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

Volume II
TESTIMONY

BOOK 11

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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 II

CARRILLO	FORD, J.	GOUZOULES
COX	GEIGER	GREER
CROWE	GERBERDING	HAEBERLE
DUNN	GOLDEN	HANKS
FELIX	GORE	HENDERSON, J.

14 MARCH 1970

SUMMARY OF TESTIMONY

WITNESS: CARRILLO, Richard R. SP5

DATE OF TESTIMONY: 7 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Doorgunner, 11th Brigade, Aviation Section.

1. BACKGROUND INFORMATION.

The witness was a clerk in a battalion TOC from 5 December 1967 until the second week of January 1968, when he became a doorgunner in the 11th Brigade Aviation section, where he remained until November 1968 (pg. 1). He usually flew in the command and control ship, but would also fly on "huey's" and OH-23's (pg. 2). He named the crew members and the pilots of various ships he was on (pgs. 2-4). He described the markings of the ships from the 174th (pgs. 13, 14).

2. ACTIVITY ON 16 MARCH 1968.

a. Knowledge of the incident.

He did not recall the incident (pg. 5), but did participate in several combat assaults into the Pinkville area (pg. 7). He did not recall ever seeing large groups of dead Vietnamese on the ground (pg. 8).

b. Activities with Warrant Officer HONDA.

He related an incident described to him by HONDA, in which HONDA guided infantry forces to a Vietnamese male who was lying on the ground (pg. 9). He heard no rumors of any killing of civilians (pg. 10).

c. Colonel HENDERSON.

The witness did not recall hearing HENDERSON discuss the operation (pg. 16). He never heard of any investigations concerning the incident (pg. 18).

(The hearing reconvened at 1420 hours, 7 February 1970.)

LTC PATTERSON: The hearing will come to order.

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

The next witness is Specialist Five Richard R. CARRILLO.

(SP5 CARRILLO was called as a witness, was sworn, and testified as follows:)

RCDR: Will you state your full name, grade, Social Security number, branch of service, organization and station?

A. My name is Richard R. CARRILLO, Jr., SP5, my organization is Headquarters and Headquarters Company, 1/81 Armor, 1st Armored Division, Fort Hood, Texas. My Social Security number is and I'm now in the Army.

LTC PATTERSON: Specialist CARRILLO will you state your unit of assignment and dates while you were assigned to the Republic of Vietnam?

A. Yes, sir. I left for Vietnam on 5 December as a clerk working at battalion TOC.

Q. That's 1967?

A. In 1967, sir, and I put in a 1049 (Personnel Action) for a job as a doorgunner of a helicopter for the 11th Brigade, and I got it. And all my tour there I was a doorgunner until the last of November 1968, when I came back.

Q. When were you physically assigned as a doorgunner to the 11th Brigade Aviation Section?

A. It was the first or second week of January.

Q. In 1968?

A. Right, sir.

Q. And you stayed as a doorgunner with the 11th Brigade Aviation Section for the duration, until November 1968?

A. Yes, sir.

Q. Which type of aircraft were you doorgunner for?

A. Well, I flew mostly the C&C, the colonel's ship, the bubble job. OH-23's and a recon jobber and that's about it. Huey's and the bubble jobs.

Q. You flew doorgunner on both the Hueys and the OH?

A. Right, sir.

Q. Was there a particular time that you flew or a period of time that you flew in one and were transferred to another, or did you alternate on a daily basis, switch from one to another?

A. Right, I switched. During the morning we had a recon mission from about 0800 or 0830 and after that we would come back and usually get a Huey, the colonel's chopper, or a regular Huey for milk runs, supplies, resupplies. Then in the afternoon about 1700 we would have another recon mission on the OH-23's. We would come in late. It would be 1930 or 2000 and that was the regular routine for me each day.

Q. So on a daily basis you switched from one ship to another?

A. Right, sir.

Q. Do you remember the crew chiefs of the two Hueys that were assigned to the 11th Brigade Aviation Section?

A. Yes, sir, we had several. The C&C bird crew chief was SP5 Bob STICKLER, the main one. After that it was SP5 JOHNSON.

Q. When did JOHNSON come in?

A. JOHNSON came in the 3 last months we were in 'Nam before coming back. Around in there somewhere.

Q. Sometime in August or September 1968?

A. Right.

Q. Who was the crew chief of the other Huey?

A. We had several, sir. We had a Specialist Five MILLER. We had some new men that came in that were just alternating. I forget their names.

Q. Who was crew chief of the other Huey during March 1968?

A. You mean not the colonel's ship, but the other Huey?

Q. The other ship?

A. It would probably be--oh, that was, there was another man there.

Q. Was his name WOOD?

A. WOOD, right. WOOD was one of them.

Q. Do you remember the numbers of the two ships?

A. The ships I remember were 687, I believe--867 and 041, I believe. Those are the ones I remember, sir.

Q. How about an 074?

A. Yes, 074, sir, right.

Q. What about 687, do you recall the 687?

A. Yes.

Q. Was that the C&C bird or was that used for other missions?

A. Right, sir, that was the Charlie bird. 687 or 867--it was 687, right.

Q. How, did STICKLER crew that ship?

A. He crewed the colonel's bird, so it must have been it. I'm almost sure it was 687.

Q. Are you sure it couldn't have been 074?

A. Oh, 074, right, he crewed that one, too.

Q. We have previous testimony that indicates on or about 16 March there were two Hueys assigned to the 11th Brigade Aviation Section. One which you have identified as 687 and the second being 074.

A. Right, sir, and we traded one in. I believe it came from the 174th or from Chu Lai. I'm not sure, which was 867.

Q. When was that?

A. During the midtour, I'm not sure. It was totaled out.

Q. Through an aircraft accident?

A. No, sir. I believe it was mortared. I'm not sure, but I remember, we got that one for an old bird.

Q. And your call sign was Primo?

A. Right, sir.

Q. How do you spell that?

A. P-R-I-M-O.

Q. We have reason to believe that in mid-March 1968, 074 was being crewed by Specialist STICKLER?

A. Yes, sir, I believe so.

Q. And it was, in fact, the designated C&C aircraft during this particular period, 687 was being used for other purposes. Ash and trash missions. Does that agree with you recollection?

A. Yes, sir, I believe so.

Q. Do you have an individual flight record, CARRILLO?

A. Not mine, sir, they kept all the daily logs in operations.

Q. You don't have any records available to you to indicate whether or not you flew on 16 March 1968?

A. No, sir.

Q. Have you read, or did you know, or do you recall 16 March 1968, for any particular reason?

A. I read about it, sir, I mean I read about the incident, but I can't recall the date.

Q. We have received some testimony to the effect that on 16 March 1968, and during the combat assault in the area immediately around Pinkville, My Lai (4) and the Son My Village area, that one of the Primo aircraft supported the 174th and their mission was lift company for Task Force Barker.

A. Right, sir, we used to help the 174th out sometimes. Search and CA.

Q. Do you remember participating in the assault on 16 March 1968? As a member of the crew of the Primo aircraft?

A. We made a lot of insertions, sir, and it was always the 174th. We always flew with them when we were going to let troops down.

Q. You don't recall the 16th of March, particularly?

A. No, sir.

Q. On 15 March, General LIPSCOMB, the brigade commander, departed the 11th Brigade and had a change of command ceremony at 0930 in the morning, and turned over the brigade to Colonel HENDERSON. Did you attend this ceremony?

A. Yes, sir, I did. I remember it clearly.

Q. Do you recall that ceremony?

A. Right, sir, we all came down from my aviation section. All the men that were there and we were standing in formation.

Q. Do you recall what you did the afternoon of 15 March?

A. I believe we just flew regular runs. I'm not sure, sir.

Q. You don't recall specifically?

A. No, sir.

Q. The next day, 16 March, was when this assault was to take place. On the afternoon of the 15th, Colonel HENDERSON went to LZ Dottie for the purpose of receiving a briefing from Colonel BARKER on the operation to be conducted the next day, the 16th.

A. We used to fly to Dottie, lots.

Q. Do you recall flying on that day, 15 March, taking him to Dottie?

A. I couldn't, sir, I'm not sure. I couldn't remember.

Q. On 16 March for the combat assault Task Force Barker used as a PZ, LZ Dottie. It was a large lift and there were some nine slicks involved, supported by two guns. The slick formation included aircraft from the 174th, the Dolphins, the 71st Rattlers and we believe one Primo.

A. I remember the formations we had, if I'm not mistaken. Was this the time they leveled the ground down and we had all of the 1/20, part of the 1st, all of them there? We picked them up, I'm not sure if that is the time or not. I'm almost sure that is and the CA area was close to Dottie I believe. The insertion was close to where we picked them up.

Q. What do you mean by close?

A. I mean, usually we flew back from Duc Pho to Dottie, made the insertion and we would have to go all the way back, and most of them were fairly far.

Q. In time?

A. In time and from insertion to insertion, but we flew with the Rattlers too, I can remember, but I couldn't remember an insertion like that. We had several.

Q. We have reason to believe the formation used was vees of three. Nine ships. Three vees of three. The formation headed south, generally along Highway 1 then the turn around somewhere over the south bridge, just north of Quang Ngai over the Quang Ngai River, and landed at an LZ to the west of My Lai (4). The lift was preceded by an artillery preparation, gunship suppression and doorgunners. Nothing to recall your being there that day?

A. Well, I'm not good for dates, sir, but we had several CA's for there too, from north of Quang Ngai around towards going to Pinkville. There is also one I remember, I believe, at the end of our tour when we had a recon platoon wiped out, but I can't remember further back than that.

Q. There were two LZ's there that day, two lifts into each LZ. And the second LZ on short final, the slicks had to make a go-around, because the artillery had not shut off, and flew over the China Sea.

A. I believe I remember, sir, but I can't place it clearly. We didn't have too many insertions close to Pinkville to my knowledge. That was one of just a couple.

Q. Well, the couple of insertions that you recall participating in, the combat assaults, can you tell me anything about them at all?

A. Yes, sir, we had one close, just west of Quang Ngai. I remember that. It was a rainy day, That was one where the 4/3 got hit, the recon platoon. We had some just across Highway 1 on Big Red. Several there.

Q. Which Big Red?

A. I would say closer, maybe 5 miles south of Quang Ngai, towards the coast.

Q. Do you ever recall going in north of the Song Tra Khuc or the Quang Ngai River?

A. Right, we crossed it twice. We made insertions there just a little north of Quang Ngai.

Q. Which way?

A. They had one of those LRP base camps there, and it was by the mountains, by the Montagnards. We made some insertions there too. Under the hills was where we had some .50 calibers firing towards the Phantom jets coming down that valley going out towards the Quang Ngai River, just west of Quang Ngai, going that way out of Quang Ngai (indicating to his right). The artillery shot it all up and we had burns going all through it, and we put an insertion there. I flew with Charlie bird all that day, I mean from morning to afternoon.

Q. Was this with General LIPSCOMB or Colonel HENDERSON?

A. Colonel HENDERSON, sir, I believe. But I can't remember that far back.

Q. Well, this was the first day that Colonel HENDERSON was in command of the brigade. It was his first operation as brigade commander, 16 March. Are you familiar with Hill 85?

A. Not exactly, sir, maybe on the map.

Q. Just north of Quang Ngai River and just southwest of Pinkville there is a little hill.

A. We flew over that area.

Q. There is an old outpost on top of it?

A. Right, sir. I remember that outpost.

Q. Do you remember that hill?

A. There was a small platform for one chopper to land. It was one of the special forces camps I believe.

Q. You had special forces?

A. No, I believe most of them were South Vietnamese special forces. We went there just about twice, that I can remember.

Q. Do you ever recall seeing any large groups of dead Vietnamese on the ground?

A. Not large, sir.

Q. In the area, north of Quang Ngai or between Quang Ngai and Pinkville?

A. Not to my knowledge, sir, not a large amount. It is common to see five, six at the most. That was about it.

Q. Did you fly a lot with Mr. HONDA?

A. Yes, sir, he was my regular AC pilot.

Q. Mr. HONDA was telling us about a day when somewhere in this general area he caught or found a Vietnamese male laying on the ground and tried to get the infantry troops over to pick this fellow up. He flew very low over him in an OH-23 keeping his eye on him and trying to direct the forces over there?

A. Right, sir, I believe I recall.

Q. He threw out a tear gas grenade. Do you recall being with him on this date?

A. I think I remember. I'm not sure if it was with Mr. HONDA. I believe it was Mr. HONDA. I can't say.

Q. Do you recall what the ground troops did and saw when they got over there, to this man?

A. No, sir, I'm not sure, sir. I can't remember.

Q. Do you recall making any medical evacuations?

A. Medical, sir? Vietnamese?

Q. Vietnamese or U.S., anytime?

A. Yes, sir, we made a couple of Vietnamese medical runs. A little girl we just picked up in a village south of Duc Pho, got hit one night, a couple of runs for dead Vietnamese, ARVN's wounded. Yes, sir. I remember in the field we picked some sergeant who was crossing a rice paddy and stepped on a mine. Blew himself up. Those are about the only ones I remember.

Q. Did you ever hear anything about any operations where a large number of civilians were reported to be killed by Task Force Barker?

A. I heard about it, sir. I mean some of the guys talking about having killed a lot of people. I remember that.

Q. What do you recall what they were saying?

A. During that time, I remember the time they say that happened, and I'm saying that's when Colonel BEERS, I think, and the 1/20, I believe, went down once. This was after, I'm not sure if it was during that time of not, but some guys killed some guys. It may not even have been at that time. Not a large amount of people, just a couple.

Q. You don't remember any stories about Task Force Barker?

A. Task Force Barker? Colonel BARKER? From Colonel BARKER?

Q. From anyone, any of the enlisted people that you used to chum around with?

A. Stories?

Q. Hearing anything concerning Task Force Barker or members of B Company of Task Force Barker killing any large numbers of civilians?

A. Civilians, sir. No I can't.

Q. Did you ever hear any rumors about a helicopter pilot accusing any of the troops of Task Force Barker of killing civilians?

A. You mean accusing the infantrymen?

Q. Yes.

A. No, sir.

Q. Did you ever hear of an investigation concerning any killings?

A. No, sir, just when I came back.

Q. You never heard anything about it while you were over there?

A. No, sir.

Q. Did you ever fly the C&C for Task Force Barker?

A. Maybe I flew C-bird. We used to fly several times with Colonel FRANKLIN and a young captain. I believe he used to fly with Colonel FRANKLIN all the time and when Colonel BARKER was at Duc Pho we used to fly him several times too, a sergeant major and a light colonel.

Q. When you went flying C&C for Colonel HENDERSON who was crew chief?

A. We had GASKINS, a buck sergeant.

Q. When a Primo ship wasn't available?

A. The 174th would take over.

Q. Who then would fly?

A. You mean our pilots? One of our pilots flew with him most of the time, when that happened.

Q. One of your pilots flew most of the time?

A. One of our pilots when our ships didn't go. Mr. HONDA would go some of the times.

Q. Would go with the 174th?

A. Some of the times. Several times when it happened like that, just for it to look right for the colonel.

Q. You mean the 11th Brigade pilots would go over and fly in the 174th aircraft?

A. That only happened once in a while, sir.

Q. Who went over there?

A. I remember the crew chief. I believe he borrowed a ship once for a couple of missions for the colonel.

Q. What pilots would go over? Do you know?

A. The only one I can think of is Mr. HONDA.

Q. Do you know if Mr. HONDA flew C&C in one of the 174th choppers at any time for Colonel HENDERSON?

A. I'm not sure, before he left I mean. I believe I recall when our ship went down for an intermediate PE. One of our pilots would usually go down to see either the colonel, or anyway he'd go.

Q. The 174th Huey, did they make daily runs, as a course of routine, from Duc Pho to LZ Dottie?

A. I couldn't say, sir.

Q. Carrying the liaison officer back, or a bunch of papers and so?

A. To Chu Lai?

Q. Or from Chu Lai.

A. I used to see the 174th at Chu Lai a lot. I used to see them there. We'd go down to Chu Lai and park down at the park. They would be there.

Q. Where would you take them?

A. Who are you talking about, sir?

Q. What were you doing at Chu Lai?

A. I would be making the milk run, sir.

Q. What time of day was this?

A. Maybe resupply.

Q. It wasn't a routine thing? It wasn't done everyday?

A. Not everyday, but it was regular.

Q. Do you recall carrying a liaison officer from Duc Pho up to LZ Dottie on many occasions?

A. I believe we carried him once from Chu Lai, that I can recall.

Q. What was he?

A. It was a lieutenant, I believe. A first lieutenant.

Q. Do you remember his name?

A. No, sir. I can just picture him.

Q. How about from Duc Pho to Dottie, the 11th Brigade?

A. We didn't make too many trips up to Dottie at first. I remember going down a lot and parking by the pad and BARKER was stationed down there. I used to go down and stay there for a while and drink coffee. We had several LZ's like that but he had his own chopper there I believe, Colonel BARKER.

Q. Colonel who?

A. Colonel BARKER.

Q. What ship was that?

A. I believe it was the 174th, I'm not sure.

Q. What makes you think that?

A. Well, we would see them there once in a while.

Q. See the ship?

A. The ship, the 174th.

Q. Could you recognize it as the 174th?

A. The emblem, it had the Sharks emblem on the front and the numbers.

Q. A sharks emblem on the front?

A. The gunships.

Q. What was the symbols for the slicks?

A. The slicks had the 174 on the door.

Q. What's that?

A. The number.

Q. On the door?

A. I believe so.

Q. What did it have in the front?

A. The regular slick had a Dolphin.

Q. Do you know anything about the events surrounding the My Lai incident that might be useful to this inquiry?

A. To tell you the truth, sir, I have a bad memory and it's a long time ago. I can't recall.

Q. Do you recall or remember reading about it in the newspapers and so on?

A. I mean, now that it's come out.

Q. Did that mean anything to you? Do you have any recall?

A. No, sir, I just can't remember. I mean, I read about it and tried to remember, but I just can't.

Q. You don't recall if anybody talked about it?

A. No, sir.

Q. While you were over there?

(The witness gave a negative response.)

You don't recall hearing about any investigation?

A. No, sir.

Q. You don't recall hearing any of the aviators or any of the other people talking about it?

A. No, sir, I would have heard about it. I would have remembered if I heard that many people got killed. To my knowledge I never heard of that before, until I got back and read it in the papers.

Q. Do you recall any particular events when you were flying with Mr. HONDA in either the OH-23 or the Huey, with regard to anybody shooting?

A. Us firing?

Q. Or anyone, you firing or the ground troops firing at anyone? Did you ever hear Mr. HONDA talking about anything like that?

A. I don't believe so. It was just regular. We would get into a fire fight with one or two VC, but that about it. I remember once though, there was a gunship, Mr. HONDA, I believe, got after him for shooting down a VC or a Vietnamese that they could have picked up. That was about it.

Q. What gunship?

A. A 174th, I believe. One of the young pilots would always be reporting in, saying they got so many kills a day. And Mr. HONDA said, "Why don't you try picking them up once in a while and bring them back alive?"

Q. Mr. HONDA did call that on the radio?

A. I believe that is when he came back to the TOC and he said to the operations. He told somebody, or I over heard him, or something that "They could have picked them up, they could have brought them back alive. The doorgunner just shot him." We went into this LZ, I remember, and there

were people running and some of the doorgunners from the gunships--I remember, SHARKS--were just firing everywhere and they killed that guy there, I remember.

Q. Do you remember when this was?

A. It was about the fifth or sixth month we were there.

Q. That would have meant the month of June or July, May?

A. Yes, somewhere around there. It was an LZ. We had infantrymen moving and the people usually evade them trying to get out of there, and I believe we started to give them fire, that's when they killed that guy. I can't remember when it was.

Q. Do you recall or do you know of anyone that knows anything about the My Lai incident, 16 March 1968?

A. It could have been any of the doorgunners that would have been flying, instead of me. I would have remembered if something like that would have happened. Usually GASKINS, he would fly for me in my place. MILLER hadn't got there. WOOD would fly doorgunner sometimes.

Q. Did you ever recall hearing Colonel HENDERSON talk about this thing?

A. No, sir. I mean, we had one of those intercoms.

Q. Were you on intercom?

A. We couldn't hear what he said.

Q. If he talked on intercom?

A. Sometimes we could maybe hear something, but it was an accident. The big intercom, you could only talk to the pilot and the pilot back to him.

Q. Who used to fly with Colonel HENDERSON in the C&C?

A. The sergeant major used to fly a lot with him.

Q. What's his name?

A. WALSH, I believe.

Q. Okay, who else?

A. A light colonel. A real tall slender colonel. I don't remember his name. FRANKLIN would fly once in a while.

Q. Did he have any other enlisted men with him?

A. We had about four passangers, most of the time, with him and I can't remember.

Q. Do you know Colonel MACLACHLAN?

A. I don't believe so.

Q. Do you know Colonel LUPER?

A. No, sir.

Q. Major MCKNIGHT?

A. Major MCKNIGHT, yes, sir.

Q. Who was Major MCKNIGHT?

A. He was working at the TOC, I believe, brigade TOC. I don't know what his branch was or what section he was working in, but he used to fly quite a bit with us too.

Q. Did you read about the operation in the Americal or in the 11th Brigade newspaper?

A. No, sir.

Q. You don't recall reading anything concerning Task Force Barker?

A. I read some, probably listings on how many they killed or something like that. I never heard of them killing that many.

Q. How many?

A. It came out in the papers saying they killed all those people.

Q. How many did you read about Task Force Barker killing?

A. Viet Cong, they would say maybe 12, 11, 9, maybe 6, here.

Q. Do you ever recall reading about them or hearing about them, killing more than that?

A. No, sir, not that I can remember.

Q. Does the figure 128, do you remember reading anything about the 128 being killed?

A. No, sir.

Q. You do not?

(The witness gave an negative response.)

And you never heard anything about any investigation?

A. No, sir.

Q. Or any incident even occurring?

A. No, sir.

Q. You never saw one?

A. Not that I know of, sir.

Q. Before we adjourn, I would like to give you an opportunity to say anything you would like to say. I've done a lot of questioning, do you have any questions or anything you would like to say concerning this inquiry?

A. Well, I wish I could remember, sir, but I just don't and it's been so long.

Q. I understand it's been quite a while, anything else you want to say?

A. That's about it, sir.

LTC PATTERSON: Well, we thank you very much for making the trip up here, Specialist CARRILLO, we appreciate that it has been a long time, and the fact that you did attempt to recall anything that could be of benefit to us, and we appreciate your effort.

This hearing will recess.

(The hearing recessed at 1502 hours, 7 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: COX, Russell D. MAJ

DATE OF TESTIMONY: 13 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT CONCERNED: S2, 11th Brigade, March 1969 - December 1969.

1. SEARCH FOR THE REPORT.

The witness stated that he had no personal knowledge of the My Lai incident, but only of the S2 files containing the reports (pg. 3). He testified that the first he heard of a report was from the 11th Brigade executive officer, Colonel CROWE, in May 1969 (pg. 4). He asserted that his intelligence sergeant found the requested report (Exhibit R-5, textually similar to Exhibit R-1) in the S2 files. He believed the report, classified confidential, was found in a manila folder which may have been marked "the Pinkville incident" (pgs. 4, 5). He turned the report over to Colonel CROWE (pg. 6).

2. COPYING THE REPORT.

The witness noted that the report he turned over to CROWE was not an original (pg. 6). A true copy was made of the S2 copy of the report (typed by the brigade S1) and signed by the witness as a "true copy" (pg. 6). The S2 copy was then returned to the file (pg. 6). The witness stated that Exhibit R-1 appeared to be the true copy which he signed (pg. 7), though he acknowledged it was not a perfect true copy (pg. 14). He added that the inclosures to Exhibit R-1 were the same as those found with the copy of the report which he found in the S2 safe (pg. 7). The witness stated that he had no knowledge of another copy of the report without inclosures being found at brigade (pg. 8). The witness was shown Exhibit R-5, and he stated that it was the document

found in the S2 safe (pg. 9). He allowed that he did not know how many true copies of the document were prepared (pg. 10). The witness furthered that he had no knowledge of the initials "RKB" on Exhibit R-5 (pg. 11).

3. LOCATION OF THE DOCUMENTS.

The witness stated that there was no log kept on confidential documents (pg. 11). He opined that the original typed document should be at the Americal Division headquarters (pg. 12). He stated that he did not recall the number of true copies he signed, nor the location of the original true copy (pg. 15). (Exhibit R-1 is a carbon copy of the true copy).

4. OTHERS HAVING KNOWLEDGE OF THE REPORT.

It was brought out that in addition to the witness, the brigade intelligence sergeant, the clerk who prepared the copy, Colonel CROWE, and several other persons within the brigade had knowledge that a report was being sought (pg. 15). The witness stated that a Colonel HOWARD of the IG had spoken with Colonel CROWE, but had no personal knowledge of the subject of the conversation (pg. 15). He further related that he had no knowledge of a search for a report prior to his office being approached (pg. 17).

5. RUMORS OF THE INCIDENT AT MY LAI.

The witness said that while with the brigade in Vietnam he had heard comments about an incident at Pinkville (pg.17). He recalled hearing that U.S. forces had killed innocent civilians and added that he believed the comments came from the staff members who had been at the brigade for some time (pg. 18). He added that this was not general knowledge within the brigade (pg. 18).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
R-1	HENDERSON's report	Identified as a "true copy" pre-	6,7,
		pared by the wit and discussed.	12,14, 15,16
R-5	Copy of R-1 found in 11th Brigade file	Admitted into evidence and	8,9
		identified by wit as the copy found	12,13,
		in S2 safe. Discussed.	15

(The hearing reconvened at 0920 hours, 13 January 1970.)

