General KOSTER arriving?

A. I can't, sir.

Q. What do you remember about General KOSTER? You say you remember him coming, and I think you said earlier it was while you were refueling?

A. I can't recall.

Q. Do you remember Colonel BARKER's ship coming in?

A. No.

Q. Or thinking here are all the big 6's together?

A. No, sir.

Q. Sometime though you remember getting cranked back up and ready to go, taking back off again?

A. Yes, sir.

Q. Where was General KOSTER's ship? Had he already departed?

A. I don't know, sir.

Q. Do you remember Mr. COONEY cranking that machine before Colonel HENDERSON came up or as he was coming up, or saying, "Here come the boss." Do you remember seeing Colonel HENDERSON approaching the ship?

A. No, sir.

Q. But you went airborne again?

A. Yes, sir.

Q. Do you recall going airborne again?

A. Yes, sir.

Q. Where did you go?

A. I'm not sure now, I think we went back and circled this area again. I don't think we stayed too long.

Q. This was after General KOSTER's visit, right?

A. Yes, sir.

Q. Now, you were busy about this time on the radio because Colonel HENDERSON wanted to get caught up with what was going on. Was Colonel HENDERSON excited?

A. He seemed to be a little bit. Yes, sir.

Q. Did he make any radio transmissions, you'd hear them over the radio, over your headset, wouldn't you?

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A. Not necessarily. I could monitor frequency.

Q. While he was transmitting?

A. Yes, sir.

Q. But you would be monitoring brigade then, probably, if he were talking to Coyote 6?

A. Possibly, yes, sir?

Q. Do you remember Saber?

A. That was General KOSTER, wasn't it?

Q. You thought Colonel HENDERSON was a little excited, but you don't recall any of his radio transmissions?

A. No, sir.

Q. Maybe even talking to Charlie 6 on the ground, wanting to talk directly to the rifle company commander?

A. No, sir.

Q. Did you hear any body count about this time? Maybe about 84 or how many have you got?

A. No, sir.

Q. How about some being killed by artillery fire? Do you remember any reports?

A. Yes.

Q. What did you hear?

A. I don't know if it was at this time or not, but sometime that morning there was a statement by someone that they thought artillery had caused quite a few casualties?

Q. We have reason to believe that Colonel LUPER was aboard your ship. I am logically assuming now that he was the artillery man, that he and Colonel HENDERSON might have had some conversation about this.

A. I don't know, sir.

Q. You knew there had been some people killed down there, and you reported it to be by artillery fire?

A. Yes, sir. I remember that there was some talk between someone about the number killed by artillery. They thought it was by artillery.

Q. Did Colonel HENDERSON go down low over the area then and start looking around down there?

A. I don't know, sir.

Q. You recall now when you saw these 12 to 15 bodies? You perhaps had heard about a large number of people being killed. It would seem logical to me, and I'm not saying it was so, but it would seem logical when you've heard something like this that most people would go down and take a look.

A. Could have been. I think I remember seeing several soldiers going through the hootches in the village. It was up on the upper end.

Q. The north end of the village?

A. Yeah.

Q. Were you down low so you could see them?

A. We had to be.

Q. You were circling down over them and seeing how they were doing?

A. Yes, sir.

Q. Do you remember seeing any dead bodies at this time?

A. Yes, sir, but they were scattered.

Q. There were scattered, laying around.

A. Yes, sir.

Q. And you think this was in the northern edge about in the center of the village?

A. That's the way I seen it. Yes, sir.

Q. Could this have been when you saw those 12 to 15 on the one side or the other?

A. Could have been.

Q. Do you recall being down low over the village and watching the troops go through? Were they firing?

A. No.

Q. Was there a lot of smoke? We have reason to believe they were burning down hootches. Did you see any of those hootches burning?

A. No.

Q. It might make the visibility down there a little tough.

A. No.

Q. Who was Colonel HENDERSON talking to? What was he doing, just looking, or was he talking on the radio?

A. I can remember him talking to the ground. I think this is when he was talking to the ground, sir.

Q. What did he say?

A. I don't know, sir.

Q. Do you recall any transmission about stop the killing?

A. No, sir.

Q. "What are you doing down there," and anything along that line?

A. Seems like he said something like, "How's it going now," or something along that order.

Q. Do you recall Saber 6 coming in on the radio about this time?

A. No, sir.

Q. Sometime on this morning you had to go to Quang Ngai. Colonel HENDERSON was going to meet the province chief there. You may not have known he was going to meet the province chief, but you surely knew you were leaving the area and going down to Quang Ngai. Do you remember this, or him saying it's time to go to Quang Ngai?

A. Yes, sir, because I called headquarters and told them.

Q. Were you leaving this area?

A. Yes, sir.

Q. Was this right after you had been low over the village?

A. Yes, sir. I believe so, because we circled a couple of times and he said: "All right, Mr. COONEY, let's go to Quang Ngai."

Q. Was he calmed down by this time a little bit?

A. Yes, sir. He seemed as though everything was in order.

Q. Did Mr. COONEY climb up in altitude? Do you remember him going up? Do you remember him calling back and saying that we're going to Quang Ngai?

A. Yes, sir.

Q. He didn't go low level?

A. No, sir.

Q. Do you remember seeing a lot of people about this time walking down the road? Were there a lot of Vietnamese evading or getting out of the area?

A. I believe.

Q. Remember seeing any dead ones down there?

A. It may have been, but if there was there weren't many.

Q. Were you late for the meeting?

A. I don't know, sir.

Q. Did he say, "Hurry up, Mr. COONEY," or was it just stated fact that it's time to go?

A. It was more or less--

Q. (Interposing) There wasn't any emergency about getting on with the thing?

A. No, sir.

Q. We have reason to believe the meeting was to take place at 1100 in the morning.

A. Yes, sir.

Q. Do you recall him making any transmissions en route down there? You called back and said that you're en route to Quang Ngai, leaving the operational area, or some such thing. Do you recall him talking to anybody wanting to talk to anybody as you departed?

A. No.

Q. Do you recall landing at Quang Ngai?

A. Yes, sir.

Q. Who got off with Colonel HENDERSON to go to the meeting with him or leave with him to Quang Ngai?

A. I don't know, sir.

Q. You don't recall who was aboard and so on?

A. No, sir.

Q. I thought maybe you'd be able to picture somebody getting off?

A. No, sir.

Q. You shut down there, I presume?

A. Yes, sir. It looked something like a baseball field, and it had a big fence around it, and a gate to it, and it was grass.

Q. Did a vehicle come out and pick him up?

A. Yes, sir.

Q. Was there somebody in the jeep or was there just a driver?

A. I believe somebody was in the vehicle.

Q. Do you think Colonel HENDERSON went there by himself? Climbed in the front seat and took off?

A. I don't know.

Q. Were you there for a period of time? You finally shut down the helicopter.

A. We had a couple cans of C-rations.

Q. You ate while he was gone then?

A. Yes, sir.

Q. Your radios were shut down?

A. Yes, sir.

Q. Do you remember about how long you were there? Could you give an estimate as to whether it was 15 minutes or an hour? Did it seem like a long time?

A. It seemed like it was.

Q. Did you get a chance to take a little snooze?

A. Well, there were a lot of Vietnamese kids, they came out to the chopper. I remember they started getting a little bit too close and there was quite a crowd of them, and we talked to them a little bit and stuff like that.

Q. Did you give them any candy?

A. No, sir.

Q. Didn't give them anything to eat out of those C-ration cans?

A. No, sir.

Q. Then he came back?

A. Yes.

Q. Then you cranked up again and got the kids shooed away, and where did you go? Was it Duc Pho? Did you go back through the area?

A. I don't remember, sir.

Q. Do you remember him checking to see how his operation was going on or getting a situation report from Coyote 6?

A. It seemed like he called back.

Q. How?

A. I believe he called back.

Q. To whom, the brigade?

A. I don't know. No, he didn't call back to headquarters.

Q. Do you remember the type of report, that everything was all right? Do you remember what was said?

A. It seemed like they had everything in control, and they were just trying to check out the area more or less. Then we went back to Duc Pho.

Q. Any word about U.S. casualties?

A. I don't remember, sir.

Q. A lieutenant being killed?

A. No, sir.

Q. You went back to Duc Pho. When you had gotten back there, had Colonel HENDERSON eaten yet, if you remember? Did he say anything about his being hungry?

A. I believe he wanted Sergeant WARNER to fix him something.

Q. What kind of instructions did he give Mr. COONEY then about when he was going to need him again?

A. I don't know.

Q. There is reason to believe there was going to be a Lieutenant General DOLEMAN who was going to come in the afternoon. You were going to have to take him up to LZ Dottie. You were going to meet him there at Bronco.

A. I don't remember.

Q. Do you remember taking off later in the afternoon and going up to LZ Dottie again?

A. Yes, sir, but I don't believe I went.

Q. You don't think you went?

A. No, sir.

Q. You mean Colonel HENDERSON didn't go?

A. He didn't go. That's right.

Q. Did he go on another ship?

A. No, sir. I think there wasn't enough room.

Q. There wasn't enough room?

- A. Something like that, because when he got back, our log didn't list flying time for him.
- Q. You didn't go along on that afternoon trip?
- A. No, sir.
- Q. What time did they get back, do you recall?
- A. No, sir.
- Q. Did General DOLEMAN go on the helicopter with Colonel HENDERSON, or were you there when the helicopter departed?
- A. No, sir. I wasn't.
- Q. You didn't know who went with him, but you were told there wasn't going to be enough room?
- A. Yes.
- Q. Who told you that?
- A. I believe Colonel HENDERSON.
- Q. Was this after you--
- A. (Interposing) This was after we had already landed.
- Q. After you had landed coming in--
- A. (Interposing) Coming in for his lunch.
- Q. Coming in for his lunch?
- A. That's right.
- Q. And he told you to go get him something to eat or called in ahead to have something made. Did he call in ahead?
- A. No, sir. We didn't call in.
- Q. That's when he told you that he was going to be gone again this afternoon but said that you were to stay back?

- A. No, that's not when he told me. He told me later on.
- Q. When you brought him his chow, was he in the CP?
- A. He came over and ate in the mess hall, I believe.
- Q. Do you remember any radio conversations that day specifically. Are any of them stuck in your head now? Can you just about recall any radio transmissions now specifically that stick out in your mind?
- A. I can remember one with the Warlords. That's about the only one I remember.
- Q. Do you remember one about the two VC to the north-northeast of the village?
- A. I more or less saw that, I didn't hear a conversation.
- Q. How about the one with a large number of people down there walking or getting down 521?
- A. I remember seeing the people.
- Q. Women and kids, old men?
- A. Yes, sir.
- Q. Do you remember any of them going up to the north?
- A. Yes.
- Q. Quite a large number of people going up.
- A. After we tracked some; we tracked two up in here. This river, there was sand on the bank.
- Q. Northeast of the village there along that creek?
- A. Yes, sir.

Q. You tracked two?

A. They were kids, that's right. They were kids, they were young ones, and we checked on them.

Q. When was this? Was this earlier in the day?

A. Yes, that was earlier in the day now. I know there were two up there though.

Q. We have reason to believe there were quite a few people around here, and you could well have been checking them.

A. And I can remember the sand.

Q. Was he down low circling over them at this time?

A. Yes, sir.

Q. What about those 12 or 15 dead that you saw? When was this in relation to any of the incidents or conversations that you had? Do you recall any kind of sequence?

A. No, sir, I don't. I know that it wasn't just as we--I can't say for sure.

Q. What were you going to say?

A. I think it wasn't just as we went in.

Q. This was later on.

A. Yes, it had to be later on.

Q. Probably when you came back from refueling?

A. It could have been.

Q. You were around the area there for a little while, talking to the troops, low and checking out the people that were "di-di'ing" to the north. Was this when you saw the dead ones, 12 to 15?

A. I think so.

Q. And you circled over them low, you say?

A. Yes, we were very low.

Q. Very low?

A. So I could see them.

Q. Were they in a kind of group or were they spread out?

A. It looked like there were trees on either side of the trail, and it looked like they were going down the trail. All of a sudden something interrupted, and they got on the ditch on either side along the trees. That's where they died.

Q. They died in the ditch?

A. Yes, because it was sort of a line.

Q. The ditch was a line?

A. Yes, and the bodies too. They weren't just scattered around. It was more or less a pattern.

Q. A pattern of what, bodies?

A. Yes, sir, it went along with the trees.

Q. Just one ditch or was it two ditches?

A. I don't know, sir.

Q. Let me show you photograph P-46. Just disregard all of the tracks and look at the terrain here. Does this look like anything?

A. It was something similar to that.

Q. It was?

A. Yes.

Q. Similar to what you see here? This was a right angle as you can see here on this photograph. There is a little bunch of hootches in there (indicating), and what you're looking at is this area right here.

A. Yes. I can remember this little L. I can remember these scrubs here, and I wondered if there was anyone in there.

Q. Where were the bodies on that picture?

A. I believe they were back down.

Q. Back down just a little further south?

A. I don't know. I can remember this right here (indicating), because I can remember--

Q. (Interposing) Can you remember seeing the bodies there?

A. No.

Q. Isn't this the place where you saw those bodies?

A. I don't know, sir.

Q. Does it look like the place where you saw those bodies?

A. This looks like the place. This looks like it right here, except it didn't have the shrubs on either side.

Q. This ditch runs right straight down onto the big aerial photograph.

A. Yes.

Q. It's a pretty long ditch.

A. Yes.

Q. Can you remember anything else on 16 March, now that we've been through it in some detail, that you haven't told me about. I remember now what you said about the lift. You recall the activity of a couple VC or people here. Do you remember seeing any weapons there by any chance to the north of the village? Do you remember hearing there were weapons there or something?

A. No. Colonel HENDERSON saw weapons there.

Q. Colonel HENDERSON did?

A. Yes.

Q. That's when the ground troops came out there?

A. I think they were on their way out, and he told them where it was. I think they even dropped smoke.

Q. Did you stay there while they picked up those weapons or did you--

A. (Interposing) No, sir. That's when we came over here.

Q. You came over there and these people were moving out of the area then?

A. Yes, sir, but most of them were going down this road. There weren't too many coming up this way and I remember wondering why no people came out of this village, and if the troops came in this way I remember wondering why they went back this way.

Q. Right to the southwest?

A. Yes.

Q. Rather than all going out to the east and north-east?

A. It seemed kind of logical that all of them would come out this way.

Q. To the northeast?

A. Yes, sir. And that is what remained in my mind, the fact that in this area here there weren't too many people trying to get out.

Q. This is when you came over here and you discovered these two little fellows you were tracking had turned out to be young boys.

A. It was something that I know aroused his interest.

Q. Then about this time is when you saw the rocket. And what have you going on, down here at Hill 85?

A. I believe so, yes, because I had to look back, they were behind us.

Q. You probably came up and took a swing at that, and then right after all of this was going on you made an approach over here on the artillery not getting shut off in time. But before that you made your approach in to pick up these two little fellows. The way that I understand it, Mr. ADCOCK, the first thing you saw was the lift. You came in here with the two VC that the gunships had gotten.

A. Yes, but there was some time in between this.

Q. There was?

A. Yes, sir. The lift came in and they put down. Yes, sir, they had just started coming through the village and we were back over here.

Q. You were back at the south.

A. And somebody spotted some coming out over here. I can remember seeing the troops come out right along in here (indicating), and I wondered how--I don't know, just something crossed my mind. If they got through the village

this way, it seemed like it would be kind of dangerous just to run.

Q. When you started over here?

A. I believe so, yes.

Q. You saw all of these people down here which would have been logical, because you saw the people going out to the northeast and saw the people in the southwest and decided to check them out. That is when the two were separated out, where the four turned out to be two?

A. I don't remember it exactly.

Q. It was about this time, at 0800 in the morning, that you made this pickup which was some distance, if I might add, from My Lai (4). But that area was kind of an open area, wasn't it?

A. Yes, sir. It was open.

Q. You picked them up, and you knew they were on-board for a period because you were concerned about them?

A. Yes, sir.

Q. You heard about the mortars being fired over here on the hill from the Warlords?

A. Yes, sir.

Q. You heard about the missed approach and the artillery not shutting off?

A. Yes, sir.

Q. Then you probably went back to LZ Dottie to get rid of these two Vietnamese you had aboard.

A. I remember Colonel HENDERSON saying something to Colonel LUPER about the artillery. Yes sir.

- Q. It upset Colonel LUPER a little bit?
- A. Yes, sir, and he tried to call back.
- Q. Did he have his RTO with him? Did you have to do some changing on the frequencies there, did you?
- A. Yes.
- Q. What was Major MCKNIGHT doing at this time?
- A. I don't know.
- Q. But you took them back to LZ Dottie, put the two Vietnamese down outside.
- A. Yes, and we had called and told them that we were bringing in two, and there was someone there to meet them. They were there ready to get them.
- Q. And they got off of the floor or wherever they were. Did you help them or did the crew chief help them off?
- A. The gunner did.
- Q. The gunner did?
- A. The crew chief did, the crew chief.
- Q. The crew chief was on the left and the Vietnamese were sitting on the left?
- A. They were on the right.
- Q. They were on the right?
- A. Right, because Colonel HENDERSON's seat took up a good bit of room here.
- Q. On the left?

A. Yes.

Q. You didn't shut down at this time, but then you get rid of these two Vietnamese. Then you charged right over to the refueling dump, did you?

A. Yes, sir, and I thought about this awhile ago. I'm not sure, but I think we had to wait, somebody was refueling.

Q. There is a small refueling area over there?

A. Yes, sir, it was.

Q. You don't recall who that was?

A. No, sir.

Q. Do you recall any conversation with Coyote 6? Colonel HENDERSON didn't get off when you took the Vietnamese off did he? Did he get out of the ship?

A. Yes, sir.

Q. He came over there with the gunner and gave them to whoever came out to pick them up?

A. As soon as we landed, the crew chief was the first one off. He was waiting, and somebody was sitting on my right and I don't remember who it was. Somebody was sitting there, and they gave them to the crew chief. Just about the time the crew chief got his hands on them, somebody was there.

Q. Colonel HENDERSON was sitting on your left. He didn't get out?

A. Yes, sir, he got out.

Q. Did he go around?

A. No, sir.

Q. He just got out and stood there and climbed back in?

A. No.

Q. He probably went around the front of the ship maybe? You were not there very long? Then Colonel HENDERSON got back aboard, and there was a conversation about getting some fuel?

A. No, sir, we refueled while he was gone. No, sir. We did refuel while he was in the chopper.

Q. Then when you were at the refueling dump, was that when he hopped out and was gone, or did you hover from the refueling dump up to Task Force Barker TOC?

A. He went over with us to the refueling.

Q. Right, and got off.

A. And got off there.

Q. And then you went ahead and refueled?

A. Yes, sir, and that is when I was alone on the radio by Mr. COONEY.

Q. After refueling you picked up and parked very far away?

A. No, sir, not very far.

Q. Shut down?

A. Yes, sir.

Q. And you were there for some period, for a while?

A. Yes.

Q. And General KOSTER, you remember something about General KOSTER?

A. Yes.

Q. Now, is that when you shut down?

A. Yes, sir.

Q. And then Colonel HENDERSON came back out, and you went back out to the operational area and got down low over the village?

A. Yes, sir.

Q. You saw the troops. You were talking to some of the troops, saw 12 or 15 bodies in a ditch.

A. I don't know. I don't know if that's when I saw them or not. I remember seeing them.

Q. You remember seeing them?

A. I remember what the terrain looked like. It looked something like along this order here (indicating), except--

Q. (Interposing) Exhibit P-46, and just to the south of what is shown here on P-46?

A. I don't know if it was down further, but I remember seeing this area. The place where I saw these bodies was close. This was not a length of time between the two places. I don't know if it was close together, but it wasn't too long. I remember I saw two bodies, and then I saw the shrubs along the ditch.

Q. Do you remember it because of--

A. (Interposing) I was watching for it.

Q. Then right after this is when you decided to go to Quang Ngai, or some time after this?

A. Yes.

Q. Do you remember cruising around any more before you went to Quang Ngai?

A. Before we went to Quang Ngai we circled a couple of times.

Q. A couple times over the village?

A. I believe so.

Q. You circled a couple times?

A. Circled a couple times around this area.

Q. As I recall, you said that you circled a couple times around this ditch where these bodies were, and then circled some more around this whole area?

A. Yes.

Q. Did you see any more bodies?

A. No.

Q. And then nothing--you didn't see or hear anything about anything during this time that stuck out in your memory?

A. No.

Q. Do you suppose you could have gone over closer to the coast, to see how that other unit was doing?

A. It seems like we did. And it seems like I remember there wasn't as much activity over there.

Q. Perhaps there were some troops along the beach?

A. It was back this way.

Q. A little small strip of land, a river and--

A. (Interposing) I remember it was a pretty passage because they were coming this way, the kids. The mountains were back here, and the Warlords.

Q. Do you remember whether or not they were getting any kills over there near the beach?

A. No, sir.

Q. Sometime after this you went to Quang Ngai?

A. Yes, sir.

Q. You shut down, ate chow, were there for a period of time?

A. Yes, sir.

Q. Then you went back down to Duc Pho? You arranged for some chow for Colonel HENDERSON in the messhall?

A. Yes, sir.

Q. After that you kind of hung around at the headquarters?

A. Yes, sir.

Q. He came out and told you that you couldn't go?

A. He told me after Lieutenant General DOLEMAN had arrived.

Q. They had arrived?

A. I don't remember him, but I remember somebody.

Q. Some VIP, and then he came out--

A. (Interposing) Like I said, I was standing there ready. They came out of the TOC, and he told me that I would not be going.

Q. When he came back, you logged in his time?

A. Yes, sir.

Q. Mr. ADCOCK, what can you tell me about the 17th? First off, let's start with the 17th. Do you remember going up to Dottie?

A. No, sir.

Q. Sometime, either the 17th or the 18th--now first off the 17th was a Sunday; the 18th was a Monday. It may not be important, but Sunday is a church day.

There was a meeting down there at Duc Pho that Colonel HENDERSON had. Colonel HOLLADAY, division aviation officer, came over. Major WATKE, the Warlord fellow from the aero-scouts, came over. They had a meeting right there. This was in the afternoon. Do you recall anything about that? Do you recall them coming?

A. I remember the Warlords were there.

Q. You remember the Warlords coming. Do you remember Colonel HOLLADAY coming?

A. Yes, sir.

Q. Was this in the afternoon or the morning? Do you remember?

A. I don't remember, sir.

Q. Do you think it was in the afternoon, probably about 2 o'clock in the afternoon? Did you go out flying in the morning?

A. I don't remember, sir.

Q. You don't remember? Did you go to church?

A. No, sir.

Q. You didn't go to church much?

A. Not with Colonel HENDERSON, with General LIPS-COMB.

Q. I see. Early on the morning of the 17th, General DOLEMAN was back. This time he had General KOSTER with him. Colonel HENDERSON was in the TOC. They were going to brief General KOSTER and General DOLEMAN right there at the 11th Brigade. It should have been about 0900--0830, 0900 in the morning. They weren't there very long. They left about 0915.

A. Yes, sir.

Q. Do you remember that?

A. Yes, I remember General KOSTER coming in. Usually when someone's there like that, I had to stay on my toes.

Q. Stay right on the ball?

A. And I remember he didn't stay very long.

Q. They didn't stay very long. Do you remember General DOLEMAN? He was a three-star general. Did General KOSTER have somebody with him?

A. Yes, sir.

Q. Do you remember what you did after that? This meeting we referred to earlier was later than this, later in the afternoon after lunch. Do you remember what happened after General KOSTER left, between that and the time this aero-scout Warlord, Major WATKE, came down there? Did you go anywhere?

A. Seems like we did.

Q. Seems like you went out flying?

A. Yes, sir.

Q. Do you remember if you went back up in this area?

A. I don't know.

Q. You don't know. But you remember getting back in time for lunch?

A. I believe.

Q. And then after lunch, or a little bit after lunch, Major WATKE and Colonel HOLLADAY came down there for that meeting?

A. Yes, sir.

Q. Did you go flying after the meeting?

A. I don't know.

Q. The next day, Monday, 18 March, you went to LZ Dottie in the morning. In fact, you probably took off somewhere around 0830 in the morning, maybe 0815, not too early. You got up there about 0900. General KOSTER-- correction, General YOUNG came in up there right after you did.

A. I don't remember, sir.

Q. Don't remember? Well, after General YOUNG and Colonel HENDERSON--you shut down up there because there was a meeting, and Colonel HENDERSON was gone for some time.

A. Yes, sir, that's right. I remember General YOUNG coming. He never went out too much and he was sort of a new face. He did stay there a pretty long while, yes.

Q. But did General YOUNG leave then? He left before you did, didn't he?

A. I don't know.

Q. Okay, but Colonel HENDERSON was there for a pretty good while?

A. Yes, sir.

Q. When he came back to the ship, do you remember where you went?

A. It seems like, I don't know if it was the 18th, but one time we went back over this area.

Q. Yes? That's right. Did you look at it?

A. Yes, sir, but didn't stay too long.

Q. No? You kept down low though?

A. Yes, sir.

Q. Did you see anything there?

A. It looked a little deserted.

Q. Then where did you go after you circled a couple of times low? Then where did you go? Do you remember this now.

A. I'm trying to say Chu Lai, but I don't know.

Q. Do you remember going out to the field, landing?

A. Yes, sir. Yes, sir.

Q. Tell me about it.

A. Well, he went down and got out of the chopper.

Q. What did you do? What did the chopper do?

A. It went back up.

Q. It went back up.

A. I stayed on the ground with him. I had the smoke stuff to signal to call the chopper. The chopper stayed up circling. And he went in to talk to the company commander.

Q. Do you remember who that company commander was?

A. No, sir. I remember what it was like. There was an old, old house in front of a little knoll.

Q. A graveyard around there too?

A. Yeah.

Q. There was. They had to secure the area, did they?

A. Yes, sir.

Q. Was Colonel HENDERSON excited at this time, with you. You and Colonel HENDERSON got off and who else, Colonel LUPER?

A. I don't know.

Q. You don't know. But he was--but you were on the ground there for a little piece?

A. Yes, sir. I know Colonel HENDERSON and I were.

Q. Did you have a smoke with you? Did you take a smoke with you or did you get one from the ground troops?

A. No, I had mine with me. I had a couple of packs of cigarettes. I gave them to a fella. They were kinda short. I remember talking to him.

Q. Do you remember any of the conversation here?

(Witness indicates in the negative.)

Did Colonel HENDERSON go up with the company commander?

A. Yes, sir. You mean back up?

Q. No.

A. Yes, sir. He went off--he stood up next--there was, like I said there was a building. I don't know if it was a house or what. There was a building there, and he stood off on one corner of the building.

Q. I see. And they talked for a while?

A. Yes, sir.

Q. Just the two of them?

A. No, sir. There wasn't just two of them. Someone else was around.

Q. We have reason to think that it was Colonel LUPER. How long were you on the ground there, would you say? You were on the ground for the first time now, out there in the middle of nowhere, probably not knowing exactly where you were.

A. We were there around 20-25 minutes.

Q. Did you have your weapon with you?

A. Yes, sir.

Q. Stood right up straight?

A. Well, yes, sir, they were pretty secure. What it was, it was out in the middle of a--it was just like

a lot of rice paddies like this, and we were standing right in the middle of it. You could see all around.

Q. Could you see a river up to your north, any water?

A. I didn't notice none.

Q. Then where did you go after you took off? Well, first off, let me just--when he came back over, did he signal for the chopper to come back in?

A. Yes, sir.

Q. You popped the smoke?

A. Yes, sir.

Q. Did you have a radio?

A. No, sir, I don't think so.

Q. How about the company commander's RTO? Was he around there?

A. Yes, sir.

Q. Did you and he talk while you were on the ground?

A. Yes, sir.

Q. Did he call for the chopper, or did you just pop the smoke and the chopper came in?

A. I think I just popped the smoke. I'm not sure.

Q. The chopper came in. You climbed aboard and it took off, right? Then where did you go? Don't remember? Mr. ADCOCK, you've been most helpful. The events as you recall them now are very close to what we believe transpired concerning Colonel HENDERSON and Colonel HENDERSON's

ship. Do you recall at any time during the 16th, 17th, or 19th, or at any later time, any concern by Colonel HENDERSON or talk by Colonel HENDERSON with regard to the casualties that were incurred during this operation? Did he talk to Colonel LUPER that you overheard, or did you hear anything concerning this artillery, people who were killed by the artillery?

A. No, sir.

Q. You don't recall him saying anything about that?

A. No.

Q. Do you recall any conversations with anyone, Colonel HENDERSON on the radio, personal, that you overheard in reference to casualties, Vietnamese casualties, in this operation?

A. No, sir.

Q. Do you remember him talking to Colonel BARKER about it?

A. Are you referring to after the 16th?

Q. Any time.

A. Right after this assault hadn't been started very long was the only time I remember anything being mentioned about casualties. This was when he remarked, I don't know who he was talking to, when he said it looked like the artillery had taken part.

Q. Colonel HENDERSON said this?

A. I think so. Either he said that or someone informed him of it.

Q. We'll take a short recess.

(The hearing recessed at 1845 hours, 29
January 1970.)

(The hearing reconvened at 1900 hours, 29
January 1970.)

IO: The hearing will come to order.

RCDR: The following persons are present: LTG
PEERS, MR WEST, MR MACCRATE, MR WALSH, COL FRANKLIN, COL
WILSON, LTC PATTERSON and MAJ COOP.

Mr. ADCOCK, I remind you that you're under
oath.

A. Yes, sir.

IO: I'd like you to go ahead and lead him back
through the flight as you had done before.

LTC PATTERSON: All right, sir. Mr. ADCOCK, we'd like
to go back to the 15th briefly, 15 March. You recall
that change of command ceremony for General LIPSCOMB.

A. Yes, sir.

Q. Would you tell us what occurred or what
you did after the change of command for General LIPS-
COMB?

A. After the change of command, he went back
to his trailer, I believe, and I rounded up all his
gear, baggage, and put them in the jeep. There was a
short period of time between the ceremony and his de-
parture. Then I took him over to the airstrip, to the
plane. We said our goodbyes and he left.

Q. Then you went back and became associated
with Colonel HENDERSON?

A. Yes, sir.

Q. What did you and Colonel HENDERSON do in the
afternoon?

A. We went up that afternoon.

Q. Do you recall where you went? I believe you stated earlier in your testimony that you went up to LZ Dottie.

A. Yes, sir.

Q. And I believe you indicated that you were concerned about getting the frequencies all set because this was the first time for you to be an RTO in a helicopter.

A. Right, sir.

Q. You were on the ground up there and shut down for a period of time in the afternoon.

A. Yes, sir.

Q. Then, after a period of time, Colonel HENDERSON came back to the ship. Then where did you go?

A. I believe we went back to Bronco.

Q. I believe you indicated early in your testimony that after you got back to Bronco, you received some information from someone reference getting ready for tomorrow, the 16th.

A. Right, sir.

Q. Do you remember getting some maps ready and getting yourself--

A. (Interposing) I was making myself a logbook for flying time, and getting maps ready, and making a chart of different unit call signs, frequencies, and so forth. I checked TOC for them, to check the map, and to look at the vicinity where we'd be going.

Q. Where was that vicinity, and what were the primary frequencies you were concerned with?

A. The primary frequencies were of Task Force Barker and, of course, Headquarters and Headquarters Company. Those were the two main frequencies.

Q. On the 16th, do you recall your actions the first thing on the morning of the 16th after breakfast?

A. It was early. It was earlier than usual, and of course this was my first full day. I realized that it was earlier than General LIPSCOMB had been going out. And the only thing I knew about the place we were going is that--was that the code name was Pinkville.

Q. Can you fix the time of day? Was the sun up high or--

A. (Interposing) No, sir, it was very early. In fact, it wasn't even daylight yet. The sun wasn't up. It was still a little dark, but it was just beginning to become day. And we left Bronco and flew up to Dottie, I believe, and watched the troops board the slicks. As I said earlier, I thought we went up there because that's where the artillery was going to be coming from.

Q. Were you there at Uptight very long?

A. No, sir, not a very long length of time.

Q. Did the helicopter shut down? Do you recall.

A. I don't know, sir.

Q. Well then, you departed out of Uptight sometime. Do you recall seeing the lift go in or the artillery preparation or any part of the operation?

A. Yes, sir, I saw the lift go in.

Q. In what area was your ship at this time?

A. Now the lift went in on the west side of Pinkville, as I stated earlier, and with the two gunships strafing on each side.

Q. I see. Was there one gunship on each side or two gunships on each side?

A. I don't know of but one on each side.

Q. One on each side. Why do you remember that there was one on each side?

A. Because I thought it was a pretty futile attempt to strafe the western most side of the troops because actually the enemy was on the east of them, and there was no cover of any sort, on the western side. And I thought it was just more or less a waste. That was just what I thought.

Q. The gunship that flew on the east side of the LZ, do you recall watching him make his firing passes?

A. Yes, sir.

Q. Where did his ordnance or firepower go?

A. They started along A on here.

Q. On the western edge of the village of My Lai (4)?

A. Yes. And it ranged--I don't know, it just ranged from normal cover, if all--that's all I can say, it was just normal cover.

Q. Do you recall it striking into the village?

A. Yes, sir.

Q. It did strike into the village?

A. Yes, sir.

Q. Part of the time the gunships made their runs though, did you see any of the artillery landing in there?

A. I believe so.

Q. I'd like to show you again a photograph, Exhibit P-196. Does that look similar to what you saw on the morning of 16 March?

A. Yes, sir, except as I told you before. We were in a different position. It was off to my left. They were here in reference to My Lai, and we were back behind them to the right of them, of the gunships and the troops.

Q. And you remember that--how do you remember that, where the position was?

A. Because I remember looking down on my left in front.

Q. And do you remember thinking that you were out of the artillery gun-target line?

A. Yes, the artillery was coming from Uptight.

Q. Do you remember seeing the smoke as you see it there in P-196?

A. Yes, sir.

Q. I'd like to show you Exhibit P-195, which is taken apparently at a later time. Do you recognize that scene in that photograph?

A. Yes, sir.

Q. Does that look like My Lai (4) on the morning of 16 March to you?

A. Yes, sir. It does.

Q. After the slicks departed, and the suppression, and the troops were on the ground, do you remember seeing the troops leaving the ships and moving from the aircraft?

A. Yes, sir. They're supposed to. After they departed the ships, they took off and then they began forming as troops came in. And when they formed, they started moving in to the village.

Q. I see. And what did you and Colonel HENDERSON, or what did your ship do about this time, do you recall?

A. We were still circling the area. We came in closer of course. The artillery had stopped, and we came in closer. We saw all the people trying to escape down the highway. And a few of them, there weren't many, just a few, were coming through the rice paddies, but most of them along the trail to the road. There were a few that went up to the north, and just a very few.

Q. Did anything happen up there to the north as you recall?

A. Yes, sir, one of the gunships spotted a couple of military-age males. They were suspects, and they caught them. They called for a detachment of these ground troops to come over. They were on the way over, and there were some kills made here. Colonel HENDERSON saw, I know he saw one weapon.

Q. Well, how do you know that?

A. He said he did. He said he saw one weapon, and he talked to some of the ground troops and told them to make sure they got the weapon.

Q. Was your helicopter at altitude?

A. No, sir, it wasn't very high. It wasn't right on the ground, of course. It was about 30 feet, I guess.

Q. Did you land there?

A. No, sir.

Q. Did you drop any smoke, or was any smoke dropped from your helicopter?

A. Yes, sir, we dropped smoke to try to mark the spot where we called the ground troops.

Q. Can you recall seeing the ground troops move out through the paddies toward these--

A. (Interposing) Yes, sir. I remember seeing them just after they had come out of the village through the trees.

Q. I see. Then what did you do, or what did your helicopter do?

A. There was also some action like I told you before. I don't know, I can't determine the exact position these were in, but there was also two spotted up here in the sand along this river. And I can't remember exactly what happened to them. Either they disappeared or they were dismissed. It's possible, something. There was also a Warlord had spotted some mortar tubes down here, and they had found, I think, some prisoners or people or something.

Q. Were they firing down there?

A. No, sir, I don't think so. They asked permission to deploy some troops, some of their people.

Q. Let's go back to this little engagement up here to the northeast. Do you recall hovering low over these folks?

A. Yes, sir.

Q. Were you separating them from a larger group, or were there just two all by themselves?

A. They were, like I say, scattered big, and Colonel HENDERSON said we'd just check them over to see what they was like. But we were low enough to make the rice wave.

Q. And about this time, do you recall any shooting at all down here along the north edge of Hill 85?

A. No, sir.

Q. I believe you stated earlier something about some gunships making some passes?

A. Yes, sir, that's right. They did. And then there was some activity down here.

Q. Well, first, back here, where were these gunships that you recall seeing? What were they doing?

A. They were on the north side of Hill 85, and I don't know whether they were trying to secure the area or what. They thought something was worthy of firing at, though.

Q. Were they shooting?

A. Yes, sir.

Q. Was it machinegun fire or could you tell what kind of fire it was they were shooting?

A. I believe so, sir, yes.

Q. Where there rockets being fired down there?

A. Yes, sir. They didn't have too many left by this time, though, you see.

Q. And how were they making their passes through here? Were they endangering you up through here?

A. No, sir.

Q. They were making them generally east to west?

A. Yes, sir, or confining it in this area.

Q. I see. Were the rounds that they were shooting landing in pretty good fashion down here along Hill 85, or were they landing in one of those clumps?

A. I don't know, sir.

Q. I believe then, you also indicated this earlier, that about this time you saw, or the helicopter became concerned with, the large number of people along Highway 521 to the southwest here.

A. Yes, sir. There was an unusually large amount coming out of the village down this highway. And as I said before, it seemed kind of unusual to me, because the troops went in from this direction. Therefore they should have gone out this way, but they didn't. They came down this way. And a Primo chopper was down here.

Q. What's a Primo chopper?

A. That was one of the helicopters attached to the 11th Infantry Brigade.

Q. Was it a big one?

A. No, this was a small bubble type.

Q. Small bubble type?

A. Yes, sir. They were pretty low to the ground and they said they had a couple of targets they were trying to hit. Not firing to kill, I don't think, but just more or less trying to stop them and make them quit running and trying to escape.

Q. How many people were they trying to separate from this group?

A. Two, I believe.

Q. Two? I thought you indicated earlier that there were more than that, and later on you determined there were only two?

A. Yes, sir.

Q. How many did you think there were?

A. I didn't know exactly. They was just a large amount of people on the road.

Q. How many people was this little chopper trying to separate out?

A. Two.

Q. Two, okay. Then what was the action once they got them separated. What did your helicopter do?

A. We picked them up.

Q. You went down and picked them up?

A. Yes, sir.

Q. Do you recall landing in there?

A. I recall the landing and picking the two prisoners up.

Q. Who got out to get them?

A. The crew chief.

Q. The crew chief. By himself?

A. Well, he was the first one off, and went and got them. And there was one other person out there. I told you I don't remember who it was. I can't--

Q. (Interposing) Where was Colonel HENDERSON sitting in relation to you?

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A. He was on my left.

Q. And you were in the center?

A. Yes, sir.

Q. I see. And the person to get off here would be on the left?

A. Yes.

Q. And how do you recall these two fellows, these two Vietnamese?

A. They looked a little frightened: they were scared, had their shirts off.

Q. They had their shirts off?

A. Yes, sir.

Q. And you picked them up. I believe you indicated you were a little concerned about putting them aboard your ship?

A. Naturally, yes.

Q. Why?

A. They didn't--well, first off, the crew chief didn't search them too well. I didn't know what it was. They could've had a grenade or maybe a knife or something like that. I was more concerned about grenades than anything else.

Q. I see. And where did you put them on the ship?

A. I remember putting one of them on the floor in front.

Q. As I understand it, your console was in the middle of the ship?

A. In the middle of the ship, that's right. And the one I remember was on the floor was on the right of the console.

Q. Facing you as you were sitting by the radio?

A. As I was sitting by the console, yes, sir.

Q. Did you take them right back to Dottie?

A. I don't believe so. No, sir, not right then.

Q. Why do you say that?

A. It just seems like it was not a long period of time, but just a little while before we started back.

Q. Were you concerned about having them aboard your ship?

A. A little.

Q. Why?

A. Well, like I said, the crew chief didn't search them, not well.

Q. You were concerned not only for yourself, but for Colonel HENDERSON and the rest of the crew?

A. Oh, yes, sir.

Q. Do you recall about this time hearing more about this rocket or mortar business on Hill 85?

A. Yes. I believe it was at this time that the Wolfhounds--Warlords--wanted to call in some of the troops and try to see what they could do.

Q. Sometime right after this there was another incident or an activity that occurred more to the east. Do you recall what that was?

A. Yes, sir, the artillery from Uptight was firing on Pinkville?

Q. Over to the east near what was called--

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- A. (Interposing) Yes, sir, it was a smaller hamlet.
- Q. I see.
- A. And they were supposed to have caught some people in there.
- Q. I see.
- A. And the artillery didn't quit firing exactly when they were supposed to. And there was a few comments said about that.
- Q. Comments between whom?
- A. Colonel HENDERSON and I suppose it was Colonel LUPER.
- Q. Colonel HENDERSON was upset?
- A. A little, yes, sir.
- Q. I believe you indicated earlier that Colonel LUPER got a little chewing out for this?
- A. Just a little bit, yes.
- Q. I see. And these two Vietnamese were still aboard at this time?
- A. Yes, sir, I believe so.
- Q. And then do you recall what the actions of the helicopter were at this time?
- A. I remember seeing the troops forming between the village and the coast. There wasn't too much space between there, and they started coming westward.
- Q. When did you take these Vietnamese, do something with them, and where did you take them?
- A. Took them to LZ Dottie.
- Q. Was it about this time after--

A. (Interposing) I believe it must have been. I can't recall exactly when it was.

Q. But it was after this artillery not shutting off, and this other landing over here, as best you recall?

A. As best I can remember, yes.

Q. Well, do you remember any transmissions Colonel HENDERSON made to any of the ground people or anyone during this period?

A. As I said before, we marked spots where the weapons were picked up. I'm not sure, I'm not positive, but it seems like he talked to one of the leaders on the ground at one time and asked--no, that was after we came back. I'm sorry. At one time I know he did. He talked to some leaders on the ground and asked, "How's it going?", and things like that.

Q. The usual conversations?

A. Yes, sir.

Q. Okay, let's go--did you see any bodies at any time other than the couple that you mentioned up in here, did you see any more dead people around?

A. No, sir. As I said before, and I can't determine exactly when that was, but I saw between 12 and 15 bodies on the ground.

IO: I'm interested in this. During the early time when you were here up to the time when you picked up these people here, you were still flying around here at a comparatively low level.

A. Yes, sir.

Q. Did you see anybody along in there at that time of morning before you went back to Dottie? Let's put it that way, or along this road, or any place down in this area?

A. I don't know if it was this area or not, sir. I recognize from one of the photographs, and I can remember one particular place out of the photographs, it was along - -

Q. (Interposing) These people, the ones that I'm talking about, would be either on the road or immediately south of the road, and some of them may have been up and around and about like so?

A. I don't recall seeing any of--

Q. (Interposing) If you didn't see any of them, that's fine. That's all I want to know.

A. I was speaking of along the road. I didn't see any along the road, but now there was--

LTC PATTERSON: (Interposing) Going back to Dottie with the two Vietnamese that you had aboard, tell us about what happened, how you disposed of these two enemy?

A. We radioed in ahead, of course, and notified them that we were bringing in two prisoners. I called headquarters and told them Colonel HENDERSON was going to LZ Dottie. We landed at Dottie. The crew chief got out of the chopper and took the prisoners. As soon as he got them out of the chopper, there was someone there to get those people together.

Q. When was this at Dottie that you landed? Was this at the refueling area?

A. No, sir. It wasn't the refueling area. They had a small landing place and we landed there. I think again, as best as I can remember, Colonel HENDERSON was planning on going back up and we had to refuel--

Q. (Interposing) Had to refuel?

A. We lifted up again and set down at the refueling pad and started refueling.

Q. What did Colonel HENDERSON do?

A. He was just sitting there.

IO: He remained in the chopper?

A. This is as best I can remember, yes, sir.

LTC PATTERSON: Okay, while you were refueling then did you go right back up, or did Colonel HENDERSON go somewhere?

A. He got out while we were refueling.

Q. He got out while you were refueling?

A. Yes, sir, as best as I can remember.

Q. I see, and then what did the chopper do?

A. It finished refueling, and then lifted up again and set down at the normal place.

Q. Normal landing place?

A. Yes, it was. Of course, you know the refueling station is always set a little off some ways, because in the landing..where the chopper is supposed to land is a little closer to the headquarters.

Q. I see.

A. And we set down there and shut down.

Q. And shut down?

A. Yes, sir.

Q. How long were you there, for a few minutes, or--

A. (Interposing) Yes, sir. We were there for a few minutes.

Q. Did you get out of the chopper?

A. Yes, sir. We got out.

Q. Do you remember anybody coming to visit, or any other helicopters arriving at this time?

A. Yes, sir. General KOSTER came in with his aide.

Q. While you were shut down?

A. Yes, sir.

Q. Okay, was he there very long?

A. Not a great length of time, I don't think.

Q. And then his chopper took off?

A. Yes, sir.

Q. What did you do then? Did you stay there?

A. No, sir. Colonel HENDERSON came back out and we took off again.

Q. You took off?

IO: Are you sure that you saw General KOSTER depart with his chopper before Colonel HENDERSON came back and you lifted off?

A. I'm not positive. No, sir.

Q. This is your impression?

A. Yes, sir.

Q. Understand that I'm not asking you to go back 2 years or anything for an impression, but it is the best you remember?

A. Yes, sir. We lifted off and we went back over to Pinkville.

Q. Back down to--

A. (Interposing) To this area here (indicating).

Q. I see.

A. I think--I believe this is when Colonel HENDERSON talked to the ground commander or one of these anyway, and asked him how he was doing. How's it going--and....

COL FRANKLIN: But before you go into this too much Mr. ADCOCK, when Colonel HENDERSON came aboard the chopper there at Dottie

and you cranked up and got ready to go, was he in a hurry or was he calm? What was his attitude that you recall?

A. He seemed kind of calm. He wasn't real upset. As I told you before, he could hide his emotions pretty well.

Q. Did he seem more nervous than usual, more excited than usual, or was he very calm?

A. Of course he wasn't very calm when there was a little action going on. He was geared up like all of us when we get into a situation.

Q. Okay, so you came back down over here, and I think you just said you talked to, or Colonel HENDERSON talked to, one of the commanders on the ground?

A. I believe this is what happened, yes, sir.

Q. Were you at a high altitude?

A. No, sir.

Q. You were down low?

A. We were looking over the village.

Q. I see. Did you go down low enough to see any of the troops on the ground?

A. Yes, sir. We saw some troops going through the village, checking it out.

Q. I see. Could you see any dead bodies?

A. No, sir. I didn't notice any at all, if I remember correctly. This was inside of the village.

Q. Yes. Did you see one or two scattered around, or just like there was nothing there?

A. There may have been one or two around, but it was enough to ponder over.

Q. I see.

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A. It was more or less vacated.

Q. And you were hovering low over the village at this time?

A. Yes, sir.

Q. Were the hootches burning? Did you see any smoke?

A. There was a little smoke. I didn't see any hootches burning.

Q. Then what did you do? What did the helicopter do?

A. We circled a couple of times, it wasn't any length of time. We left, and he instructed Mr. COONEY to leave the area and head for Quang Ngai.

Q. Before you left, did you see any large groups of bodies?

A. The only group of bodies I saw that whole morning was along the tree line in the ditch I told you about earlier.

LTC PATTERSON: Now, you say you saw some bodies in a ditch?

A. Not in a ditch, sir, it was along--I remember seeing a tree line and it was a--what it looked like was a ditch with a beaten path down--in other words, a path that had dirt on the side of it, and there was a tree line, and it was along this tree line that I saw bodies.

Q. How many bodies?

A. About 12 to 15.

Q. Twelve to fifteen, and were they scattered all out?

A. No, sir. They weren't scattered around. It had a certain pattern. As I said, they were along the trees, along sort of parallel to the trees.

Q. Were they down in the ditch or whatever along the path? Was a bank on the side of it?

A. There may have been one or two in the ditch itself, but most of them were outside the ditch, on the outer edge.

Q. I see. What do you remember that fixes this area in your mind? Is there anything peculiar about the way this was shaped or how it looked to you that made you remember it other than, of course, the dead?

A. No, sir. I guess the main reason it stuck in my mind was that trees don't usually grow in just--well, they do over here. As you see along the road like this--parallel to the road and--I don't know. It just reminds me of a driveway to a house or something like that.

Q. I would like to show you again photograph Exhibit P-46. Have you ever seen that area?

A. Yes, sir. I recognize this area, this thing right here, because I remember I saw this, I believe, after I saw the bodies. Because I remember watching along this hedgerow in case someone might be hiding in there and wanted to take a pot shot at the helicopter or something, and I was paying pretty close attention to these hedges in there.

Q. Were the bodies close to this area?

A. I believe so, sir. I couldn't definitely say, but I think so.

Q. I believe you indicated earlier you thought they were down here somewhere.

A. Down further, yes, sir.

Q. Just a little off to the bottom of photograph P-46?

A. Yes, sir. The reason I said that is because as you circle--I think this is just one of the things I saw while we were circling.

Q. How high were you?

A. Pretty low.

Q. And was the ship making pretty tight turns?

A. Fairly tight, yes sir.

Q. So you were kind of up and looking down at it?

A. Yes, sir.

Q. Do you think that this is the type path or ditch where you saw these bodies?

A. I believe so, yes, sir.

IO: Do you know where you were for sure with respect to the village? Where is this located with respect to the village?

A. We had it located on this one.

Q. Well, it isn't so much being able to locate it on that map as to--

A. (Interposing) It's--

Q. (Interposing) Yes.

A. It wasn't in the village.

Q. How far outside, do you recall?

A. No, sir. I sure don't.

Q. Were you east of the village or were you down close to Hill 85.

A. I don't know, sir. I was under the impression that it was somewhere between Hill 85 and the village.

Q. You are under that impression?

A. I don't know. That's what I believe.

Q. Did you see any large groups of Vietnamese in this area? Did you see the ground forces there at all?

A. Yes, sir. I saw some of the ground forces, but I didn't see any large groups. The only place I saw a large group of Vietnamese was when they were trying to get out down

this road.

Q. With respect to this ditch, wherever it was, about how many troops would you say that you saw around there? You saw no other civilians around there or Vietnamese, as you say, other than those that were dead?

A. No, sir. I didn't see anybody. There weren't any troops around this area.

Q. Yes.

A. And I don't think so, sir. I don't think I saw any.

LTC PATTERSON: Do you recall seeing any friendly troops while you were low, going around the area at this time?

A. I don't know, sir. I may have caught a glimpse of them back in the village.

Q. That was earlier?

A. Yes, sir, but it wasn't anything.

Q. After you did this low circling over this area where you saw the bodies, do you recall then going and observing over closer to the ocean?

A. Yes, sir. We went over to where the other troops had been put out.

Q. I see. What kind of an area were they operating in at this time?

A. It was smaller. As I said before, it was a smaller hamlet than this one.

Q. Was it very close to the ocean?

A. It was fairly close, yes, sir.

Q. I believe you described it before as being right close to the ocean. There was a body of water between--with a peninsula of land between the ocean and this stream or river or something. They were operating in there?

A. Yes, sir.

Q. Did Colonel HENDERSON talk to anyone over there on the ground?

A. Not that I can remember, sir.

Q. Do you recall where you went, where the helicopter went?

A. We circled. This is when we went to Quang Ngai, just prior. We circled this. We went back over and circled this at a close range and just looked at it a couple of times, no close scrutiny or anything, and we departed.

Q. Now before you departed, at any time during the morning, was there any conversation that you recall on the radio with reference to casualties, or how casualties were caused?

A. Yes, sir. I believe as the ground troops were just entering the village some comment was made about how many casualties were caused by artillery.

Q. Do you recall who made it, who made the comment?

A. No, sir.

Q. Do you recall Colonel HENDERSON saying anything to Colonel LUPER about this?

A. No, sir. He may have commented unfavorably.

Q. Okay, so you went to Quang Ngai then--

MR MACCRATE: (Interposing) Where was Colonel LUPER sitting in relation to you and Colonel HENDERSON?

A. I can't really remember if it was Colonel LUPER. Evidently it was, I don't remember that well. I know there was someone there, there was someone on the right of me, and I was sitting between Colonel LUPER and Colonel HENDERSON.

Q. How many seats are across the helicopter?

A. Actually, I guess Colonel HENDERSON had a special seat. It was--the normal type of helicopter had railings and cloth webbing for a seat. He had armor or something like that. I guess if you crowded them in, three could sit on the remaining part of the bench. The best I remember--I know there was one other person, but I don't--I can't think of his name.

IO: Where did you sit?

A. In the middle.

Q. In the middle, so that you had people on either side of you?

A. Yes, sir.

Q. You had people on either side of you, and you are in the center of the aircraft. So you don't see much from the middle of that airplane or chopper unless that chopper is in a turn?

A. Right, sir.

Q. Then you can see out if you are fortunate enough to be able to see beyond somebody.

A. Right, sir.

Q. Was the seat that Colonel HENDERSON had sort of like the pilots's seat, about one-half inch of armor on the side and so on?

A. Yes, sir.

Q. I would like to ask a couple of questions here. On this morning you say you got out very early?

A. Yes, sir.

Q. Do you remember possibly having some trouble with that airplane and having to change airplanes so that you didn't get out? Actually you might have gotten up early, but something was wrong with the airplane. You had to change airplanes and get that airplane fixed up before you could get out. You didn't get out when you thought you were going to get out?

A. No, sir, I don't remember that.

Q. Do you remember when you went up, and this is a somewhat different course than you've indicated, coming up the coast and cutting in across Pinkville and coming in from this area, from here (indicating), about the time that the second lift is coming in? You see, this operation started with the artillery going just a few minutes before, about 0725 or 0727, and the first units were put down on the ground at 0730.

A. Yes, sir.

Q. Did you see two lifts go on the ground or just one?

A. I remember the first one, and I don't think I can remember the second one.

Q. Well, you might remember the second one and not remember the first one, too.

A. Well, the gunships wouldn't fire on the second one, would they.

Q. They could. It wouldn't be likely that they would be firing--

A. (Interposing) Well, they were firing when I saw the troops.

Q. Yes. There is one other part. You seem pretty positive that down here (indicating) where you picked up the two PW's that this was a Primo aircraft. Are you sure that was a Primo?

A. It was a smaller ship.

Q. Well, it was a smaller ship, but the Warlords also had smaller ships, didn't they?

A. Yes, sir.

Q. Did you see any guns with it?

A. Yes, sir. They had guns.

Q. Yes.

A. The Warlords had--

Q. (Interposing) Did you see any guns with them?

A. They fired and tried to make these people stop running.

Q. The Warlords had gunships, but Primo didn't have any gunships.

A. I think in Primo they just sat there with an M-60, just holding it. It wasn't mounted.

Q. Well, then it's part of an assumption on your part that it was Primo--

A. (Interposing) Because it had a bubble, right.

Q. A bubble?

A. Yes, sir.

Q. But in your judgment it could have been as well a bubble from an H-23 from the Warlords?

A. Yes, sir.

Q. When you were at LZ Dottie and you saw General KOSTER did you also, even though you were at the one pad, and you flew over to the refueling pad and then back back to the primary pad, the VIP pad, did you at any time there see Colonel BARKER?

A. I can't remember.

Q. When you said that you were pretty low, what do you mean by pretty low, when you returned here and you were flying around over the village?

A. About 30 feet.

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Q. You were that low?

A. It may have been about 40 feet, but it wasn't too much higher.

Q. It wasn't very high in your judgment then?

A. Right, sir.

Q. At that elevation you weren't able to see much were you?

A. Not unless we were flying level.

Q. You happen to see out in the distance, and any trees and so forth would obscure your view?

A. Right, sir.

Q. Well, I'm concerned a little bit about one thing, and this is one thing about which I want to talk. Can you positively identify this as the area that you were flying over, and I say positively. I really don't mean it in that sense, because when you're looking back on something 2 years ago, it may look a little bit different now, particularly with people pointing to it. This particular ditch is located right here (indicating), going down alongside of the village to this other little hamlet?

A. Yes, sir.

Q. We know there were bodies here, we know there were bodies along here.

A. I believe it was up here that I saw. I do remember this because of the hedges on either side.

Q. Now this would have been what time of the morning? How long was it before you departed from this area to go up to Quang Ngai?

A. I don't have any idea, sir.

Q. After you left Dottie, how long do you think you flew over this area before you left to go to Quang Ngai?

A. It couldn't have been very long.

Q. You made several passes over the village itself and you went out and looked over another area and then you came back and took another glance at it, you indicated that. I remember the words you used, not a great deal of scrutiny.

A. Yes, sir.

Q. So you were there for some period of time?

A. Yes, sir, it couldn't have been over 5 or 10 minutes. It wasn't - -

MR MACCRATE: (Interposing) When you talk about the fact that you didn't scrutinize it very much, was this a matter of your position? I would assume you may have been at different altitude and sitting in the middle of the ship. What Colonel HENDERSON was looking at and what he could see, it would be significantly more than anything you could see from your position?

A. That's correct, but the initial contact had already been made. Things had more or less become better organized. They were really going through, I mean searching every nook and corner of the village, every aspect of it. The reason I said that is because everything seemed to be more or less under control by then.

Q. You say they searched every corner of the village. How much of this did you see? What did you see as to the movements of the American forces going from--

A. (Interposing) Going from hootch to hootch and looking in?

Q. Was there a lot of firing going on as they were searching?

A. No, sir.

Q. Was there anything or any smoke that interfered with your vision as you recall it?

A. There was a little smoke, but not much.

IO: As you were flying around there now, just let me point out some other areas where you had an opportunity to look at something, things that you might have seen at this time. Did you see anything burning up in here (indicating) in the hamlets to the north of My Lai?

A. I don't remember, sir.

Q. When you were flying over here, did you start seeing some places being burned on the western side of the village?

A. Yes, sir.

Q. Now did you see some bodies along in this area here (indicating) on this road coming out of the south center part of the village, maybe 15 or 20?

A. No, sir.

Q. Did you see some bodies scattered throughout this area, sort of an open area, quite a few houses and courtyards in there?

A. There were a few, yes, sir. But there were a few all around, I mean not any great conglomeration of them.

Q. We'll come back to that again. Now at this time, how many did you say that you saw that were in this ditch?

A. I'd say around 12, 15, something like that.

Q. That's all, no more?

A. No, sir. Now they may have been in the hedgerow. The bodies I saw were more or less in an opening, they weren't under shelter of some kind.

Q. Lying around the edges of the ditch?

A. Right, sir.

Q. Do you think you ever looked down in the ditch? Actually it's an irrigation canal, an old irrigation canal that you're looking at there?

A. No, sir. I never did look down in it.

Q. You don't recall seeing any bodies spread along in this area or around in the fields and so forth?

A. No, sir, I don't.

Q. That's fine. I'm not going to put words or thoughts in your mouth. But you have been flying over this town, and you've been down in that one area. You have been over the village, and you have seen certain things. Up to this point in time, and I know you can't be precise, how many dead bodies do you think you saw?

A. In all?

Q. In all..

A. This includes the whole time?

Q. Everything.

A. Around 35 or 40.

Q. Thirty-five or forty?

A. But now, I guess you can see there was a lot of cover in here. The thing that struck me most was this small area that I believe is right here. They had quite a few in one place. That's the only reason I thought about it very much.

Q. Did you see any Americans right there with them?

A. No, sir.

Q. Did you see any troops deployed along and about here, like so, in sort of a defensive perimeter?

A. I don't think so.

IO: The hearing will be recessed.

(The hearing recessed at 1955 hours, 29 January 1970.)

(The hearing reconvened at 0950 hours, 30 January 1970.)

LTC PATTERSON: The hearing will come to order. LTC PATTERSON is present.

Mr. ADCOCK, you are reminded you are still under oath.

A. Yes, sir.

Q. The purpose of your testimony here this morning is to delve a little bit more into the specifics of identification of photos and some questions concerning the activities on and after 16 March 1968. To assist you in answering the first part of this interrogation, I have some photos that I would like to show you. The purpose of showing you these is for orientation and to assist you in your recall of how My Lai (4) looked from the air. These are aerial photographs that are entered as exhibits in these proceedings. Then we will use the vertical aerial photograph that you were looking at yesterday which recognizably, because it is a vertical aerial photograph, looking straight down on it gives you the feeling of depth and dimension that these photos will. So, I would like to give you these photographs, P-103 through P-119, and we will recess while you are looking at these. Just to give you a feel of them, we'll talk about them. They have been taken recently, in 1969.