IO: The hearing will come to order.

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

Sir, the next witness is Major Russell D. COX.

(MAJ COX was called as a witness, was sworn, and testified as follows:)

Major COX, for the record, will you please state your full name, grade, Social Security number, branch of service, organization and station?

A. Russell D. COX, Major, , Infantry, assigned as the battalion executive officer, Training Battalion, U.S. Army Training Center, Fort Bragg, North Carolina.

IO: Major COX, before we proceed with the questioning I wish to inform you of several matters.

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

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

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

This investigation is not being conducted to investigate all the facts and circumstances of what happened in My Lai (4). It is directed to those specific purposes which I have stated.

Do you have any questions on that?

A. No, sir. I don't.

Q. I have had made available to me and have reviewed prior official statements made in other official investigations of the My Lai incident. To my knowledge, I have not read any previous testimony which you have given in this regard.

A. No, sir.

Q. Your testimony here this morning 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 the report will be confidential. It is possible that your testimony, or at least parts of it, will later become a matter of public knowledge.

Next to me here this morning, on my left is Mr. Robert MACCRATE, who is a civilian lawyer who has, through the Secretary of the Army, volunteered his services to assist me in this investigation and provide legal counsel to me. Mr. MACCRATE may also address questions to you this morning. However, in the final analysis, I have the responsibility of weighing the evidence and making the findings and recommendations. You are ordered not to discuss the testimony in this investigation with others, including other witnesses for this investigation, except in the performance of your official duties, or as you may be required to do so before a competent judicial, legislative, or administrative body, which is to say that if you were ordered to appear before one of these, you would have the authority to so provide the testimony. This would include a possible appearance before the House Armed Services investigative subcommittee. In addition, you are cautioned that if you are subject to the order issued by the military judge in the general court-martial case of the United States v. Calley, your appearance here in no way changes the applicability of that order.

Do you have any questions at this time?

A. No, sir. I don't.

Q. Since the My Lai incident became a matter of public knowledge, in the latter part of September, or the first part of October of last year, via radio, television, the news, and so forth, have you had any conversation with anybody from Task Force Barker?

A. No, sir. I haven't.

Q. From the 11th Brigade?

A. No, sir.

Q. From the Americal Division concerning this incident or any of the investigative processes leading into it?

A. I'd like to go back on that, sir. To my knowledge, I have, from an official standpoint. While I was the brigade S2, it came to the attention of the 11th Brigade, and the only knowledge that I have is that as brigade S2, concerning the reports of the incident and the files kept by the brigade S2. Other than that, I have no knowledge. I am not knowledgeable of the reports.

Q. What was your assignment within the Americal Division and 11th Brigade? How long had you been in that particular assignment?

A. I was initially assigned as the S5 of the 11th Brigade in December 1968, and I was there until March 1969, at which time I became the brigade S2. I remained as the brigade S2 until I departed last month, that is approximately nine months as the brigade S2.

Q. Major COX, you have just mentioned in your testimony a report which had been located in the files of the S2 of the brigade.

A. Yes, sir.

Q. What we want to do this morning is discuss this with you and go into some depth to discuss all your handlings and processing of this particular document. Mr. MACCRATE has been following this one quite closely here and in South Vietnam. I will ask him to take up the questioning at this point.

MR MACCRATE: Major COX, in May 1969, as the records suggest, you furnished one or more copies of this report to which you referred.

A. I think it was May. Yes, sir.

Q. Does this fix it in time?

A. Yes, sir.

Q. Now, can you recall the first you heard of this report? From whom and under what circumstances?

A. To the best of my knowledge, sir, it was my brigade executive officer, Colonel CROWE. I didn't realize that the report had even been in the S2 files, classified confidential. As I recall, at the time he asked me to look for it in the S2 files. We located it, and if I recall, turned it over to the brigade executive officer at the time.

Q. To your recollection, is this Colonel CROWE who--

A. (Interposing) He was the brigade executive officer at the time.

Q. Did Colonel CROWE indicate from whom he learned that there was such a document in the possession of the S2 of the brigade?

A. I'm not sure who he indicated in this case. It was probably the division. As far as I know the inquiry came from the Department of the Army.

Q. Is there any way that you can fix in time when you had this communication with Colonel CROWE?

A. No, sir. I'm almost certain that it was in May. That's as close as I can come to that.

Q. After receiving this request from Colonel CROWE, what did you do?

A. I gave him the copy. We pulled it out of the safe and gave it to him.

Q. Well, now, you went to the safe, or had someone go to the safe?

A. Yes, sir, and we gave the document to Colonel CROWE.

Q. Well, did you go to the safe, or did you have someone else go to the safe?

A. Well, I think probably my intel sergeant is the one that found it because he was more familiar with those documents.

Q. Do you recall in what condition the documents were in the safe? Were they in a manila envelope?

A. It was in a manila folder as I recall, and it was a copy of the original. I'm sure that it wasn't the original.

Q. Do you recall how many sheets of paper were found?

A. No, sir. I would guess around ten. It was all stapled together.

Q. Do you remember what the label was on the folder?

A. I'm not sure about that either, sir.

Q. This is a great deal of detail, I appreciate, and we're asking you to go back a year, but there is some difficulty in locating some copies of the document. We're very anxious to be certain that at each step we're talking about the same pieces of paper. That's the reason for this rather detailed inquiry as to the set of circumstances of finding them. Now, you don't recall a label on this manila folder?

A. No, sir. I really don't. The only thing I heard about that time, or prior to that time, was the mention of a Pinkville incident. That's the only thing I recall. It may have been written on there as "the Pinkville incident," and someone had filed it away for some specific purpose.

Q. But, you had no specific recollection?

A. No, sir. I do not.

Q. What was your intelligence sergeant's name?

A. I know it as well as I do my own, but I just can't remember.

Q. Well, would you write a note to yourself, and get that for us please?

A. Yes, sir. I will. I know that he is stationed out in Denver, Colorado.

Q. Well, you can let us know about that. After locating the report in the S2 file, did you make true copies of what you had found?

A. Not at that time. I did not. No, sir. It seems to me that it came up later that somebody wanted a true copy made. I believe we did make a true copy of it. I don't recall if it was that particular instance, sir. I do recall signing for a true copy of the report.

Q. After you located the document and reported this fact to Colonel CROWE, did you show Colonel CROWE the document? What did you do with the document?

A. It was turned over to, I'm very certain, Colonel CROWE. I didn't get involved in the inquiry as far as the report itself. The only thing I was asked was to find the report itself, and give it to Colonel CROWE. I think later it was indicated that a true copy was to be made. I'm not even sure whether I signed off on the true copy or not. As I recall, Colonel CROWE signed it because he is the one that asked for the true copy of this report.

Q. Well, did he return to you the copy that you had found so that you could get a true copy?

A. I don't recall, sir, whether it was done in my office or if it was turned over to the S1. I'm sure that probably the S1 was the one who typed up the copy.

Q. Did you at that time return it to the files, to the S2 files?

A. Yes, sir. We kept the original, the copy of the original in the S2 file. Yes, sir.

Q. In other words, the specific document that you found was returned to the S2 files?

A. Yes, sir.

Q. Now, I'd like to show you what has been marked as Exhibit R-1, and ask you if this is not a photo copy of a true copy which you made of the document which you found?

A. Yes, sir.

Q. That is your signature that it bears on the second page?

A. That is my signature, yes, sir.

Q. The exhibit is comprised of six sheets of paper. The last sheet is a folded letter that has nothing to do with the report of investigation itself. Were the two inclosures, one that is dated 14 April 1968, and the other one, "The Americans Devils Devulge (sic) True Form," a document of two sheets, attached to the report of investigation of 24 April, when you found it?

A. Yes, sir, I'm fairly certain they were because it was more than the letter itself.

Q. You indicated before that it might have been as many as 10 pages. Does this refresh your recollection? Was it more on the order of 5 pages than 10?

A. Yes, sir. When I said 10 pages, I meant it was just a small stack.

Q. Do you have any recollection of the state of the inclosures that you found?

A. It was on onion skin as I recall. There was nothing unusual about them.

Q. They were all stapled together?

A. Yes, sir.

Q. Do you recall the order in which the inclosures were attached?

A. No, sir. I do not.

Q. We have been told that at a time subsequent to this, a copy of this letter was found without the inclosures attached. We're interested to discover if there may be another copy of this document that is located at the 11th Brigade. Did you ever hear of a second copy being there without inclosures being attached?

A. No, sir. I don't recall hearing of a second copy of that. The question initially came up, and there was quite apparent concern as to locating the one that was in the brigade. They weren't quite certain where it was filed at. Somebody recalled it being filed in the S2 safe prior to my assuming the duty as the brigade S2. As to another copy, I'm not sure. I haven't heard of it.

Q. Did you know a Colonel HOWARD, the IG of the Americal Division?

A. Yes, sir. I did. I knew Colonel HOWARD.

Q. Do you recall any time speaking with Colonel HOWARD about this document?

A. No, sir. I do not.

Q. Did you know a Lieutenant Colonel WHITAKER from the IG's office at USARV?

A. No, sir. I can't say that I know him.

Q. Do you recall if the copy of the document that you saw was the same true copy that you have here attached as Exhibit R-1 was a signed copy?

A. No, sir. I cannot say right now, sir, that the safe copy was in fact signed.

Q. I would like to have marked as an exhibit at this time, a carbon copy of a "Report of Investigation," dated 24 April 1968, from Colonel Oran K. HENDERSON to the Commanding General, Americal Division, with notation on the first page, "file RKB," and with inclosure of two pages bearing pencil notation "Incl 2" and an inclosure of one page bearing the pencil notation "Incl 1," obtained from the S2 safe Americal Division by Captain Werner O. HUNDSLEMAN on 2 January 1970.

RCDR: Sir, this will be marked as Exhibit R-5.

(The recorder marked the documents as Exhibit R-5.)

MR MACCRATE: Major COX, I would now like to show you Exhibit R-5 and ask you if that is the same document which you found in the S2 safe at the 11th Brigade?

A. I can't say for sure, sir. It looks like the same one. It appears to be the same one.

Q. Well, you will note that it is unsigned. Your true copy (Exhibit R-1) indicates that the copy that you were attesting to was signed.

A. Yes, sir.

Q. You will also note that the inclosures are reversed, Inclosure 1 follows Inclosure 2, and that there was a notation of "file RKB," which does not appear on the true copy. Does this in any way differentiate it from the copy which you examined at the time, last May, from the file of the S2 of the brigade?

A. Sir, I cannot say. I don't recall whether this, "file RKB" was on there at the time or not.

Q. Do you recall the inclosures?

A. No, sir. I can't say that I recall what they were about and what order they were in, or anything else at this time.

Q. Did you read them at the time?

A. I did, just going through them and glancing over them making sure that it was basically the same thing, and the context was the same as the true copy.

Q. Did you make four additional copies in the files of the S2 at that time?

A. No, sir.

Q. Did you hear at any time that there were other copies covering the part of 24 April, or of the attached inclosures in the files of the brigade?

A. No, sir.

Q. Do you recall how many true copies you made of the document at the time?

A. No, sir. I do not.

Q. Was it more than one?

A. I'm not sure, sir.

Q. And the only request you received came from Colonel CROWE?

A. Yes, sir, to the best of my knowledge.

Q. And your response therefore, was to Colonel CROWE in each instance and not to any of the other individuals interested. I would indicate, Major COX, at this time it is our information that the IG at USARV, Colonel WHITAKER had been in touch with Colonel Eli HOWARD at the Americal Division, and we would assume that either Colonel HOWARD or one of his assistants was in touch with someone at the 11th Brigade. In response to a communication from Colonel HENDERSON to then Colonel, now General, DONALDSON, a telephone call and a second request or suggestion, the suggestion was sent from Colonel DONALDSON to the 11th Brigade that a copy of this report could be found in the S2 file. Now does any of this refresh your recollection as to the indications that you had from Colonel DONALDSON or from the IG of the Americal Division, or from any representatives from the IG in USARV?

A. I do recall a lieutenant colonel in the brigade executive office when I went in there on this particular thing at one time, I know, the first time. I don't know for sure if it was brought up or not. I do know that he was working on an investigation at the time, sir. I don't know who it was. It could have been the Colonel WHITAKER or someone else from USARV, I don't know. But I dealt directly with the brigade executive officer who was handling the thing at the time, and I just more or less acted as an intermediary to get the document to him.

Q. On the occasion of your speaking with Colonel CROWE, did he have with him an unidentified, or at least unrecalled, lieutenant colonel?

A. Again, sir, I can't say for sure because he could have been with Colonel CROWE, or later on Colonel GREY who replaced him. It could have been that time later on. I just don't recall the time frame that this lieutenant colonel was in his office concerning this matter.

Q. Where is Colonel CROWE today?

A. Colonel CROWE is assigned here at Department of the Army, Armor, and I don't know whether he works at OPO or a branch of it.

Q. Do you know his first name?

RCDR: Jay Godfrey, or Godfrey Jay CROWE. I'm not sure how it is.

MR MACCRATE: Do you remember the type of reproduction equipment that was available to the 11th Brigade?

A. I think all we had was a mimeograph machine.

Q. So then, if you wanted to make any copies of any letter, it would be done by the carbon process eventually?

A. Yes, sir. We did not have a thermofax or anything of this nature.

Q. Do you have any idea, Major COX, what the notation "file RKB" could mean at the top right-hand corner of the Exhibit R-5?

A. It would appear to me that it is someone's initials, sir. I'm just trying to place the RKB initials. They don't ring a bell as to the individual.

Q. Did it have any relation to the file in which you recall these papers were found?

A. It could have, sir. I don't know. It could have been that someone in the office did it when it was initially prepared or something, indicating that it should go in the file or something like that. Just normal procedure.

Q. Was there any logging done on this report that you found?

A. No, sir. Not to my knowledge. Confidential documents are not controlled. As a result they would probably not be logged in anywhere.

Q. Are you aware of any record or other information at the 11th Brigade relating to this report of investigation?

A. No, sir. I'm not.

Q. Was a search made at the 11th Brigade at that time, to your knowledge?

A. Yes, sir, within my particular office at least, for this particular document. There was a search made at this time for anything pertaining to this matter. To my knowledge there was only that one copy of the report in the files.

Q. Is green tissue the kind of paper you use at the 11th Brigade?

A. It could be green or pink or white. There's no significance to the color. It depends how we get the onion skin.

Q. You did, from time to time, have green onion skin?

A. Yes, sir. To the best of my knowledge we had green and pink, I'm sure.

Q. There is a possibility that a portion of this document (R-5) may have been typed and placed other than at the 11th Brigade. We were exploring that possibility. Is there any indication to you, as someone who has been there on the 11th Brigade staff, whether or not this was prepared at the 11th Brigade?

A. Well, I would think this one (R-5) was prepared at brigade. The original, of course, would probably be at the Americal Division. It is addressed to the commanding general.

Q. I'm referring also to the inclosures, and, in fact, specifically to the inclosures. I don't know that there was any distinguishing characteristics that the outsider can spot on it.

A. As to whether they were typed somewhere else?

Q. Yes, whether they were typed somewhere else.

A. This appears to be an original here (R-5).

Q. It's a very good carbon?

A. I really couldn't say, sir.

IO: Do you know, Major COX, when they reproduced this document (R-5), whether or not, in fact, to make the true copy, they had not retyped the inclosures?

A. No, sir, they would not have retyped the inclosures, other than making a copy or a true copy of it, I don't recall offhand if true copies were made of the inclosures.

Q. Well, I'll call your attention to this document (R-1) which is supposed to be a true copy of this document (R-5). There are several things that I'm going to ask. First, note the heading of the document which does not show up on the copy which is furnished as a true copy (R-1). It does not indicate that it is from the 11th Brigade.

A. Well, this particular document (R-1) here was run through a thermofax, sir.

(The copy of Exhibit R-1 examined by the witness had been duplicated from the original by XEROX Model 2400.)

Q. Yes, but it should be a thermofax reproduction of the same document, and it should therefore have the heading on it.

A. Yes, sir.

Q. Also, if it was made from that file copy, certain things in red on the upper right-hand corner should have reproduced.

A. Yes, sir.

Q. As a matter of fact, the confidential stamp should have reproduced.

A. Yes, sir.

Q. So, there is quite a little discrepancy there. You will also notice on the true copy that, if this is the true copy, somebody has typed in, "signed, Oran K. HENDERSON" (R-1). If you will notice not on this one, but on the other one.

A. Yes, sir. This (R-1), obviously, should have not have been with the S slash and the "signed" on the true copy. It should appear just like the other one (R-5). Yes, sir.

Q. You can also notice down below, under that margin where it shows two inclosures, a slash S, that there was also--you can read here in the ink which has been erased, stating, "a true copy."

A. Yes, sir. This appears to be probably written in there by the person that was going to type the true copy. That's all I can say about that, sir.

Q. Turning to the inclosures: in the first place they are put in the reverse order. I can understand that, because in making a true copy and reassembling it, it just could have happened. Looking first at the statement which appears on the green copy (R-5) on this one and here on the other one (R-1). Now, you will notice that if you look carefully on the two that there is some discrepancy. They are not the same. That copy was not made from this. Look at the second paragraph. One copy (R-1) ends up, "kill." On the original copy (R-5) it ends up "kill them."

A. Well, yes, sir.

Q. Well, I understand that. But, I'm talking about the exact placement. So, that the one is not a true copy of the other.

A. In that sense, no, sir.

Q. All right, if we look back then to the piece of propaganda, and particularily the second page of the propaganda, you will notice there that there are several places where they have red ink at the top of the page. You will also notice in the third line from the bottom that there is a word that is left out which has been revised on the original. There are also some ink markings at the bottom. So doesn't it become somewhat clear that somebody typed up a copy of this? Certainly they weren't thermofaxed from it.

A. No, sir. This was the one that was in the files at brigade headquarters, this copy here (R-5).

Q. R-5?

A. Yes. This would have been retyped. This whole document would have been retyped. That's why the errors, sir. Not errors, but not placed exactly in the same location as it would be on this copy. This is a true copy in that a true copy does not necessarily, as I understand it, does not indicate that the paragraphs would not have the same number of words in each line.

Q. This is a true copy, but it is not a photo of the true copy.

A. No, sir. This is not a photo reproduction of this document. No, sir. This is a photo reproduction of the true copy that was made or should have been.

Q. Do you know then where the original true copy is?

A. No, sir. I don't other than it would have been given to Colonel CROWE, or Colonel GRAVES. I think this was made when Colonel CROWE was there and asked me to pull the thing out and give it to him. Later he asked to have a copy made of it, as I recall, sir. I don't know if the true copy is in the brigade files, in the S2 files, the copy that the true copy was made from.

MR MACCRATE: In addition to Colonel CROWE, and the intelligence sergeant, and the clerk-typist who prepared the true copy or apparently typed the true copy, who else in the brigade would have any knowledge of the finding of this, or search for copies of it, and the actual furnishing of the copy?

A. I'm sure there were several other people knowledgeable of the report or knew that we had a copy, or knew it was there. I'm not sure who they'd be, sir. I do know that initially when they started looking for this report they asked the brigade S5 at the time, and of course, it was not there as far as I recall.

Q. Who was the brigade S5 at the time?

A. I believe Major MACKINTOSH was asked about it.

Q. What is Major MACKINTOSH's first name?

A. I don't know. I always called him MAC. I didn't even know his initials, sir. He still is the brigade S5 as far as I know. I believe he leaves in March or April.

Q. Now, during this entire period, was Colonel CROWE the executive officer?

A. What period are we talking about, sir?

Q. This would be the period of April, May 1969.

A. Yes, sir. Colonel CROWE was the executive officer at that time.

Q. Do you remember what date he separated from Vietnam?

A. I'm not sure. I'm not even sure it was June. It was either June or July I guess.

Q. If such copies were provided at that time, they were provided, we believe, prior to 2 June.

A. It would have been given to Colonel CROWE, yes, sir.

Q. Do you recall anyone from the Americal Division coming to Duc Pho in connection with this?

A. I don't personally know, sir. I know Colonel HOWARD, the IG had been down there in discussion with Colonel CROWE. But, I have no personal knowledge, sir.

IO: Do you recall a search for documents prior to your locating this particular copy?

A. No, sir. I don't.

Q. Is it your impression, from talking to the people of the Americal Division, that they had searched their files and they had asked the 11th Brigade to search their files for any documents concerning this, and the answer was generally negative? That it subsequently would have come out that a file copy had been left in the safe of the S2? That this prompted the search which you have alluded to?

A. Yes, sir. Well, this may be possible, sir. I'm not that sure of it. It could be that they initially started looking in the S5, as I mentioned, because of the type incident it could have been filed with the S5 files. I'm not familiar with anything prior to my being approached with it.

MR MACCRATE: Your first approach was a successful approach? You were asked and the search was immediately made, and the document was located.

A. Yes sir. As I recall, it was. Now, I'm not even sure he asked me personally. He could have come and asked my intel sergeant in the office there to locate this particular report. I don't recall if he asked me personally.

IO: Major COX, when you were the S5, did you see any reports in the files of the S5 of the 11th Brigade, or any documents which alluded to My Lai, on or about March or April 1968 time frame? Or Tu Cung, Co Luy?

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

Q. While you were with the division and the brigade, did you hear any discussion about anything unusual happening in that area during that period?

A. Yes, sir. I had heard comments pertaining to the thing termed as the Pinkville incident. The details I don't recall, whether there was anything discussed, sir.

Q. Was this prior to the time you had located this report?

A. Yes, sir. But it was referred to as the Pinkville incident, and at the time this came up I didn't even associate the two. I don't recall the details of any discussion prior to that.

MR MACCRATE: They did refer to it as an incident?

A. I believe so, sir. I couldn't be certain on that. But I recall the terminology coming up as the Pinkville incident. I'm pretty sure it came up on the question of locating the report.

Q. Had you ever heard of My Lai (4)?

A. No, sir.

Q. Just thinking back, specifically what did you hear about Pinkville?

A. Again, sir, I'm not really sure. I'd hate to say. The only thing I can think of is that American forces had killed some innocent civilians for some reason. I recall that. But, that's the only information I know of, sir.

Q. Would you say this was just a single instance that you heard this, or was this sort of general knowledge among the personnel of the staff at the brigade?

A. I don't believe it was general knowledge, sir. Possibly one of the older staff members had been there at the time or shortly afterwards. At the time I arrived there we had a number of departing people. The 4/21 Infantry people that had come over with the 4/21 had just about completed their tours within March 1969, and they would have completed a year. Of course these would be outgoing people at the time that probably would have had knowledge of this.

Q. Now, was this among the officer ranks?

A. Again, sir, I don't know. I never even knew that much. Never thought about the questioning that pertained to it or anything else. I just heard the term Pinkville incident come up. And, that's about it. That's about the limit of it, sir. I don't recall whether it was enlisted personnel that mentioned it or if it was staff officers.

Q. Who were some of the personnel who were about their DEROS at the time that you arrived? This was in the summer of 1968?

A. Yes, sir. I arrived there in December 1968. The majority of the principal staff departed, I think , in March. These were ex-members of the 4/21 Infantry. They moved up to the brigade as staff members. My predecessor, Major VEACH, the brigade S2, Major ERICKSON, the assistant S3 for that particular period, Major Carl MELTON, I think it is M-E-L-T-O-N, was the brigade S1. All three of those officers left in March.

IO: In 1969?

A. Yes, sir. They probably served on the brigade staff 3 or 4 months, or maybe even longer in some cases.

Q. Prior to that time, were these officers all from the 4/21?

A. I believe all three of those officers had to come over to the 4/21 because that would be the proper time frame. The 4/21 joined the brigade later, which I think was in March 1968, or something like that. They all left at about that time, in about March 1969, so I would say they were all former members of the 4/21.

MR MACCRATE: Are there any others with whom your tour of duty overlapped?

A. Lieutenant Colonel HANSON, the exec officer when I reported in. Major PERKINS, now Lieutenant Colonel PERKINS, was the brigade S4 when I arrived. That's all.

Q. Any of the chaplains?

A. I don't know the previous chaplains other than the ones that came in after I did.

Q. When you took over as S5, who's place did you take?

A. I'm trying to think of his name.

Q. Captain KESHEL?

A. No. It was a Major FRY. He left brigade and went up to division as the division PSYOP officer, and he is still over there. Later he came back as the battalion exec officer of the 6/11 Artillery in support of the 11th Brigade.

Q. He is still with the Americal Division?

A. Yes, sir. He extended for 6 months and is still over there.

IO: Major COX. We're trying to put together the story of this investigation and granted, you were in the division

sometime after the incident took place, going from about 9 to 20 months. But if you do recall anything that you heard concerning the Pinkville incident or My Lai, Co Luy, or if any of the information refreshes your memory at a later date, we'd like it very much if you would get in touch with this office so we can have the benefit of the information you may have.

A. Yes, sir.

Q. Also, if you have any documents of any variety, papers, memoranda, photos, or anything of this nature that may be of assistance to this investigation.

A. Yes, sir.

Q. Do you have any questions at this time?

A. No, sir.

Q. Do you have anything additional that you would like to add to the record at this time?

A. No, sir.

IO: The hearing will recess.

(The hearing recessed at 1010 hours, 13 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: CROWE, Godfrey J. LTC

DATE OF TESTIMONY: 14 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT: April 1969-July 1969 served as 11th Infantry Brigade Executive Officer.

REPORTS OF INVESTIGATION.

Lieutenant Colonel CROWE served with the 11th Infantry Brigade from 19 July 1968 to 4 July 1969 as S3, battalion commander, and finally as the brigade XO (pgs. 2, 3). In May of 1969 when he was brigade XO, a requirement was received through IG channels to look for reports of investigation in the 11th Brigade files (pgs.3). CROWE did not remember if HENDERSON's 24 April 1968 report, was found in the S2 or S5 files (pg. 4). Even though a thorough search was initially made, there was a considerable length of time from the date of the requirement until it was found (pg. 8). He believed that it was on green paper and was three to four pages in length. Within 24 hours he had it reproduced and a copy was sent to either the IG, Colonel HOWARD or the Chief of Staff, Colonel DONALDSON (pg. 4). The VC propaganda attachments were on white paper (pg. 5). Although Exhibit R-5 is not of green paper, it probably is the copy of HENDERSON's report found in May 1969 (pg. 6). This report was found on 25 May 1969 prior to Colonel HENDERSON's call to DONALDSON on 26 May 1968 advising DONALDSON that the report could be found in the S2 safe (pgs. 7, 8, 15). CROWE thought he recognized Colonel BLACKLEDGE's initials on Exhibit R-5 (pg. 6).

The S2 section moved in April 1969. Any notes related to Exhibits R-1 and R-5 would have probably been thrown out at that time because the subject matter appeared to be

a dead issue (pg. 7). The witness opined that there were no more copies of the attachments to Exhibit R-1 remaining within the division files (pgs. 8, 9).

In July 1968 while serving as brigade S3, CROWE never heard rumors of an incident in "Pinkville". He never heard the name until HENDERSON's report was found. No other reports regarding the My Lai (4) operation were found (pg. 13).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
R-1	HENDERSON's report (true copy of R-5).	Wit was familiar with.	4
R-5	HENDERSON's report (carbon copy from 11th Bde files).	Wit was familiar with.	5

(The hearing reconvened at 1635 hours, 14 January 1970.)

IO: The hearing will come to order.

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

The next witness is Colonel J. Godfrey CROWE.

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

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

A. J. Godfrey CROWE, Lieutenant Colonel, J1, OJCS, Washington, D.C.

RCDR: Colonel CROWE, before we proceed with any questions, I shall inform you of several matters.

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

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

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

This investigation is not being conducted to investigate all facts and circumstances of what happened at My Lai. It is directed to those specific purposes which I have just stated.

General PEERS has had made available to him and has reviewed prior official statements obtained in other official investigations of the My Lai incident.

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.

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

IO: Colonel CROWE, aside from myself at the table, I have at my left Mr. Robert MACCRATE who is a civilian attorney who volunteered his services to the Secretary of the Army to assist me in this investigation and also to provide legal counsel to me. He may address questions to you this afternoon. In addition, you should know that aside from the two of us, there are several members of this team of inquiry that are likewise conducting questioning elsewhere. However, in the final analysis, I will be the one responsible for bringing this report together and determining the facts and making findings and recommendations.

You are ordered not to discuss your testimony in this investigation with others, specifically including other witnesses before this investigation, except in the course of official duty or as you may be required to do so before an official judicial, administrative, or legislative body.

I do not believe you have been cited by the military judge in the general court-martial case of the United States v. Calley. Is that correct?

A. That is correct, sir.

Q. In the event, however, that you are, which does not appear probable, your appearance here would in no way change the applicability or the effect of that order. Do you have any questions now concerning the instructions you have been given?

A. No, sir, I do not.

Q. Colonel CROWE, would you state when you served with the Americal Division and in what capacity you served.

A. I was in the Americal Division from 19 July 1968 until when I departed on 4 July 1969. During that entire

time I was assigned to the 11th Infantry Brigade, first as the S3 of the brigade from 19 July through 19 September, subsequently as battalion commander of the 4/21 Infantry and subsequent to that the executive officer of the 11th Brigade.

Q. From the time the My Lai incident of 16 March 1968 became a matter of public knowledge through the media of the press as well as radio and television, have you had any conversation with anybody from the division or specifically from the brigade concerning this incident or the investigation of the incident?

A. I've had some conversation. It has never had anything to do with: did it or didn't it take place. It has been mentioned. There are numerous people from the brigade who are in this area. I have talked to them. It has had no bearing on what occurred on the 16th. It really had more to do with the area around Quang Ngai or Son Tinh District or things such as that. In other words, anything that I would say would be purely what I do or don't know. I don't believe anything I would say could be colored by what I was told.

Q. Did you possibly color anything that they might say?

A. I don't think so, sir. Not having been there at the time this event took place, my knowledge could only be either brigade policy or division policy or whatever the SOP's were in the brigade.

Q. Specifically, Colonel CROWE, we want to get down to discussing the procedures which were used in locating and handling, processing and duplicating the report of investigation of 24 April 1968. We are led to believe that you were involved in this whole process. Mr. MACCRATE has been following this very closely, so I'd ask him to conduct the questioning.

MR MACCRATE: Colonel CROWE, do you recall when and by whom you were first asked to search the files of the 11th Brigade for a report of investigation?

A. Yes, sir, to the extent that I can put it down to the month. I believe it was May 1969 during the period that I was brigade executive officer. It could be that it was

early June, but I tend to think it was May. Frankly, that's as close as I can come. Now, I was called by the, I believe again by the division chief of staff, General DONALDSON, who was at that time the chief of staff, and told that they had received word through the inspector general channel that they wanted a report of this incident, and it was at that time named the Pinkville incident. I told him that, as everybody knew, I'd been in the brigade about 9 months, that I'd never heard of this thing but that I would look for it.

Now, simultaneous with this, maybe a few days later, I was called by Colonel HOWARD, who was the division IG and subsequently killed, again about locating the report of the Pinkville incident. Now, I can't vouch for the fact that the date of this was 24 April 68. Although I have seen the report, the date doesn't register. The first time I looked for it I went where I thought it would be, being familiar with brigade policies, and had the S2 and S1 go all through their files. We did not find it--and the S5. I informed the then brigade commander, Colonel TREADWELL, of what was going on and what I had been called to find. I also informed General DONALDSON that I could not find it and to the best of my recollection I had never heard of this thing or never seen it. About the time this was going on I got another call, maybe several days later, from Colonel HOWARD. He asked about it again.

In the process of moving part of brigade headquarters around the Duc Pho area, this report was located. Now, I honestly can't remember whether we found it in the S2 or the S5. It was one of the two. It was on green paper and it was three or four pages long. When I found it I had it reproduced, notified either Colonel HOWARD or General DONALDSON that I had it, and I don't know which of the two I notified. And I informed Colonel TREADWELL, the brigade commander, that I had it and was then in the process of getting it duplicated, and I then told one of the two staff sections to keep it. I believe it was the S5.

Q. Do you recall when you first had any true copies made of the document?

A. Yes, sir, the same day I found it, or maybe if it was at night, the next day. Anyway, within 24 hours after finding it I had it reproduced to send copies up to either the IG, Colonel HOWARD or General DONALDSON. I honestly can't remember which one I sent it to.

Q. I show you, Colonel CROWE, Exhibit R-1 which you will note on the second page is indicated as being a photocopy of a true copy signed by Russell B. COX, Major, S2.

A. Yes, sir. He was the S2 at the time.

Q. Do you recall asking Major COX to have a true copy prepared?

A. Yes, sir. He must be the one I told to reproduce it. I couldn't recall whether I told the S2 or the S5. The problem was we had what in essence was an onion-skin copy of this thing. And everybody had been asking about it, and I was reluctant to let the one real live carbon copy out so I told Major COX, it appears, to reproduce it and send a copy to either the IG or General DONALDSON.

Q. When it was first shown to you, was the entire report on green tissue? You indicated--

A. (Interposing) Yes, sir, but as I think about it I believe that the DF part of it, the part signed by Colonel HENDERSON, I believe that was on green. And I possibly believe the Vietnamese part, which was alleged to be Viet Cong at that time, I believe that might have been on a white piece of paper, as I think about it. But the only thing I can definitely say is that it was the number of pages that this thing is (indicating R-1).

Q. Do you recall where this document was found, the file, any identifying indications on the file?

A. Sir, it was brought to me because I had been asking for it for about a week, and since the S2 has made the true copy I would say it was found in the S2. If there was any identifying folder or anything that would be unusual with it, this was not reported to me. I would be the first to admit that I didn't ask him about it, what form of folder. I asked him where he found it, and he said he found it in the back of one of the files, as I recall.

Q. Let me show you what we have recently located in the S2 files at the brigade headquarters at Duc Pho and we have marked a photocopy as Exhibit R-5. I will show you the pieces of paper as we obtained them out of the file and ask you if that is the particular copy which was shown to you. We are quite interested in ascertaining whether there might

be more than one copy of this report in existence and therefore we are very interested in being clear, one way or the other, whether this is the copy that was found at this time in May 1969, to which you refer, or whether this is perhaps an additional copy.

A. Sir, I'd have to say in spite of the fact that I've got my colors wrong that this is the document I found. I can't really say that it is. I would feel that there weren't two. The ransacking we went through trying to find the first one, unless they were found filed separately, I'd have to say this is what we found. But that's about as close to it as I can get. The only man--well, I'm not too sure he would know--if Major COX carried this to me he would probably be the only one. I recognize what I expect to be Colonel BLACKLEDGE's initials on this paper. I would have to say that this is probably the one that was brought to me.

Q. You will note that the inclosure indicated number 1 is attached second, and inclosure number 2 is attached first. Do you have any recollection of these identifications appearing in the lower left-hand corner on the two inclosures?

A. Sir, I honestly don't know.

Q. Do you know if there was any attempt to locate drafts of other related papers? For example, inclosure number 2 is an English translation of a Vietnamese communication. Do you know if any attempt was made or did you hear any reference to other papers being found that might in any way relate to this report of investigation?

A. No, sir. I can be fairly positive on this. At the time this was found I had been in the brigade longer than anybody else except for a few enlisted men, and had known the vast majority of at least the field grade officers that were in any way related to this thing. And I made as detailed an attempt to find this whole thing, because it came up, as I said, once or twice with a call from General DONALDSON. The IG called a number of times about it, and very honestly, out of loyalty to these people who I had known, I did everything I could to have the then staff of the brigade find anything they could on this. The only thing that was brought to me was one document which I believe is that one. I would say that in the moving, and of course you encountered this at Duc Pho, I would say that when the S2 section moved, if there had been anything--and of course we had no inkling of this incident when the S2 section moved out of its original loca-

tion sometime in April of 1969. I'm sure that if there had been any pencil drafts or anything like this and they had run across it, since it was apparently a dead issue, it would have been thrown out. The only reason that I feel that perhaps nothing was found is when I started on what added up to a witch hunt, trying to find something on this. It took a considerable length of time before anything even appeared. In fact, I had already once or twice, as I've indicated, told the people at the division headquarters that I could not find anything.

Q. Could you identify the list of the personnel in the S2 shop who may have been there for a longer period of time?

A. There was no one in the S2 shop at the time this document was found, with the exception of an enlisted man, who had been there longer than I had. He had been there about a week longer than I had. He rotated some time in June. I don't know his name. The records at brigade would show. He was a SP4. But there was no one else. The rotation within the brigade all took place in Novemeber or December with the exception of a few people that had come out of the staff of the 4/21, and they went home at the end of March. So essentially the people that were in the brigade headquarters at the time this document was found had all only been there a short period of time.

Q. It would appear that the document may have been first looked for around the second week in April of 1969, and a report by the IG at USARV indicates that as of 17 April no report had been found. We next find a communication from Colonel HOWARD saying that on this date, 25 May, a copy had been found at 11th Brigade headquarters. We next find that Colonel HENDERSON spoke on the telephone with the then Colonel DONALDSON and indicated that a copy could be found in the S2 safe at the brigade. But it would appear that by the time of Colonel HENDERSON's call to Colonel DONALDSON you had already located this copy at brigade. Does this in any way fit in with your recollection that you had already located it at brigade before Colonel HENDERSON relayed the message that it should be found in the S2 safe?

A. Yes, sir. I'm not too sure of the exact timing of Colonel HENDERSON's call to Colonel DONALDSON. I do know that with the dates you have given me that falls together

almost about right. The calls that I got from General DONALDSON, the first few times I assured him we couldn't find it, but we found it on our own. We apparently had found it before we were told to check that safe because we did not find it as a result of any information given to us by the division headquarters, or the chief of staff, or anybody. Only Major COX or perhaps his sergeant could probably tell us exactly how they happened to find it.

I would also say that the testimony here about 17 April, I'm sure that that is probably the first call that I got either from Colonel DONALDSON or from Colonel HOWARD, and that I have my months mixed up because each attempt to find this document went either to me, the first few times, the discussion of it, or to the brigade commander. So I'm probably off about 2 weeks on when they started this thing. It was a considerable length of time though between not finding it and finding it. And I would say also that we found it before we were told to look in the safe, or at any rate we found it without being told to look. I'm not sure where it was.

Q. Were you ever told that it was found in a sealed envelope?

A. Sir, I honestly don't know. The problem to be very honest, if I had any inkling of what was about here, I perhaps would have been more detailed. As I say, I remember finding it, telling the people to find it, and the searches we had for it. I also understand, purely on hearsay basis, that there is supposed to be another one somewhere, but I've only seen one piece of paper or report, which I presume that to be.

Q. We are also, of course, interested in the attachments as I have indicated. As I understand, so far as you know, there are no other copies of the inclosures nor would you have any suggestion as to where else we might search in brigade looking for any such copies in view of the search you have already made.

A. Sir, I would say that if there were any copies of this thing anywhere, it would only be the Vietnamese portion of it which apparently came from the Quang Ngai senior province advisor's office about a year before. But as far as the rest of this within the brigade headquarters, sir, as I'm sure you've been told we had an inspection, USARV annual inspection which took place in July about 3 days after I left. As a result of that, things were so cleaned out in May and June,

pieces of paper that were unattached, I would say it would have been quite possible, unless someone knew what was going on, that they could have been thrown out if there were any even. So I would say that there is none there.

Q. Is it simply a supposition of yours that the Vietnamese copy would have come from the province senior advisor at Quang Ngai?

A. Yes, sir, that's the channel that we got--something such as this would have come either--the procedure we were following would have come either from the Vietnamese in the districts of Duc Pho or Mo Duc or, in this case, Son Tinh or via the S5-G5 channels from the people at province level, either to division or to us. The majority of problems that arose with Vietnamese if they were small came strictly from the district to the brigade. I cannot recall more than two or three that I know of in the year that I was in the brigade where we received any reports of atrocities, maltreatment of Vietnamese, via the division-down channels. Most of these came from the province or the district directly into our S5.

IO: How about from 2d ARVN Division?

A. Yes, sir.

Q. Are you referring to Americal Division when you're referring to division?

A. Yes, sir, that's correct.

Q. Did you ever have any communication from 2d ARVN Division?

A. No, sir. We never had any on the matter of atrocities. We had an awful lot of communications, but nothing dealing with matters such as this, that I can ever remember.

Q. You were S3 there for a time, and you undoubtedly, as the S3, were very close to the S2. Did they have a separate safe in there that the S2 used? Not necessarily a file drawer safe but an open door safe or any kind of a safe that he used as his personal safe?

A. Sir, they had--now, I've got to qualify this a little bit. When I was brigade XO the S2 had an open-door safe, a standard company-type safe. I know this for certain

because we had to move them into a temporary location during the building of the new TOC and we had a problem of how to secure his safe.

Q. Was this an ordinary floor safe or a stand-up safe?

A. This was a floor type like you used to find in every rifle company, and he had it at that time, Major SCHLEICHER, the then S2 when I was the S3. I would--I can't say that I ever saw the safe. But since COX had the safe a few months later, I would assume that SCHLEICHER had the same safe but it was not--there was nothing that I recall as a large safe.

IO: What's his first name?

A. Richard.

Q. Do you remember his middle initial?

A. No, sir. He is an MI officer.

MR MACCRATE: When would the contents of that safe been emptied and transferred to another location?

A. Sir, based on what we turned up on the pre-IG that Colonel HOWARD conducted, anything that was in the safe that was not destroyed when they came from Hawaii may have still been there at the time of the pre-IG that Colonel HOWARD's people conducted while I was the brigade XO. In other words, other than destroying a few classified documents, they had not, as it was explained to me in the pre-IG, retired any records. So based on that, I would say the contents should have still been there.

Q. Colonel HOWARD's people actually came to Duc Pho?

A. Yes, sir.

Q. In April or thereabouts, 1969?

A. Colonel HOWARD conducted a pre-IG in the 11th Brigade for the USARV IG which we were going to have. He conducted that in the latter half of May. He came down with a team just like any normal inspector general team, inspected the 1, 2, 3, 4, and 5 operations, inspected the battalion

headquarters of the battalions that were going to be inspected by USARV. And this is when--what materialized out of that inspection was that (1) we had not retired any records and, (2) we did not have in the 2, 3, and 4 and 5 shop a staff journal. We had one in the S1 shop, but it was out of date. Subsequent to that inspection we established staff journals for all five staff sections; and they came down, a fairly large team somewhere between 12 and 20 people, in the latter half of May.

IO: When you say retired files, you mean they retired them in what is commonly referred to as a burn file?

A. No, sir. I said we did not retire them. In other words, we did not, this is what I was told, we had not taken the correspondence that had reached a year or 2 years and sent it back to division to be sent to St. Louis. I didn't mean burning.

Q. The question is: did you retire those files?

A. No, sir. The main reason we did not retire anything was I recall there was nothing that was retirable still there. Most of this would have been in the S1 business. Part of our files had been taken to division when the brigade had deployed, when they lost their AG section.

Q. That was a long time then?

A. Yes, sir.

Q. That was a year and a half before then?

A. Yes, sir. So they had taken whatever they had in Hawaii. What they didn't leave in Hawaii went to division at that time. We did not retire anything as a result of this inspection.

Q. Then you would indicate then that your operational files were still all present in the S2 and S3 shop?

A. Yes, sir.

Q. And they should be, in fact, present today then?

A. I would say, yes, sir. Your SITREP, 24 hour SITREP, your intelligence reports, the two TWX's that went out about 7 o'clock at night were still there. I don't know how far they went back. I do know when I was the S3 they went back probably almost to the time that the brigade had deployed.

Q. Did you receive any instructions at that time which may have a bearing on this, that you would not destroy your files, or not retire your files, due to the fact that this investigation was under way?

A. No, sir. If that would have come to Duc Pho, that would have come to me. And it did not come to Duc Pho at least by the 3rd of July.

Q. In the office of the commanding officer of the brigade, was there another safe in there, these floor safes, or did he have a safe in his van?

A. Sir, there was not a safe in the office during the period I was the brigade exec. The office at that time was a small office. I would be fairly certain in saying during the period I was the S3 or battalion commander there wasn't a safe in that office. Now, I was in the trailer a great deal while I was the brigade exec, and if there was a safe in there it was in the closet. In other words, I never saw one. I do not know whether there was one in there when Colonel HENDERSON had the brigade or not. I was in the trailer on a daily basis in the first 3 or 4 weeks I was there. At the time, I was eating in there. I do not believe I was ever in the back part of the trailer, however, so I just don't know. When Colonel TREADWELL was the commander I was in the trailer constantly. If there was a safe in there it was in the closet.

Q. Did you see any other envelopes or anything that might have been sealed and marked "personal" on the outside?

A. No, sir. If any of this stuff had been brought to me as a brigade exec during that period, I would have opened it to find out what it was.

Q. With the respect to the manufacture of the true copies of this document, do you know how those were prepared?

A. Yes, sir. The true copy that Major COX made was typewritten. We had no reproduction machines at Duc Pho and they were typewritten.

Q. Would it have been necessary to have taken this copy apart in order to make a typewritten true copy?

A. No, sir. All the clerk had to do, in my estimation, was to turn the pages.

Q. You were S3 back in July of 1968?

A. Yes, sir.

Q. Did you hear any rumors about that time concerning anything that might have taken place up at My Lai or Tu Cung or Co Luy or in Pinkville?

A. No, sir. The first time I ever heard of the name Pinkville was the first call that I got over this report. This I can definitely state. I never heard of this incident by any name or, for that matter, of the incident until the first day that I found the paper and read it.

Q. I would take it, then, that while you were the S3, or later after you had gone to battalion and then came back as brigade exec, you never saw any other types of reports of investigations?

A. No, sir. I saw no reports of any investigation until this. As far as dealing with this type of thing, I obviously saw reports that had to do with thefts or something like that. I did not see anything that pertained to this.

Q. You said a little while ago that by hearsay you heard there were some other reports. Would you tell us about this hearsay?

A. This would be pretty hard. I'm a little bit confused as to whether I read this in the newspaper or whether somebody had said, that somebody else said, that there was another report in addition to this. In other words, I heard somewhere, and I am confused as to whether it was in the newspaper or whether somebody said there is another one. This is the only one that I have ever seen, and this I do know. Although--

Q. (Interposing) Were you ever instructed to look for other reports of other dates?

A. No, sir, because I was never instructed to look for a report of a date. The instructions I got was to find anything I got on the Pinkville incident, and in the process of it we eventually found this one. I assured the people that I was dealing with, whether it was General DONALDSON or Colonel HOWARD, when I finally came up with this one, we then proceeded to look around and see if we could find any more. I could not find any more. This is the one thing I can positively say, that we did look for this thing, and after we found this first one, there were no more to be found.

Q. It would indicate from what you said that you had been looking for this report and you were unable to turn it up.

A. Yes, sir.

Q. Yet at a subsequent time the S2 turned it up?

A. Yes, sir.

Q. Well, it would indicate to me that there was some damn reason why the S2 did not turn it up. I'm not saying that they did not turn it up on purpose, but it may have been that it was in a particular safe, and it may also have been that it was in an envelope marked "personal," or something of this nature, or in a folder, or something which might cause people to think that it had nothing to do with it.

A. Yes, sir. I'd like to interject one thing. Since reading the document and determining that it was Major COX that found it, it may well be that the first people I had look for this were the S5 and the S3, and I may not have had the S2 look for it. In other words, I know that my first search was to no avail and I'm not too sure under what circumstances this was produced. I know it was found and brought to me right after they found it and that's it.

MR MACCRATE: Major COX does state that you indicated to him where he would find it and he went and found it there.

A. Then I would have to say that I didn't find it as soon as I thought, and perhaps some of this information that had passed between Colonel HENDERSON and General DONALDSON had told me to send him there. But I certainly did not recall it.

Q. It seems impossible, because Colonel HENDERSON was not interrogated until 26 May, here in Washington. He thereafter called Colonel DONALDSON, and only at that time could his message have gotten to Colonel DONALDSON; and yet a memoradum of Colonel HOWARD indicates that on 25 May, the day before the interrogation in Washington, this was found in the S2 safe. Now, one final point, just to clarify the record. I understood you to say that some documentary material would have been discarded subsequent to April 1969 and prior to August of 1969, so that you were suggesting that it is possible that in connection with the general file cleanup that went on during that period, that some documents related to this report of investigation might have gone out from brigade files.

A. Sir, it's possible. I would hesitate to think that it was probable unless they were handwritten documents. In other words, what appeared to be notes. In other words, from the day we started looking for this and finally found it, I would have to say that nobody would have knowingly thrown any of it out. If there were some things around in pencil in the process of the two moves the S2 section made, maybe out of one area into another and back into a new TOC plus the coming of the IG, if there was handwritten notes around, it is possible that someone would have thrown them out. But if there was a typewritten document such as this, I don't believe so.

IO: Colonel CROWE, you've been helpful to us in at least trying to trace down the origin of these documents and what happened. If you do recall anything further as far as locating this document and so on, we'd very much appreciate having it. The hearing will recess at this time.

(The hearing recessed at 1720 hours, 14 January 1970.)

(The hearing reconvened at 1630 hours, 27 January 1970.)

IO: The hearing will come to order.

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

Sir, the hearing recalls Lieutenant Colonel CROWE.

(LTC J. Godfrey CROWE was recalled as a witness and testified as follows:)

Colonel CROWE, sir, you are reminded that you remain under oath before this hearing.

A. All right.

IO: Colonel CROWE, you were in testifying with us the other day; and since that time, we've talked to several other people, as you might well imagine, and we've heard certain things. We thought we'd ask you to come back and discuss this with us for a little while. Mr. MACCRATE has been following through on this one, so I'll defer to him.

A. All right, sir.

MR MACCRATE: Colonel CROWE, could you give us again the period that you were at the 11th Brigade?

A. I was in the 11th Brigade from 19 July 1968 until 3 July 1969. I held three jobs during that period, sir. Is that germane?

Q. I think it would be helpful to refresh us.

A. The positions that I held was the S3 of the brigade from 19 July until 19 September 1968 battalion commander of the 4/21 from 20 September until 20 March 1969, and brigade exec from 20 March until 3 July 1969.

Q. Do you recall when this matter first received public attention in the fall of 1969 talking with others who had been in one way or another associated with the Americal Division?

A. Yes, sir.

Q. And do you remember explaining what you had come across, while you were at the brigade, relating to an investigation?

A. I recall telling someone, and I'm not too sure who, when there was still a bunch of accusations going back and forth--I imagine that this was in September, if that's when it came to light, whenever it came to light--that there was a written report. At that time, the statement had been alleged in the press that there was no written report. Whoever it was I was talking to--and there are so many of them here that I don't know who it was I was talking to--I said: "That's what they said in the paper. It's not right. This report, I've seen it, I've read it, and I remember finding it and sending it up to the IG."