A. Yes, sir.

Q. It is of My Lai (4), or they are of My Lai (4). They are taken from different angles as you would fly around the village, and we'll discuss these and point out directions and so on in closed session. I would like you to look at these photos now, and the hearing will be recessed while the witness looks at these.

(The hearing recessed at 0953 hours and reconvened at 1012 hours:)

LTC PATTERSON: The hearing will come to order.

Let the record reflect that all parties present

A. No, sir. I never did look down in it.

Q. You don't recall seeing any bodies spread along in this area or around in the fields and so forth?

A. No, sir, I don't.

Q. That's fine. I'm not going to put words or thoughts in your mouth. But you have been flying over this town, and you've been down in that one area. You have been over the village, and you have seen certain things. Up to this point in time, and I know you can't be precise, how many dead bodies do you think you saw?

A. In all?

Q. In all.

A. This includes the whole time?

Q. Everything.

A. Around 35 or 40.

Q. Thirty-five or forty?

A. But now, I guess you can see there was a lot of cover in here. The thing that struck me most was this small area that I believe is right here. They had quite a few in one place. That's the only reason I thought about it very much.

Q. Did you see any Americans right there with them?

A. No, sir.

Q. Did you see any troops deployed along and about here, like so, in sort of a defensive perimeter?

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Q. It is of My Lai (4), or they are of My Lai (4). They are taken from different angles as you would fly around the village, and we'll discuss these and point out directions and so on in closed session. I would like you to look at these photos now, and the hearing will be recessed while the witness looks at these.

(The hearing recessed at 0953 hours and reconvened at 1012 hours:)

LTC PATTERSON: The hearing will come to order.

Let the record reflect that all parties present

when the hearing recessed are again present.

Sir, you are reminded that you are still under oath.

A. Yes, sir.

Q. Now, after perusing through these numerous photographs during the recess, do you feel that you have an orientation for relating the vertical photograph, Exhibit P-1, to the aerial photographs that you have in front of you now?

A. Yes, sir.

Q. Okay. What we would like to do now is look back over these events and incidents you discussed in your previous testimony, and try to fix the location on this vertical aerial photograph and mark it. Then we will enter it as an exhibit into the record of these proceedings. (Photo is later to be entered as Exhibit P-197.)

I believe the first thing that you indicated in your testimony that you will recall was the general position with regard to where you were when the lift went in. Can you point that out now from this aerial photograph?

A. I would say it would be somewhere in here.

Q. Somewhere just to the north of Hill 85 and to the south of 521?

A. Yes, sir.

Q. If I would draw a circle here, would that indicate the approximate position?

A. Yes, sir.

Q. Now, I've marked this position 1, and indicated that this was the approximate position of ADCOCK's helicopter during the landing at the LZ. Does that reflect your recollection?

A. Yes, sir.

Q. Can you point out that LZ as you recall seeing it?
(The witness did as requested.)

Okay, you pointed to this area here, and we will mark this 2. The position that we have marked 2 is the approximate position of the LZ?

A. Yes, sir.

Q. Now, I believe the next thing that you recall seeing is when the landing was going on, you indicated the gunships in their suppression. I believe you indicated one was suppressing to the west and one was suppressing to the east?

A. Yes, sir.

Q. Can you point out the positions to the west where you feel the gunship was laying down his fire?

A. Along this line right here.

Q. Generally along position 3 as I have indicated?

A. Yes, sir.

Q. Position 3 with arrows running generally north and south is marked as the gunships' suppression on the west side of the LZ. Does that agree with your recollection?

A. Yes, sir.

Q. How about the one on the east side of the LZ? Could you point out where that might be?

(The witness did as requested.)

As you have pointed out here, along this direction?

A. Yes, sir.

Q. It was inside the village?

A. Yes, sir.

Q. Okay. I will mark position 4 as the position, with arrows running north and south as the gunships' suppression on the east side of the LZ. Does that coincide with your recollection?

A. Yes, sir.

Q. Were they generally coming in from the south or from the north, and can you recall their direction of landing?

A. I believe they were coming in from the south.

Q. So, they were landing generally in this direction, landing to the north?

A. Yes, sir.

Q. Now, we're coming to what you said in the previous session. You indicated that soon after this in your sequence-- not definitely, but you saw the gunships, or knew that they were engaging some VC with weapons north of My Lai (4)?

A. Yes, sir.

Q. Can you tell me where that location is? The scale, by the way, is 1 inch is about 85 meters. And, north is off to the top center as marked.

A. Right about here (indicating).

Q. Okay. We will mark that as position 5. What did you see here?

A. Gunships were engaging the VC suspects.

Q. Do you know how many?

A. No, sir, I don't.

Q. I believe you indicated something about weapons?

A. Yes, sir.

Q. Were they with weapons?

A. No, sir. Colonel HENDERSON said he thought he spotted one, I believe.

Q. Okay. Position 5 then is marked and identified as the position where the gunship engaged VC suspects. Colonel HENDERSON indicated one weapon. Is that correct?

A. Yes, sir.

Q. Then while you were hovering around this position, or working this area, you indicated this is where you popped the smoke for the ground troops?

A. Yes, sir.

Q. Where did you see the ground troops coming from?

A. I would say right around this area, sir (indicating north part of village).

Q. Right in this little, circular area. Were they coming out of here on a line or in a single column? Do you recall?

A. It wasn't in a single column, but it was in a combat formation or something like that.

Q. I see. So, if we mark it like so, it would indicate the general route of movement?

A. Yes, sir.

Q. Position 6, then, is marked as ground forces seen leaving as indicated to position of VC at 5. Is that correct?

A. Yes, sir.

Q. Did you see them arrive at that position?

A. No, sir.

Q. Then, I think you indicated that around this time, or some time, you saw a couple of people or young males that your helicopter tried to segregate as far as identification, and subsequently gave that up?

A. Yes, sir.

Q. Do you recall about where this was?

A. Yes, sir. Now, this was--I don't know if they were male or females or what.

Q. This was about the time that you saw some people moving out of the village to the northeast?

A. Yes, sir. I believe that the people we engaged here looked like they were in front of the other group, and they were out about here.

Q. And, you said the stream was dry at the time?

A. Yes, sir. It was almost dry, but there was some water in it.

Q. Did anybody fire at them to try to stop them?

A. No, sir.

Q. All right. Position 7 is marked as the place where you checked out two Vietnamese of unknown sex or age at low altitude. Now, would you care to indicate any kind of general path of movement of the people that were moving out of My Lai (4)? Could we indicate by some type of large arrow the general axis of movement?

A. Yes, sir. This wasn't the main flow. They moved out just like this (indicating a northeastward movement north of the village).

Q. Okay. We'll put an arrow on here and mark it as 8. And, should we designate it as the general path of the Vietnamese?

A. Yes, sir.

Q. How many? Could you give me an estimate?

A. Yes, maybe 10.

Q. Position 8, which is an axis arrow, identifies the general axis of movement for approximately 10 Vietnamese. Then, I believe that you indicated that somewhere around this time, you noticed and thought about this movement to the south of the village, and to the southwest along 521. Do you recall that?

A. Yes, sir.

Q. Can you indicate the general flow or axis of this large group?

A. Yes, sir. They were moving along this road (indicating 521). Now, this was where the main flow was coming

out, and some of them were in the village, on the banks, but most of them were sticking to the road.

Q. You are pointing to this trail, this north-south trail?

A. Yes, sir.

Q. They were then going to the southwest along 521?

A. Yes, sir.

Q. The set of arrows indicated by 9 is the large number of Vietnamese of mixed ages and sexes departing the area. There is a set of four arrows indicating their movement. Is that correct?

A. Yes, sir. That is correct.

Q. Some time along in here, you also recalled earlier saying something about rocket fire by a Warlord aircraft. Can you indicate what the general area of this rocket fire was going on in?

A. The rocket firing was going in on the north side of Hill 85 about right here (indicating).

Q. As I have marked here?

A. Yes, sir.

Q. But you didn't know that they were Warlords, I presume? You just saw that they were guns?

A. Yes, sir.

Q. Can you indicate their flight route? I think you indicated earlier that it was from the east?

A. Yes, sir, mostly from the east to west.

Q. Position 10 is marked as where you saw rocket firing, passes of gunships flying generally from east to west?

A. I believe so, yes, sir.

Q. Now, do you recall the position where you finally landed to pick up these two Vietnamese males that you indicated came aboard your ship?

A. No, sir. I cannot pinpoint it.

Q. Okay. You felt that it was somewhere to the southwest?

A. Yes, sir.

Q. Was it in an open area?

A. Yes, because I remember the bubble chopper.

Q. Then I believe you indicated you went over and watched the B Company lift, or the next lift off there to the east--

A. (Interposing) Yes, sir.

Q. The artillery preparation and so on, and went over to the coast?

A. Yes, sir, and this time we were pretty high. We had already gone up a little bit.

Q. Then you went back to Dottie with the two Vietnamese?

A. Yes, sir.

Q. Later on when you were again over the area, you recalled earlier flying low over the village, seeing some of the troops, the friendly U.S. troops in the village. Can you indicate the approximate area that you saw them?

A. I believe it was right in here (indicating west and east, center).

Q. Okay, this position we will mark as position 11. Is that correct?

A. Yes, sir.

Q. Did you identify them as U.S. friendlies?

A. Yes, sir.

Q. Position 11 is marked and identified as where you saw ground troops after refueling?

A. Yes, sir.

Q. Now, did you see any bodies at this time in the area? I believe you saw several scattered bodies throughout the village?

A. Yes, but not an abnormal amount.

Q. Then sometime later, you recall seeing along this path these trees where there were 12 to 15 of these bodies. Can you point out that area?

A. Yes, sir. I'm almost convinced it was right here.

Q. Okay, you are pointing to the area depicted by photograph P-117?

A. Yes, sir.

Q. Now, can you point on photograph P-117, to where you think you saw them, and then we'll transpose that onto the vertical aerial photograph?

A. I would say in this area right here, sir.

Q. Is that the general area?

A. Yes, sir.

Q. How would you describe this. Would you describe it as a ditch, or how would you describe it?

A. I don't recall. It looks like a ditch looks.

Q. How would you describe the position here? I believe you indicated some kind of a pattern. Can you give me some word to describe it? Were they kind of close together, or were they spread apart, or were they stacked?

A. No, sir. They were all in--going in one direction.

Q. Close together?

A. Fairly close, yes, sir.

Q. Marked as 12, a ditch where ADCOCK saw 12 or 15 dead Vietnamese of mixed ages and sexes within 15 or 20 meters.

A. Yes, sir.

Q. I believe you indicated last night that these were on a lip or on the top of this ditch?

A. Yes, sir. They weren't in the ditch. There may have been one or two, but the majority of them were outside and on the east side of it.

Q. Some were on the east side, or all, or what?

A. The majority were on the east side.

Q. I believe that you said that you didn't see down in that ditch, is that correct?

A. That was on up here.

Q. Did you look down inside the ditch and look into here?

A. Well, the trees were kind of sparse, but this area in between you could see in. But, right here, it was growing up and the shrubs were going over the ditch like that (indicating the overgrowth on P-117).

Q. Now, let's see if this is right. We have marked as position 12 the position where ADCOCK saw 12 to 15 dead Vietnamese of mixed ages and sexes within 15 to 20 meters of the ditch.

A. With the majority on the east side.

Q. You did not see down in the ditch further to the north, is that correct?

A. Yes, sir, that's correct.

Q. After this, I think you were telling us that you went back over the village and went back over that area. Subsequently, you went down to Quang Ngai, is that correct?

A. Yes, sir.

Q. Do you recall any other incidents that we can place on this aerial photograph that you saw? People on the ground dead; ground troops on the ground? Did you see dead in this area (indicating below My Lai (4) on P-1)?

A. There may have been a few out here.

Q. You do think you saw a few there?

A. Yes, sir.

Q. Both sides of this trail?

A. Yes, as if they were coming from the joining trail, right here (indicating fork of trail in south center of My Lai (4)).

Q. Position 13 is where you saw a few Vietnamese dead at some time?

A. Yes, sir.

Q. Anything else?

A. No, sir. I don't believe so.

Q. Okay. You didn't see the ground troops breaking for lunch or anything?

A. No, sir.

Q. Okay, let's leave this for a moment. Now, I'd like to show you some additional photographs which I would like you to peruse. See if you recognize individuals, places or things that you can identify as to locality and dates, or as far as individuals are concerned, that you can identify by name. I will show the witness Exhibits P-2 through P-43 and Exhibits P-56 through P-70. We will recess while he looks at these photos.

(The hearing recessed at 1050 hours.)

(The hearing reconvened at 1100 hours.)

LTC PATTERSON: The hearing will come to order.

Let the record reflect that all parties to the hearing who were present when we recessed are again present.

Sir, you are reminded that you are still under oath.

Do you recognize any places or events or people in those photographs?

A. Sir, I recognize only one person. I believe it was BEARDSLEE.

Q. What photograph was that?

A. P-68.

Q. P-68?

A. Yes, sir.

Q. You think BEARDSLEE is the individual standing on the left?

A. Yes, sir.

Q. And, who was BEARDSLEE?

A. He was Colonel BARKER's driver, sir.

Q. Do you know his first name?

A. I believe it's Frank.

Q. Do you recall any or did you see any other instances or recognize any of the scenes depicted by those pictures?

A. No, sir.

Q. How about P-41? Do you think you saw that scene?

A. No, sir.

Q. How about P-31?

A. Yes, sir, I may have seen that one.

Q. Now P-31 shows about three dead Vietnamese.

A. Yes, sir.

A. In the background is some cattle, and it looks like a trail with some woods on the right side. Would you know where you saw that?

A. No, sir.

Q. Do you recall hearing anything about dustoff requirements, medevac requirements, the morning of 16 March 1968 while you were cruising around the area there?

A. No, sir.

Q. We have reason to believe and records indicate that on this morning there were three different medevac missions flown. One was while your helicopter was on station, and it was in the B Company area. And probably just toward the end, as you were en route back to Dottie for refueling with the two Vietnamese aboard, or in the B Company area, a lieutenant was killed and some others wounded. They called for a dustoff. You don't recall that one?

A. No, sir.

Q. About 1020 hours the records indicated that a young man by the name of CARTER who was a member of C/1/20 was shot in the foot and was evacuated. They called for a dustoff about 1030, or in the 1020 to 1030 time frame. Do you recall hearing anything about that?

A. No, sir.

Q. In other words, you have no recollection of any dustoff medevac requirements?

A. No, sir.

Q. Now, I recognize the fact--the information that we have is the one that you might possibly have known something about was for CARTER?

A. No, sir.

Q. That was just to the south of the village of My Lai (4).

A. Now, I remember a dustoff ship coming up the coast. I'm not sure.

Q. We also have reason to believe that Colonel BARKER in his command and control ship made the third dust-off right around 0930. You were at LZ Dottie apparently and shut down, and did not hear about it on the radio. The ship came in, dropped Colonel BARKER off because this is when General KOSTER had arrived and Colonel BARKER's ship proceeded on north to take the wounded on up to the hospital. Then the ship came back. Colonel BARKER at this time was in talking, presumably, to Colonel HENDERSON and General KOSTER, about 0930 or 0945. Then, Colonel BARKER's ship came back there and set down and probably shut down.

A. No, sir, I don't remember that.

Q. You indicated last night that you recalled something about casualties caused by artillery. Do you recall any numbers?

A. No, sir.

Q. Twenty? Sixty-nine? Eighty-four? These numbers mean nothing?

A. No, sir.

Q. Do you recall Colonel LUPER at any time giving any indication to Sergeant KIRKPATRICK who was his RTO, I believe. Or was it Sergeant Major?

A. Sergeant Major.

Q. Did he ride very much?

A. Not much.

Q. Do you remember Colonel LUPER talking to Sergeant KIRKPATRICK about investigating or doing anything with reference to checking out these artillery casualties?

A. No, sir.

Q. Was KIRKPATRICK a friendly sort of sergeant major?

A. He could be, yes, sir.

Q. Were you friendly with him?

A. No, sir. Sergeant KIRKPATRICK and I weren't real close.

Q. You didn't discuss mutual problems then in any great detail with one another?

A. No, sir.

Q. We have had some indications that on the 18th of March--we're skipping over to Monday on the 18th--that when you went to LZ Dottie--you got there about 9 o'clock in the morning. Right after you arrived, General YOUNG came in. You were all shut down, and Colonel HENDERSON was there for some time. General YOUNG departed and you stayed. You recalled some of this last night, but when Colonel HENDERSON came back in his helicopter, do you recall a notebook, notes, a card or anything that he was carrying?

A. No, sir.

Q. Did he carry with him a map case or any paraphernalia when he usually departed in the helicopter on these liaison visits?

A. Not often, no, sir.

Q. Colonel HENDERSON has led us to believe that at this meeting he obtained a 3-by-5 card. That would have been maybe not at this particular point in time. But during that morning when he came back to the helicopter, he had a 3-by-5 card that had some information on it that he had received. The information would have been of some importance with reference to conversations that he would have had either with you or with the personnel of the helicopter itself.

A. No, sir.

Q. You don't recall it?

A. No, sir.

Q. Now, still on this morning when General YOUNG came in, did you see any other of the command helicopters or other officers at this meeting on Monday? You had arrived. General YOUNG came in right afterwards. Do you recall any of the officers coming in?

A. No, sir.

Q. We have reason to believe that Colonel HOLLADAY came in, Major WATKE of the Warlords, and perhaps a couple of warrant officers.

A. No, sir. I don't recall.

Q. You took off after this meeting on Monday, and you indicated last night that you went down and flew low over the area a couple of times. I believe you stated that this was when you went out to the field and landed. You and the colonel got off and the helicopter took off, and you were waiting for smoke?

A. Yes, sir.

Q. I don't recall whether or not you indicated that Colonel LUPER got off with Colonel HENDERSON?

A. No, sir. I said I believed that someone else got off, but I don't know who it was.

Q. Well, Colonel LUPER has indicated that he did get out at that time.

A. Well, I'm pretty sure somebody got off with him.

Q. Do you recall at any time about this time--now maybe it occurred while you were on the ground, but it could have been while you were in the air and flying around before you landed. Was there any report of large numbers of Vietnamese north of Pinkville, like a thousand?

A. No, sir.

Q. Were they requesting a MEDCAP or some sort of thing?

A. No, sir.

Q. Colonel HENDERSON has also indicated to us that when he had this meeting with this company commander on the ground, he told the company that he was going back to LZ Dottie or call Colonel BARKER on the radio, and then he was going to tell this company to go back into My Lai (4) to

ascertain the casualties that were in there and to try to determine the cause. Colonel HENDERSON doesn't recall whether he told him this on the ground. Of course, he told the company commander that he was going to do this, but he doesn't recall if he told Colonel BARKER down on the ground or if he called him on the radio and indicated to him to have that unit go back through My Lai (4). Do you recall hearing any such information, that Colonel HENDERSON said that he had that unit go back into My Lai (4)?

A. No, sir.

Q. Colonel HENDERSON has also indicated that later on in the afternoon of the 18th, after he had instructed Colonel BARKER to have this unit go back in, that this order was countermanded by General KOSTER. Colonel HENDERSON was a little excited about this in that he wanted that unit to go back in. But General KOSTER had said: "No. Don't send the men. It could be booby-trapped, and don't do it." Do you recall any conversation such as this?

A. No, sir, I don't.

Q. After the meeting out there in the field, do you recall going back to LZ Dottie, or do you recall where the helicopter went?

A. No, sir, I don't.

Q. Colonel HENDERSON has also indicated to us that in the afternoon or evening on Monday, now this is the same day as the meeting in the field, that in the afternoon, C Company was extracted by helicopter from the field and brought back to LZ Dottie. They had very few helicopters to do this operation. So, they started at about 2:20 in the afternoon. It went on for a couple of hours because of the very few number of helicopters. They were short that day. Colonel HENDERSON has indicated that he met at LZ Dottie with some of the troops as they landed. Do you recall this?

A. No, sir. I remember the shortage of helicopters, and the pickup, and coming back in. Yes, sir.

Q. Do you remember how long you were there?

A. No, sir, I don't.

- Q. Did you have your helicopter shut down?
- A. Yes, sir.
- Q. Do you remember seeing the helicopters coming in?
- A. Yes, sir.
- Q. And the troops getting off?
- A. Yes, sir.
- Q. Do you recall Colonel HENDERSON talking to the troops?
- A. No, sir.
- Q. Were they coming in in a close proximity to your helicopter?
- A. Fairly close, yes, sir.
- Q. At this time you were on which pad there at Dottie? Do you recall?
- A. I believe we were on the VIP pad.
- Q. The VIP pad?
- A. Yes, sir. We were closer to the headquarters building. There was a hill, and they were coming in on the top of the hill, I believe.
- Q. Was Colonel HENDERSON up there?
- A. I don't believe so, no, sir.
- Q. Do you have any idea how long you were there? Was it a long period of time, or was it a short period of time?
- A. I don't believe it was a very short period of time, but I don't know exactly how long.
- Q. An hour or less, or 2 or 3 hours?
- A. Not 2 or 3 hours, maybe an hour.

Q. Do you recall where you came from when you came in there? Was this right after the meeting out in the field, or had you come up from Duc Pho?

A. I don't know, sir.

Q. Do you remember where you went after you left?

A. No, sir.

Q. You do recall, that you were there and saw some of those troops?

A. Yes, sir.

Q. Let's see, that completes Monday the 18th.

Now, Wednesday the 20th. Colonel HENDERSON indicated that he went up to division to talk to General KOSTER. Can you recall going to division on the 20th of March?

A. No, sir, I don't remember.

Q. Did you go to division very often?

A. No, sir, we didn't.

Q. You don't recall him going on these frequent trips? I imagine they were shortly after this operation?

A. No, sir, I don't.

Q. Okay. Did you see much of Colonel BARKER during this time frame?

A. No, sir.

Q. When a brigade commander visits a company, doesn't the commander of the company accompany the visiting commander back to his helicopter?

A. Yes, sir.

Q. Or, he meets him as he arrives?

A. Yes, sir.

Q. And Colonel BARKER you knew him quite well, I assume?

A. Yes, sir.

Q. When he had been assigned to brigade level, what do you recall his job was under General LIPSCOMB?

A. Not exactly, no, sir.

Q. The records indicate that he was the brigade S3. So, you knew you had seen Colonel BARKER when you saw him, and you recognized him?

A. Yes, sir.

Q. I believe you indicated last night that you recall seeing him the first time when you went to Dottie on the 15th, because it was the first chance you had of seeing him as a commander?

A. Yes, sir.

Q. Colonel HENDERSON also indicates that he talked to Colonel BARKER on several occasions in this time frame, but you don't recall any specific instances?

A. No, sir.

Q. Was there quite a personality difference between General LIPSCOMB and Colonel HENDERSON?

A. Yes, sir.

Q. Would you say that one was harder as a commander than the other in the sense of what he expected of his troops?

A. No, sir.

Q. Did General LIPSCOMB spend a lot of time out in the brigade area checking his people?

A. Yes, sir.

Q. And he left you back in the base camp area?

A. Yes, sir.

Q. Did the troops like General LIPSCOMB?

A. Well, General LIPSCOMB didn't exactly want to get too close to the troops.

Q. Well, he was a general officer.

A. But he wanted to know what each unit was doing, and what their actions were. He was very interested in the people in the field, more so than most others.

Q. Was the same true with Colonel HENDERSON?

A. Yes, sir.

Q. Do you recall hearing that General LIPSCOMB liked to have his troops get into a good fire fight and do well as far as combat was concerned? Was he aggressive as far as closing with the VC?

A. Yes, sir.

Q. Was Colonel HENDERSON aggressive in the same terms of reference?

A. Not on the same terms of reference, no, sir.

Q. We've had considerable testimony, Mr. ADCOCK, that in the TOC and among the enlisted men, especially in the TOC, there was a good deal of scuttlebutt about the operation. Did you hear any of this scuttlebutt?

A. I can't recall any, sir.

Q. We've had some people that recall hearing stories that generally originated from the PIO people perhaps, or from somewhere with reference to Task Force Barker, not only of this portion of the operation, but during it's entire existence from January to April. Do you recall hearing about how well they did?

A. Yes, sir. It seems as though the people put together for Task Force Barker seemed to do a little better. They accomplished a little more. They did a better job than the other units. The other units began to after that, but up until that this was the main--this started the ball rolling, so to speak.

Q. They had a pretty good body count according to the records?

A. Yes, sir.

Q. They seemed to have a far higher body count and record as far as combat during the period of their existence than any other unit in the brigade.

A. Yes, sir.

Q. Do you recall hearing this kind of thing?

A. Yes, sir.

Q. Was there any talk about how they achieved their body count?

A. No, sir.

Q. You didn't hear civilian women and kids mentioned?

A. No, sir.

Q. Did you know any of the young men that worked in the PIO section at the brigade, the public information section?

A. Yes, sir. I knew HAEBERLE. We were acquainted in Hawaii at Schofield Barracks, not closely, just a passing friendship.

Q. Do you recall talking to HAEBERLE, or HAEBERLE talking to you, with reference to what he saw?

A. No, sir. I rarely ever saw HAEBERLE after that.

Q. Did you read The Trident, the brigade newspaper?

A. Yes, sir.

Q. Do you recall reading about this operation?

A. Yes, sir.

Q. Task Force Barker had some fine publicity during its existence according to looking at The Trident issues?

A. Yes, sir.

Q. You don't recall talking to anyone that had anything to do with the writing of the articles?

A. No, sir.

Q. Now, do you know Colonel BLACKLEDGE?

A. Yes, sir.

Q. Sergeant GERBERDING?

A. Yes, sir.

Q. Sergeant STEPHENS?

A. I don't remember him very well.

Q. Do you recall talking to Sergeant GERBERDING, or Sergeant GERBERDING talking to you, or hearing anything with reference to what occurred during Task Force Barker's existence?

A. No, sir.

Q. How about Colonel BLACKLEDGE?

A. No, sir. Colonel BLACKLEDGE was kind of closed-mouthed. He didn't say anything unless I asked him.

Q. How about Major MCKNIGHT?

A. He was about the same, I believe.

Q. You didn't hear his commenting on it?

A. No, sir.

Q. How about his driver?

A. I don't remember, sir.

Q. Do you remember talking to his driver? Do you recall his name?

A. I should know him, sir. We were old friends.

Q. How about the people in the 11th Brigade aviation section? Do you know many of those fellows?

A. I know Mr. SMITH, and there was a Japanese fellow, I believe; an oriental officer, I believe. But, I don't know many of them.

Q. How about the enlisted?

A. No, sir.

Q. Do you know RIDENHOUR?

A. No, sir.

Q. How about people from the Warlords? Did you get a chance to talk to any of them at all?

A. No, sir.

Q. The 174th, any of the 174th's people?

A. Yes, sir. I knew several of the pilots and copilots, because they swapped. The copilots usually swapped around and so forth. But, not many of the gunners.

Q. You have recalled certain things that you have seen and incidents that have occurred during this time frame, including some times when you and the crew of the C & C ship were on the ground resting, eating, and playing with young children and so forth. Do you recall any conversations with any of these people with reference to what they saw over in My Lai?

A. No, sir, I don't.

Q. You don't recall discussing it with them, or asking them, "Did you see?"

A. No, sir. I don't even think we talked about picking up the prisoners which was about the only thing we did that day.

LTC PATTERSON: We'll take a recess here.

(The hearing recessed at 1137 hours and reconvened at 1140 hours.)

LTC PATTERSON: The hearing will come to order.

Let the record reflect that all persons present when the hearing recessed are again present. Sir, you are reminded that you are still under oath.

A. Yes, sir.

Q. I think, Mr. ADCOCK, that we have about exhausted any information that you have concerning the events of 15 March to 25 March 1968. Unless there is something that you recall specifically that you haven't discussed, I would like, now that we have been through it in some detail, to ask you if there is anything else that we have not covered that you feel could be important for the purposes of this inquiry?

A. No, sir. I can't.

Q. Is there any statement that you would like to make for the record that is an opinion or a feeling, or anything at all that you would like to say at this point that would become a permanent part of these proceedings?

A. No, sir.

Q. Okay, will you be willing to sign that aerial photograph under the heading where it is printed, "Prepared from memory at Washington, D.C., on 30 January 1970"?

A. Yes, sir.

Q. Will you just put your signature right under there? Let the record reflect that the witness is signing the photograph. Now, at this time I would like to enter into evidence an aerial vertical photograph signed by Mr. ADCOCK with advances indicated by the numbers 1 through 13 as Exhibit P-197. Let the record reflect that I am marking the photograph at this time.

C. Sir, do you have anything further to add?

A. No, sir.

LTC PATTERSON: We appreciate sincerely your coming to us and spending the effort and time that you have spent here with us to ascertain the events and circumstances surrounding

the activities of your helicopter during the period 15 through 20 March or thereabouts. Your helpfulness has been outstanding, and you have contributed immeasurably to the purposes of this inquiry. Since you have now, of course, discussed certain facts and related activities concerning the events of this operation in this period of time, we ask you to treat them in the proper manner with reference to discussion with anyone who is not a properly constituted authority.

A. Yes, sir.

Q. This does not include any discussion with any properly constituted proceedings or judicial proceedings of any recognized or formal court or any other type of judicial proceedings. Of course, you're free to discuss anything that you know with any representative of the United States Government, such as members of the Congress or of any legislative body.

A. Yes, sir.

Q. This caution refers primarily to public disclosure for public consumption?

A. Yes, sir, I understand.

Q. We will appreciate it if you would assist us in this endeavor?

A. Yes, sir.

LTC PATTERSON: The hearing will be recessed.

(The hearing recessed at 1146 hours, 30 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: BAILEY, Lawrence L.

DATE OF TESTIMONY: 4 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Clerk, S2 Section, 11th Infantry Brigade.

1. KNOWLEDGE OF THE BODY COUNT.

The witness stated that he remembered reading of between 123 and 128 VC KIA on the INTSUM on 16 March 1968 (pg. 4). He felt that Sergeant GERBERDING had prepared the INTSUM (pgs. 4, 5). He could not recall any discussion of a body count to weapons count ratio, but believed the INTSUM contained the report of 20 civilians killed (pg. 5). However, he admitted that he may have read this on the TOC briefing board or in HENDERSON's 24 April 1968 report (pgs. 6, 14). He definitely recalled posting the VC KIA on the briefing map for the evening of 16 March 1968 (pgs. 5, 6).

2. KNOWLEDGE OF DOCUMENTS.

The witness had not seen the VC propaganda (translated) inclosure to HENDERSON's report, Exhibits R-1 and R-5, or the (translated) VC propaganda (Exhibit M-35) (pgs. 8, 15). He stated that he did not think that he had seen the 14 April 1968 statement inclosure to Exhibits R-1 and R-5, but he may have (pg. 8). However, he did recall the copy of the 24 April 1968 report in Exhibit R-5 (pg. 8). He never saw the original (pg. 19). He felt that that copy had been prepared by the personnel in the intelligence detachment (pgs. 8, 12, 16). He added that the MID often

(BAILEY)

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prepared reports of that nature (pgs. 8, 9). The witness could not recall the allegations which had led to this report (pg. 9). He had not seen the letter from the Son Tinh District Chief to Colonel KHIEN (pg. 10), nor had he seen a report from the Son My Village Chief (pg. 30). He could not recall any statements given to Colonel HENDERSON by Major CALHOUN, Captains MEDINA and MICHLES, or Lieutenant Colonel BARKER (pg. 10). He asserted that the green onion skin paper utilized in Exhibit R-5 was of a type commonly used by the MID (pg. 11). He could not recall seeing the statement of Captain RODRIGUEZ (pg. 13). The witness had no knowledge of a report by the Son Tinh District Advisory Team relating to HENDERSON's report (pg. 13). The witness explained that the MID would prepare reports such as that in R-5 and submit them to the S2 (pgs. 15, 17). Lieutenant Colonel BLACKLEDGE would okay them and give them to Sergeant GERBERDING for filing (pg. 15). They would be filed in the S2 office (pg. 25). The witness recalled reading the INTSUM for 16 March 1968, although he did not type it (pg. 20). The witness related the meanings of various entries in the INTSUM (pgs. 21-24).

3. REPORT OF AN INCIDENT.

He could not recall preparing any operational reports containing the totals of VC KIA or civilians killed (pg.6). He could not recall any reports alluding to the incident in issue (pgs. 6, 7). He heard nothing of any transmissions monitored in the brigade TOC which might have indicated an incident (pg. 7). He stated that he did not know of any report being prepared as a result of the 16 March operation (pg. 7). He could recall no VC propaganda referring to Son My or Co Luy (pg. 7).

4. OTHER INFORMATION.

The witness asserted that the S3 section usually handled Colonel HENDERSON's personal typing (pg. 30).

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(The hearing reconvened at 0920 hours, 4 February 1970.)

IO: The hearing will come to order.

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

The next witness is Mr. Lawrence L. BAILEY.

(MR BAILEY was called as a witness, was sworn, and testified as follows:)

Mr. BAILEY, for the record, would you please state your full name, occupation, and residence?

A. LAWRENCE LAYTON BAILEY, patrolman for the Chehalis Police Department, Route 5, Box 229, Chehalis, Washington.

IO: Mr. BAILEY, on my left is Mr. MACCRATE. Mr. MACCRATE is a civilian attorney who has volunteered his services to the Secretary of the Army to assist in the conduct of this investigation and also to provide legal counsel to me and other members of the inquiry. On my right is Colonel ARMSTRONG, an Army colonel, who has been designated by General WESTMORELAND as an assistant in the investigation. Either Mr. MACCRATE or Colonel ARMSTRONG, aside from myself, may 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 to put together a report, to weigh the evidence, and to determine the findings and recommendations. Have you had an opportunity to read the instructions (referring to Exhibit M-57)?

A. Yes, I have.

Q. Do you understand them or have any questions?

A. No.

Q. Mr. BAILEY, would you indicate what your duty assignment was with the Americal Division?

A. I worked for the S2 branch, brigade S2.

(BAILEY)

Q. Before we get into that, when did you join the 11th Brigade?

A. The first part of June 1967.

Q. 1967? Then you went overseas with the brigade in December, and you remained with the brigade how long?

A. Until August.

Q. Of 1968?

A. Right.

Q. What was your position within the brigade?

A. I started out working as a clerk. Then they brought this other guy in before we went overseas. He was the clerk, and they put me up one step. I can't remember the title, what they called me now.

Q. But you were in the S2?

A. Intelligence branch.

Q. Do you know the name of the other individual?

A. Richard MCNATT.

Q. MCNATT. Richard MCNATT. Who took your job over when you departed?

A. Ron CRAIG.

Q. Yes. This so-called My Lai incident of 16 March 1968 became a matter of public knowledge in September and October of last year, through radio, television, newspapers, and various other news media. Since that time have you had any conversations with anybody connected with the brigade or with the division concerning the incident or the reporting of it or the investigation of it?

A. No.

Q. Would you explain what your duties were in the S2 shop of the brigade?

A. I typed up the INTSUMS sometimes. This alternated between three of us, and also worked in the TOC, not on the radios but on the telephones from the base camps to the Americal Division. I took care of the maps, posted the enemy position and stuff like that. That was about it.

Q. You worked both in the TOC and in the S2 office?

A. Yes.

Q. Mr. MACCRATE wants to ask you some questions concerning some of the documents so I'll leave the further questioning to Mr. MACCRATE.

MR MACCRATE: So we can fix the setting back at that time, who was the S2 of the brigade?

A. I believe Colonel BLACKLEDGE.

Q. And who were his assistants?

A. Well, at that time I believe it was Captain SCHLEICHER who is a major now, and Sergeant GERBERDING, Sergeant STEVENS--do you want everybody in the S2?

Q. Let's run down the list. We know most of them, but we may have missed one.

A. Okay. There's Sergeant Larry BOYD, Spec 5 John WALDECK, and PFC MCNATT. Then there was Specialist Larry BENGLER, and Specialist Jerry STROP, and Specialist Ron CRAIG. And there was Captain RINEHART, he came in later.

IO: Pretty good-size S2 section for a brigade, wasn't it?

A. Well, some of us were going and some of us were just coming in. Colonel BLACKLEDGE was the S2 then.

MR MACCRATE: Did Colonel BLACKLEDGE, from time to time, call on you to type things for him?

A. Yes, he did.

Q. You were on duty through the period March, April, and May 1968, so we don't have any R&R intervening or anything of that sort. Do you recall the operation of Task Force Barker?

A. Some of it. It was a long time ago. I just remember it was going on, more or less.

Q. Were you aware of the operations in and around the middle of March into the area in Son Tinh District called My Lai, Son My Village, Pinkville? How was that operation described in the S2 shop? Was it called the Pinkville operation, or the My Lai operation?

A. I don't know what they called it. I know it was Task Force Barker. I just know some of the numbers they reported in that day, that we put on the INTSUM. That's all I remember about it.

Q. What were the numbers you recall?

A. I believe they reportedly killed between 123 and 128 VC. And I think something around 20 some civilians reportedly killed in a crossfire. That's just the report. That's all I heard about it until the papers started coming out and reporting all this other stuff.

Q. Were you in the TOC that day?

A. No, I wasn't.

Q. Can you fix where you were, where you spent that particular day?

A. In the S2 shop.

Q. But you do recall preparing the INTSUM that day?

A. I remember reading it. I think Sergeant GERBERDING prepared it that day.

Q. Do you remember talking with him about it? Is that what you recall?

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A. No, I just read the INTSUM.

Q. Do you recall what the weapons count was?

A. No.

Q. Do you remember the U.S. KIA?

A. I don't remember that either.

Q. 128 VC KIA, 11 wounded, 3 weapons captured. Does that refresh your recollection as to what you saw at that time?

A. Not really. I just remember the VC reported killed, that's all.

Q. Do you remember any discussion about the ratio of VC KIA to weapons captured, 128 to 3?

A. Not that I remember.

Q. Now, do you recall the report of 20 civilians?

A. Something like that.

Q. And this was in the INTSUM?

A. I believe so. I don't know. It's been so long. I always posted in the briefing they had at 5 o'clock every day. I always took charge of posting the map in the briefing room, total killed, and so forth. I remember adding that number on it. That's the most I remember killed since I've been there, that day of that task force operation. I always put the briefing, weapons--I can't remember how many weapons were taken and how many U.S. were killed. I do remember there was 127 VC.

Q. Well, did you also post the civilian casualties?

A. Not the civilian casualties, no.

Q. Well, where was this 20 figure?

A. It might have been in the INTSUM, I don't know. I know they reported that, I heard it around someplace. It might have been on the briefing board in the TOC. They keep one in there too.

Q. With a grease pencil, they change that?

A. Right.

Q. We've heard about that in the TOC. Were you the one who kept it in the TOC?

A. No.

Q. But you did post the figures for the briefing?

A. Right.

Q. You can't recall where you saw the 20 civilian figure?

A. Not really. It might have been the TOC, I don't know. It seems like it was on one of the boards.

Q. Do you recall anything subsequent to those figures, your working on any papers in connection with this operation?

A. I'm not sure, but we always worked with S3 in typing up these operation reports. Just what part we typed up I don't remember now. We were always typing up these different operations.

Q. What do you recall about any allegations that may have been made at the time regarding that operation or any investigation that was conducted relating to those allegations?

A. I can't remember anything about it.

Q. Do you recall hearing of a transmission received in your TOC about a helicopter pilot challenging an officer with the ground forces and threatening to turn his guns on the U.S. forces?

A. No, I haven't. I wasn't in the TOC that day.

Q. You don't remember any discussion about this?

A. No, I don't.

Q. We understand that the air net between the aeroscouts and the ground forces was being monitored at the 11th Brigade TOC. We understand that questions were directed to Task Force Barker at that time as a result of it. I was wondering if anything you heard subsequent, that evening or in the next few days, related back to such a transmission.

A. No.

Q. Did you ever hear an allegation that a captain had shot a woman in the course of the operation?

A. No, I didn't.

Q. Do you remember being asked either by Major MCKNIGHT, the S3, or Colonel BLACKLEDGE to type a short report of information they had gathered with respect to this operation?

A. No, I never typed up anything like that.

Q. We understand that the piece that was prepared did refer to this operation, to what the helicopter pilot had observed, and also related to an allegation directed to the captain. Do you have any recollection of such a paper being prepared in the S2 shop by any of your people?

A. No, I don't.

Q. Now, at or about this time we understand that a request was received from division to conduct an investigation with respect to certain allegations that had been received from 2d ARVN Division. We further understand that some VC propaganda had been delivered to the brigade by the Quang Ngai Province advisory team. Do you have any recollection of having seen the VC propaganda referring back to an incident in Son My Village or Co Luy?

A. No, I don't.

Q. Mr. BAILEY, I show you two pages from Exhibit R-1, and ask you if you recall seeing such a paper as that in the S2 shop? You may find that the first page has a rather common strain to it. When you get over to the top of the second page, you'll see there's a little more specification.

A. I've never seen this before.

Q. Before you look at the other pages, I'd like you to look at Exhibit M-35. I ask you if you have ever seen anything similar to that, recognizing that it's an English translation of a piece of VC propaganda.

A. I never saw this either.

Q. In no form? This happens to be a recent translation you're examining, but if you'll note it's of a paper that was dated 28 March 1968. Now, I show you a further portion of Exhibit R-1, a statement dated 14 April 1968, and ask you if you recall having seen that statement before.

A. I've never seen this either.

Q. Now, I'd like to show you a document, Exhibit R-5, which was obtained from the files of the S2 shop at the 11th Brigade, and ask you if you ever recall seeing any portion of that document.

A. I've read this before. I used to read all these. These the MID usually prepared. They usually brought them up to the office.

Q. Do you recall typing that 24 April document?

A. No.

Q. When you say the MID prepared it, on what do you base that?

A. That's what they usually did. They usually had guys down there investigating stuff like that. They usually prepared it, and they gave it to us. The colonel usually read it over and okayed it and so forth.

Q. Who were the people in the MID?

A. There were a lot of them.

Q. Who was the officer in charge of the MID?

A. I can't remember that now.

Q. Captain LABRIOLA?

A. He was there. He was in charge of it later, I'm pretty sure. There was another major in charge for a while, I can't recall his name now. We filed these in the office. I know I have read this before.

Q. I want you to think very hard about where you first saw that, and the circumstances. I'd like you to read it over carefully and see what you can recall about the circumstances because you'll find that it is not a routine kind of report. I don't believe you've seen a great many like this particular one.

A. No, sir, because this is the biggest thing that went on while I was over there, I mean, for VC killed.

Q. Well, in going back to the beginning of this letter, you'll note that it refers to the fact that an investigation has been conducted, and the allegations cited in Inclosure 1 are the results of this investigation. Do you recall any requests, hearing of any requests coming in to the brigade to conduct such an investigation?

A. No, I don't.

Q. Do you ever recall Colonel BLACKLEDGE or Sergeant GERBERDING talking about a request for such an investigation?

A. No, I don't.

Q. Did you work with Sergeant GERBERDING in the files that he maintained?

A. Somewhat. We all did.

Q. We have talked to Sergeant GERBERDING and we understand that he did in fact have in his possession the

request for this investigation. I wonder if you ever recall seeing a document signed by General KOSTER directed to the commanding officer of the 11th Brigade requesting that an investigation be conducted.

A. No, I don't.

Q. I'd like to show you another document before we go further with this report of investigation. I ask you if you ever recall seeing this document. This is Exhibit M-34. You will see that there is a Vietnamese text and a recent English translation. If you saw it, it would have been with an English translation made at that time.

A. No, I haven't.

Q. You don't recall seeing such a document at the time you examined Exhibit R-5 which you have before you?

A. Are you talking about this or this?

Q. At the time you saw R-5 that you're holding in your hand, do you recall seeing with it any documents similar to M-34?

A. No.

Q. Or the Vietnamese text? You will note in the second paragraph of R-5 that there is reference to interviews with Colonel BARKER, Major CALHOUN, Captain MEDINA, and Captain MICHLES. Do you recall seeing any copies of statements taken or notes made of any such interviews?

A. No, I don't.

Q. Now, you'll note in paragraph 3 it says: "The Son Tinh District Chief does not give the allegations any importance. He pointed out two hamlets where the incident is alleged to have happened are in an area controlled by the VC since 1964." Do you have any recollection of seeing any communication from the Son Tinh District chief in this connection, any translation of a document that had been received from him and possibly sent to Colonel HENDERSON or to Colonel BLACKLEDGE by the advisory team either of Quang Ngai Province or of Son Tinh District?

A. No, I don't.

Q. Then you'll note it says; "Colonel TOAN, commander of the 2d ARVN Division, reported that the making of such allegations against U.S. forces is a common technique of the VC propaganda machine. Inclosure 2 is a translation of an actual VC propaganda message targeted at the ARVN soldiers and urging them to shoot Americans. This message was given to this headquarters by the Commanding Officer, 2d ARVN Division, on or about 17 April 1968 as a matter of information." Do you have any recollection of such a propaganda piece as is attached to that report--it would be the third and fourth pages of what you hold in your hand--being delivered to the brigade, ever seeing it there, either with Colonel BLACKLEDGE or with Sergeant GERBERDING?

A. I remember getting propaganda about ARVN's shooting Americans. I thought it was just a short, little piece, that's what I thought it was. We were always getting propaganda stuff, finding propaganda stuff all the time.

Q. Well, you said about ARVN's shooting Americans. The 2d ARVN Division is the South Vietnamese Army, and this was propaganda urging them to shoot the Americans. Is that what you're speaking about?

A. I remember propaganda saying that the Americans were the aggressors and so forth, things like that, we have no right being in there. I mean, that stuff was being done all the time.

Q. You don't recall it in relation to a specific operation or in relation to an incident in a particular area such as is the inclosure to this letter?

A. No, I don't.

Q. Now, if you will look at the last sheet, you'll see that there is a green, carbon copy of a statement, 14 April 1968. Did you sometimes use green copy paper in the S2 shop?

A. No, we used yellow all the time. This is MID.

Q. That would be from MID?

A. Right. They always used green sheets and they always typed on large sheets. They used green sheets all the time. We used yellow sheets. All these investigations always had this green sheet on the back.

Q. Do you remember that particular green sheet coming into the S2 shop and seeing it at that time?

A. No, I don't. I don't doubt I read it all right, but I don't remember it. I do remember this, though. I know I read this somewhere.

Q. The report on top you recall reading, but you don't believe that you typed that?

A. No, I know I didn't type this. This was MID, I know that.

Q. You do know that it was typed in MID?

A. Yes. They typed all these investigation reports, and filed them up there.

Q. And you're quite certain in this particular instance it would have been typed at MID?

A. Well, all I can say is that I imagine so because all of them were before. I mean this is the same as the report, when they had these interrogations at MID, the same way.

Q. Was it common to have the report itself on one color paper, then attachments on a different color paper?

A. I guess so. All I remember is the last sheet was always green all the time. I remember that. Usually it was just a little summary at the end that they had that the guy signed his name to it, whoever made it up, I mean did the investigation.

Q. Can you give us the names of some of the people in the MID shop that used to work on this kind of report?

A. I guess Captain LABRIOLA is the only one I can remember right now. I know if I heard some names I would recall.

Major FLETCHER headed MID there for a while when he first got there, I believe it was Major FLETCHER. I'm pretty sure it was.

Q. And then he was replaced by Captain LABRIOLA?

A. Right.

Q. It's my recollection that by this time Captain LABRIOLA had taken over the MID?

A. I believe Major FLETCHER was only there about 2 or 3 months.

Q. Now, while you keep that before you, I'll show you Exhibit M-30. The first copy is a little hard to read. Look at the second page. A true copy has been made a little more legible. Do you ever recall seeing any report signed by Captain Angel RODRIGUEZ?

A. No, I don't. I don't remember the name.

Q. As is indicated on M-30, Captain RODRIGUEZ was the assistant district advisor, Son Tinh District. Do you recall a Major GAVIN?

A. No, I don't.

Q. Major GAVIN was the district advisor. Do you recall Lieutenant Colonel GUINN?

A. No, I don't.

Q. He was the deputy province advisor of Quang Ngai Province at this time. Do you ever recall any mention of a report having been made by the Son Tinh District Advisory Team with respect to this report of investigation, Exhibit R-5?

A. No, I don't.

Q. Now as you look at the fourth paragraph of R-5, you'll note that it states, "It is concluded that 20 noncombatants were inadvertently killed when caught in the area of

preparatory fires and crossfires of the U.S. and VC forces on 16 March 1968. It is further concluded that no civilians were gathered together and shot by U.S. soldiers. The allegation that U.S. forces shot and killed 450, 500 civilians is obviously a Viet Cong propaganda move to discredit the United States in the eyes of the Vietnamese people in general and the ARVN soldiers in particular." Do you recall any discussion of the information contained in that paragraph?

A. No, I don't.

Q. You did state that you recall that you had seen reported the 20 noncombatants killed and that they were killed in crossfires. Does this refresh your recollection in any way as to where you first saw that information?

A. Probably right here.

Q. You think when you saw this letter--

A. (Interposing) It came back to me when I saw this. I read this before. I know I have now. I remember reading this before. I can't say for sure. This might have been where I saw it.

Q. Well, now, having looked over these various papers, can you provide us with any information as to who it was that prepared this report, or any of the circumstances surrounding its preparation?

A. The thing I understand about this thing, usually the person that prepares a report reads it, then they sign it. But on these they don't. I mean, this is the first one I've seen like this. I mean, he hasn't signed it. So I can't really tell you just which one it is.

Q. You will note on the top of the first page in the upper right-hand corner a notation in red pencil. What does that signify to you?

A. Richard K. BLACKLEDGE. I'm pretty sure it is.

Q. And this would indicate what? He was to--

A. (Interposing) He read it and okayed the report. See, what MID did, they would come in after they prepared this thing, and they would lay it in his in-box. He would take it out and read it. If he thought everything was okay, if he thought it was a good report and investigation, he would send it back, and they would go out, you know, find more stuff on it. If he okayed it, he would initial it and put it on Sergeant GERBERDING's desk, and usually Sergeant GERBERDING filed it away. I know this is where I read it because I usually read these things when they come in on his desk. Usually all of us did in the office.

Q. The inclosures are somewhat unusual in the way that they are attached. Have you any explanation of how the inclosures would have gotten with the report?

A. No, I don't.

Q. There is some question as to whether those are the proper inclosures to the report.

A. The only thing I remember about this is the first two pages. I don't remember these two at all.

Q. You don't recall the two pages of VC propaganda and the statement of April 14 that are attached to the copy that you examined?

A. No, I don't. I might have read this. I can't really say for sure.

Q. You say you might have read the 14 April statement?

A. Right, but these two here, propaganda statement, I don't remember this at all. Usually anything that has the guy's name on it, you know, Colonel HENDERSON, he usually signs it before they file it away.

Q. Before they file it away, even the file copy was customarily signed?

A. Well, this is only part of the copy, so he might have signed it. Usually they sign the carbon copy too.

Q. Even the one that was retained in the sending office?

A. Right, they usually do.

COL ARMSTRONG: A commanding officer would sign more than one?

A. I don't know for sure. They usually signed it.

Q. May I suggest to you that the investigating MID agent or perhaps an intelligence officer, staff officer, would sign several copies, but the commanding officer would never sign more than the original?

A. Okay, you're right.

Q. Does this ring a bell with you sort of?

A. It does.

Q. May I ask another question about this. You notice it's prepared for Colonel HENDERSON's signature. The other routine reports that you saw from the MID, were they prepared for his signature also?

A. Some of them were.

Q. Were many of them prepared for Colonel BLACKLEDGE's signature?

A. Most of them were but--

Q. (Interposing) And routinely the reports that came in from the MID usually had the agent's initials or signature at the bottom of each page?

A. Right.

Q. Does that indicate to you that perhaps this was prepared in a different way and by a different person?

A. I don't know. It sure looks like MID's work. But usually, like you said, usually whoever prepares it, you know, signs their copy and initials it so you know who did it.

But this is made different than what they usually go by. I don't remember this being up in the S2 at all. I never typed anything like this.

Q. You don't recall R-5 having been typed in the S2 shop?

A. I'm sure it wasn't. Like I said, MID always attached this green copy to the report. We didn't use green copies. The only thing we used was yellow, you know, paper and carbon.

Q. Is it possible that these top two pages could have been typed in the S2 shop and in some other place the attachments attached to it.

A. It could have been, but I don't think so. I really don't.

MR MACCRATE: Were there any distinguishing characteristics of your office typewriting that would help you distinguish something prepared in the S2 shop?

A. Not really.

Q. Do you recall a Specialist ROSADO?

A. Sounds familiar in a way but--

Q. (Interposing) In the S1 shop?

A. Sergeant ROSADO.

Q. He used to type some things for Colonel HENDERSON, do you recall that?

A. Not that I know of.

Q. Do you recall when you saw Exhibit R-5 whether there were any handwritten notes with it?

A. No, I don't.

Q. There is some indication that this letter may have been written in longhand and copied. Do you recall any notes of that sort?

A. No, I don't.

Q. Do you recall any other papers being with the report when you saw it?

A. No, I don't. Like I said, I remember these two front sheets. I might have read this thing here.

Q. And you're pointing to the statement of 14 April?

A. I can't say for sure.

Q. Was it customary to type in the return address at the top of letters from the brigade?

A. Yes, it was.

Q. You didn't have any prepared letterhead, any mimeographed letterhead, so that you had to put in the return address and the title of the headquarters on each letter that's written?

A. When I was there we had brought our paper from Hawaii. We had the wrong letterhead on it, like this. The zip code, it was wrong. They were going to get some more paper. Well, they still didn't have any after I left. So we usually had to fill in our own heading.

Q. You didn't use the other sheets and correct it, but rather used a plain piece of paper and typed in the return address?

A. Most of the time we did.

Q. You can't locate the place where this was typed by the fact that the return address is typed in at the top?

A. Not really. But I do think this was typed at MID. I'll swear to it. I'm almost positive about that. That's just their format. As long as I was in there we never typed

anything up like this, at least I didn't. Maybe Sergeant GERBERDING did, on the side or something, but I never did.

Q. Well, did Sergeant GERBERDING do much typing himself?

A. Yes, he did. I know we stamped it. We stamped all these statements.

Q. The stamping of the confidential notation?

A. Right.

COL ARMSTRONG: In other words, the MID made the investigation, typed up the report, and turned it over to you clean. You put the classification on it, or Colonel BLACKLEDGE determined what the classification would be?

A. He would initial all these papers like this. This is a file copy, he always wrote file on it. He got busy and set it on Sergeant GERBERDING's desk, and he would file it away.

Q. And indicate what classification it should be?

A. Right.

MR MACCRATE: Do you have any recollection of seeing the original, the ribbon copy of the report?

A. No, I don't.

Q. Do you have any recollection regarding the placing of the report into an envelope or of the processing or the sending out of the report?

A. No, I don't. All I remember is this file copy and carbon sheet.

Q. You don't recall Colonel BLACKLEDGE taking it or Sergeant GERBERDING giving it to anyone, the original?

A. No, I don't.

Q. Do you recall how many carbon copies were there at the time you saw a copy of R-5?

A. Just this one copy is all I saw.

Q. Mr. BAILEY, I have here what I believe to be a copy of your INTSUM for 16 March, and ask you if you can identify that (later entered into the record as Exhibit M-87).

A. It's our INTSUM all right.

Q. Can you identify the document, Mr. BAILEY?

A. I've seen this before.

Q. That is your INTSUM for 16 March?

A. Right.

Q. Did you type that INTSUM?

A. I don't believe so. I'm pretty sure I didn't.

Q. You say that you are pretty sure that you did?

A. I didn't.

Q. That you did not?

A. I don't remember typing this. I remember reading it though. One of us three typed it.

Q. Who would have been the others who might have typed this?

A. Sergeant GERBERDING or PFC MCNATT.

COL ARMSTRONG: What's his name again?

A. MCNATT.

Q. MCNATT?

A. Right. Richard MCNATT, from Balboa, Panama.

MR MACCRATE: How do you spell his name?

A. M-C-N-A-T-T.

MR MACCRATE: I would like to enter into the record the INTSUM for 16 March.

RCDR: Sir, this will be entered into the record and marked as Exhibit M-87.

MR MACCRATE: Mr. BAILEY, looking at M-87, perhaps you can explain some of the entries. Over on the fourth page there is paragraph 4, then there are code letters A, B, C, D, E under enemy personnel and equipment lost. Can you explain what those various items are?

A. I know A is the number of VC, VC or NVA killed. If I remember right the first number is the NVA and the second number is the VC. This is the total.

Q. The total of 2 NVA and 307 VC?

A. Right. And B--I can't remember right now what that was. But C is on the classifications, how many units of civilians and all.

Q. You say C is the various classifications of people killed?

A. No, not killed, this is interrogations from the MID.

Q. Of those interrogated?

A. Right. We got this information from the MID.

Q. So item C came from MID?

A. Right. This is the investigation and who they classified as VC or NVA or how many they classified as innocent civilians, and "2 unclassified" means they have two down there they haven't classified yet.

Q. Well, running down the figures, 593, 0, 1, 150, 723, can you recall what each of those items would be?

A. No, I can't, not now. The last number is innocent civilians.

Q. Innocent civilians or the total number interrogated?

A. Well, 723 I'm sure is the innocent civilians that they interrogated and let go. They classified them as civilians. And D is the weapons count.

Q. Do you remember what the 150 would be in item C?

A. Not really, but since it's that big a number, I imagine it would be the number classified as VC.

Q. What about the 5 and 93?

A. I don't know for sure now. One's NVA and one's VC, and the NVA's always a smaller number than your VC. Just what that means, I can't remember now.

Q. Now with respect to 4D, you say that is weapons?

A. Weapons.

Q. And what does the notation 912/22 mean?

A. 912 means the light weapons and the 22 means bigger ones, heavy, like mortars and so forth.

Q. I notice that in the first column there are a number of zeroes. Is this to indicate how many items are to be filled in over to the right, or what is the indication?

A. This is the everyday count, right here. We just take this and total onto the total. I forgot. There's another person too that types this up. That's Spec 5 WALDECK. He might have been the one that typed this up then because he was typing these INTSUMS up at the time.

Q. How do you spell his name?

A. W-A-L-D-E-C-K. He's from Grand Rapids.

Q. Well, does this mean that on the particular day that the entry for A through D was 0 for all classifications?

A. Yes.

Q. And that the totals to that time for the year or--

A. (Interposing) Since we had been there, arrived in Vietnam.

Q. Were over to the right?

A. Right.

Q. Then you come down to Operation Muscatine and the entry 128 is--

A. (Interposing) How many VC were killed that day.

Q. And that total of 434 includes the 128?

A. Right.

Q. Now as you look at that can you put together the meaning of 36, 0, 0, 36, 105?

A. Well--

Q. (Interposing) And it would appear to be 8 unclassified.

A. That would be 48.

Q. Forty-eight unclassified.

A. This is always the same as this. Now these first front numbers, I can't remember. But I know this 105, I'm sure, is how many innocent civilians they let go, you know, classified as innocent civilians. And I'm sure that 36 is the number they classified as VC.

Q. Now the entry for 16 March, the only figure there opposite C is 11 and 48 unclassified.

A. Right.

Q. And would the 11 be from among the 12 in item B?

A. They could be. See what they did, they brought the 12 and took them down to POW and they really thought they

had the information, they'd get right on them. They usually did because they're usually nervous when they first come in. The 48 is how many they had down at the POW camp that haven't been classified yet. And 11, they interrogated 11 people that day and they released them as innocent civilians.

Q. The 48 is a balance figure carried forward from day to day, and this is the balance on the particular day. The 11 are the number who were interrogated and classified as innocent civilians?

A. Right.

Q. Then D is the weapons count.

A. Right.

Q. Three weapons, three light weapons and no heavy weapons, is that the meaning of 3/0?

A. Right. It could be the other way around. No it isn't because there's always more light weapons than big ones, so it's your light weapons first and your heavy second.

Q. And then item E is the detailing of the captured weapons.

A. Yes, right. It checks out right here, two M-1's and one M-1 rifle, light weapons.

Q. Looking at this page, do you have any recollection of any discussion of this information at the briefing or in connection with the briefing of 16 or 17 March?

A. No, I don't.

Q. Now you will note that on the INTSUM there is no entry as to innocent civilians killed. Was this customary that there would be no entry regarding the civilians that may have been killed in an operation, or do you recall that sometimes there was an item included about civilians killed?

A. I don't think they ever did put anything about civilians killed. I think it was the S3 that did that. I'm

not sure, though. I think all we reported was how many were killed and how many wounded. We just reported the incident dates. In the TOC we had this little piece of paper. We wrote down on these little sheets of paper, you know, and we posted it up on the board. When it would come time to type this INTSUM up we would go in, take these papers, arrange them in time order, and start down the list and type them down. Usually all we cared about was how many killed, wounded, weapons count and so forth, weapons taken.