Q. And the first that you found it and knew of it was in May of 1969 when the IG was looking for it?

A. I originally said that in here the last time, sir, then it came to light that I really was told to start trying to find this in April of 1969. To the best of my knowledge, the first I ever heard of the report or the Pinkville incident or any of the other things relating to this was the first time I was asked for it, not by the month, but we had gotten a call that said division wants to know if there is a report on something about the Pinkville incident or if you know anything about it. To the best of my knowledge, this was the first time I ever heard of the incident or anything, and that was when we had the first unsuccessful search for the papers. The more I thought about this, I think it was unsuccessful the first time because we were looking for it in the S5 channels, and, of course, it turned up in the S2 channels.

Q. Do you remember at or about this time speaking with the sergeant in the S2 shop? Do you know who he would be?

A. No, sir. There was a new sergeant in there. I don't know what his name was. I could identify him if I saw him. And there was also a young spec 4 in there. Now, I got these two staff sections mixed up other than the fact that it came out of the S2 section. I must have talked to him about it.

Q. Do you remember a Master Sergeant GERBERDING?

A. GERBERDING, he was the S2 sergeant that deployed with the brigade and stayed there until November of 1968.

Q. Then his place was taken by a Sergeant CAMELL.

A. CAMELL. Yes, he was the S2 sergeant.

Q. And did you speak with Sergeant CAMELL about this locating of this report?

A. I may have gone down there also the first time. It could have been that Major COX wasn't there. If Major COX wasn't there, I would have talked to Sergeant CAMELL to start the report, yes, sir. So I'd have to say that I did that. The S2, because of our relations with special forces camps and other things in the area, was gone about one-third of the time, either with the brigade commander, on flights of his own, or doing something with the long range reconnaissance patrol. So at least during the period that I was the S3, or the exec, it was customary to conduct business with the E-8 that was in there.

Q. Do you remember Sergeant CAMELL telling you anything about the way in which this document had been retained and passed along to him?

A. It would appear to me that this may have come out of an envelope or he may have told me. When I think about this, I get confused as to how this thing was found. Now, he could have told me that it was in some personal papers or something like that because I believe you mentioned this the last time I was in here, although I--

Q. (Interposing) In the meantime, we've been getting additional information as to how this may have been passed along.

A. As I think about this, sir, although this is the first time I thought about it, it could have been that it was in an envelope marked personal for either Colonel HENDERSON or somebody else, sir. There was some discussion of an envelope. I don't relate the discussion of that envelope and the actual finding of these documents, sir. But there was some discussion on an envelope.

Q. That's all I have.

IO: As I recall what you had indicated before, when the document was found, it was brought to you by Major COX.

A. Yes, sir. That was what came out in the testimony.

Q. Can you recall now any discussion with Major COX about not finding this in the files or in the safe or anything of this nature?

A. Sir, I don't honestly recall anything. I'm sure, because of the fact that we had already spent one period of time trying to find it and it didn't appear, that I must have talked to Major COX about, basically, "Where in the world did you find this thing?" Because by that time I had already told everybody that had called up that we couldn't find it, and then 2 or 3 weeks later as it turned out, or whatever the actual timing was, here it is. So I know that I talked to him about: "Where did you find it? How come we missed it the first time?" And along that line.

Q. Do you remember any of the fallout of that discussion?

A. Sir, I don't remember anything I can put together that--

Q. (Interposing) We had safes, and we had field safes, and we were talking about all kinds of things, but I just wondered if there was anything else that might have come to light.

A. Sir, not that I can think of. I'm sure that there was somewhat of a discussion as to how come we didn't find it the first time.

MR MACCRATE: Anything about a desk drawer?

A. No, sir. It wouldn't have surprised me if it had come out of one though, because I couldn't honestly tell anybody where it came from, other than it arrived in my office.

Q. It just seems like people were just damned happy to find it?

A. I was so happy to find it, just to finally have located it. Unfortunately, not realizing the implication of this thing, I made no real search anymore to find out how come I didn't know this before. I'm convinced in my mind that there were no more papers, however.

Q. The hearing will recess at this time.

(The hearing recessed at 1640 hours, 27 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: DUNN, Arthur J.

DATE OF TESTIMONY: 22 December 1969

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: 11th Brigade Press Officer, 31st Public Information Detachment.

1. PRIOR TRAINING IN RULES OF LAND WARFARE.

The witness was shown MACV Regulation 20-4, Exhibit D-1, paragraph 5a. He did not recall having read it, but stated that common sense would agree with the paragraph (pg. 21). He did not know if this regulation was read by his men but felt that it had been made available or read to everyone (pg. 22). He was not the company commander of the men but was their duty officer (pg. 22). The witness also recognized Exhibit D-7, 11th Brigade Regulation 525-1 (pg. 22). He stated that he received cards regarding the rules of land warfare but did not recall any refresher training while in Vietnam (pg. 28).

2. INQUIRIES CONCERNING THE ASSAULT.

a. <u>His responsibilities to the division information office</u>.

His job in Vietnam was to write and call the division information office nightly with a situation report of the brigade's activities for that day. In this capacity, he would report to the operations center to examine the operational maps, get the tally for the day, then write out a story, and submit it to the division information office (pg. 6). This was how the incident first came to his attention (pg. 6). He recalled it being the biggest action which the brigade had been involved in from the standpoint of enemy KIA, but felt that there was a vast discrepancy between enemy KIA and weapons captured (pg. 7). He did not

recall talking to anyone in the S2 or S3 shop about this nor did he feel in a position to comment on it, as he was not a field commander (pg. 7). Exhibit M-16, Task Force Barker Log for 16 March, was handed to the witness and item 39, which states that 10 to 11 women and children were killed by artillery or gunships was pointed out (pg. 7). He stated that this was not called to his attention because the information office was concerned with only enemy soldiers not with civilians (pg. 8).

b. The report from HAEBERLE and ROBERTS.

Specialist ROBERTS and Sergeant HAEBERLE worked in his office but reported very little of what they had seen on 16 March at My Lai (4) (pg. 8). He stated that there was no need for them to report that. Their usual job was to get the film processed and normally there was only casual conversation about the day's activities (pg. 8). He recalled HAEBERLE stating that he got good pictures and seemed to think that they did not want to talk about it too much (pg. 9). It was possible that ROBERTS talked to him but he did not recall it (pg. 9). DUNN stated that he had no indication that ROBERTS and HAEBERLE had seen a massacre (pg. 29), and did not recall being told on 16 March about a child being shot while HAEBERLE tried to photograph him (pg. 19). He stated that he did not know if the men had felt that they had a responsibility to report these kind of incidents to him (pg. 22). He also stated that even though the officers and enlisted men in the PIO section lived and worked closely together, he was not aware of anything that went on at My Lai (4) (pgs. 9, 24). He did think that the concept of reporting only favorable information was understood and known by HAEBERLE and ROBERTS even though they were never told this in so many words, and felt certain that these men knew that they were not required to report unfavorable actions to higher headquarters (pg. 27). He did not know whether they felt that they were to report it within the chain of command (pg. 28).

c. HAEBERLE's photographs.

DUNN stated that he would have seen only the black and white photographs that the office was going to send out. He would not necessarily see all of the black and white photographs. The color pictures would not have been shown to him because they were processed outside of Vietnam. They had no use for color photographs unless there was a special request (pg. 10). He felt that HAEBERLE, as a professional

photographer was preparing a portfolio for his return to civilian life (pg. 11). He did not know that HAEBERLE was emphasizing atrocities (pg. 11). If an atrocity photograph had come out in black and white he felt that they would have filed it or destroyed it but would not have sent it out (pg. 11). He gave an example of a photograph in which someone,possibly an officer, was pointing a knife at the throat of the Vietnamese and stated he did not feel that this was an uncommon action (pg. 12).

The witness was given Exhibits P-2 through P-25 (pg. 12) and he stated that he recalled Exhibits P-3, P-5 P-8, P-9, P-11, P-22, and P-23 (pg. 13). HAEBERLE would not necessarily have to show all photographs taken to him (pg. 13). He did not recall seeing Exhibits P-14, P-15, and P-16, but felt that HAEBERLE should have shown him Exhibit P-16 (pg. 14). He was not sure that if the pictures were called to his attention he would have done anything (pg. 15). He did not know that HAEBERLE had shown some of the photographs to Sergeant STONICH who told HAEBERLE not to show them to anyone (pg. 31).

d. His knowledge of the massacre.

The witness did not recall hearing anything about a massacre but stated that perhaps he should have questioned the ratio of weapons captured to KIA (pg. 15). He stated that he was not well versed in tactical operations and had little first hand knowledge of what went on in the field. He recalled the KIA being attributed to artillery and stated that he also knew that all the Vietnamese did not carry weapons. It was possible, but not probable, in his mind that 128 soldiers were killed and only three weapons were picked up (pg. 15). He did not talk to his commander, the executive officer, the S2, or the S3 about the statistics although he felt that they were "fishy." He felt that any of these superior officers would have told him 69 were killed by artillery and the rest were killed in another manner and he could not refute what they would have said (pg. 16). An extract from The Washington Post, dated 28 November 1969, was read to the witness (pg. 16). It indicated that The Chicago Tribune, in an editorial, stated that DUNN knew it was "fishy" when he saw the battle report of the action.

e. Article in the Trident.

The witness was shown Exhibit M-17, a copy of the Trident, the 11th Infantry Brigade newspaper, dated 22 March 1968. He stated that ROBERTS wrote the article about Task

Force Barker using for a lead two paragraphs that DUNN had written on 16 March (pg. 17). The only discussion he recalled with ROBERTS was the problem he had in writing a lead (pg. 18). He did not recall where the information came from that 35 VC had moved into the village. DUNN stated that ROBERTS told him in a subsequent phone conversation (pg. 19), that he had talked to people in the field. DUNN thought that ROBERTS got this information there (pg. 20).

f. Regulations concerning property destruction.

The witness stated that he had seen Exhibit D-7, 11th Brigade Regulation 525-1. Paragraph 4f(2) states the commanders will issue upmost care to insure minimual property damage. He stated that he did not know the village had been razed. It was not an uncommon mode of operation for the mission to destroy the village. He knew of no incidents where it happened, however. His understanding was that they would only raze a village after the villagers had been rounded up. They would not do it while the people were asleep or were in the village (pg. 23). He did not know for sure that it did happen, but it would not surprise him (pg. 24).

g. Investigation of the incident.

Witness stated that he never heard of an investigation being conducted into the events in My Lai on 16 March, nor was he ever talked to about it (pg. 29). He stated that the only way he would have known about it was if a question of HAEBERLE's photographs had come up (pg. 30).

3. OTHER INFORMATION.

a. The witness stated that he was the press officer for the brigade from July of 1967 until May of 1968, when he became the information officer. He described the function of his office as being to provide information to lower echelons from division level and to provide stories and photographs to higher headquarters in a public information function (pg. 25). The witness stated that he never provided derogatory or unfavorable information about the brigade and in response to a hypothetical situation presented, stated that he would blue pencil out of an article any mention of children being killed (pg. 26). He felt that the type of training in the Information School did not teach him

this but it was understood there (pg. 26). He also felt that HAEBERLE and ROBERTS were aware of it (pg. 27).

b. The witness stated that in his function as a reporter for the Chicago Tribune, he spoke with the following people, Lieutenant REED, who was the Task Force liaison officer from brigade to the task force, and Lieutenant GORE who was the commander of the Headquarters Company. Both of them stated to him that while in the operations center on 16 March, they overheard firing in the area on the radio (pgs. 4, 5). He also spoke with POLAND who was the information officer and with Lieutenant HAWKINS, who was with the military intelligence office and who told about a photograph published about two weeks ago in the Columbus Ledger in Columbus, Georgia, showing a platoon of 35 to 40 Viet Cong (pgs. 5,6). The picture was found near the My Lai area several weeks before the My Lai incident, although they could not show that these people were in the My Lai area. There were three or four women in the ranks (pg. 6). He also spoke with ROBERTS (pg. 4), who told him on the telephone about the incident with HAEBERLE attempting to take the child's photograph and the child being shot (pg. 19). ROBERTS also told him that while he was in the field he talked with MEDINA and some of the military intelligence people (pg. 20).

c. He stated that he could possibly have shown JOHNSON one of HAEBERLE's photographs in order to find out if JOHNSON was in the picture (pg. 30).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
D-1	MACV Directive 20-4	Not recalled but common sense would agree with the regulation.	21
D-7	11th Brigade Reg 525-1	Stated it was familiar.	22,23
M-16	TF Barker log, 14-18 Mar	Item 39, "10 to 11 women and children killed by artillery" This was not called to his attention.	7,8
M-17	11th Brigade Trident, 22 Mar	He was in charge of the paper at that time and wrote the first two passages of the article.	17
P-2 thru P-25	Black and White photos	Wit identified the following: P-3, P-5, P-8, P-9, P-11, P-22, and P-23.	13
P-14 thru P-16	Black and White photos	Should have been called to his attention but were not.	14

(The hearing reconvened at 1606 hours, 22 December 1969.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR WEST, MR WALSH, COL MILLER, COL WILSON, COL FRANKLIN, LTC DOMBROWSKI, and MAJ COOP.

RCDR: The next witness is Mr. Arthur J. DUNN.

IO: Before we call the next witness, to supplement the log of Task Force Barker which we have for 16 March 1968, I would like to add to it the entries from the Task Force Barker log for the 14th, 15th, 17th, and 18th.

RCDR: It will be marked for identification Exhibit M-16.

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

RCDR: Are you represented by counsel?

A. No, I am not.

Q. Please state your full name, Social Security number, and address?

A. Arthur J. DUNN, , 2 Cameron Circle Avenue, Forest Park, Illinois 60130.

IO: Before we proceed with any questions, Mr. DUNN, Colonel MILLER, from Office of the Judge Advocate General, will now advise you concerning certain matters.

COL MILLER: Mr. DUNN, 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 and inquiries into, and subsequent reviews and reports within the chain of command of what is now commonly referred to as the My Lai incident of 16 March 1968, and

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

This investigation is not being conducted to investigate all facts and circumstances of what happened at My Lai. It is directed to those specific purposes which I have just stated.

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

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

There are several people in this room who may ask you questions. I want to introduce them before we start. First, of course, is General PEERS, to your immediate front. He is the Investigating Officer and has the sole responsibility for weighing the facts and making findings and recommendations in the case. On his immediate left is Mr. WALSH, a civilian attorney, who is serving as advisor and legal counsel to General PEERS. On General PEERS' immediate right is Mr. WEST who is with the office of General Counsel of the Department of the Army. To your immediate left are Colonel FRANKLIN, Colonel DOMBROWSKI, Colonel WILSON, and, of course, myself, Colonel MILLER. Any one or all of us may ask you questions.

I have just one other thing I want to cover before you start, and that is I request 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 administrative or legislative or judicial body or forum. I do not know--I have no record that you are under order issued by the military judge in the case of the United States v. Calley. Have you received any notice to that effect?

A. No, sir.

IO: Mr. DUNN, what was your duty assignment on the 16th of March, 1968?

A. I was a--I was the press officer for the brigade. I was the second information officer. There were two of us there at the time. Lieutenant MOODY was ahead of me and I was the press officer.

Q. How long had you been in that capacity?

A. Well, I had been in that capacity since I joined the brigade in July of 1967.

Q. And you arrived in country with the brigade?

A. With the brigade. I'm not real sure of the date, but in early--prior to Christmas 1967, with the main body of the brigade.

Q. And how long did you remain in that capacity?

A. I remained in that capacity until May of 1968, when Lieutenant MOODY left the brigade and I became information officer for a short time. Then Captain SHANNON came into the information office, and I don't remember how long he was there. It was a fairly short time, I would say, less than a month. When I left for R&R he was the information officer, and when I came back he had become headquarters commandant and I had become the information officer--I was the only officer there, so by virture of default I was the information officer until I departed.

Q. Since the My Lai (4) incident of March 1968 has broken in the press and on television, and has become a matter of information, public knowledge I should say, have you had any conversation with individuals from the 11th Brigade or the Americal Division concerning events which transpired in My Lai (4), or the investigation of the incident, or anything related to it?

A. I have, yes, sir.

Q. Which individuals?

A. As you know, I'm a reporter for The Chicago Tribune. In that capacity, and that capacity alone, I did talk with Lieutenant REID, who was the task force liaison officer from the brigade to the task force; to Lieutenant GORE, who was at that time headquarters company commander; and, let's see, I talked to Dean POLAND who was in our office, the information office. I talked to Jay ROBERTS. I talked to Lieutenant, former Lieutenant HAWKINS, who was in the military intelligence, 52d MI Detachment. I think that's all. There were quite a number of them.

Q. These were initiated by you in the course of your business as a reporter?

A. Yes, sir.

Q. Did they provide you any significant information concerning the events in My Lai (4) on 16 March 1968?

A. Well, they provided information of which they had knowledge. I'm not sure I'd call it significant. They were--none of them were eyewitnesses. So there was nothing as to who was where, and what platoon was here, and how many bodies they saw. These people were mostly headquarters people who had some knowledge of the affair. We would get things over the wire service on which I felt these individuals could elaborate. I would contact them, and I would talk to them. I don't really think I could think of anything significant that they said.

Q. What did Lieutenant REID tell you? Did he have any knowledge of it? The task force liaison officer to the brigade?

A. Not a great deal. He was in the Barker operations center on the day it happened, and the one thing that he could comment on was the fact that there was firing that day. When the story first came out, there was the question of the fact that there was no enemy in the area. And these facts had been played up quite prominently in the press, that these people went into an area where there was absolutely no enemy at all, and Lieutenant GORE and Lieutenant REID stated that they had heard, over the radio, firing in the area. This was about the extent of their knowledge.

Q. Lieutenant GORE, he was the one who was the headquarters commandant?

A. He was headquarters commandant.

Q. What was the name of the lieutenant who was with the MI detachment?

A. Lieutenant HAWKINS.

Q. What did Lieutenant HAWKINS tell you?

A. Lieutenant HAWKINS spoke to us about a picture which was released about 2 weeks ago, or 10 days ago, in the Columbus, Georgia, paper of a platoon of Viet Cong. He had knowledge of that picture, and could tell us some of the background about the picture and how important he thought it was. That was kind of an insignificant story I felt and a --

Q. (Interposing) A platoon of Viet Cong?

A. A platoon of Viet Cong, a picture of which was released by someone, a former member of the brigade, an anonymous member of the brigade, to The Columbus Ledger-- Columbus, Georgia, Ledger. This picture was carried on the wire services with the story about the picture, and we contacted Lieutenant HAWKINS because he was in the detachment which processed the picture.

MR WEST: Would you describe it for General PEERS?

A. Well, not being an intelligence officer, it looked to me like it was a straightforward, in ranks, picture of a platoon of about 35 or 40 Viet Cong with eight or ten weapons, including a 60mm mortar. They were all in line and their advisor, or what Lieutenant HAWKINS thought to be their advisor, was with them. The picture was reportedly found several weeks before the My Lai (4) incident and although no one could--I don't think attempted to say that these people were in My Lai, they were in the area. They were in the Muscatine area. That was where the picture was found. It was captured. I don't know whether it was a still or a motion picture film, but it was captured film and --

Q. (Interposing) Were there any women in the ranks?

A. There were women in the ranks, right, women and men. Three or four, I'm not sure.

IO: The Columbus Ledger?

A. The Columbus, Georgia, Ledger.

Q. When you were in the brigade, when did the situation in My Lai (4) first come to your attention?

A. Well, it came to my attention the night it happened. My prime job, most of the time I was in Vietnam, was to write and call to division headquarters a nightly situation report of the activities in the brigade that day. In that capacity, I went to the operations center every night that I did it, which was most of the time that I was there. Not every night, but most nights. I looked at the operational maps, got the tally for the day, and made any additional calls that I thought would be necessary, depending on how important the day's action was. Then I wrote out a story and submitted the story to the division information office.

Q. And what do you recall about these figures that you indicated you received?

A. What do I recall about them?

Q. Yes?

A. Well I--I think probably the only reason why the incident stays in my mind was that it was, until that time, the biggest action in which the brigade had been involved. If I'm not mistaken, it may have been the biggest action in which we were ever involved while I was there, from the standpoint of enemy killed. But I remember the 128 enemy soldiers reported killed and three weapons was--it was a vast discrepancy. Since I was not a field commander I--I was not in possession of any knowledge to comment on it. I just felt, in my own mind, that there was a discrepancy in the number of weapons against the number of enemy casualties.

Q. Did you talk to anybody in the S2 or S3 shop about this?

a. I don't recall talking to anybody, certainly not by name. I would talk to them periodically, if there was something that I didn't understand, something which I wanted to know. I don't recall talking to anybody that night about it.

Q. Did you receive a report of any division casualties?

A. I did not.

Q. Let me have the log of Task Force Barker for 16 March.

(Recorder handed the log, Exhibit M-14 to the IO.)

I have here, Mr. DUNN, a copy of the log from Task Force Barker dated the 16th. I would ask you to turn to page 4 and look at the item at the bottom of the page, item number 39.

(Witness does as directed.)

A. "Company B reports that none of the VC body count reported by his unit were women and children. Company C reports that approximately 10 to 11 women and children were killed either by artillery or gunships. They were not included in the body count."

Q. Do you notice that this--in the next column, that this was reported to the 11th Brigade?

A. In the action taken column?

Q. Yes.

A. Yes, sir.

Q. When you received the report of--the statistical report of enemy killed, weapons captured, friendly killed, and so forth, was this matter called to your attention?

A. Not that I remember, no, sir. I doubt very seriously whether it would have been called to my attention in any instance such as this, because information channels are not concerned with civilians. And we were--anybody that we reported was an enemy soldier. That's all there were. No--we made no differentation between men and women, adults and children, or enemy or civilian. Everybody that we reported--everybody that was reported to us and that we reported to division, was an enemy soldier. So there would have been no need for anybody to draw this to my attention, and say that these people are enemy soldiers and those people are civilians. There would have been no--the body count that the brigade reported through their S2, I guess, or up to G2, or up to G3, their total report was the figure that we used in our report for information channels. These two figures had to coincide. If there was any discrepancy about it, they would probably use the TOC figures.

Q. Did Specialist ROBERTS and Sergeant HAEBERLE work for you?

A. They worked in the office I was in, yes, sir.

Q. Did they report to you that evening on what they had done that day in My Lai (4)?

A. Very little, as I recall. It was a--there was no need for them to report. It was not a standard procedure that we asked the people, when they did go in the field, to report to us when they came back. When they came back, their job was to get their film processed and to write their story. Although we usually did talk to them at some length or just in casual conversation about what they had seen, how it was, whether the terrain was rough, whether they got wet, and this kind of thing, as I recall we didn't have much conversation with them, or at least I didn't, that night.

Although I do recall Sergeant HAEBERLE saying he got some good pictures. I don't know whether I personally asked them how it was out there, or whether somebody in the office asked them and then they told me about it. But in the back of my mind, I kind of recall that they didn't want to talk about it too much. This is pretty vague in my mind, but this is how--the way I recall it. And I don't know whether they talked to anybody else or not. Usually they live with the other enlisted people, and possibly they might have mentioned something to them. But to my own knowledge, they didn't say much at all. I just got the impression that what they saw for some reason or other, they didn't want to talk about at any great length. This is not uncommon. I don't know whether they had ever seen--I know they had never seen an operation this big before, and I didn't know, maybe this was the first time they had ever seen dead bodies, enemy soldiers killed, or Americans wounded or, if there had been any Americans wounded, possibly this a--it might have affected them that way.

Q. Well, Mr. ROBERTS seems to recall that he did talk to you and tell you what he'd seen down there because this was far from--although he had been in some actions before, he had seen nothing that could compare with this. And he wasn't, I take it, too talkative about it. But at the same time, he felt obliged to tell somebody about it, and he has indicated that he had talked to you on it.

A. Well, he wouldn't have necessarily had to talk to me. I'm not ruling out the possibility that he did because I just don't recall. There is nothing in my memory that stirs up any conversation with him about that incident on that night. He may have talked to Lieutenant MOODY, I don't know, he a--but I don't recall any conversation with him.

Q. Well, concerning this PIO section of yours, unless it is vastly different from PIO sections with which I'm acquainted all the people live very closely together.

A. That's true.

Q. For this is a very small section, an officer or two, and a couple of noncommissioned officers and people of this category, and as a consequence everybody is sort of on an informal basis, and in these PIO sections, irrespective of the personnel, they are officers, or noncommissioned officers, or whatever they may be, they're specialists, in effect, they do work together. This is the kind of situation that I would have expected existed in your shop.

A. Pretty much so, yes, sir.

Q. As the press officer, which I believe you indicated you were, would the pictures which had been taken by HAEBERLE been shown to you?

A. He took pictures on both black and white and color film that day, and the color pictures would not have been shown to me because they were not processed in Vietnam as I understand it.

Q. What about the black and white?

A. The black and white? The ones that we considered sending out would have been. I would have seen those.

Q. Would you not see all of them?

A. Not necessarily.

Q. Did you send any of them out?

A. Yes, sir. I don't recall how many, but we sent out quite a few. As I recall, he got some very fine pictures that day, what we considered good pictures. That plus the fact that it was a big action.

Q. Did you know at the time that he had a color camera with him, or another camera with which he was taking color film?

A. Yes, sir.

Q. Is that within the rules of the PIO business, that an individual can go along and take pictures on the one hand and take pictures on the other, and keep one for his own personal use and personal gain and the other he turns in to the goverment?

A. Well, there was no thought about personal gain at that time. And I'm not sure about the rules. I suppose the rules say that its--although I don't know, I just don't know about the rules. I know that a great many GI's did have cameras over there. This was Sergeant HAEBERLE's custom, to take pictures, color pictures for which we had no need. No one in our channels had any use for color pictures unless there was a specific request for them. If they were formulating a slide show or something at division, they would want some. In our channels we had no need for color slides.

But he was a professional photographer, at least in our little world he was. He was the finest photographer we knew, and we had an idea that he was going to be a professional photographer when he got out. I don't know what's he's doing now, but we assumed that he wanted to take his own pictures so he would have some kind of portfolio when he went back to apply for a job.

Q. Were you aware of the fact that what he was trying to focus on that day, as well as other days, but primarily this day, was atrocities?

A. I was not. I had no idea what went on up there. I don't--I really didn't know what he focused on. I assumed that he took the same kind of pictures for himself that he took for the government. What the--he knew, of course, that there were restrictions about what kind of pictures we wanted to send out. And --

Q. (Interposing) Let's say you got an atrocity picture that came out in black and white. What would you have done with it?

A. We would have filed it or perhaps destroyed it. We certainly wouldn't have sent it out.

Q. Would you call it to the attention of your commanding officer?

A. Well, I'm not sure I'd know an atrocity picture if I saw one. If it was a GI slashing somebody's throat, perhaps I would call it to the attention of somebody. But I don't believe our photographers ever--well I can't say. Let me only say that I didn't see many pictures which were ruled out from a--ruled out from a--that were too bloody, or showed things which were detrimental to the Army. There were a couple. I remember a couple but --

Q. (Interposing) Did you call those to the attention of the commander, good, bad, or indifferent?

A. You say, would I?

Q. Or to the S2 or the S3?

A. The kind of picture to which I'm referring, and the one that does stick in my mind was a picture of a--of an officer, I believe, though I'm not sure, with a knife pointed at a Vietnamese. Whether he was an enemy soldier, or whether he was an informant or possible informant, he was holding it to his throat and in my mind this kind of action was not uncommon, was not--not happening every day, but was not an uncommon action. And I wonder what their reaction would have been if I had run over and said: "Look at this picture!" I---you know, I don't think they would have done much about it, although this is speculation on my part.

Q. Although we will get into it just a little bit later, you certainly had received basic training, and you had received training as an officer. You were familiar with the rules of land warfare and the Geneva Convention. You were familiar with MACV and other regulations concerning the handling of noncombatants and the treatment of POW's. This is part of the officer's code, that whenever we see these things, it is mandatory that we report them.

A. I don't know what I can reply to that, sir. What you say is true, but I can only say that I think I would have been wasting my time. I can't--I just don't feel that--I can't say that what I saw in pictures was of such nature that anyone would have taken any action about it.

IO: Get me that set of pictures will you, the black and white ones.

RCDR: Yes, sir.

(Handed Exhibits P-2 through P-25 to witness.)

A. Not that one. Yes. No. Yes.

MR WEST: I wonder if you could just indicate the number as you go along. It would help us.

A. Right, I'm sorry.

IO: Well that's all right we can --

A. (Interposing) 2 and 4, no.

Q. Instead of doing that, let's wait and see the ones with which you are familiar. Then you can list them in one set of numbers, and those with which you are not familiar in another set of numbers.

A. Yes, sir.

(The witness did as directed.)

Q. Would you indicate those which a --

A. (Interposing) These are the ones I do not recall: 25, 24, 21, 20, 19, 18, 17, 16, 15, 14, 13, 12, 10, 7, 6, 4, and 2. And the ones that I do recall are: 23, 22, 11, 9, 8, 5, and 3.

Q. Now, Lieutenant DUNN, how was it that you didn't see these other pictures on--which you've indicated here? Would not your photographer have shown you all the pictures that he took?

A. Not necessarily. Evidently he didn't on this occasion.

Q. How many photographers did you have?

A. At the time I believe we had four. It varied from time to time, so I--the most we ever had was six, and the least I believe was three. I think at that time we had four.

Q. Quite a few, then. I think that's more photographers than I had in the 4th Infantry Division.

A. We had a very large information office, too large. Everybody knew it, but nobody ever did anything about it. We were much too large, because we had been a light brigade. We had been a separate brigade. This was the situation in a lot of our staff sections. They were much too large for a normal, regular division.

Q. I refer you specifically to pictures 14, 15, and 16.

A. All right, sir.

(Witness examines the three photos.)

This picture has been in one of the magazines, 14 --

Q. (Interposing) You say you've not seen those pictures?

A. Not that I recall, no, sir.

Q. Would you not expect that your photographer would have called such pictures to your attention?

A. For what reason, sir?

Q. Because they are in violation of the orders of brigade and division.

A. This one I can certainly say he should have.

Q. Yes, which one is that?

A. Sixteen, with the body in the front here. I'm not sure what they would have said about these two.

Q. Mr. WEST, what are those numbers?

A. These are 14 and 15.

Q. Well, what did you understand the division policy to be and the brigade policy to be with respect to burning down houses, hootches, or living quarters?

A. I'm not sure I ever really considered brigade or division policy. I don't think this is the kind of thing they would do in front of a camera team. But I don't believe this kind of action was uncommon. As I say, I'm speaking as a rear echelon staff officer, maybe I'm--maybe I don't know of what I speak, but I don't believe that this kind of action is so uncommon that it would call for any kind of action to be taken right at the time. They might well have told them not to do this again.

But, I can't think--I don't know what else they would have done. Of course, I'm not in a position to decide. I wasn't at the time, and I'm not now. I'm not sure that if these pictures were called to my attention at the time I would have done anything.

Q. Well, certainly seeing --

A. (Interposing) 16, perhaps.

Q. The three of them together, it is clear it should have raised some doubts in your mind. From previous testimony we are of the impression that the--the fact that some unusual things had taken place in My Lai (4) on the 16th of March was not only well known, but also was well discussed within the PIO section.

A. Not in front of me, sir. I recall hearing nothing of a massacre. I recall hearing nothing of an unusual nature that went on. I can see now, in retrospect, that perhaps I should have asked some questions concerning the number of people killed and the number of weapons captured. But, as I say, I'm not a field officer. I am not that versed in tactical operations. I was an Infantry officer, that's true, but I was an information officer. I was not in the field every day, and I had very little firsthand knowledge of what went on out there. It was pretty much what I heard from other people secondhand, hearsay. I heard nothing of a massacre at the time. And I heard nothing of any atrocities that took place in My Lai (4). I can say from looking at the figures, the 128 and the 3, that perhaps it wouldn't have surprised me too much. But the figures, as I recall it were attributed to artillery. It is not hard to understand, that 60 to 70 people were supposedly killed by artillery. I'm sure that everybody knows that all the combatants in Vietnam don't carry weapons. I don't mean to say that because the figures were so diverse, they were--that it couldn't have happened that 128 enemy soldiers were killed and 3 weapons were picked up. It is possible. It's not probable, however, in my mind.

Q. I have here an extract from The Washington Post, 28 November 1969, in which it says: "November 23rd, former Army information officer wrote the first press release about My Lai (4) from official battle reports; said he was suspicious of it right away." The Chicago Tribune was quoted in a copyright story in its Friday editorial, in its Friday edition. And it went on to say: "He knew it was fishy when he saw the battle report of the action now alleged to have been the massacre of hundreds of Vietnamese civilians."

A. I would only amend the comment, "He knew it was fishy." I described it as fishy at the time. I'm not saying I knew--I know that it was fishy at the time. There seems to be a little difference of connotation between "he knew it was fishy" and "I described it as fishy." The figures were suspicious and fishy and I still hold to that.

Q. But you didn't feel that it was fishy enough that you would go ask anybody about, is that correct? Did you talk to anybody about it? Did you talk to the commander? Did you talk to the executive officer, the S2, the S3?

A. I did not, no, sir. They were--of course they were not in my area. I could have--perhaps I could have called them. But I did not talk to them. They were not at Bronco. And besides, this was task force.

Q. The brigade?

A. They were there. I did not talk to them.

Q. I always felt, as a commander, when I had a PIO, that he could walk in any hour of the day and night and get an explanation of something.

A. The explanation was on the tactical operations center board, and it's all hypothetical what would have happened if I, or anybody would have broached this subject with anyone. Whether it were the S2, the S3, Colonel HENDERSON, or Colonel BARKER, or--but I feel fairly certain that they would have said 69 killed by artillery, and 14 killed by whatever--however the breakdown of the figures was that night. And I could not refute what they would have said. I could not have.

Q. I have here a copy of the 11th Infantry Brigade newspaper entitled The Trident. This is a copy from the 22nd of March, 1968. I would like to have this entered into the record as an exhibit.

RCDR: Let the record show that it is marked as Exhibit M-17.

(Recorder marked the exhibit.)

IO: I show this to you and ask if you have seen this before?

A. Yes sir, I was the press officer--the officer in charge of The Trident.

(Witness examines exhibit.)

Q. Who prepared the article?

A. This article about Task Force Barker?

Q. Yes.

A. Jay ROBERTS.

Q. Did you assist him in the preparation of it?

A. As I recall, the first two paragraphs had been written by me on the night of the 16th.

Q. Do you recall a discussion with Specialist ROBERTS on this article? On the preparation of it?

A. No. None, other than the fact that he seemed to have trouble writing a lead for it. So we finally decided that we'd use the lead that I had sent to division that night, the night of the 16th. Other than that, I can recall no discussion about it. Although undoubtedly there was one. I was his direct--I was his immediate superior. I just don't recall. I don't recall that he told me there was a massacre, and I told him to cover it up or anything. There was no--to my memory there was no discussion of that at all. I do remember that he was having trouble writing a lead for the story, so we decided that we would use the one I had written the night of the 16th.

Q. We have been talking to Mr. ROBERTS and he was--indicated that he was greatly upset by what he had seen that day. We talked to him at considerable length about this point and his attitude and so forth. So we got down to this article. So I asked the question:

> "Did you have any revulsion in writing such an article?"

He answered:

> "I did when I first got back, I think. I seem to remember mentioning it to Lieutenant DUNN: 'How can I say this, that we've killed all these people and didn't capture anything; it makes us look pretty bad.' And he said: 'Go ahead and write something. I'll help you with it,' something like that. When I wrote it, I more or less followed the lines that he had used when he made up his report to division, which mostly was just fact.
>
> "Q. Had you discussed all the facts which you observed, civilians, women, and children killed or being killed, with Lieutenant DUNN or Lieutenant MOODY?
>
> "A. I'm certain that I mentioned it to Lieutenant DUNN, but I don't recall mentioning it to Lieutenant MOODY."

A. I don't recall it, but as I say, I can't rule it out. It was a long time ago. I don't rule out the fact that he did talk to me about it. I have no--I just do not recall him mentioning anything other than the fact that he could not write the lead and, well, I think he couldn't write the lead because I think he thought, or maybe knew, that the figures were--didn't quite jibe. Maybe that was his problem. That was the same problem I had that night.

Q. You've seen the color pictures which came out in Life magazine, haven't you?

A. I saw the ones in Life magazine, yes, sir.

Q. If you had known that he had seen those scenes, plus several others, I think you can visualize the problem he was having.

A. I certainly--surely can.

Q. I think you said that you had no indication that they had seen any civilians killed.

A. Well, I had no indication that they had seen a massacre. I can't say that I had no indication that they had seen civilians killed. Again, while I cannot speak with any authority on it, I do not feel that instances of civilians being killed in a crossfire or by artillery were so uncommon.

Q. Did he relate the fact to you that the thing that stood out in his mind, and in Sergeant HAEBERLE's mind, was HAEBERLE taking a picture of a small tot, a toddler as they put it?

A. He told me that over the phone subsequent to the story being run in the paper. I do not recall him telling me that on the night of the 16th or any time subsequent to that. He told me over the phone about the incident. This was the same thing which appeared in Life magazine. It was the same conversation that he had with somebody in the office. I don't recall whether there was anybody specifically named, but he did say in the article, or was quoted as saying, that he did discuss Sergeant HAEBERLE having a small child in his viewfinder. The child went out of his view and when he looked up, or he heard a shot and he looked up, he saw the child was dead. That was in Life magazine. He did--he related that to me over the phone and said: "Did I tell that to you?" And I said not as I recall. So he said: "Maybe I told it to somebody else. I remember telling it to somebody in the office."

Q. From what you had heard, did you ever have a feeling that some atrocities had been committed in My Lai (4) on that day?

A. Nothing at all, no, sir. No, sir. Maybe that's--maybe I didn't keep my ear close enough to the ground, but I never heard of anything taking place up there that would--I don't recall them ever mentioning the thing at all right after this article was written. I don't recall. I think it was dropped.

Q. Do you know where the information came from in this article that an enemy force of 35 entered the village?

A. No, sir, I don't know where that information came from. It is quite possible it came from the TOC that night, very possible. But I don't recall. (Witness reads the newspaper) "Had entered the village and had picked up weapons or--"

Q. (Interposing) No. If you look down toward the bottom part of that column you will notice that --

A. (Interposing) "One of ten suspects apprehended by the company told an interpreter 35 VC had moved into the village 2 hours earlier." I don't know from where that information came. Jay ROBERTS told me over the phone that he had talked to people in the field. He talked to Captain MEDINA sometime during the operation, and he may have talked to one of the military intelligence people who were there. He may have gotten the information from them. I don't know whether this bit of information was in my article that I submitted to division that night. I don't recall.

Q. It seems very unusual, you see, that that would appear there. Mr. ROBERTS' account of the story, what he actually heard from the interpreter, the MI officer, and so forth, was that 2 hours before the combat assault, 35 or 40 of the enemy had departed the village, which is quite the opposite from your story. Yet it appears in an article which he is purported to at least have had a hand in writing.

A. I am not sure what all this is leading up to.

Q. What I am saying is that, on one hand, he is indicating that when he tells us about talking to the MI people on the ground, and when he is with the old man who happened to have a couple of children with him, the old man is providing information that the enemy had left a couple hours ahead of time. And yet when we get down to the article of which he was in part the author, which he had a very difficult time writing, and which he indicated that he couldn't really put together, that he had been assisted in writing the article by you, we get not the fact that 35 or 40 had departed the village, but, in fact, 35 had come into the village.

A. There certainly is a discrepancy there. I could not have assisted him in writing the article other then to have shown him what I had written the night of the 16th. That would have been my only knowledge of what took place there--it would have been what I got from the operations center. What I had written was a matter of record in our office. What I would have written and submitted to division.

Q. Do you recall the training you received in rules of land warfare and MACV regulations before departing Hawaii with the brigade?

A. No, sir, I don't. I am sure we got something, but I don't recall it.

Q. Were you ever advised that, as an information officer, you and all of your people, and anybody having to do with intelligence and things of this category, along with chaplains, medics, and so forth, you had an obligation to report any atrocity which you saw, or any alleged atrocity?

A. I don't recall being told that as an information officer. I think that is the humanitarian thing to do no matter what your capacity is in the service. I don't recall anybody having told me because I am an information officer that I should do this.

Q. No, it is expected that the combat forces will. But then it also adds to this. (IO requested MACV Regulation 20-4.) I have here MACV Regulation 20-4 and specifically I will call your attention to paragraph 5a. This regulation is Exhibit D-1. On the second page, 5a. Were you familiar with that?

(Witness reads the regulation.)

A. I don't recall ever having read that, but common sense would tell anybody that without having to read it in a regulation. I can't say that I was not responsible to do this because I hadn't read it.

Q. I am not thinking of only you, but I am also thing of the men who were under you. Were they informed? People such as HAEBERLE and ROBERTS and the other people who worked for you in the PIO section. Did they feel that they had a responsibility to report, and to report to you, what they had seen, and to show you these pictures?

A. I can't say what they felt about reporting. I don't know whether they had ever read this, or whether it had ever been read to them. I would assume that it had been read during our outprocessing from Hawaii, or soon after we got to Vietnam. I am sure that this regulation was made available or read to everybody. It was intended to be.

Q. Would this not be part of your responsibility as a commander?

A. Well, I suppose so, yes, sir.

Q. It is easy to say: "Well, I don't know if they knew anything for sure or not," but the fact remains that you are the commander, and if you have people working for you--you are responsible.

A. Well, now, that is true, and I am sure that you are probably tired of hearing somebody say: "Yes, but the man ahead of me was responsible." This was true in my case. There was an information officer; there was a headquarters company commander. That does not relieve me of responsibility, but I was not their commander. When you say I was their commander, that is not true. I was in their chain of command. I was directly above them.

Q. They reported to you as a press officer for duty, is that correct? For assignments, and what they would perform, and what they were to accomplish?

A. In matters regarding the stories and pictures, they did. Yes, sir.

Q. I have here another exhibit, Exhibit D-7, dated 30 January, Regulation 525-1 from headquarters of the 11th Brigade, "Combat Operations, Rules of Engagement," and ask if you have ever seen this document?

A. I am sure that I have.

Q. You will notice the two changes which are attached to it. Change 1, dated 9 February 1968, covering the employment of small arms and automatic weapons, paragraph 4f (2) indicates, and I quote: "Commanders will exercise utmost care to insure minimum noncombatant casualties and property damage." Were you aware that the village of My Lai (4) had been fairly well razed?

A. No, sir. It certainly would not have surprised me, though, if I had known at the time what I know now, that is that the combat troops there had been receiving many casualties in the village. I was not aware specifically of any village being razed. But, again, I would say this is not an uncommon mode of operation for a search and destroy mission, to go in, to round up the villagers, and to burn the village. This would occur if they had been having trouble in that area, if the enemy were being resupplied from the village, if they were being sniped at from the village, or if they were hiding the enemy at night. Of course, I am not a field commander, so I cannot say that this happened. I can't enumerate specific instances where it did. It was my understanding, though, that if they were having trouble with the village they would raze it. They would do so only after the villagers had been rounded up. They would not go in and raze it while they were asleep or still in the village. If I had found out that the village of My Lai (4) had been razed, I would have thought, well, that is not uncommon.

Q. Well, just to go to the reverse of this, then it was common for them to raze villages, is that correct?

A. Well, I can't say that, no, sir. I can't say---it may never have happened. I was never on the scene when it did happen. I was quite away back, and I cannot speak with any authority of what went on in the field at all. Certainly not in my line.

I wouldn't say that it happened, but I would not be shocked to hear that it happened. I couldn't say that it happened once a day, once a week, or once a month. I can just say that it does not surprise me that that kind of thing happened. I can understand the reason for it, and I am sure that commanders in the field can too, after they had seen some of their men shot and killed, after they know enemy are in the area--that is all that I go on.

Q. Had you ever heard of an operation where they just rounded up the women and children, and then burned the village down and didn't have any means of taking care of them?

A. No, I never heard of an operation where that took place. Again, I would say that the usual procedure, as I understood it, was that the people were rounded up and sent to a refugee camp. This was the way I understood these kind of operations, sir, these kind of incidents when they happened.

Q. I get the impression, Mr. DUNN, even in this small section you had, where you were all living close together, and where you had ROBERTS, HAEBERLE, and I forget the name of the senior noncommissioned officer whom you had in the section. What was his name?

A. Sergeant STONICH.

Q. And you of necessity had to live close together. And according to the testimony we have had, there was more than a little discussion about the thing. But you weren't aware that anything had gone on?

A. I was not, no, sir.

MR WALSH: I wonder if you can describe for me your understanding of what the fuction of your office was at brigade?

A. We were to provide information, command information, which was pretty much funneled from division, to lower echelons through our office, to the battalions and companies. That was one function. This was another function, which was a form of command information: we were to provide stories and pictures --

Q. (Interposing) You are referring to pictures P-17 and P-20?

A. It was one of our command information functions and also a public information function in that it was sent to higher headquarters.

Q. Focusing on the second and third aspects, that is, furnishing information to higher headquarters, would it be fair to say that your function was to provide higher headquarters with good information about most of the brigade?

A. Certainly, yes, sir.

Q. In other words, you didn't perform the function of finding information of all kinds and transmitting it to higher headquarters that you performed for The Chicago Tribune?

A. That is exactly right. There is a fine line there between those two, my job in the brigade, and my job at The Tribune.

Q. You said there is a difference?

A. There certainly is.

Q. Now, I would like for you to be a little more specific about it. For example, during the course of your service in the office, the brigade information office, did you ever have occasion to report information which might be called derogatory or unfavorable information about the brigade?

A. Did you say did I ever have occasion to do it?

Q. Yes. Did you do it?

A. I never did it.

Q. Would it be fair to say that if, to assume that if Mr. ROBERTS had presented you with an article on this operation that began something like, "Task Force Barker today got something like 128 VC and a few children along with it," you would immediately "blue pencil" the part about the few children? Is that a fair estimate of how you would have reacted in view of your concept of your function?

A. Yes, sir, there would have been no reason to move this information along.

Q. Because it did not reflect favorably upon --

A. (Interposing) Also, it would have been "blue penciled" at a higher level, and they would have called us and said: "What the hell are you doing sending this kind of information up through channels?"

Q. Did such an occasion ever occur where you included something that reflected unfavorably upon division?

A. It happened. I can't say when. There were occasions of differences of opinion that we had with division. I don't know whether these differences referred to derogatory stories---never derogatory stories. People in our offices had been trained at the information school. They knew what was asked of them, what was required of them. I had been trained there and I knew.

Q. In the course of that training, are you given instruction that the function that you perform is not to transmit unfavorable information about your unit, but only favorable information?

A. I can't say that that type of training is in the doctrine of the information school, but it is certainly understood.

Q. Was that concept made clear to Sergeant HAEBERLE and Specialist ROBERTS when they were in your organization?

A. I don't know whether we ever sat down and said: "Now listen, fellows, if you see something that is nasty, don't write it or don't photograph it." As I say, the concept was understood. There was no mistake about it. They knew it, I knew it, and Lieutenant MOODY knew it.

Q. Would it be a fair characterization of your understanding of your offices' function to say that it acted as a public relations office normally does in private life?

A. Sir, I have no personal knowledge of public relations functions. But to my understanding, that is exactly what we were. We also operated as liaison in case there were any civilian news people in the area. We were escorts as such. But I think the public relations function would be--that was pretty much our job.

Q. Would it be fair to say that your impression of the understanding that Mr. ROBERTS and Sergeant HAEBERLE had of their function would lead you to believe that they, without having to be directed or told by anyone, would understand that it was--it would not be right or the required thing to do, to make a report to higher headquarters with unfavorable things, civilians being killed and other things that they might have seen at My Lai (4).

A. I think I lost your specific question but I--you say, would they have understood that this was not required of them?

Q. Right.

A. I feel certain that they would have.

IO: Would they have understood, then, that they couldn't print it, but they were still to report it within the chain of command?

A. I can't speak for them in that regard. I don't know whether they felt that way or not. Perhaps they did. They shouldn't have, but perhaps they did. Then again, perhaps not.

MR WEST: As you probably gathered, one thing that we are looking at is the amount of training that had been given to people in the brigade and the division, and the matter of our obligations under the Geneva Conventions, Hague Convention, and rules of land warfare. Do you recall, while you were in Vietnam, did you receive any instruction at all, such as refresher training in the Geneva Conventions?

A. We, I believe, got the little cards. I don't recall any refresher training.

Q. There were no lectures that people were required to attend?

A. I can't speak for the enlisted people. Perhaps they did have. Some of headquarters were required to attend--I don't recall personally ever attending any such training.

Q. The headquarters company commander was responsible for the training of enlisted men in your section?

A. And for my training, too. I was assigned under --

Q. (Interposing) You were in Headquarters and Headquarters Company. Have you read the story in Life magazine concerning the My Lai (4) incident?

A. I have, yes, sir.

Q. You are familiar with how HAEBERLE told his story and how it is set out in there?

A. I read it but I don't say that I --

Q. (Interposing) You can tell, though, that it presents a story of a substantial number of non-combatants, including women and children, killed at My Lai (4). Is that correct?

A. Yes.

Q. If I understand your testimony, you never heard anything of this while you were with the brigade. ROBERTS and HAEBERLE never mentioned anything of this nature to you?

A. No, certainly not HAEBERLE--HAEBERLE was kind of a close-mouthed fellow. He wouldn't have been the type that would come blowing into the office and say: "My God, there was a massacre up there." He was not a loner, but kept more to himself than ROBERTS. ROBERTS would have been more likely to have been affected by it than HAEBERLE. But I don't recall either one of them ever bringing it to my attention that there had been a massacre there. Perhaps ROBERTS said that there were some civilians there. Otherwise, I don't recall.

Q. At any time subsequent to this, did you hear any talk about such a thing around the headquarters?

A. Never, never. The only time--and I feel pretty certain about this--that I would have been aware of this at all, would have been the night that they returned. ROBERTS may have said something, but I don't think that they really did.

Q. Did you ever hear of an investigation being conducted into the matter of civilian deaths at My Lai (4) on 16 March?

A. No, sir.

Q. Nobody ever talked to you about it?

A. No, and I would probably not have been aware of it. Well, perhaps I might have been, but I didn't hear of it. I was pretty far down the line, and I doubt if they would have talked to me unless the question of HAEBERLE's pictures came up. They then might have talked to me or might have asked me to send HAEBERLE up to see them.

Q. When was the first time that you heard of the My Lai (4) incident as it is now known?

A. Well, the first time I heard of it was in a story in the paper by Seymour HERSH. That is the first indication I had of it. But I don't recall the dates. Sometime in the middle of November.