Q. With respect to Exhibit R-5, do you have any recollection as to where the document was filed?

A. The S2 office.

Q. Well, where in the S2 office?

A. What do you mean where? In a file cabinet, the one we kept locked? I don't know just what you mean by where?

Q. Well, under what label or what section of the file would such a document be found?

A. Under "Interrogation Reports."

Q. Interrogation reports?

A. Well, I'm not sure just where that was filed, but we did have a little place where it said, "Interrogation Reports," that we filed from the MID when they came in. Then we had reference to go back and look at them.

Q. You see that this is not an interrogation of VC. This relates to a report of investigation, an investigation made by the commanding officer of the brigade. Now, would such a document be--

A. (Interposing) No. I imagine that had it's own filing place, but just which one I can't say.

Q. Do you have any recollection with respect to the filing? I'd like you to think hard about the time and circumstances where you saw this copy of 24 April report of

investigation, and just what happened to it at that time. Do you have any recollection of any discussion or of seeing yourself possibly placing it in a file?

A. No, I didn't hear any discussion about that. I mean no talk about it or anything. I just saw it on his desk. We read stuff that came in.

Q. It's our information that this did not go into the files and that it in fact was placed in an envelope, we understand, in Sergeant GERBERDING's desk.

A. Placed in an envelope on his desk?

Q. In his desk, his desk drawer. Have you any recollection of speaking with Sergeant GERBERDING regarding the special handling of the document, the fact that he was going to put it aside?

A. No, I don't. I'm sure I read that. I know it was in his in-box. After the colonel gets through with these, he puts it in his in-box. That's where we usually read them, then put them back in. And Sergeant GERBERDING takes them and either files them away or does what he does with them. We never handled that stuff, this filing stuff.

COL ARMSTRONG: You mean Sergeant GERBERDING wouldn't hand the MID reports to you and say, "File this"?

A. Well he did on the interrogation ones.

Q. All right. So if he had handed this to you and said, "Hey, Larry, file this for me, will you," you would have classified it in your mind more or less as an interrogation report?

A. He told us all the time which one to file it under.

Q. He did? But he never left this up to you?

A. No.

Q. But if he had, that's where you'd have put this one?

A. Well, maybe in the operations one. We did have a section for different operations.

MR MACCRATE: Do you remember a separate file for Quang Ngai Province?

A. No, I don't.

Q. But you have no recollection of his taking the report of investigation and any other documents and putting them into an envelope and placing them in a desk drawer?

A. No, I don't.

Q. Where is MID located in relation to the S2 shop?

A. Right across the road, probably about 500 feet towards Duc Pho.

IO: Across the airstrip?

A. Well, not across from the airstrip.

MR MACCRATE: Could you sketch it on the pad before you?

A. Okay, this is the airstrip.

IO: Where's the mountain, where's Montezuma?

A. Montezuma is back in here, this is it right here. Okay, our shops are down in here, S2, S3 and so forth. TOC is in here. There's a road that ran down through here and they had a big parking place in here, parked the jeeps and so forth. The MID was right in here. There's a road that went up this way and went this way. The MP's were up in here. MID was right in there. It's right across from the well. The S3 and S2 and S1 and S4 were down in here, right across the road. Right here on this corner all in here was MID. Military police was on this side.

Q. I can't figure out why the MID would prepare it.

MR MACCRATE: Was there any clerk in the MID detachment who did special work for Colonel BLACKLEDGE or Sergeant

GERBERDING? Was there any special relation between your shop and any individual in the MID?

A. Everybody was real close-knit together. We worked together. See the thing that got me confused about that green sheet there, we never used that green sheet. That was MID, and this format is the same type that MID used all the time.

Q. Except that you indicated that MID would have some initialing or indication of who in the MID shop had prepared it.

A. Right.

Q. Do you ever recall the MID preparing anything for the commanding officer's signature?

A. No, I can't say for sure.

IO: Well, it could have been that this was typed in one place and this could have, in fact, been made in the MID. This could have been picked up by the MID, and so they just provided a copy of it.

A. I never typed anything like this. Right here, this was made in the S2 shop because their code thing was XIIN, I believe it was. Whoever typed this up used their code thing, you know. Each shop had a different deal they typed up in the corner.

MR MACCRATE: And which code was this?

A. I'm not sure which one it is, but ours was XIIN or something like that.

IO: Well XI is 11, isn't it?

A. Right here, this is ours right here.

MR MACCRATE: Well isn't this simply the code of the commanding officer? 11th CO?

A. It could be. It's been so long, I can't remember. Usually whoever types it up, you know. But I don't remember anything typed in the S2 office like that.

Q. You have no recollection of Sergeant GERBERDING indicating this was on a close-hold basis?

A. No.

Q. You just found it lying in his in-basket?

A. Right. We always read these things, interrogation reports.

Q. But this really isn't an interrogation report.

A. I know what you mean, right, but I mean we read the things that came through. They wanted us to. They told us to.

Q. Well, in addition to this document, R-5, did you at that time hear anything else regarding an investigation that was being conducted?

A. No, I don't.

Q. Do you recall subsequent to this time any discussion about a further investigation being conducted at the request of the division?

A. No, I didn't.

IO: Did you see a letter from General KOSTER?

A. No, I didn't.

Q. It was addressed to Colonel HENDERSON. According to the information we got from GERBERDING, with this was a directive from General KOSTER pointing out that he had received information from the commanding officer of the 2d ARVN Division of an allegation made by the village chief to the district chief that the Americans had killed a large number of civilians in the Son My area, and directed him to conduct an investigation.

A. I didn't hear anything like that.

Q. Do you ever remember seeing a report from the village chief to the district chief which makes the same allegations, referring to Tu Cung and Co Luy?

A. No.

Q. You were sitting right in that headquarters and you're quite observant. Who did Colonel HENDERSON's personal typing?

A. Usually the S3 shop. When I was there he never had just one person that did all his typing. The S3 shop did his typing. We did some of it, not too much of it, usually the S3.

Q. But in this brigade headquarters, does the brigade commander run around and start looking for a typist or does he give these papers to somebody?

A. Gives them to the S3.

Q. Does he always give them to the S3?

A. Most of the time. We did once in a great while but not too much. Usually the S3 handled it.

Q. But he didn't have anybody in his office, an officer or somebody that he'd give this to and say--

A. (Interposing) Yes, he'd give it to Lieutenant--I can't remember his name now. He'd either give it to him or Sergeant ADCOCK. And he would bring it down, usually to the S3 shop.

Q. Sergeant ADCOCK?

A. Right.

Q. Is this ADCOCK the same individual that served as his radio operator on the helicopter?

A. I imagine he did. I forget what you call him now. He went with him everywhere he went. What do you call him?

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I can't remember what you call him now. But usually the lieutenant brought them down.

Q. Who was this, Lieutenant GORE? Is this the headquarters commandant you're talking about? What office was the lieutenant assigned to?

A. The one that went around with Colonel HENDERSON?

Q. The one that you're referring to.

A. He wasn't with any office; he was with the colonel all the time, more or less like his servant. As far as hanging around a certain office, I never saw him hanging around a certain office.

COL ARMSTRONG: Are you thinking, perhaps, that this was the aide for General LIPSCOMB?

A. That's what he was. That's right, he was the aide for General LIPSCOMB. ADCOCK was the aide for Colonel HENDERSON, that's what it was.

IO: Well. ADCOCK, he was General LIPSCOMB's driver.

A. Right.

Q. And when Colonel HENDERSON took over he became his radio operator, sort of an enlisted aide so to speak.

A. Right.

Q. You might call him an enlisted aide. General officers are authorized one, but you always have somebody taking care of things for you.

A. Right.

MR MACCRATE: If Colonel BLACKLEDGE came into your shop with something that he wanted to have typed, how would that be handled? Would he give it to Sergeant GERBERDING?

A. Yes. Sergeant GERBERDING would have it first, then he would turn it over to one of us three. He would have typed it up sometimes. He typed himself. We had about four guys in our office that typed.

Q. We have gotten the roster of the brigade for you. After we conclude now we would like you to sit down and review the rosters to identify some of the other individuals in the other shops who might have done some of the clerical work in connection with these reports.

A. Okay.

IO: Mr. BAILEY, we appreciate your coming in and as you may see we have been putting pieces together as to just how the reports were prepared. We do know that there were other reports in addition to this report. And we have gotten a great deal of information. You can see all the documents that we have. We've gone into this in some depth, but there are little pieces here and there that we're still trying to put together. If, as a result of anything that we've shown you today, anything further comes to mind that you feel would be helpful to us in putting the pieces together, we would greatly appreciate it if you would call this to our attention. Do you have any questions that you'd like to direct to us at this time or do you have any statements that you would like to make for the record. We would be happy to have them.

A. Not really, I can't think of anything else.

Q. We'll recess at this time.

(The hearing recessed at 1047 hours, 4 February 1970.)

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SUMMARY OF TESTIMONY

WITNESS: BEERS, Edwin D., LTC

DATE OF TESTIMONY: 23 December 1969

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Commanding Officer of the 1st Battalion, 20th Infantry.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

a. Training received in Hawaii.

BEERS formed the 1st Battalion, 20th Infantry in Hawaii (pg. 3). Initially, there was no company level training because there were not enough people to carry it out (pg. 16). Despite initial difficulty in determining what the rules of engagement were (pg. 18), the rules were taught to every man in the organization (pg. 18). This included the following: (1) personnel were not to fire unless fired upon; (2) personnel could fire at a person with a weapon; (3) personnel could fire at an individual attempting to avoid them (pg. 18). Prior to leaving, personnel had most of the information cards they were expected to have in Vietnam (pg. 18). BEERS had learned of the existence of these cards while in Vietnam, prior to the brigade's arrival (pg. 24). BEERS believed the men of C Company were instructed on the importance of gaining the support of the Vietnamese people (pgs. 22, 23). This was a deep concern of all the company commanders and there were many discussions on the problem (pg. 23).

b. Training received in-country.

C Company was given in-country training by the 3d Brigade of the 4th Division (pg. 18). This included all

aspects of operating in Vietnam (pg. 18) and lasted 10 or 12 days (pg. 19). BEERS, who saw it, thought it was a high quality training (pg. 19). He did not remember the content or length of time spent on the rules of land warfare, the Geneva Convention, the treatment of civilians, or the protection of PW's (pg. 20). He believed that someone from the Americal Division's Judge Advocate Office spoke to C Company (pg. 20). He was not certain whether or not General KOSTER was there (pg. 20).

2. ASSAULT ON MY LAI.

Since BEERS was with the rest of the battalion in the north at the time of the My Lai operation, he knew nothing about the activities of C Company until it rejoined the battalion around the 9th or 10th of April (pgs. 4, 5).

3. INQUIRIES CONCERNING ASSAULT.

a. HENDERSON's visit to LZ O'Connor.

(1) HENDERSON's allegations concerning MEDINA.

Prior to C Company's return, BEERS recalled a conversation with HENDERSON at LZ O'Connor (pg. 7). HENDERSON alleged MEDINA had shot someone (pg. 7). He thinks that HENDERSON said, "Your boy Ernie appears to be in trouble" (pg. 8). BEERS was given no indication that MEDINA's trouble was anything serious (pg. 13). The allegation made no impression at the time because he just did not believe it (pg. 13). HENDERSON led BEERS to believe that the allegation was being handled by brigade (pg. 14). The allegation against MEDINA never reentered BEERS' mind (pg. 16). Thus, it must have been something that he thought was untrue (pg. 16).

(2) HENDERSON's thought on the matter.

HENDERSON was a very hard man to read because he never appeared anxious (pg. 15). Therefore, BEERS had difficulty determining what was on HENDERSON's mind (pg. 16). However, he thinks that HENDERSON acted as if he believed the allegation (pg. 14).

(3) Failure to mention the allegation to MEDINA.

Because he had completely forgotten about

HENDERSON's allegation, BEERS did not ask MEDINA about it when MEDINA rejoined the battalion (pgs. 13, 16).

(4) BEERS' further recollections of his conversation with HENDERSON.

BEERS did not recall HENDERSON alleging that the whole company was accused of shooting people (pg. 7). He could not recall HENDERSON mentioning a confrontation between Charlie Company and an aviation unit (pg. 8). He remembered nothing about excess firing, unnecessary killing, or fire power being placed upon civilians (pg. 8). They did not discuss a large number of noncombatant casualties (pg. 8). They did not talk about the killing of people who had been marked by helicopters for medical assistance (pg. 8).

b. BEERS' recollection of other brigade officers coming to LZ O'Connor in connection with the My Lai incident.

BEERS did not recall any investigating officer coming to LZ O'Connor to interview the men of C Company (pgs. 6,7). He was also certain that BARKER did not come to the LZ while he was there (pg. 8). If BARKER had come to take statements from people within BEERS' battalion, BEERS believes BARKER would have informed him about the matter (pg. 8).

d. Rumor about the incident.

BEERS did not recall hearing any rumors about the incident from Charlie Company after it rejoined the battalion (pg. 5). Nothing that came up, nor any statement made, nor anything else aroused his suspicion (pg. 6).

4. REPORTS OF INVESTIGATIONS.

If there was any investigation of the My Lai incident after the unit's return, it was without BEERS' knowledge (pg. 14). He could not imagine this happening (pg. 14). While he was division G1, BEERS never heard anything at headquarters about an investigation of this incident (pgs. 10, 11). He heard no rumors from within the 123d Aviation Battalion (pg. 11).

5. OTHER INFORMATION.

a. BEERS' assessment of MEDINA.

BEERS considered MEDINA one of the most outstanding officers with whom he had ever worked (pg. 9). MEDINA was a conscientious hard worker who knew his job and did it (pg. 19). MEDINA was a disciplinarian who explained what he wanted and made sure it was done (pg. 19). He was always best in the field and had the best supply room and messhall (pg. 9).

b. MEDINA's receiving the nickname, "Mad Dog".

While in Hawaii, Jack SHELTON, the commander of B Company, named MEDINA "Mad Dog" because of his constant activity when doing something (pg. 10). This name was picked up by a Major HOKE during an exercise in which HOKE's unit acted as aggressor against the 1st Battalion (pg. 10). HOKE came on the air and referred to MEDINA as "Mad Dog" (pg. 10). From then on, everyone who had listened to the radio called MEDINA "Mad Dog" (pg. 10). BEERS felt that this had nothing to do with his being vicious, but related to his aggressiveness (pg. 10).

c. BEERS' assessment of CALLEY.

Although CALLEY appeared to be a young, green officer, he was mature and conscientious and BEERS never heard of any problems with him (pg. 11). BEERS rated him as an above average officer (pg. 11). BEERS did not feel that he was very aggressive (pg. 11). BEERS had no knowledge that CALLEY ever over-indulged in alcohol (pg. 11).

d. The 1st Battalion's noncommissioned officer problem.

At the time the unit left Hawaii, it desperately needed noncommissioned officers in the grades of E-5 and E-6 (pg. 22).

e. BEERS' assessment of C Company.

Most of the people who went to Vietnam with C Company joined it in Hawaii prior to 1 July 1967 (pg. 21). At the time C Company flew into Vietnam, BEERS considered it the best company in the Army (pg. 22).

SUMMARY OF RECALL TESTIMONY

WITNESS: BEERS, Edward D. LTC

DATE OF TESTIMONY: 9 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Commanding Officer of the 1st Battalion, 20th Infantry.

1. BEERS' MEETING WITH MEDINA DURING THE OPERATION.

a. Time and place of meeting.

The witness stated that during the period since his last appearance before the Inquiry he had had an opportunity to refresh his memory, and he recalled meeting with MEDINA in the field within the time period of the My Lai operation (pg. 27). While BEERS allowed the possibility that this meeting took place on the 15th or 16th, he believed that it occurred on the 18th as he related it to C Company's return to LZ Dottie (pgs. 27, 29, 40). His thoughts in this regard were reinforced by the fact that BEERS was able to discount the testimony of a witness who claimed to have seen him arrive in a bubble top helicopter on the 16th (pg. 28). The witness declared that he never visited MEDINA in a bubble top helicopter (pg. 28). At one point in his testimony, the witness stated that he thought the meeting took place somewhere in the Pinkville area near the river (pg. 30). Later, he placed the meeting at LZ Dottie (pg. 40). He did not remember seeing either KOSTER or HENDERSON interrogate the men as they came in, but he did recall that the men were drinking beer which was against his rules (pg. 40).

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b. Content of the meeting.

BEERS stated that he did not remember the subject of his discussion with MEDINA (pg. 29). He surmised that it centered on how the unit was doing and if it needed any support which BEERS could render (pgs. 28-30). While MEDINA usually gave BEERS a quick oral briefing as to what was going on, they did not get into the topic of body count or weapon's count (pgs. 29, 32). MEDINA did not boast about his unit's KIA's (pg. 32). Had there been a body count discussion, the witness felt he would have remembered it (pg. 33). At the time of this conversation BEERS was not concerned with how other battalions were doing, he was solely concerned with his own battalion's accomplishments with which he was not pleased at the time (pg. 34).

c. Briefing by CALHOUN.

Although the witness did not recall whether it occurred before or after his meeting with MEDINA, he remembered being briefed by CALHOUN at LZ Dottie as to the location of units and minefields (pg. 31). While he had previously denied knowledge of the size of the brigade's KIA's on this operation, he stated that CALHOUN informed him that in terms of enemy KIA's this was the biggest operation the brigade had ever had (pgs. 31, 32).

d. Discussion with MEDINA concerning C Company's standards.

Though the witness denied "chewing MEDINA out" at this meeting he remembered counselling MEDINA concerning C Company's standards (pgs. 27, 37). BEERS was upset about the appearance and condition of the men and surmised that the task force commander did not emphasize these matters to the same degree that BEERS did (pgs. 37, 38). The Charlie Company which returned to him was no longer the top notch outfit it had been when it arrived in Vietnam (pg. 39). The witness advanced the fact that the unit had many replacements as the reason for the decline (pg. 39). He further theorized that there was a breakdown in leadership and communications between the officers of the unit and the men, and he stated that there possibly was not enough push from above (pgs. 39, 40).

2. DISCUSSION WITH HENDERSON ABOUT MEDINA.

The witness did not realize that HENDERSON was talking

about a problem as large as that which emerged (pg. 35). He did not get deeply involved with HENDERSON or MEDINA on the matter (pg. 35). He was not even certain that the subject of his discussion with HENDERSON was MEDINA shooting a woman (pg. 35). However, he believed that this was what they spoke about because this was what MEDINA was charged with when the story broke in the paper (pg. 35). His relationship with MEDINA was a close one, and he expected that MEDINA would have come to him with a problem (pg. 36). Thus, he could not understand how the topic was never mentioned when MEDINA returned to the unit (pg. 36). Moreover, to his knowledge no investigation was made which revived his memory of the meeting with HENDERSON, which in turn would have made him discuss the subject with MEDINA (pg. 36).

3. OTHER INFORMATION.

a. Assessment of officers.

BEERS felt that LACROSS was a good officer who did a pretty good job (pgs. 40, 41). He thought that CALLEY was above average (pg. 41). He considered BROOKS to be very weak, and he felt that BROOKS did not have the "push" to keep a unit together (pg. 41).

b. Reasons why MEDINA did not move to brigade S3.

MEDINA did not go to Brigade S3 because the arrangement whereby Captain HENDERSON would replace MEDINA as a company commander fell through (pgs. 42, 43). Colonel HENDERSON had agreed to send Captain HENDERSON to BEERS only if MEDINA was sent to brigade (pg. 43). However, Captain HENDERSON withdrew his request for a company when his wife threatened to divorce him if he became a company commander (pg. 43). Thus, BEERS kept MEDINA (pg. 43).

c. C Company's attitude toward Vietnamese.

BEERS was not aware that C Company had an intense hatred for the Vietnamese (pg. 43). His battalion which had some of the fiercest combat, had the lowest body count in the brigade (pg. 43). He attributed this to his policy of assuring that there be no unnecessary shooting (pgs. 43, 44).

(The hearing reconvened at 1625 hours, 23 December 1969.)

MR WEST: The hearing will come to order.

RCDR: The following named persons are present: MR WEST, MR MACCRATE, MR WALSH, COL MILLER, COL FRANKLIN, MAJ ZYCHOWSKI, and MAJ COOP.

RCDR: Sir, the next witness is Lieutenant Colonel Edwin D. BEERS.

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

RCDR: Colonel BEERS, for the record please give your full name, grade, Social Security number, branch of service, organization, and station.

A. Lieutenant Colonel Edwin D. BEERS, ,
Office of the ACSFOR, Pentagon, Washington, DC.

MR WEST: Before we get to the questioning, Colonel BEERS, Colonel MILLER will inform you of certain things concerning the nature of the inquiry.

COL MILLER: This inquiry or 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 facts and making findings and recommendations in two major areas:

(1) the first of these is the adequacy of prior investigations 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 second is the possible suppression or withholding of information by any person who had a duty to report and to furnish information concerning the My Lai incident of 16 March 1968.

We are not primarily concerned with finding out everything that happened at My Lai, but we are concerned with those particular areas that I just mentioned.

We have had made available to us and we have read many statements made by other witnesses in this case. These

statements were taken at other official investigations into the My Lai incident.

Your testimony today will be under oath. A verbatim transcript will be made and we are also making a tape recording at the same time.

Although the general classification of our report will be confidential, it is possible that some or all of the testimony may be made a matter of public record at some later time.

There are a number of people here and I want to make them known to you so that you will know what their positions are.

(IO entered the hearing.)

First of all, of course, is General PEERS who is the Investigating Officer and has the sole responsibility for weighing the evidence and making findings and recommendations in this case. To assist him, on his immediate left is Mr. MACCRATE, a civilian lawyer made available by the Secretary of the Army as a consultant and advisor. Also, on your left is Mr. WALSH, who is also a civilian attorney serving as counsel and assistant to General PEERS. On General PEERS' right is Mr. WEST, who is from the Office of General Counsel, Secretary of the Army. Colonel FRANKLIN and myself are also here to assist and ask questions if we wish.

You are directed not to discuss your testimony in this investigation with others, including other witnesses for this investigation, except as you may be required to do in the performance of your official duty or as you may be required to testify before some other competent administrative, judicial, legislative body or tribunal.

In addition, if you are subject to the order of the military judge in the general court-martial case of the United States v. Calley, your appearance before this investigation

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in no way changes the applicability of that order.

In the event you are not now subject to that order and you should be in the future, the same thing pertains, and you would be expected to comply with that order. Have you, as yet, received any order with respect to the Calley case?

A. No, I have not.

IO: Colonel BEERS, what was your duty assignment on the 16th of March, 1968?

A. CO of 1/20.

Q. How long had you been in that capacity?

A. I assumed command on 1 July 1966 so that would be about 20 months.

Q. Is that right?

A. Yes, sir.

Q. You then moved the battalion to South Vietnam with the brigade?

A. I formed the battalion in Hawaii and activated it, then moved it to South Vietnam in December of 1967.

Q. How long did you remain in that capacity?

A. The total time was 2 years and 3 days.

Q. How long after the 16th of March?

A. I was replaced on the 4th of July.

Q. Who replaced you?

A. Colonel GUINN.

Q. Colonel GUINN who had previously been the deputy province senior advisor for Quang Ngai Province?

A. Yes, sir.

Q. Subsequent to the time the My Lai incident broke

into the U.S. news via the press, radio, and television, have you had any conversations with anybody concerning the My Lai incident; personnel from the Americal Division, from the brigade, from your battalion, or from Task Force Barker?

A. The only two times I've heard it discussed previous to this was when Colonel WILSON from the IG's office called me in. It must have been last March or April, I can't remember exactly. He asked me if I knew anything or had discussions or heard anything about it. I told him that I knew nothing really. When I, in March or April of 1968, was up north and had been detached from Colonel HENDERSON's unit, the 11th Brigade, and attached to the 196th, Colonel HENDERSON came up to see me.

Q. When you say, "I," do you mean you or your battalion?

A. The whole battalion with the exception of Charlie Company.

Q. During what period?

A. About the middle of the month of March. It might have been anyplace between the 12th to the 15th. I don't know exactly when it was. We were detached, moved up north of Chu Lai and attached to the 196th and we remained up there until the 8th of April. Then we went back, reattached to the 11th Brigade and conducted an operation with them. I was detached from the 11th Brigade again about the 20th of April and sent back to the 198th. I subsequently was reattached to the 196th after that. Until about the end of May I stayed up north. I say up north and I mean north of Chu Lai.

Q. The incident we are investigating, including the investigating process of the incident itself, started early on the morning of the 16th and it lasted in varying degrees from 2 days to 5 days with C/1/20 remaining in the field for 3 days, conducting operations on approximately the 16th and 17th, and being extracted on the afternoon of the 18th. During this time C/1/20 was in the operation, did you have a chance or an opportunity to visit them in the field?

A. No, sir, I did not. I do not believe that I did. I went to visit Charlie Company on numerous occasions. However, after I moved north I didn't have the time. With the distance involved, I couldn't get back down there, and I did not come down there until they rejoined me about the 10th of April.

Q. Do you know what the mission of C/1/20 was after it had completed this operation on about the 18th of March?

A. No, sir, I do not.

Q. Do you know anything about them until such time as they rejoined you on or about the 9th or the 10th of April, when they rejoined your battalion?

A. No, sir.

Q. I take it then, that they rejoined your battalion when Task Force Barker, as such, was inactivated?

A. It was shortly after they rejoined me that it was inactivated. I went in on an operation called Norfolk Victory a little to the west of Quang Ngai. I had five rifle companies attached to me at that time, and I ran into trouble. They pulled Charlie Company away from Task Force Barker and it was given to me for a block further out west. That's when Charlie rejoined me and they remained attached to me after that. And this was about the 10th of April. They stayed with me after that. They went back up north.

Q. After Charlie Company rejoined you, did you hear any rumors or any rumblings going on in the company?

A. No, sir. I did not, other than the normal rumblings that went on in all organizations over there. We did have, not necessarily in Charlie Company, a little trouble with some people refusing to go to the field. I don't believe any of them were from Charlie Company. I had some colored boys that were causing quite a bit of trouble, about four or five of them. They were from all units. They refused to go out and I court-martialled them and they were sent off to the Saigon jail and Long Binh jail.

Q. Would you have any way of checking that by your record?

A. Their names, or where they were from?

Q. Yes.

A. Sir, after this thing started, I looked up a letter that I wrote to Colonel HENDERSON saying that I was concerned over the fact that I was detached up north and all my people,

the ones who were causing the trouble, were back down at the rear in Duc Pho, that I was concerned about discipline and the fact that the court-martial--at the time it appeared that they were being found guilty and were being fined or getting restrictions or something of this sort. But, I did not mention in that letter any men's names or where the men were from. So I couldn't identify where they were from. Some of them may have been Charlie Company. I could not, right now, identify their names. However, I know that some of them were real troublemakers. One was actually involved in the Long Binh riot that took place about in July or August of 1968. I'm sure you remember, sir, but I can't remember what the month was. This one man of mine was involved in that riot down there. He refused to go to the field. He was a colored boy. His name slips my mind.

Q. There should be a record of this in the--

A. (Interposing) Yes, sir.

Q. About what was the period, Colonel BEERS, that you were addressing this letter?

A. It would have been about the end of April or maybe the 1st of May because I know I was back attached to the 196th again.

Q. Did the 11th Brigade run its own special courts?

A. Yes, sir.

Q. Even though it had been made an organic part of the division at that time, it still had its own?

A. Yes, sir. They conducted special courts. I don't know who actually set up the court, whether there was a JA or not, but I believe they were all 11th Brigade members on the courts. Each of the brigades were separated.

Q. We can check that. When Charlie Company came back to you during that period, there was nothing that came up, any statements that were made or anything that might have aroused suspicion on your part?

A. No, sir.

Q. When you had this company back, do you recall any investigating officers coming and visiting your battalion for

the purpose of interviewing men in the company?

A. No, sir. I do not.

Q. This would have been, in your instance, in April or possibly in May?

A. Yes, sir. They were back under my control and I do not recall. I do not know that any was conducted.

D. Did you ever hear of an inquiry or investigation being made by the brigade or by the division into the situation in My Lai (4) on the 16th of March, 1968?

A. Yes, sir. I lost my train of thought a few moments ago. The second thing that I heard about this was Colonel HENDERSON came to me when I was up north on LZ O'Connor, again the date slips me, but I do know that he was in a cast. He had been hit by shrapnel from a hand grenade. I do know that he had a cast. This was before Charlie Company came back to me. They were still with Task Force Barker. He told me, his exact words slip me, but he said that it was alleged that Captain MEDINA had shot somebody and he said, that--this is all I remember. I asked him, "What's being done about it?" He said, "Well, we're checking into it." Again, this must have been right after I moved on LZ O'Connor and that would have been near the end of March sometime. The third or fourth week of March is when he was up there, and again I regret that I can't tell days or times or such. I do know that Colonel HENDERSON was in a cast and do know that he mentioned at that time that this was alleged, that Captain MEDINA shot somebody. But, as far as anybody else shooting anybody, or a company being accused of it, I never heard of it until Colonel WILSON mentioned that there were some atrocities and it broke in the paper. I've never heard of any investigation after that.

Q. Did he, at that time, go off to the company and talk to any of the men?

A. The company was not with me, sir. This was before Charlie Company came back to me.

Q. Prior to Charlie Company rejoining you?

A. Yes, sir. It was before 10 April. I know that.

Q. Subsequent to that time, did Colonel BARKER visit you in the period between the 5th and the 20th of May?

A. I don't recall, sir. He may have. I had so many people coming in and out of there that I sure don't recall.

Q. If he were to take statements from people within your battalion would you have expected that he would have talked to you about it?

A. Yes, sir. If he would have been coming up there for an investigation I am sure I would have known about it. He would have checked through me on that. I'm sure he didn't come up to LZ O'Connor when I was up there.

Q. When Colonel HENDERSON talked to you and he had his leg in a cast--which fairly well fixes the time, which coincides with the time that we have too, when he was injured and how long he had his leg in a cast--aside from Captain MEDINA, did he mention anything about a confrontation between some people of Charlie Company and an aviation unit?

A. No, sir. Not to my knowledge.

Q. I'm just feeling this one out to see if some of this might come back to your memory. Did he talk at all about excessive firing, unnecessary killing, or firepower being brought upon civilians?

A. No, sir.

Q. Did he talk at all about a large number of civilians being killed?

A. No, sir.

Q. Did he talk at all about people being marked by a helicopter for medical assistance, and the ground forces of Charlie Company, instead of providing medical aid, going over and finishing them off, so to speak?

A. No, sir.

Q. The only thing that you can recall that he mentioned to you was Captain MEDINA and this one individual there?

A. As I recall it I think he said, "Your boy Ernie," which is Captain MEDINA, "appears to be in trouble." He said he was accused of shooting somebody. That's all that I recall.

Q. He said this to you at the time that he had his leg

in a cast?

A. Yes, sir. That's the only thing I can remember.

Q. I wish you would think about that just for a minute, as to whether he said specifically what you said, or whether that was your impression, or exactly what it was?

A. This is all I recall, sir. I have thought it over. There has been so much in the papers. If I knew anything or thought I could have helped anybody I would have done it, but this is all that I remember that took place. There have been so darn many things that I read in the papers that I am sure that if I had heard some of these allegations I would recall it. At the time I was concerned about Captain MEDINA and I thought he was a darn good company commander.

Q. That was going to be my next question. I wanted to ask you what your appreciation was of Captain MEDINA and how he functioned; and the respect for Captain MEDINA within his unit, his relation with other unit commanders, and generally how effective and efficient he was?

A. Sir, in my opinion, and I know this has been backed up by other people, I considered him one of the most outstanding officers I ever worked with. He was conscientious. He was a hard worker. He knew his job and did his job. He was the kind of soldier that I think anybody in this Army would like to have working for him. I had him as a company commander for--it must have been darn near 20 months I guess. Before that he was an assistant S3 and after that I know he worked at division in the TOC and as a warning briefing officer. I know that he did an outstanding job there. He is a disciplinarian. He didn't hesitate. When he wanted somebody to do something and they didn't do it, he took appropriate action: court-martial or Article 15. This is what he did. He was not vicious in any way. He explained to people what he expected to be done and he made sure that they did it. And they always did. We had battalion competition while we were in Hawaii and I would say that he won the competition about 75 to 80 percent of the time; in some areas he won all of the time. He always had the best supply room, the best mess hall, and in field work he was the best. He just didn't make mistakes.

Q. Tell us how he got the title "Mad Dog"?

A. Sir, I can't believe that. We had a Captain Jerry

SHELTON from Bravo Company who was partially instrumental in getting him named this. But the real man that picked it up, I believe, was a Hawaiian named Major HOKE. I am not sure of the name. I am sure it started with an "H" and I know he is an Hawaiian boy and he had a brother who was in the national guard there, but he was the S3 of the 4/3. He was the aggressor against us when we were on a field problem and he came on the air. Jerry SHELTON had called Ernie this two or three times, had called him "Mad Dog" because of the way he ran around when he was doing something. He never walked, he ran, and that is the kind of kid he is. The aggressors broadcasted this over the air and nicknamed him "Mad Dog," and he emphasized this five or six times and from then on everybody that listened to the radio called him "Mad Dog" MEDINA in Hawaii. This had nothing to do with him being a vicious individual. This was dealing with his aggressiveness and I know that. Jerry SHELTON is out of the Army now. He was wounded in the vicinity of My Lai. I don't know if he had one of the companies at this time, but he got wounded at this time.

Q. I think we have your appreciation of MEDINA. You indicated that you were replaced on the 4th of July. What job did you take over?

A. I became the Americal Division G1, sir.

Q. The Americal Division G1?

A. Yes, sir.

Q. That was in the month of July?

A. Yes, sir. I became the G1 on July 14th. I checked this on my 66 because Colonel WILSON asked me.

Q. You probably had a little bit of R&R back in Hawaii?

A. Yes, sir. The change of command ceremony was the 4th and I think I had a couple of days with Colonel QUALLS up in the division, and then I went on R&R, came back and spent a few days there, and then Colonel QUALLS left.

Q. When you were the division G1, did you hear anything in the division headquarters about any investigation of this incident?

A. Never, sir.

Q. Did you hear any rumors or rumblings at all within the 123d Aviation Battalion, or within the aviation section in particular?

A. No, sir.

Q. A minute ago we were talking about Captain MEDINA. Do you also remember Lieutenant CALLEY? How was he as an officer?

A. I considered him as a very quiet and not the most aggressive man, but very conscientious. I think he had about a year's enlisted service before going to OCS. He was very young and green as an officer, but yet he appeared to be fairly mature as a man. He was a little older than the rest of the second lieutenants that we got in. I believe he joined me in about August or September before we went to Vietnam, and he was one of the late ones to join me. I never heard of any problems with him.

Q. Did he have any tendency to overindulge in alcohol?

A. No, sir. Not that I know of and I am sure I would have known it. I don't think I ever saw him intoxicated. I saw him drink, I believe, at a party. I don't think he drank more than was expected. I considered him a well-above-average officer. He wasn't an exceptional officer, but he did his job.

Q. For the benefit of the people at this hearing would you mind explaining how the Americal Division handled its infusion program, particularly with the assignment of its officers?

A. Initially they asked for names that we wanted to infuse or a priority listing of how they would be infused. This was when we first got over there about January of 1968. Everyone, of course, was fighting this thing. The general said we would do it and we would list the people in a logical sequence so if they wanted to take them out they could take them from the top and we understood that was the way they would work it. They had to meet certain criteria. We established captains that we could afford to lose and then lieutenants and platoon leaders from the different companies. This did not happen. They did not use this list. We got

down to the point where we would get a call and say we need or you are going to lose three officers. They would tell my S1 who was at Duc Pho that they were going to have to meet certain rotation dates and they would have to be second lieutenants or first lieutenants or captains. My S1 would say these are the people that meet this criteria and ask who I wanted to infuse. This is the way we did it.

Q. Well, the division first infused within the division and--

A. (Interposing) Yes, sir. This all happened within the division, then there were many other things that took place. I know after I became the G1 we got involved in built-in infusion when they started building up the advisory group to go out to all the provinces. I can't think of the name of what it was called now, but the division was hit very hard for officers.

Q. You might be referring to what they referred to as MATC?

A. Yes, sir. Military Assistance Training Commands. There was one other. There were two portions of it. One was the training and one had another name, but you always had criteria established that they had to be certain MOS's and they had to have certain rotation dates. This then was handled the same way. There were normally very few people that were eligible to meet the criteria outside of the division infusion. There were just a few names and we were losing any place from--oh, once I recall we lost as high as 20. Sometimes it was less, but normally it was right around 20 on the infusion program each month for the 5 months that I was up there as division G1. I lost some of the people to that. Well, I still had the requirement. For example, I lost my executive officer on that program. He was a major and he met the criteria, and I guess he was the only one in the brigade, and they took him.

MR MACCRATE: I'd like to come back for a moment, Colonel BEERS to the conversation Colonel HENDERSON had with you at LZ O'Conner in which you indicated that he said something to the effect that, "Your boy Ernie appears to be in trouble for shooting someone." Since Captain MEDINA was, in fact, someone who had been in your command and was, as a civilian I would say, on loan at this point, I would imagine that this would be something that would interest you considerably.

It would seem a natural curiosity to inquire of Colonel HENDERSON at that time, "What happened?" and what indication did you get at that time of what was happening?

A. I got no indication that it was anything very serious, and as a matter of fact I don't think Colonel HENDERSON was there for more than 20 minutes or 30 minutes. This was not the point of discussion during the whole time. I've asked myself this question and, you know, if this was this serious I certainly would have heard about it, and I would have been asked questions later on the subject at that time.

Q. I can understand that you may not have become deeply involved, but if he said that, this would indicate that, whatever the circumstances and if a shooting were involved, some sort of an investigation was being made of one of your officers, would it not?

A. Yes, it would, when I look at it now. However, it did not at that time. When he said that he allegedly shot a civilian--I don't know. I knew that within a week there would be a whole flock of investigators down there if the allegation were true. Other atrocities were committed, not within my own organization, but there were normally investigators all over the place. He was not with me, and consequently, with all the goings on of the war at the time, it just never came back in my mind to even think about it. When I saw MEDINA again and saw Colonel HENDERSON again, probably 3 weeks later, there was never any further discussion of it.

Q. Do I understand when you saw Captain MEDINA again you made no inquiry of him what had happened, or no further inquiry?

A. I completely forgot about it until Colonel WILSON called me on the telephone. I just didn't think -- at that time it was just an allegation. There's a lot of allegations made.

Q. But it must have made quite an impression you at the time--

A. (Interposing) I don't think so because I would not have believed it. It wouldn't have made an impression on me. I would have known that there was an investigation and he would have been cleared at the time and I just didn't

believe it. I didn't believe this could happen. I am sure this is what went on in my mind.

Q. Was this the attitude of Colonel HENDERSON, that he didn't believe it?

A. I don't believe so. He gave me the impression that this was an allegation and the brigade was taking care of it back in their area. I, being detached, probably wouldn't get involved.

Q. Colonel BEERS, the two things just do not go together to someone listening here; that

(1) Colonel Henderson was very serious about this investigation; and

(2) You completely dismissed it.

Either it was something that Colonel HENDERSON was taking seriously and you would have been concerned, or it was something that he was not, at that time, concerned about, perhaps no longer concerned about. I don't know, but the two just don't fit together, that he had a concern, a serious investigation going on; and you, thinking about this man for whom you had a high regard and in whom you had confidence, were not sufficiently concerned that you followed up on it in any way?

A. I'm sorry. I do not say what Colonel HENDERSON's concern was. I do not know. I do not know what was going on in his mind. I cannot reflect back and remember what my thoughts were when the subject came up, but I do know there was, to my knowledge, nothing else took place on this investigation. I know of nothing. I did not get involved in any investigation when the unit came back to me. If there was an investigation conducted after the unit came back to me, it certainly was without my knowledge, and I can't imagine too many things happening that I didn't know about.

Q. Well, what period of time did Captain MEDINA, after the 1st of April, 1968, remain under your command?

A. Captain MEDINA was the first one to go overseas. He went over with me and his company on 5 December and con-

sequently he was eligible for the first R&R as far as officers were concerned. We came back off Norfolk Victory where Captain MEDINA rejoined me about the 19th or 20th of April, and I believe Captain MEDINA left at that time, or shortly thereafter to go on R&R. He was going early because he was to move up to brigade to replace the assistant S3 who was going to come back to join me as a company commander. I would say that after he rejoined me, he commanded the company for about 3 weeks. Now, I would have to check this, but sometime near the end of April he departed on R&R as far as I know.

COL FRANKLIN: Colonel BEERS, I would like to pursue Mr. MACCRATE's question. You knew MEDINA and let's say you knew him at this time over 18 months or around this period. He was your outstanding commander. Company commanders made battalion commanders, in Vietnam particularly. Colonel HENDERSON you knew real well. He had been in the brigade since you had, so you knew his feelings and how he operated. Now, normally all of us have had the experience that when a senior commander comes down on one of our people, particularly someone that we think a lot about, and makes an allegation or inquiry, we sort of feel this out; and we know that our commander is really serious and something bad is going to happen, at which time we start trying to get all the data and try to defend this man, or else we know that it's done in sort of a half-light type of manner as if something were done but the implication is certainly nothing to worry about. I know you too well, Colonel BEERS. I know your loyalty to your people. I understand you have obvious loyalties to former commanders, but would you state again to the best of your recollection what was really the impression you got from Colonel HENDERSON, a man you had known for well over a year, as to what future process this thing was going to take or -- was there an impression in your mind as to how serious these charges were? I just believe there must have been?

A. I can't recall what my impression was there. However, I will say one thing about Colonel HENDERSON. He does not give an impression of anxiety or that he is thrashing and crashing into something when I know he is. He is a very hard man to read and I did work with him for a long time when he was a brigade commander and deputy brigade commander. But, in talking to him I have never been able to feel that--when I did something wrong or when I did

something right I never got the feeling that I could read what he was thinking. I am very serious about this and I am not being facetious in any way. And I felt the same way when he said this, and I'm sure by his mentioning it to me, I know he was thinking about it and I know that he was looking into it, or he would have never mentioned it to me. That's all I can say. Three weeks later we were going off in another direction, and maybe another two weeks after that MEDINA rejoined me, I just don't remember. I never got involved in it again, and that may sound ridiculous. It sounds ridiculous to me when I sit back here and think about it, now. I agree with you. If I would have thought at that time that it was serious I am sure I would have delved into it. To read Colonel HENDERSON's mind-- you have talked to him. He really is, well, I don't know how to explain it, but I can't read his mind. I can't really say what he is thinking.

IO: I think the problem that Mr. MACCRATE is having and also Colonel FRANKLIN is your deep sense of satisfaction over MEDINA's service and the job that he had done for you. On the other hand, you receive an allegation that he had done something, and when he came back this had not sufficiently impressed you to spark a comment like, "Say, Ernie, what ever happened to that allegation?", or "What ever happened in that situation?" But, no, nothing happened?

A. No, sir. It never re-entered my mind. In my mind, it must not have been that I felt that it was anything that I felt was true.

MR WEST: Did he explain that the person killed was a Vietnamese woman?

A. No. Well, I do not know, sir. I do not recall if he told me it was a woman or what it was. Since then I have read the papers and heard, I guess, that it was a woman.

IO: Did he go into details at all of the circumstances of how this woman was killed?

A. No, sir.

Q. I'd like for you to tell us something, Colonel BEERS, about the training of the 1/20 and specifically C/1/20 back in Hawaii, and then the training that you received in country. I would like for you to focus your attention on

such things as training in the rules of land warfare, the Geneva Conventions, the handling of PW's, the treatment of civilians, rules of engagement, and things of this particular category. Would you do that, please?

A. Well, it was a very confusing training period, sir. I don't think I could ever imagine the Army could get us in a position like that; the way we went back and forth, through the theory that we were going to be filled up and then wouldn't get filled up. Then, we went into the starting out, when we were organized, and we assumed that we were going to be filled up and then become a portion of the 6th Infantry Division. We started our fill and then stopped immediately and it changed to where we were going to become a separate brigade. We maintained a level of just being able to meet our requirements as far as maintenance was concerned with a limited amount of tactical training for, I don't know how long it was, probably for the first 6 or 7 months. Then we started to get some fill and we went up to about 50 percent. Before that time some of my companies had been down around 50 or 60 people. As we started our fill and buildup, we were able then to go through fairly good training. We organized; we had a lot of squad and platoon training, not being able to have company training because we didn't have enough men to do it. Then we got the mission of training our own fillers and they sent, I believe 1,100 or so, AIT's or BUT's, and my battalion had the responsibility for doing all this training. We trained for the entire brigade and conducted all of the AIT training on the ranges. We gave them tactical training, as far as the infantry were concerned and some of the artillery. We only gave them small portions of their AIT. The MP's, we only gave them a small portion of their AIT because we were not specialized in that area, but any of the infantry-type training we did. During this time, of course, Charlie Company was as involved as anyone else. We then kept these fillers and were in pretty good shape and really started through our cycle of training. We went all the way through company and up to battalion training. We had everything in the book and we particularly had a lot of jungle-type training. Being there in Hawaii we had a lot of mountain training. It wasn't the type of training you get back here in the States with company in mass and attack and maneuver of platoons and so on, and so forth. It was being trained to go to Vietnam. The people worked alone. The company commander worked his platoons. I was with the platoons, and I was with the company commander, and we worked the

entire area. We would be out for 2 or 3 days at a time, and this was the way we would be able to accomplish it. As far as rules of engagement, we had a lot of trouble when we first started trying to find out what the rules of engagement were. I think we used the rules and taught the rules and taught them to every man in the organization. They didn't shoot unless they were shot at. If a person had a weapon, they could shoot. If a person was avoiding, they could shoot. This information we got from the people that were over in Vietnam. We went over there on a visit to Vietnam and talked to the battalion commanders over there, and we had a lot of people that came back. We had an SOP that was put out by the brigade. It was written based on SOP information that we got from them. We had, before we left for Vietnam, a high percentage of the cards they issue over there, and we used them. The people read them and they memorized them and they understood them. I can't remember-- The Roger's Rangers card and--

Q. (Interposing) Did you have the "Nine Rules?"

A. Yes, sir. I'm not sure if we got that one before we went over or after we arrived. We did have some trouble, getting filled. We brought back a bunch when we went over in September on a visit. We reproduced some of our own and we actually mimeographed pages where we had some information and didn't have the exact cards. When we arrived in country, Charlie Company in particular went in first. The 3d Brigade, 4th Division, I believe it was, was the brigade that was there and we replaced them at An Think and at Duc Pho. I think that's the one. Colonel--

IO: (Interposing) Colonel WEIR?

A. Yes, sir. Colonel WEIR was the man in charge there and they had a training center that Charlie Company went through, the initial company to go through. This was the same type thing that the division later had, and I guess the division had at that time for basics when they came through. But this was Colonel WEIR's unit and they ran Charlie Company through all the phases of operations in Vietnam: booby traps, and again, handling POW's, showing everything that the experienced people there in Vietnam could show the new people coming in. Charlie Company commander I don't believe had time to go out with any other company commanders, but later on some of the people did have a

chance to go with some of the 4th of the 3d. Charlie Company, I--Our final phase of the operation--

Q. (Interposing) You meant 3d of the 4th instead of 4th of the 3d, didn't you? The 3d Brigade of the 4th Infantry?

A. Yes, sir. We had the 4th of the 3d Battalion. That's right. The final phase, before we went into operations, Charlie Company had its airmobile training and combat assaults which was conducted again by the aviation people. All of the training that they had, I guess, lasted about 10 or 12 days.

Q. Did you see much of that training?

A. Yes, sir. Yes, sir. I can't say that I saw it all, but I saw a good percentage of it.

Q. I wonder about your appreciation of it? Was it a high quality training they received?

A. I think it was, sir, and I believe my people appreciated it. I know that I made the comment that they paid a lot more attention there than they did when we were back trying to give them training in the jungle warfare center because they realized then that it was really serious and we were really there. They paid attention.

Q. I remember one phase of that training that might have impressed them and that was perhaps put on by Major CROSBY and that was called, "Hole Hunting."

A. Yes, sir. I don't know about Major CROSBY, but I do know that they did get that and there was a colonel-- It starts with "T"--

Q. (Interposing) TILLER? Norman TILLER?

A. Yes, sir. He wrote a book on the subject which I had taken back to Hawaii from Vietnam when I was over there in the summer. I had been around to all of these places and tried to pass on as much of this information as I could. They had a real good training program there.

Q. This division, as you know, had been assigned to me, the 4th Infantry Division. Administratively they were

under me, but operationally they were under the Americal Division. So I know a little about it because I was there for the change of command ceremony and things like that. I know Norm TILLER and these people very well. I would be particularly interested though to get back on this point on the rules of land warfare, the Geneva Convention, the treatment of civilians, the protection of PW's, and this sort of thing. Do you remember that training which they received?

A. As far as the content or the length of time, no, sir.

Q. Do you recall somebody coming down from the Americal judge advocate office and giving a course on this or perhaps an introduction by the division commander?

A. I believe this was a portion of it, but I am not sure who it was. I am not sure when General KOSTER was there, but I do know that General KOSTER was down and of course, I do know that General RYDER, the assistant division commander at that time, went down and visited the training.

Q. Let me ask you a question. You had been in this brigade for a long time. You had seen this brigade under Colonel HENDERSON when it was first formed and you were also in the brigade as a battalion commander when it was taken over by General LIPSCOMB. How was General LIPSCOMB in controlling this battalion and establishing high standards and performance?

A. Well, I considered him a top-notch man. He demanded perfection and that is what he expected or you didn't stay around. He was always in the field and he was always with the troops. He was always on the ranges and he was always out on Saturday morning inspections and doing the inspecting himself. I considered that he had done a fine job as far as I can rate a man. General HAY was there too. I considered both of them as doing a tremendous job.

Q. John HAY?

A. Yes, sir. He is at Leavenworth now.

Q. Who later took over what?

A. The 1st Divison. He left and got promoted to Major General.

Q. But as a battalion commander and an experienced battalion commander you felt that General LIPSCOMB really had hold of the situation and had high standards and got out and saw the people and really--

A. (Interposing) Yes, sir. Absolutely, sir. As a matter of fact I hated to see him leave at the time because I really appreciated the job he was doing. This is nothing against Colonel HENDERSON because he did a good job, too. He had been around so long--

Q. (Interposing) You got used to him?

A. That's right.

COL FRANKLIN: The soldiers that went to Vietnam in C Company, how long had they been in your battalion back in Hawaii? I'm trying to get an idea of when the last of them, or the bulk of them, arrived, and about how many months that they would have had of training.

A. Well, I took my battalion ATT on 30 June 1967. That was after we finished up with the AIT and so forth. I remember an announcement that the 11th Brigade was going to be ready to go by 1 July and I was the last battalion to take its battalion ATT and that is why I remember the day. We were in pretty darn good shape by then. After that time we got some new ones in and the profile people went out. I would say at that time we were probably up around 100 percent at the end of July or at the end of June. It dropped off and we lost some people. Then, we got a few people in all the time, but no mass input.

Q. So, the bulk of Charlie Company's people had been there at least prior to June of 1967 or somewhere in that period?

A. I think a high percentage of them that went overseas with us were there by 1 July.

Q. How did Charlie Company do on the ATT?

A. I can't remember the exact score they got, but I know they did darn well because this was part of the point score system that we had and was added into the company-of-the-month, but whether they won that month I don't know.

I would say that either Bravo Company or Charlie Company came out first on the ATT. One or the other would have been second.

Q. I heard somewhere that the 11th Brigade deployed earlier than they expected. Is this true as far as your battalion was concerned? Were there things cut out of training that you anticipated giving?

A. No. I don't think so. I understood originally that we were supposed to go over in February. I was hoping to go earlier because I had been in command so long I was afraid I wasn't going to go, so I don't know if we left-- This was only a rumor that I had. I heard that we were going on 1 December and that is when we went or I went.

Q. Were you in pretty good shape as far as your sergeants went?

A. No. We were not in good shape as far as noncommissioned officers. We were hurting on E-6's and E-5's. A lot of the people that I had were "acting" as far as E-5's, and Charlie Company and all the rest of them were the same way.

Q. You said that Captain MEDINA was a fine commander. You've been around the infantry a long time. Would you say that C Company, when they got off the ships, and I assume you went by ships or airplanes, was a combat-trained, well-disciplined, well-led company?

A. We flew in. Charlie Company flew in, the majority of it on one aircraft. I considered it as the best company in the Army at the time. They were ready to go and that's why they were the first company to go.

Q. One final question, Colonel BEERS. You know, we're always talking about "hearts and minds" and the difficulty of fighting over there. Was this something that was a major stress throughout your training? I mean, obviously you were interested in your tactics and the rest of this, but did you have the feeling you were preparing your people for the difficult type of war they are going to fight and separating the VC and noncombatants and the rest of this thing? This "hearts and minds" business that you have heard thousands of times, was this an integral part of your training? Do you feel that the men in C Company heard this

people that had returned from Vietnam, be it at a bar or in a classroom, and you will get 5,000 different answers of what goes on in an area and what you are supposed to do. This is what I meant by that. When I got over there I found out generally how the people conducted themselves. I found out that they had these little cards that we didn't know about before. We had heard about them, but had never seen them before. This is what I was talking about.

Q. You were, while you were in Hawaii, preparing your brigade to go to Vietnam. Is that right?

A. We were hopeful to go to Vietnam. Our mission was to be the USARPAC reserve. I say "we." I was one of the people that was hopeful to go to Vietnam. That was not our primary mission though. Our mission was to be USARPAC reserve. We trained primarily for the type operations that we would have in Vietnam.

IO: Colonel BEERS, before we conclude this particular session of the hearing, if you have any additional information that you would like to provide, or if you have any questioning as a matter of clarification, we would give you this opportunity to do so at this time.

A. Sir, I wish I had some information that I could give to help these people and this committee also because I feel deeply toward everyone that is involved in it. I assure you that if I knew anything or if I could remember anything I would tell you or I would have told you before and I would have got the word to you.

Q. We would ask that from what you received here in terms of an additional refresher and so on that if any of these bits and pieces of this puzzle start falling into place in your mind, we would appreciate your getting in touch with this office so that you could come down and give us this information.

Additionally, if you find that you have some maps or photos, memos, directives, or anything which would pertain to the purpose of this investigation, we would like very much to have those.

The other thing that I would like to caution you about before leaving here, again, is that we direct that

you not talk to other individuals concerning this investigation and specifically the people that may be called to this investigation, and that you are not to talk to anybody about this unless it's on official duty as may be required before an appropriate administrative, judicial, or legislative body.

This hearing will recess at this time.

(The hearing recessed at 1737 hours, 23 December 1969.)

(The hearing reconvened at 0920 hours, 9 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, LTC MAHAFFEY, MAJ ZYCHOWSKI and MAJ LYNN.

Sir, the hearing recalls Lieutenant Colonel Edward D. BEERS.

(LTC BEERS, was recalled as a witness, advised that he was still under oath, and testified as follows:)

RCDR: Colonel BEERS, you are reminded that you are still under oath before this hearing.

IO: Since we last talked to you on 23 December of last year, we've talked to a large number of witnesses from the Americal Division headquarters, Task Force Barker, various battalions within the 11th Brigade and numerous people in the companies of Task Force Barker itself. In addition, we've talked to a few Vietnamese and Vietnamese officials, the ARVN, and also some people who were on the scene on that particular day. So we know a great deal more about what transpired at Son My and in the investigation of the incident than we did when we talked to you. We intend not to leave a single stone unturned, and if there is any statement made that is in conflict, to the best of our ability we want to get it straightened out so that the record will read clean. You appeared on 23 December to provide testimony. We've heard some testimony since that time that has indicated you've done certain things which we felt would be necessary to recheck with you to make it a matter of record. As you well realize, this report, when it is permanently filed, will become a matter of record with the National Archives and we want to make sure, to the best of our ability, that we have everything straightened out that we can possibly straighten out. This morning I am going to ask Mr. WEST to go along with the questioning and we will stop from time to time so that other individuals within the interrogation team can ask any questions that they would care to ask.

(BEERS)

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MR WEST: Colonel BEERS, included in the testimony which we received since you were last here, there is testimony that you, during the Son My operation, which included the assault on what's known as My Lai (4), and which continued on later in the areas over towards the China Sea, during that operation, either on the first day or perhaps on the second day, you came in by helicopter and visited with Captain MEDINA on the ground. One of the witnesses said that he was told that you chewed Captain MEDINA out pretty badly. Afterwards he seemed worried. Could you tell us about this?

A. I'd like to say, that since I was here previously I have been quizzed by numerous people, including the CI and others who have brought some of these things to my attention. I have been able to refresh some dates that I know of now. For example, I do know that on the 19th which was the final day that I moved--that was the 19th of March--the day that my unit became attached to the 196th, I know from my own recollection that the day before that, the 18th, we had a split move. We moved up to go to the 196th. A portion of my unit moved to the 196th. I flew up there and I talked to the battalion commander on that day. It's very possible, because I normally stopped and saw Captain MEDINA or Colonel BARKER or at least checked in by radio, and it's very possible that I stopped and saw Captain MEDINA on the 18th. Also, I know that about the 15th or 16th I flew up to the 196th area and I could have possibly stopped off and seen him on that day. As far as stopping and chewing out Captain MEDINA about anything, I have no recollection of that. I do know that on numerous occasions I stopped to talk to him. I talked to him, I mean in that area. As I said previously, I think I was always up there about once a week or about every 10 days or so I stopped to see him. I do remember flying in, setting down. I was alone as I recall, and talked to him, but I do not remember anything about chewing him out. I don't know the exact day, but it was sometime in that time frame. One of those two trips I made north, I stopped and talked to him, but I do not recall ever chewing him out. I can't say that. I can't say that I never chewed him out. During that period of time --

Q. (Interposing) One witness stated that rather clearly and he seemed to know who you were. He said that you came in in a bubble top. This was on the 16th--

A. (Interposing) I came in in a bubble top? Does this mean a H-13, an LOH?

Q. That's the testimony.

A. Well, I - -

Q. (Interposing) I want you to know.

A. Right, sir.

Q. This occurred after the 1st Platoon of C/1/20 had passed through My Lai (4) and set up their position on the other side. You flew in some 15 minutes later, came in in a bubble top. Captain MEDINA and someone else went up to talk to you. Would this help your memory?

A. Yes, sir. I never flew into Captain MEDINA's area in a bubble top. I was never in a LOH in that area and I was never in a H-13 in that area, if we should have had any of those, if that is what they are referring to.

Q. Then perhaps the other testimony is a little more reliable. This was to the effect that you came into the operational area during the last days of the operation, which would possibly tie in with the 18th.

A. Yes, sir. This is very possible.

Q. This is the witness who testified that you chewed MEDINA out pretty badly that day. Of course, our interest is, what was the subject of the discussion?

A. Yes, sir.

Q. We are talking about what happened there at Son My or My Lai (4).

A. No. I never discussed anything about any operations with him there. When I talked to Captain MEDINA at anytime, I talked to him about his people and how he was doing. If he had any troubles or if there was anything I could do for him. He would normally tell me how his

people were working, and how he was doing when he was on an operation, and give me a little short briefing where his platoons were at the time. But there was never any discussion - - it wasn't really my business to develop his operations with him. I might have changed the way he was doing it.

Q. Well, at this time it was pretty widely known throughout the area that something pretty terrible had happened at Thuan Yen on the morning of the 16th. Perhaps 300 Vietnamese people had been killed by Charlie Company. I can well imagine if this had reached your ears you would have been around to see Captain MEDINA and talked to him?

A. Yes, sir. That's right, sir. If it had reached my ears I certainly would have been. I never heard anything about 300 people being killed.

Q. Let's make it 200 or 100?

A. I never heard anything about any large number of people being killed. As I said previously, I heard that Captain MEDINA - - Well, this was after the 18th of March. I have no knowledge of anything on the period 16 to 19 March that there was anything going on.

Q. On the 18th when you say that you perhaps talked to him, what was the subject of your discussions?

A. Sir, I can't remember. It would have been a discussion, as I said previously, what we always discussed about. I would have told him where we were going, having just been up to the area. One thing we always discussed is that I was trying to get him back in the outfit and this would have been one subject that we always discussed, wanting to get back to the battalion.

IO: Do you recall where Charlie Company was located at the time or what time of day it was?

A. No, sir. No, sir. I don't believe I ever saw Captain MEDINA at Uptight. I stopped in at Uptight on two or three occasions. When I saw Captain MEDINA, it was normally in the field. I never used a map when I was in the area. I went in by smoke.

Q. You knew where the area called Pinkville was located? (Pointing to MAP-1, coordinates 725800.)

A. Yes, sir. I know. Yes, sir.

Q. Generally (pointing)?

A. Yes, sir. In the area down by the river, yes, sir.

Q. Charlie Company laagered down in here on the night of the 17th and they were moving north, to be extracted somewhere in this area on the afternoon of the 18th. Do you remember going into that area?

A. No, sir. I cannot say, sir, if it was in that area or not. I just did not use a map. I didn't even have a map of the area, sir. I just knew my people and they just guided me in. It wasn't my area of operation.

IO: I have nothing further.

MR MACCTATE: Colonel BEERS, in what type of aircraft did you make these trips?

A. I was normally in a Huey, sir. I was always in a Huey, sir, when I stopped in. The model, I can't attest to. It may have been an H model.

Q. By whom were you customarily accompanied?

A. I normally flew by myself. We had people getting shot at. Sometimes my S3 would go with me.

Q. What aviation unit provided your plane?

A. At that time, when I was in the south, it was the 174th, sir.

Q. Major GIBSON's unit?

A. Yes, sir. I believe that's the 174th, sir. I'm not sure.

Q. And it would have been an aircraft out of Duc Pho?

A. Yes, sir.

Q. Did you generally have the same pilot?

A. No, sir.

Q. Did you just take what you got?

A. Yes, sir. We were just given pilots by who was available, depending upon the priority of our mission that day. Sometimes we wouldn't get one until later in the day.

Q. Did you have any briefing, other than your visits to Captain MEDINA on what Task Force Barker might be doing or what Charlie Comapny had accomplished?

A. At what period, sir?

Q. During this period?

A. During the period of time, I cannot say. I had one briefing by Major CALHOUN. This was the first time I stopped at LZ Dottie and got out of my helicopter and went in to see what their TOC was like. Major CALHOUN just gave me a rough briefing on what was going on. Colonel BARKER wasn't there at the time. He showed me the area and this was the extent of the briefing. He showed me where the units were and where the minefields were particularly. He showed me how bad the minefields were throughout the area; the ones that they had spotted.

Q. When did you first learn that on 16 March Task Force Barker had had the biggest operation that the 11th Brigade had had since it had entered country?

A. As far as the number of people that it had killed?

Q. Yes?

A. I believe it was at the briefing. It was a brigade briefing. It must have been just before I went north. It was probably a day after this happened that I attended a briefing up at brigade and they went over the operation.

Q. So that it would be your recollection that this occurred before or after you visited Captain MEDINA?

A. I don't know, sir. I really don't know.

Q. You stated that you never discussed anything about his operations with him and I find this just incomprehensible. To go out and talk with a company commander that is on this special detached assignment with a task force, and not talk to him about what he is accomplishing and get a pretty good idea about what is going on in the immediate past - -

A. (Interposing) I think you misunderstood me when I said I didn't get involved in his operations. As I said, Captain MEDINA would give me a quick briefing, oral briefing on what was going on. What I didn't get in on was a discussion with Captain MEDINA as to how many men did you kill yesterday, how many weapons did you get. I was not involved in body counts. I didn't really relish the whole thing. If this was a subject I was supposed to be discussing, I didn't do it, sir. This is what I mean by I didn't get involved in his operations and all of his statistics. I was always involved with him as far as how his unit was getting along and how his people were getting along and what problems did he have in the fields. I did discuss this with him.

Q. But this is immediately after the biggest operation they had had. Was Captain MEDINA completely quiet about it? He wasn't boasting about it? He wasn't saying what a successful day they had?

A. Not to my knowledge, sir. I never heard anybody boast to me about the number of people they killed on an operation or how many they planned on killing on an operation.

Q. This was just a routine reaction on the part of Captain MEDINA and nothing had gone on or he had nothing of special importance to talk to you about one way or the other? Is that your testimony?

A. Yes, sir. I'm not exactly sure what day I was in there. If I were in there on the 18th talking to Captain MEDINA this would have been 2 days after the operation, so I don't know. I never got into a discussion with Captain MEDINA about killing a 100 or 200 or 300 people.

Q. That isn't my question to you and you're turning it around to put it in those terms. I can't believe that this isn't the kind of conversation that one would remember happening at this particular point in time with what had been and was going on at that time?

A. Yes, sir. I agree. If there had been a discussion of this type I think I would have remembered it. I agree with you, if that was your question, but I do not recall having a discussion.

Q. I think, sir, if you search your recollection you can tell us more than you have told us. That's my feeling.

A. Sir, I will tell, and I have told everything that I can remember and I do not intend to tell any lies. I do not intend to come up with any falsehoods to protect anybody, including myself. I have done nothing that I consider necessary to protect myself. I will tell everything that I can remember. I consider all the people involved, Captain MEDINA particularly, I consider them very dear people. If I could recall a discussion that I had with Captain MEDINA and I thought that it would go against him, I certainly would tell you and I cannot recall it, sir. I do not recall, and if somebody says that I had this discussion with Captain MEDINA then they know more about it than I do.

IO: I think the point that Mr. MACCRATE is bringing out, Colonel BEERS, and I think would follow logically, is that if you were going to take command of C Compnay again and have it deployed under the 196th, for example, to the north, and you were going to be responsible for some of the movement of C/1/20 from Dottie, let's say, up to the area of the 196th, that you logically would be in Task Force Barker's headquarters at LZ Dottie and talk to Major CALHOUN. Since this was, in fact, by far the most successful operation that Task Force Barker or the 11th Brigade had reported, undoubtedly the subject should have been discussed, at least in passing, to say that Charlie Company had done a fine job out there. They killed 90, for example on the morning of the 16th, which they were reported to have done. So then following this, a talk to Captain MEDINA would follow within the logic presented by Mr. MACCRATE that you might say something to the effect, "Fine operation you conducted", or some discourse between you and Captain MEDINA in this regard?

A. I agree, sir. However, I would like to say that I wasn't planning to take over Captain MEDINA at this time. If you recall I didn't get Captain MEDINA back when I moved north. I must say that this was my first move that I made after being in country and I was moving a great distance. It was like a chinese firedrill. I wasn't in depth as I became later on in my outfit. I really was more involved in my own operation than I was in Task Force Barker. This people may not understand, but I wasn't that really concerned how another battalion did. I was only concerned with one battalion and it was my battalion, to make sure that they did their work and they did it properly. At that time I felt I was not doing a good job because at that time my move was going very, very poorly in my opinion. I considered that I was a pretty good judge of that operation at that time.

LTC MAHAFFEY: Colonel BEERS, I think previously you indicated that Colonel HENDERSON had discussed in generalities with you something to the effect, "Your boy Ernie was in trouble", and at the time he had a cast on. This would have fixed it sometime after 23 March. Captain

(BEERS)

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MEDINA returned to your control on about 8 April or 2 weeks or less after Colonel HENDERSON had discussed this with you. Did you talk to Captain MEDINA at all about the trouble that he was in or talk with anyone about the trouble he was in?

A. No. No, sir. I went over this before, sir. I have no knowledge getting that involved in it. I have racked my brain and done everything that I possibly can to reflect back what I was doing at that time and what I was thinking of. I did not get involved in a discussion with Captain MEDINA to my knowledge, or Colonel HENDERSON. To my feeling, what Colonel HENDERSON was talking about was nothing as big as what has come out of this later on. I think when he was talking about MEDINA - - again I believe in my own mind they were talking about this alleged shooting by Captain MEDINA brought up by the helicopter pilot. All I can do is try to think back 2 years ago, and it's mighty dog-gone hard to try to correlate what he was talking about at that time and what I was thinking. There was no other discussion that I recall.

IO: Did he say at that time that Captain MEDINA was alleged to have shot a woman?

A. No, sir. As I said previously, this is the only thing that I can correlate it to. I believe this is what they were talking about at that time, only because this is what I believe Captain MEDINA was originally charged with or what broke into the newspapers. What the initial questions I had by the CI back a year ago, last March, dealing with Captain MEDINA. That it was about a helicopter pilot saying that he had shot somebody. This is how I figured out what we are talking about.

Q. I've gone over your testimony on several occasions because I find it quite incomprehensible and very difficult to understand how in the relationship that existed between yourself and Captain MEDINA, to have a statement made to the effect that he is in some serious trouble, then the whole thing just falls through the cracks. There is no further discussion with Colonel HENDERSON to find out what it is. There

is no discussion with Captain MEDINA to find out how the thing all worked out. It was just dropped. I can't understand this, from the eyes of a friend on the one hand and a commander on the other.

A. I discussed this before and I can't figure out what happened either at that time. I do know we were completely separated and there was a 2 week period of time when we were deeply involved with the enemy. As far as I know, there was no investigation that was made at the time that would again revive my mind to get back in work and get involved in this subject when Captain MEDINA came back to me.

IO: Do you have anymore questions on this one point?

MR WEST: No more on this one point.

COL FRANKLIN: One thing, sir. Was Captain MEDINA the kind of officer that you had a free and easy exchange of views and information with?

A. I think so.

Q. Captain MEDINA had had a very serious discussion with the brigade commander involving a very serious allegation toward him. Would he normally or probably talk to you on the first opportunity?

A. I would think so, sir, but he did not. My position toward him and the feeling that I felt that he had toward me, I would have felt that he would have come to me about it.

Q. Captain MEDINA never came to you at any time and discussed the conversation he had had with Colonel HENDERSON or any allegations or any possible investigations or any trouble that Charlie Company might be in?

A. No, sir.

(BEERS)

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MR WEST: We have received testimony that C/1/20, when the brigade deployed from Hawaii to South Vietnam, was regarded as a very fine company. Some say that it was the best company in the United States Army. On the other hand we've got a mass of testimony inciting that during the Son My operation, the company responded to Captain MEDINA's orders well, but their discipline left much to be desired. It was a common practice during operations that the men going through the villages would run down the women and have intercourse with them even if this involved rape, and quite casually killed Vietnamese people. Particularly later on, after the Son my operation, in April and May and the 2 or 3 months following, the discipline was very lax. Some were defying the officers and refused duty. They didn't keep themselves clean. They had no night security discipline, no noise or light discipline and were far from being an exemplary outfit. During this time, of course, they were back under your command. I think they returned on 9 or 10 April 1968. Would you comment on this?

A. Yes, sir. This might be where this chewing out came in. However, I know very well when this happened, when you start talking about the condition of the people. I went up to LZ Dottie, and again I can't tell you the exact date, but this was the only time I had ever seen Captain MEDINA on LZ Dottie and his people had just returned from an operation. It could have been this operation. It very well could have been, but I had high standards in my outfit; haircuts, mustaches, the troops looking as presentable as they could when they came in out of the field and keeping themselves in condition and keeping themselves in shape while they were in the field. When I arrived and saw all of these people together at LZ Dottie, after just coming in, I got hold of Captain MEDINA there. I counseled him a little bit on the condition of his people because I felt this was a lack of leadership on his part. He discussed it with me and said that they had had some hard times all the way through on the operations up there. Also I think the task force commander probably didn't put as much emphasis on these

things as I did. Consequently, Charlie Company got to looking like a lot of the rest of the units in Vietnam that I had seen, and their standards had dropped off far from what they were when they had come overseas. When Charlie Company had come back to me I had no trouble with them. I thought they did a good job. Captain MEDINA was with them. They worked hard. They moved in on a real rough operation for me, straight up the side of a mountain and no problem. They did an excellent job there. However, shortly after this Captain MEDINA left the company. He went on R&R and was supposed to move up to brigade as assistant S3. A new young man took over by the name of JENSEN who I didn't consider one of the top men in the outfit. However I did feel he was capable of doing the job and was probably as good as anything I had after the infusion program that had taken a lot of people away from me. I started having trouble at that time in Charlie Company; troubles that I had not had before, so maybe this is what they are referring to. I had a man, when I was at LZ Ross, which was after I went back north the second time, it would have been after the 19th of April, sometime around the end of April, when a man from Charlie Company refused to move out. In fact, he left the unit that night and wandered all night long and this type thing.

Q. NERIA was his name?

A. You probably heard that one. I don't know. I could identify the man if I saw him, but the name doesn't click with me. I don't think they had gone down to the point that they were no longer a good outfit. They still could do a job. They still were doing a job when I left there. From my point at that time, I felt that the problem was the new company commander. He didn't last very long. I moved him on out.

IO: To continue on with your discussion with Mr. WEST, I get the impression Charlie Company was a rather gung-ho, strong, and accomplish their mission kind of unit with not much inner feeling within the company. Captain MEDINA, being the strong and dynamic

(BEERS)

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leader, was able to hold the outfit together, but there are numerous incidents of rapings and absolutely improper conduct between the officers and the noncommissioned officers and the enlisted personnel. Subsequent to the time that MEDINA left and JENSEN took over, we were told, at least by one well-experienced, combat noncommissioned officer, that he had never seen such a ragtagged undisciplined hoard, so to speak, no control by the officers. Haircuts as you indicated. The men sometimes went 2 months without getting haircuts. They would move from daylight to dark with no opportunity to get themselves cleaned up. Their night discipline was practically nothing. Never digging in at night. Never providing any cover for the men. The officers absolutely failing to do the jobs that they were supposed to do as officers to insure protection for their men. A pretty sordid story that comes out as far as the discipline and the inner morale within the company. This concerns me. I know we are talking about a later period, but we are also talking about this period immediately before and even after the so-called My Lai (4) incident with the operation of Charlie Company under Captain MEDINA. Evidently you didn't see these things?

A. I say that the Charlie Company that I got back was not the Charlie Company that landed in Vietnam in December with me. I agree whole-heartedly with that. They were not. They were not up to the standards that they had previously. It is very true that they had a lot of new replacements and they had some new officers in there. Some of them I considered pretty good officers of the new people that I had, but they were not a top notch outfit any longer.

Q. What would you judge caused this?

A. I don't know, sir. I have no idea. I think that they had a lot of new people. They received a lot of new replacements and someplace along the line, obviously, there was a breakdown of leadership and communications between Captain MEDINA and his platoon leaders and the noncommissioned officers. Possibly they weren't getting

enough push from up above and they were running on their own. Rather than getting some emphasis from up above and I would wager this is probably the chewing out that somebody is talking about that Captain MEDINA got from me. That was at LZ Dottie. He was not out in the My Lai area.

Q. When you were at LZ Dottie?

A. Yes, sir.

Q. I might say, this sounds a great deal as though you were there when Charlie Company was coming back out of the field on the 18th?

A. It's possible, sir.

Q. Were you there when General KOSTER or Colonel HENDERSON was there interrogating the men as they came off the helicopters?

A. No, sir. No, sir. I am sure they were coming in there, but I don't recall General KOSTER or Colonel HENDERSON at the time. I do recall that Charlie Company was drinking beer in the afternoon and that was against my rules. This is one of the things that I discussed with Captain MEDINA.

IO: Mr. MACCRATE?

MR MACCRATE: Colonel BEERS, you indicate that in your judgment there were some good officers in the company when it came back. I think it would be helpful to us to have your evaluation who they were?

A. Of course, about HAUCK, I can't remember if he was with them when they came back or not. I pulled him out somewhere along the line. Whoever it was, his name started with "L".

IO: LACROSS?

A. Yes, sir. I considered that he was a pretty good officer. I hadn't worked with him too much. He joined us over there. He got with the unit a little bit

late. I figured he was a pretty good boy. He did a pretty good job. I thought that CALLEY was above the average type. I thought he was doing a fairly good job. I had a couple of boys move into the unit. One by the name of - -

Q. (Interposing) We aren't talking about who came into the unit later. It's rather extraneous, but the other platoon leader was BROOKS.

A. BROOKS?

Q. Yes?

A. BROOKS, I considered very weak. As a matter of fact he worked for me before we went overseas as an assistant S1, but I considered him a very weak platoon leader. I didn't think that he had the push to keep a unit together, but we had to have him out there. If somebody would have said, "We'll trade you a platoon leader," I would have traded BROOKS away first above all of them.

Q. You mentioned the name HAUCK.

A. Yes, sir. Bob HAUCK.

Q. This is the first time, to my recollection, the name HAUCK has come up.

A. Yes, sir. He wasn't in Charlie Company.

Q. What was his position? Was he the executive officer?

LTC MAHAFFEY: Was he a platoon leader?

A. He was a platoon leader, but the reason I moved him, he got electrocuted in Hawaii and when he got into Vietnam his feet started bothering him. He burned his feet badly when he got electrocuted and I pulled him out. He was up at Uptight. He was on Uptight when I pulled him out now that I remember and I gave them another platoon leader.

Q. Wasn't LACROSS his replacement?

A. It's very possible. I can't remember. We had so many changes with the infusion program. It's hard to keep up with them, but there was one other platoon leader up there at the time.

IO: Who was the company executive officer?

A. STORMS, I believe was the company executive officer at the time.

Q. Where would he have been?

A. He would have been back at the rear rotating back and forth between our rear position at LZ Bronco. The executive officer was back there at Bronco. It was STORMS at that time.

Q. You had the executive officer and the first sergeant back at bronco?

A. Well, sir, they moved back and forth. One would be up with the unit and then come back and the other would be back and forth. Sometimes they were both at the rear. Normally, they were not both forward though. Sometimes they were both back at the rear, depending on what was going on and the availability of aircraft and getting people forward and getting supplies forward. This was their job. They were resupplying them out of there.

COL FRANKLIN: Captain MEDINA, I think you mentioned, was sort of scheduled to go to brigade S3?

A. Yes, sir.

Q. But, he did not go. Why not?

A. Captain HENDERSON, I don't know if you have had him in or not, was the assistant brigade S3. I guess he had the title of S3 air. He worked for me previously in Hawaii. He had a company. He had asked me if I would give him a company when he came back off R&R. Colonel HENDERSON said the only way he would let me have HENDERSON is if I gave him MEDINA, so I

said, "Very well." It was about time for Captain MEDINA to come out of the field anyhow, and I would just give Captain HENDERSON Charlie Company. From here on it's just hearsay, from what wives had said, however I do know that it did happen. Captain HENDERSON had got home and his wife told him that if he took a rifle company she would divorce him. He came back to Vietnam off R&R and said he didn't want a company. The first time I heard this from Colonel HENDERSON I didn't believe him. I was sorry because I found out later that it was true. Jim had said that he didn't want the company, so I said, "OK, we will keep MEDINA," and I moved MEDINA as my assistant S3, that's why he did not go up. Later on, MEDINA moved up to division.

COL FRANKLIN: We get a very strange feeling through all of the witnesses that there was an intense dislike of the Vietnamese by Charlie Company. This was manifested as an almost continuous feeling for them, perhaps anytime Charlie Company went on this, the type of combat they had. But witness after witness that came through had a very low feeling toward the Vietnamese. One gets the feeling he had not heard too much about hearts or minds or were psychologically prepared for it. Would you discuss what your plan was in your battalion and how you implemented this? What policies you implemented to make sure your people treated Vietnamese properly?

A. I am sorry to hear what you say and I don't think this was so. In my other companies I had not heard this. Of course, I had not heard about Charlie Company either, and it's very possible that it was kept out in the field. I had no report that this was going on. I had no report there was any intense hatred for the people. Our program, and I must say that if you check the records, my battalion had the lowest body count than any of the brigade and my battalion had the hardest combat of any of the brigade, in addition to a lot of VC. I personally kept a very strong hold on my people as far as shooting, when they would shoot and who they would shoot at. If there was any question, we would not shoot and I think this came from General LIPSCOMB. He was really on us about not shooting unless we were absolutely sure. I carried this on down to my units and I did my best to make sure

that it did take place. When I went there and there was a contact, I was in the air with the unit, over the unit as close to them as I could possibly be or on the ground trying to make sure there was no unnecessary shooting. And 99 percent of the time I was in the air when there was a contact. I think this was about the best way I could do it as far as medical care and the people and sending out or doctors or medics. We took care of the people. The medics were with the platoon and did their own work as they went along. This is what they were trained to do back in Hawaii and I am sure the majority of them did.

IO: Was there any requirement from the brigade that the battalion commander get out on the ground and direct the units?

A. No. I don't think I had a unit that got lost the entire time I was there. It was much easier to stay with them by flying over them.

Q. When you're flying over them, when you really get down to it, you know very little of what was going on on the ground, and I found it difficult to transmit leadership over a radio.

A. Yes, sir, but when you have two units in different locations, it's very hard to get down on the ground and keep contact with the other. I was on the ground with them on many occasions, but I don't think I was ever in a position where I had two units that were in one contact at one time. I would have one in contact over here and then something would happen 400-500 kilometers away.

Q. Aren't you describing why you can have a breakdown in any unit and not see it?

A. That's right, because the platoon would get away from their companies so many times. I think it's a problem of the manner in which war was fought over there.

Q. I don't know if that was the way the war was fought. I am not completely void of how the war was fought. I went out and walked with my companies

hour after hour, even as a field force commander. I don't know how else you find out what is going on unless you get on the ground. You can't do it from the air.

A. I agree with you, sir.

Q. Colonel BEERS, we will give you an opportunity if you care to enter any statement into the record or ask any questions at this time.

A. No, sir, I have no questions.

IO: The hearing will recess at this time.

(The hearing recessed at 1012 hours, 9 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: BLACKLEDGE, Richard K. LTC

DATE OF TESTIMONY: 3 December 1969

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: S2, 11th Infantry
Brigade, Americal Division

1. PRIOR TRAINING IN RULES OF LAND WARFARE.

BLACKLEDGE felt that troops in the 11th Brigade had been indoctrinated on a continual basis on prevention of war crimes and hostile acts against noncombatants. This included proper treatment of prisoners of war (pg. 48). Language cards were passed out to the troops with necessary Vietnamese phrases, e.g., halt.

2. PREOPERATIONAL PLANS AND BRIEFINGS.

a. Intelligence.

The area north of the Tra Khuc River had not been entered by U.S. forces for some time prior to Operation Muscatine. The 48th and 20th VC Local Force Battalions normally operated in that area. Sometimes they moved west of QL 1 to regenerate (pg. 16). The populace in the Muscatine AO was more hostile to our forces (pg. 17). One platoon of the 48th VC Battalion was composed wholly of women (pg. 17). A captured VC company commander had indicated that the 48th VC Battalion operated out of My Lai for the most part (pg. 17). My Lai was fortified and definitely a VC area (pg. 18).

b. Briefing.

BLACKLEDGE did not recall if he briefed the TF Barker commanders personally or only the TF S2 (pg. 52).

Unquestionably, intelligence had led C/1/20 to expect an enemy battalion in My Lai (4) (pg. 27).

3. ASSAULT ON MY LAI

a. Enemy KIA to weapons captured ratio.

There was a definite disparity in the ratio of enemy KIA to weapons captured and also the ratio of enemy KIA to friendly (pg. 35). BLACKLEDGE reconciled the disparity by figuring that our forces had not pursued the enemy quickly enough and they had policed up their weapons before we got to the scene (pgs. 36, 37, 41). His suspicions of wrongdoing were slight (pg. 41).

b. Aerial observations of My Lai.

BLACKLEDGE flew with HENDERSON to meet with MEDINA between 1000 and 1400 hours on what he believed was 16 March 1968, about one kilometer north of My Lai (4) (pg. 4). On departing, they overflew the area at about 500 feet. An unusual number of huts were burning but no bodies were observed from the air. BLACKLEDGE saw smoke coming from several hamlets that day (pg. 8). It was unusual to see so many huts burning because of the division regulation forbidding intentional burning (pg. 29). BLACKLEDGE was unaware of any NPF~~F~~ accompanying TF Barker.

4. INQUIRIES CONCERNING THE ASSAULT.

a. HENDERSON-MEDINA meeting near My Lai (4).

Although unsure of the exact date, but either the 16th or 17th of March, BLACKLEDGE accompanied HENDERSON to the field between 1000 and 1400 hours in a helicopter. The helicopter landed and ascended almost immediately, leaving HENDERSON and BLACKLEDGE on the ground where HENDERSON talked with MEDINA (pgs. 4, 22, 23). BLACKLEDGE thought that they were located about one kilometer north of My Lai (4).

b. HENDERSON-MEDINA conversation.

(1) Civilian casualties.

HENDERSON wanted to know if the 128 enemy body count included any women and children (pgs. 5,6). MEDINA indicated there had been a few civilian casualties caused by artillery or even unavoidably by his men during

the heat of battle. MEDINA reported the civilian casualties as "unavoidable." HENDERSON pursued this topic to an unusual extent (pgs. 6,7). This conversation lasted about an hour. Some of the topics were unrelated to noncombatant casualties. MEDINA reported 20 noncombatants "hit." BLACKLEDGE assumed from past experiences this meant most were wounded not killed (pgs. 33, 41, 42). Of the 128 VC reported dead, to the best of MEDINA's knowledge all were VC (pg. 25). BLACKLEDGE was surprised when MEDINA reported no VC wounded or PW's (pg. 39). Present at this meeting were MEDINA, HENDERSON, BLACKLEDGE, and MEDINA's RTO (pg.24).

(2) Resweep of My Lai (4) by C/1/20.

HENDERSON wanted a resweep of My Lai (4) by C/1/20 to see the bodies, but after MEDINA informed him that that would necessitate reversing the operation, HENDERSON decided against it (pg. 26). They also discussed MEDINA's killing a young person in self defense (couldn't recall if sex was mentioned) (pg. 26). BLACKLEDGE couldn't remember if anything was said about sweeping C/1/20 back through the village (pg. 26). BLACKLEDGE did not know HENDERSON was investigating a reported incident when they landed at C/1/20 CP (pg. 33). MEDINA's conversation was never subsequently discussed by BLACKLEDGE and HENDERSON (pg. 34).

c. YOUNG-HENDERSON meeting at LZ Dottie.

BLACKLEDGE recalled a day when YOUNG and HENDERSON met. However, BLACKLEDGE was not privy to this meeting and he did not remember if it was on the same day as the MEDINA-HENDERSON meeting (pg. 38). He did not remember seeing WATKE that day (pg. 29).

d. S2 investigations.

The brigade S2 organization made no effort to further investigate the VC propaganda allegations because it was thought that they were being investigated by competent authorities. In his position, BLACKLEDGE agreed that he could have checked out the VC reports further than he did. BLACKLEDGE felt that his thinking was skewed in the wrong direction because he found the propaganda report (Inclosures to Exhibit R-1) unbelievable (pgs. 58, 59). BLACKLEDGE received no reports from his MI section concerning unnecessary killings at My Lai (4) (pg. 29).

5. REPORTS OF INVESTIGATIONS.

a. VC propaganda reports.

About a month after the My Lai operation, BLACKLEDGE's office received a VC propaganda report of 400 or 500 people being murdered in My Lai at a time coinciding with TF Barker. BLACKLEDGE was of the opinion that this was a wild report (pgs. 9, 43, 44, 54, 55). He showed the report to HENDERSON who replied, "Yes, division headquarters is aware of this, and an investigation is being conducted," or "has been conducted." (pgs. 34, 44). A second VC report indicated that their troops were wearing red arm bands resolving to avenge the Son My massacre (pgs. 9, 19, 44). BLACKLEDGE did not know if the other reports similar to the VC propaganda were passed on to the brigade commander (pg. 54).

b. Vietnamese investigations of the VC propaganda report.

Vietnamese channels investigated the matter after receiving the propaganda reports and their investigation determined that nothing unusual had occurred or if civilians had been unavoidably hurt, the VC blew it up all out of proportion (pgs. 11, 12, 44, 45, 49). These propaganda reports should have been forwarded also to division headquarters from province headquarters by the division liaison officer at Quang Ngai (pg. 50).

c. TAN's report.

Lieutenant General PEERS introduced a document from TAN, the Song Tinh District Chief, to the Quang Ngai Province Chief, dated 28 March 1968--BLACKLEDGE had never seen this document (pg. 46).

d. HENDERSON's report of 24 April 1968.

BLACKLEDGE had never seen HENDERSON's written report (Exhibit R-1) (pgs. 10, 42, 45), but he thought he had seen something similar to Inclosure two in letter form carried into the LZ by Vietnamese children (pgs. 11, 12, 54). BLACKLEDGE did not know that another investigation was to be conducted subsequent to HENDERSON's initial one (pg. 47).

e. BARKER's after action report.

BARKER's after action report looked familiar to

BLACKLEDGE (pgs. 31, 32). The inclusion of civilian casualties and razing of villages and hamlets would appear to be logically includable in an after action report (pg. 34).

f. Miscellaneous.

BLACKLEDGE was never interrogated nor did he make a sworn statement (pg. 47). He never saw a report from the village chief to the district chief concerning the killings of noncombatants at My Lai (pg. 45).

6. OTHER INFORMATION.

a. HAEBERLE's pictures.

BLACKLEDGE had never seen Exhibits P-2 through P-25 except for Exhibit P-15 and P-16 when they appeared in Life magazine. In Exhibit P-22, he recognized Lieutenant JOHNSON (pg. 14). Exhibit P-25 through P-42, he had never seen until printed in Life magazine.

b. S2 relationship with PIO.

The S2 section had no supervisory control over the PIO section. Normally, BLACKLEDGE would not see PIO pictures as they normally had no intelligence value (pg. 13).

c. Instructions to civilians.

Civilians were instructed not to run when near a U.S. combat unit. These instructions were passed down by the S5 to the District Chief. Leaflets were dropped and helicopter broadcasts were made (pg. 53).

d. BLACKLEDGE's suspicions.

At no time subsequent to 16 March 1968, did BLACKLEDGE suspect an atrocity at My Lai or a cover up. Any discomfort that BLACKLEDGE might have had was remedied by the investigations finding the VC reports to be nothing but propaganda (pg. 49).

e. Miscellaneous.

(1) A number of times HENDERSON had left envelopes with personal markings thereon in the S2 safe. BLACKLEDGE recalled HENDERSON having such material in his safe at about

this time period (pgs. 42, 43).

(2) BLACKLEDGE was sure that he was never told by anyone to forget about this incident (pg. 59).

(3) No information to BLACKLEDGE's knowledge was ever obtained from a PW or otherwise that something might have occurred in My Lai (pg. 60).

SUMMARY OF RECALL WITNESS

WITNESS: BLACKLEDGE, Richard K LTC (Ret)

DATE OF TESTIMONY: 12 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: False swearing

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: S2, 11th Infantry
Brigade, Americal Division.

1. VC PROPAGANDA REPORTS.

a. Initial report.

Lieutenant Colonel (Ret) BLACKLEDGE believed that he received the initial VC propaganda report of 400 to 500 people being killed in his distribution box (pg. 65). However, at about the same point in time Vietnamese children brought a propaganda leaflet to the LZ (pg. 76). If received in the former manner, it came from the 11th Brigade liaison officer at Quang Ngai or through normal distribution (pg. 65). The liaison officer was Lieutenant MARTEEN or Warrant Officer FOSTER (pg. 69). He did not recall which source the propaganda was acquired from in Quang Ngai (pg. 70). These reports were prepared in Quang Ngai (pg. 65). Even though he routinely received great numbers of VC propaganda leaflets alleging U.S. atrocities, he took this and a second similar report to Colonel HENDERSON because this was the only time the VC stated the time and place. In that manner the propaganda was extraordinary and his decision was to inform his commander of it. He also knew that U.S. units were in fact in the area at the time the events allegedly occurred (pg. 88). He did not take the reports to HENDERSON because there was an aura of concern about the 16 March 1968 operation in brigade (pg. 88). The Census Grievance Report of 18 March was not a document that he forwarded to HENDERSON. The report he received was not

nearly so detailed. On calling this to HENDERSON's attention, HENDERSON said, "Yes, division knows about this and they are checking into it" (pgs. 67, 78). G2 at division would have received a copy of the same report from Quang Ngai since division would have a much closer liaison than brigade (pg. 69). He never discussed the propaganda or the low weapons to body count ratio with anyone except HENDERSON because HENDERSON said division was aware of it (pgs. 72, 78). He never thought to query Lieutenant Colonel TREXLER, the division G2, to determine what information he might have after HENDERSON said it was being looked into (pg. 79).

b. The subsequent document.

About one month later, they received another report. HENDERSON was again informed. He told BLACKLEDGE that the Vietnamese had investigated the allegation and found no truth in it, i.e., that the allegations were no more than typical VC propaganda (pgs. 70, 71, 92). BLACKLEDGE never went to Quang Ngai with HENDERSON and Major MCKNIGHT to discuss the subject with General TOAN. He also did not recall ever discussing it with Major EARLE, the 2d ARVN Division G2 advisor (pg. 81). BLACKLEDGE believed that when he first informed HENDERSON his leg was not in a cast, but the second time it was (pg. 73). Exhibit M-35, a VC propaganda leaflet was shown to the witness. He stated that he had never before seen that exhibit.

2. HENDERSON-MEDINA MEETING NEAR MY LAI (4).

Although unsure of the date, BLACKLEDGE flew to the field with HENDERSON and was privy to the discussion HENDERSON had with Captain MEDINA (pg. 74). BLACKLEDGE's thoughts were that HENDERSON was assuring that only VC and not women and children were included in MEDINA's body count (pgs. 74, 121). It did not appear that HENDERSON was questioning to discover that women and children had been unnecessarily killed (pg. 74). However, HENDERSON was not asking MEDINA questions for the record. They were described by the witness as "piercing, penetrating questions that I felt were the kind of questions that a brigade commander would make if he was genuinely concerned and wanted to make sure things were done on the up and up." (pg. 123). MEDINA reported that his statistics had come in to him from the platoon leaders by radio (pg. 123).

HENDERSON asked if there were any bodies nearby that he could inspect and MEDINA said, "No" (pg. 124). BLACKLEDGE never did learn that the 20-28 Vietnamese civilians reported as "hit" by MEDINA were in fact dead (pgs. 113, 115). BLACKLEDGE did recall that something was mentioned concerning medics (pgs. 114, 115). The witness related that this was the only time they ever went out on the ground to talk to a company commander during an operation, i.e., smoke was still in the air and a place was cleared.

3. HENDERSON'S REPORT.

BLACKLEDGE initially claimed that he had never seen Exhibit R-1, a true copy of HENDERSON's 24 April 1968 report, except when he previously testified before the Peers' Inquiry (pgs. 79, 80). However, on being shown Exhibit R-5, a carbon copy of HENDERSON's original report, he identified the initials on Exhibit R-5 as his own (pgs. 82-84). The witness continued to testify that he did not recall ever seeing the document (pgs. 83, 84). He also denied having anything to do with the preparation of HENDERSON's report or the investigation. He did not recall HENDERSON asking him to have his letter typed or handing the handwritten draft to Sergeant GERBERDING to type (pgs. 83, 86). BLACKLEDGE asserted that if GERBERDING claimed to have typed the document then he did (pg. 83). BLACKLEDGE did not dispute GERBERDING's testimony regarding the manner in which Exhibit R-5 was prepared (pg. 84). BLACKLEDGE could not recall a letter from General KOSTER, the CG, concerning the subject matter of Exhibit R-1 (pg. 83). BLACKLEDGE opined that the draft was given to him by HENDERSON and he in turn handed it to GERBERDING for typing without ever looking at it carefully (pgs. 84, 85). However, since the letter or report was addressed to the division CG, BLACKLEDGE admitted it is very likely that he did read the finished product before giving it to HENDERSON (pg. 89). He defended his earlier testimony of not having ever read or seen Exhibits R-1 or R-5 by pointing out that HENDERSON's report in essence states and corroborates exactly what he had testified that HENDERSON had told him (pgs. 84, 85). He discounted the possibility that he was confusing what he had read with what HENDERSON had told him (pg. 89). Even though HENDERSON told BLACKLEDGE that he had spoken personally with the district chief about the propaganda allegations, BLACKLEDGE at the time thought that division was conducting

an investigation separate from HENDERSON's. Even when he saw Exhibit R-1 in December of 1969 at the Peers Inquiry, he thought it was a "feeder" to the division investigation (pgs. 89, 90). Exhibit R-5 did in fact have two inclosures when it was sent to division (pg. 86). However, the witness had no idea as to how Captain RODRIGUEZ's signature was removed from the inclosure to Exhibit R-5 (pgs. 94, 95). BLACKLEDGE did not remember the report being forwarded in an "eyes only" envelope (pgs. 86, 87).

4. HENDERSON's SECRET FILE.

HENDERSON kept his personal documents in a large manila envelope which was placed in the safe next to GERBERDING's desk. HENDERSON took the envelope out periodically to do additional work. It became about one-half inch in thickness. BLACKLEDGE never inspected its contents. HENDERSON informed BLACKLEDGE that the envelope contained his private papers (pgs. 96-98). The witness did not recall when he last saw the envelope. BLACKLEDGE was transferred in early July of 1968 (pg. 100).

5. OFFICIAL BUSINESS RECORDS AND OTHER REPORTS AND INQUIRIES.

a. BLACKLEDGE could not explain why item 61 of the 11th Infantry Brigade journal of 16 March 1968 carried as a WIA the individual who shot himself accidentally in the foot (pg. 108).

b. BLACKLEDGE explained that he did not report the fact that 30 to 40 VC had left the village prior to the assault in the 11th Brigade's intelligence summary because he did not feel it was sufficiently significant. It was noted that the individual prisoner interrogation reports which the division G2 received would have listed this information (pgs. 109, 110).

c. He did not recall LUPER investigating the report that artillery killed the civilians (pg. 115).

d. The witness was unaware that instructions were sent down by brigade to Task Force Barker to determine how the civilians were killed and wounded (pgs. 124, 125). However, the nature of the casualties reported by Task Force Barker was questioned at division level (pg. 125).

CONFIDENTIAL

(BLACKLEDGE)

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SUM APP T-4

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
D-12	III MAF Instr. 5830.1A	Wit did not recall a serious incident report going to III MAF informing them of the 20 civilians killed on this or other incidents.	129
D-14	Americal DIVARTY ltr.	Wit did not know of an artillery incident report being conducted in this case and in many others there was no investigation.	128
M-29	TAN's ltr to KHIEN, 11 Apr (trans) (Son Tinh Dist).	Witness did not recall having ever seen.	90
M-30	Statement of RODRIGUEZ	Wit had never seen and had no idea as to how RODRIGUEZ's signature was removed from inclosures to R-5.	94,95
M-31	Census Grievance Report 18 March 68	Witness had never seen.	67
M-32	TOAN's directive to investigate	Witness had never seen.	92
M-35	VC propaganda leaflet	Witness had never seen.	77,78
M-36	Memo for DC, 2d ARVN Div, 12 Apr 68	Witness had never seen.	78,91, 92
M-46	11th Bde Journal, 16-19 Mar 68	Witness was shown items 39, 61, and 108.	108

(The hearing reconvened at 1452 hours, 3 December 1969.)

MR WEST: The hearing will come to order.

RCDR: The following named persons are present: MR WEST, COL MILLER, COL WILSON, and MAJ LYNN.

MR WEST: Let the record reflect that General PEERS excused himself to see the Secretary of the Army.

Just before the recess concluded we were cautioning Mr. THOMPSON. Mr. THOMPSON has been excused temporarily, and we will resume his interrogation at a later date.

Major LYNN, do we have another witness?

RCDR: Yes, sir, the next witness is Lieutenant Colonel Richard K. BLACKLEDGE.

(LTC Richard K. BLACKLEDGE, , 500th Military Intelligence Group, APO 96558, Hawaii, was called as a witness, was sworn, and testified as follows:)

MR WEST: All right. Colonel BLACKLEDGE, as you know this investigation is being conducted by General PEERS. He is absent temporarily to see the Secretary of the Army. He has asked me to begin the interview with you. I hope he will be back soon, but temporarily we will go ahead with it. Now before we proceed with any questions there are several matters that I should speak to you about.

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:

(1) the adequacy of prior investigations, inquiries, interviews, and subsequent reviews of 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 and withholding of information by any person who had a duty to report, that is, furnish information concerning this incident.

Now, this investigation is not being conducted

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to investigate all facts and circumstances as to what happened at My Lai. It is directed for those specific purposes for which I just stated.

I have had made available to me and reviewed prior official statements of other official investigations of the My Lai incident, for example, an investigation conducted by Colonel WILSON from the Office of The Inspector General.

Your testimony will be taken under oath. A verbatim transcript will be prepared. But at the same time we are making a tape recording that is in addition to the notes being taken by the reporter.

Although the general classification of the report will be confidential, it is possible that testimony or parts of it may later become a matter of public knowledge. As I have said, the investigation is being conducted by General PEERS. He has authorized us to ask questions. I will ask you most of the questions, but Colonel MILLER and Colonel WILSON may also ask questions. It is going to be General PEERS' responsibility as to the findings and recommendations.

In behalf of General PEERS, you are directed not to discuss your testimony except in the performance of official duties which may be required of you before a competent judicial or an administrative body.

Do you have any questions at this time?

A. No, sir. I understand you, sir.

Q. In hearings of this type, it is appropriate, if the witness is suspected of anything, to inform him of his rights concerning entitlement to counsel, so if you are not in this area we will go on. We are not going to go into that.

If you please, when you respond to questions, will you be sure that the reporter hears your answers, and if you do that, the rest of us will be able to hear you very well.

Directing your attention to the 16th of March 1968, would you tell us what your duty assignment and location was at the time?

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A. Yes, sir. I was the S2 of the 11th Light Infantry Brigade and we were located at that time at a place called LZ Bronco located at Duc Pho in Vietnam.

Q. Who was in command of the brigade at that time?

A. The commander was Colonel Oran K. HENDERSON.

Q. Did you have an executive officer at that time?

A. I'll have to think about that for just a moment. He had been the executive officer or the deputy commander himself up until the day before that, and when he stepped up I'm not sure just at the moment who stepped into his place as the XO. It just doesn't occur to me.

Q. Well that's all right. How about the S3?

A. The S3 was Major Robert MCKNIGHT.

Q. Are you familiar with the combat sortie they call Operation Task Force Barker that took place in the Quang Ngai area around the hamlet of My Lai (4) on 16 March 1968?

A. Sir, I am somewhat familiar with the operation. I am familiar with the intelligence which led to the operation. I didn't even know the whole task force--that something was Task Force Barker because the commander of it was Colonel BARKER--because it was not a regular battalion. We took one company from each of the battalions and formed this task force. The name of the operation I did not know.

Q. Where were you on the morning of 16 March 1968?

A. I was at my office at Duc Pho doing my normal duty as brigade S2.

Q. Were you in the field any on that day near the operation?

A. I was. The brigade commander, at some point in the day--I don't now remember exactly what time of the day it was--came to me and said that he wanted me to accompany him on a trip to the field. Since I don't get enough opportunities to get to the field as it is, I jumped at

the opportunity. Of course I went with him.

Q. What day was this?

A. This was the 16th of March to the best of my recollection. Shall I continue?

Q. Go ahead and tell us what you did.

A. I don't recall who else was in the helicopter. I do know that I accompanied him, and I have been told that there were certain other people there, but I have no confidence any longer as to who they were. We went north to the area where the operation had taken place, about a 15 or 20 minute helicopter ride, and at some point in the flight he made contact on ground with the company commander and requested that the company commander secure a place for a helicopter to land and to pop smoke indicating where the area was and that it was secured. I monitored his end of the conversation. Purple smoke was popped and I saw that, and we did immediately descend and landed in a small, what appeared to be a tilled field perhaps 100 feet by 100 feet with hedgerow all around it. There were soldiers at irregular intervals around the perimeter of the field and about in the center, Captain MEDINA and his radio operator were stationed. As soon as we jumped out of the helicopter, the helicopter immediately rose and got out of the area since it was, according to the company commander, not particularly secure. I did not hear any firing during the time we were on the ground at all.

Q. All right, would you fix the time of day on this approximately?

A. I would have to say, sir, it was probably sometime between 1000 and 1400. That's about as close as I can get. I know it wasn't the very first thing in the morning, and I know it wasn't very late in the afternoon, so that's about as close as I can approximate it.

Q. To the rear of you there, is a large scale map (Exhibit MAP-1). It shows the assault area. Would you indicate on there about where you landed when you sat down by Captain MEDINA?

A. (Standing by the wall map) Here again, sir, I'm not certain that all the time we were on the ground--however,

I got the feeling that having gone over where we saw the burning huts and so on that we are back in this direction and landed perhaps in here someplace.

MR WEST: Let the record show that the witness pointed to an area about 1,000 meters north My Lai (4).

Can you read the coordinates there?

A. We were away from this water here--I have to get myself back over here--about 705 or 805.

Q. All right--

A. (Interposing) Shall I continue, sir--

Q. (Interposing) To refresh your memory was Major MCKNIGHT with you?

A. He was not, sir. I am almost certain that he was not.

Q. Go ahead and tell us what happened.

A. I would like to say at this juncture, a year and a half later, after you have taken a number of these flights, one sort of blends in with another, and you have quite a difficult time thinking back and saying, "Yes, this is the same flight," et cetera. The only thing that makes this particular flight stand out so clearly in my memory as opposed to all others was really the conversation that took place once we got on the ground. I'll just proceed with that. As soon as we got there, Colonel HENDERSON started speaking to Captain MEDINA. The aircraft had departed, and the first thing he discussed with him was the security around the area and in the immediate vicinity and was told there had not been any firing and it was relatively secure. Of course we really never knew from one moment to the next. He then launched into a discussion of the reports that he had been receiving concerning something like 128 casualties, enemy casualties from this task force, of which a large portion were allegedly caused by C Company, Captain MEDINA's company. I don't recall how the number 128, which sticks in my memory, was attributed to C Company. My records are gone now. However Colonel HENDERSON was particularly interested in the character of these casualties. He wanted to know if they were military-age males and if any females were among them,

if there were any children among them. And at that point Captain MEDINA indicated that there had been some few civilian casualties perhaps caused by artillery preparation or even during the combat, but these were no more than the nominal few that were unavoidable in this type of operation where the enemy was attempting to infiltrate the civilian populace and that his people were doing everything in their power to avoid further casualties, and that they were taking appropriate action to give succor to the wounded and so on. Colonel HENDERSON asked him whether he had personally seen any of the casualties, and my recollection is that Captain MEDINA indicated at that point that he had seen very few or none at all. I don't remember what he said. The tenor of the conversation was that he had to be where he could control his platoons and was therefore unable to see what each of his platoons was doing, but that he was getting what he considered valid reports, accurate reports, from each of his platoon leaders. Colonel HENDERSON asked him if there was any bodies nearby that he could inspect. Captain MEDINA told him that there was none in the immediate vicinity--there was none where he could take the colonel to without having to call back on one of his platoons or get additional security forces. The colonel pursued this matter of noncombatant casualties to the point where I felt it to be a little unusual. I should say at this point that prior to going out with the colonel, I was not aware of any kind of incident which was other than normal combat operations, and I felt that his conversation at that time was an effort to make sure that the reporting figures were accurate. As you know, a body count appears to be a way of life in Vietnam. For one thing, higher headquarters will question, "Is this an accurate body count?" And since this body count of 128 was so much out of line with what was normal I felt that perhaps that higher headquarters had questioned that figure and that we were perhaps on the ground there to reassure ourselves that the reporting was correct. In retrospect, Monday morning quarterbacking, it now appears that he was investigating more than what I thought at the time.

Q. Have you received any, or heard any, rumor at all about unusual numbers of noncombatant civilians being killed in and around My Lai (4) before this? Before you went with the colonel?

A. I have not, nor had I directly afterwards. There was an everyday occurrence in the brigade where people

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were enjoined to watch out for the civilians. Try to take care of them. Don't let them get in the way. It's better to hold your fire than to hurt a civilian. And I know from talking to many other company commanders, and so on, that many weapons-carrying VC were allowed to go free because of the fact they mingled with civilians and couldn't be extracted from them.

Q. About how long did this conversation with Captain MEDINA take?

A. I would say something on the order of an hour or less was the entire time we were on the ground, and all of that time was not directed to this particular point. I'm sure that we had other questions as to "How are your platoons doing?" and "Are your maneuvers correct?" and et cetera and et cetera.

Q. Did you make any on-the-ground inspections in My Lai (4) hamlet?

A. We did not. We never moved out of that potato patch. We went back into the aircraft there and departed the area. The only other inspection that we made of the area was from the air. We just made several circles from the air.

Q. Of the village?

A. Of the entire area. I would say that we were flying at the minimum altitude, about 500 feet.

Q. Did you observe anything of interest?

A. I noticed that there were quite a few huts burning, and this was not too unusual. Most operations of this sort we have a few huts; but this one we had more than the normal number of huts burning. It appeared that just about every one in the area was afire.

Q. As I understand from Colonel HENDERSON, Colonel HENDERSON was asked if there were any bodies that he could see. Did you ever observe any bodies from the air?

A. I did not.

Q. How long did you observe in the air before leaving?

A. I would say we just made perhaps at most four or five circles of the entire area, and I would say this could be done in a helicopter in 15 or 20 minutes.

Q. Did you go back to Duc Pho?

A. We did. I'm not really sure in my mind whether we made a stop at task force headquarters or not. Here again, I have difficulty because we did make a number of flights during several months and sometimes we stopped off before we went to the field and sometimes we stopped off afterwards. In this case I believe my statement--that we returned directly--that's my best recollection; I just don't remember stopping.

Q. Were you back up in this area again during the operation?

A. Well this was a continuing operation so--

Q. (Interposing) Well, I mean the 16th, 17th, or 18th?

A. No, sir, I might have been up to the task force headquarters but not into the field. We had an OP Uptight up here that we stop at from time to time and LZ Dottie where it might be here (indicating on wall map) someplace. Let me do this again--I'm with it now--here we go--

Q. (Interposing) You are not back in the AO for this operation?

A. No, sir, we flew over this on our way to division headquarters at Chu Lai.

Q. I see. At any time later now did you hear anything concerning killing of civilians in large numbers at My Lai (4) during this operation?

A. Yes, sir, the first time that I recall receiving such a report was perhaps a month later. You'll have to give me a little leeway on this. I judge it to be about a month. I'm not sure which was the first report, but the two that stick out in my memory, were one--and these came through Vietnamese channels by the way as did hundreds of reports that we received. I would get stacks of reports I would say an inch or two thick to go through every day. One of these suddenly popped up and indicated that the VC in this

particular area were publicizing the fact that hundreds, it went up into 400 and 500 people, had been murdered in this area. This was not an usual report. There is an awful lot of VC propoganda that goes on but this appeared to be a little more outlandish than the rest. It appeared to be on a little different tack than the rest. I pointed this out to Colonel HENDERSON. I told him that we had a rather unusual report here because it coincided with the time of our operation, and since we did kill 128 VC by the reports that we received at that time, it appeared to me that it was a matter of sour grapes or perhaps more civilians than need be had been killed. But I tended to discount that kind of a figure. It just seemed to be way way out of proportion with 128 avowed VC that had been killed in the area. Still I pointed it out to him. I said, "we've got one here--looks like it's going to be a little tender," and he acknowledged the report and since we knew that division headquarters got distribution of the same reports from the province chief at Quang Ngai, I indicated to him that division would probably be interested in this and he agreed with me. At that point, I think I will go on to the next report which came pretty much on its heel--

Q. (Interposing) Prior to this time had Colonel HENDERSON said anything to you about making a report of the number of civilians killed?

A. I can recall that since this figure was a particularly large one that on the day that we went out there the number appeared to be such that the division was asking about this. So I knew that was one of the things he was checking on. I also knew that division always pressed on the accuracy of our figures. As to the nature of the people, as to there having been a massacre or anything of that sort, there was no mention made. Even after I received this first report, I was still pretty much personally of the opinion that perhaps this was nothing more than a wild report. It wasn't until--

Q. (Interposing) You personally had no knowledge--

A. (Interposing) Yes, sir, there was another report. I'm not sure which one came first, whether the one I am going to tell you about now was the first one that came across the board or the one I just told you about; but this next one read something like this, "Soldiers of the

Viet Cong are wearing red arm bands on which is emblazoned the slogan, 'determined to avenge' or 'resolve to avenge the atrocity', or 'massacre,' or 'murder,'" or words to that effect, "at Son My, My Lai"--I can't remember exactly which hamlet was picked out in this entire village, because the village has a number of hamlets. I believe it was the entire village. This of course--these red arm bands--and here again there was another case where it appeared to be firming up this tendency on the other side to make a political football out of the thing. Also, in my own mind, it began to cause me a little bit of disquiet--

Q. (Interposing) This second thing was directed at My Lai (4)?

A. Yes, sir.

Q. The first was the propaganda leaflets.

A. Here's what they look like, sir. They are pieces of paper 8 1/2 by 10. At the top they would have pieces of information concerning the source of information, reporting the date, the agency that acquired it, a coded name of the agent which acquired it, and so on, and down below there would be a short paragraph telling what this piece of information is. This is done on hectograph, and it is produced in intelligence channels and farmed out to all intelligence agents.

Q. It was a report?

A. It was a report.

Q. And both of these were?

A. To the best of my knowledge, there were one or two after these two which again had the same general tenor that something had occurred there--that civilians had been killed.

Q. I hand you a document that has been admitted in evidence as Exhibit R-1. It is a report which Colonel HENDERSON made to the division commander. I'll ask you if you ever saw that before.

(MR WEST handed the document to the witness.)

A. Even without reading it, I would say that I did not see this report.

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Q. Did you ever see any other report that he made on possible killing of civilians in My Lai (4)?

A. I spoke with Colonel HENDERSON in April about this, and he indicated that an investigation was being undertaken when I brought these reports to him. I don't recall whether he told me this upon the occurrence of my showing him the first report or the second, but he did indicate to me and I understood him to say that division was investigating it. He later relayed back to me, in another conversation, when we discussed this matter again, that the investigation had gone into Vietnamese channels and Vietnamese were looking at this matter and that the district chief and the province chief as well were involved and that they had indicated to American authorities that this was nothing more than VC propaganda and that no more than the normal amount of civilian casualties had occurred, and at the time I believed the report. I had mental reservations since we had many of these operations and we had not been receiving the same kind of reports. We didn't receive the same kind of reports on this one. It must have been a little bit of something because it was a little bit of something different. I seized on that--

Q. (Interposing) There are two inclosures to this exhibit.

A. Shall I read it?

Q. If you will turn over to the two inclosures you might see if you have seen these items before. This one dated the 14th of April concerns the My Lai (4) incident, and the second one is a propaganda leaflet. I wonder whether or not these had come to your attention?

A. No, sir, I don't recall having seen this one. Of course, I was not directly involved in making these investigations. I only heard about it from the brigade commander.

Q. Does the second inclosure look familiar, Exhibit R-1?

A. I have the feeling that this looks something like a letter which was carried up onto LZ Uptight one day by a young boy and girl who said that they had been given the letter by someone else. They came to the wire

and brought it through. And as to whether this is the same letter, I am not positive, but I see some of the same type information is in it.

Q. One headed, "The American Devils Divulge Their True Form." But you didn't furnish this to Colonel HENDERSON that day?

A. No. I'm wondering how I came to see that letter. Of course it came down to us from LZ Dottie. Since LZ Uptight, being part of the Task Force Barker's area, it would have been sent to there, then down to us. What use we made of the letter I can't remember at this time.

Q. Yes. Now did you subsequently receive any reports of some unusual number of civilians being killed at My Lai (4)?

A. As for the direct information that I have--no, until I returned back to Hawaii and spoke with Colonel HENDERSON. Colonel HENDERSON was in Hawaii when I returned in November. At that time we once again discussed the matter.

Q. This was the year 1968?

A. This would be about December 1968.

Q. What was the subject of your conversation at that time?

A. I believe--I'm not sure which one of us opened it, I think it was him. He asked if anything further had come to my knowledge concerning the incident, and I said it did not. Or, it may have been that I asked him and he said that it did not, but we did discuss the matter once again. It was in about that time frame.

Q. How did he refer to it?

A. He once again reiterated that division had required an investigation, and they had done what they could at the time to check it out and that the Vietnamese sources, which were the best they had, indicated that this was not a true fact.

Q. Did Colonel HENDERSON ever indicate to you that

he made or had another person make a second investigation of this incident?

A. No, sir, I had the feeling that the investigation was not being conducted by brigade, but by division. Of course, it's a matter of--if division told the brigade to do it, it would amount to the same thing; but, that was not directed--nor did he ever indicate to me that he was the investigating officer himself. He had the entire responsibility. I knew that he was involved in it. That was why he had the information that he was able to give back to me concerning the report by the Vietnamese authorities. He was being kept informed by the division and by the Vietnamese district chief and so on.

Q. Did he ever mention this at the brigade staff meetings?

A. The incidents?

Q. Yes.

A. Not to my knowledge. That is not to say that he didn't. I just don't recall that he did.

Q. In your capacity as S2 of the brigade, did you have any responsibility for the operation of the PIO Detachment?

A. Well, I'm hesitating because I want to be sure that I had none before I say none. There may have been some security requirement at one time or another but at the moment I can't think of any particular time when we had to put any kind of security. Our operations before they took place were classified. Of course you didn't allow--PIO people didn't come over when we were planning an operation. Once the operation was underway, however, very often the PIO people were out there on the ground with the operation. At that point of the game unclassified--

Q. (Interposing) Did the PIO people report to you?

A. No, sir.

MR WEST: The hearing will be recessed.

(The hearing recessed 1539 hours, 3 December 1969.)

(The hearing called to order at 1540 hours,
3 December 1969.)

RCDR: All persons who were present when the hearing
recessed are again present.

MR WEST: Would you let the record show that General PEERS
has rejoined the hearing and directed Mr. WEST to continue
the interrogation?

I understand the PIO Detachment did not report
to you?

A. No, sir.

Q. Did they furnish you copies of the photographs
that they took in the field as a matter of course?

A. No, they did not. I saw a few photographs from
time to time by going over to where the PIO Detachment was
or seeing the ones that were published in the Americal
publications and that sort of thing, but they were not
customarily processed through me. They were of no
intelligence value normally.

Q. Let me have the photographs please.

(Recorder handed MR WEST the photographs.)

I hand you photographs marked Exhibits P-2
through P-25 and I ask you if you have ever seen these
before?

(MR WEST handed the photographs to LTC
BLACKLEDGE.)

A. I have looked at all the photographs and two of
them look similar to photographs that I saw a day or two
ago in Life magazine--numbers 15 and 16. I'm not sure
that they are the photographs but they are very similar
to the ones I saw in the magazine, and that's the first
time that I saw them.

Q. You have another one there?

A. Yes, because I recognize someone. This individual
right here (pointing), I worked pretty close with him. I
believe that is Lieutenant JOHNSON who was military
intelligence interrogator who was attached to TF Barker.
That is photo number 22.

(BLACKLEDGE)

Q. You do not recognize any from your previous experience?

A. No, sir, aside from what I just said.

Q. Those photographs you saw were taken by Sergeant HAEBERLE, formerly a member of the PIO Detachment--

A. (Interposing) I remember his name--

Q. (Interposing) They were taken in black and white and this set of photographs also was taken by Sergeant HAEBERLE in color. And I hand you photographs which had been marked as Exhibits P-26 through 42 and ask you, have you seen those before (handing the photographs to LTC BLACKLEDGE)?

A. A number of these are in color in the magazine? Aside from that I have never seen them before.

Q. You referred to Life magazine of 5 December 1969. All right, I'll hand you a copy of that magazine which has been marked as Exhibit M-1 and ask you if you will examine the photographs in that article which are in color and with your experience with being in the area--

A. (Interposing) As to whether I think these were taken at that place and time--

Q. (Interposing) Have you seen or observed any of the scenes depicted in these photographs at My Lai (4)?

A. Well, since I didn't ever get to My Lai (4), I wouldn't have seen these and I didn't until I saw them in the magazine. However, the area--based on other times I have been on the ground and been in an area near here-- the rice is growing about the right height for that time of the year and the area looks very much like it. If they had been taken at that place, and it looks as if they could have been taken at that time and place--more than that I can't say about them (handing the magazine back to MR WEST).

Q. We would appreciate it if you could give us a brief rundown on the intelligence situation. It would help us for background even though it is not a direct result of the investigation.