COL WILSON: Do you know Captain JOHNSON?

A. Sure, right, sir, Dennis JOHNSON.

Q. Did you ever specifically show him photo number 5 of HAEBERLE's photographs?

A. It was not my position to show anybody these photographs except to maybe Lieutenant MOODY, if there was any question as to which one was to be sent out. I believe I did show him this picture.

Q. Why?

A. Because I wanted to know if that was he, Lieutenant JOHNSON, in the picture. I believe we sent this picture out--we released this picture, and I think I asked him if he was in the picture, and I said: "Well, we are going to send it out. You are going to be famous." Something along this line. I believe that is Lieutenant JOHNSON, although from that picture it is impossible to tell.

Q. Would you recall a story of someone telling you that a small child had been killed?

A. It seems that I would. You are saying--this is a hypothetical question--if somebody would say to me that a small child was killed and explain the circumstances of it, would I recall it?

Q. Yes.

A. I believe I would, yes, sir.

Q. Is it reasonable to say, then, that you weren't told this?

A. I don't recall having been told this.

Q. We have reason to believe that Sergeant STONICH had seen some of these photographs, and had told HAEBERLE not to show them to anyone. Do you know about this? Had you heard of this?

A. I do not.

COL FRANKLIN: You mentioned that you had no first-hand knowledge of combat operations, and this is understandable.

A. Not until later than My Lai (4).

Q. Yet you make these kind of statements: raze villages, burn a hootch, or a lieutenant with a knife at a throat. Just what gives you the reason, or the basis, for making these statements? Why do you feel that way?

A. I can't answer that with a, b, or c. I think I have attempted to preface all these statements by saying that I have no firsthand knowledge of what went on in the field. These are impressions that I have--

Q. (Interposing) From whom?

A. I don't know from whom, I don't know.

But talking to people who had been in the field, who had more experience in the field than I do, seeing these pictures, I would say--if I saw a picture with a lieutenant with a knife at somebody's throat, if I questioned it, or if it was the first time I was aware of it, I am sure that I would have said: "Hey, what is going on here? Isn't this a little unusual?" Perhaps somebody who had been in the field a lot more than I have would have said: "No, this happens all the time." These are some ways that these impressions would be arrived at.

IO: Mr. DUNN, before we terminate this hearing I would like to have you--give you the opportunity of providing us with any additional information, making any statements, asking any questions, or doing anything of this nature which, in your view, may assist us in fulfilling the purpose of this investigation. You were there, and there may have been certain things that happened that have had considerable influence on you. So, if you have anything such as that, we would very much appreciate having it.

A. I cannot recall, as I think you have been able to determine from what I have said. My knowledge of this was pretty limited at the time, other than my going to the operations center and obtaining the figures which I used to send to division. I never heard the word massacre mentioned; never at any time in Vietnam, in regard to My Lai(4), or in regard to any other operation.

Q. Did you hear the word murder?

A. No, sir, not that I recall.

Q. I think that you can see the sort of quandary that we are put in. In my time in South Vietnam, I had operated very closely with PIO type personnel, quite a few of them. I know how they operate, and I know how I operated with them. I would have expected that if anything went wrong, or if they were even suspicious of anything, that I or, within the chain of command, that we would have known.

Another thing is that we have had individuals here who have indicated that they--within the PIO section there was more than a little talk about what took place at My Lai (4). You were a part of this organization, you provided the supervision and control, and yet you had no knowledge of anything that went on. So this leaves us in somewhat of a dilemma.

A. I can understand this.

Q. This is not what would be normally expected, let's say. Let's put it in those terms. So, if you have anything at this time, and I would also ask that if you have anything in the future that comes to mind as this situation develops, we would appreciate very much if you would get in touch with this office. This is in terms not only of information of thoughts that might come back, but it might be in terms of additional photographs that might be available, maps, memorandums, anything that pertains to this particular activity. We would ask that you do that.

A. Yes, sir.

Q. Before we terminate this hearing, I would just like to make this statement to you: that you are requested not to discuss directly or indirectly with others the My Lai (4) incident, including the subsequent investigation report, with anyone that may have been connected with the incident in any way, or who is to be or had been a witness in this investigation. This would not apply, of course, if you were required to discuss the case in other administrative, quasi-judicial, or judicial proceedings. This also would include legislative, because I am sure you are aware of the fact that there is an investigative committee within the House Armed Services Committee which is looking into the incident. You as an individual may be called before this subcommittee, and if you are, what we are telling you in no way prohibits you to discuss freely with them your participation in this activity.

A. Sir, also, as a reporter, this would put me in a rather peculiar situation in that I have no intention of discussing this with members of the press, as such, but I do think I have the right to discuss this with my immediate superior. I don't know in what regard this will--what form this will take, whether they will want--how much information they will want me to provide.

MR. WEST: I think that that should be governed by the conversation between General SIDLE and Mr. ANDERSON.

A. I think that they came to an agreement about this.

MR. WEST: Whatever that understanding was, that would be our thought.

IO: The hearing will recess.

(The hearing recessed at 1730 hours, 22 December 1969.)

SUMMARY OF TESTIMONY

WITNESS: FELIX, Howard

DATE OF TESTIMONY: 11 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Assigned to S3 Air, 11th Brigade. Worked with Lieutenant Colonel MACLACHLAN for bombing missions. Scheduled helicopters for battalion commanders during combat assaults.

1. KNOWLEDGE OF THE OPERATION.

FELIX thought he was in the TOC on the 16th (pg. 9). He did not remember hearing a transmission regarding a threat made by a helicopter pilot directed towards the ground forces (pgs. 9, 10). He heard nothing around the TOC on the 16th or subsequently indicating that anything unusual had taken place during the operation (pg. 10).

2. KNOWLEDGE OF REPORTS ABOUT INVESTIGATION.

While the witness assisted Colonel HENDERSON in the preparation of papers at various times, he did not recall helping HENDERSON with a three-quarter page report relative to a complaint by a helicopter pilot (pg. 4). He had no recollection of an allegation of a captain shooting a woman (pg. 4). He knew nothing about a confrontation between air and ground personnel (pg. 5). He could not bring to mind assisting Major MCKNIGHT, Colonel LUPER, Lieutenant Colonel BLACKLEDGE, or HENDERSON in the preparation of a report of investigation involving an operation of Task Force Barker (pg. 5). He did not recall seeing HENDERSON's report of

24 April or RODRIGUEZ' statement (pgs. 5, 6). He knew of no directive from KOSTER to HENDERSON to make an investigation of a complaint that had been made by Vietnamese authorities concerning an operation of Task Force Barker (pg. 7). He heard no rumors about the unnecessary killing of civilians in the My Lai (4) area around the middle of March (pgs. 8, 9).

3. OTHER INFORMATION.

The witness had spoken to no one regarding the My Lai incident since the matter came to the public's attention (pg. 10).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-30	RODRIGUEZ' statement	Wit had never seen before.	6
R-5	Carbon copy of HENDERSON's report	Wit had never seen before.	5

(The hearing reconvened at 0925 hours, 11 February 1970.)

MAJ ZYCHOWSKI: The hearing will come to order.

RCDR: The following named persons are present: MAJ ZYCHOWSKI and MAJ THOMAS.

The next witness is Mr. Howard FELIX.

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

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

A. Howard Eugene FELIX. I'm dairy manager at Cypes Grocery Store in Tulsa, Oklahoma.

MAJ ZYCHOWSKI: Mr. FELIX, have you read Exhibit M-57?

A. Yes, sir.

Q. Do you have any questions on this exhibit?

A. No, sir.

MAJ ZYCHOWSKI: The hearing will be recessed.

(The hearing recessed at 0927 hours, 11 February 1970.)

(The hearing reconvened at 0935 hours, 11 February 1970.)

MR MACCRATE: The hearing will come to order.

RCDR: The following named persons are present: MR MACCRATE, MAJ ZYCHOWSKI, and MAJ THOMAS.

MR MACCRATE: Mr. FELIX, you have had a chance to read the instructions?

A. Yes, sir.

Q. And you understand them?

A, Yes, sir.

Q. Have you any questions about them?

A. No, sir.

Q. Would you state for the record, the dates of your assignment to the Americal Division and to the 11th Brigade, and the period that you were in any particular position within the division and what those positions were?

A. I was assigned to the 11th Brigade in August of 1966 and stationed in Hawaii. Then we went to Vietnam, I believe it was the 27th of November of 1967. I was there until November of 1968. I was in the S3 shop in Hawaii from the time I got there until we went to Vietnam. I was in the S3 for a while, then I got assigned to the S3 air, handled the helicopters in the brigade.

Q. Can you fix approximately when you received the assignment to S3 air?

A. I believe it was the middle of December of 1967, about a month after we arrived, I think.

Q. Would you state, generally, your duties as of March and April of 1968?

A. Just controlled the helicopters in the brigade. Combat assaults, if we had any of these, I would have to schedule the helicopters for the battalion commanders and whoever was going to use them. Any bombing missions, I would have to call in the target area and give a description of it. If a unit got in contact, I would have to scramble the Sharks and gunships, things of this nature.

Q. And you would work with the liaison officer, Colonel MACLACHLAN, in connection with calling in Air Force support?

A. Yes, sir.

Q. And where did you spend your day?

A. In the brigade TOC.

Q. Who were some of the other individuals that you recall in the brigade TOC in this time frame, March, April?

A. Of course it would be my immediate boss, Major SMITH, and Captain HENDERSON was usually the duty officer. I can't remember some of the sergeants. I believe Sergeant JOHNSON was in and out.

Q. Actually for the period, Sergeant JOHNSON was over at Task Force Barker.

A. That is right.

Q. Do you recall Sergeant KIRKPATRICK?

A. Yes, sir.

Q. And also Major MCKNIGHT?

A. Yes, sir.

Q. And in addition to yourself, what other NCO's do you recall regularly assigned to the TOC?

A. There was a buck sergeant but I can't remember his name, sergeant of the S2. I can't remember his name either.

Q. Sergeant GERBERDING. Sergeant STEPHENS, he was the S1 sergeant.

A. S2, I believe.

Q. Do you remember Sergeant ROSADO?

A. He was the S1.

Q. And do you remember Specialist BAILEY?

A. Yes, sir.

Q. Was he sometimes in the TOC?

A. Yes, sir.

Q. And Specialist MCNATT?

A. Yes, sir.

Q. Was he in the TOC sometimes?

A. He might carry a report in or something like that. Yes, he did. He worked very briefly in the TOC.

Q. Well, in connection with the preparation of reports, typing requirements, did you sometimes help out in that regard?

A. Yes, sir.

Q. In fact, we have had it explained to us that you were perhaps the best typist at Duc Pho at that time--

A. (Interposing) Thank you.

Q. And that you were indeed called upon by various people to help out at various times. Would that accord with your recollection of some of your responsibilities and duties?

A. Right.

Q. And did you from time to time assist Colonel HENDERSON in the preparation of papers?

A. Yes, sir, I did.

Q. Well, we are particularly interested in whether or not in the course of your duties you recall helping in the preparation of any reports of investigation that were conducted within the 11th Brigade and with which various officers of the brigade were associated. I would ask you first of all if you have any recollection of being asked by possibly Major MCKNIGHT to prepare, possibly from a handwritten draft, a report that would have been in the order of possibly three-quarters of a page, relating to a complaint of a helicopter pilot? Do you have any recollection of preparing of any such report?

A. No, sir. It seems like there were some, but I can't remember. The only thing that comes to my mind, there was a complaint one time about a helicopter pilot coming in fairly fast and low over the TOC that blew the tents. That is the only thing I can remember.

Q. This is a little different complaint we have in mind that we have told you about. Do you have any recollection of such a complaint that involved an allegation of a captain shooting a woman?

A. No, sir, I don't.

Q. Or of a confrontation between the helicopter and the U.S. ground forces?

A. I don't believe I quite understand that one.

Q. Well, allegations that there actually had been a situation in which the U.S. air unit had turned its guns upon, not fired, but turned its guns upon the ground forces?

A. No, sir.

Q. Do you have any recollection of assisting Major MCKNIGHT, Colonel LUPER, Colonel BLACKLEDGE, or Colonel HENDERSON in the preparation of any report of investigation involving an operation of Task Force Barker?

A. Not that I can remember, sir. Like I say, I typed so many things over there, and lots of times I wouldn't really concentrate. I would just look at it and type it. I can't really remember.

Q. I'd like to show you Exhibit R-5 and ask you just to look at the first two pages in the first instance, and ask you if you have any recollection of having seen that letter before which you have noticed is a carbon copy of a report of investigation, dated 24 April 1968? (R-5 was handed to the witness.)

A. I don't remember it, sir.

Q. You have no recollection of preparing that from a handwritten draft, possibly in the handwriting of Colonel HENDERSON?

A. No, sir, I don't. I probably typed it, but I don't remember it.

Q. Is there anything in the letter as you have just read it that brings back to your mind anything from this period of time, what you heard or may have observed as to what was going on at the time? You notice that the letter refers to the operation of Task Force Barker. It refers to a particular operation and the results of that operation. Do you remember any discussions at or about that time of this operation in the Muscatine AO, which was actually the largest reported action of the 11th Brigade since it arrived in country.

A. No, sir, I don't.

Q. Well, I would like you to turn to the third and fourth pages, and ask you to read those two pages and see if you have any recollection of preparing those pages.

(The witness reviews the document.)

A. No, sir.

Q. You don't recall having typed any?

A. No, sir.

Q. Do you recall having seen the document before?

A. No, sir.

Q. I ask you to turn to the green sheet, headed "Statement," dated 14 April 1968. Have you seen that document before?

A. No, sir.

Q. Do you recall whether you used it for your typing, green onion skin, from time to time?

A. Yes, sir.

Q. You did?

A. Yes, sir.

Q. Was it characteristic of S3 as distinguished from one of the other sections of the brigade?

A. I know we always tried to use a green sheet for our copy. I don't know if it was. I think it was that way in most of the sections if I remember correctly.

Q. Is it possible that you typed one or more of these documents and forgot it?

A. Only ones that I might have typed would be the first two pages, I am pretty sure.

Q. The first two pages are in the form that you would have followed had you typed it?

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A. Yes, sir.

Q. Mr. FELIX, I would like to show you Exhibit M-30, and you'll find that the top document is a little illegible. It can still be seen with some labor, but there is a clearer true copy attached behind it. And I ask you if you ever recall seeing that document or--

A. (Interposing) You say, these two are the same.

Q. They are the same and the underneath copy is just easier to read. But the document that you might have seen would be the top document.

A. No, sir, I don't remember this one either.

Q. In addition to yourself, if you were not asked by Colonel HENDERSON to type something, to whom might he turn for the preparation of the document at this point and time?

A. I believe most of his typing was done by the S1 shop. I'm not for certain.

Q. Do you mean in the case of efficiency reports and personal materials of that sort?

A. Well, like I say, I don't really know for sure who did his typing. I know some of it came to the S3, but I'm not for sure who would type this.

Q. Do you have any recollection of either hearing or possibly seeing, hearing of or seeing a directive that had come in from General KOSTER to Colonel HENDERSON, directing him to make an investigation with respect to a complaint that had been made by the Vietnamese, Vietnamese authorities, with respect to an operation of Task Force Barker?

A. No, sir.

Q. Do any of these documents that you have examined refresh your recollection as to any discussion that you heard as to an investigation being conducted by any members of 11th Brigade with respect to an operation of Task Force Barker?

A. No, sir.

Q. Well, at the outset you indicated you did have some recollection, that you had heard something of this sort before?

A. That was only in reference to the complaint by the helicopter pilot flying too close to the tents. But I can't remember an investigation, or anybody mentioning anything about an investigation.

Q. You have no recollection of Colonel BLACKLEDGE asking you to prepare any papers with respect to such investigation?

A. No, sir.

Q. Do you recall that Colonel BARKER, subsequent to the dissolution Task Force Barker, returned to the 11th Brigade as its executive officer? He remained in that postion until around the 1st of June, 1968, when he took over as commanding officer of 4/3 in which position he was at the time of his death on or about the 13th of June. Do you have any recollection of Colonel BARKER after his return to the brigade, the middle of April, having asked you to assist him in connection with the preparation of any reports?

A. Sir, I couldn't really say. We were short of typists in there, and I typed a lot of things. Like I said, a lot of times I wouldn't read them. I would just type them. But I don't remember this investigation or report of such.

Q. Do you have any recollection of any sworn statements that were prepared by individuals who had been interrogated with respect to the investigation that you were typing?

A. No, sir, I don't.

Q. Do you have any recollection of hearing rumors around the 11th Brigade at this time that there had been some unnecessary killing of civilians in the Pinkville area, My Lai (4), Son My Village, Tu Cung, or Co Luy, at or about the middle of March 1968?

A. No, sir, I don't.

Q. Well, you were in the TOC the morning of the 16th of March. Whether or not you--

A. (Interposing) Most likely I was.

Q. You were there virtually every day?

A. Either in the morning or afternoon.

Q. Well, if there was a big operation going on you would be there in the morning, wouldn't you, following it right through?

A. Yes, sir.

Q. And you would be monitoring the aviation net?

A. Yes, sir.

Q. And you would have heard the transmission that came over that transmission net?

A. Yes, sir.

Q. Would you have any recollection of a transmission coming in regarding a threat being made by a helicopter pilot directed towards the ground forces; people picking up their ears, Sergeant KIRKPATRICK making some comments about it, and Captain HENDERSON getting on the telephone and calling over to Task Force Barker to find out what was going on?

A. I couldn't pinpoint it. I know several times when we conducted a combat assault some things went wrong with some helicopters or they would be in the wrong place or something like this, but I can't pinpoint anything as far as any threats being made.

Q. You don't recall a rather unusual and dramatic transmission, at least a very curious one, which indicated that the Warlords were talking to the ground forces. They couldn't hear anything that was said by the ground forces,

but you could hear on the aviation net what was said by the pilot, something along the lines if you shoot them I'll shoot you?

A. No, sir.

Q. You have no recollection of any such conversations or any complaint that a helicopter pilot or crew was making regarding the action of the ground forces?

A. No, sir, I don't.

Q. Since the so-called My Lai incident became a matter of public knowledge in the news media, have you discussed with any members of the 11th Brigade of the Americal Division anything with respect to the events of March and April 1968?

A. No, sir, I haven't.

Q. Has anyone communicated with you in this respect or inquired of you?

A. No, sir, they haven't.

Q. What was your reaction when you first heard these news accounts in the fall of 1968?

A. I was very surprised and shocked and disappointed.

Q. Was this the first inkling you had had of anything unusual in Task Force Barker's operation?

A. Yes, sir.

Q. Nothing that you had heard around the TOC at Duc Pho in the spring of 1968 raised the slightest question in your mind?

A. No, sir.

Q. We have a pretty good idea. Well, we know what the information in that TOC that morning was, and quite frankly, Mr. FELIX, it's hard for me to understand that you don't have some recollection of something unusual taking place?

A. Well, I'm sorry, sir, but I don't.

Q. Do you have any questions?

MAJ ZYCHOWSKI: No.

MR MACCRATE: Well, we appreciate your coming in, Mr. FELIX. If anything that we have spoken to you about today should refresh your recollection as to something that came across your desk in March or April of 1968, if it occurs to you after you leave, we hope you would get in touch with us. We are leaving no stone unturned. Do you have any questions or would you like to make a statement for the record at this time?

A. No, sir.

Q. In the case of military witnesses, they are directed not to discuss their testimony before the inquiry. This is being conducted as a confidential inquiry, and we are particularly anxious that there not be discussions among witnesses coming before the inquiry so that we can so far as possible get the benefit of individual recollections unaffected by conversation. We would request you not to discuss your testimony or what we have shown you today, and if you would respect that request it would be appreciated. There is a possibility, although I think it is somewhat remote, that you may be called before a Congressional committee. Some of the witnesses are asked to come back to an investigating subcommittee of the House Armed Services Committee. You might conceivably be called before some other administrative or judicial or legislative body. If you were, this request by us in this regard, of course, would not be applicable.

The hearing will be recessed.

(The hearing recessed at 1015 hours, 11 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: FORD, James E. SP5

DATE OF TESTIMONY: 24 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Clerk, 31st Public Information Detachment, with the 11th Infantry Brigade.

1. PRESS COVERAGE OF TASK FORCE BARKER AND MY LAI.

a. Coverage of Task Force Barker.

The witness stated that when Task Force Barker deployed and started having enemy contact it was the first real opportunity for public information coverage in the brigade and the task force was followed closely (pg. 3).

b. Coverage in My Lai.

The witness testified that he knew that Specialists HAEBERLE and ROBERTS had been in the Son My area after they had returned (pg. 4). They stated upon their return that the task force had killed everything in the village, which was understood as meaning the men, women, and children (pg. 4). They also stated that the livestock was killed, the crops destroyed, and the village destroyed (pg. 7). The press release was prepared saying that the U.S. forces had scored a victory (pg. 5).

c. The opinion of ROBERTS and HAEBERLE.

The witness stated that neither ROBERTS nor HAEBERLE appeared emotionally upset (pg. 5). He did not recall anything in particular about the preparation of the release by ROBERTS, nor anything especially mentioned in conversation with HAEBERLE or ROBERTS (pg. 6). The witness allowed that in spite of the fact that neither ROBERTS nor HAEBERLE were combat veterans, they did not return from the operation with emotional "war stories" (pg. 20).

d. Failure to report the incident by information personnel.

The witness stated that he never gave conscious thought to reporting anything for it seemed to be commonplace. The witness further noted that the personnel in the TOC as well as Sergeant STONICH, Lieutenant DUNN, and Lieutenant MOODY knew that there had been a battle and many people killed, but no one ever expressed any obligation to report anything (pg. 8).

e. Photographs of My Lai.

The witness stated that he recalled no pictures of My Lai due to the large number of photographs which were processed through his office (pg. 9), and because he was not very involved with the photography activities of his operation (pgs. 10, 12). He asserted that he had no knowledge of HAEBERLE's personal collection of slide pictures (pg.10). There were photographers from other information units from time to time during the witness' tour, however, he stated he had no particular knowledge of them (pgs. 11, 12). The witness noted that some of the photographs on P-43 and P-70 were released and printed in Army publications of general circulation in Vietnam (pgs.21, 22). He added that he had not heard any mention in particular of the pictures taken at My Lai (pg. 24). He added that had the photographs been shown to him and the story been told to him, he felt that he would have protested the action at the operation (pg. 31).

f. Press release concerning My Lai.

The witness asserted that he never heard anyone state that they should not report the complete story. The reaction of the lieutenants in the office was not that anything peculiar had happened (pg. 13). The witness stated that he felt that he had typed up the release about that operation (Exhibit M-58), but he did not recall anything in particular about it (pg. 14).

2. KNOWLEDGE OF THE OPERATION.

The witness stated that he definitely felt that the personnel in the Brigade headquarters knew of the operation, although he did not remember any particular conversation covering it (pg. 15). He added that there was no talk about a massacre, and the operation was not considered to be out of

the ordinary (pgs. 15, 16). He asserted that he never heard anyone question the successfulness of the operation (pg. 16).

3. INVESTIGATIONS OF THE INCIDENT AT MY LAI.

The witness said that he was not familiar with any investigation being conducted concerning the operation in issue (pg. 17). He added that he felt the proper personnel of the 11th Brigade staff were familiar with the operation and that if there should have been an investigation they should have done it (pg. 18).

4. OTHER INFORMATION.

a. Knowledge of rules concerning handling of non-combatants and reporting of incidents.

The witness averred that he was familiar with the rules for handling prisoners and suspects (pgs. 17, 18). He did not appear familiar with the requirements of MACV Directive 20-4 (pgs. 19, 20).

b. Training on the handling of prisoners.

The witness stated that he felt that the training of the 11th Brigade in Hawaii dehumanized the men so that they had little regard for human life (pg. 27). He added that pacification, civil affairs, and counterinsurgency were not integrated into the brigade's tactical training (pg. 28).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
D-1	MACV reg 20-4	Witness was not familiar with.	19,20
M-2	MACV Card "Nine Rules"	Wit familiar with.	17
M-3	MACV Card "The Enemy in Your Hands"	Wit familiar with.	17,18
M-58	Press Release on My Lai	Wit believed that he typed it.	14
P-43	Prints of P-2 thru P-25, P-56 thru P-58	Witness examined.	21
P-70	Prints of P-59 thru P-69	Witness examined.	21

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(The hearing reconvened at 1425 hours, 24 January 1970.)

IO: The hearing will come to order.

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

Sir, the next witness is Specialist Five James E. FORD.

(SP5 FORD was called as a witness, was sworn and testified as follows:)

A. Sir, my name is Specialist Five James E. FORD, , Headquarters and Headquarters Battery, 40th Artillery Brigade, Air Defense, Presidio, California.

RCDR: Thank you.

IO: Specialist FORD, have you had an opportunity to read the instructions?

A. Yes, sir.

Q. Do you understand them, or have any questions?

A. I understand them, sir, and I have no questions.

Q. Mr. MACCRATE, on my left, is a civilian attorney. He's volunteered his services to Secretary RESOR to assist in this investigation and also provide legal counsel to us. On my right is Colonel ARMSTRONG who is an Army colonel who has been designated by the Office of the Chief of Staff to serve as an assistant in this inquiry.