A. Yes, sir. Now you are getting into an area where I am a little more confident. This area had, for some time, not been entered by U.S. troops at all up until the time TF Barker was sent up to this area--

Q. (Interposing) For the record, please, when you identify a place would you point to it?

A. The area directly north of Quang Ngai and the Song Tra Khuc River had not been entered by U.S. forces to my knowledge for some time prior to the time that we were directed to break off part of our brigade and send them north in this area. The area was given the name of Operation Muscatine, and it included about the northern half of Son Tinh District going all the way out to the Batangan Peninsula and also went about an equal distance--perhaps a little more to the west of Highway 1, about in this direction, again not coming down to the river bank but leaving a space about 7 kilometers which was the area of operation of the 2d ARVN Division. This area here was also the area of operation of the 2d ARVN Division. In order for our troops to go in there, we personally had to coordinate with that division and get their permission and get assistance if possible. As I recall when we first started doing these operations we didn't get too much assistance from the ARVN. We got permission without any hesitation whatsoever. For the most part they were glad to see us go out there, but they were not inclined to go there themselves. As time went on, however, we began to secure more and more assistance and cooperation from the ARVN and from the Popular Forces in that area. The enemy units which were suspected of being in this area over a period of time were primarily two battalions: the 48th Local Force Battalion and the 20th Local Force Battalion. This general area, all through here up to the Batangan Peninsula and north to the area directly west of the town of Binh Son, which is the district capital of Tu Cong, was pretty much the AO of these two battalions. They did from time to time move west of the highway and quite a ways out when they needed to resupply and they had been wounded and so on. For instance, immediately after the Tet offensive in February, about a month prior to this, many reports were received that these battalions had both participated in the attack on Quang Ngai City--had been pretty well beaten up as a result of this and withdrawn out to the west, and once they had been there for a while--had time to regroup and regenerate themselves--replacements and so on, then

they shifted back into their normal area of operation. Our troops upon entering this area found it to be more dangerous. We had higher casualties there than we had in our southern AO which started about 10 kilometers south of Quang Ngai City on down to--needless to say our brigade was broken into two parts and the other part was comparatively in a safe area as far as the command in the field was concerned. Operation Muscatine was a much greater source of danger than in the southern AO, and rightfully so. There was a much greater danger of booby traps, sniping, and so on occurring up in the area, and the character of the people was noticeably different. There was less cooperation, less reports coming in from the local populace, greater inclination to be very hard to deal with when people were detained and brought in for questioning and so on. In fact, in this area, detainees would be very much inclined to spit in your eyes, as the saying goes, whereas down south the general individual would be more willing to--docile and accept the fact that he was being held and interrogated--subsequently released if he was innocent. The company commander of the 48th who had the 4th Company-- I don't recall his name, but he was wounded quite severely in the leg in the attack on Quang Ngai--was subsequently pulled back into this area. I just go somewhere in this general direction because it was somewhere in this area right here (indicating on map)--

Q. (Interposing) West of My Lai??

A. According to his own statement, right. However, over a period of days he continued to lose blood and felt that he was going to die if he didn't receive medical care. He turned himself in to the authorities, and he was subsequently interrogated and then his report crossed our desk. He indicated his battalion did operate in this area for the most part and then he went down through the organization of the battalion and indicated that his company was a support type company, transportation and that sort of thing. He had one platoon which was entirely women. A female transportation battalion. He also indicated that he had information that would be valuable to us as a result of that, we went to the hospital west of Quang Ngai City where he was being taken care of and asked him if he would be willing to go out to the field to show us the area where his battalion was operating. He was willing, but he exacted a promise from us that we would see to it that his family was forthwith transported to Quang Ngai City

to a secure area and that he not be required to go out into this area without being properly protected. I recall that he was being carried around by TF Barker since he had a bad leg. I believe he had to be transported on a litter. That's what I was told. But he did show us many of the routes which were right in the streams which is something we hadn't known before--that the battalion was using one of the streams for egressing in and out of the area--moving right within the water itself. This was good information for us. He showed where some of the towns were that they stayed in at night, showed that they move just about on a daily or more often basis. Other reports we had, even from our own troops, were that they were finding multi-level tunnels in the area, and this indicates that the enemy has had a long period in the area and much more than they had in any of the other areas. This particular area, and more so up in here along this rocky promontory here--there is another village right up in here which was heavily fortified also. Some tunnels were found which appeared to go for several kilometers, false walls, and again a multi-level. Even when considerable explosives were used to destroy them it was never felt they had been completely destroyed.

Q. How about My Lai (4)? Was it well fortified?

A. Sir, I can't say that it was more so than the rest of the hamlets around there. Every hamlet--not only in this area but elsewhere as well in our area of operation--they had one thing in common and that is every single house had its own little bomb shelter. The people that were living in the house would just dive down into a hole that went off from one of these rooms and get pretty much underground. This was normal. This was called the family shelter. What I'm talking about--it was down in this general area but I couldn't pin it down to My Lai (4), but we found hospitals and that sort thing in the area which indicated that there is a little bit larger occupation by large size units than was normal in most of the hamlets.

Q. It was definitely VC area then?

A. There was no doubt about that.

Q. Let me ask you about the body count procedures in the brigade.

A. Yes, sir, I'll go through that with you. At brigade level our body count input was coming in from the battalions and from TF Barker. They came in on an as-happen basis. You might say throughout the day or night and whenever enemy were killed it was reported through these channels to us. Of course we had other units as well. When our brigade aviation killed any people they reported it to us. Cav troops, they reported. Long range patrols, or base security, or any of these other various elements which did come in contact with the enemy from time to time made such reports, and we credited them with enemy killed. An individual was classified as enemy if he ran. There were many, many proclamations made throughout the countryside, I guess hundreds of thousands of leaflets telling the people if we were to come to the area for heaven's sakes don't run because we would not harm the civilians. We were looking for the VC only. There was no way of telling who was VC and who was not, and if they ran, they immediately made themselves suspect, possibly subject to being fired upon. Even if they did run, our troops were ordered to try to fire in such a way that the people would stop--not to hit them but to cause them to indicate that they were under conditions where they could be hit if we so desired. This was effective in many, many instances by firing near someone and telling them to stop and subject themselves to being talked to. However, once a person was shot and he was gotten to by our forces and he had no weapon, then we had to go into other means to determine whether he was VC or not. Sometimes we used Vietnamese to make the determination for us. Then again we have to go back to district headquarters to see if the individual could be identified. If he could be identified they would look on their rolls and sometimes we would be able to look on our rolls and determine whether he had a position in the VC structure, and quite often this was the case. We could determine if he had a weapon. Of course, this was no problem.

Q. So, sometimes it was difficult to say whether he is a noncombatant--

A. (Interposing) There is a certain amount of difficulty, and I do feel that sometimes really it's a matter of judgement. It is impossible to say absolutely sure that the person was or was not VC.

Q. How much emphasis was attached to body count in the brigade?

A. I would say this, that a lot more importance was attached to it at platoon and company level than it was at higher levels--perhaps at battalion level but at brigade level many times I heard the brigade commander say that the body count was not being contested. The test was whether we win the war or not. In his opinion, as in mine, whether the people started to cooperate with us and by the degree of cooperation, we knew whether it was real or not.

Q. Was the body count regarded in the smaller units as the measure of success of the operation, would you say?

A. Without trying to pin it on any particular unit, this may be a Vietnam-wide syndrome. Many, many people equate body count with success.

Q. To your knowledge did the brigade ever investigate war crime incidents?

A. As far as a friendly war crime incident, there was one incident that I recall. There was a man named HENDRICKS. I don't know whether this is considered a war crime, and it was so tried I believe. This man was--

Q. (Interposing) Tried by court-martial?

A. I believe he was.

Q. What was the conviction? They were friendlies and not VC?

A. They were friendlies. This guy went off his rocker and just flat shot them.

Q. Are you familiar with any directives that were in force concerning investigating and reporting war crimes?

A. Perhaps I need to get my thinking in line to just what constitutes a war crime.

Q. Let's just take an example. Suppose you are in a hostile area and the people in the area are clearly VC sympathizers--the whole village. And all are actively supporting the VC, supporting them. They can be classed as enemy, broadly speaking, yet some of these are noncombatants not engaged in any hostility at all, and these noncombatants are protected under the Geneva Convention. If they are

killed it could be classified as a war crime. There can be other mistreatment of noncombatants who are citizens of a country engaged in hostility. This is the sort of thing. Are you familiar with any directives on that subject in the brigade.

A. Aside from the fact that we put out directives which were local, and division did as well, reiterating the prohibition against injury of noncombatants and explaining in detail how they were to be treated pursuant to the Geneva Convention and with the laws of land warfare. We considered it to be a part of our civilization as far as treatment is concerned. Without getting into anything like that. I know this was continuous. The word was in writing. In some cases they were done by letter and other types of directives.

Q. I take it then that instructions were out? Treat noncombatants properly; not to harm them whether they are classified as VC or not?

A. Yes, sir, but I feel I would have to say this: Sometimes they were harmed whether we wanted to or not. I will give you an example: a night ambush with people coming down the trail and there was not supposed to be anybody on the trail that night; some of them look like they have weapons, like they are carrying something else; and a fire fight breaks out; and in the morning you go over to the area where the enemy was seen and--whenever you can get to it--and discover that some of the people that you hit were women; and some of the women were carrying babies; and both women and babies are dead.

(IO reenters to room.)

Q. For General PEERS' benefit I would like to take you back from the time you sat down in the helicopter with Colonel HENDERSON. Would you please again go through and repeat your statement of the conversation that took place between Colonel HENDERSON and Captain MEDINA.

IO: If I may, I would like to back up one step further. I don't know whether you have already done this Mr. WEST, but I would like to go back to the meeting between Colonel HENDERSON, and Mr. THOMPSON, and General YOUNG. That particular time frame back at LZ Dottie. Have you covered this?

MR WEST: Colonel BLACKLEDGE, would you indicate whether you were present at that meeting?

A. Sir, I may have been with him but, if so, first of all I don't know Mr. THOMPSON. I don't believe I heard the name before, and General YOUNG I knew of. He was the assistant division commander, and I do recall on occasion having been with the general at the same time the general was at LZ Dottie. But on that particular date as I've pointed out to Mr. WEST, I honestly don't recall if that day we left brigade headquarters and went straight to the company area and picked up from the company area or whether, as we very often did, drop off at LZ Dottie either on the way in or on the way out. If we did drop off, rather than staying with the colonel, I probably would have gotten with my opposite number at the task force S2 to discuss with him the enemy situation in the area at the time and therefore would not have monitored his conversation on that occasion. He would call me whenever he would be ready to move again, and I would rejoin him and then we would go. This is the normal course. He would speak with the commander and I would speak with the S2.

IO: Do you know the time of day that you went to see Captain MEDINA with Colonel HENDERSON?

A. Sir, I don't. I can only say that my feeling is it was somewhere towards the middle of the day. It was either late in the morning or early in the afternoon. I have this feeling that I recall that I was already at work when he called me to go. This would indicate that, together with the time we normally started to work in the morning and the time he normally went out to his helicopter, was, at the very minimum 0900, but probably 1000 before we ever pulled out for LZ Bronco heading north. Since it was quite light after we made the entire trip, I feel that it was not late in the afternoon. So I zero it somewhere towards the central part of the day. That is as close as I can get.

Q. Then to the best of your recollection you either went to C/1/20 or you stopped by LZ Dottie and do not recollect stopping?

A. I don't remember stopping. In my previous statement I just said that we went out to the company and then we returned to LZ Bronco. I only want to point out that I don't want to say that we didn't stop. I don't even recall that we did at all that day.

Q. Let me check just a moment here before we get

down to the others. We are referring to the 17th, is this the correct date?

A. I believe it was the 16th, sir. I would say this. It was a day on which this operation that we are talking about took place. Here again I'm only zeroing on the 16th because that is my best recollection, especially in view of the reports I received a month later. I zero them in as the 16th. Since I know we went out to talk to Captain MEDINA while the operation was going on I thought it was the 16th. As a matter of fact I'm not positive that it was not the 17th if the operation went over more than one day. I don't recall that.

MR WEST: For your information, Charlie Company was in there two days. They lifted late in the afternoon of the 17th.

A. It may very well have been the day we went out there was the 17th and not the 16th. I do know this: the company commander was not located with his company. He was in--in the immediate area where he was, in his statement to the brigade commander at that time, he had just a minimal security around him--his own CP there, and his platoons were at quite some distance.

Q. Would you point out again the location of the CP at the time where you conferred with him in relation to My Lai village.

A. (Standing by the wall map) I estimate that we were up in this area. I knew the action was taking place generally to the southeast, so I place our location on this side within a kilometer or so. I couldn't get much closer than that. I really was given no opportunity prior to the time we were going up to know where we were going. The colonel just said, "Come with me; I am going to take you out in the field." We jumped in the chopper and we circled around in the air while he called down on the radio to the company commander, asked him to secure an area where we could land and asked him to pop smoke.

Q. Let the record show that the witness indicated the the same points he had located before, Captain MEDINA's CP.

A. Purple smoke was popped. We landed right next to it. The helicopter immediately departed, and we were down on the ground. In fact everyone there was down on the ground.

No one was standing up walking around. We laid there in the dirt while the colonel and company commander had a discussion. I had no part in the conversation except for a couple of questions about the enemy situation. I don't think I said more than a couple dozen words during the entire half hour that we were on the ground.

IO: Did Colonel HENDERSON ever tell you what he was going there for?

A. No sir, he did not. Since I was taken out by the brigade commander from time to time to familiarize myself with the terrain a little more and to get closer to where the intelligence was coming from, to talk to some of the troops on the ground sometimes, to look at documents which had been policed up right on the ground, to see which ones appeared to me to have more value than others which should be given precedence in processing and so on. I didn't go out that much. I would say that I went out into the field like that perhaps no more than a dozen times in my whole 6 months or so when I was with the brigade. I did most of my work in my office. I did go to division headquarters--I did go to the TF Barker headquarters quite a bit. I would go down and talk at the battalion level at the battalion S2, but to actually go out to a rifle company, no I didn't do that very often. In this case it was unusual to ask me to jump in the chopper and go out with him. I didn't really know why we were going, and he didn't discuss it with me any more than to indicate that he had some questions as to the figure of 128, that we were going to check that out. I really felt that all the time during his questioning of the company commander he was trying to verify that there had been 128. I believe the figure 128 came from the task force as a whole and that no untoward number of noncombatants had been harmed and if so, that they were being properly cared for if they had been inadvertently hit.

Q. Was anybody else interviewed at that particular time aside from Captain MEDINA?

A. Sir, to my knowledge, no. We just went over and talked to him, and we were in a field about 100 by 100 meters or maybe a little smaller, and troops were all around sort of a hedgerow around the edge of the field and in the center--right where we landed--we probably went 25 meters from where we landed over to a little hump. The only people there besides us--we waved off the chopper--was Captain MEDINA, and I'm pretty sure his radio operator. There were soldiers not too

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far from us but I don't recall any questions being directed to them by the brigade commander.

Q. Was B/4/3 in the same area?

A. Yes sir, they were in the same general area. Here again I'm not really confident anymore to say just how each company was set up in this operation, but I know that Bravo Company was engaged in from another direction. We normally did this since we had an area of this type where we send in two or even more companies of a force. We had up there three rifle companies, one of which normally secured LZ Dottie and LZ Uptight with a company minus a platoon there and two companies plus perhaps aero-scouts and sometimes a platoon of cavalry or whatever forces could be had. Once in a while we had some from the 4/3 to come over to the task force all in this boundary right along the highway. But over in the area normally two companies plus PF's were employed. We did have some Popular Forces and Regional Force type ARVN people working with us from time to time too.

MR WEST: Colonel BLACKLEDGE, will you tell General PEERS every detail you can remember about the conversation that took place between Colonel HENDERSON and Captain MEDINA?

A. Sir, I was struck by the rapidity with which the colonel immediately launched into rather penetrating questions about the nature of the casualties. The type of questions he was asking went something like this: "Were all of these people that you reported military-age males? Were there any females in there? Were there any young people involved? Were there any children? Were there any old people involved? Are you sure that, reasonably certain that, everyone reporting was in fact a VC? How do you know?" To all of these questions Captain MEDINA answered that to the best of his knowledge they were VC, and, although a few noncombatants had been inadvertently hit, these were no more than normal under the circumstances. I did get a feeling that he had indicated more than 20 people hit, and everything was being done to see that they could be evacuated and given medical care and so on. He indicated that his people had been carefully briefed to insure that they didn't fire at noncombatants and that he felt that the figures that were given to him by his platoon leaders on the radio had been rechecked by him and they were as accurate as he could get them under the circumstances, not being able to get out on the ground to count the bodies himself. Colonel HENDERSON continued to pursue this issue to the point where I

(BLACKLEDGE)

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felt that he was not very concerned about the possibility that noncombatants might have been getting into the line of fire, that perhaps some troops had not been properly briefed; and he wanted to insure that the company commander knew what the policy was and that he was certain the policy was being followed. The brigade commander asked if he could see some bodies and the company commander said there were none in the immediate area, where he was, and that if the brigade commander wanted to see some bodies it was a matter of turning troops around and securing a new area and stopping the operation as it were and reverse it. The brigade commander indicated that he did not want to stop the operation at that point. Being what I considered to be relatively satisfied and assured that the company commander had made all normal efforts to verify the body count--that it was the right kind of body count--we departed the area. I personally left still not aware that an investigation was taking place, if in fact an investigation was taking place, and it appears to have been the case according to what I now read. In looking back on it I can see in my own mind that this perhaps was what was going on, and then I only read into it that we were verifying for higher headquarters that we had given an accurate count of what had taken place and that the brigade commander was assuring himself we were not harming the civilian populace out of proportion due to what has to be expected and its impossible to prevent accidents in this type operation.

Q. Was anything said about Charlie Company making a sweep back through this assault area including My Lai (4) for the purpose of verifying the body count?

A. I don't recall that. Like I said, I have bumped into people who are involved, and this point has been brought up, but I don't recall having heard it. I would have to say no, I don't remember.

IO: Did Colonel HENDERSON talk to Captain MEDINA about the shooting of one woman, or girl?

A. I recall him speaking to him and in the course of our conversation they were talking about shooting a young person, but I didn't hear if it was a female, but I recall that Captain MEDINA said something about seeing a sudden movement and firing as a reflex and later going over and finding that what he shot in the bush was in fact a young person. For some reason or another it stuck in my mind that it was a male, but it could have been a girl. At any rate, I'm thinking in terms of teenagers. The sex didn't stick with

me. He indicated that this was a type of impossible-to-prevent accident which perhaps was occurring elsewhere in the company. People were on razor's edge and they were expecting an enemy battalion. We in the intelligence business had led them to expect it, and this was what they were hoping to find. Otherwise we would not have mounted the operation in that direction. In fact we mounted several operations in the same area whenever we got intelligence that they were there, and I even plotted the pattern of movement of the units. If I saw a pattern developing, if I could see that they were moving from point A to point B, say hamlet A to hamlet B to hamlet C--they did this a couple of times--but if I saw them at hamlet A, I would suggest that perhaps in a day or so if they would hit hamlet C they might come up with something. This is where we tried to out think the VC if they once establish a pattern, and this battalion did establish a pattern of this sort.

Q. When he was with Captain MEDINA, at this company site, did he speak to Lieutenant CALLEY?

A. No sir, the platoon leaders were elsewhere. In fact the entire company was elsewhere with the exception of no more than a squad, maybe two squads. I don't remember it being more than that in the entire area. He himself indicated that it was all he had there, just enough to give minimum security to the area. Again I should say that that was not unusual for a company commander. He just couldn't stay with all of his platoons going in several different directions. He might best stay where he could maintain best radio communications back to his higher headquarters, to the aircraft upstairs, and to all of his platoons. This was the rule rather than the exception for the company commander with this type of operation. Very often, just as it was in this case, none of his rifle platoons were with him. Perhaps what he had was some element of his weapon platoon--

Q. (Interposing) What time of day was this you talked to Captain MEDINA?

A. Somewhere in the middle of the day, sir. There was no firing going on as I recall. I did not hear any shooting. It appeared that a large part of the operation had already taken place. This again caused me to have to rejudge my own thinking whether this took place on the 16th or the 17th. Quite a bit has already occurred and as I think about it it could have been that we were in the middle of

the second rather the first day.

MR WEST: Do you recall any hootches or houses burning in My Lai (4) at this time?

A. Yes, as a matter of fact they were not actually burning, they were smoldering. They had been burning, they were pretty burned down when we went over.

Q. What was your altitude---

A. (Interposing) I'm sure that we didn't get below 500 feet. The brigade commander--in fact we were under orders not to be under 500 feet because we would endanger the aircraft, and the brigade commander thought he would abide by his own regulation.

IO: What was the minimum?

A. 500 feet?

Q. 500?

MR WEST: He has previously testified that he didn't see any bodies.

IO: Did you fly over My Lai (4)?

A. Yes sir, we flew over the whole area of My Lai (4) as I recall, the houses as you show it here--this is more accurate than what was on the map itself in this area right here (indicating on map). This should be generally north to south. This is true of just about all of the maps there. The huts have been torn down, burned down, down again, up again. The maps just don't quite jibe with what is on the ground as far as man made structures are concerned.

Q. Did you see any other villages, or hamlets I should say, that were burning?

A. Yes, sir. We saw smoke in several locations around there. I don't recall which hamlets they were, but I do have a general feeling that we saw smoke in several of them.

Q. Do you know of any orders that were given to burn these hamlets?

A. There were orders given that hamlets were not to

be burned without say so from division headquarters. This was put out by General KOSTER. It was put out in writing and it was put out by brigade and so on. However, there were possible exceptions to this; and that was, if the burning was not started as a by-product of a tracer or smoke or something like that, this was not considered as deliberate or direct burning. Deliberate or direct burning is the type that was precluded. Obviously there was no way of saying, "You will see to it that no huts burn." However, in this area, since they were all burning, this was a little unusual in that the huts were all burning.

MR WEST: (Interposing) We will take a brief recess.

(The hearing recessed at 1638 hours, 3 December 1969.)

(The hearing reconvened at 1643 hours, 3 December 1969.)

IO: The hearing will come to order.

RCDR: All persons who were present when the hearing recessed are again present.

IO: On the 17th you indicated that you accompanied Colonel HENDERSON from Fire Base Bronco, which is your base at Duc Pho, I take it, to the general operational area. Do you remember seeing Major WATKE that morning? Do you know Major WATKE?

A. I do know Major WATKE. I don't recall having seen him that morning. That would be at the brigade headquarters.

Q. Either at the brigade headquarters or at LZ Dottie?

A. Sir, I do not recall having personally seen him on that day.

Q. With respect to the MI Detachment which I believe you controlled, did you receive any reports from them of killings of any variety--unnecessary killings?

A. I definitely did not receive any such reports.

Q. Do you know who from the detachment accompanied this operation?

A. We--because we were a separate brigade and it was difficult to support this operation from such a distance from Duc Pho--we had sent a lieutenant. His last name was JOHNSON, second lieutenant, to TF Barker to be attached and to give on-the-ground coverage interrogation-wise to help the S2 at that location in getting immediate readout of enemy documents and that sort of thing. Lieutenant JOHNSON was attached to TF Barker during this operation. He had with him at least one Vietnamese interpreter from our pool of interpreters. There was also an interpreter who was normally attached to the battalion. We always tried to keep one attached to the battalion. Most of the time there are a minimum of two Vietnamese interpreters with the battalion task force.

Q. Did Lieutenant JOHNSON have any National Police or National Police Field Forces with him?

A. I don't believe he did. I never heard that he did. The National Police would come in to our LZ and they also came into LZ Dottie from time to time and conferred with the S2 and so on down. If they went out on the operation I was unaware of it. They may have. I was unaware of it if they went out. When we were down in Duc Pho our National Police normally did not go out on the operations. They came in and helped identify detainees or helped sometimes in the questioning of the detainees. In fact we had one National Police that pretty much stayed in the compound most of the time. He was loaned to us from the local and district headquarters. He was quite valuable.

Q. What would you have expected to be the normal job of Lieutenant JOHNSON in accompanying this operation?

A. His normal job would be to place himself where he thought there would be the maximum number of detainees so that he and his interpreter would be available at short notice to get the detainees, question them on the ground or to assist the ground units in the pursuit. Being able to ask such questions as which way did they go and that sort of thing. Having someone on the ground that can do this for ground units can very often save crucial minutes and seconds, we hope, in catching the retreating forces. This is the way we had to operate because the VC did not normally want

to stand and fight unless they were on their own terms. When we initiated the combat most times they were not on their own terms. Therefore, we had to chase.

Q. His job then was primarily intelligence?

A. Yes, sir.

Q. If he had observed a war crime, maltreatment of prisoners of war, or a killing of a noncombatant, or an atrocity in any form, would you have expected him to report it?

A. Yes, sir, I expect any soldier to report. I would have reported it myself.

Q. I am speaking only of Lieutenant JOHNSON in his official capacity as an MI officer?

A. What I have to say in my answer I would expect that of him no more or no less than any other American soldier. Of course, as an officer he certainly could be expected to be a little more mature, a little more speedy, and a little more responsible than the average soldier in the field. But in a case of this sort, to my way of looking at it, and I'm sure that this is more or less a universal way to all of us, anything of this nature would have had to be reported by anybody who saw it--and immediately.

Q. I show you a copy of a combat after action report, dated 28 March 1968, prepared by TF Barker of the 11th Brigade. I would like for you to look at it and tell me if you have seen this document (handing the document, Exhibit R-2, to COL BLACKLEDGE).

(The hearing recessed at 1650 hours, 3 December 1969.)

(The hearing was called to order at 1653 hours, 3 December 1969.)

IO: The hearing will come to order.

RCDR: All persons who were present when the hearing recessed are again present.

A. Sir, I looked over this report, and it seems

(BLACKLEDGE)

to be familiar and similar to the kind of information that we put together in our quarterly reports which we forwarded to higher headquarters. I don't know just what the terminology of that quarterly report is. I am trying to remember it. It is an attachment to the report. Normally, if there has been an unusual operation during the quarter it is sometimes attached to these reports as appendages, and I may have read this or similar information in that report, but this does ring of my having read it before.

Q. Would a copy of this report normally have been forwarded to headquarters of the Americal Division?

A. If not, this report certainly is a compendium to this and similar reports as a part of this quarterly requirement which would come through channels. As to another copy which was forwarded to division beforehand, I don't feel confident to say. I think that division was interested in this particular operation and asked for this report. If they had not I think that chances are quite good that it might have gone anyway. It was just a matter of giving them the information. I know if I had been the S3 I would have considered forwarding a copy of it to the G3.

Q. Is it normal that a combat after action report will be prepared covering approximately 10 1/2 hours of operations?

A. No, sir. These were prepared on several other operations to my knowledge. Some of them lasted several days. We had some west of Quang Ngai which were quite productive, and we made special reports on them at the brigade and of course we received feeder reports from battalion that were involved. Again this is more of a matter of recordkeeping--getting information back as carefully as possible. What happened in some of these cases is that, at the time, a continual running report was received. This happened--that happened--this happened--one thing right after another--during the exercise, and then when it was over we would go back and regather the facts, straighten them out if they were not straight, and kind of come up with a final report which was as true as we could get it. From my standpoint the information here in paragraph 12, "Results," was the part I wanted to look over and make sure it agreed with what I already had been given in final reports, and if it did not agree attempt to discover just what had occurred that we had not caught up with. We did this on a number of

these because the reports that I forwarded to the division daily had this same information, and I wanted to be sure that everything jibed together.

Q. You indicated a short while ago in your testimony that some civilians had been killed?

A. Yes, sir. The company commander indicated to the brigade commander--and I believe he used the term hit rather than killed. So this left it really open as to whether they were killed or wounded. And since my knowledge of prior operations had been that when 20 people were hit, the majority of them were not killed--by far the majority were wounded--I applied that same mental rule or guide to my own thinking and came up with the conclusion that of the 20 perhaps a few had been killed and the rest were wounded. That was my own judgment upon hearing the comment made by the company commander without any further knowledge.

Q. You made no attempt to clarify this matter with Colonel HENDERSON?

A. As to how many of the 20 were dead and how many were wounded, no, sir.

Q. I am referring to you as a staff officer to the brigade commander, and you are travelling around with him. It would be quite normal that you would have a conversation with him concerning what you wanted to talk about on the ground, what transpired, and what didn't transpire. You had no conversation with him?

A. No, sir. This is because he did not see fit to tell me what he was doing. What I thought he was doing was verifying these figures of 128 and making sure it was a correct figure. In retrospect, looking back, I see what transpired now. I feel that he had greater emphasis on what he was--that he was digging more deeply than I originally thought. But on that day I thought all he was doing was verifying the figures of 128 killed and also assuring himself that civilians that might have been injured in the combat, unavoidably, were being properly cared for and that the platoons were reporting to the company commander correctly and that was about it.

Q. Did Colonel HENDERSON as a matter of practice not confide in his staff?

A. No, sir. If the matter had to do with a staff member's area of supervision, I felt he confided. At least, I always felt that he came to me and consulted with me on all matters having to do with the enemy.

Q. But he did not consult with you on this particular figure, nor did he discuss with you the discussion he carried on with Captain MEDINA?

A. That's right, sir, and prior to the time we sat down I didn't know what he was going to talk about, and I listened during that time. I did not feel it incumbent on me to continue his investigation for him. I merely listened to the questions that he asked, and it appeared to me that he was quite thorough considering what I thought he was going after to start with, which was certainly not an investigation of an alleged massacre. This was the furthest thing from my mind, and to my knowledge this was the furthest thing from his mind at the time. As I had read reports since then it appears to me that he probably had information which indicated to him that there was something possibly going on that was illegal along these lines. But on that day he never pointed that out to me, nor did he, a month later, when I showed him the intelligence reports I was receiving. He then said that division was aware of the allegations and that they were being investigated. This was a month later that he told me that.

Q. I'll come back to that. With respect to this combat action report, would it not be normal in a combat action report of this category to indicate if any civilians had been killed? Would it not also be quite normal to indicate villages or hamlets which had been burned or destroyed, recognizing the sensitivity of this problem in Headquarters, MACV and III MAF?

A. My feeling is that it would be normal to place that in there. However, I never had the requirement placed on me to prepare one of these reports, sir. I would be asked in a case like this to prepare perhaps the results as shown in paragraph 12 and turn it over to the S3 who would prepare the remainder of the report, and perhaps any additional information which, with the commander's recommendation, I would be asked for that to be placed into the report. I agree that these were the areas that would be of interest at higher headquarters. They would certainly be logical inclusions in the reports.

Q. Particularly from the S2 side?

A. This particular document came addressed to the Commanding Officer, 11th Brigade. At the moment I do not know what happened to this document, whether it was indorsed and forwarded or whether it was incorporated into a subsequent combat after action report of the brigade. It struck me as quite unusual that it did not include any comments concerning civilian casualties except alluding to it in paragraph 15, the commander's analysis. It also struck me as being unusual, the large number of enemy KIA as compared to the weapons count and also the ratio of the enemy to friendly. Would you like for me to comment on those things, sir?

Q. Yes.

A. As far as the S2 being involved in the reporting of the civilian casualties, this was not a normal part of our reporting procedure except when we had to assure ourselves that we did not forward civilian casualties in our S2 reports. In fact, we had to strictly stay away from civilian casualties. This was, however, directly a part of the S5's responsibility. As far as I can recall he was charged with keeping track of civilian casualties and of our efforts to give medical and material support to people who would have been maimed, or injured, or made homeless by a combat action and so on. Aside from my normal personal humanitarian instinct in this matter, I had no staff responsibility with respect to civilian casualties. As far as the reporting is concerned, when I made a report similar to this or made my feeder report to whoever the project officer was who was responsible for making the entire report, which is normally S3, again I would indicate numbers of civilian detainees, numbers of civilians who had been injured and killed and not being detained either by our unit, or any other unit, or any other division. Now, I would like to go to the results of this particular operation. You made several comments which I think I made to myself that there was a disparity between the number of friendly and enemy casualties and also a disparity between the number of enemy casualties and weapons captured. This was not the only operation where we had a disparity between people killed and weapons captured.

Q. What was your normal ratio?

A. The normal ratio, sir, doesn't tell the full story. I don't recall what it was. It was much higher than this, but we captured several very large caches. Sir, if you killed 15 people a day for 3 weeks and take five or six weapons in that whole time and then find a weapon cache with 200 weapons in it, you can see one does not necessarily have any connection with the other, and this was the tenor of our weapons versus personnel killed. We would find that one or two people were killed at a time and all over the place maybe one would have a hand grenade, maybe one would have a weapon, and another would have nothing. Many times people were seen to throw their weapons into the rice paddies. They were seen with them and later seen without them. It was hard to get their weapons. We had a case in this very same area, not more than a kilometer from there, were in pursuit, our troops reported right in the middle of an operation that they had overrun an enemy platoon and were leaping over bodies and weapons and so on. They continued on in this case. They were astride this road right here (indicating on the wall map) coming out of Highway 1, and our operation was headed right up this way. They were taken under long-range fire out in this area (indicating), and as they pressed on they did hit an organized enemy resistance, defeated it, and pursued. By the time they got back, it was just a matter of a very short time later--they didn't have time to pick up the weapons. They were in hot pursuit and by the time they got back they were gone. Many of the bodies were gone, some were still there, but the weapons were gone. And the people of that area--time after time they told us--and many of them had no military function except to move bodies, move weapons. And we found that if we didn't move the weapons right on the spot, we would lose them. Also, if we killed people at any range whatsoever, if we got to where the body was, we found that there had been cartridges all over there, but weapons, no, sir. Many times they even got the cartridges from there.

Q. Are you telling me then that this ratio of 128 enemy killed and 3 weapons would not cause any great undue alarm?

A. It would indicate to the brigade commander and myself that we had been too slow in the operation because we found that if we didn't pursue, as I mentioned, very hotly, then we didn't get weapons. Only when we surprised the enemy or completely surrounded him and he couldn't get

his weapons hidden, then we got weapons. If we didn't do those things, then we normally did not get weapons. This figure, although it was very disparate based on previous experiences we had, would tend to indicate that the troops, as too often is the case because they had to tread through areas which were perhaps booby trapped, were so slow that the enemy had plenty of time to evacuate not only his combat troops, but his weapons. In this case we felt that--at least I felt--that they had caught up with his troops. I am talking about what I thought was the 48th Battalion. I was hoping that this was what we had there. It was supposed to be about 250, and we were to kill as many as possible, and whatever was left, if there were any more of them, removed weapons. This is the way I rationalized or reconciled or thought about this particular disparity, that our people have moved too slowly and had allowed either civilians to remove the weapons or enemy troops to remove the weapons before they got to the point where the bodies were.

Q. I take it you feel the same way about the ratio of enemy KIA to friendly KIA--128 to 2:

A. I hadn't considered that disparity at the time. In fact, the only thing I was really aware of was how many casualties we had taken that day. It was quite light and I just attributed this to the fact that we had caught them with their pants down. I was certainly hoping this to be the case and it appeared to be the case because we never had this kind of figure in such a short time. Previously-- I don't recall--it's been many days from the time we got into Vietnam--a couple of months earlier than this until this date, we had a figure over a hundred. It may have been one other incident in the same area. This is when we had a pretty good size figure.

Q. If you had run into the whole 48th Local Force Battalion--

A. (Interposing) At times previous, we took some pretty husky casualties. I remember one company commander having been hit--A company commander--machinegun fire was being received, rocket fire and that sort of thing. As you say, this appeared to be more of a pants-down sort of thing than any other time. It appeared the other time that we had really walked into a prepared defense. In this case it didn't look that way at all to me. That's what we had tried to do and hoped that's what we were doing. We

caught them and put them on the run before they had time to set up a defense of any kind.

Q. Leaving this combat action report, I would like to come back again to the 17th. I would like for you to think real hard as to what you did when you left LZ Bronco prior to going to the meeting with Captain MEDINA?

A. Well, sir, I have been thinking rather hard about it ever since I made the statement that I felt that I would be questioned on it later--having talked with Colonel HENDERSON and several other people without even asking them the question. We may have landed at LZ Dottie or task force headquarters either before or after, but I just can't remember, myself.

Q. When did you talk to Colonel HENDERSON?

A. Early this morning. And other people like Major CALHOUN, still waiting to come in. He was task force S3. The trouble, sir, is that we--I made a lot of flights to TF Barker Headquarters and to LZ Dottie. I just can't marry any one of them up with this particular flight out to the company. I had it stuck in my memory that we went out there just as I related to you--how we went down on the field--how the brigade commander and the company commander spoke, but beyond that period--

Q. (Interposing) Let's refresh your memory.

A. Yes, sir.

Q. See if you remember this taking place on the morning of the 17th after you left LZ Bronco to go to LZ Dottie where Colonel HENDERSON conferred with General YOUNG, the ADC of the Americal Division, and subsequently to talk with Major WATKE, who is the company commander of the aero-scout company, and then to go to a particular TOC or a separate building with another individual subsequent to which the helicopter, with its crew, and Colonel HENDERSON departed and visited Captain MEDINA. Now do you recall this incident?

A. I do recall a day on which we went out to LZ Dottie, and we met General YOUNG there. The colonel and General YOUNG went off and talked by themselves. I was dismissed by the colonel on that particular day and went

directly to the TOC and went into consultation with the S2 as I normally did when I was taken out there. I believe on the same day Major WATKE was also in the area. However, I just can't match it up with being the same day that we went out to the company where we met Captain MEDINA. It certainly is possible. I just apologize that my recollection just doesn't enable me to tie the two of them up.

Q. I know these circumstances are a year and a half ago that we are speaking of, but it does become necessary to marry you up with Colonel HENDERSON.

A. My problem is that I might be talking about another day that we went out because I'm quite sure that we saw General YOUNG at LZ Dottie more than once during my experience of going out there with the brigade commander. He certainly came down to our area a number of times as well.

Q. Did you talk to the people in the TOC? Did you have any reports that might have caused you concern?

A. No, sir. I certainly didn't. My concerns were, first of all, on the day in question, that I felt that the colonel went a little further than I would have gone in tying down the company commander concerning the nature of the casualties. I thought that was a little unusual. Not being privy to the possibility of conducting an investigation, I now feel that his questioning was more in line of an investigation than it was. Just what I would have asked him if all I wanted to know was, "What kind of casualties have you got?" I know that's what--when the colonel asked him what kind they were, he said they were VC. I was a little surprised that there were no wounded. I was hoping for prisoners. Normally when I go out on these things I would like to see that there has been someone detained from units that we can talk to. In this case, his answer was negative. There were no prisoners. That, I felt, was a little surprising.

Q. You will note, however, in your combat after action report that you have, that there was a certain number of prisoners taken?

A. Yes, sir. It is hard to say where they were taken from the vicinity of Charlie Company, or Bravo, of the

4/3. The fact that it said VC suspects is a judgment factor. A person who is detained, if he is a military-aged man, could be classified as a VC suspect. In this particular area, since we had direct knowledge that people that were not only male, but some females, were in this battalion, as I pointed out, if they were healthy women who did not appear to be living in the area or housewives or have a home right there, they can also be classified as possible VC suspects. These people--I can't really say now any more about what happened to these 11 people. I would really have to go back to our records and so forth and so on--in those days. We had a continuous stream of these people coming in from the operation the day before, and some people were coming in the day after, and it was a continuous thing every day. We didn't call them suspects. This was not terminology in the S2 business. We like to use--determining if the people were detainees until we really believed they were innocent or VC PW's--VC PW and NVA PW's, or we had civil defenders. They were VC but noncombatant VC's, for instance, if we picked up an individual who was perhaps an elderly gentleman, we knew that he was by report of the hamlet chief, not a weapon-carrying man, but was responsible for the VC governmental structures, and he fell in this category, supporting the other side, but as a noncombatant. He became a civil defendant or something like that.

Q. By that time the title had changed. The title had changed to VCI, VC Infrastructure. Until you could prove otherwise, he could be called a civilian detainee?

A. Yes, sir. A detainee until the man had been interrogated by our trained interrogators, MI type, and had been classified as a result. All these classifications had to go back to division and be approved, had to go through JA and come back down before they were final, and in this case the individual may have already been evacuated to division level. Or we might still have him and if he was still innocent and we still had him, he was returned to wherever he was picked up, not normally the same spot, but back to his district headquarters where he could be given further transportation. If he was a civil defendant he was turned over to the civilian administration of the district in Son Tinh or Duc Pho or the district in which the man was captured. Normally the classification that we provided was accepted by higher headquarters.

Q. The brigade as I understand it normally held a daily staff meeting in the evenings, is that correct?

A. Yes, sir.

Q. Do you recall at any of these staff meetings which were held subsequent to 16, 17 March, that the subject of noncombatant KIA was brought up and discussed, the ratio of KIA versus weapons and the ratio of VC KIA versus U.S. KIA? Was this ever discussed in any detail?

A. Yes, sir. All of these were discussed a number of times. Usually it was a matter of people on the lower levels trying to explain to those at the higher level. In other words they tried to explain to us why it was so difficult to come up with weapons even though they knew they had been fired at from a particular area. And we didn't need to be convinced too much, because the prisoners that we received and the detainees verified this, that collecting weapons was a number one priority during and after every operation, that they had to get the weapons even at the cost of risking perhaps their own life. This was required of them. For some of them this was their only duty. They had places prepared in advance where they were to be secreted until they were able to bring them out. Others in their desperation tried to hide them with their last breath. Some--many people were reported to us as being killed in the act of attempting to bury weapons or to put them in a tunnel--

Q. (Interposing) My question was, if this had been discussed at these meetings, if this caused any alarm or any suspicion within the command, particularly within your S2 section, concerning what actually did transpire?

A. On this occasion, sir, my suspicions were very small. On the day that we went out to the field I had none and for the months ensuing, in spite of these statistics, they were not that much out of line with ones we've had, especially the ones used in terms of how the operation was explained as having happened. I was disquieted--

Q. (Interposing) When did you first hear of the 20 noncombatants KIA?

A. That was on the day that we went out to see Captain MEDINA. It was not KIA, sir. The term used was

hit, not KIA. This is to me included in the artillery preparation, any fire by gunship. People that had gotten into the line of fire unbeknownst to the troops who were involved with fighting this enemy battalion that they were in contact with or ostensibly in contact with. It didn't seem impossible to me that these 20 people had been hit. It could have happened easily because of the huge glut of people attending the operation who suddenly start running in all directions. This is one of the problems we have in the area. When people start running at a distance, first of all, you have to make a determination whether they are VC or not, which isn't too easy at a distance, especially when some of them are VC and some of them are not. I know that every soldier out there with his weapon had to make many, many times a judgment by himself as to whether that person out there crossing that field was a VC or was not, and he made that determination by himself.

Q. Are you familiar with Colonel HENDERSON's report of investigation of 24 April?

A. I have been shown that today, sir. I don't recall having seen it prior to this. I know that he told me that an investigation was being conducted. I thought it was being conducted by division initially. I know that he was involved in the investigation and that he told me he had discussed this matter with province and district officials, and I thought, at the time, that he had done this in conjunction with the people from the division. I still, up to this day, do not know that there was no one from the division with him on that. By reading this and by what I have been reading in the papers lately, it appears that the directive to make the investigation was made on higher level, but the responsibility for conducting the entire investigation rested with the brigade. I never realized that until very recently.

Q. You are saying that you never saw this piece of paper before when you were in the Americal Division?

A. No, sir, no. I don't recall having ever seen it.

Q. Did Colonel HENDERSON leave in your safe in the S2 section security area, an envelope with personal markings on it?

A. He did this a number of times, sir. Sometimes they were--I don't know what was in some of them. He would just give me things that were sealed and say, "I want you to hold this for me until I call for it," and when he would call for it I would give him back his envelope.

Q. Do you recall whether this was around this time period?

A. I have a recollection that he did have such material in our safe at this period. I think about this, yes, sir.

Q. But it was never called to your attention at any time--the 20 which you had heard or which you had assumed were either killed or wounded that were reported as noncombatant casualties?

A. That's right sir, and we had a steady stream of noncombatant casualties into our hospital. I would say that it would be an unusual day when we didn't have somebody report in--a noncombatant who had been hurt. Some of them walked in themselves and some were brought in by Vietnamese who carried them in, and we wouldn't know when and where they had been hit or by whom. Some would tell us that they had been hit in an operation we were conducting at the time, and sometimes our troops would go into an area where they had an operation and would find these people and would evacuate them, and they came in by all manners and means, and we had a very large ward in our little hospital there in the brigade which was a strictly Vietnamese ward. It very often was just as full or more full than our GI wards.

Q. For my sake now I would like for you to repeat any additional information you may have obtained from various sources including the Son Tinh District, from Quang Ngai Province, from the village chief, hamlet chief, any other source which may have pointed to something unusual that happened in My Lai (4) on or about 16 March 1968.

A. While you were absent, sir, I related to Mr. WEST that approximately a month after this operation I read an intelligence report which had crossed my desk. I received many of these reports daily, sometimes perhaps a couple hundred a day which covered the entire area, but this one stood out in my memory. It alleged that the VC--this report came through from Vietnamese sources as did all these

reports, was made up in Vietnamese by an agent or someone who knew something about the area, passed through Vietnamese channels, translated into English, reproduced in Quang Ngai in some of the intelligence offices that were jointly operated up there, and then passed out in American channels, where we received them intelligence-wise. This report was different than what I was used to getting, and it alleged or stated the VC in the Son My area, Son Tinh District, were telling the populace, the people thereabouts, that Americans had wantonly slain, murdered, or what have you. The figures I read were between 400 and some odd and 500 and some odd civilians. I recognized it as being in the same area that we had gone out to. I recalled my conversation with the brigade commander and the company commander's conversation. I matched them up. I thought about all of our previous operations, and I intended to discount the thing as sheer propaganda, but it was different, so I showed it to the brigade commander. I said, "Sir, I think you ought to take a look at this one, it is alleging that we killed a lot of people, noncombatants." He said, "Yes, division headquarters is aware of this, and an investigation is being conducted," or "has been conducted," I'm not exactly sure how he phrased that. I received another report about the same time not too many days away, and this one stated in substance that the Viet Cong soldiers of the 48th Battalion or of the general area were wearing red arm bands on which was emblazoned the slogan, "resolved," or "determined," or "avowed," or what have you, "to avenge the atrocity at Son My," or words to that effect, and this again caused me to show the report to the brigade commander, call it to his attention, and indicate to him that the enemy was again referring to this incident. My best recollection, there were at least one or perhaps more of the same reports within this same time frame, perhaps, or 2 weeks during the month of April. That's as close as I can come. The brigade commander knew that I was interested because I was bringing him these reports and in a subsequent discussion concerning this incident, he related to me that the civilian authorities, Vietnamese authorities, had been consulted on this and had been asked to determine the facts in the case, and their reply had been--and I'm speaking primarily of the district chief--I spoke of the district chief--and he stated that there was no substance to the report, that this was a Viet Cong propaganda trick to try to get the support of the populace. There was no substance to the report aside from the fact that we had killed a lot of VC in the area and perhaps they were trying to recharacterize them as noncombatants, or perhaps the few people that had been killed

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unavoidably or hurt were being blown up into something way out of proportion in an effort to get propoganda value out of the thing. I accepted that. I never went any further.

Q. You say that there were several reports of this kind? Did you ever see a report which came from the village chief to the district chief concerning the killing of noncombatants in My Lai village?

A. No sir, I did not. I do not know whether I would have seen a report of that type. If the brigade commander had received a report like that he might have mentioned it to me or told me about it, but I did not hear of such a report.

Q. Who controlled the liaison at Son Tinh District Headquarters?

A. We had a man from the battalion at LZ Dottie go over there and stay there a good part of the time. The S2 of the battalion went there and made quite a bit of liaison. The S2 was in the habit of going over there on a daily basis to get the latest information. There is, of course, in all districts an American element there and an American officer who is the district advisor. He was normally consulted on a daily basis and visited LZ Dottie quite often. This I know from hearsay rather than having been up there because I never did meet the gentleman myself to my knowledge.

Q. Son Tinh?

A. I never went into Son Tinh District Headquarters.

Q. Did you meet the U.S. province advisor at Quang Ngai?

A. I spoke a number of times with the G2 advisor, a Major EARLE, but the commander up there, a lieutenant colonel, I think I met socially at some affairs we had. In the business sense, when we went up to be briefed at province headquarters I would split off and get with the G2 elements and not talk with the advisor himself.

Q. Was Mr. MAY, the province senior advisor there at that time?

A. I remember Mr. MAY's name. He was in a very high

position. I'm not sure he was the advisor. He had a job corresponding to a colonel's job.

Q. Were you familiar with his deputy?

A. Colonel GUINN was his last name? I met him. He came down to brigade headquarters on several occasions. Again only to talk to in passing. And we wouldn't discuss much except in a general sense--a comment to the effect that, "You should come up and see Major EARLE, he might have something for you," and things like that.

Q. Referring back to the report of investigation of 24 April, it has appended to it a statement. I will ask you if you have seen this statement before.

(IO handed Exhibit R-1 to witness.)

A. No sir. I saw the statement for the first time today.

Q. I have here a document from First Lieutenant TAN, the Son Tinh District Chief, to the Quang Ngai Province Chief, dated 28 March 1968, both in its original form and a translation into English. I would like to have this evidence entered into the record and made into an exhibit.

RCDR: This document is entered into the record and marked as Miscellaneous Document M-5.

IO: I will show you this document in English and ask you if you have ever seen this.

(IO handed the document to the witness.)

A. No, sir, I never saw this before.

Q. Let the record so state. You indicated that you had a general knowledge or suspected that some kind of investigation was going on--

A. (Interposing) Yes sir.

Q. You have previously indicated that you are not familiar with the report of the investigation which has been submitted by Colonel HENDERSON on 24 April.

A. Yes, sir.

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Q. Subsequent to that time, were you cognizant of the fact that another investigation was on the way?

A. No, sir. In April or thereabouts when the brigade commander told me that this had been the outcome of an investigation, that the report was greatly unsubstantiated and appeared to be VC propaganda according to the Vietnamese who had been asked to check this out--I heard no more about it. I knew nothing about any additional investigation about anybody.

Q. You were never interrogated?

A. No, sir.

Q. Never asked to make a sworn statement?

A. No, sir.

Q. Did you ever see a directive either in telecommunication form or in letter form to the brigade, specifically requesting the brigade commander to conduct an official investigation?

A. No, sir, I did not.

Q. I would like to see the exhibit copy of MACV Directive 20-4. (Recorder handed Exhibit D-1 to the IO.) This is MACV Directive 20-4, dated 27 April 1967. The subject is "Inspections and Investigations: War Crimes." I ask you if you saw this when you were in the brigade as the S2, or whether you have seen this in any form?

(IO handed the document to the witness.)

We will take a short recess while Colonel BLACKLEDGE looks at the document.

(The hearing recessed at 1735 hours, 3 December 1969.)

(The hearing reconvened at 1758 hours, 3 December 1969.)

IO: The hearing will come to order.

RCDR: All persons who were present when the hearing

recessed are again present.

A: Yes, sir, it was an integral part of my duty to insure that people that we were handling, people who were detainees or suspects or what have you, that we did not mistreat them. We did this for a number of purposes. Number one, the intelligence obtained was much better when you treated people properly and two, it was against the laws of warfare to mistreat prisoners.

IO: My question is, have you seen this document?

A. Yes, sir. I'm pretty sure that I have, if not this one, one just like it. I don't recall it being done in this form. I think I've seen one just like it, but it was printed up.

Q. This is a copy of the directive published in MACV and sent to us by electronic means (Exhibit D-1).

A. I've seen a small form published by MACV a number of times. I had it in my files.

Q. Were all of the troops of the brigade indoctrinated in preventing war crimes, the preventing of hostile acts against noncombatants, proper treatment of PW's and the like?

A. Yes, sir. I feel if they listened to what they were told by their leaders they had to be indoctrinated because we went over this several times on a weekly basis, and it was a continual thing. We had to talk about it, and our troops would always know the difference between taking combat action against VC and taking combat action against people who were not combatants. If a man was shooting at you it was certainly all right to shoot back at him. If people were peaceful and didn't appear to be military-aged males or equivalent females that were in the act of shooting at you, they were to be treated as civilians and not mistreated, and this was the basis on which we entered all of our combat action with one possible exception, and I referred to it a few instances where a prisoner was brought in that looked as though he had been manhandled more than he needed to be before being turned over to us. And whenever this happened we immediately went back to battalion, made them aware of the fact that the troops were getting overly rough and they better talk to them again and tell them again and try to keep them from mistreating prisoners,

because number one, it was to our own advantage. You couldn't deal with a man who had been mistreated and get the information that you needed, and number two, they were in violation of the regulation and the law.

Q. I will call your attention specifically to paragraph 5a.

A. Yes, sir.

Q. You will note in the second sentence where it says, "Personnel performing investigative intelligence, police, photographic, graves registration, and medical functions, as well as those in contact with the enemy will in the normal course of their duties make every effort to detect the commission of war crimes and will report this essential fact to their commanding officers."

A. Yes, sir.

Q. Were such instructions issued to these types of individuals and units other than those who were in the combat units?

A. Yes, sir, the instructions were universal. They were put out very often at brigade staff meetings at which representatives of all units were present. We would have a whole room full of people which included all of our staff functions and so on. It included our aviators and all that sort.

Q. At any time, during the time that you were with the brigade, subsequent to the 16th of March, did you ever have a suspicion that an atrocity had taken place, or that there was some kind of coverup going on within either the brigade or any element of the brigade?

A. No, sir, I had no suspicion, I certainly was a little perturbed when the initial reports came across my desk, to the point that I felt that the brigade commander should know about it, and I showed them to him, but when he told me that division was conducting the investigation and when he subsequently told me that the results were as I related it to you, the fact that it was nothing more than VC propaganda, my disquiet was allayed. I then felt that the thing had been checked out and determined to be just what he said it was--propaganda.

Q. Had you ever discussed this matter with the division G2?

A. I don't recall. Colonel TREXLER was the division G2 at this time, and he is right here in the building. He may have a better recollection than I do about it. I don't remember if we did talk in terms of all these incidents and in terms of this regulation and the requirement upon us all to make sure detainees were treated properly because if we mistreated them at our level then it was difficult for him to do his job at his level. So we had the same requirement on us to treat these detainees decently and hope that in return we could get some sort of cooperation from them.

Q. The pieces of information that came to you which you subsequently passed to the brigade commander concerning the VC propaganda and VC activities which pointed back towards My Lai (4), were copies of these documents forwarded to division G2?

A. I don't believe they were, because it was normal for this distribution to go to division as well as to brigade, and when the brigade commander informed me that division was already aware of it, it only confirmed what I had already thought was the case, that they had received their distribution just as I had received mine and were concerned and were looking into the matter. These things were produced in Quang Ngai in very large quantities and copies were sent to all the district headquarters and sub-sectors, to both Vietnamese sectors, in Vietnamese, and to all interested American agencies, and this included a number of intelligence agencies such as the CIA operations in Quang Ngai City.

Q. Normally then, if I interpret what you are saying correctly, that intelligence which was produced at the Quang Ngai Province Headquarters you received a copy of it and at the same time a copy was sent to the Americal Division?

A. There was a liaison officer from the Americal Division who stayed in Quang Ngai and made pickups of this on a regular daily basis, and carried it back to the division just as we had a liaison officer who picked it up and brought it back to us. They were not all produced in the same spot. The intelligence agency produced these and it was the duty of the liaison officer to visit these

places daily, pick up this distribution, and see that it got back to, in the case of the division liaison, to the G2, in the case of our liaison, to me. The liaison had other duties as well as intelligence, but this was one of their duties.

IO: We will take a short recess.

(The hearing recessed at 1809 hours, 3 December 1969.)

(The hearing reconvened at 1811 hours 3 December 1969.)

IO: The hearing will come to order.

RCDR: All persons who were present when the hearing recessed are again present.

MR WEST: Do you know when the TF Barker disbanded?

A. I have to think about that for a moment, sir. I would say, to my estimation probably sometime in April or early May. I think it was in April. It appears to me that--because I left to go on R&R--it was about the middle of May at that time. I believe that he was on his way back or had already gone back to the 4/3 which was located in the same general area which had previously been occupied by the 4/3 and TF Barker. Since that happened in May and I know that he spent several weeks at brigade as the brigade executive officer prior to that time, I feel that the general time frame--he came back and the task force was disbanded in, I think, April.

Q. Do you know why it was disbanded?

A. No, sir, I am not completely cognizant of the tactical reasons therefor. I believe as a matter of conservation, conservation of personnel. It appears to me that the 1/20 had to go north about that time to Que Son Valley, and we were quite thin throughout the brigade, and we believe this was a matter of reshuffling force to get more people into our second AO.

Q. Okay, thank you. Who was the brigade liaison officer?

A. At that time I believe that it was First Lieutenant MARTIN. I don't recollect his first name, but it should be listed on the division roster which I provided to the investigator here about a month or so ago.

COL WILSON: Division or brigade roster?

A. Division roster. My name is on the front of the roster.

MR WEST: Do you know the U.S. Advisor to the 2d ARVN Division at that time?

A. I would probably recognize his name if I heard it, but there again, I was dealing in the G2 channel and Major EARLE was the individual I dealt with.

Q. Did you ever keep any records of the staff meetings?

A. I believe we kept a partial one, but it was not minutes of the meeting. A lot of information which was put out at the staff meeting was subsequently placed into the report. My reports at the daily staff meetings, intelligence, was normally further incorporated into a brigade intelligence summary and forwarded to higher headquarters. As far as injunctions by the commander and that sort of thing, no, I don't think we kept such records. I have no knowledge of it if we did. I'm sure I would have had knowledge, because it would have required someone with a tape recorder or a transcriber. We didn't have that.

Q. Did you brief TF Barker prior to this operation?

A. Yes, I'm sure that I did. As I say, it was a daily thing. I was in contact with their G2 and it was an everyday--

Q. (Interposing) Let me rephrase the question. Did you brief TF Barker commanders and staff the day before the operation, on intelligence?

A. No. I'd better take that back. There were occasions when commanders were called back to brigade and received these special briefings from me prior to operations. In this case I just don't recall whether I gave one or not. There again there were so many of them that I would say it was

more usual than unusual for us to do that. If the battalion was going to engage in an operation, their commanders, better than 50 percent of the time, were called in and we gave them as much intelligence as we had at the time. Because TF Barker was a little more distant it is possible that I briefed their S2 and he gave the briefing.

Q. You have mentioned that psychological operations prepared these people for such requirements as not to run from U.S. forces. What do you base that statement on?

A. I just base it on my knowledge of what we did in the area. We had many, many cases where the VC were attempting to get right in the middle of the civilians, and we saw this in helicopters and the air would report this: "I see them running in the middle of the civilians." And our troops wanted to separate one from the other, so we attempted to get these civilians to not run, told them, "don't run"--

Q. (Interposing) How did you tell them?

A. I didn't, but this was done through the S5 channels. He did it through the district chief. Went up in the air in a helicopter and made a broadcast. That was one way, and another way leaflets were dropped, posters were placed, anyway that he could think of to put out the information to the populace. Whenever we had county fairs--when the people would gather together, give them food, medical care, talk to them, and give them pep talks about the government and so on--this would be one of the factors that would be put in there again by the district chief and the Vietnamese.

Q. How do you say halt in Vietnamese?

A. I believe we trained them to say, "dung lai" or something.

Q. Did the troops in TF Barker know this?

A. This is pretty common among troops, especially the ones that are out there doing the shooting. We had little cards that were passed out to troops that had little phrases which included this. There was another way of saying halt in addition to "dung lai," but I've forgot this now.

Q. You say you had cards to pass out to the troops. Were these cards based on the rules of engagements as to what to do if people ran from them? Is that the type of card?

A. They are very small cards, and they had things like, halt, come here, I need food, where did the enemy go--

Q. (Interposing) Language cards?

A. Yes, sir.

Q. Do you have one of those cards?

A. No, sir.

COL MILLER: Early in your testimony you mentioned several intelligence reports received concerning My Lai. Two of them you say you brought to the colonel's attention. Then you say you know of a couple more. Do you know if all of the ones you saw were brought to the attention of the colonel or just these two?

A. No sir, I don't have that much recollection. It's a little hazy whether one more or two more. I just know that in addition to those two, my dim recollection is that there were further reinforcements, and it may have been to recall this letter you just showed me. This may have been one of them that I'm thinking about. In other words, another piece of information coming to me that some people were saying that this happened.

IO: Who?

A. You were not here when this letter was shown to me. I indicated that I felt that this was very similar to a letter which was carried to LZ Uptight one day by a young boy and girl who had been given this letter by someone down in the hamlet below LZ Uptight and told them to carry it up to the LZ.

MR WEST: Let the record show that he is talking about inclosure 2 to Exhibit R-1, Colonel HENDERSON's report.

IO: Are we referring here to the translation of the VC propaganda?

A. Yes, sir. The letter that we received was written in English, so that this could be understood by me as I read it. It was written very large and careful lettering as Vietnamese tend to write English--schoolboy type English. I'm not sure that this is the letter. Just that I feel that I might recognize some of the same terminology in this letter that was brought up to the LZ as I see there. There is enough of a similarity where I feel that I have to mention that it might have been the one I--

Q. (Interposing) Do you recall who this letter was from? Who it was addressed to?

A. The word we had was that it was from a boy and girl. I got it from the U.S. The people had passed this thing back to us where this boy and girl had appeared at the wire and had passed the letter over the wire to a U.S. soldier who carried the letter back up to his platoon leader. The children had turned and gone back down the hill after telling the soldier that someone down in the village had given this to carry up to the Americans on the hill.