A. Yes, sir.

Q. Either of them may address questions to you this afternoon. We also have other groups such as this that are likewise taking testimony from other individuals. I will have the task of putting together the report, weighing the evidence, making the findings and recommendations. You, being in the military, are ordered not to discuss your testimony here with others, including other witnesses for this investigation except in the performance of official duties or as may be necessary before a competent judicial, administrative or

legislative body. I mention this term legislative because it is possible that you may be required to appear before one of the congressional committees. The one most likely might be the investigative subcommittee of the House Armed Services Committee. Your appearance here would in no way preclude you from testifying before such a body. I do not think that you have been cited or cautioned in the military court-martial of the United States v. Calley, is that correct?

A. Right, sir.

Q. I do not think you would be or should be, but in the event that you are, your appearance here would in no way change the applicability or the effect of such an order either by that military judge or by any other military judge involving an incident connected with My Lai. Do you have any questions at this time?

A. No, sir.

Q. Specialist FORD, would you indicate your duty assignment in mid March 1968?

A. I was in the 31st Public Information Detachment which was attached to the 11th Infantry Brigade to provide information support and to cover all activities of the brigade from an information point of view. I served as a clerk-typist at that time. My chief responsibility there was to type up news, prepared news releases, and also to type the stencils for the brigade newspaper Trident. I had the MOS of 71Q, which is information specialist, but at that time I had been put there as an on-the-job-training type thing. We had an excess of information specialists, so I was being used as a clerk.

Q. Had you moved over with the detachment from Hawaii?

A. Yes, sir. I'd been assigned to the detachment in November of 1967. Prior to that time I was an 11B, infantryman, with C/3/1. But I had a permanent profile assigned to me in Hawaii which precluded my serving as an infantryman, and I was reclassified as a 71Q.

Q. Well then how long did you serve with the 31st PIO detachment?

A. From my time of assignment in November of 1967 until I rotated from Vietnam in December of 1968.

Q. Since the My Lai (4) incident of 16 March 1968 became a matter of public information along about 4 or 5 months ago in September or October via the newspapers, radio, television and so forth, have you had any conversations with anybody from the 31st PI detachment, from the 11th Brigade, or from the Americal Division concerning what may have transpired at My Lai on the 16th, or concerning the reporting of such an incident or the investigation of such incident?

A. The only person I talked to was a guy, I don't even remember his name now, an E-5, a Spanish fellow, that I ran into one day down at the PX, who was in the 1/20.

Q. Yes.

A. I ran into him right after the first furor of publicity his, and he saw my brigade patch which I had on my field jacket and I saw his which he had on his field jacket. We just started reminiscing, like people do when they run into each other. I asked him if he had heard anything about the massacre and he didn't seem to know anything about it really. But other than that I haven't talked to anybody from my unit or anybody else from the 1/20.

Q. Were you familiar with this operation that went into the area of Son Tinh on the 16th?

A. If you are referring to C/1/20--

Q. (Interposing) Well, I'm referring to all of Task Force Barker.

A. Yes sir, we devoted quite a bit of coverage to Task Force Barker, because this was right after the brigade had moved to Vietnam. Up until Task Force Barker deployed we hadn't been seeing too much action. As a result our public information coverage was kind of slim. So when Task Force Barker deployed they started getting contact and we were sending people up there frequently. They were getting contact and we were getting good copy out of it. We wrote a lot of stuff about Task Force Barker.

Q. Were you familiar with the fact that HAEBERLE and ROBERTS accompanied the task force when they initiated this operation into the Son My area?

A. I knew after they came back that that's who they had been with, sir. I knew they had gone out, and when they came back in I knew that they had been with them.

Q. Well that's what I'd like you to do. I'd like you to tell me what they told you when they came back in.

A. Well it wasn't just to me. They came back to the office, I don't remember whether it was that same day or the next day, and said there had been a pretty big operation. They had gone to this village and wiped it out. That's about what they said.

Q. Was that all they said?

A. Yes, there--

Q. (Interposing) Anybody ask what did they mean by wiping it out?

A. Oh, we asked and they said, "We killed everything in the village."

Q. Did anybody ask what that meant?

A. No, sir. I think we understood what that meant.

Q. What did it mean?

A. That they'd killed everything in the village.

Q. Such as?

A. Such as all of the people that were in the village, men, women, and kids.

Q. Yes.

A. Now the thing about it is we wrote the story immediately.

Q. Who's we?

A. Well, I guess Jay ROBERTS, since he was a writer, wrote it, and I typed it up.

Q. Yes.

A. The report that went out that night I typed up, and it just seemed like a normal battle, because in Vietnam there was an understanding as far as noncombatants went. If a woman got killed, it wasn't that unusual, because women carried weapons. Women could be Viet Cong and so when they said they went into a village and encountered resistance and killed all these people, we just figured it was a battle. I don't think any connotation of massacre was ever attached to it. I had never thought that much about it until after everything hit the papers this year, and people started talking about massacre. That's the first time I thought about it in that connotation. I really never pictured anything such as were in the pictures in Life magazine until I saw those pictures in Life magazine. I don't think anybody else in the office really attached the term massacre to what occurred. It just seemed like a battle in which there was a high number of casualties. It was a victory. We went in and scored a victory.

Q. You went in and killed women and children, that's a victory? I'm just asking for information. The picture that was present there was that this was a victory?

A. Yes, sir. That's the way the information office made the release. That elements of Task Force Barker had gone into the village and had, oh, I forget how many they reported, at least 100 and something killed, and weapons captured. We scored a victory. That's the way it was written up for our paper, and that was the way the release went out.

Q. What was the condition of Mr. ROBERTS, then Specialist ROBERTS and Specialist HAEBERLE when they came in? Were they either physically or emotionally upset about this?

A. No, sir. Not that I could see. Not that I remember.

Q. You remember ROBERTS having a difficult time writing anything and that Lieutenant DUNN might have had to help him write it?

A. No sir. One thing I might bring up at this time is that as far as my relationship to the writing of anything that went on in that office that I was a clerk-typist. I typed up finished releases, put them in a formal format for sending out. I really didn't have too much to do with the writing aspect of it. As a matter of fact, up until the very latter part of the year, after ROBERTS rotated, did I even get involved creatively in the information office. Up until that time I served as a clerk. As far as any thing that would have been going on with writing the story that went out about My Lai, I wasn't involved in it.

Q. I understand that, but still we're not talking about a great huge organization. We're talking about a small group of people, FORD, that live and work quite closely together. It's not like, let's say, a division or something of that nature. Just a small little, rather cohesive group of people isn't it, a PI detachment?

A. No there were, I think, about 15 or 16 of us.

Q. Still comparatively small and much more rapport between let's say the officers and the noncoms and the enlisted personnel than you'd normally get in a battalion or in a brigade or anything like that?

A. Yes, sir.

Q. So I mean you could have reason to know about what ROBERTS was doing, what HAEBERLE was doing, and what the other folks, Sergeant STONICH and Lieutenant DUNN and all these other people were doing?

A. Yes, sir.

Q. What they talked about and so forth, this was your mode of life?

A. Yes, sir.

Q. But your impression when they came in was that they weren't too very upset about it?

A. No, sir. As I said they just came in and said there was a big battle and everybody went back to work.

Q. Yes.

A. We heard about it every day.

Q. The report which was prepared that night, following that which was reported to the brigade TOC, to the division TOC, but which was later duplicated from the PIO to the PIO at the Americal Division headquarters, was to the effect that 128 VC were killed and 2 Americans killed and 3 weapons captured. In the main, did that ever cause any discussion around the group that you were working with, that only three weapons were captured?

A. Yes, sir. As I remember it, again, when HAEBERLE and ROBERTS came back and they mentioned the fact that only three weapons had been captured, we thought well that's kind of out of proportion with the number of people that were killed, but I don't think any more than that was said about it.

Q. Did HAEBERLE ever tell you that he saw some babies and young children, 2- and 3-years of age shot that morning?

A. I don't believe so, sir, he just said everybody. They just wiped out the village. He didn't say anything specific.

Q. Did he tell you that the village was burned and that they killed all of the cattle and all the pigs and all the chickens?

A. Yes, sir.

Q. Destroyed all the crops?

A. Yes, sir.

Q. Told all about that?

A. Yes, sir.

Q. Why do you suppose somebody didn't go over and report it?

A. I don't know, sir. I really don't know. At the time and the context of being there in Vietnam and hearing about the things you hear about every day, people killed, and dying, and villages being burned, animals being killed, it just didn't seem that enormous. So I never even thought about the fact that it was a reportable incident. Well, everybody in the brigade knew about it as far as I knew. I mean the people in the TOC, tactical operations center, they knew that the battle had occurred. I don't think I ever gave it conscious thought as far as reporting anything because it just seemed commonplace, sir.

Q. I'm not thinking so much about you, because you're not really within the reporting chain other than the fact that you did hear this.

A. Yes, sir.

Q. Even so it would have been a fine thing if such had been reported. But there were other individuals there that were in this responsible position, such as Sergeant STONICH and Lieutenant DUNN and Lieutenant MOODY. All these people must have been a party to it, at least to having the knowledge that something like this took place. Isn't that correct?

A. Yes, sir. They knew what I knew, that there had been a big battle and a bunch of people had been killed. But I don't think anybody ever expressed any sort of obligation of reporting anything.

Q. Did HAEBERLE or ROBERTS ever tell you about how many women and children they'd seen killed that morning?

A. No sir, not any figures. They just said that everybody had been killed.

Q. Did the conversation then just die out and the thing was promptly forgotten about?

A. As far as I remember, when they came back and made their remarks I don't remember them discussing it any further than that. It wasn't any long, drawn out thing. It sort of slipped into context.

Q. It looks like it slipped more than into context, it looks like it slipped into oblivion.

A. Yes, sir.

Q. Did you see any official debriefing of ROBERTS and HAEBERLE? Did you have a debriefing procedure where one of the officers sat down with individuals and went over what he saw to review his pictures with him and to review the story, so that you had a somewhat formalized procedure for debriefing?

A. I don't think there was, sir. I know I didn't witness anything of that sort.

Q. What about the review of the pictures? Did you ever get a look at the black and white pictures that came out of that operation?

A. I don't remember, sir. There was so many pictures that came through our office. There were rolls and rolls and rolls of black and white film taken. I just don't remember. Today I brought with me an envelope full of photographs that were done in our photo lab. They don't have any bearing on My Lai, there's nothing to do with My Lai in here. There's some operational pictures in here. But I couldn't take one of these pictures and say this was taken in such and such as area in relation to such and such an incident, because there was just so much stuff coming through there.

Q. This wasn't a haphazard arrangement to develop pictures.

A. Oh, no sir.

Q. I mean, they were identified and marked with the date, such and such a roll, such and such an operation, so that they could be identified as to where they were taken?

A. Yes sir. The photo section had a classification system. I don't know exactly how it worked. It was something I think higher headquarters devised. Every one of their negatives had a certain control number or something on it, and pictures that were released I know had a control number on them. If you knew how to read them you could tell what day they were released for instance. But I don't remember too much about it, because I wasn't that involved with it. That was the photo end of it.

Q. How close were you to HAEBERLE?

A. I only knew him about a total of 4 months when he rotated. I believe he left in March; I'm not sure. I believe it was March or early April, and I didn't really get to know him. He was sort of a quiet person anyway. He wasn't gregarious. He wasn't a mixer.

Q. Were you familiar with his slide collection?

A. No, sir. Not as I remember, not a slide collection. I knew he took a lot of pictures, that's all.

Q. Did any of these people that took pictures with their private cameras turn those pictures in for use by the PID?

A. I think Kevin HOWE, who was an information specialist with us from about the first part of the year until about September on occasions. He had a 35mm camera, and I think some of his pictures were printed and perhaps others. I don't remember for sure, because all the other photographers had the Leicas like we had in the office, but they did carry their own cameras with them.

Q. Aside from your own photographers did you have photographers from USARV and MACV come up and join you periodically?

A. Yes. We had a team from the Department of the Army special photo group, it's a --

Q. (Interposing) Called DASPO?

A. Yes, sir, in Hawaii. They filmed our getting ready to to to Vietnam, while we were in Hawaii.

Q. Yes.

A. Two, a still photographer and a motion picture photographer accompanied us on the boat over, and I think they left right after we got in country. Then they came back a few weeks later and took some films of us in the field. I think they were making a motion picture about the brigade's getting ready to deploy, their deployment, and first stages of operations in Vietnam. After that I think the next outside photographers, Army photographers, we had come in wasn't until in the fall, around August, September, or October, something like that. We had a man come down from the signal unit at Chu Lai to shoot some stuff. Then we had a guy in our office, Dave SHAW, who was transferred to either USARV or MACV shortly after he came to our unit. He was made a motion picture photographer up there. He came through once or twice later in the year, somewhere past the mid point of the year. I don't remember exactly when.

IO: Let the record show that DASPO means Department of the Army Special Photographic Operations.

Q. Do you remember a photographer from MACV being with B/4/3 during the course of this operation?

A. No, sir. I can't say that I do.

Q. Remember now, B Company is from the 4/3. They're part of Task Force Barker.

A. Yes, sir. I'm aware of that, but I really don't remember the photographer. He may have been, but it's slipped my mind if he was. I don't remember.

Q. We're concerned about him possibly being there with them on the 17th. If he had a been with them on the 17th, he undoubtedly would have come down and talked to Lieutenant MOODY, Lieutenant DUNN, or Lieutenant REHM?

A. Yes, sir. I'm sure he would have. I just don't remember, sir. If I could hear his name maybe.

Q. Well I'd like to be able to give you his name, but I can't.

A. Yes, sir. I don't remember, I really don't remember.

Q. Do you remember any pictures coming out with quite a few beach scenes about that time, because Bravo was working right along the coast line at that time?

A. No, sir. I don't.

MR MACCRATE: Do you ever remember members of the detachment coming back to the office after an operation on any other occasion and saying that a village had been wiped out, everything in the village killed? Had you ever heard this kind of after action report, so to speak?

A. No, sir. Not on anything else they ever came back on. This, at least up until things started getting hot around Quang Ngai City in the latter part of the year, this thing at My Lai was the biggest thing that had ever happened in the brigade as far as number of enemy casualties, KIA, killed in action. I don't think anybody ever came in with that large of a report since.

Q. Well did they ever come in with the idea that they just wiped out a whole village?

A. No, sir.

Q. I'm not talking about the purported military exercise, the number of KIA, VC KIA, but where they were reporting that they literally obliterated the area?

A. No, sir. Hootches were burned and rice caches were destroyed and that sort of thing, which was normal, but never a whole entire village being knocked down.

Q. Well, were Lieutenant DUNN and Lieutenant MOODY around when HAEBERLE and ROBERTS were recounting all this?

A. I believe so, sir. It was in the office and it was during working hours, so I imagine they were there.

Q. Was there any suggestion by anyone, "Let's not go overboard on this", sort of putting the lid on what was being said or suggesting that it couldn't have been as bad as all that?

A. Not in my presence, sir. Not that I remember.

Q. Did you ever get a suggestion from either Specialist HAEBERLE or Specialist ROBERTS at the time that they had any ideas about bringing this to public attention when they got back?

A. No, sir. No, sir.

Q. Was there any dispostion by anyone there to protest, to say anything about that that you could discern?

A. No, sir. Again I'd have to say, at that time, where we were and with the day-to-day action that was going on, it didn't seem like such a horrible thing.

Q. But you've indicated that it was the only time you ever heard such a report?

A. Yes, sir.

Q. Lieutenant MOODY had no unusual reaction to this, just took it as a matter of course?

A. There were no unusual actions to this by anybody that I can remember, sir.

Q. You have no recollection of anything peculiar about the way in which Specialist ROBERTS put his story together?

A. No, I don't really remember that much about the actual account. Task Force Barker went and did it.

Q. Let me show you Exhibit M-58, which I gather is something you typed? We have rather a poor copy but --

A. (Interposing) That was our standard release form so I probably did type it since I did most of the typing in the office.

(Witness examines document.)

Q. Do you remember any conversation about feeding the facts and figures into the story?

A. No, sir. It was handed to me and he said, "Here, type this up for release." I guess they said type it in so many copies or maybe it was a stencil, I really don't remember. I just don't remember anything really out of the ordinary about the disposition of this story, about how the story was turned out. It was given to me and I typed it.

Q. This is our difficulty. Here we have Mr. ROBERTS who's been in. He's talked to us, and he told us what his reaction was back at that time, what he had seen, and the absence of any serious contact as he and HAEBERLE went through this village. He comes back and is told to write a story and to make heroes out of the people who were involved in this operation. We see this piece that then comes out of it. He tells us that he couldn't bring himself to write it, and that actually the story that came out of it was done by someone else back at headquarters. It does suggest that maybe that is what happened. We don't know, we're trying to find out how accurate his recollection is?

A. I don't remember anything out of the ordinary. I can't remember specifically typing this specific story. I assume I did because I did 90 percent of all of the typing that was done in the office, because I was the best typist. If I did type it, it was just handed to me and they said, "Here, this is the format." They gave me the format entirely, they always did, even down to where the by-line is placed. They told me where to put that and the release number and the

whole thing. I don't remember anything unusual about it, just the story was turned out.

Q. Did you ever talk to Jay ROBERTS about this at a later time?

A. No. As a matter of fact, I saw Jay the day after I got back from Vietnam. He's been back since September of 1968, sir. I came back December 1968. One of the first things I asked him, because I was interested in it myself when I came back, was how people reacted. How did people react to you as a Vietnam veteran, and he said, "Well, I've learned just not to talk about being in Vietnam, because people really don't care." We sort of dropped it at that, and it was never brought up. By that time it had been submerged in my memory. I don't know about his memory. I didn't even think to ask him any more about it, about the incident. It just sort of faded right into the every day current of events.

MR MACCRATE: I was interested in what you said about everyone in the brigade knew about this?

A. Well, what I meant was everyone that was in a command and control position at brigade headquarters must have known about it, because it was a fairly big operation. That's why it never occurred to me that any of us in that public information office would be in a position to turn in any sort of a report on it, since they already knew about it.

Q. Well, I understand your personal feelings about that, but what I was trying to get a feel for, was just how much awareness did there seem to be around Duc Pho, at that time, of the magnitude of what was going on so far as the obliteration of a village. That had come into your shop. Was this sort of private information in the PIO shop or was there any discussion of this that you heard outside the PIO shop. You were near by the chaplains?

A. Yes, sir.

Q. There were other people around the base. In talking about this operation was there any questioning of really how big and successful an operation it was? Can you

recall anything of that sort?

A. No I don't remember anything where anybody ever kept it alive, kept the subject going. It wasn't brought up in conversation anywhere. The clerks that worked around the TOC, and everyone that worked in the S1 shop probably knew that there had been a big battle and a lot of people had been killed, but I don't think anybody was going around asking, "Hey, did you hear about the massacre," or anything like that.

Q. Well, on the other hand, there was a lot of publicity being given to this. We have in the record already the TRIDENT that you've spoken about, typed the stencils for.

A. Yes, sir.

Q. We've seen the big and glowing reports that appeared there about this particular operation. Then we've seen the news sheets from the Americal Division, the daily sheets, a similar report. Then we've seen the summary of the anniversary account that appeared, and again a big glowing story recording what had gone on in this operation. At any time did you hear anyone questioning just how big an operation, just how successful an operation that had been?

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

Q. No one seemed to be critical about it all?

A. No, not that I can remember. If something came out in our brigade newspaper, we really didn't get that much feed back on it anyway. I don't even know how many people read it. But as far as we published it that we killed 128 enemy in a battle by Task Force Barker. Nobody ever came back to us saying "Hey, this isn't the way it happened," or anything like that. I just don't remember any big dialogue about it or any big discussion about it from anyone.

Q. Did you ever hear anything in or around Duc Pho that an investigation was going on about the operation?

A. No, sir. I never heard anything about the investigation.

Q. Did you ever hear any suggestion that any individual or individual officer in the operation was a subject of any investigation?

A. No, sir.

IO: Specialist FORD, you indicated that enlisted personnel in the S3 section and the S1 section knew about it. Are you making this as a statement of fact?

A. No, sir. I'm making this as a statement of assumption because they worked around the TOC, around the tactical operations center and they got battle reports in before we did. I assumed that they knew that there had been a big operation up there and that a lot of people had been killed.

Q. Yes, well I assume they did know that 128 were killed because that was the figure that was reported on up to division but I would like you to think back a little while to see if you did have any discussions with anybody from the S1 shop or the TOC and if any of them made any comments concerning women and children being killed this day?

A No, sir.

Q. Let me have the two cards "Nine Rules" and "Know Your Enemy."

IO: I'm not goint into a long discussion on this, but it's well established that MACV had very definite regulations, not only definite but very strong and positive regulations, on the protection of noncombatants and the treatment to be offered noncombatants. These were put out all through the chain of command. One of the means which they had of getting it down to all soldiers in the line and all soldiers throughout the command were through the use of some cards which were distributed. I'm sure you remember the "Nine Rules" card for example?

A. Yes, sir. I still have them on my person as a matter of fact.

Q. You'd also remember another card (Exhibit M-3).

I think a couple things here are very pertinent, where it cites five rules. It says, "Mistreatment of any captive is a criminal offense. Every soldier is personally responsible for the enemy in his hands." That is rule number three. It goes on to say in rule number five, "All persons in your hands, whether suspects, civilians, or combat captives, must be protected against violence, insults, curiosity and reprisals of any kind." You see?

A. Yes, sir.

Q. Now these were the rules that were in effect for you. They were in effect for me. And they were in effect for everybody else. So to say, "We wiped out a village, noncombatants, old men, women, children, babies. We destroyed the houses. We destroyed the crops. We destroyed the animals!" This obviously fits within this context doesn't it?

A. Yes, sir.

Q. Well this is the thing we're trying to find out now. How people from outside of the Task Force, such as HAEBERLE and ROBERTS coming back to groups, commands, or detachments such as yours, how this information and why this information was not reported through the proper chain of command where something could have been done about it? You're familiar with this card I believe?

A. Yes, sir.

Q. Was not your detachment responsible for receiving these and distributing them within the brigade?

A. As far as I know they weren't. I think that S3 handled all that, sir. Again, I was familiar with them. Certainly, there is no excuse for not being familiar with them. But it was still my feeling that brigade headquarters knew about the operation and as far as I knew, knew what had occurred in the field. If there was any reason for an investigation to be made, they would have done it. The conscious thought didn't go through my mind that an investigation should be made, first of all. But it was my feeling that they would have done the job since it was their--

Q. (Interposing) Did you hear that, in the course of events, and you are a pretty young, and observant, and a quick-minded young man, did you hear that one of the helicopter pilots had observed what was going on and that he had reported this? That he was just hopping mad?

A. No sir, I didn't. The first thing I heard about the helicopter pilot was what I read in the papers. That was the first time I'd ever heard anything about that. Before this year when this all came out in the press, I'd never heard anything about anybody thinking anything untoward had happened. They say that Colonel HENDERSON made an investigation, an investigation I'm sure. I never heard anything about it and it wasn't discussed. It wasn't common knowledge anywhere I was that investigations of any sort were being made.

Q. Yes, but you see, what you've told Mr. MACCRATE, Colonel ARMSTRONG and myself is that within the brigade, at least within your detachment, the killing of women, children, and noncombatants was just a common thing and nobody paid any attention to it. It's part of what we're supposed to do. I have a hard time understanding this. I've been trained differently, I've been taught to think differently, and I would be sure that the people within I Field Force, that I was in command of, and specifically the division that I commanded prior to that, there was no question in their mind about what we were supposed to do. To find something different from that, I find it very difficult to understand, to be very honest. May I have MACV Regulation 20-4, just to cite you what this really means.

This is entered as Exhibit D-1. You will notice it is entitled, "Inspections and Investigations, War Crimes." I'd call your attention to paragraph 2 on page 1, and I will shift you over to paragraph 5a on page 2.

You will note that it says, "All military personnel having knowledge or receiving a report of an incident or of an act thought to be a war crime;" and it says specifically in the second sentence, "Personnel performing investigative, intelligence, police, photographic, grave registration, or medical functions, as well as those in contact with the enemy, will, in the normal course of their duty, make every effort to detect the commission of war crimes and will report the

essential facts to their commanding officer." You see?

A. Yes, sir.

Q. This was for me. It was for you. It was for everybody. Granted, you were sitting on the sideline. But why this didn't come out with people such as HAEBERLE and ROBERTS coming back to a detachment talking to their seniors. Look at the seniors to these individuals that were there. STONICH, right?

A. Yes, sir.

Q. Lieutenant REHM?

A. Yes, sir.

Q. Lieutenant DUNN?

A. Yes, sir.

Q. Lieutenant MOODY?

A. Yes, sir.

Q. You've indicated that all of those people knew about this.

A. As far as I know, yes sir.

Q. As far as you know. Yet we get not one word of this being reported to anybody. This is the part that I find absolutely incomprehensible. Let me ask you one other thing. When they came in and were talking about all this, "We wiped out--we saw this village wiped out," meaning we leveled the place, I think that's the impression you were given?

A. Yes, sir.

Q. Did they say, "Yeah, we got a lot of pictures about this thing, too," or something to this effect?

A. No, I don't think so. I knew that Ron had his cameras and that he must have taken pictures. He did take pictures.

Q. Did he say, well we got pictures of all this?

A. No, sir. I just knew that they took pictures. I can't say that I knew Jay took pictures, because I don't know if Jay even had a camera or not. But I know Ron had his camera.