Q. Do you recall who it was from? Was it from the village chief of Son Tinh? Was it from the people? Some particular individual? Who was it addressed to?

A. These, and we received other such letters in the same fashion on other days, were normally addressed in an envelope or a cover which would say something like, "to the American soldier." A letter like this would be inside at the bottom. Sometimes it would have a term such as, "Free South Vietnam Liberation Group." A term like that didn't really tell you who was sending the letter. There were several of them during the time I was there that were presented to us in this fashion.

Q. I take it with this specific one however that you don't recall?

A. That's right, sir. Perhaps I shouldn't even try to connect this. I'm trying to get it out of my brain. I think I recognize some similarity while I have--

COL MILLER: (Interposing) Was this the original of the letter?

A. It was a letter done on small paper a little bigger than that, done light blue pen, I remember that a blue ball point--a blue pen done with very careful large lettering.

COL MILLER: It looked like an original then?

MR WEST: It was a propaganda sheet?

A. It was a letter. It was just about that kind of, type of information, we could say--or say we received something similar to this before and since: "U.S. soldiers, why don't you join with us to further the great liberation movement? This is not your war. This is Johnson's war." And et cetera and et cetera.

COL WILSON: I realize that you don't recall any of this. None of this is related to this particular incident, but in your testimony you didn't know what use you made of this letter. What did you normally do with a letter of this type?

A. We would have forwarded it back thru intelligence channels to division, and they would forward it if it had intelligence value.

COL MILLER: You mentioned that a company commander in the 48th was severely wounded and surrendered. Do you recall if this occurred before or after the My Lai incident?

A. I know that he was taken on the ground by TF Barker. I know right about the same time. Right now I could no longer say.

Q. Do you know who might have debriefed him?

A. Captain KOTOUC, the S2 of TF Barker. I think perhaps Major CALHOUN who is going to be coming here may remember him, because I'm sure it was unusual to have a man that severely injured being carried about. I believe that he had to be kept there on the LZ overnight--at least one night, and there were some question as to whether he had to be returned to the hospital or whether they could give him adequate medical care while he was out there overnight.

Q. He surrendered at TF Barker?

A. No. He surrendered to the Vietnamese authorities,

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and the only way we knew about him was when an intelligence report was circulated around which told who he was and who he belonged to. We saw him when he had been wounded. We were able to locate him in a hospital. We did have people from the MI detachment, I believe Lieutenant JOHNSON was in on this, go to the hospital and interrogate the man, and based on the interrogation of what he said we asked him whether he would be willing to go out and show us. As I say I mean brigade people who talked to him. I never even met the man myself. He agreed based on the requirement that his family would be moved to a safer area and after receiving medical care they moved out to show us whatever he could show us--or show to TF Barker whatever he could show them of the area in which his battalion had operated prior to the time he was wounded and some of the routes that they traveled on, some of the hamlets that they stayed in, and whatever else he could tell us about the operation.

Q. Did you, at brigade headquarters, ever normally interrogate these VC, such as the 11 VC captured by TF Barker?

A. Yes, as a matter of fact. If a detainee was taken back to battalion at task force level and was not declared right away to be an innocent person. And sometimes this was determined even at that level that these people were quite innocent. If they were thought to be possible holders of intelligence information, they would be sent back to brigade, and we had an inclosure placed there where we had several cages, one for detainees who were unclassified, several other sub-cages, one for females and women with children and so on who had a little better accommodations and one for known POW's, that was the people in uniform who were captured with weapons and so on.

MR WEST: We are going to have to recess briefly to change the tape.

(The hearing recessed at 1828 hours, 3 December 1969.)

(The hearing was called to order at 1829 hours, 3 December 1969.)

IO: The hearing will come to order.

RCDR: All persons who were present when the hearing

recessed are again present.

A. There was a person sitting down, writing down on one of these card codes--placed into our files--the complete report on everything the man said--would be written up and forwarded either with him or sometimes ahead of him back to division headquarters. If at our level a person was determined to be an innocent civilian, a report was very often still made up because very often they did have intelligence information. They would tell us about other people in the hamlet or wherever they had come from and so on, and they were then, of course, discharged.

IO: I have been hearing all afternoon--the last hour or so about the intelligence operations which brigade has--

A. (Interposing) Yes, sir.

Q. Now if that intelligence organization were as complete and as competent as it sounds, wouldn't it be able to pick signals, signs, and so forth of an activity such as is reputed to have taken place in My Lai?

A. Well sir, we had signals and signs to the extent that I pointed out. No further signs were forthcoming despite the effectiveness of the intelligence organization.

Q. Did you make any effort then to orient your intelligence efforts on that particular area?

A. As to further investigation of that incident?

Q. Yes.

A. No, sir. We focused our intelligence continually on the location of the enemy at that time. I didn't really ask for the reports that we got. I had no reason to ask for them. Once we got them, and I was told that competent authority was making an investigation, and I was also informed as to what the results of the investigation were, I continued my mission--finding out where the enemy was on that day, a month later. I did not further pursue going back and determining whether the investigation made was a good one or not. I felt that was other people's--

Q. (Interposing) That was a pretty strong allegation that came through.

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A. Yes, sir, it was.

Q. It would have been a simple matter to confirm this, to ask the liaison group at Quang Ngai and at Son Tinh to direct their efforts towards obtaining any additional information or intelligence which they may have of this particular situation.

A. To that extent, sir, I would have to agree with you. I as an individual could have pressed the issue perhaps a little further than I did.

Q. Did the fact that you were told that an investigation was under way disabuse you of the fact of collecting any further information of the facts even though this strong allegation had come out--that between 450 and 500 or thereabouts Vietnamese noncombatants had been killed?

A. No, sir. I suppose I just didn't believe it. Perhaps that skewed my thinking in the wrong direction. It might have been a little difficult for me to comprehend that this could have happened. When I was told that an investigation had occurred and that this was VC propoganda, I was somewhat relieved to find out that that was the case.

Q. Were you ever told in any way, by anybody from above, within, or below to the effect that we will forget about this incident?

A. Never, sir. I never would have forgotten about it had anybody ever told me that. If there had even been any knowledge of an incident to be forgotten I certainly would not have stopped. The fact of the matter was that I never came to the conclusion in my own mind that there had ever been an incident. I had indications of it, and they were allayed, and that was the end of it for me.

Q. Do you have anything you would like to provide to me in this investigation, anything at all, which would lead to ascertaining the validity of the investigation and the facts surrounding the investigation and the reporting of the incident?

A. Sir, I earlier indicated to you that I wanted a chance to speak, say a few additional things, but I believe my subsequent speaking has pretty much wrung it out. I don't think I have anything else that is significant at this time.

Q. I would like to recast you in one regard. I am sure Mr. WEST read to you some admonitions concerning the security of this and who you may discuss it with. I would like to repeat so there will be no questions in your mind. This is, you were directed not to discuss your testimony with others except in the performance of official duty as you may be required to do before a competent judicial or administrative body.

A. Yes, sir, I understand that. Yes, sir, that same thought entered my mind. I want to say this about the system of transportation. I should have mentioned this before. Because TF Barker was really closer to headquarters than it was to us--except they went to us and many of them had to be transported back to division. Many of them were transported from here (indicating on wall map) to the division. We didn't even get to them, and that's from this area only, it happened quite a bit. It was just a matter of getting to the--expressly having to do with the fact that we were having a fairly heavy workload down here and a lot of times division had a light workload and asked us to go ahead and send people to them directly so that their MI people would have them and keep the heavy workload off our people down here. That, together with the transportation difficulty of moving the people was just a normal--the resupply chopper would take the people back there. You couldn't send any special chopper to the brigade, so in that case the division would turn around and send me a report of what they had done--what developed out of the prisoners.

Q. Did division at anytime from any of the VC's or from PW's or otherwise provide you with a readout of the interrogation concerning anything that might have taken place at My Lai?

A. They provided me no readout that anything had taken place at My Lai nor did any prisoner that came to my location provide me any indication of anything like that occurring.

COL WILSON: Colonel MILLER, for the sake of the record could we have your questions just prior to the General's?

COL MILLER: I commented, who might have interrogated the VC's referring to the 11 reported on the 28 March 1968 report and who would have had the report of their interrogation? What would have happened to them?

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IO: Do you have anything further Colonel BLACKLEDGE?

A. I have nothing further.

IO: This hearing will recess until 0830 tomorrow
morning.

(The hearing recessed at 1840 hours, 3 December
1969.)

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(The hearing reconvened at 1535 hours, 12 February 1970.)

IO: The hearing will come to order.

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

Sir, the hearing recalls Lieutenant Colonel, Retired, BLACKLEDGE.

(MR BLACKLEDGE was recalled and testified as follows:)

Mr. BLACKLEDGE, I remind you that you remain under oath before this hearing.

IO: Mr. BLACKLEDGE, since you last appeared before our group, which was in the early part of December, we've talked to a large number of people. In fact, we have talked to almost 350 people, some of them several times over and we have assembled quite a large number of documents that pertained to My Lai (4), documents concerning My Lai (4) itself, reporting the incident, and it's investigation. We have also had an opportunity to visit South Vietnam, to go through the various headquarters, USARV, MACV, III MAF, General LAM's headquarters, I Corps, the Americal Division, the 11th Brigade, and also up to LZ Dottie. We have also visited the 2d ARVN Division, Quang Ngai Province. There we talked to quite a few Vietnamese, ARVN Vietnamese, other Vietnam civilians, and we talked to a lot of Americans as well. We also made a visit to the site of the operation in My Lai(4), which we now find is the subhamlet of Thau Ten, of Tu Cung Hamlet. We have also flown over the operational area, so that we know a great deal about this operation at the present. When we first talked to you, we were fishing, but we are through fishing at the present moment and we have some gaps that we want to fill in. We also want to expand upon some of the previous interrogations, as in your case.

Before I go on here, before you testify, I would like Colonel MILLER, of the Office of JAG, to warn you of your rights and at the same time to provide guidance to you

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with respect to what we may conceivably suspect as far as you are concerned.

COL MILLER: Colonel, you appeared here on 3 December of last year, I believe it was. At that time you were not suspected of any offense. However, on the basis of additional testimony and other evidence which has been received and considered since that time, you are suspected of having in prior testimony, withheld information and of having given some false testimony which was given under oath. The offense of giving false testimony under oath under the Uniform Code of Military Justice, constitutes false swearing in violating, Article 134, and may also be in violation of Title 18 of the United States Code Section 1001, which provides in substance, not specifically but in substance, that it is unlawful to knowingly give false testimony in any matter within the jurisdiction of any agency or the department of the United States Government.

Since this is a suspicion, you are of course entitled to your testimonial and counsel rights, and for the purpose of this we consider that you have the same rights as you had before this committee when you were on active duty. First of all, of course, you have a right to remain completely silent and to answer no questions at all concerning these matters. If you do testify, any statement that you do make could be used against you in a criminal proceeding. You have the right to be represented by counsel, and by counsel I mean a qualified lawyer. This may be a civilian counsel of your own choosing. Military counsel would be provided if you so desire. If you wish, you could have both military counsel and civilian counsel. In the event that you want military counsel, and you have a particular one, if he is reasonably available we will try to make him available. Otherwise we will get another one.

You may decide you are willing to give testimony in spite of this and without counsel. If you so decide, you still have your testimonial privileges to answer any questions or a particular set of questions or to request that the questioning cease. You have a right at any time to request the appointment of counsel. I hope you will make your wishes known to us immediately. Do you understand the nature

of the suspicion and the right to counsel?

A. Yes, sir.

Q. Would you like to have me go through--

A. (Interposing) No, sir, I understand perfectly.

Q. I have two more questions then. First of all, do you wish either the appointment of military counsel or time to seek a civilian counsel?

A. No, sir.

Q. Finally, under the circumstances are you willing to answer any questions and give any testimony before this hearing?

A. Yes, sir, definitely. In fact, I would like to start out by saying something. I certainly didn't know when I walked in the room I was going to be faced with the fact that I was suspected of something. But had I been aware of it, I still wouldn't have understood how I could have been suspected. I still feel that way, I still have nothing to hide, and I'm still going to tell you all I know about anything. If I have made any mistakes, my position is and will be that is what they were, honest mistakes. I can't say in December I told the entire truth, but I told the truth as I knew it, and I'm going to tell the truth as I know it now. That's all I can say. I am ready to answer questions.

IO: Since we did last talk to you, Mr. BLACKLEDGE, in early December, have you talked to anybody from the Americal Division who has appeared before us here in a substantive matter concerning the operation or reporting of the investigation?

A. No, sir, a number of people have questioned me. But I told them what you told me, my lips are sealed from the time I went out of the room. You all understand that, that's it. I even told my wife that. As I came back, I met a couple of the officers but we didn't discuss anything substantially. I met Colonel GAVIN for the first time. I had never met him

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who had been killed nor did it cover a 3-day period as far as I can recall. It just mentioned a recent operation. I was able to identify the time, I believe it had dates, I was able to identify the dates with the date of the operation that we had been in that area. I knew it had to be our people that were there at the time.

Q. Do you know if reference was made to Tu Cung Hamlet?

A. The name Tu Cung is familiar to me. Now let me explain something else. There is an entirely different vocabulary used by the VC in reference to place names as opposed to what the government uses on place names.

Q. We are familiar with that.

A. I guess you are. So we try to convert as best we could when we heard a Viet Cong place name to its equivalent government name. I have heard Tu Cung before but because our maps, as I remember, show it as such. All it told me at the time, that VC called that area Tu Cung, and I was still to new in the game to have systematically started making up new maps showing all the VC names. As I got further in my career, I did this, so that I was able to convert Vietnamese names to Viet Cong and vice versa.

IO: (Interposing) The Vietnamese names and Viet Cong, we found, are practically identical.

A. In some areas they are and some they are not.

Q. In this area, they seem to be interchangeable.

A. I found such a big difference as I went north of Danang. I didn't have a problem as much in the Duc Pho area as I did north of Danang.

Q. The problem seems to be in the manufacture of U.S. maps, taking them out of a gazetteer.

A. Maybe so.

MR WALSH: Now, do you recall the circumstances under which you called this report that you received through intelligence channels to Colonel HENDERSON's attention?

A. No, sir. I just called it to his attention because it was an unusual report. As I say, not just once but a couple of times, because I received a couple of reports. It was because of this I feel certain that he spoke to me in a tenor, "Yes, division knows about this and they are checking into it."

IO: He said division was checking into it?

A. Yes, sir, that was my understanding because I knew that division had also gotten a copy of the same report. There was a closer contact between Quang Ngai Province capital and Chu Lai division headquarters because they always had a liaison officer at Quang Ngai. He stayed there all the time. We were at our own option as to whether we wanted to have a man up there or not. Specifically we tried to keep a man there all the time because we didn't want to get left out. By the time an intelligence report got to division and then was sent down to us, it was several days older than if we had gotten it directly from Quang Ngai. So we dealt directly with Quang Ngai Province headquarters. So our liaison officer, a lieutenant, just a little fellow, MARTEEN was there, I believe during this period. If he wasn't, a man before him was a Warrant Officer FOSTER.

MR WALSH: FOSTER, do you remember what his first name was?

A. No, I don't. I don't remember MARTEEN's first name either. Warrant Officer FOSTER broke one of his bones in a guard tower and had to be evacuated, went back to Hawaii to Tripler Hospital. I saw him back a few months ago when I returned to Hawaii. He was on his way back to Vietnam to finish his tour.

IO: Who was the division officer, do you recall? He worked on the subsector side with probably Colonel GREEN, a colored officer there, and Colonel GUINN?

A. Sir, I was never in that place myself. The liaison officer came back and told me what he did while he was up there, how he had to go around to a number of buildings to see various civilians and military people. What he would do is pass on information that I would give him when he came down to Duc Pho and then pull, from them, the various reports.

Q. Then he visited all the headquarters, 2d ARVN Division?

A. Every day. He made the entire rounds of any agency which would have information that could help us, and there were a number.

Q. And it was out of one of these days, so to speak that you found in one item that indicated 500 had been killed?

A. Yes, sir.

Q. Can you remember the source of it? Was it a piece of propaganda, was it a report, or what was it?

A. It was made up on hectograph, as most all of them were, and sort of a reproduction. I don't remember just exactly which agency it was that had acquired this from a source, but the source had either told them that it had happened or that someone in the agency had decided that was a bunch of propaganda and put that down in the report that way, or whether the source told him it was propaganda--that the VC in that area are going from village to village, are going among the people or something, among those people, and saying and propagandizing that American troops on a day, on or about 16 March, in certain hamlets in Son Tinh had murdered 500 people, non-combatants. I don't know if it used the word noncombatant but of the population.

MR MACCRATE: I thought I understood you to say you received a couple of these, more than one?

A. Yes, sir. I would say about something on the order of a month later, another such report, and again I spoke with Colonel HENDERSON about it. Whether it was at that time or sometime after that, I can no longer recollect. He said to me that an investigation had been conducted and that the Vietnamese had been brought into it. They were asked to verify or look into the matter to determine whether there was any truth to it and that their answer was that there was no truth to it, that this was typical VC propaganda.

IO: What did the other one look like, that you saw, can you recall?

A. Sir, I can't really recall, but to the best of my recollection it was the same kind of report which would mean that it came through the same kind of channels, because I had no other way of getting these reports. So I'm somewhat certain it was the same type of report by the same type of an agency up in Quang Ngai.

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Q. Would you repeat again what Colonel HENDERSON told you when you provided this information on the sector?

A. Yes, sir. To the best of my recollection he said, "Yes, the division was aware that these reports had come in. They had been looked into." The way in which they had been looked into was that the Vietnamese authorities at province had been contacted they were to look into the matter to determine whether there was any substance to the allegation. They had, and their answer had been to the American authorities that it was pure VC propaganda.

MR WALSH: Do you recall, after the receipt of the first of these reports, do you recall going to Quang Ngai and meeting General TOAN on this subject with Colonel HENDERSON and Major MCKNIGHT?

A. No, sir, I don't recall. I went to Quang Ngai headquarters on several occasions but never on this matter. Now, the people that I had been with possibly may have been talking with the general on this but at any time that I went to Quang Ngai, I was going on current matters. In other words, whatever particular day it was, I was going up to there to see Major EARLE, who was the G2 advisor for the 2d ARVN Division up there, on whatever matters we had of common importance. The coming operations and that sort of thing. I never went to discuss this matter with anybody, nor did I know that anybody I was with went to discuss it with anybody else.

Q. Did you know Major PHO?

A. The name isn't familiar to me.

Q. G2 at the 2d ARVN Division.

A. I was introduced to a Vietnamese major up there, but I think it just never got past the shake hand stage.

Q. Well, you had this report the first time, this impressed you enough to speak to Colonel HENDERSON about it?

A. Yes, sir.

Q. Did you talk to Major EARLE about it?

A. I don't think I did because I didn't see Major EARLE that often. I might go two or three months without any well--

they were very infrequent times that I contacted Major EARLE. I got on the radio or the telephone from time to time and talked to the liaison officer up there, either my own liaison officer or the division liaison officer. We had a direct line from Quang Ngai to our communication center, our own command center. We had a phone line.

IO: Microwave?

A. Right, sir, with Quang Ngai. So I could call up there and ask if the Americal liaison officer was in the room or brigade liaison officer was in the room. If they were, I did my business with them. The only time I called Major EARLE was when my liaison officer told me Major EARLE wanted to talk to me about something. Aside from that, it was a very unusual thing for me to go to Quang Ngai and seek him out.

MR WALSH: You had received this report and from the date of the report you had put it together with Task Force Barker operation where 128 VC had been killed. It seems to me that you might have talked to somebody else other than Colonel HENDERSON about this incident if nothing else, of this charge being made and knowing what you knew about the body count that had been reported that day.

A. Well, I might have but I didn't. As I look back on it I remember for instance not talking to the G2 about it, I felt that since I knew the G2 had a copy of the report and the way of our operation that there was no doubt about it. Especially when Colonel HENDERSON said, "Yes, division is aware and they are looking into the matter." In other words, as far as I could see, people had already put the two together, there couldn't have been much secret about it. The troops in the area at that time were ours.

Q. Can you fix this in terms of time, in terms of the operation, the operation on 16 March, your best recollection of the date when you got this report in your mind, put it together as an operation?

A. I have been thinking about that because that's sort of a hole in my memory as to whether it was a week later or 2 weeks later or just exactly what it was.

Q. Does the fact that Colonel HENDERSON, during part of that period--do you remember when you told him about it, did he have his leg in a cast?

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A. My recollection is that when I first told him about it, he didn't have his leg in a cast. He got his leg in that cast a little bit later. Now when we talked about the latter part of it, he may have had his leg in the cast. But the first report, I don't think he had his leg in the cast.

IO: That must have come very early. He got wounded on the 21st. I think it was in the cast from about the 23d, for about 2 weeks roughly.

A. It's one of those cases you might find I'm telling a falsehood. I'm trying to do the best I can, sir. I don't recall him having his leg in a cast the first time we mentioned it.

MR WALSH: You don't recall having any discussion with any other person in the division apart from Colonel HENDERSON about this report?

A. Well, I'm trying to remember. I had my own little MI detachment serving with us there, the 52d MI.

IO: Captain LABRIOLA's group?

A. Yes, sir.

A. How about people from province, Colonel GUINN for example? Mr. MAY, did you know him?

A. Yes, sir, but he came down very infrequently and he talked directly with Colonel HENDERSON or General LIPSCOMB. I'm even loosing track of the general's name.

Q. How about the division G5, did he ever stop in, Colonel ANISTRANSKI?

A. I recall him very dimly, sir, and there again I didn't have very much direct contact with him. Anything intelligence-wise that Colonel ANISTRANSKI came up with he normally turned it in to G2 and I got it from G2 at division level. My S5, I did talk to to get direct intelligence that he had gotten through his own channels. But I didn't have any normal contact with Colonel ANISTRANSKI except for social. When he came down, he might come through and we would all shake hands.

MR WALSH: Now back to the operation itself, do you have any recollection of any discussions about anything unusual about

the operation that would cause you later to put this operation together with the report you received?

A. Well, the big thing of course was my trip with Colonel HENDERSON. Even before I received the report, I'd already made this trip with Colonel HENDERSON out in the field to talk with Captain MEDINA. In this talk with Captain MEDINA, he was particularly anxious to assure himself, Colonel HENDERSON was, that the body count was a genuine and true body count, because it was out of proportion. At least that is the way I felt about it, it was out of proportion to the previous found. So he asked him pretty definite questions about the casualties. Were there any women involved, and if so, what kind of women, and how did it happen and so on. The idea that the massacre had taken place, whether he was investigating anything on those terms, never crossed my mind at the time. What did cross my mind was that he was assuring himself that the troops were turning in a true body count, not of innocent civilians that might have been killed. That they were not being included in the body count as enemy, that they should not have been included as civilians.

Q. The impression of overhearing the conversation in the field with Colonel HENDERSON and Captain MEDINA was not that HENDERSON was investigating whether women or children had been unnecessarily killed, but whether or not the women and children had been included in the body count?

A. That was what I thought when I went out there.

Q. Now before you went out, you were at LZ Dottie. Do you remember that, going up in the morning with HENDERSON and General YOUNG arrived?

A. Well, as a matter of fact my memory had to be reminded the last time I was here about that. I knew I had gone up with him on numerous occasions and that I met General YOUNG up there at least twice. But as to the fact that it had been the exact selfsame trip that we had gone out to the field, I didn't at that time recollect. General PEERS reminded me, told me what information that he had, that it was obvious that one of those trips that I made to LZ Dottie was the selfsame trip that we had gone out to see Captain MEDINA.

Q. Do you have any independent recollection of that?

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A. My best recollection of the time that I do recall best was that we got out of the helicopter and went to the CP and there was a general congratulatory tone. Everyone was saying, "Gee, they did real well this time. It seems like intelligence was real good." I got with the S2 representative there and saying, "It looks like we had a good one this time. We finally caught them."

Q. Did you say S2 representative, who was that?

A. Captain K, a fellow from Lincoln, Nebraska with poor hearing.

IO: In Charlie Company?

A. No, sir, this is at the task force CP.

MR MACCRATE: Captain KOTOUK?

A. Yes, that's his name, I lose that name every once in a while.

IO: That's why you called him K?

MR WALSH: Did he tell you that any VC had left the village at 0700 before the combat assault went in there the morning of the operation?

A. I don't recall that, although it wouldn't have been surprising at all if he had, because this was the rule rather than the exception to the rule. By one means or another, either by artillery tipping it off, or by aircraft going overhead or just by having an agent in our midst, somebody who knows that troops are preparing or whatever. They have a real good intelligence net and it's the rule rather than the exception for us to hit a place knowing that they're there, only to find that they've just left.

Q. Well, if they've just left, and you have a body count reported of 128, doesn't that seem remarkable?

A. No, if they said that 30 had just left but without qualifying by saying that's all there was, then it would have been remarkable, but there are other facets to this thing. If you block over on one side and block over on another side, and they run out and here you come with the main force at the place they're taking off to and unbeknownst to

them it's been blocked and they turn around and a lot of times that's what you're hoping for. I'll tell you right now that I'm not that familiar with exactly what happened on this operation, but this is the way in which the S3, Major MCKNIGHT and I set up a lot of operations at brigade level. We tried to set it up in such a way hoping that the enemy would see a main force coming and move in a direction that we'd want them to so we could pin them.

Q. So you did not discuss this initial report with anyone except Colonel HENDERSON?

A. I can't recall discussing it with anyone else.

Q. Now I think in your earlier testimony you indicated that the VC propaganda was delivered by a young boy or a young girl at LZ Uptight?

A. Yes, this was in the form of a letter.

Q. Now, first of all, is this something that occurred after two reports of propaganda that you previously told us about or was this the second one?

A. To tell you the whole truth, if I said in December that I know that this happened after the incident, I was probably going a little beyond, because I just remember that it happened in that general period of time. It could even have been before the 16th and therefore might not have been applicable to the incidents at all. But I thought that since it did happen in this general area, I couldn't tell whether it happened before or after, because this might have some bearing.

IO: Did you get a copy of the letter that was delivered to Uptight by the two kids? As I remember one of them, at least, was killed going out. They got caught in a minefield or something of that nature.

A. I didn't even recall that, that probably wasn't part of my testimony, sir. I don't think I remember that this happened. I remember that there was a boy and a girl, according to what I was told. They were young, there was a boy and a girl, and they came right up to the wire and handed this letter across to a soldier who brought it up to the battery commander or whoever it was that was in charge at the time, who then passed it back through channels. I'm pretty sure I got to see the letter because I sort of

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recall that it's on small stationery, in other words smaller than 8-by-10, and it was written in very straight lines, in other words it looked as though a straight edge or something had been used underneath the writing. The writing was very scholarly type writing, something like a child who had learned to make letters very carefully and even, each letter was very meticulously made. It was written in stilted English, as most Vietnamese write English, and this was not the only time we had received that kind of thing. Children also walked up to LZ Liz at least one occasion and I think more, and did the same thing, handed letters across with the same general theme. "We are your friends, you are American soldiers, you don't want to do what you're doing, we are poor helpless Vietnamese people, why do you kill us," and that sort of thing.

MR WALSH: We have a document, not precisely as you describe, but I have here a document (Exhibit M-35) dated 28 March 1968. An English translation of a Vietnamese document which might have been written in the form of a letter.

A. This was not a very long letter.

Q. By the National Liberation Front Committee of Quang Ngai Province?

A. That was usually put, that or South Vietnamese Liberation Army.

Q. I'd like you to take a look, first at the Vietnamese document and then the English translation which appears attached to it. Read it, look over it, see if that bears any resemblance to the document you remember.

A. I would like to reiterate before I go any further, before I forget it, what I mentioned to the committee earlier about what I recall the second notice consisted of. It consisted of an intelligence report which stated that the Viet Cong guerillas and members of Viet Cong units in the Son Tinh area were wearing red arm bands on which was a motto to the effect, "Determine to Avenge the Atrocities at Son My," or words to that effect. Do you recall that I said that before?

Q. If you will take a look at that document and see if it rings a bell with you, the document handed through the wire at Uptight?

A. After reading the first page I can tell you I've never seen this before.

Q. All right, I show you another document which is the translation of both a Vietnamese language document and a translation which connects to Exhibit M-36. Take a quick glance over that, see if that possibly is similar to what you recall was the document handed at Uptight.

A. This one is unfamiliar to me too.

Q. Now with respect to either of the two reports--

A. (Interposing) I never even came down to the part about the sweep operation, that's the part I should have been reading?

IO: Yes, the first page is just general Communist tirade, more closely akin to the kind of propaganda you were hearing.

A. No, sir, I have not seen this one before.

MR WALSH: All right now, with respect to either of the two reports--

A. (Interposing) Can I go a little further about what I recall about the letter that the children handed in? It probably doesn't have any direct bearing, but I do know that it did not refer to any particular incident or anything particular happening.

Q. It didn't refer to the massacre of civilians at Son My Village?

A. No, that's why I say that I'm not at all sure that it wasn't turned in before that occasion.

Q. So that your recollection is that you had two reports received from intelligence channels. The first one you spoke to Colonel HENDERSON, and no one else about it, Colonel HENDERSON said, "Division is aware of it."

A. "And is looking into it."

Q. What did you understand him to mean by "looking into the matter"?

A. I believe he used the term investigating and so on. In other words, they're going to find out whether it's true or not, whether there was any truth in it.

Q. That is, an investigation into the activities of Task Force Barker and the 11th Brigade?

A. That's probably what it developed into, of course, but I don't think I could verbalize it to myself in those terms. I was really thinking in terms of the fact that perhaps a few of the casualties--see I really to myself thought it was propaganda the whole time. I never thought otherwise, except that it was a little different kind of propaganda and it was different enough. At division level I expected that when he told me that division was aware and was looking into it, that they felt the same way I did about it, that this was something you just didn't let the enemy say without at least assuring yourself that it was what it appeared to be, propaganda.

Q. Did it occur to you to contact Colonel TREXLER about it? You had his advice that he was looking into it, see if there was anything he found out?

A. No, sir. It didn't occur to me. I thought it was in good hands, that's how I felt about that. The trouble was that each day, we were faced with new problems and my mind was immediately concerned with 1,001 other things and I really didn't push it any further once I determined that it was being looked into.

Q. You stated that you had later received a report that these allegations had been looked into by the Vietnamese and were found to be groundless. I show you a document, Exhibit M-30, but first I think you already indicated that you've never seen Exhibit R-1?

A. That's the one that had two--

Q. I would ask you to look at Inclosure 1, "Statement."

A. I believe the first time I saw this was in December, that's what I said in December, that it was the first time I saw it.

Q. I'd like you to read that statement, Inclosure 1, and see if that rings any bell in your recollection.

A. I recall, I'm quite sure, I don't know whether it was attached in December or not. I think that was the first time I read it and I see an immediate difference between what is said here and what the Vietnamese authorities said about it and what Colonel HENDERSON said to me. However that was what he said to me to the best of my recollection.

IO: He said that the Vietnamese authorities had looked into and they could find no foundation in fact or words to that effect?

A. That's right, sir.

MR MACCRATE: Well, did you understand that which you just read to be a report from the Vietnamese authorities?

A. Yes, sir. Where he says here that the letter was not given much importance by the district chiefs. Well, I believe that one of the things that he said to me was that the district chief had been at least one of the officials who had discounted the report as factual.

Q. There is a difference between not attributing importance to it and not believing, is that your point?

A. No, not really, sir. Again I might have misled you somewhere along the line. If you believe it, it's got to be important. What I gathered from Colonel HENDERSON's statement to me was that it was not factual. And therefore, of course, I attributed a lesser importance in my own mind to it once I had heard from him that the Vietnamese had determined to the best of their ability that it had not occurred. That the most I could have said to myself at that point in continuing to believe that it happened was, "Yes, I had believed to begin with that it had happened. After all, the South Vietnamese don't have that much ability to get out in their own countryside and find out whether it happened or not." This was true of many village chiefs. A village chief or a district chief stayed in the district headquarters and the village chiefs all stayed there with him because they didn't dare get out in the village. If they did they would have been hung the minute they got there.

Q. Do you recall speaking with Sergeant GERBERDING about this at this time?

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A. It's sort of interesting that you would bring up his name because I was just thinking myself that he's got a tremendous memory and you should be talking to him if you haven't already.

Q. We have indeed talked to Sergeant GERBERDING.

IO: I recall I told you we talked to 350 people. We've talked to an awful lot of people.

MR MACCRATE: We've talked to Mr. BAILEY, Specialist BAILEY, who was in your shop.

A. Yes, he's a Mr. now. Although BAILEY is not the individual that GERBERDING is. GERBERDING had a tremendous mind, and he was very methodical about everything he did. He was certainly as valuable to me as any other single person that I had with me over there. But I don't recall speaking to him about this matter, although we may have, because in the course of a day we're always throwing comments back and forth across the room. I remember this with Colonel HENDERSON because it sticks out in my memory, because he was the individual that I took the information to and he was the one that gave me the answers. So if I talked to Sergeant GERBERDING, it would be only, "Say, look at this one, this one's out of the ordinary, what do you think of this?" He's certainly, sitting there in the office couldn't have contributed nothing factual.

IO: You talk about the VC propaganda. Did you ever hear a story along about somewhere between 17 and 20 March where the VC took a woman who had been sort of split wide open and dressed in black pajamas, and spread-eagled her along Highway 521 and shoved an 11th Infantry Brigade patch in her crotch?

A. No, sir. That's a new one, that's a new story to me, sir. I've heard a lot of them.

Q. We've heard a lot of them too. This was one that came in from one of the individuals in your flight detachment.

A. Sir, I've not ever heard that story.

MR WALSH: Did you know a Captain RODRIGUEZ who was the assistant district advisor to Son Tinh District?

A. The name is very vaguely familiar, I've never met him. In fact I never met Colonel GAVIN until today, just outside here in the hall. He was Major GAVIN then, I believe.

I heard actually about him second hand because my S2 was going in there all the time to deal with him, but I never had occasion to go to Son Tinh District and so therefore I never did meet Major GAVIN.

Q. Now, Mr. BLACKLEDGE, I want you to think very hard. Did you, in fact, not only see the document, R-1, but in fact assist in its preparation?

A. Negative, absolutely negative. I never saw this until I came here in December.

Q. I show you a document which has been marked as R-5. A carbon of that document, marked confidential, bears your initials.

A. Those are my initials alright.

Q. We have been told by Sergeant GERBERDING that those are your initials and your handwriting.

A. It looks like it to me too.

Q. Now would you tell us what role you played in the preparation of that document?

A. Well, it's marked confidential on top and bottom. It was done in my office, but to give you an idea of how much I had to do with the preparation of it, I don't even remember seeing it before. You heard how I was definitely saying I didn't see it before. I fully believed what I told you. I now retract what I said because those are my initials and I recognize the way I write my initials. But I don't recall the document and although you may not believe me, I certainly in my own mind believe myself fully. I had nothing to do with the preparation. In fact--well, you caught me with my pants down. That's my initials right on there, so I must have seen it, but I just don't recall. I know damn well I didn't have anything to do with preparing it.

Q. Do you recall being given the text of that letter in handwritten form from Colonel HENDERSON, with a request to have it typed?

A. No.

Q. Do you recall handing that document, or rather the

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hand-written draft prepared by Colonel HENDERSON, together with a folder containing other papers relating to this matter, to Sergeant GERBERDING to have typed?

A. No, I don't, but if I got it, if I had received it from Colonel HENDERSON, that would have been the normal thing to do with it. It's beginning to look as though I had something to do with it because my initials are right on it.

Q. Let me ask you this--

A. (Interposing) If Segeant GERBERDING remembers typing this, then that's what happened all right. To answer your question, though, no I do not recall.

Q. Do you recall seeing a letter addressed to Colonel HENDERSON from General KOSTER with an inclosure relating to the subject matter dealt with in that letter?

A. I do not.

Q. Let me read you what Sergeant GERBERDING states. He appeared before us and under oath he gave the following answers to the following questions:

"Q. I'll hand you a confidential document that has been admitted into evidence as Exhibit R-5. I ask you to look at that and see if you have ever seen that before.

"A. Sir, this is the reply I had typed.

"Q. Do you recall who did the typing?

"A. Yes, sir. Sir, I know his name but I need time to think.

"Q. Do you know who wrote the paper, sergeant major?

"A. It was given to me by Colonel BLACKLEDGE, the S2, sir, and it has the office symbol of the brigade commander.

The handwriting of the draft copy was in Colonel HENDERSON's writing.

Q. I see, and as far as you know, Colonel HENDERSON personally wrote the draft?

"A. I would say he did, sir. Colonel BLACKLEDGE told me this was confidential correspondence from the CO and wanted to get it typed and not make too much publicity about it. Keep it confidential.

"Q. Sergeant major, Exhibit R-5 bears the initial RKB. Do you recognize those initials?

"A. Well, RKB would be Richard K. BLACKLEDGE which is Colonel BLACKLEDGE."

A. Okay, I don't dispute anything Sergeant GERBERDING says. I don't recall it, but I don't dispute it. As to my having told him not to put it about, it must have been-- here I am talking to myself--that Colonel HENDERSON told me the same thing and I just passed it on. That's how I feel about it.

Q. You realize, Mr. BLACKLEDGE, your testimony is simply incredible.

A. I don't feel it's incredible at all, sir. Colonel HENDERSON could have easily told me that. I don't see why you feel that it's incredible.

Q. It's incredible that you have no recollection of this.

A. Well, I certainly don't. As I say, it would have been rather foolish of me to say that these are not my initials. They are. They definitely are. But without looking at my initials and telling me that I had seen this before, you could have told me until you were blue in the face and I wouldn't have believed it. I can't dispute my own initials. But as to the subject matter involved here, I personally feel myself that the colonel gave me the thing

to have it typed, "Give it to one of your people to type because it's classified and I don't want anybody else to type it." I handed it to Sergeant GERBERDING who typed it, dispatched it, and a file copy was evidently held by me, but I don't think I looked at it that carefully.

MR MACCRATE: Now Colonel BLACKLEDGE, let's review what you've told us and put this into a little perspective. You tell us that you received a report as to the killing of a large number of people in this very area, then you receive a second report to the same effect. You talk to the commanding officer of the brigade about both of those and you remember those. Then he hands you a handwritten letter relating to these very matters and you say, "Oh, I didn't pay much attention to it." Sir, that is incredible. It zeroes right in on your own recollections of what was given to you.

A. As a matter of fact it repeats my testimony. As a matter of fact, that's what I'm saying here. Well, let's see, "Son Tinh District chief did not give the allegations any importance" and "making such allegations was a common thing." This part fits right in with what he told me. But the other part here, that's propaganda right there. This part right here, "District chief proceeded to interview the Son My village chief and got the same information." I don't know whose statement this is, but any rate the letter seems to say the same thing as what the brigade commander told me. "It is concluded that 20 noncombatants were inadvertently killed when caught in the area preparatory and in the fires, the cross fires--It is further concluded that no civilians were gathered together and shot," and that the allegation was obviously VC propaganda. That's what he told me.

Q. Now to whom is that report addressed?

A. To division.

Q. And your prior testimony was the division was looking into it. Now here you have your own commander handing you a letter, and you give it to Sergeant GERBERDING to retain for file where it is not division, but a brigade commanding officer who is stating that he

has examined it and is making a report on this investigation to the division commander. Doesn't any of this fit into anything that you can recall at that time? You've got two inclosures there. You told us previously, before you saw the file copies with your own initials on it, that you never saw those inclosures before. Are you still that certain that you never saw those inclosures before?

A. Obviously I can't be. There were, as far as I can tell, it says right on the letter, two inclosures, and right there, they were certainly attached when they came on forward. But I don't recall them. Now let me say that--

Q. (Interposing) How mechanically could this have been done without you being intimately aware of, and familiar with, each and every step?

A. I took no part in the investigation whatsoever.

Q. I'm talking about the preparation of this letter and its dispatch. Here you were the one that says to Sergeant GERBERDING, "Keep this, keep it on a confidential basis." And believe me, he did keep it on a confidential basis. He told us how he put it into his desk drawer and in a special envelope because of what you told him. Now he's retained this, keeping these papers together, together with some other papers and this letter with inclosures is brought together and dispatched to the division commander, we are told, in an eyes-only envelope, for the eyes of the commanding general only. Now does that refresh your recollection? I believe it was Sergeant GERBERDING's testimony that it went into two envelopes, an inner and an outer, and it was addressed--

A. All classified materials has to go in an enveloped stamped and then another one.

Q. But in this case it was eyes only.

IO: The eyes only would be stamped on the outside envelope. Confidential would be on the inside.

A. There again, I don't recall it, and it's unusual enough to where I really should. I'll have to agree with

you on that. We don't send that much eyes only to the division commander.

MR MACCRATE: Well this has indeed been the testimony, that this was a rare thing. In fact we've had testimony from one person who thought that it was the only time he remembered an eyes only communication.

A. Well, when I was here in December, General PEERS started me back on the road toward recollecting something about that when he mentioned a folder that the colonel had given to me to be held, which he took out at intervals about that same time. He didn't invite me to look in the folder and therefore I didn't. However, when it came down to actually preparing this report which went forward, I'm not really certain that if I did see this, even if I had recalled it, which obviously I didn't. But if I had recalled it, I would have married it up with the fact that this was the investigation that the colonel was talking about when he mentioned the division was looking into it. Although he later told me that he had spoken with division, not with division, but with the district chief on the matter himself.

IO: District or province?

A. I believe he said district.

COL FRANKLIN: Colonel BLACKLEDGE, you get a lot of propaganda. Everybody that has come has told us there were great quantities of this stuff, comes in stacks every day. Now why did you take these--you didn't have that much time with Colonel HENDERSON. You as a staff officer, you didn't spend a lot of time in light talk with Colonel HENDERSON. When you went there to see Colonel HENDERSON, you had to have your stuff in order. And yet you told both times, these propaganda poop sheets which you remember very well. You pulled them from great stacks and took them to Colonel HENDERSON. Why?

A. Because those stacks normally talked about such and such a VC unit was seen here, such and such a team of propagandists moved from one place to another place, or it

is alleged that a certain personage in the VC was going to conduct a meeting at another place, at certain time and on and on. This is the kind of thing that's used to move your troops about. Well, it just didn't happen that way. We received intelligence reports which alleged that American troops had gone out and killed people.

Q. You've got all sorts of reports, you've got lots of reports that Americans had killed people. Didn't you, in fact, take that to Colonel HENDERSON because you and Major MCKNIGHT and Colonel HENDERSON and other people had expressed concern previously over the results of the 16 March operation as reported by Task Force Barker? There was a doubt in your mind and there was a doubt in other minds and there was talk around that headquarters about Task Force Barker's operations? Did that have anything to do with perhaps why you might single out those documents, take them to Colonel HENDERSON?

A. I don't recall any such talk. Not only that, but I singled them out and took them to Colonel HENDERSON because I married them up with the fact that we had troops in the area at the same time that the allegations said that this had occurred. So obviously, they were talking about troops from our brigade.

Q. You had a huge AO in the Americal. Every single time that there was an atrocity or something mentioned or in the 11th Brigade AO you got one of these poop sheets, did you take it to Colonel HENDERSON, every one that referred to a hamlet or village in your AO?

A. This is the only time that I can recall an atrocity being given as of a date and place. Right, we got a good deal of propoganda that says, in general terms, "Americans kill innocent civilians with their guns and don't watch where they're firing," so on and so forth. But this one said in such and such day and such and such a place, troops killed that many people. Now that was way out of the ordinary. That wasn't an everyday thing by any means.

Q. This report here, Colonel HENDERSON gave you, told you it was confidential. Now most staff officers have

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a tendency with something like this to read it. In particular we know you, by talking to witnesses, your character, the way you operate. We know Colonel HENDERSON. We know again that you didn't take Colonel HENDERSON poor staff work. We know that Sergeant GERBERDING, when he read this, had it torn up and redone. It wasn't done properly. We know that Sergeant GERBERDING did not take it to Colonel HENDERSON for signature, you did. I just don't believe, Colonel BLACKLEDGE, that you would take a confidential document--this isn't addressed to division, this is addressed to the commanding general, and signed by the brigade commander. You're not about to take a piece of paper of this sensitivity to Colonel HENDERSON, this or any other time, without you reading it first. Did you ever give him a piece of paper for the commanding general that you were responsible for, that you didn't read?

A. Very unlikely. And as I say, I feel now, having seen my initials on there, that I must have read it. However it says just about what the colonel told me.

Q. Would you be confusing what you read and what you talked about with what he told you. Would you be confusing reading this letter with thinking that he told you that?

A. No, I know that he told me. The fact that he put in the report would have only told me that what he told me he was also willing to tell the division commander. But I'll tell you something else. I did not marry this up with the report of investigation that was directed by division. In fact I thought that division was conducting an investigation right there. In other words it was going from Son Tinh area right into Chu Lai. In fact Duc Pho was further than Chu Lai, division headquarters from Son Tinh, as you probably know now.

Q. You didn't marry it up when, when you read it the first time in Vietnam or here?

A. Neither place. When I read it here in December, I did read it in December, I felt that this was an independent report, that Colonel HENDERSON was writing it as a feeder

to division investigation. In other words, this is what we found out in the 11th Brigade and whatever all you people are doing up there, well, you find out whatever you can about it.

MR MACCRATE: Mr. BLACKLEDGE, if you look at the document that has inclosure 1 written on it, which is the green sheet here, or here you have another copy of it, the two are similar, you note in the first paragraph it refers to a letter of 11 April, do you have any recollection of having seen such a letter?

A. No, sir, I don't.

Q. I'd like to show you a letter from Lieutenant TAN, the district chief of Son Tinh District to Colonel KHIEN the province chief of Quang Ngai Province, dated 11 April 1968. That is the Vietnamese text, and if you turn over the English translation you will see that this is the document, copies of which went to the 2d ARVN Division headquarters, to MACV, Quang Ngai Sector, the U.S. advisor, Son Tinh subsector, courtesy copy. And you'll notice also that it bore the stamp on the original of top priority. I'd like you to read the letter please.

Have you had a chance to read the letter?

A. (Interposing) I have read the letter.

Q. Do you recall having seen that letter before?

A. No, sir.

Q. You referred to the fact that you understood the ARVN were conducting an investigation?

A. Yes, sir. Yes sir, that is what I was told that day. Since we had already left the area and we were not out in the area at that time, it was being turned over to the Vietnamese authorities for them to look into, and that the district chief didn't put much stock into it. But if this letter is from the district chief, it just doesn't fit at all with what I was told.

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A. Is this the entire substance right here?

Q. That's the covering memorandum. Then if you'll turn you'll see the Vietnamese of that document, then you'll see a copy, a slightly different text, but in general the same Vietnamese propaganda that you've already examined, which was a part of Exhibit R-5. Then you see this letter of 11 April from the district chief to the province chief, and you notice the handwritten notation that appears on the top sheet in translation on the Vietnamese, it's over on the left hand side. It's translated "Quang Ngai Sector, review this investigation. If there is nothing to it have the district rectify a report. If it is true link up with the Americal Division to have this stopped." Now, just so that you can see the progress of this--

A. That was all written by General TOAN?

Q. Then Colonel, now General TOAN. Now, I show you M-32 which is a message from, or on behalf of Colonel TOAN of 15 April 1968 to Quang Ngai Sector. That would be Colonel KHIEN, province chief; Subject: "Report that an American Unit Operation at Son My Village on 16 March 1968 where near 500 Civilians were Assembled, Shot and Killed. Request Sector conduct another investigation, in event report is not true instruct Son Tinh District to rectify the above report, if correct report to G2, 2d Division; this headquarters will intervene."

A. That's another one I never saw, sir.

Q. Well, do you remember Colonel HENDERSON telling you anything about this investigation that the 2d ARVN Division was carrying out?

A. He told me that it had been placed into Vietnamese channels. In other words the Vietnamese authorities were looking into the matter.

Q. Now, Sergeant GERBERDING has told us that among the papers you gave to him was a directive from General KOSTER to Colonel HENDERSON, to which he believes there was attached a copy of this Exhibit M-34, this letter of 11 April. You'll notice in Colonel HENDERSON's report he refers to inclosure 1, and in inclosure 1 we find a reference to this very letter of 11 April. Now, does any

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of this that we've shown you in any way refresh your recollection as to what was said to you by Colonel HENDERSON at this time?

A. Sir, it does not. Everything that I have already told you concerning my conversations with Colonel HENDERSON on the matter are to the best of my recollection. Having seen my own initials on this report, obviously I got to see this, at least this part of it. If it was the same material that he had in this thing he was giving to me for safekeeping from time to time and then took back, it's, well I sort of have a habit of not trying to poke my nose into other peoples business.

Q. Well now, Mr. BLACKLEDGE, here we have documents that are being prepared for submission to the commanding general. Colonel HENDERSON didn't type his own letters.

A. I agree.

Q. He gave you, we understand, a handwritten letter to be retyped. The enclosures to the letter had to be prepared. This would have had to have been done by someone for Colonel HENDERSON.

A. I'm wondering where he got these enclosures. This one right here. I still don't know whose statement that is.

IO: We'll show you in just a moment.

A. This right here the inclosure 2, would have failed to excite me at all.

MR MACCRATE: But inclosure 1 certainly would, because it refers to a letter of 11 April and one doesn't see the letter of 11 April.

A. Well not only that, but it indicated that the village chief, even as of this date, seemed to feel that this thing had actually occurred. Not given much importance by the district chief.

IO: Did he explain not given much importance, Colonel BLACKLEDGE, did he explain what that meant? Does that to you mean that the information is not valid or he just can't believe in it?

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A. Well, first of all I don't type myself, and I know damn well I didn't retype that, nor did I ever see it before. Now you allow that my initials on it that says I did that too, in which case I'll have to put my hands out and let you put the manacles on, but I have no recollection whatsoever of that statement. My only knowledge of Captain RODRIGUEZ is very, very dim, that he was for some little time out there at Son Tinh, and if you asked me for his name I couldn't have provided it to you, it's only the fact that you told me that I even knew it at all.

Q. Well we have no reason to believe that Captain RODRIGUEZ walked this over to the 11th Brigade at Duc Pho. We have every reason to believe that there are a number of people that were aware of precisely what went on in this situation.

A. Well, I'm afraid I'm not one of them, sir. I'm afraid I'm not.

Q. Well Mr. BLACKLEDGE, your denial of any recollection of a letter that bears your initials and comes out of your file, your statement that you don't recall something is not terribly convincing.

A. I can't do any more than tell the truth, sir. I said that when I first came in, and I said it back in December, and I'll say it again now. You may accuse me of stupidity or poor memory but not of trying to hide something that I knew to be true, that I wanted to help somebody else hide, that I didn't do. It's a matter of fact I'd have been only too happy to hang any and all guilty parties that had anything to do with anything like what has been alleged, and I said that back in December too, never realizing that I was going to one of them at one time or another, at least accused to be one of them.

Q. Not only is there the question of the event that took place, but what we're now focusing upon is the investigation with respect to the event, reports made. The investigation that at that time proceeded and we come to a significant document out of your file, and you tell us, "I just don't recall," despite the fact that you do recall feeling sufficiently concerned about this. Being sufficiently aware of what it was you were concerned about, namely the

the operations of Task Force Barker on this day, you took two pieces of propaganda to the commanding officer of the 11th Brigade. Then you come and say that when your commanding officer prepares a report on that you just have no recollection of it?

A. Well, sir, all I can say in rebuttal is that if I had been involved and if I had known that this would happen I'm afraid I'd have a hard time sitting here in December and looking General PEERS in the eye and telling him all the things I did with what to me was a pretty clear conscience. I walked in here the same way today, with the same clear conscience. As a matter of fact I've got it right now, because although I haven't convinced you that I'm not involved, I know in my own self that I'm not. I've heard of innocent people going to the gallows before, and I may be one of the many, but I'll never be able to tell you anything different than I have already.

Q. Let me ask you a very direct question?

A. Yes, sir.

Q. Do you think Colonel HENDERSON played tricks on you with respect to the preparation of this report? Do you think that he gave a little piece to one person and gave another piece to another and that he sort of married this thing together behind your back? I mean, this is the only alternative, as I see it, to what you're saying.

A. Well let me say what I think about that, sir. To me Colonel HENDERSON was a tremendous commander, a man I admired. I knew I could never measure up to his ability as a--many, many fields, he has a mind like a steel trap. I still have the same feeling about him, I can't change that. He wasn't the kind of person to do that, and no, I don't think he did that. On the other hand, I do know that I wasn't invited to partake in conducting the investigation, in fact didn't even know that the entire investigation was being done at brigade level. I do have a vague recollection of this folder that he kept handing to me over a period of time, which I properly stuck away because he said it was private.

Q. Where did you stick it away? I'm interested in that.

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A. Well, over in the corner of the tent we had a regular classified container, a four drawer, or five drawer steel--

Q. Safe?

A. File cabinet with a three position tumbler combination lock at the time.

MR MACCRATE: We talked to the file clerks from the S2 section at brigade, and we understand you had two containers, you had one for secret, and another for confidential?

A. I believe we did, yes.

Q. Is that in accord with your recollection?

A. I believe it was something like that. I know where we used to put this one, I could draw a picture of the tent, and as we came in to the tent, a regular squad tent, GP medium. As we came in here, Sergeant GERBERDING sat right here, and he had this file container in the corner. One reason we put them in the corner is because that was right over the strong part. After all, these were plywood-type tents floors, you take a 1,000 pound safe and put in the center and the thing is going to bow. So we tried to get into a corner of the building, where there were strong supports underneath. I recall this is where, this one right here, is where we put this folder.

Q. And is that the one by--

A. (Interposing) Well actually, it was a manila envelope, I keep calling it a folder, but it was a manila envelope.

IO: It wasn't an envelope that had "stickum" and so forth on it, but it was just a plain old manila folder?

A. I recall it to be an envelope, sir. It had a flap over the top.

MR MACCRATE: But that wasn't stuck closed?

A. No, sir. It wasn't because he took it out and did additional work in it from time to time.

Q. This was in the safe that was by Sergeant GERBER-DING's desk?

A. Yes, sir. Not very far from it.

Q. And then--

A. (Interposing) We had a big map board right down the center of the tent and my desk was down at this end, and my assistant was over here. There was one more desk in here for a typist, right here.

Q. And your document NCO handled the other safe, logging in and out the secret documents?

A. I believe that's how we worked it generally speaking, yes, sir.

Q. Now can you tell us about the size of this manila envelope and what you would estimate to be the content of it?

A. It was fairly thick if I recall, sir. It got to be about a half inch or better thick, and it was large enough to hold--well it was about as long as this and a little bit higher.

(Witness indicated about the size of the yellow tablet that was in front of him.)

IO: Did it have one of these things that had a wrap around, you know?

A. No, sir, it was a standard manila envelope, with a gummed--at least that's what I recall.

Q. Maybe it's one of these normal 8-by-10 folders, but they'd have a hard time putting a half inch material in it. There is another size that's about a little bit larger.

A. I recall that it got a little bulky, not to where it was--

Q. (Interposing) Did you ever look into that at all?

A. No, sir.

Q. Are you sure it was kept in that safe?

A. That's what I recall. Now here's the whole point, sir. Now here we are talking about this thing, we're attempting to tie up this folder with this investigation. At the time the colonel told me these were his private papers and I was to take it and put it away in safekeeping and give it to him when he wanted it again. That's exactly what I did, and for all I can tell--

Q. How did you get it when you'd want it? Would you walk over to the safe and get it, or would you ask Sergeant GERBERDING for it?

A. One or the other, sir. If he got it he'd hand it to me and I'd take it over and give it to the colonel.

Q. Well he has a different recollection about where that folder was filed than you have.

A. Well that's why I'm wondering whether we're talking about the same one, or not. Because the colonel had other things that he kept to himself, his efficiency reports on people and things like that, which he might have given me, because I didn't ask him when he gave me the envelope and told me to put it away, "Sir, what have you got in here?"

Q. You have on this one your initials and file.

A. Yes, sir. Yes, sir, this is an entirely different matter.

Q. Yes.

A. But I can't even tie up this with the envelope I'm talking about.

Q. GERBERDING indicated in his testimony that he wanted you to take care, and that you passed on to GERBERDING that you wanted him to take special care of this and didn't want this a matter of knowledge and so on. According to GERBERDING, he kept the file on his desk. He didn't want it in the safe where it would be available to everybody, because of the instructions you had given him.

A. Seems as though it would have been more open in the desk than it would have been in the file cabinet, because nobody else got in the file cabinet but me and, you know, a couple of clerks.

Q. Would any one of these be the type envelope you are referring to?

A. The type I'm referring to is this, whether this is the size or not, but it was this type of envelope.

Q. Official government envelope?

A. Yes, sir.

Q. Either 8-by-10, or 9-by-13, or -14.

MR MACCRATE: When is the last time that you recall seeing such an envelope?

A. To be truthful with you sir, it was kept in there over a period of time, and as far as I knew I don't think I had any occasion to go back to see if it was there as of the time I left the brigade. In fact I know I had no occasion to go back and look, I wasn't really interested in it.

Q. When did you leave the brigade?

A. I left in May to go on R&R, and came back in early June expecting to have orders to go to Phu Bai. However there was something going on there at the time, and they needed me for an extra week or so. I think I stayed when I came back in June for about 2 weeks before I finally went up to Phu Bai.

Q. And then--

A. (Interposing) During that period I had no, let's see my assistant took over, began with an S, German name.

MR WALSH: SCHLEICHER?

A. Yes, Richard G. SCHLEICHER.

IO: Where did he come from, 4/21?

A. Well back in Hawaii, he came in with the MI detachment. The MI detachment was being formed and he started out as the chief of their CI branch, the intelligence investigators. However I needed an assistant S2 air, and I asked him whether he'd like to have the job. He said he would, and even before we ever went to Vietnam he was already in the

saddle as the S2 air. And eventually he succeeded me as the S2 when I left. During this time he had been promoted to major.

MR MACCRATE: During an active operation where did you station yourself?

A. Most of the time I was back at brigade headquarters.

Q. In the TOC at brigade headquarters?

A. Either in the TOC, or in my office, one or the other. If it was right in the middle of an operation I'd be more inclined to be in the TOC, because sometimes things that were coming across on the radio were of intelligence interest and I wanted to be sure we picked them up and recorded them properly. Also I wanted to be available in case something developed during the exercise that required my efforts.

Q. So that on a day such as 16 March, where you had a major operation going forward and you had these forces going in on air assaults, your position would have been in the TOC?

A. I was not required to be there. I would have been there more often than not, but there were many days on which I was busy but, I always had an officer in the TOC representing. I shouldn't say that; it wasn't always an officer. Sometimes it was an NCO, but there was always an S2 representative in the TOC. So therefore if something else was going on that I had to do, like prepare for the next operation, it was a matter of my stopping by periodically and reading the lists of incidents that had taken place, asking how things were going and then I'd go back to my other job.

Q. If Sergeant GERBERDING were in the TOC for you when you came in he would give you an account of that which had gone on.

A. Not only that, but we had a situation map that we kept up all the time and it was a matter of coming looking at the situation map and then looking at the lists that were posted right on the wall of reports and incidents that had occurred during the period.

MR WALSH: Where were you on 16 March, the day of this operation?

A. I do not recall. I'm pretty sure I was at brigade headquarters, but I couldn't go any further than that.

Q. This was a pretty big operation for the 11th Brigade.

A. We had a lot of big operations, one--well no use in going through all them, but we did have a lot of big operations and of course this one wouldn't have been significant until we started receiving reports of a high enemy kill.

Q. When you received those reports, what do you recall about your discussions about them?

IO: Let me see if I can clarify that just a little bit, Colonel BLACKLEDGE. Well just a little after 0830 Charlie Company for example, had a body count of 84 and by the time you add in the helicopter casualties there were 90. By this time over in Bravo Company they had had almost 30 of them at that time, so all from 0730 until about 0900 we're talking about 120 dead VC. Now that ought to have perked up your ears I should think. That's what Mr. WALSH is alluding to, and I think that would have put you right over in that TOC.

A. Sir, I without fear about being too far in error I'm sure I was rather elated because naturally whenever there was what appeared to be a successful operation I would attempt to, in my own mind, attribute it to the fact that they got good intelligence. Whatever part we managed to play in providing that intelligence and we had helped in getting a successful operation underway, as for anything further on that, why of course I only look forward to perhaps out of the operation or even during the operation additional intelligence being secured which would continue the operation.

MR WALSH: Now we understand there was an awful lot of conversation going back and forth between Task Force Barker and the 11th Brigade about these casualties, how they occurred. What do you recall about that, were you in the TOC?

A. No, sir, I don't recall those conversations as to how the casualties had occurred, although I think that we

always asked this very question. After all we were interested in just exactly how the operation was taking place, whether it was gunships that were doing it or they were coming up on a lot of people that were already killed by long range fires, or whether they were--just everything about an operation.

Q. Do you remember receiving a report of 69 VC killed by artillery fire?

A. Not specifically, no.

Q. You don't recall it at all? How did you think that these, all of these VC had been killed?

A. Well, if your going to show me a copy of our TOC journal it's about as factual as I can get. Of course I read one every single day that I was there.

Q. I'm talking about the reports that you heard at the time, the discussion on these?

A. I don't recall any particular discussion although I'm sure that we had some, and the figure of 69 due to artillery wouldn't seem unusual.

Q. Did it ever happen at any other time during your tour in Vietnam?

A. No, but of course that was rather early in my tour when all this occurred.

COL FRANKLIN: It was highly unusual. You never heard of 69 people being killed by artillery. How long had you been in the Army?

A. Well I was in the Army for a little over 21 years.

Q. How many wars have you been in?

A. That was the first one.

Q. Have you ever heard at any time, personal knowledge now, of where 69 people had been killed by an artillery prep?

A. No, I can't say that I have.

Q. Well, it was pretty unusual then, Colonel BLACKLEDGE.

MR MACCRATE: At 0915 the brigade log carried an entry item 53, Task Force Barker TOC, C/1/20, 0900 hours, giving the coordinates of My Lai (4). The VC informed the interpreter that approximately 30 to 40 VC departed the area going east. C/1/20 will move eastward. Now about 15 minutes later brigade log had logged Charlie Company killing 84 VC, 69 by artillery. Are you telling us this raised no question in your mind about the intelligence, about factual basis for this claimed VC dead? You had 30 to 40 of them departing the area before the combat assault and then you have all of these people killed there in the village. There were no questions raised about this you recall?

A. No, I don't, but let me tell you what I would say about that. Many times reports came to us out of proper timing. We would get results before we would get things that occurred before the results.

Q. What I'm saying is that I don't think the timing has much to do with it, give or take an hour. This is in the morning, this is the operation and you learned that 30 or 40 of them left the village. Then you have these reports of all these people getting killed there. Did you inquire for example what unit these were from, what intelligence did they have about that?

A. Most times you couldn't tell what unit the enemy casualties were from. It was very unusual, even though you had people lying there dead, to ever find anything on them. Although if they were killed in that quantity there would usually be somebody that had something on him which would indicate who he belonged to, or what organization. A lot of cases it might have been a rather small one, like a hamlet or something like that unit, but when you kill that many VC you normally thinking in terms of--

COL FRANKLIN: (Interposing) Are you that stupid to make that statement? Now if you kill civilians it would be highly unusual to find anything, but I believe the experience in Vietnam is that when you get in with a local force or NVA, or a main force unit and you kill anywhere near the quantity of 69, you got so darn much documentation you are submerged in it; with diaries, and letters, and the rest of this business.

A. That's right, if you're in a regular unit, that's

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correct, you normally have a lot of stuff.

MR WALSH: Did you get anything out of this operation?

A. I don't recall what we did. In fact that's one thing that I was trying to get when I went up there with the colonel if I recall, hoping that I would pick up some documents and so on, but they didn't seem to have any.

Q. This is on the 18th, when you went up to Dottie?

A. I'm not really positive what date it was, the operation was still--

Q. (Interposing) The date on which you went with the colonel to visit Captain MEDINA?

A. The date we dropped--

Q. (Interposing) Did you talk to Captain KOTOUC about where the documents were, or anybody else in Task Force Barker?

A. Without remembering any conversation, I'm sure I asked for whatever documents they could come up with.

Q. Well, you remember that you went with the colonel for that purpose. You tell me you have no recollection of discussing this or doing anything?

A. No, sir, I don't mean to say that I went with the colonel for that purpose, because when I climbed in the helicopter the colonel just said "Come with me," and I didn't even know where we were going.

Q. What did you just say to us a moment ago, about that's why you went up with the colonel to inquire about where the documents were?

A. I'm talking about once I got there. We sit down at LZ Dottie and I go in there and the operation is under way, talking to the S2 I'm looking for documents, any kind of information. Documents are certainly one kind of information that proves valuable to us.

Q. When Colonel HENDERSON and Major MCKNIGHT returned

to Duc Pho after the morning operation, do you remember talking to him about the operation? At lunch with them?

A. I normally did have lunch with Major MCKNIGHT and sometimes the brigade commander was out, sometimes he was in, but I don't recall that particular day, I don't.

Q. Do you recall anybody telling you about this operation?

A. Well that's the hell of it, sir. You ask me whether I recall these things. I feel certain we must have talked all day long at the time, but now I can't recall somebody saying any particular thing to somebody else, I really don't.

Q. I'm not asking you to give a verbatim account.

A. I know that.

Q. Information is required.

A. The only trouble is every single day we're involved in one thing or another and we are always talking about what is going on at that time. It just doesn't stick in my memory now as to what we might have discussed at lunch time on that day.

IO: Let's line up a few things that are a little special about this date. I have had so many people say, well this is just like any other day. That isn't so, really, and the reason it isn't so is first you got a new brigade commander, this is Colonel HENDERSON's first day as brigade commander.

A. Yes, sir.

Q. He goes out--

A. (Interposing) And General LIPSCOMB hardly ever took me out.

Q. No, I'm talking about the first day now. Let's not deviate from this for a minute because it's only the first day that I want to say is a special day. It's special because he's the new brigade commander, he's out for the first day. It's also special because Task Force Barker tried twice

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to get into this area before and really had not done very well. From the reports and from all the emphasis that General LIPSCOMB had put on this and from what Colonel HENDERSON had said, they wanted to get in and wipe out that 48th Battalion, local force, once and for all. Well we got a report by 0900 we've killed 120 of them, that makes it pretty special right there. So there are a lot of things that one ought to remember, and another thing is the people he took on the helicopter with him. And he also set down, he picked up a couple of prisoners for example, and took them in and found out that they were PF's instead of VC, so there are lots of things that happened that are quite out of the ordinary. And the 69 being killed by artillery, this is really, I mean, whose ever heard of this? All of a sudden we get a figure like that, you see what I mean. So this isn't like any other day at all. So that has to be put into context of what Mr. WALSH is trying to talk about.

A. I know Colonel FRANKLIN gets rather upset when I don't express any surprise at 69 being killed by artillery, but I'm afraid that's just how dumb I am about warfare. I never said that I was an expert in how many people get killed by what and I'm not. That's the first time I was ever in any kind of a situation where I was shot at in my life, right out there in Duc Pho and things were kind of new to me. Of course I'd already been there a few months but on the fire base, we weren't in a heck of a lot of danger. We had a few mortar attacks during the time I was there, but aside from that--in fact those mortar attacks always ran right down the runway so I was able to stand outside my tent and watch them and never felt in any danger.

MR WALSH: All right, you were responsible for maintaining or rather submitting intelligence summaries.

A. Yes, sir.

Q. I'd like to ask you about a couple of items on the summary for 16 March, which bears your signature. You want to take a look at that? It's been entered into the record as Exhibit M-87. I'd like you to take focus on item 6.

A. Fifteen VC evading, result fourteen VC killed, three weapons and miscellaneous.

Q. All right, now, I'd like to show you the brigade log and call your attention to Exhibit M-46 and call your attention to item 39 at 0805 in the morning. My question to you is, what was the basis for the insertion of the word evading after 14 VC in your report to division?

A. I really don't know, unless it was left out of the TOC log.

Q. How about item 16 in the intelligence summary. Would you take a look at that please?

A. One U.S. wounded by sniper fire.

Q. Right. Now I'd like you to take a look at the log, M-46, item 61.

A. Okay, roster number 70 hit in foot by gunshot, dusted-off, LZ Dottie.

Q. Now do you recall having a report from Task Force Barker that a soldier had shot himself in the foot?

A. No, sir. I read about that in Life magazine in latter November, December.

Q. Did you ever hear about a subsequent investigation as to why Task Force Barker had not reported this casualty as a wounded in action casualty?

A. As to why they had not?

Q. Not reported in proper fashion, the wounding of this man. We know in fact that it's an accidental gunshot wound in the foot. What I want to know is how the intelligence summary comes to report this to division as having been hit by sniper fire.

A. Well, I think you'd probably have to know the character of the report. First of all, they're coming off the radio. They're being taken down by a clerk who's sitting right there at either the telephone or radio and we're logging these things. At the end of the day we gather up all these jobs and put them in one big list, just like you see it here and zap it off to division. We try to check at the end of the day because the S3 log should have the same

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general information in it. We make sure that we don't have something that they missed or they didn't get something that we missed. Because there were times when we completely left out an item because it got lost in the shuffle or they left out one, or their log wasn't worded the same as ours. And we tried to, if we had time, find out just which one was correct and there were other times when we could pretty much determine by looking at them which was most likely correct and we went with it that way.

Q. You don't have any recollection, I take it, of how the entries got changed?

A. Not this one particular.

Q. Now, I've previously called your attention to item 50, Exhibit M-56, the report 30-40 VC had departed the village at 0700 hours.

A. Well--

Q. (Interposing) Why isn't that in the intelligence summary? Isn't that a prime piece of intelligence that would approximately be incorporated in the intelligence summary? Except that it's inconsistent with all of the kills reported in that village that day.

A. No, I don't think I would have put this in to start with. Because first of all it's a--

Q. (Interposing) Report of an interrogation?

A. Right. Their interpreter says that somebody, he calls him a VC, which must have been a detainee that they had at the time, reported that these VC had left and the company is moving in the direction that they went. If I put everything in the intelligence summary that came in, then the intelligence summary would be as long as our incoming file from all of the battalions. So we selected out of the file all of those entries which were part of our statistics. In other words, if we had a statistic down here then we would have to show up here how that statistic occurred. If there were significant intelligence information that could be used by higher headquarters, I'd put that in there too. This didn't seem to me to be something that higher headquarters would use, but that we were using ourselves.

Q. Well it seems to me that its very significant, 0700 30 or 40 of them left and then you had an operation where--

A. (Interposing) It's not significant to division when we've already taken action, as much action as they could possibly take.

IO: You know, these are the things that we find that make this whole thing so almost absolutely incredible, not only incredible, unbelievable. Did you make it a practice to read your brigade newspaper, The Trident?

A. I may have picked up a copy now and then, sir.

Q. It came out once a week. I imagine you probably remember seeing this copy, the story about Task Force Barker on the upper right hand corner, as you'll notice. But with respect to these 35, now just look down there the second paragraph from the bottom in the right column. Can you explain how the division, I mean the brigade can be putting out a news sheet like this? That is just exactly the opposite, for example as far as the 35 is concerned, to what came in on the log?

A. No, sir, but I--

Q. (Interposing) This specifically says 35 VC had moved into the village 2 hours earlier.

A. No, sir. I tell you, there were a couple of young fellows who were charged with writing this, who would come in and out of our office from time to time asking us for information. They would ask to see our reports, and of course we had all our intelligence summaries and whatever we had and we let them look at them at will. They'd sit there and they'd copy off whatever information they wanted to and I just didn't read this thing that much.

Q. Don't you think it's quite a coincidence--

A. (Interposing) I certainly didn't check it for accuracy.

Q. Something like this happens, we get 128 killed, we have a weapons count of 3, we get an information report that 30 VC, 30-40 VC left the village early in the morning and the newspaper comes out just the opposite, 35 came into the village 2 hours before.

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A. Yes, sir, I know. As far as the weapons count is concerned, sir, we had another operation in the same general area before this where you mentioned that we didn't have any great success. One of the platoon leaders passed back the report that they were jumping over bodies and machineguns, rocket launchers, the whole bit, but they didn't have time to stop, they were in hot pursuit. Later on they reported they returned to the scene and there were no bodies and no weapons there. This was not the only time that happened by any matter or means. I recall that because it was in the same area.

Q. Yes, but you didn't have a kill of 128 either.

A. No, sir.

Q. That's more than half of the 48th Local Force Battalion. You just take and put that together and you add the wounded in there and you haven't got a battalion left. Had this report of 128 been true, for all practical purposes that would have been the end, at least for some time, until they could reconstitute of the 48th Local Force Battalion.

A. If it had been the 48th or the--what was the name of the other battalion, the two battalions that were in the area.

Q. Just the local force companies in there. Of course at that time they were giving all kinds of false designations so it was pretty hard to say. But to the best of what we've been able to gather there was only one battalion in there at the time, and it had been pretty badly mauled during Tet and had gone west to be refurbished. Whether it was back in this area again or not, as a matter of fact if you look at your own intelligence analysis I think you'll find you were carrying them in the mountains to the west.

A. Well, yes, sir. But I think in December, you recall that I mentioned that there was a company commander from the battalion who had been wounded during Tet and who had volunteered to take or to go out with the troops and show them where the battalion moved when they were out there and he had, according to what I was told, had one leg eventually severed. I don't know whether it was before he went out with them or after, but he had to be carried out. From what I'm told he showed the people up there at the task force that

they used streams, they moved right in the streams, in the water, and which was new information to us. Naturally he showed the people up there some of the hamlets where they stayed, moved to and so on. This to my knowledge occurred before this operation, so it appeared to me that the task force probably had some pretty good poop on which to go on when they went into this operation.

IO: I think we better move on.

A. Colonel FRANKLIN was going to say I had a way of twisting.

COL FRANKLIN: Well, you have a way of forgetting. You said a couple things in the record, we have knowledge of the operation of which you speak, but we have no such report. We have information of the B Company platoon being surrounded and cut off, having to be rescued by APCs and the company commander saying that we didn't have more weapons, is because, "I had to get my wounded on the APCs and couldn't take time to get the weapons." But we have no information on a pursuit. Then another thing that you've got down on this record, Colonel BLACKLEDGE, just to get things straight, the log, the rest of this, being made up by a bunch of clerks. That may have been in the 11th Brigade when you were the S2, but it's not done that way in every brigade. Again this was a most significant operation. The S2, more than anybody in the brigade, with the exception of the commander, should be the most familiar with that operation. If for no other reason than the evening briefing, and because he's got to answer the query from division. That's your job. One would think that you would be in constant communications personally with the S2 of Task Force Barker to ascertain all the details of this operation. That's part of your job, it's not done by clerks.

A. Well, from that I gather, sir, what you're saying is that I didn't do my job very well.

Q. I'm not saying that, but I just don't want a false impression given here on how these operations are followed.

MR WALSH: Colonel BLACKLEDGE, on the night of the operation Colonel HENDERSON says that Lieutenant Colonel BARKER reported to him 20 civilians had been killed by artillery and gunships. In the field on the 18th, Captain MEDINA had told him 20 to 28 had been killed. Now you were at that meeting

in the field with Captain MEDINA, you testified earlier that Captain MEDINA had talked about some people being hit. I wonder if you could explain why you didn't have those reports of 20-28 people being killed, civilians, noncombatants, women and children being killed by artillery and gunships?

A. As a matter of fact if you look through all our records, I never got the reports on innocent civilians killed. There was no requirement for me to forward to higher headquarters any such report. They just never came in, although I knew that our hospital was filled with them day in and day out, people that had been hit inadvertently during operations. Artillery fired every night out in to the field. Troops were fired on from areas in which they fired back, not necessarily in villages but from general area, long range fires, and very often they'd get to a place and find that there had been people hit and they would pick them up and put them on the helicopters, send them back to us. There was never any report made on it.

Q. Answer my first question. Is it correct that you did not know of these reports that Colonel HENDERSON had, that 20 to 28 civilians had been killed.

A. No, not to my knowledge. I heard Captain MEDINA say that to the brigade commander and there may have been some such comment passed back at task force headquarters when we were there, before we went out to Captain MEDINA's place, but I don't recall it if there was. That's what I keep saying. Do I recall it, no. What I recall is the company commander, what he said, that's what stuck in my memory.

Q. What stuck in your memory?

A. That the company commander mentioned that something in the 20's, you know, about that same figure had been hit who were not combatants or civilians.

Q. Then I guess you put this in the same category with the 69 killed by artillery, that you weren't familiar with these matters and that it wasn't necessarily out of the ordinary that 20 some innocent people were killed in an operation. Or what was your reaction?

A. Well I'm trying to remember what my reaction was. It certainly wouldn't have had a lot of bearing on what

happened. I believe that Colonel HENDERSON and Captain MEDINA, when they were talking about this and had an understanding that medics were on the way, that what ever could be done for civilians was being done.

Q. You overheard the conversation with Captain MEDINA. What do you remember about medics being on the way? At that time there were medics on the way?

A. I seem to recall him saying that they called for medics.

IO: When was this now, what day are we talking about?

MR WALSH: This was on the 18th. The meeting in the field with Captain MEDINA. Well, now I'd really like you to search your memory now as to exactly what Colonel HENDERSON said about the medics.

A. Well I certainly wouldn't attempt to quote him anymore. The general tenor of his conversation to me, as I look back on it, was that number one, "Are you sure that all these people you reported as VC are indeed VC? Were there any civilians, and if so, how many and how did they come to get hit and what are you doing about it?"

Q. What did Captain MEDINA say he was doing about it?

A. I believe as I say he mentioned that they had called for medics and--

Q. (Interposing) Captain MEDINA had--

A. (Interposing) Right.

Q. It wasn't Colonel HENDERSON?

A. No, this is Captain MEDINA talking to Colonel HENDERSON telling him how things were out there.

Q. This is something of a puzzle to us because this conversation you're describing took place 2 days after these people were shot.

A. They were calling for medics, had called for medics, I certainly couldn't argue with you on that point as to whether it was a present or past tense he used.

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Q. Well we have some indications that that afternoon, in the Bravo Company area, a medical team came in to make a MEDCAP. Does that freshen things in your recollection?

A. Well, sir, only that it would fit in with what he had said, that they had called for medics, were calling.

Q. Do you have any knowledge of any investigation by Colonel LUPER of the artillery prep killing civilians?

A. No, sir. In fact you just told me what Colonel LUPER is doing here. I've been wondering all this time why he was here.

Q. I don't think I told you what Colonel LUPER was doing here. I take it you have no recollection.

A. No, sir.

Q. No conversation or hearing anything about Colonel LUPER conducting an artillery investigation? Did you personally do anything either to investigate or to report the fact that 20-28 civilians, noncombatants were killed in the operation on 16 March?

A. No, sir. As a matter of fact, as I was saying, they were referred to in terms of casualties. People had been hit and I wasn't even clear in my mind that they were all dead.

Q. Was your understanding of what Captain MEDINA reported to Colonel HENDERSON simply that a number of civilians, around the area of 20--

A. (Interposing) Had been inadvertently hit, yes, sir, by one means or another be it gunships, artillery or ground fire.

Q. At the time you interpreted this that not all of them had been killed.

A. That's right.

Q. Colonel HENDERSON didn't so understand it, nor Captain MEDINA either.

A. Well, we're all lying there in the potato patch, and the entire conversation went on between the two people. I think all I said to Captain MEDINA from the time we landed until the time we left was how are you and how are things going. Not really knowing why we were there, I just lay there and listened to the conversation.

Q. Do you have any knowledge of a formal investigation of the operation of Task Force Barker, Charlie Company, being made by Colonel BARKER during the month of May?

A. I seem to recall a letter turned in by Colonel BARKER concerning the operation, but I believe you showed it to me in December.

IO: Well that was the after action report. I can show you the whole thing. I can show you some other ones too. As a matter of fact, just to clarify that one, I think I will.

MR WALSH: Do you have any recollection of ever seeing or hearing about a formal investigation, taking of sworn testimony, that was prepared by Colonel BARKER some time during the month of May.

A. During the month of May. That would have been the month I went on R&R, although I wasn't gone the whole month. But it seems to me at that time there was a period of time there where he had moved up to brigade to be brigade XO. Task Force Barker was dissolved and the 4/3 took over the whole area. This happened before I left, so it seems if it happened the month of May, why he was no longer up there. He was down at brigade headquarters. And I know where he did his business--

IO: (Interposing) The task force was disestablished on 9 April.

A. If he conducted that in May, unless he went to the field to do it, he would have had to do that up in his office. I saw a lot of people go in and out of his office but I never saw them acting as though they were

under investigation, never heard any conversation about it either.

IO: Well let me clear this thing up. I had shown you the combat action report of 24 March which is this document entered into the record as R-12. Well actually, it was R-2 we had shown you. I show you this instead of that one. This is the form it came out in. This is R-2, this is 28 March. Now I'll show you another one. That was the only report we had at that time, and you recall I asked you why that was made out for a 1 day period. Now subsequent to that time we've obtained another document dated 24 March. This covers the other operation into the My Lai area on 23 February. In tracing the antecedents of this we find that two reports were directed by division, which is indicated here in Exhibit R-13. You'll notice that attached to it are two directives going from the brigade, one to the 1/20 and the other to Barker. One concerning the trawler and the other concerning the two incidents. You see what I'm referring to. We did not obtain a copy of the trawler report, but we're familiar with it.

A. Yes, sir.

MR WEST: Colonel BLACKLEDGE, you of course are aware of all the publicity about what happened at My Lai, the enormity of the story that has been told. I want to ask you a couple questions that might lead to others. What do you think happened? Do you think there was this great tragedy, that the papers have written about, on TV, and so forth?

A. Well, sir, I've always been told not to voice opinions about things that were strictly speculation because that's contrary to good Army discipline, that's rumor mongering. However if you want to know what I think about it today, I think something pretty bad happened there and I hate to think how bad it really was. But I certainly didn't ever think so before those articles came out in the paper with those pictures and the pictures you showed me here at the desk, which all happened in the face of a week. It all blew and here I came and it hit me with a lot of force. And then I, of course, looking back over my

own thoughts I remembered those two reports that I told you all about. Suddenly they looked a lot different than they had back in Vietnam.

Q. All right. I'm going to work up to another more significant question. I believe the testimony you have given us but I want to tell you what did happen and then ask you a question. This operation was planned either with the deliberate intent to laying waste to a series of inhabited villages in this extended AO or with an indifference to what happened to the civilian population. The men of Charlie Company and Bravo Company received such instruction that when they went in there initially they methodically killed every human being they saw. Let's take Charlie Company. Except for a possible sniper round or two when they hit the LZ, Charlie Company encountered no resistance whatever. They suffered no casualties, they took no prisoners, they were never in danger at all. Yet they moved through the subhamlet of Thuan Yen, My Lai (4) as it's known, as I said, methodically killing the civilian population. Old men, women, children, babies, babies in arms.

A. Not just this one platoon?

Q. The whole company; 1st, 2d, 3d Platoons.

IO: And not at one subhamlet.

MR WEST: Yes, this includes the subhamlets of Binh Tay and others. I personally have talked to over 60 men of Charlie Company. There isn't any doubt about what happened. In some instances the Vietnamese were gathered together in bunches and were shot down. Others, they were just killed where they were found. This went on, not very long; perhaps about 0930 an order came through to Captain MEDINA, from BARKER to Captain MEDINA, to stop the killing. A similar activity had been going on in Bravo Company area. Captain MICHLES received a similar order and relayed that. After that, it was like dropping a curtain on killing civilians. The burning went on, places were burned, other hamlets were burned. How many people were killed, uncertain. We have evidence that out of Charlie Company's zone of responsibility several significant body count reports were

made back to Colonel BARKER or Task Force Barker; 84, 186, 310 on this last one turned in. None of these appears in the record. Nobody ever went back in to check Charlie Company. Now this is what happened. That morning back at Landing Zone Dottie, about an hour and a half, there was a considerable gathering in the Task Force Barker TOC.

A. This is the morning of the 16th.

Q. The morning of the 16th. Colonel HENDERSON came in and all the people who were with him. Colonel BARKER came in, went out again and came back. There is an entry in the log made just about the time that Colonel BARKER got back, 69 VC killed. No further entries of VC KIA after this, just like dropping a curtain, that's all, the show's over. The word went out about this time about all people were killed, stop killing. This 69 KIA looks as phoney as a 3-dollar bill, made up in order to account for the 84 that had gone out over the air, that's recorded on the tape, logged in. Then you have strange lack of any reporting of this thing, of any action on this thing, or any action on the reports that came up from the Vietnamese side. As you know, one of General PEERS' missions is to determine if there was a coverup.

A. Yes, sir.

Q. Just assume that what I've told you is true. I assure you that there is a great deal of evidence to support it.

IO: And I'll say that I think he's telling this story very blandly.

MR WEST: I have not exaggerated. With this in mind and your knowledge of what went on at that time, and the subsequent days you were there, looking at these events, the things people did from that angle, think it over now. Do you see evidence of a coverup of what transpired?

A. From the standpoint of what you just told me, and from just those facts alone, together with the documents you've shown me, yes, sir, I see evidence of it. But I knew nothing of it and I took no part in it.

Q. I have no interest in accusing you of anything. I said I believe what you told us. We are all here endeavoring to get certain additional facts.

A. As a matter of fact, it seems rather foolish now, but I complained to Colonel BARKER when he became the brigade exec about the fact that I thought that one of the other battalions was mistreating its detainees. That caused him to call in this other battalion commander and chew him and then the other battalion commander came back to me and got mad with me because I had reported to Colonel BARKER that detainees were being mistreated. If I'd ever heard that any were killed I don't know what I'd have done, sir. I mean, really believed it.

Q. In the light of what I've said, can you think of any actions that were taken or not taken during and after this time, that indicate to you, now that I've told you what went on that there was an effort to coverup the incident.

A. Well, first of all, I didn't feel that I was being asked to look at what was in the envelope. I was just told, "This is my envelope, take it, and you put it away, and when I call for it you give it back to me." I don't know what was in the envelope.

Q. I'm not really thinking of that. I'm trying to think of other things that might come to your mind, that the people did or didn't do.

IO: Well I think one thing that is coming to his mind, it certainly comes to my mind, is the fact that there's a very great possibility that Colonel BLACKLEDGE has been duped. And I--

A. (Interposing) I wouldn't say duped, sir. There's no guarantee that it was my business to take part in the investigation. I don't know who was directed to conduct the--

Q. (Interposing) But your initials show up on the document.

(BLACKLEDGE)

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Oh, Oh, yes, sir. That shows pretty conclusively that the

A. Oh, yes, sir. That shows pretty conclusively that the report, final report was typed up in my office. I'm sure that I saw it or else I wouldn't have initialed it. I wasn't in the habit of initialing things that I didn't see.

Q. But you don't know what part of that report you saw.

A. Well, as I said when I was shown the copy of it without my initials, I didn't believe I had seen any of it. But obviously I had, which is just another function of my lousy memory I guess.

Q. Well, I'm really not focusing on the immediate things we've asked you, but I'm asking you to try to think over things people did, how they conducted themselves during this period, things that perhaps they shouldn't have done that they did do, things that they did now take on a new meaning to you. You see, you were there, we weren't. I personally see no reason why you needed to be involved in the coverup if there was a plan.

A. The things which took on new meaning to me, and they took on new meaning in December rather than today, was number one, why we were out there talking to the company commander. It was the first time and almost the only time that I was ever out during an operation in the field talking to a company commander. There is one other time that I can recall going out and talking to a company commander, but then nothing was happening, they were just moving from one place to another. We sat down and talked to the company commander and got up and went away. I just didn't get out that much. But to land while there was still smoke in the air, the places had been burned up, and to tell the company commander to secure an area for us to land. That sort of thing, that didn't happen, except that time. And I was trying, while I was there, to determine what our purpose was in being there. So I was listening to what the brigade commander was saying to Captain MEDINA, and I tried to relate as best I could what was said and what I thought about it at the time. What I thought about it at the time was he was trying to assure himself that these

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were regular VC that were being killed. I guess I shouldn't call them regular but at least bona fide VC that were being killed. If there were any civilians among them that they weren't being included in that figure of 128, and along with it what was being done about any civilians that had been injured.

Q. Lets keep your mind focused on that scene right now. Lets assume that Colonel HENDERSON was up to his neck in this. Now, would that scene take on a different meaning. You understand he was there, he was over the place, he saw the hootches burning, he went to the Task Force Barker TOC and he stuck around there for about an hour and 25 minutes and then he went back over at which time a great many houses and hootches were burning. So much burning down there the place was still smoking the next morning. Charlie Company headed down toward Hill 85 the second day of the operation.

A. Well when I went with him it was just smoking, there wasn't any active burning that I can recall.

Q. Lets assume Colonel HENDERSON is a part of this. Does that scene take on any different meaning to you? You've heard the expression CYA haven't you?

A. Yes, sir.

Q. Was that a little CYA operation? Why did he take you along?

A. Well, he was new, sir. I thought, "Well, here it looks like with a new commander I'm going to get a chance to go out." That's what I thought, sir, I'm sorry, but when I got in that helicopter, that's what I thought.

Q. He was your exec, he'd been commander of the brigade before.

A. But General LIPSCOMB never took me out in his chopper.

Q. Well I'm telling you now, let's assume what I've told you is correct, that he's involved in this thing.

A. That he already had knowledge, as of the day we went out there, there had been trouble?

Q. That's hardly in doubt.

A. Sir, it explains to me why he was very particular about the questions he was asking. But the questions didn't to me seem to be, "Look we got some trouble here, and this is what I want you to say for the record. Now isn't this what happened." It didn't go that way at all, sir. He was asking what to me were piercing, penetrating questions that I felt were the kind of questions that a brigade commander would make if he was genuinely concerned and wanted to make sure that things were being done on the up and up. I went away with him feeling that, I came into the room in December feeling that. Knowing what I know of the man its sort of hard for me to rationalize the possibility that he was doing a coverup with what I saw that day.

Q. I have quite a different feeling, I assure you. Now exactly what subjects were covered there as you lay in the potato field? Was there the shooting of the woman by MEDINA?

A. Yes, sir, he--

Q. (Interposing) What else? At various time Colonel HENDERSON has stated that that was the only bit of trouble there was.

A. Well he practically, to me anyway, it seemed that he practically had to wrench that piece of information out of MEDINA. You know, are you sure, are you sure. "Well there was this one," that's the kind of thing it was, "This one girl, I couldn't help that."

IO: MEDINA didn't say at that time that he knew there were 20, at least 20 dead civilians?

A. Yes, sir. I've already told you about that, yes, sir. But this to me was a matter of coming on them. In other words, my people have reported to me that they found these people that time, artillery, gunships. He didn't explain how they had been hit.

Q. I should have stated in my summation a while ago, if I didn't, that there probably was no one killed by artillery.

A. Yes, sir. Its beginning to come through that way to me too. In fact, it started to come through to me in December.

Q. The artillery FO said he didn't see anybody there. As I recall MEDINA's prime testimony, he said he didn't find any thing. Well what else did he cover beside the shooting of the girl?

A. He was asked about how he was getting the statistics. He told the brigade commander they were coming in to him from the platoon leaders by radio, as they normally did. The brigade commander asked him if there was any bodies in the immediate area that he could see. The company commander told him no, there were none in the area that he could get him to, from where we were in the potato patch. The brigade commander didn't press to go out on the ground any further to actually see.

Q. Did HENDERSON ask him if there were any bodies he could go look at?

A. Yes, sir. In the vicinity of where we were at the time.

Q. At that time?

A. Yes, sir.

Q. They hadn't been killing anybody for 2 days. Was there any talk about going back into My Lai (4)?

A. I don't recall any, sir.

Q. Were you familiar with the instructions that we're told were given out on the afternoon of the 16th to MEDINA, or to the task force to determine how many civilians were killed and wounded and how they were killed and wounded. This is a message that was sent down to Task Force Barker.

A. From?

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Q. From brigade, apparently around 1600 hours. It might have been a little bit earlier.

A. Sir, I didn't get involved in that.

Q. Never heard anything about that?

IO: I think it was around 1500.

MR WEST: Possibly. You never heard of that?

A. No, sir.

Q. The testimony after that was that CALHOUN got on the radio and instructed MEDINA to take his company back in to My Lai, make a body count and determine how these people were killed. MEDINA protested and he in fact didn't go back in. Was there any discussion about this?

A. There seemed to be a question in the mind of division as to the character of the casualties.

Q. At division?

A. Right.

Q. Tell us about that.

A. Well I think I probably mentioned that in December. They were always suspicious when untold numbers of casualties took place. They wanted to get all the facts, as when they sent down that letter asking for an after action report. They wanted all the complete details on it. Our normal reaction to division's wanting to know what happened almost before it happened is, well higher headquarters is harassing us again before we can even find out what happened ourselves. However we do try to satisfy them because they don't normally let up. They continue to ask the question until you give them the answer they're looking for. So we normally start out by saying we don't know yet, we'll find out and call back. The brigade, to me, when we went out in the field that day, was in fact responding to that kind of pressure from higher headquarters to come back and tell what kind of casualties you had there.

Q. It didn't occur to you that he was investigating--

IO: (Interposing) The hearing will recess at this moment.

(The hearing recessed at 1830 hours, 12 February 1970.)

(The hearing reconvened at 1835 hours, 12 February 1970.)

IO: The hearing will come to order.

RCDR: All persons present when the hearing recessed are again present, with the exception of Colonel FRANKLIN.

MR WEST: Colonel BLACKLEDGE, to get back to my question as to whether there were any events which now, as you view them, might make you think there was a coverup. You indicated that, thinking back now, the conference with MEDINA in the potato patch seems rather peculiar, or at least made you wonder at the time. Can you think of any other event that might have signaled a coverup had you known then what you know now?

A. I had mixed feelings about this. Number one, I was wondering why I was being taken along. On the other hand I was sort of glad that I was being taken along, because this seemed to indicate that Colonel HENDERSON proposed a certain amount of faith in my ability to advise him on the ground. I was going to get a chance to go out with him in successive operations and perhaps get down closer to where I would understand a little more about what happened out there in the field. I think he probably noticed over the time that he and I were back at brigade headquarters, when he was the exec and I was the S2, that he didn't get a chance to go out in the field much either. So perhaps he had noticed that I had the same feelings that he himself had about never getting a chance to find out what's going on out there. So I thought, that's why he was taking me along.

MR WEST: My question was any other event which, viewed in the light of what I've said to you, might have signaled a coverup, from what you know and what I've indicated to you.

A. I'm thinking hard, sir, but I am not coming up with anything looking back at what I remember.

(BLACKLEDGE)

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IO: Did you have any thoughts, for example, when you gave him this piece of information propaganda that Americans killed 500, and Colonel HENDERSON just sort of gives you the brush and tells you that it's being looked into.

A. Yes, sir, I definitely had thought. But when I did that, it was already with the knowledge that we had gone out and talked to Captain MEDINA on that same operation. I know what answer he had gotten from Captain MEDINA, and it didn't seem to jibe up with what he had determined on the ground.

Q. Well, I want to ask you a few questions. I would like to not plow over, as a matter of fact I'd like you to make these as brief as you can and still respond to them. You knew that there were about 20 civilian casualties or more.

A. That's what Captain MEDINA said, yes, sir.

Q. Yes, and at the same time you're familiar with your SITREPS that go in, or your INTSUM's.

A. Yes, sir.

Q. Do you recall ever having reported that some civilians were killed?

A. I never put that on any of my INTSUM's.

Q. Was there any report filed that civilians had been killed?

A. If it was, sir, it certainly wasn't done through my office.

Q. Well, aren't we responsible to provide word, anytime civilians become casualties?

A. Well, sir, division had a format of information they wanted and just how they wanted it, and--

Q. (Interposing) There is a place down at the bottom. I can show you their format. It says "other" down there and you could have reported them if brigade had wanted to report them, they could have reported them.

A. Yes, sir, I grant you that, except that I didn't ever understand that it was in my--

Q. (Interposing) Well, I'm not saying it's yours. I'm just asking you if you have any reason to think why they didn't report some civilian casualties. You know there were at least 20.

A. Yes, sir.

Q. And then--

A. (Interposing) What I was making sure of is that I didn't know that they hadn't been reported, and I wouldn't have really looked into it.

Q. Well, you very happily turned in all these other ones that 128 got killed and three weapons are captured, but there's no mention of the civilians. Yet Colonel TREXLER, the G2 at division tells me, "Yes, division policy, always report civilian casualties." And I just don't understand this.

A. Was division reporting to higher headquarters civilian casualties, sir?

A. He said it was division policy, his interpretation of their policy was that civilian casualties would be reported.

A. I saw division INTSUMS everyday. A copy was sent to me and I never recall seeing any civilians on there, sir.

Q. Look at this artillery directive from the Americal Division, dated 15 January 1968, Exhibit D-14. Look at paragraph 2. See where it says specifically all artillery incidents involving injury or death to U.S., Allied, or RVN personnel or Vietnamese civilians will be investigated?

A. Yes, sir.

Q. Well, do you know about an artillery incident being conducted? Investigation and report?

A. No, sir, not in this case, nor in a number of others that occurred during this period up to there.

Q. And I show you another document (Exhibit D-12). This is from Headquarters III MAF, and this has to do with serious incident reports. You will notice on page 3 one of the inclusive items, is serious incidents involving prisoners of war. To your knowledge, was there any form of serious incident report filed on this situation, even involving 20? Twenty civilians is a lot of civilians in my way of thinking?

A. Yes, sir. I don't recall any report going forward.

Q. All right, fine.

A. And again I have to add on not only this but any of many, many other similar incidents.

Q. All right. Now you mentioned when you were on your way out on the 18th to this place in the field. Could you still see some places burning? What was burning?

A. It was really smoking, sir. It looked like what were either houses or livestock quarters or something like that had been burned.

Q. Yes. What was the division policy on that?

A. No intentional burning, sir. If a fire was started by gunfire, that was an unfortunate accident of war, but there was to be no deliberate burning.

Q. Do you know that during the course of this operation that seven hamlets or subhamlets were burned to the ground?

A. Well, having flown over it, I know that there had been a lot of burning.

Q. Division policy was that not even a hootch would be burned down without explicit approval of the division commander, and in his absence, an ADC.

A. On the other hand, if you have a large action such as appeared to be going on with both sides, according to the way it came to me from division headquarters, having a large number of forces. I could see very easily where there would be a lot of gunships firing marking rounds and all sorts of incendiary items flying through the area. There

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A. Yes, sir.

Q. And this letter stated that General KOSTER had been with General TOAN. He'd received this allegation made by the district chief, which you've seen a copy of, the letter of 11 April which was attached to it. General KOSTER wanted that investigated and reported upon. Now do you ever remember seeing that piece of paper in that folder or anyplace else?

A. No, sir, I didn't look in the folder, I didn't see the paper. But it fits in with what the brigade commander told me when I showed him the reports. Division knew about it and was looking into the matter. I'm sure that that's exactly what--

Q. (Interposing) Well, division had directed him to look into the matter. It wasn't division looking into it.

A. Yes, sir, I see that now. That's the best of my recollection.

Q. On the morning of the 18th when you went with Colonel HENDERSON, you went up to LZ Dottie.

A. Yes, sir.

Q. My guess is you stayed at LZ Dottie for a period of about 2 hours, while Colonel HENDERSON conferred with some people and also interrogated some people. Do you remember that?

A. Interrogated some people?

Q. Yes, some aviators.

A. No, sir, I wasn't with him when he was doing that.

Q. Well I know you weren't there, but I wondered whether you know that he was in Colonel BARKER's van. Meanwhile Colonel BARKER had come out along with General YOUNG. While you were there, did you talk to Captain KOTOUC?

A. I'm sure I did. I probably talked to him more than anybody else because that's the guy that I was working directly with.

Q. Well I rather visualized you would. That's the

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Q. Yes. Based upon what we've discussed today, some of these really critical points may fit into place.

A. Yes, sir.

Q. We have a pretty complete story about what transpired.

A. You sure do.

Q. We've got some gaps in it, but we're hoping to fill some of those.

A. Of course I'll leave here today with a lot different attitude than I did in December.

Q. This has taken us a little longer than I thought when I talked to you in December too, because of the magnitude and the enormity of exactly what we're faced with, all of us sitting right here at the table, including yourself. Well, if you do think of anything, I wish you'd get in touch with us. If you'll just call this office, we'd be very happy to have somebody talk to you so that we can take advantage of this information.

A. I'd be glad to, sir. I promise that I'll really give it every bit of brainpower I've got. If I come up with anything I'll be only too glad to give you a call, get it to you.

Q. Do you have any questions to ask at this time? We'd be very happy to try to respond.

A. Well, the only one is whether you've decided yet whether or not I'm still a suspect. I'm just thinking about myself. I feel very upset about the fact that anybody would even think--

Q. (Interposing) Well, I must say that I think you have presented yourself well here today. But we are not through with this investigation yet, and I think you must recognize that having your initials on that piece of paper would cause anybody from a logical point of view to have a degree of suspicion. I don't think that we necessarily feel exactly the way we did. But at the moment I'm not prepared to say that I'm withdrawing my suspicion.

A. Yes, sir, I recognize that. I thought perhaps you wouldn't. Yes, sir. Well, I have no objection to coming back at any time you feel you need me back and I definitely don't feel anymore than I did when I came in that I have anything to hide. Personally, I'm able to live with myself. I only feel a little bit upset that I wasn't a little bit smarter at the time. I have nothing else that I can offer.

Q. All right, fine. I would like to again caution you about talking.

A. Yes, sir.

Q. Previously I directed you not to talk. This time since you are a retired reservist, I cannot so direct you, but I will request that you not talk. I think you've already been over to the investigative subcommittee of the House Armed Service Committee, have you not?

A. No, sir, I have not.

Q. Well, in the event they do call you, your testimony here would in no way preclude you testifying before such a body.

A. Yes, sir.

Q. I would say that you should, if you appear there, respond to that which you knew prior to coming in here and not based upon the information that we have given you.

A. Yes, sir.

Q. Do I make my point clear?

A. Yes, sir.

Q. So that you should not be building any erroneous hypotheses.

A. There's one point I'd like to make, sir. That is perhaps you feel that I'm a civilian; I don't feel that I'm a civilian. That fact that I retired doesn't mean I have any less responsibility to the United States Army or to you or to anybody that represents it.

Q. I'm just giving you--

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A. (Interposing) The Army is still paying me, and as far as I can see, I'm probably subject to some kind of recall to active duty at which time you could go ahead and make the direction that you're now requesting, so I understand what it's all about, sir.

IO: All right. Well, I appreciate that point of view very much. Anybody have any other thing they'd like to bring up?

The hearing will recess at this time.

(The hearing recessed at 1900 hours, 12 February 1970.)

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SUMMARY OF TESTIMONY

WITNESS: BRYANT, George III CPT

DATE OF TESTIMONY: 2 March 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Support Platoon Leader,
4/3.

THE WITNESS' LACK OF RECALL OF THE 16 MARCH OPERATION.

The witness testified that he was charged with the duty of handling resupply for Task Force Barker (pg. 2). He recalled the date Lieutenant COCHRAN was killed (pg. 3). The statement the witness gave the CID was erroneous, because as the witness was oriented he could only recall the 23 February operation (pgs. 4-8). He had no knowledge of the 16 March operation (pg. 8).

(BRYANT)

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(The hearing reconvened at 0940 hours, 2 March 1970.)

MR WEST: The hearing will come to order.

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

The next witness is Captain George BRYANT, III.

(CPT BRYANT was called as a witness, was sworn, and testified as follows:)

Please state your full name, grade, Social Security number.

A. I am George BRYANT, III, Captain,

RCDR: State your branch of service, organization, and present duty station.

A. Quartermaster Corps, Company C, Student Enlisted Airborne, 3d Battalion, Quartermaster School Brigade, Fort Lee, Virginia.

MR WEST: Captain BRYANT, have you read our Exhibit M-57 which tells the nature and purpose of this inquiry?

A. Yes, I have.

Q. Do you have any questions about it?

A. No, I don't.

Q. We asked you to come in, Captain BRYANT, after reading a copy of the document that you gave to the CID agent, Mr. MERCER, I believe it was?

A. That's correct.

Q. We are most interested in your statement concerning events of the morning of 16 March 1968 and the fact that you were in the Task Force Barker TOC and heard part of what went on there at the time. Just for the record, could you tell us what your duty was on 16 March 1968?

A. Primarily on that specific date I was the support platoon leader of the 4/3, 11th Light Infantry Brigade.

(BRYANT)

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Q. What was your connection with Task Force Barker?

A. I was charged with the responsibility of resupply of Task Force Barker. I was organic to the 4/3, however, our particular location--Task Force Barker was augmented, and my element was charged with the support of Task Force Barker.

Q. In that capacity, did you spend a good deal of time at Landing Zone Dottie, the headquarters of Task Force Barker?

A. Yes, I did. While Task Force Barker was out, I guess I did with primarily, you know, coordination and resupply.

Q. Do you recall what's been called the Son My operation of Task Force Barker that kicked off on 16 March 1968?

(COL FRANKLIN entered the hearing room.)

A. Well, since all this has been brought to light, I've been trying to remember specifically 2 years ago. I don't know exactly--my goodness, you know, I wasn't even thinking that this would come up. In my mind and my thinking of it, like I stated to the CID here, this is the only thing that I could relate at that particular time. As to this particular incident, and to be specific and say that particular time and date, I am not positively sure that it was that particular date. It's just something in my mind to which I can equate a large body count, because I heard it over the radio that particular time I was down there.

Q. Do you remember the occasion when General LIPSCOMB relinquished command of the 11th Brigade to Colonel HENDERSON?

A. I wasn't in that particular area, but I do remember around the time that that happened.

Q. There was a ceremony at Duc Pho around 0930 in the morning on that particular date?

A. I don't know anything about that.

Q. That was the 15th of March. I thought you could relate that to the time you were in the TOC and help you fix the dates a little better.

A. This is what I have been trying to do and come up with some concrete facts. No, I can't relate that fact.

Q. It was noteworthy that this change of command ceremony took place around 0930 in the morning at Duc Pho?

A. I wasn't stationed at Duc Pho all the time I was in Vietnam.

Q. This so-called Son My operation was in an extended AO down below the river. If you'll look back of you against the wall at Exhibit MAP-1, the area in orange is the extended AO in which this operation took place. There were plans for this operation to take place sometime earlier, and the operation was cancelled. It finally did kick off on the 16th of March and lasted 3 days for most of the--at least for Charlie Company. B/4/3 conducted some operations on the 19th. In general it was 3 to 4 days. B/4/3, initially part of the company was to move against My Lai (1), so-called Pinkville, with the 1st Platoon moving out against a--

A. (Interposing) I have two facts in my mind. One platoon leader was killed somewhere within that span of time. We were pretty good friends. I don't know the date he was killed.

Q. That was Lieutenant COCHRAN. He was killed on 16 March 1968.

A. That was the 16th of March?

Q. That's right.

A. I see.

COL FRANKLIN: What's the other fact?

A. When we first went into Duc Pho, we stayed there about a week or so. Then we deployed north to Chu Lai, and we had one temporary base. We set up a field trains there. Somewhere in between the time of Lieutenant COCHRAN getting killed, we relocated to a different area. Now, I can associate that fact with the particular time that I am placing myself in the TOC and I heard this. What I am trying to do--I don't want to confuse this with another operation because there were hundreds of operations that I used to support over there, Task Force Barker and my organic battalion.

LTC PATTERSON: Do you recall a time when a company of the 4/3 was involved in security for LZ Dottie and LZ Uptight?

A. Definitely. We rotated.

Q. What occurred here is all three companies of Task Force Barker moved out from Dottie and Uptight, and there was a unit brought in to secure the two fire bases. I thought, perhaps, being the support platoon leader, you might recall that because here was a unit of the 4/3?

A. B/4/3.

Q. Well, now, they were involved in the operation out in here (indicating).

A. A/4/3.

COL FRANKLIN: Yes they came over the day before and took over the security of both Dottie and Uptight?

A. I do remember that fact that the two companies --I know that we had two companies augmented with Task Force Barker in security.

MR WEST: Let's go back to the death of Lieutenant COCHRAN now. During this operation B/4/3 was lifted into an area generally west of Pinkvilled there, My Lai (1), and shortly after being inserted, Lieutenant COCHRAN stepped on a mine and was killed. Now, does this associate with your recollection?

A. Yes, because any operation Major CALHOUN--we were talking back and forth over the radio, and we agreed that I should come to Dottie for other pressing matters and to discuss the support. This particular operation right now I am trying to get into my mind, was that the particular My Lai operation? This is what I am trying to come up with something so I can say, yes, that was the time.

COL FRANKLIN: Don't let us lead you. There are several other operations going on, and it would be bad for us if we talked you into saying this was the one.

A. This is one reason I was so apprehensive with the CID agent, because of the fact that I was not only responsible for Task Force Barker, but I had my whole organic battalion at the same time. So there are so many operations and so many things that took place every day all the time. The only reason I told the CID agent--was the fact--Okay. Let's see, now. We were operation at LZ Sue, and we had not made any significant large body contact, and we came up with this Son My incident as to a large body count, and I don't know--I am saying this could have been the time I heard this.

MR WEST: Focusing in now on when you were in the Task Force Barker TOC, and I believe you stated you heard either Colonel BARKER or Major CALHOUN over the radio state that they had a high enemy body count. Do you recall what time of day this was?

A. I think this was shortly before noon. I do remember coming back after or right before 1200, somewhere around that particular time. The operation took place in the morning. I don't know what time this My Lai operation took place, but at this particular time I was in the TOC when this operation was going on.

Q. Let me give you a little background now on the beginning of the operation on the 16th of March 1968. It started off with C/1/20 being lifted out of Landing Zone Dottie and put down on a landing zone just west of this little hamlet that is called, on the map, My Lai (4). They were put down in a rice paddy just to the west of it and the lift was completed at 0737. After that B/4/3 was lifted out of LZ Uptight and put down in a landing zone. I think earlier I stated they were put down west of My Lai (4) in a rice paddy. It was just to the south as indicated on the map there, MAP-1. Going back to C/1/20, they moved from west to east through this little hamlet shown as My Lai (4) on the map. The Vietnamese call it Thuan Yen but it's actually a subhamlet--Tu Cung Hamlet of Son My Village. The 1st and 2d Platoons of Charlie Company moved rapidly through the little hamlet, and within an hour to an hour and one-half swept entirely through it and inflicted many casualties on the civilian population.

A. Can I ask a question?

Q. Sure.

A. The CID agent mentioned something about an artillery unit exhausting their ammo. Is this familiar with you?

COL FRANKLIN: Different operation.

A. Different operation?

Q. Yes. Same area, and same unit, but different operation?

A. What date was this?

Q. This, I think, was 23 February because they had to resupply ammunition from Uptight.

A. Okay. 23 February.

MR WEST: As I was saying, the first two platoons of Charlie Company moved rapidly through the hamlet inflicting many civilian casualties. They met no resistance at all in the hamlet. There apparently was some sniper fire during the landing-zone phase. On body count reports there were reports of six VC killed by gunships. There were three entries made in the Task Force Barker Log of reports of VC killed by Charlie Company. There was an early report of one killed, and a little later 14 killed, and finally about 0840 an entry of 69.

A. I have heard that figure somewhere before.

Q. Let's go on a little. When you were in there, did you or do you know anything about a tape recording being made of the operation?

A. No, I don't

Q. Recording the traffic on the command net?

A. I wasn't familiar with that.

Q. Did you know a Lieutenant LEWELLEN at that time?

A. That name is not familiar.

COL FRANKLIN: Do you recall if Captain MICHLES was involved

in this battle and had a platoon cut off? This was your company. APC's were going to rescue a platoon.

A. Definitely so. Yes, I sure do.

Q. That was the day--you talked to the CID about that. MICHLES was involved, and the platoon was cut off, and the APC's were going in.

A. Yes.

Q. A company commander was hit. It wasn't your company commander, but another company commander was hit.

A. I do recall that. Definitely so.

COL FRANKLIN: (To MR WEST) It's the wrong day, sir.

A. Is that the wrong day?

Q. A big engagement. A big body count. It would have been your people that got the body count, your battalion, B Company? On the 16th of March, it would have been another unit, and it wouldn't have influenced you as much conceivably. I don't know.

A. I do remember that, though.

Q. Do you recall that it was your unit on this detail? A unit from your battalion on this body count? Do you recall an association like that or not?

A. I'm familiar with that completely, the whole battle. What day was that?

Q. The 23rd of February.

A. The 23rd of February.

MR. WEST: Is this the time you were in the TOC then?

A. No. This was different. Okay. I tell you the reason it's different. It's the moves. We moved from one area to another, as I mentioned before, and I do not remember

being on any helicopter and coming and going back to the old area. However, I do remember going down there and going back to the new area. I am trying to associate what time this is, because if this battle happened the 23rd of February, I believe we were still in the old area at that particular time. If it was the old area, I do not recall going to the TOC and getting back on the plane. The reason why I say this is because I was down to see Major CALHOUN, and I think I didn't see him because I got back on the plane and went back. I think this is the only reason why I remember that particular fact, the fact I didn't see him. This is different then, this particular time.

Q. You do remember the battle on the 23rd of February?

A. Definitely.

Q. The next operation in this area was the Son My operation. That was the day, as we mentioned, that Lieutenant COCHRAN was killed, on 16 March 68. Think of it now, does this help you fix the time when you were in the TOC? As I mentioned on this occasion B/4/3 was at LZ Uptight and lifted out of there and into the operation from this point. It was roughly between 0800 and 0830 in the morning.

A. I can say in my mind now, I don't think this was that particular time that I was in the TOC, because when Lieutenant COCHRAN got killed, the night before we were celebrating. He just had a baby, and we were celebrating, and I was being infused to the 196th Light Infantry Brigade, and he was supposed to take over my job as support platoon leader. What happened, Captain MICHLES was called back from the field, and I think that he had one other platoon leader out there, and Lieutenant COCHRAN was the other one, and he was back. Colonel HARTSFIELD was the XO at that time, and he told him to stay back, and Captain MICHLES said "No, come back out in the field." He went back out in the field the next morning, and that's when he got killed. At this particular time, I was in the old area. I was definitely in the old area, and if this was the 16th of March, I couldn't have been in the TOC. This must have been another operation.

COL FRANKLIN: They had several operations?

A. Right. I am trying to get all these facts, and

I can't equate Lieutenant COCHRAN in the new area whatsoever. It had to be the old area because, like I say, I was getting ready to be infused.

MR WEST: And you are now definitely of the opinion that the time you were in the TOC, as you described it to the CID, was not the 16th of March 1968?

A. It couldn't have been the 16th of March now. If that was the day that Lieutenant COCHRAN got killed, because he was just back to take my place as support platoon leader.

MR WEST: Thank you very much, Captain BRYANT.

The hearing will be recessed.

(The hearing recessed at 1001 hours, 2 March 1970.)

SUMMARY OF TESTIMONY

WITNESS: CAMELL, Kenneth E. MSG

DATES OF TESTIMONY: 30, 31 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT: S2 Section Sergeant, late October 1968 to early October 1969, 11th Infantry Brigade. Replaced Sergeant Major GERBERDING.

1. RECEIPT OF CLOSE-HOLD FILE.

Master Sergeant CAMELL replaced Master Sergeant GERBERDING. There was a brief period of overlap in their assignment. Colonel HENDERSON was the brigade commander at the time. At that time the S2 section had an intelligence specialist, a clerk typist, a driver and two other men who were used in the TOC (pg. 2). GERBERDING turned a file of close-hold papers over to the witness before he left (pgs. 4, 11, 41). In doing so GERBERDING stated in essence that he was giving CAMELL documents which he had been safeguarding and that CAMELL would have it available in case they were requested (pg. 11). The witness did not recall any instructions from HENDERSON with respect to this file prior to HENDERSON's departure in mid-November of 1968.

2. CONTENTS OF THE FILE.

The witness read this file in late November or December of 1968 (pg. 42). He recalled that there was a translation of a letter from the province chief explaining his attitude regarding accusations that he had received from a district chief (pgs. 4-6). The province chief discounted the validity of this complaint in his letter (pg. 6). He did not recall to whom this letter was addressed (pg. 6). There was also a letter from a MACV advisor

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forwarding the province chief's letter (pgs. 5, 7, 49). He did not recall who signed this letter (pgs. 5, 50), or if it was written by a civilian or military advisor (pg. 6). The file was kept in an 8 1/2 by 10 1/2 envelope (pgs. 5, 7). It was an unsealed brown envelope (pg. 42). He did not remember what was written on the face of the envelope (pgs. 5, 42). There might have been a copy of the district chief's complaint in the file (pg. 51). There was no correspondence from division headquarters to brigade or from brigade to division (pgs. 5, 50). The file did not contain a letter from Major General KOSTER to HENDERSON. He did not recall any hand written paper or notes in the folder (pg. 50). On being shown Lieutenant TAN's letter of 11 April 1968 to Lieutenant Colonel KHIEN (Exhibit M-29), CAMELL recalled that it was in the envelope (pg. 34). He also recognized Captain RODRIGUEZ' statement of 14 April (Exhibit M-30). A copy of Exhibit M-30 with RODRIGUEZ' signature affixed was also in the file (pg. 35).

3. SECURING THE FILE.

Initially the witness kept the envelope-file in his desk (pgs. 4, 43). In approximately January of 1969, the witness reorganized his files. He placed the envelope in a priority one safe in a file folder labeled "Quang Ngai" (pgs. 4, 10, 41, 43). In this file he kept information that was of a lasting nature (pgs. 4, 10). He placed no security classification or other notation on the envelope when he filed it in his safe (pg. 11). He never discussed this folder with anyone until it was requested. However, he conceded the possibility that he discussed the file with some other NCO's (pgs. 8, 9). In relocating the file in the S1 safe, he was sure that he did not take anything out of the file at that time. He also stated that GERBERDING said nothing which would indicate that the file was important (pg. 53).

4. REQUESTS FOR THE FILE.

a. Initial requests and reproduction.

CAMELL was asked for the file in April or May of 1969 (pg. 43). Initially, he thought that it was a Major

GIBSON who requested it (pgs. 12, 13), but later he stated that it was Major MELTON who made the request (pg. 46). He could not remember the month of this request (pg. 47). At that time, he had not received any inquiries about it (pg. 12). He never spoke to Major VEATCH, the S2, when he first arrived incountry, about the file (pg. 13). When MELTON made the request, he asked CAMELL if he had ever seen anything in his files regarding an incident in the spring of 1968. He also indicated that it was rather urgent to find this file if he had it. He mentioned that civilians had been killed, but he did not describe the locale. He also failed to indicate whether the incident had been investigated (pg. 13). It is possible that MELTON used the term "massacre". MELTON did not explain the request or its origin (pg. 14). He did say that he had to make a report concerning his request (pg. 14). CAMELL delivered the entire folder to MELTON. MELTON then asked the witness to help make copies of the file (pg. 14). Initially the witness stated that his section reproduced the letters from the province chief and from MACV at Quang Ngai (pgs. 15, 16). However, on being shown Exhibit R-1, a true copy of HENDERSON's report, the witness stated that the first two pages of the document were prepared by his office (pgs. 36, 48, 50, 51). Since there were no reproduction facilities at Duc Pho, true copies verified by the adjutant had to be made (pg. 15). Specialist Five STROP typed the true copy (pg. 17). After copies were made, the file was returned to its appropriate place in the safe (pgs. 16, 19, 20). The witness assumed that since MELTON stated he wanted true copies of the entire file, the S1 section made true copies of the other documents in the file (pgs. 18, 48). He never saw the completed product (pg. 17). When MELTON returned the file, he had no conversation with him (pgs. 19, 20). Other than MELTON, no one spoke to the witness. This included members of MELTON's section. Although there was no record of it, he felt that the file was classified confidential (pg. 20). Colonel TREADWELL was the brigade commander at the time. He recalled receiving no instructions from TREADWELL regarding this matter, nor did MELTON (pg. 22). When the witness received this request, no reference was made to HENDERSON, nor was anything said about an investigation being made (pg. 23). However, he believed that he overheard MELTON mention to another that the division IG had placed this requirement (pgs. 23, 24). This statement was made while the documents

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were being reproduced (pg. 24). The witness opined that upon the return of the file some of its contents were missing. MELTON did not indicate that anything would be taken out of the file (pgs. 47, 51).

b. Request in early September.

In early September, MELTON personally asked for the folder again. MELTON was given the entire file and it was never returned (pgs. 17, 26, 46, 47). The S1 did not indicate why he wanted it or if someone had made a request for it (pg. 25). He believed the request was again in response to an IG requirement (pg. 48).

c. Other requests.

Since surrendering the file the witness had not discussed the folder or its contents. Since that date, CAMELL had not received any requests for information about its contents (pg. 27).

5. HENDERSON'S REPORT.

a. Exhibit R-5.

On being shown Exhibit R-5, a carbon copy of HENDERSON's report of 24 April, the witness recognized it as a document in the file folder. Although vague, he felt that the Vietnamese translation was in greater detail (pgs. 28, 36). The witness recalled that there was more than one copy of the letter with HENDERSON's signature block (pgs. 29, 37). He did not recall seeing copies of the attachments to R-5 (pg. 37). However, he did not recall if there was a copy signed by HENDERSON, nor did he recall seeing the original (pgs. 29, 39, 52). He felt that the other papers that he saw with the report gave more reasons for discounting the allegations. He remembered one of the documents mentioned an artillery prep. However, there was no mention of any confrontation between a U.S. aviator and American ground forces (pg. 30). He did not recall if the complaints forwarded by MACV were directed to Lieutenant Colonel BLACKLEDGE or HENDERSON. He recalled that there were documents in the file which were written in Vietnamese as well as VC propaganda, but he did not recall the number of pages (pg. 31). On being shown all of

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the attachments to R-5, CAMELL stated that all of them were in the file given to him by GERBERDING (pg. 32). He had no recollection of seeing a letter from General KOSTER to HENDERSON or from the chief of staff to HENDERSON, or of a letter ordering HENDERSON to make a report (pg. 33). He did not recall any written notations on R-5 when he last saw it (pgs. 37, 38, 40).

b. Exhibit R-1.

On being shown Exhibit R-1, a true copy of R-5, CAMELL stated that it was prepared by his section and it was the document he had mentioned earlier. His clerk had prepared it from the file. The first two sheets of R-1 were prepared by his office and the attachments were prepared by the S1 section (pgs. 36, 50, 51). R-1 was purportedly a true copy of R-5 made for Major COX's signature certifying its veracity (pg. 51).

6. OTHER INFORMATION.

After the My Lai incident became a matter of public knowledge, CAMELL may have spoken to a few people regarding the contents of the letter to the province chief, but he spoke to no one associated with the 11th Infantry Brigade (pg. 27).

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(The hearing reconvened at 1615 hours, 30 January 1970.)

MR WEST: The hearing will come to order.

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

The next witness is Master Sergeant Kenneth E. CAMELL.

(MSG CAMELL 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?

WIT: Kenneth E. CAMELL, Master Sergeant, Army, , presently stationed at United States Army ROTC Instructor Group, University of Colorado, Boulder, Colorado.

MR WEST: Master Sergeant CAMELL, have you read our Exhibit M-57 which concerns the nature and purpose of this inquiry?

A. I have read it, sir.

Q. Do you have any questions about it?

A. No, sir.

Q. Are you subject to the order of the military judge in either the court-martial case of the United States v. Calley, or the United States v. Mitchell?

A. No, sir.

Q. You received no letter or--

A. (Interposing) No letters.

Q. Were you at one time assigned to the 11th Light Infantry Brigade in South Vietnam?

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A. Yes, sir, from the end of October 1968 to the first of October 1969.

Q. What was your duty there in the brigade?

A. Intelligence sergeant, sir.

Q. Whom did you replace in that position?

A. Master Sergeant GERBERDING.

Q. Could you tell us how the office was organized when you were over there? Did you work in the TOC there?

A. No, sir. As an initial break-in period I worked in the TOC for a week or 10 days, and then I went into the S2 office.

Q. Did you have an overlap with Sergeant GERBERDING?

A. Yes, sir. He was there for a period of time before he quit.

Q. Before he "stacked arms," did he show you around the place?

A. He showed me around, yes, sir.

Q. Sort of an orientation?

A. Yes, sir.

Q. What did you have in the way of assistants there in the staff?

A. I had an intelligence specialist, a SP5, at this time, a clerk typist, a driver, and two other men whom I used on TOC shift. We had two phone shifts in the TOC.

Q. Who was the brigade commander at this time? Was it still Colonel HENDERSON?

A. It was him.

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Q. Do you recall if he had a courier, stenographer, or typist?

A. No, sir, I can't.

Q. You don't remember?

A. No, I don't remember.

Q. Who was the operations sergeant at the TOC?

A. Sergeant JOHNSON.

Q. Do you remember how much of a staff he had, what he had in the way of enlisted help?

A. It was considerably larger than mine; exactly how many, I don't recall at the time.

Q. I believe you had a typist named BAILEY, Larry BAILEY?

A. It doesn't ring a bell.

Q. It may have been during Sergeant GERBERDING's time. Do you remember whether--this was Master Sergeant JOHNSON, wasn't it?

A. Yes, sir.

Q. Whether he had a typist and perhaps also a stenographer? I'm looking for a name.

A. No, sir, I can't give you one. It was sort of an overlap there; and as I said, I was trying to learn my job. Everybody there, all those people, were getting ready to go home.

Q. What was the date you arrived again?

A. The end of October.

Q. The end of October 1968?

A. Yes, sir.

Q. Sergeant GERBERDING was here, and he told us that he maintained a file in his desk of close-hold papers.

A. He did.

Q. And that he turned those over to you.

A. He did.

Q. Let me ask you this, what did you do with his file after he turned it over to you?

A. I got to read it about the end of November or December and kept it in my desk.

Q. Kept it right in the desk?

A. Yes.

Q. Just kept it right in the desk? Did you ever put it in the safe or did you just continue--

A. (Interposing) No, I reorganized the files again about 6 weeks or so later. When I finally got through the file system and got it sorted, all the material in my desk went in the safe.

Q. Well, can you describe any of the material in this photo file?

A. Negative, sir.

Q. You just put that in?

A. Yes, sir.

MR MACCRATE: Sergeant CAMELL, would you describe for us what was in the file that was turned over to you by Sergeant GERBERDING?

A. I've been trying to think of that. There was a translation of a letter from the province chief, explaining his attitude concerning the accusations he received from some

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district chief of a massacre of some villagers by Americans. There was also a letter from, no, I'm not sure of that--I think it was a letter from MACV advisor forwarding this province chief's letter in translation. Now the reason why I believe there also was the Vietnamese written letter. This is all that was in the files.

Q. Was the file in an envelope or--

A. (Interposing) In an envelope.

Q. And what was written on the envelope?

A. I cannot recall, sir. I don't recall.

Q. Was there any instructions as to holding?

A. It could have had "hold" written on it possibly.

Q. Did he have his name on it? Did the sergeant have his name on it or any reference as you recall?

A. No, he didn't have any name on it--no references.

Q. Were there any indications on the papers, that you recall, of the names of any individuals in the brigade?

A. No, sir.

Q. Do you recall by whom the letter was signed?

A. No, I don't. I'm thinking it was LAM, but I don't think he was the province chief. No, sir, I don't.

Q. Were there communications in this file from the division to the brigade?

A. No, sir. There was no communications from division to brigade or from brigade to division; there was no military correspondence attached with this. It was just this informal letter written by the province chief that day and--I'm trying to recall--the province chief reiterating everything the district chief had accused. There may have been a copy of the district chief's complaint in there also and then there was,

as I said, a forwarding letter from the MACV personnel. I believe it was to brigade. And that was it.

Q. When you said MACV, is it MACV at Quang Ngai?

A. Yes, sir, I--

Q. (Interposing) Do you recall if it were the civilian and the military advisor?

A. I do not, sir.

Q. The civilian advisor at that time was James MAY; the military advisor was Lieutenant Colonel GUINN.

A. I hate to say. Actually Colonel GUINN's name is more familiar, but I'd hate to say things that I'm not certain of.

Q. This is a communication from Quang Ngai to Duc Pho?

A. Yes, sir.

Q. I understand that there was a letter--

A. (Interposing) A translation, sir.

Q. A translation of what?

A. Of a letter from some province official, the province chief, outlining the accusations received from the district chief concerning the massacre in the village and his reasons as to why he discounted the validity of this complaint.

Q. To whom was the province chief's letter addressed?

A. I was trying to recall to whom he addressed his letter. I do not know, sir.

Q. This was, however, a translation of the letter?

A. Yes, sir.

Q. And you think the original Vietnamese letter may have been with it?

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- A. Yes. Or copies of the original Vietnamese letter.
- Q. What other paper was in the file?
- A. There was a cover letter or cover note of some type from MACV personnel in Quang Ngai on it.
- Q. Was anything else in the file?
- A. Not that I recall. No, sir.
- Q. Are you sure?
- A. I'm not sure. I looked at this thing in November, and I put it in the safe and forgot about it until I was asked for it in April. I handled the whole folder in April or May sometime, and I got some of the stuff. I put the folder back in the safe and took it out again in September before I came home.
- Q. Now, in addition to this one folder you described--
- A. (Interposing) It was an envelope, sir. I am using folder, but it was an envelope.
- Q. With a flap over the top?
- A. Yes.
- Q. About how large was it?
- A. The regular 8 1/2 by 10 1/2.
- Q. Do you recall it as having something more than the three sheets of paper which you have described to us?
- A. I can't say. I feel it was a little bit larger, but I can't say.
- Q. Quite frankly, Sergeant GERBERDING has described additional figures that he delivered to you that are not included in what you described.
- A. I wish I knew about them because I thought it quite strange to have a piece of correspondence with no forwarding

or nothing like that, but I can't recall definitely that there was more of it.

Q. Would you tell us as best as you can how long it remained in your desk?

A. It was in the desk to the middle of December or the end of December before I had gone to the regular files and did some reorganizing and cleaned out the desk and put everything in the files.

Q. In the examination and reorganization of files, did you find anything else that related to this subject?

A. Nothing. It was an isolated folder and nothing else.

Q. Did you discuss this folder with anyone else or did anyone discuss it with you?

A. No, sir. Not until it was requested.

Q. During this time period from the time of your arrival in October 1968 until December of 1968 when you moved it upon reorganization of your files, did it just remain in your desk without conversation or comment?

A. I may have discussed it, with some of the NCO's, but as I say we were all new there, and I may have discussed this incident. It has been a couple of years, and I may have discussed the incident.

Q. Talk about that, if you will.

A. I have a feeling I did, but I am trying to think when and where.

Q. Who are the men that you might have shared such a thing with? Were there some that were closer to you than others?

A. It could have been with Sergeant WALKER, our personnel NCO from the personnel division, S1, because I slept with him, and we usually had our couple of beers at night, and

when we had time off we usually discussed things.

Q. How long had Sergeant WALKER been with the brigade?

A. About the same length of time, sir. He came about the same time, give or take 10 or 15 days, and departed the same or after I did. He got a 3-day extension because he took a leave in the States.

Q. Did you spend such hours of leisure, such as they were, with any of the other personnel?

A. Yes, sir, all of the brigade NCO's. When we could we got together, talked, and drank a couple of beers together.

Q. Do you have a recollection of any such conversation with any of the others?

A. I could have mentioned it to any of them actually. It could have been any of the new ones or any of the old ones during the overlap period. I can't recall, sir.

Q. Do you recall speaking to any that brought forth any comment from them indicating an awareness of either the existence of the papers or of anything that was referred to in the papers?

A. No, sir.

Q. You were the one with the information in each case? They didn't have anything to add?

A. I cannot put my finger on when, or where, or what.

Q. Do you recall anyone asking you about it or raising something with you which prompted you to say, "Well, I have that or I know about that"?

A. No, sir.

Q. In other words, coming from someone else to you?

A. To me?

Q. To you, rather than from you to them.

A. No, sir.

Q. When did Colonel HENDERSON leave the 11th Brigade?

A. Let's see, about the middle of December or the end of November. No, wait! He left here in about the end of October or the middle of November, sir.

Q. And Colonel DONALDSON, or now General DONALDSON, had replaced Colonel HENDERSON around the first of November?

A. Yes, sir.

Q. And do you recall any instructions from Colonel HENDERSON with respect to this material before his departure from the 11th Brigade?

A. None, sir.

Q. Now, I'd like you to take us to the reorganization of the file and as to just what you did with this envelope and the papers at that time.

A. Well, the normal files that they had in the file cabinet are all composed of a lot of material that they brought from Hawaii with them and things that are not applicable in Vietnam. This stuff I disposed of, and reorganized the files, and made some room in it, and put this envelope into a file folder which I had for the Quang Ngai section of intelligence reports and reports from Quang Ngai. I put it in there.

Q. I'd like you to think back to just how this file was set up so that we do recognize the file headings.

A. Well, we used the regular functional files systems under 5-10, which is general purpose or general intelligence files, and under this category I had it broken down to geographical areas and, like, Quang Ngai Province and higher headquarters. In these files I kept all of the information received that was of lasting value. Other things went into a suspense or a 30-day file, and I just threw it away when I was done with it.

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- Q. And you put this folder into the--
- A. (Interposing) A file folder. It was labeled "Quang Ngai" and in the safe.
- Q. Did you put any notation on it as to special handling?
- A. None, sir.
- Q. None reflecting the way in which it was held by Sergeant GERBERDING?
- A. No, sir. It was the same envelope and the same folder.
- Q. What did he say to you when he turned it over to you about the folder and the way it was to be handled?
- A. He didn't specify, sir. He had it in a book, and he said, "Here are some things that I have here that are mine, and I have been holding them there. Hold it, and if they ask you for it, you've got it."
- Q. Now from the time you reorganized the file, put it in the S2 safe--incidentally, was there more than one S2 safe?
- A. We had two safes in the S2 office. Everybody had a safe and everybody kept material, classified material that is.
- Q. Well, how would you identify the particular safe into which you placed the--
- A. (Interposing) It was our priority one, where we kept all our sensitive documents. That's as far as the S2 went. Additionally, we worked as the "AG classified" for the brigade, so we had another safe which was for brigade AG classified material.
- Q. But this particular file is in the priority one safe?
- A. The S2 safe, yes, sir, the priority one S2 safe.
- Q. From the time you placed the file folder in the safe

until you were asked for it in the spring of 1969, did you ever have occasion to go to that file folder, as you recall?

A. No, sir.

Q. Did you receive any inquiries or questions about it?

A. No, sir, none.

Q. It was just like a lot of other papers that were held that just remained in place?

A. Yes, sir.

Q. So we come to the spring of 1969. You get a request and you go to the safe; is that right?

A. Yes, sir.

Q. Now can you tell us from whom you received the request in the spring of 1969 and fix the time?

A. I received it from our adjutant, our S1/personnel officer, Major GIBSON, I believe it is.

Q. Major GIBSON?

A. Yes, sir. And the time, it's April or May--April I believe, sir, because we just finished moving to a temporary place while they were building a new TOC for us. I believe it was April, sir, April.

Q. Do you remember Major GIBSON's first name?

A. No, sir, I don't.

Q. Who was the S2 during this period?

A. Well, at this time Major COX was the S2.

Q. Was Major COX the S2 when you arrived?

A. No, sir, Major VEATCH. VEATCH, V as in Victor.

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Q. Did you ever speak with Major VEATCH about this file?

A. No, sir, I didn't.

Q. Did you receive this request from--not from Major COX but from Major GIBSON?

A. Yes, sir.

Q. What did Major GIBSON tell you?

A. He asked me if I had seen anything in the files reference some incident in the spring of 1968. I told him I seen this folder, this envelope, that had something in there concerning some incident.

Q. Did he indicate anything more in his description to let you know what he was looking for?

A. No, sir. He said it was rather urgent to find it if we had it, and that's about it.

Q. Did he indicate to what the incident related?

A. Yeah, civilians being killed, an incident of some civilians being killed.

Q. Did he indicate where this incident had taken place?

A. No, sir.

Q. Did he indicate what kind of paper he was looking for?

A. No, he just asked for any correspondence--

Q. (Interposing) Correspondence?

A. Right.

Q. Did he indicate whether there had been an investigation of the incident?

A. No, sir.

Q. Did he ask for a report of investigation, do you recall?

A. "Correspondence" or "report of the massacre"--he could have used the word "report," but he didn't use "report of investigation."

Q. Do you think he may have said "a report of a massacre"?

A. Yeah, could have been.

Q. Did he seem to know anything about what he was looking for?

A. No, sir. I mean I asked for more details and he--

Q. (Interposing) I mean could he give you any hint as to what--did he suggest where he had gotten this request that he was passing on to you, why he was making the request to you?

A. No, he didn't. He did state that it was rather urgent to get it and find it if we had it.

Q. Did he indicate who was looking for it?

A. The indication was that he had to make a report to someone else on it. I don't know who, division or someone in brigade, but he had to make a report. Cause I know I--after we gave him the folder, then he came back and had me help--my clerk-typist help in reproducing some papers for a report to submit someplace.

Q. So you took the whole folder to him?

A. Yes, sir.

Q. And then he asked you to make some copies?

A. Right, sir.

Q. And do you recall if he asked you to make copies of all of the papers or only some of them?

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A. No, he only brought back some to the office to help. He was short--some of his clerks were on guard or something that day, so he used mine to reproduce that paper. He used mine and we helped reproduce it. Now this is the second time--sorry, I'm mixed up. The first time he didn't; he took the papers and did it himself. The second time he asked for the documents, we helped reproduce--no, I stand corrected, sir. I'm getting confused here. That was the first time--no--

Q. (Interposing) I want you to go slowly here because--

A. (Interposing) That was the first time in April, May-- in April it was or May, early May, end of April, and my clerk helped reproduce the letter from the province chief. I remember that, the letter from the province chief's office.

Q. Was that one sheet or more?

A. Two, sir; one and a half or so.

Q. That is the English translation?

A. Yes, sir.

Q. Did you reproduce the Vietnamese document?

A. No, sir.

Q. You had no reproduction facilities at Duc Pho, did you?

A. No, sir, we just had to type it and "true-copy" it. The adjutant verified a true copy.

Q. Did he indicate that he wanted to see the original documents?

A. No, sir.

Q. You say that a true copy was made of the translation?

- A. Yes, sir.
- Q. Of the province chief's letter?
- A. Right, sir.
- Q. And who certified the true copy?
- A. I believe again Major GIBSON was the only staff officer we had in there. Everybody else was out flying or something.
- Q. Do you recall how long Major GIBSON had been in the 11th Brigade?
- A. I think he just came in too--he did, yes, sir. He came around about the same time I did, give or take a month. He came in November or December.
- Q. Did he also get a copy from you of the letter from MACV Quang Ngai to the brigade?
- A. Yes, sir. He got--well, he didn't get a copy. He got the whole thing, and he handed me back some of it to help type, to make true copies.
- Q. And then you made the true copy and delivered everything back to him?
- A. Right, yes, sir.
- Q. And at that point you gave up custody of the whole thing?
- A. Yes, sir.
- Q. So that nothing came back to you in that point of time?
- A. Yes, sir. It did after the true copies were made. The next day or so he handed me back the folder--I mean the envelope, again.
- Q. Now, what did you get back at that time?
- A. I didn't look, sir. I didn't look. I put it in the safe, and that was it.

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- Q. You put it in the safe, and I gather that there was a second request later on?
- A. Yes, sir, in September for the--
- Q. (Interposing) Not until September?
- A. No. And I was asked again if I had anything on it. That time I gave it again to the adjutant, and that was the last time--I didn't get it back; it was gone.
- Q. Do you recall who typed that true copy for you?
- A. It could have been Specialist Five STROP, who was chief intelligence assistant at that time.
- Q. How do you spell STROP?
- A. S-T-R-O-P. And I'm trying to think of the other clerk-typist I had, a clerk-typist actually. I can't think of his name, but I had another PFC. It was one of those two that would have worked on it. I changed clerk-typists every 3 months or so.
- Q. Did you wear them out?
- A. No, giving the guys a break from the field. We'd bring the riflemen in and put them to work for 2 or 3 months. And then they rotated and we'd get another one in.
- Q. How many sheets of paper, as you recall, were included to this certified true copy?
- A. I never saw the complete thing. As I say, probably two sheets on the province letter; the letter from the province, two sheets. The other part....
- Q. When the clerk-typist prepared it and brought it back to you, what he had prepared, and you checked the accuracy of what he had done, do you recall how many sheets of paper he had to type?
- A. Only the original and two pieces--two sheets of paper. Well, now the whole document I didn't see. The adjutant

took care of putting the whole true copies--pages together. I was only given back that one letter from the province chief, a true copy.

Q. Well, he had someone else--

A. (Interposing) He had someone else--

Q. (Interposing) Type other sheets?

A. Yes, sir, in the S1 section there.

Q. In the S1 section?

A. Yes, sir.

Q. How do you know other portions were typed in the S1 section?

A. I'm assuming again because he said he wanted a true copy of it all, and he didn't have that many typists and so he handed a sheet to me. I assume that as he went on with it he did the same with the rest. I didn't see it; I didn't check it.

Q. Well, I'm not sure that I understand how you know what he was making a true copy of?

A. That's true too. Well, I had one carbon. I believe there's only one--there's only one copy of what I had in that folder.

Q. Am I to understand that there was more in that folder that he asked you to copy?

A. Yes, sir.

Q. And you don't know whether he had a copy made of any of the other papers in that file?

A. No, sir, I do not.

Q. The only thing he had you copy was two sheets of paper?

A. Yes, sir.

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Q. Now in addition to Major GIBSON, did anyone else speak to you about this?

A. No, sir.

Q. Did you speak to anyone who was working with Major GIBSON on getting these papers together?

A. No, I didn't.

Q. Well, I guess they were being put together. It seemed logical to me that Major GIBSON would have asked you to work with whoever else was preparing the other pages.

A. No, I think the clerk took it over, gave it to him, and that was it.

Q. And when you gave him the papers that you had had typed, what became of the original of the document that had been copied?

A. Major GIBSON had kept it at this time. He gave it back to me later. He gave me back the folder again.

Q. He gave you back the folder later?

A. That's right.

Q. And when you got the folder back--I may have asked you this, but I want to be sure that I understand--what did you do with the folder?

A. Put it back in the safe again in the file folder.

Q. Did you have a conversation with Major GIBSON at that time?

A. No, sir.

Q. Did he give you any instructions as to what you were to do with that folder when he gave it to you?

A. No, sir, I don't recall.

Q. I want you to think very carefully about that.

A. Well, he could have said hold it, keep it in a secure place, but I don't know.

Q. Are you sure you put it back where it had been?

A. Yes, sir. I put it back where it had been.

Q. Was the folder sealed when he handed it back to you or was it opened?

A. I don't recall. It could have been sealed; it could have been tucked in; either way but--

Q. (Interposing) Do you recall if there was any writing on the folder when it was handed back to you?

A. No, sir, I do not.

Q. Was the document classified?

A. It must have been confidential. Everything we had was confidential; it must have been classified. I'm not sure, I don't know if it had a stamp on it or not.

Q. Was there any record or logging made of what you did at this time?

A. No, sir.

Q. In providing the true copy or in taking material in and out of the file?

A. No, sir.

Q. At this time who was the commanding officer of the brigade?

A. Colonel DONALDSON was CO.

Q. When did Colonel TREADWELL come to the 11th Brigade?

A. In May or June. Well, they had--Colonel DONALDSON had 6 months, so he came in November. It would be December, January,

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10
11

February, March, April, May.

Q. Well, I think your recollection is incorrect.

A. Is that right, sir?

Q. I have here a record of their dates.

A. Yes, you're right, sir. It could have been changed in May.

Q. I think it was in March. The records that we have examined indicate that Colonel DONALDSON replaces Colonel HENDERSON as the commander of the 11th Brigade on 4 October. Now does this refresh your recollection as to who was the commanding officer at the time you arrived at the 11th Brigade?

A. Well, it must have been DONALDSON.

Q. Were you on station prior to the 29th of October?

A. No, sir. I was in Chu Lai prior to that.

Q. And where were you at Chu Lai?

A. First, combat center for a week, I think it was, and then I was assigned to division G3.

Q. You had been at the division G3 for a period?

A. Yes, sir.

Q. And did you work at the TOC there?

A. No, sir, G3 administration.

Q. In the G3 administration office?

A. Yes.

Q. If you'll recall, Colonel DONALDSON after he became brigade commander went to the division.

A. He did, sir.

Q. And he went to chief of staff of the division.

A. And Colonel TREADWELL came from chief of staff to brigade, yes, sir. That's true, yes, sir.

Q. And that exchange of position, do you recall now when that took place?

A. As you say, it was in March then. And then consequently when Colonel DONALDSON was gone from brigade and as brigade commander, I was requested for those documents.

Q. Well, our information is that they exchanged duties on the 28th of March, so that from the 28th of March to the 13th of September, Colonel TREADWELL was the commanding officer of the 11th Brigade. Do you have any recollection of receiving any instructions from Colonel TREADWELL with respect to this matter?

A. No, sir.

Q. Did Major GIBSON indicate that he had received any instructions from Colonel TREADWELL?

A. No, sir.

Q. Is there any way which you can fix the time that you received this request from Major GIBSON?

A. No, I can't, sir. All I can say--as I say, I have to come up with the end of March or April, the general time. Well, I'd like to talk to someone else in the brigade, but I know it was just after we moved out of one area into another temporary area while they were rebuilding the new TOC. This took about 4 months to build.

Q. Was it before you made the move out of the old area?

A. After. It was after we moved from our old administrative place to a temporary place while they were using this other area for location. After the move.

Q. And when you received the initial request from Major GIBSON you were in your temporary location?

A. Correct, sir.

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Q. And before you went into--

A. (Interposing) The permanent TOC.

Q. The new TOC. And when did you make the move into the new TOC?

A. That was made in August.

Q. Not until August?

A. Not till August.

Q. And you were in the temporary quarters for what period, do you recall? Can you relate it to the arrival of Colonel TREADWELL?

A. No, I can't sir. No, I can't.

Q. No way you can--

A. (Interposing) I'm trying to. I feel that he was there at this time. I believe he was. He was there. He was at the brigade as brigade commander.

Q. Was there any reference at this time to Colonel HENDERSON in any reference to this file by Major GIBSON, any request or requirement made to you?

A. No, sir.

Q. Was there any reference to an investigation being conducted?

A. No, sir.

Q. Any reference to the division IG who was Colonel HOWARD at that time?

A. Yes, sir. He mentioned something about the IG. The division--I don't think he mentioned it to me. He may have mentioned it to someone and I overheard it: "The division IG was asking about...."

Q. To whom was he speaking at that time, do you know?

A. No, sir, I don't.

Q. What did he say about the division IG?

A. As I recall it, he asked me for the papers, the report, or whatever I had on this massacre, and then I don't know who he was talking to, but I did hear the division IG was requesting information on this. Maybe I heard it later, but I know I heard it in connection with the same incident.

Q. Do you recall after you received the folder back and returned it to the file, after further discussion about the matter and questions being directed to you, any information sought from you?

A. No, sir.

Q. But you did hear a comment about the IG conducting an investigation?

A. Yes, sir.

Q. What were you told in that respect?

A. I wasn't--well, that's all I heard. Major GIBSON didn't say it to me; he was talking to somebody else and he mentioned the report for the IG or paperwork for the division IG or for the IG. We didn't have an IG down there.

Q. Well, did he indicate that he was looking for other papers?

A. No, sir.

Q. Was he referring to what he had provided or what he was going to provide?

A. What he was going to provide?

Q. Was this after he returned the file to you?

A. No, this was during the period of time it was being reproduced, and he still had the file.

Q. And when was the next time you had any reference to

this file or to prior requests of Major GIBSON?

A. In September, sir.

Q. This is after you moved?

A. Yes, sir.

Q. Into your new TOC?

A. Right, sir.

Q. And at that time what was the request, and from whom did you receive it?

A. I don't recall. Major COX asked me or Major GIBSON. Major GIBSON asked me again for that folder I had on the incident.

Q. And what did he tell you at that time?

A. That he wanted to have that information that I'd gave him before, the folder on it.

Q. Did he indicate this time why he wanted the information?

A. No, sir.

Q. Did he indicate that someone had made a request to him?

A. No, sir.

Q. Did he indicate what he was going to do with it when he got it from you?

A. No, sir. We were all reorganized, and the previous time he was located closer to us in our temporary place and we would just walk--and this time the SI was in a completely different area so there was no indication at all. He just picked it up and--

Q. (Interposing) He came over to your office, however?

- A. Yeah, I either delivered it to him or I--no, he come over. He come over and got it.
- Q. And he came and got it from you?
- A. Yes, sir.
- Q. From you personally?
- A. Yes, sir.
- Q. He then took the envelope and what more do you know about it?
- A. That's all.
- Q. He didn't return it back to you?
- A. No, sir.
- Q. I'd like you as carefully as you can to fix the time that that folder was delivered by you to Major GIBSON.
- A. The best I can do is the middle of September, sir. I came back from R&R the middle of August, and it was after this. I can't fix it.
- Q. And you remained at Duc Pho until October of 1969?
- A. I think I left there 31 September to go up to Chu Lai.
- Q. Perhaps 30 September?
- A. 30 September and went to Chu Lai. Then I left Chu Lai on the 2nd of October for Cam Ranh and then back.
- Q. About how long before you left would you have turned over this folder to Major GIBSON?
- A. I feel 3 or 4 weeks.
- Q. So it was probably in early September of 1969.
- A. Yes, sir.

Q. Early last September?

A. Yes.

Q. At any time thereafter did you have any conversation with anyone about the folder or about the documents in the folder?

A. No, sir, not that I recall.

Q. Did you receive any requests for information about it?

A. No, sir.

Q. Have you at any time since leaving Duc Pho had any conversations with anyone about this file folder?

A. I may have mentioned it to some of the people I worked with, because it hit me as a surprise when I read in the newspaper about it. I really hadn't associated it with this. And I started thinking back about it and the contents of that letter.

Q. Were any of these people with whom you spoke in the 11th Brigade or in the Americal Division?

A. No, sir.

Q. Or had they served in the brigade or division?

A. No.

Q. Have you had any conversations about the My Lai incident or about Task Force Barker and its operations with anyone who was associated with the brigade or the division?

A. No, sir.

Q. In the conversations that you had regarding this folder, did any of those with whom you talked about it ever refer to it as the "Pinkville incident"?

A. No, sir.

Q. Sergeant CAMELL, I would like you to examine Exhibit R-5.

(CAMELL)

I ask you if you have ever seen that document before? If you will first just look at the first two pages please.

A. I have seen this before, sir.

Q. When did you first see that document, do you know?

A. When I first looked at the folder over there, sir.

Q. And that also was in this folder?

A. Yes, sir.

Q. In addition to the papers you've described?

A. Well, I could be wrong. In addition, as I say-- yes, sir, there was more there. There was more detail than this here from the province.

Q. I just want you to look at the first two pages, please.

A. I've seen this before.

Q. And I want to go step by step with you because I know we're trying to recall something that you looked at months ago at this point. I want to see if we can reconstruct it step by step.

A. This is it, sir. I saw it. This is what we had. I could be completely wrong about the letter. I'm sorry my memory's this bad, but as I said, I read it over quickly and that was it. But I seem to remember more detail on--from the Vietnamese side.

Q. There was more detail on the Vietnamese side that we know about, and that's why I'm very anxious to--

A. (Interposing) Yes, I've seen this.

Q. And you will note that the document at which you're looking is prepared for the signature of Colonel HENDERSON. Did you see a document such as that?

A. Yes, sir.

Q. I don't want you to look at the other pages, please, until we can exhaust your recollection. In addition to a copy of the letter from Colonel HENDERSON, do you recall if there were other copies of the same letter in the envelope? Or, let me ask it this way: how many copies of Colonel HENDERSON's letter were in the envelope?

A. I do not know, sir, but there were duplicates now that I see it. I'm sure there were duplicates, carbon copies.

Q. Was the ribbon copy of the letter in the envelope?

A. To the best of my knowledge, yes, sir, a carbon copy.

Q. No, I'm saying the ribbon copy.

A. Ribbon copy, yes, sir. Oh, the ribbon copy, no, sir, I don't recall. I seem to recall a carbon, not the ribbon. Yes, sir, now that I see this, I recall that there was more than one copy of the letter.

Q. There was more than one copy of the letter. Were any of the copies signed by Colonel HENDERSON?

A. I do not recall. I would say no, but I'm not positive.

Q. You believe there were just two copies? You believe there was more than one. Do you believe there were two?

A. Yes, sir.

Q. Or three or possibly four?

A. No, all I can tell you there was two or more, sir. I can't say how many. As I look at this now, I can recall going through two copies of this before I came to the next document that was with it.

Q. Now, what do you remember as being the other documents with this two-page report?

A. Well, then more details from the province. I seem

to recall much more than there is in here, much more reason for justification. In the back of my mind, it seems to me one of these documents mentions something about artillery fire, this crossfire, preparatory--yes, which would be preparatory fire.

Q. Do you remember whether there was also something in this document about a confrontation between a helicopter pilot and the ground troops?

A. Nothing, sir, positively.

Q. You're quite sure?

A. I'm confident, sir. I recall nothing in this file that is in this context.

Q. There apparently is such a document, and it was not in this file. You looked at everything in the file and that was not in the file?

A. Yes, sir. I looked through this whole file, and that was not in it.

Q. Well, in addition to copies of the two-page report of investigation dated 24 April, what else do you recall? You've mentioned a translation of a Vietnamese letter from the district to the province chief.

A. Right, a complaint, I believe it was, sir.

Q. The complaint was from the district chief to the province chief, and then the province chief made a report on that to MACV Quang Ngai?

A. Well, yes, sir, this is the general pattern on the correspondence as I remember it. But I don't recall if it was forwarded to the MACV. It could have been just a letter typed or just a typed piece of paper, and then MACV got it at Quang Ngai.

Q. And then in addition to that, there was a communication from MACV Quang Ngai to the 11th Brigade?

A. As I recall, there was, sir.

Q. Do you recall if that was directed to Colonel BLACKLEDGE or to Colonel HENDERSON?

A. I don't recall, sir.

Q. I want you to think hard about that.

A. I do not recall, sir. I cannot say. Colonel BLACKLEDGE, he was the former S2 before Major VEATCH, and his name was on quite a bit of things that we had. I can't say.

Q. Now, in addition to the papers that we've just reviewed, what else can you recall as being with this report of investigation?

A. Nothing, sir.

Q. Do you recall any Vietnamese propaganda, or I should say VC propaganda?

A. Yes, sir, Vietnamese writing and papers.

Q. I'm not talking now about anything from the district chief to the province chief, but any pieces of VC propaganda?

A. Yes, sir. It was either propaganda or else it was a complaint from the district to the province chief. I could be mixing this up, but it seems that there was much more detail from the Vietnamese side as to what happened and what they were, what was written, I'd say, sir.

Q. Do you remember how many pages of propaganda there were?

A. I do not, sir.

Q. Was the Vietnamese text there?

A. As I recall it, yes, sir.

Q. And can you remember anything else that was in the file?

A. No, sir.

Q. Now, I'd like you to look at the next two pages of R-5, just the next two pages, please, and I ask if you recall seeing those two pages before? I don't want you to get ahead, please. Don't go beyond that. I just want your recollection as to those two pages.

A. Yes, sir. They were in the folder.

Q. They were in the folder also. Now, if you'll turn to the next page. Do you recall seeing that document before?

A. Yes, sir. That was in the folder also.

Q. That document headed "Statement, 14 April 1968" was also in the folder?

A. Yes, sir.

Q. Do you recall if there was more than one copy of that statement? Or more than one page of it?

A. No, I don't, sir.

Q. Do you recall if the document had a signature on it that you saw?

A. No, I don't, sir. I don't recall.

Q. Did you see any document, now having looked through them, in addition to those that you've already described, that you can now recall?

A. No, sir, none whatsoever. In fact, that seems to be the total.

Q. Do you have any recollection of seeing a letter from either the commanding general of the Americal Division to Colonel HENDERSON, or from the chief of staff signed by the chief of staff on his behalf to Colonel HENDERSON?

A. No, sir.

Q. You have no recollection of seeing a document requesting a report from Colonel HENDERSON?

A. No, sir.

Q. You will note that Exhibit R-5 is directed to the commanding general of the Americal Division.

A. Yes, sir.

Q. And you will note also that it appears to be in response to some requirement.

A. Yes, sir.

Q. We understand that there was a copy of this requirement in this folder when it was given to you.

A. No, sir.

Q. You don't recall seeing this?

A. No, sir, not when I got to read it. It wasn't there. No, nothing.

Q. Are you quite clear on that? I want you to be careful to scour your recollection as to any such document. It is our understanding that it would not be the original letter, but it would be the retained copy, the original having gone back to the commanding general.

A. There may have been, but I don't recall it. I can't even recall a title. I just can't think of a possible title, and I don't recall it. There may have been one in there requesting an investigation. There should have been one someplace.

Q. Well, have you ever seen such a request for an investigation that you can recall at this time? It may have been in another location and--

A. (Interposing) No, sir, I have not.

Q. I show you Exhibit M-29 and ask you if you ever have seen that document before? You will note that it is an English translation on top of a Vietnamese document.

A. Shall I look at the second page?

Q. Yes, please. That is the Vietnamese copy that is translated. I know you haven't seen the precise translation that you see there because that is a recent translation that we have had made during this investigation. But the translation that you would have seen would be of the document, the Vietnamese document that is attached, if you had seen it, and presumably it would have the same English but arranged differently on the page and possibly a few words changed here and there simply because a different individual translated it.

A. Well, as I look at this now, it was in the folder also, and it was also with the rest when I originally read it.

Q. And you will note that it appears on the document that copies of it went to the 2d ARVN Division headquarters and to MACV Quang Ngai Sector.

A. Yes, sir.

Q. Who would be MACV Quang Ngai Sector? Do you know that designation? By the time you were there in the fall of 1968, it might not be the designation that was used because there was something of a reorganization earlier in 1968.

A. If I recall, MACV had two different sections anyway in Quang Ngai, the one that was the 2d ARVN and the one the one that was assigned to Quang Ngai. And from this I would assume that it was the Quang Ngai Province, that MACV portion that worked with the province.

Q. Now does this refresh your recollection as to any of the details of the papers in that folder?

A. After reading this, I would say I've seen this before. It must have been in that folder too at the same time.

MR WEST: We'll take a short recess at this time.

(The hearing recessed at 1742 hours, 30 January 1970.)

(The hearing reconvened at 1750 hours, 30 January 1970.)

MR MACCRATE: The hearing will come to order.

RCDR: All present when the hearing recessed are again present. I remind you again you are under oath.

MR MACCRATE: Sergeant CAMELL, during the recess you had an opportunity to examine the roster of the 11th Brigade. Can you now give us some names of your other assistants to whom you referred?

A. Yes, sir. Ronald KRIEG.

Q. Do you find Specialist STROP's first name?

A. Yes, sir. We called him Jerry, but I think his name is Jerome. They have it here Jerome.

Q. Sergeant, I would now like to show you Exhibit M-30. You will find that the top copy is somewhat difficult to read. There is a true copy beneath it which will be easier to read. I would like you to examine it and tell me whether you have ever seen a copy of that document.

A. It is very familiar. If I saw it, it was together with the other documents.

Q. Did you see a copy of that document with the name and signature of Captain Angel RODRIGUEZ?

A. Yes, sir. I recall the name, yes, sir.

Q. You believe that was among the papers in this folder that you turned over to Major GIBSON?

A. Yes, sir, I do.

Q. I have previously shown you Exhibit R-5.

A. Yes, sir.

Q. I would like you now to examine Exhibit R-1 which is a document of like number of pages and ask you if you have

ever seen that document before. You will note that it is indicated as being a true copy.

A. It looks the same as R-5, sir.

Q. This is, however, a purported true copy, is it not?

A. Yes.

Q. At least the first two pages are so labeled. Do you know anything about the preparation of that true copy?

A. I am not certain. I could be in error in my original statement and this is the one we typed in our office. It is two pages and this could be the one that was reproduced in our office. As a matter of fact, I'm inclined to say so on just the association of the reproduction as I recall it. Yes, sir, I say this is the one I was referring to.

Q. Did you also prepare the third, fourth, and fifth sheets or just the first two sheets?

A. As I recall it was only two sheets that we typed. The rest was typed by somebody else.

Q. Now, I'd like to show you the document of which R-5 is a XEROX copy, and ask you if you have ever seen these particular pieces of paper before?

A. It looks just like what I had in my files. I'd say it is familiar. Yes, sir, I've seen this before.

Q. Now, these five sheets of paper are in each case, it would appear, a carbon copy.

A. Yes, sir.

Q. You have indicated there was more than one copy of at least some of those pages in this folder that you had. Can you tell us of what pages you had more than one copy?

A. As I recall, sir, the basic letter.

Q. The first two pages, the report of investigation dated 24 April 1968?

A. As I recall the basic letter, there was more than one copy; there were two or more copies.

Q. It is very important to us, Sergeant CAMELL, to know just how many copies were there at that time, and I would like you to think very hard in that respect.

A. I can't say, sir.

Q. What makes you think there was more than one copy?

A. I recall when I read it over the first time of screening through the papers, seeing duplicates. You have to go through more papers to read it through, and I seem to recall doing it.

Q. Now, looking at the third and fourth sheets of paper, do you recall seeing more than one copy of that document?

A. No, sir.

Q. Particularly the fifth sheet, do you remember seeing more than one of that?

A. No, sir.

Q. Do you know anything about the typing of either of the third or fourth sheets, or the fifth sheet?

A. No, sir, I don't.

Q. Can you identify the handwriting that appears on the third and fourth sheet? I believe it's on the third sheet in the lower left-hand corner.

A. No, sir.

Q. I ask you the same question about the handwriting on the green sheet in the lower left corner.

A. No, sir, I cannot identify it.

Q. Do you recall if those handwritten notations were on the document when you last saw it?

A. I do not recall, sir.

Q. Do you recall if on the first page the notation in red letters "File RKB" was on the document?

A. I do not recall.

Q. You just do not recall one way or the other?

A. No, sir, I do not recall one way or the other.

Q. Now, I show you Exhibit R-1, and I'd like to keep before you at the same time the document obtained from the files at Duc Pho.

A. Yes, sir.

Q. And ask you to compare the two documents. You will see on the document on the file there is a heading of the address of the brigade.

A. Yes, sir.

Q. You will notice, also, a difference. On the Exhibit R-1 that address does not appear, and also the indication in the upper left-hand corner is somewhat different. And over on the second page, note the indication of a signature.

A. Yes, sir.

Q. Can you indicate to me how R-1 can be a true copy of the document obtained from the files at Duc Pho?

A. Actually, it can't.

Q. Is there any way to refresh your recollection as to any conversations that took place at the time or any document that you saw at the time the true copy was prepared? I'll call your attention to the fact that there are indications on the file document that the true copy was in fact made from the

document. You will see an erasure of some red letters over the name Oran K. HENDERSON, and you will also see an erasure of some apparent red pencil over to the left on the second page. Does this in any way refresh your recollection as to the preparation of the true copy?

A. Yes, sir. It sure looks like my writing giving instructions to the typist how to do it.

Q. Now, did you instruct the typist to indicated on the true copy that it was a signed document?

A. In my normal function, I would not do such a thing, and I am just debating in my mind whether I did do it at the time.

Q. Were you asked to prepare the true copy in this way?

A. Sir, I don't recall, but I must have, because I would have never instructed somebody to do it such a way.

Q. Do you remember talking with Major COX or with anyone else about the preparation of this true copy?

A. For the life of me, I cannot recall any reason or cannot recall any conversation leading to putting typed and signed on it.

Q. You have no recollection as to having seen a signed copy of the document?

A. No, sir. There must have been one, but I don't recall seeing it.

Q. Do you recall if Major COX signed that document in your office?

A. No, I don't. I don't recall.

Q. I'd like you to be sure to trace this out carefully just how that was handled.

A. I don't know. I really don't. I've been trying to think seriously, hard on it, and I can't recall when or where he signed it. I know I got it from Major GIBSON and gave it to one of the typist to type. I don't recall, sir.

Q. Does the notation "File RKB" have any meaning to you?

A. According to the file system when anything goes in to the file, it has somebody's initials on it that it's going to be filed.

Q. Do you know whose initials are RKB?

A. No, sir. I'd say it was the former S2, but I don't know.

Q. They do happen to be the initials of Colonel BLACKLEDGE, so that you would not be surprised to find the S2's initials in the upper right-hand corner of the document which was given to him for safe keeping?

A. No.

MR WALSH: Do you have any recollection, Sergeant, of seeing any handwritten notes that may have been on the documents, either on another copy of it or on the original which read, "PS: In view of classification of cited report, I am not maintaining a personal copy. OKH"?

A. No, sir.

Q. A handwritten note?

A. No, sir.

MR WEST: Master Sergeant CAMELL, we are very grateful for your coming in and you have helped us a great deal.

A. Thank you, sir.

Q. The hearing will recess.

(The hearing recessed at 1820 hours, 30 January 1970.)

(The hearing reconvened at 1555 hours, 31 January 1970.)

IO: The hearing will come to order.

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

Sergeant CAMELL, you are reminded you are still under oath.

MR MACCRATE: We've now had the opportunity to reflect upon some of the things we went over yesterday. Perhaps some of what you looked at and we talked about has refreshed your recollection about some of the information. We have additional information that we want to ask you about. I think that it would be helpful if you could explain to General PEERS the circumstances under which the envelope that Sergeant GERBERDING had was turned over to you.

A. Yes, sir. There was an envelope stored in my desk drawer with various other papers that he had in a manila folder. The whole thing was Sergeant GERBERDING's. In a separate file in the desk drawer there was this envelope plus other papers: order of battle, operations section, or intelligence section--sources that he had and that he used with things that he personally kept in that area. He showed it to me, and I glanced through it, leaving it in the area where it was stored. It stayed in this area from the time I got there, which was the end of October, till the end of December or January when I had the files reorganized. I took everything out of the desk drawer that was of a classified nature, confidential or so, and stored it in the safe then. From that time on it remained in the safe until I gave it out to the adjutant.

Q. Would you tell us what Sergeant GERBERDING told you about the handling of the envelope when he gave it to you?

A. Actually, I was trying to recall last night what he said. Word-wise, I cannot. There was not that much importance put on it, but he said to take care of it, or keep track of it, or something of this nature. Exactly what the words were, sir, I can't say. The intent, as I recall, was to keep track of this envelope.

IO: Was it a sealed envelope, Sergeant CAMELL?

A. No, sir. As I recall, it wasn't sealed; the flap was tucked in under. It was a brown envelope.

MR MACCRATE: Can you recall if it had anyone's name on it?

A. No, sir.

Q. Sergeant GERBERDING thought that he had written his name on it.

A. Well, this could be, because he had his name on many things in that desk. I don't know if it was on on this envelope or not. It could very well be, sir. As I say, he had a big notebook with his name on it in the same cubbyhole.

Q. Did he go through the contents with you?

A. No, sir. He may have been in the office when they screened it, but he just put it back and everything to find out what it is but--

Q. (Interposing) In the case of this envelope, he didn't spend a little time with you talking about it?

A. I do not recall.

Q. You don't recall any special instructions or description of where he had gotten it or for whom he was holding it?

A. No, sir.

Q. When did you first examine the contents?

A. Oh, approximately 3 or 4 weeks later, after he turned the material over. I went through it and read it and put it back into the safe. It did come to me. I dreamt about this thing last night.

Q. Well, I thought you might have.

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A. It came to me very distinctly, which I wasn't too sure of. There were additional papers in that envelope when I first looked at it. I'm quite sure, very sure, that there were additional papers in the envelope when I first looked at it. As to what they were, I cannot tell you. I just recalled last night the sensation I had when I received it back, that there was something missing. I don't recall what was missing, but I had the distinct feeling or the knowledge at that time, but I don't recall what was missing. Something else was going on, and I didn't pay any attention to it.

Q. Now, when was the first time after you got it from Sergeant GERBERDING that you gave it to anyone else?

A. As I said yesterday, April or May, sir.

Q. Up to that time, you were the only one who had it?

A. Right, sir.

Q. And you were the only one who knew about it as far as you know?

A. As far as I know, yes, sir.

Q. And it first was in your desk and thereafter it was in the--

A. (Interposing) S2 safe.

Q. S2 safe, the priority-one safe, in a file labeled--

A. (Interposing) Quang Ngai.

Q. Quang Ngai? Did it say Quang Ngai Province?

A. Yes, sir.

Q. Or Quang Ngai Province advisors? Or what was the label? What kind of thing?

A. Quang Ngai. It only had Quang Ngai written on the edge of the folder.

Q. What kind of things naturally went into that kind of file?

A. Normally correspondence from the province, the province chief, or the MACV people at this area, pertaining to the higher level material, not intelligence material, as such, but correspondence from MACV and so forth.

Q. Why did you put it in that file? Do you recall?

A. Well, I seem to remember there was some type of letter or something on it from the province chief, from MACV rather, to the brigade. It could have been a letter, a memo, or a note or something else, but this could have been the reason. I can't recall exactly why. It didn't help.

Q. Did you at that time look again at the contents of the file, as you recall? Could you have eliminated any of the material at that time?

A. No, sir.

Q. Well, we'll then go to some time in spring of 1969 and you get a request. Now, I want you to think hard about from whom you got that request.

A. As I say, our brigade adjutant hangs in my mind as the one who requested it.

Q. Now who was the brigade adjutant? Yesterday you--

A. (Interposing) I said GIBSON, yes, sir, but I believe--

Q. (Interposing) We do not find that there was a GIBSON who was your adjutant.

A. I said it, and I had a feeling that I was wrong last night again. But I cannot remember.

Q. I hesitate to suggest names to you, because I may be giving you an incorrect suggestion. Could you review some of the officers at that time?

A. Well, Colonel HANSON was the exec.

Q. Colonel who?

A. HANSON.

Q. And it was not he?

A. No, sir, but I recall when I asked that he wanted it. You see, whoever asked me for it stated that Colonel HANSON wanted to see it. Now, this I remembered last night, too.

IO: Was HANSON the executive officer at that time or was CROWE the executive officer?

A. Colonel HANSON was, sir.

Q. HANSON was, huh?

A. Yes, sir, he was until May or June when Colonel CROWE took over. Now again, this came to me that I recall, and I don't recall who asked me for it, but I feel it was the adjutant.

Q. As you recall it, it was that the exec wanted it or that Colonel HANSON wanted it? In other words, are you sure that it was during the time that Colonel HANSON was still the executive officer? We want to pin that down if we can.

A. Yes, sir. The exec wanted it, sir.

Q. So, you're not clear who was the exec who was asking for it at that particular time?

A. No, sir.

Q. Could it have been the S3?

A. No, sir. I have nothing to base it on, but I feel that it is the adjutant, sir.

Q. Well, do you remember Major WHITE?

- A. Yes, sir.
- Q. Do you remember what his position was?
- A. He was the S3, sir.
- Q. And, remember Major HAYDON?
- A. Yes, sir.
- Q. What was he? S3?
- A. I don't know.
- Q. Or Major SMITH?
- A. I don't know who took S3 Air.
- Q. Do you remember a Major MELTON?
- A. Yes, sir. Major MELTON was the S1.
- Q. Now, we'll give you a few names to think about. You had a Major COX with the S2?
- A. S2, yes, sir. Major MELTON was the S1. I should recall this because I called them the wrong names over there anyway, because he reminds me so much of somebody else I knew over there.
- Q. Who was it?
- A. Major MELTON.
- Q. It was Major MELTON that made the request to you?
- A. Both times, sir.
- Q. Both in the spring and again later on?
- A. Yes, sir.
- Q. Now, can you fix the date of the first request any better than we could yesterday? Did you reflect on it?

A. I can't say, sir. I cannot.

Q. How about the date of the second request?

A. It could have been, I said yesterday I believe, on the 1st of September; but it could have been at the end of September or first of October. No, it couldn't have been. It must have been the middle of September, sir.

Q. Now as to the content, you indicate that at some time you were conscious that there was less in the envelope than there had been before. Now when were you first aware of this?

A. When it was returned to me the first time after I gave it out.

Q. After you gave it out in April or May, you went through the contents at that time?

A. No, sir. I didn't read them or anything else. You know, you get something back you feel it or look through it, and I opened the envelope like this and went like this through the papers, and I knew that there was something missing. But I had something else to do so I put it in the safe, and I was going to check on it later, see what happened to them. Then I left for 3 or 4 days or something else, and when I came back it completely slipped my mind again. I never asked what happened to them, the rest of the papers. I never did check it after that.

Q. Did you talk about the contents at that time with any of the personnel at Duc Pho?

A. No, sir. Not to the fact that anything was missing or something had been taken or that I had a report. No, sir.

Q. Well, did they tell you they were taking something out?

A. No, sir.

Q. They did ask you for true copies of something or things?

A. Yes, sir. Well, this was before I got back that I made the copy in two pages, and made a true copy of it, and sent the rest to the S1.

Q. And the S1 made a copy of the inclosures?

A. I did not see the final thing again, sir. I had the two pages and worked in the shop. As I noticed yesterday, I had Major COX sign it and just delivered it to the S1. How exactly it was delivered I don't know, but Major COX hand-carried it or one of the clerks or one of us.

Q. But, it was your handwriting that you could see that was erased?

A. Yes, sir, on the file copy.

Q. That had been the basis for making the true copy?

A. Correct, sir. I didn't erase it either.

Q. Can you recall any discussion at that time in connection with making that true copy, anything that was said about what documents would be copied or the handling of the file, where the material was being sent and anything of that sort?

A. The strings I associate with this--maybe I gave it out another time, I don't know. I associate this with the IG, the only two times I actually recall giving it out. But I do recall this one time when the exec wanted to see it. It could be that I missed something someplace and didn't think of it, but I'm not sure. These two instances stick in my mind, but this I associate with the IG. I heard the IG mention that division IG needed or wanted a copy of something. This was not told directly to me, but was overheard.

Q. When you had the true copy made, do you recall where the file was at that time? Was the whole thing back with you or were you just given two pages to copy?

A. Two pages, as I recall.

Q. When did he give you back that file?

A. Either that afternoon or the next day, sir. I don't recall. He gave me back the file or a copy of the correspondence that went forward, one of the two. I don't recall. I know I had the papers again in the file.

Q. Was it at that time you were aware that you got back less than you had given him?

A. I don't recall. I'd have to say yes, in a way, because I can't recall giving it out any other time except that particular time came to my mind that the exec wanted it, and I seem to associate the IG with this one.

Q. Do you associate the IG with the request from the exec?

A. No, the request for the exec was separate from the one from the IG. Now, it could be in September that the request was for the IG; and the earlier part, the exec wanted to see it. But we made it over in the old building so the IG time had to be first. That's the time we made the copy.

IO: Getting back to what Sergeant GERBERDING turned over to you, you indicated that aside from this one report of investigation that was in there, that there was some other paper, but you think there was a letter of transmittal or something from province, that was one of the statements? Or from the advisory team.

A. Yes, I think so.

Q. Well, if there had been one of those it would have probably been signed by somebody, wouldn't it?

A. Yes, sir.

Q. At province, who would be the logical one to have transmitted such a thing? Would it probably have been the administrative officer at that time, or would it have been the deputy? At that time, here are the people that are in these key positions: the administrative officer was a Lieutenant Colonel GREEN, G-R-E-E-N; the deputy was Lieutenant

Colonel GUINN, G-U-I-N-N; and the province senior advisor was Mr. MAY, M-A-Y. Do you remember seeing anything in there signed or transmitted by those names?

A. No, sir. I could not say.

Q. Well, we have been told that there was one other paper in there with that report, one other one. This is the letter from General KOSTER to Colonel HENDERSON. There had been another paper in there which is a report of 11 April. But this paper, we are led to believe, was returned to General KOSTER when the report was delivered to him, but the copy of General KOSTER's directive to Colonel HENDERSON was in with these papers. Do you remember that, a paper to Colonel HENDERSON from General KOSTER?

A. No, sir, I do not remember.

Q. It said that he had received from the commanding officer of the 2d ARVN Division an allegation that the Allied Forces had killed some people up in the Son My, or the My Lai, area. Also, it went on further to say that he wanted him to have this thoroughly investigated. Now, does that ring a bell as far as the general substance of the paper you may have seen in that folder?

A. No, sir. I can't recall it.

MR MACCRATE: Do you recall any handwritten paper, handwritten notes, or handwritten translation of documents?

A. I could not positively say it was in that folder, sir.

IO: Well, as I would piece together what you have indicated, Sergeant CAMELL, you were asked for the papers by Major MELTON sometime in April or May; you gave him the papers; and you subsequently had the task of preparing a true copy of a page and a quarter roughly or a page and a third of the basic document?

A. Yes, sir.

Q. S1 prepared copies of the two inclosures, inclosures 1 and 2. Is that correct?

A. Yes, sir. I assume so; he requested it because of a shortage of typists.

Q. Did you assemble a report then or did Major COX assemble a report to get the typed copies completed and put together as a--

A. (Interposing) No, sir. As I recall it, the S1 assembled the report.

Q. Do you recall that you had prepared this true copy for the signature of Major COX?

A. Yes, sir.

Q. Do you recall how many copies you made?

A. No, sir. I do not. I think we made only one, but perhaps just normal military carried through again. You make three as you automatically do, and make three of anything you do. I must have made three because there was a carbon floating here with the original ribbon copy.

MR MACCRATE: We don't have the carbon at this time of the true copy, and that's of course what you typed.

A. I don't recall.

IO: You indicated that when you got this folder back, you assumed that whatever was going to happen, happened. A true copy was made and was duly transmitted to division or wherever it was going. All you know was you were to give it to the S1. When the S1, Major MELTON, gave the file back to you, you indicated that you had the feeling that something was missing?

A. Yes, sir. I don't know what. I had the feeling, and I recall early this morning thinking about it. A moment ago I was thinking about it, and I recalled that it impressed me that there was things missing. I was going to ask about

them, but something came up. I forgot about it, and then I didn't think about it again when I next had the opportunity. What was missing I do not know. I did not screen it or go through it, but I had just known that I had had it. I had the feeling that I knew at the time that there was something missing. I just forgot about it. But there was something missing.

Q. Do you know whether or not there was an original copy of the report that you turned in? Was it in the folder?

A. No, sir. It wasn't.

Q. Do you remember that the original report, at least the duplicate copy you had, was in onionskin but part in green and part in white?

A. Yes, sir.

Q. Did you think that was a little unusual when you were looking through those papers or were you accustomed to seeing that green second copy?

A. Well, it didn't strike me as unusual.

Q. All right. When you got the file back and placed it back in the safe and the proper container where you would normally store it, and then you indicated along in about mid-September Major MELTON again asked for the file?

A. Yes, sir.

Q. What did he say he wanted it for this time?

A. I don't recall the second time what he wanted it for. The first time, I'm mixed up there. Either the second time he asked for it or the first, I heard the IG mentioned. It could have been this time that he asked for it. I'm not positive, but one time he did ask for it, the IG.

Q. Did you ever comment to him about the file, to have it back? Or did you talk to Major COX to let him know that you didn't have the file back and so on?

A. No, sir. As I say, it was the middle of September, and I was getting close to rotating. Major MELTON said to take it easy. He was, for all intents and purposes, the brigade IG, and it was an IG investigation. I just know he would keep it.

Q. When he took the file, did he take the whole file or did he just take that one report?

A. As I recall, that's about all the file consisted of, that report. I still kept it in an envelope in the folder, and this was about it.

MR MACCRATE: Did there remain anything at this point in the file filed behind the Quang Ngai heading?

A. No, sir. Nothing of this description, nothing of this incident.

Q. But was there other material?

A. Oh, there was other material.

Q. Relating to Quang Ngai?

A. Yes, sir. There were a couple of letters from the province chief and also general correspondence pertaining to all serious incidents.

Q. Listening to Sergeant GERBERDING the way he looked upon this file, it does seem a little unusual that you would just take it and place it in with many other papers in a file just relating to Quang Ngai. Are you sure you didn't take anything out of the file before you put it into that location?

A. No, sir, I didn't. I was not impressed with the importance of the file. Perhaps Sergeant GERBERDING was but--

Q. (Interposing) He didn't communicate that to you?

A. Well, not that urgently or at least it didn't impress me as being that urgent, especially when he runs it anyway. I had a quick briefing from him. He gave me a run

through the office, and I went out to the forward fire base for 10 days or so to break in for the S2 job. He gave me this quick briefing, and I left.

IO: At the moment, I don't see any need for Sergeant CAMELL to stay here over the weekend. Where is you station, Sergeant CAMELL?

A. In Boulder, Colorado.

Q. Boulder, well, it appears to me that unless you care to remain over the weekend, I believe we can release you at this time. I would like to say that we would like you to keep your thinking cap on about that folder. If you do remember a little bit more about that folder and about the handling of this file, I think it would be most helpful to us if you would pick up the phone and get in touch with Major APICI. We can arrange either to have you come in or have somebody contact you so that we can take advantage of that information. In addition, if you have any documents or any material that may relate to this incident, we would certainly like to take advantage of those, too. If you'd like to ask us any questions or if you'd like to enter a statement into the record, we'll give you this opportunity to do so.

A. No, there's nothing I can say, sir. I'm amazed at how much a person forgets, but I didn't attach any importance to this. When the news broke on this My Lai incident and the situation and the circumstances I recall them enough so that I could associate that this must be something important.

Q. Well, I would like to caution you again about not talking about your testimony here to other people including people who may appear here as witnesses. However, you know that you conceivably may be called before one of the congressional committees. I remark that your appearance with us and that your testimony with us will in no way preclude your so testifying.

A. Yes, sir.

IO: If you are called, most likely it would be before what is called the investigations subcommittee of the House

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Armed Services Committee. The hearing will recess at this time.

(The hearing recessed at 1630 hours, 31 January 1970.)

(CAMELL)

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