Q. Well he was a writer, he wasn't a photographer.

A. No, sir. I knew pictures were taken but I don't remember anybody saying, "Well, we got pictures of all this."

MR MACCRATE: Did they ever indicate, when they brought out some pictures subsequently, that these were pictures taken in the operation? Do you have any recollection of them bringing them in and sort of showing them around?

A. No, sir. There was so many pictures developed in there that I just don't remember if these were the ones that we took out there, or anything like that.

Q. I have here Exhibits P-70 and P-43 which are taken from two rolls of film taken that day by HAEBERLE. I wonder if you recall seeing any of those?

(Witness examines the two photographs.)

A. I just want to make reference to this one picture right here (indicating photo).

IO: Yes.

A. I think I've got it in there (indicating envelope which was in possession of witness). I'm not sure.

Q. All right.

A. But these pictures that I brought with me, Specialist MACHUSICK asked me to bring any pictures that I might've had with me, and these are the ones that were given me by the photo lab.

(The IO examines photos brought in by the witness.)

A. I remember that picture.

Q. Yes.

A. If I'm not mistaken, this picture (Exhibit P-11) of them putting the guy in the medevac chopper and this picture right here (indicating one of the photos which he brought in) they had been printed all throughout Vietnam. They were made part of a news release that went out on medical evacuation procedures. It may have even been printed in The Stars and Stripes. I don't remember, but I'm pretty sure it was printed in The MACV Observer and The USARV Reporter.

MR MACCRATE: Was there any indication in the release that it wasn't even a medevac helicopter?

A. No, sir. I don't think so. It was just, you know, medevac.

Q. Were there any indexing of these?

A. No, sir. They were just a bunch of pictures that were printed up that they had around the office. They said to take your pick, when we got ready to leave.

IO: Who is this officer (indicating photo brought by witness)?

A. That's Colonel FRANKLIN who at the time was the battalion commander of the 3/1 and was subsequently made deputy commander at brigade.

Q. Yes.

A. That was taken the first part of the year, sometime.

Q. Do you know where that one was taken (indicating another photo in possession of witness)?

A. No, sir.

Q. Or this one (indicating another photo in possession of witness)?

A. No, sir. I don't know where they were.

Q. I don't think there is anything in these that we

need. We appreciate very much your bringing these in.

(The photographs in the possession of the witness were not received in evidence.)

A. I recognized this one off the contacts, sir, and those dustoff pictures were made part of a photo release.

MR MACCRATE: Did you look at the other side (indicating the exhibits)?

A. These, sir?

Q. Yes.

A. Yes, sir. That's the one that's got this picture on it, the picture of the man looking into the hootch.

Q. You remember seeing the pictures of the soldier putting the light to the hootches?

A. Yes, sir. I remember that.

Q. Did it occasion any comment?

A. No, sir. I had always heard about people burning down enemy hootches years before I ever came to Vietnam, before I came in the Army. They did all the time. I got some slides at home of some hootches burning along side of a road where there had been some fire drawn or something like that. I don't know the circumstances. We'd just been driving up the road and they were burning, so I stopped and took pictures of them.

IO: Did anybody ever ask anybody any questions about that picture (indicating Exhibit P-16)?

A. No, sir.

Q. Showing some material stacked on the bodies burning and another body laying on the porch and possibly a third body further down the porch?

A. This is the first time I ever noticed it. I never even noticed the body before.

(Witness examines Exhibit P-16.)

No, I didn't ever notice that in the contact sheet, sir. That's what that was. I guess nobody ever said anything about it.

Q. It shows very clearly there though?

A. Yes, sir. Quite clearly. If I had seen this print I'm sure that a lot of comment would have been made. But I never even noticed this before.

Q. Who reviewed the film as they were processed?

A. Well, I guess I can't guess, it would be wrong. But we had three lieutenants, Lieutenant MOODY was the information officer and Lieutenant REHM and Lieutenant DUNN each were, one was the press officer and one was the command information officer. The press officer was responsible for public news releases, anything that went out of the office, so I assume the press officer was the one, but I can't remember who was press officer. And I'm sure Lieutenant MOODY saw them so did Sergeant STONICH probably.

Q. Now we understand that you had so many pictures that you couldn't possibly look at all these pictures --

A. (Interposing) Well there were quite a few, I don't think there was any formal system of reviewing every roll that was shot. Now again it's just conjecture, but probably what happened was the photographer would say, "Here, I've got these contact sheets in relation to the story you're writing. Take a look at them." And somebody would look at them, but I don't think there was anything like a formal system of control over the pictures that were taken and developed.

Q. This causes me to raise another question at this time. Who was really running this PIO, or the 31st PID? I get the picture that it was sort of a loose sort of conglomeration of things with Lieutenant MOODY being gone most of the time over in the S1 shop, and nobody really having positive direction and control of this organization at that

time.

A. Well this occurred 3 months after we got in country. We moved twice, and we were busy building our office for one thing. Things were sort of scatter-shot and haphazard the way they did get done. I believe Lieutenant DUNN closely supervised the brigade newspaper Trident, as far as what went into it. Then of course Lieutenant MOODY reviewed it before it went out of our shop.

Q. Was there some conflict in here between the officers and between the officers and some of the enlisted personnel and so on, so that you did not have a cohesive body?

A. No sir, You know, we all worked together. I think as a matter of fact, there may have been personality conflicts, but I don't think they ever interfered with production. It seemed to me we did turn out quite a number of releases while we were over there, in the entire year. We had a lot of stuff printed in all the publications over there, so the job was getting done. Now as far as command and control procedures we kept, at first it wasn't probably all it should have been, because we were busy doing so many things at one time. Somebody would say "Do this!" and it would get done and go out, but it was still coalescing.

MR MACCRATE: Did you have any inkling that Specialist HAEBERLE had a roll of private film that was substantially different from what he had turned in?

A. No, sir. I knew he had his own camera, because he carried his own camera with him every where he went.

Q. Did he ever indicate what his objective was with respect to that camera, the pictures he was taking with it?

A. No, sir. I assumed they were just pictures; you know, like people carry a camera with them and take pictures.

Q. Did he ever indicate he had a story he wanted to tell or some theme that he was trying to develop?

A. No, sir.

Q. He never suggested anything to you as to why he would take what are really some of the goriest, most shocking of pictures and just put them away for many many months?

A. I didn't even know he had taken the pictures. I assume you are referring to the ones in Life?

Q. Well, there are a number more that he has.

A. Well, the only ones I've ever seen are the ones that were in Life and I never even knew that he had taken those pictures until I saw them in Life magazine. I think there was a copy of those in The Cleveland Plain Dealer, too. There were some black and white shots in that. I read about the story in The San Francisco Chronicle the day after it was printed, but I didn't see those shots The Cleveland Plain Dealer had. Then I saw the one in Life magazine, but up until that time I didn't know that he had any thing like that. I never knew at any time up until that time that he might have had any sort of designs or anything other than doing the job that he was over there to do.

Q. Let me ask you a hard question. You strike me as being a highly intelligent man performing a duty in the PIO shop and with a concern about things. What could the Army have said to you, that it didn't say to you that might have lead you to react differently when this information came into your hands? Or perhaps a little more fairly, since I recognize your position in the PIO shop, that you think might have had a little different effect upon HAEBERLE, upon ROBERTS, fellows who had personal knowledge, or upon those to whom they were bringing the information? Do you, from your point of view, have any suggestions as to how the job, with the benefit of hindsight, could have been better done? How to get the word across that these are the rules of the game and they are seriously intended and that when they are promulgated they are intended to be what regulates the show?

A. Well, sir, I think you would have to take a look at the entire 11th Infantry Brigade. You'd have to take a look at the brigade from the time it was formed in Hawaii and when they started training in Hawaii. I came to the brigade 7 months before we deployed. I came there in May of 1967. I spent 7 months in the brigade, 6 months with an

infantry line company and one month with the PI detachment before we deployed. Granted, people have to be trained for the job they're doing and in this case to be infantrymen in Vietnam, I don't think anybody received any finer training, tactically, than the 11th Brigade received while they were in Hawaii. But I think that from the time they organized and started training and were deployed to Vietnam that people were just too hard bitten about everything they did. It seemed to me the attitude I think the majority of at least the enlisted soldiers on my level had in the brigade, was that the prime, important thing was to get the job done no matter what it took to get the job done. If your commander said that your mission is to do such and such, you did it and that's all. No questions asked. You performed your mission. And you performed it as quickly as possible, in the manner as close to what your commander wanted you to do as possible, and no further consequences were considered. The first month I was in Hawaii I was an 11B10 infantryman, I held down the slot of automatic rifleman in a fire team in this company I was in. After that I became a clerk, because they needed one, but those first 3 weeks we spent 3 to 4 days every week in the field in the Kahuku Mountains in Hawaii, which very closely resemble the jungle conditions in Vietnam. It was difficult, hard terrain, difficult to fight through. The impression I got was the commander didn't care that you might have really been miserable and granted that feeling miserable doesn't come into account when you want to accomplish your mission, but I think they went just a little bit too far. It seemed like in everything you did, the mission was of prime importance and the man was of secondary importance every time. Any time it came up, the man was of secondary importance. I think because of this that every man in the 11th Brigade, by the time he had got to Vietnam, he had as little consideration for others as the higher ups seemed to have for him. So if this terrible thing happened, as the papers say it happened and the public reports say it happened, I think that one reason why it could have happened is because these men had been taught not to have a really super respect for human life as they should have had.

Q. Did you have either in-country or other training that was directed to the special characteristics of the mission in Vietnam, the kind of special situation you run into with pacification programs, with the extent to which you

were operating with a very unusual kind of combat operations, with the civilians all around where you were trying to win over those that were under VC control, the importance of bringing some more over to the GVN side. Was there any focus of this sort at all, so that you got a real consciousness of the peculiar kind of combat operation you were going on?

A. No, sir. I don't think there was. In Hawaii the emphasis was on tactical combat operations throughout. Well, they had blocks of instruction, classroom blocks of instruction while we were in Hawaii every week. I think perhaps during that time one of those blocks of instruction they might have said something about pacification and about the S5's function, civil affairs. But I don't think it was an active part of the tactical training though. They heavily emphasized combat operations.

MR MACCRATE: Did you know anyone in the S5 operation at brigade?

A. There was a captain, and I don't remember his name.

Q. Captain KESHEL?

A. Yes, sir.

Q. Lieutenant WADSWORTH?

A. No, I don't remember him, but I knew there was an S5 shop and I think they had two enlisted men working for them too, for a while anyway. I knew they went down to Duc Pho to the orphanage and helped those people out down there. I think they built something for the orphanage, a school or something like that after we got in country. One thing I remember is they had a volleyball game down town one time, took men from headquarters, 11th Brigade and they went down town and played volleyball with the Vietnamese in the village.

Q. Did you ever get any feedback from the S5 as to the attitude towards civil affairs within the brigade?

A. No, sir. Not that I remember.

COL ARMSTRONG: You had, as far as you are concerned, really no formal counterinsurgency training?

(No response.)

Do you know the term counterinsurgency training?

A. Yes, sir. But the definition is hazy in my mind. You mean civil affairs or pacification?

Q. No, not really. I mean tactical operations of rifle companies and what they are supposed to do out in this kind of situation, handling the enemy and trying to win people over to our side? It is a very formal training program that has been in existence in the Army for the last 7 to 8 years that I personnally know of.

A. Well, again, speaking from personal experience, this 3 weeks that I spent as an infantryman in Hawaii, and granted this is very limited and only 3 weeks, 3 instances of going to the field. We simulated going into a village once in that 3 weeks. All I remember is we set up a cordon and swept through the village and then moved on out and set up positions someplace else. That's all we did. But there wasn't anything about coming in and searching people and that sort of thing, or talking to them, or anything like that. After we swept through they took one squad of people and they assumed the aggressor role. They hid out in this field, and we were supposed to try to find out where they were. But that's all that happened.

Q. This was all tactical operations as you explained?

A. Yes, sir.

Q. Let's go back to HAEBERLE and ROBERTS. When they came off this, had they been out on these operations before?

A. I can't remember. This might have been. I can't really remember. I don't know if this was their first field operation. If it wasn't, it couldn't have been more than their second or third time that they had been out.

Q. Neither one of them were combat veterans of great hardened--

A. (Interposing) No, sir. I don't think you could term them that.

Q. They didn't come back and make some comment, "Boy you should have seen them shooting," and all this sort of thing? They didn't have any great war stories to tell about all this?

A. No, there wasn't anything emotional about it. As I said before, they went in and wiped out the village and that was it. There wasn't anything emotional.

IO: Did they tell that they had a hell of a fight going into that village or wild resistance or anything?

A. I don't remember anything like that, sir. No, sir. They said they received some fire right before they swept through but they were standing behind the troops. I don't remember anything about trading shots or anything like that.

IO: We appreciate your coming in, Specialist FORD, you may conceivably remember some more about this. If you do we'd appreciate you getting in touch with us.

A. Yes, sir. I hope I've been of some help.

Q. Yes, you have. You have been of considerable help. But if you do remember more that will assist us in this investigation, we'd appreciate you getting in touch with us so we can get people there to take advantage of such information?

A. Yes, sir.

Q. Additionally if you find that you do have some additional prints which do pertain to this action, if just by chance you have some pictures of the area of Son My, we'd appreciate knowing about it. Or if you have any maps, if you have any directives that were issued in the PIO business, the SOP or anything of this nature, we'd like to know about this.

A. Well, about the only thing I can think of that I have, I think I still have would be issues of The Trident we put out on board ship when we were coming over. It might give you a further look into what the brigade was.

Q. I'd like to see those. How about when you get home over there and--where are you assigned to in the 40th Artillery?

A. I'm in the information office, sir, in the headquarters.

Q. Well, you'll have no problem sending them back official then?

A. No, sir.

Q. You can have them air mailed. We can get these in here. We'd like to take a look at them and we will get them right back to you.

A. Yes, sir. Just one final thing, just a personal type thing, I guess, about this whole thing. I didn't really know what had transpired, if what the media said did transpire, until after it all came out in the press, and I read the accounts that were in Life magazine. Speaking with hindsight that's so nice to have, I think that if it had been presented a little bit more colorfully, with a little bit more in detail and at a bit more length, well, I for one, think that there would've been something said about it. If I had seen this picture I think there would have been some protest made.

Q. That was right in the black and whites. You see it's right there.

A. Yes, sir, I didn't even notice it until after you showed it to me here. It was too obscure. But at the time when they came back in, it just seemed like part of what was going on everyday. It didn't seem out of the ordinary.

IO: Well we appreciate it very much. Thank you kindly.

The hearing will recess at this time.

(The hearing recessed at 1537 hours, 24 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: GEIGER, Thomas W. SP5

DATE OF TESTIMONY: 6 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT: 11 November 1968 - 1 April 1969, TOC RTO, 11th Brigade; 1 April 1969 - 7 November 1969, S2 Clerk, 11th Brigade.

1. INFORMATION CONCERNING REPORTS.

The witness was assigned to Headquarters and Headquarters Company, 11th Brigade, with duty at the TOC as an RTO from 28 November 1968 until 1 April 1969, when he became the S2 clerk, a job which he filled until his return to the United States on 10 November 1969 (pgs. 2, 3). Prior to his departure from the brigade, he located a thin file on Task Force Barker which he turned over to Major COX, the S2 officer, who gave it to Lieutenant Colonel GRAVES, the brigade executive officer (pg. 4). He described the S2 office and his relationship with Master Sergeant CAMELL, the NCOIC (pgs. 4, 5). The witness did not actually handle the file, and could only estimate the number of pages as being between three and ten (pg. 7). He could not positively identify Exhibit R-5 as the file (pg. 7). He recalled a TWX which came in and was turned over to Major WHITE, the S3 (pg. 9). He did not recall the contents of the TWX (pg.10). He did not recall any file marked with Colonel HENDERSON's name, or marked "close hold" (pg. 12). The witness discussed the destruction of a photostat of a secret Vietnamese document which was in the file (pgs. 18-20). He did not read the document and was unable to discuss its contents (pg. 21).

2. INFORMATION CONCERNING PINKVILLE.

The witness recalled hearing GI's mention that Pinkville had numerous boobytraps (pg. 16). He did not know that Task Force Barker operated in the area (pg. 16).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
R-1	A true copy of R-5	Wit could not recall the document.	14
R-5	A copy of HENDERSON's Report, from 11th Bde file	Wit could not recall seeing it but stated that it could have been in the file.	7,13

(The hearing reconvened at 0945 hours, 6 February 1970.)

IO: The hearing will come to order.

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

Sir, the next witness is Specialist Five Thomas W. GEIGER.

(SP5 GEIGER was called as a witness, was sworn, and testified as follows:)

Specialist GEIGER, for the record would you state your full name, grade, Social Security number, organization and station?

A. SP5 Thomas W. GEIGER, 401st Personnel Service Company, Fort Knox, Kentucky.

IO: Specialist GEIGER, on my left is Mr. MACCRATE. He is a civilian attorney who has volunteered his services to Secretary RESOR to assist in this investigation and also to provide legal counsel to me and other members of the investigation team. On my right is Colonel ARMSTRONG who has been designated by General WESTMORELAND, Chief of Staff, as an assistant in this investigation. Besides me, both Mr. MACCRATE and Colonel ARMSTRONG may address questions to you.

We have other groups comparable to this that are taking testimony from other individuals. It will be my task to put together a report, to weigh the evidence and determine the findings and recommendations. Have you had an opportunity to read the instructions as found in Exhibit M-57?

A. Yes, I have.

Q. Do you understand it? Do you have any questions?

A. No questions.

Q. Would you indicate your duty assignment with the Americal Division, when you joined the division, any changes

in assignment you may have had, and when you terminated your assignment?

A. Well, I left for Vietnam and I arrived there 11 November.

Q. 11 November of what year?

A. 1968. I was in Cam Ranh Bay for a week and went on to the Americal Division combat center. I was there approximately 10 days. My orders were to go to Company D, 4th Battalion, 3d Infantry, 11th Brigade. When I got down to the brigade, I was pulled out and interviewed for a job with the S2, primarily because of my background. They were looking for a college graduate. I was accepted for a position and it was about 30 days later when I finally got the orders assigning me to Headquarters and Headquarters Company, 11th Brigade. From the time I arrived there, which was 28 November 1968 until on or about 1 April 1969, my job was as an RTO in the brigade TOC, the forward TOC on Landing Zone Bronco. I was out there for over a month, and then I came back to Landing Zone Bronco to work in the main brigade TOC. When SP5 STROP was about to leave, I came in to learn his job, working in the S2 shop taking care of the brigade documents classified as secret, and also other odds and ends, normal daily work that had to be done in the S2 shop. I left Landing Zone Bronco on 7 November 1969 and got back to the States on 10 November 1969.

Q. Good. Let's get these dates tied down just a little for the record. You arrived in country on what date?

A. 11 November 1968.

Q. When did you report to the brigade?

A. I arrived at the brigade 28 November 1968.

Q. You were assigned then to D/4/3 on 28 November or shortly thereafter. How long did you remain with them?

A. I never got to Delta. They pulled me out right there at the S1.

Q. You went on the job with the S2 working in the TOC.

A. Yes.

Q. You went there toward the end of November and you remained there until April?

A. Yes, it was on or about 1 April 1969 that I came to actually start working in the S2 shop. Before that I was with the S2 but under the direct control of the operations NCO and the operations officer.

Q. Tell me, how did you get your Purple Heart?

A. Well, that was during a rocket attack, scattering for shelter.

Q. The reason I was asking about the 4th of the 3d is I thought maybe you had a little time with them.

A. No, sir.

Q. This matter of the My Lai incident of 16 March became a matter of public knowledge about 4 or 5 months ago. From that time, up to the present time, have you had any discussions with anybody concerning the incident, any reporting of it, or investigation of it, or anything connected with the My Lai incident itself, with anybody from the brigade or from the division.

A. No. Is this referring to while I was still over there, anyone asking me anything about it, or is this after I came back?

Q. Primarily, it concerns September and October of last year. You were still in the brigade?

A. Yes.

Q. Did you have any conversation with anybody in the brigade concerning what took place there or what you knew about it?

A. No, sir. Actually the entire time I was over there, the only thing that I knew about the whole incident--I didn't even know this was the incident--the brigade executive

officer, just before I left, asked for a file on Task Force Barker. I had never heard of a Task Force Barker. I asked him if he knew the classification or if it was classified, and he said he didn't know. So we ransacked all our files. It was an odd circumstance there. I had just been promoted to SP5 and I was the ranking NCO in the brigade S2 shop. Let's face it, I didn't know everything I should know, but there was no one else there. I didn't know exactly where to look and when we finally did find it, it was just a thin file. I gave it to Major COX who was the S2 officer. He gave it to the XO and I never saw it again. I believe about 2 days after that I left. I know that the security classification was not secret because it was not in what I considered my safe, the one I was responsible for--just a few papers. This would have been right at the very end of October. It might have been November.

MR MACCRATE: Can you recall the title of the file that you found?

A. TF Barker.

Q. In what section of your files was it found?

A. Well, as I say, I didn't consider these my files, they were in the S2 shop. All I know was that it was in the safe that we kept the confidential material in. During my entire stay Master Sergeant CAMELL was the NCOIC, and any time he wanted anything from the safe where the documents were classified secret, he would not get it, he would ask me and I would get it. Any time I wanted something from the safe he took care of, I would ask him. We didn't cross over and pull things out of each other's safe. That's just not a good way to organize things, so I never went in this safe. I never had any requirement to go in the safe before this actual incident.

IO: In CAMELL's safe?

A. Yes, sir.

Q. Now where were you located as compared to CAMELL?

A. You mean in order of--

Q. (Interposing) No, in the office space, were you in the TOC, or were you in the S2 office?

A. At the end of my tour, from 1 April until the time I left, I was in the S2 office.

Q. Well, CAMELL was there too?

A. Yes, sir.

Q. He had a safe in his room?

A. Well, it was only one room. The safes stood side by side but we never went in each other's unless I was on guard or something like that, he had to go in. Or he was on R&R and I would have to go in. But generally we'd ask each other.

Q. Where was CAMELL at this time?

A. He had rotated, to the best of my memory. Things are a little hazy here, because it was a very big hassle. Everyone was rotating and we had no replacements coming in. To the best of my knowledge, he had rotated at this time, and I was in charge.

MR MACCRATE: He rotated, I understand, around 1 October?

A. Right.

Q. So you took charge around 1 October?

A. Right. I was a SP4 at the time and I was promoted to SP5. I was the brigade S2 sergeant until about 20 October. I really couldn't be too precise on my dates because it was about the 20th before Sergeant CAMELL's replacement came in. There was a Sergeant First Class KRAUS who was the second NCO in charge in the S2 shop. Sergeant CAMELL rotated and Sergeant First Class KRAUS was on R&R in Hawaii. There was only supposed to be a 2 or 3 day interval where both the senior NCO's were gone, and I would run the working of the shop. What happened was Sergeant First Class KRAUS came back from R&R and the very day he came back he was notified by the Red Cross that there was some trouble in his family. I really don't know what it was. But he left about 2 to 4 hours later. He was gone again and no replacement ever came in for either our E-7 or our E-8. This put me in a bind.

Q. Do you recall if the document or documents that you found were at that time classified?

A. I don't know, sir. I didn't look at them.

Q. Do you recall any reference to a regrading of the documents, declassifying them, when the executive officer requested the documents?

A. He came in and asked for these documents and he said something about we would have to find out if they can be regraded. He wasn't really talking to me. I was just there; he was talking to Major COX.

Q. Who was the executive officer at the time?

A. This was Lieutenant Colonel GRAVES.

Q. It is our information that some of the documents with which we're concerned were regraded unclassified effective 13 October 1969 under the authority of Colonel HOFFMAN which would indicate, this incident that you recount would be prior to 13 October.

A. You say Colonel HOFFMAN; 13 October, what year?

Q. 1969.

A. I may be wrong, I just thought that Colonel HOFFMAN didn't get there until after that, but I may be wrong.

Q. Our information could be erroneous in this respect.

A. Everything was happening so fast at this time. I was very involved in just getting the daily work done; days just became a blur.

Q. Our information is that Colonel HOFFMAN assumed command 13 September.

A. That could be right. The dates just become a blur, day after day.

Q. Do you recall what was in this Task Force Barker file when you did locate it?

A. As I say, I wasn't actually the one who found it. Major COX was there. We were both looking through the files. He said, "Here it is." It was a white manila folder and in black magic marker it said "T F Barker." There were a few papers in it, most of our files are thick, in manila envelopes. It was just a thin file. I have no idea what was in it.

Q. Was there an envelope in the file? One that perhaps had been sealed and opened at some time in the past? Did you see anything other than papers in the file?

A. All I saw was papers and there weren't many of those.

Q. Do you remember the color of the papers perhaps?

A. No. I noticed some of the things in there. You would normally see the onionskin copies which would indicate there were other copies of these things.

Q. How many sheets of paper would you say were there?

A. I really couldn't say with any authority. I would say anywhere from 3 to 10. It could have been either 3 to 10 or any number in between because, as I say, I'm just taking a guess. It didn't seem important to me at the time.

Q. Did you get to read any part of the file?

A. No. To tell you the truth, I wasn't too concerned with the whole thing. I had no idea what it was about. It was just that the brigade executive officer came in looking for a file and put me on the spot, and then he found it, so I was off the spot again. So I went back to do my job again.

Q. Here's Exhibit R-5, and I'll ask you if that bears any resemblance to whatever you may have seen at this time. It was taken from the files of the S2.

A. I can't say that I recall seeing this particular document before. But if it were in a manila folder, standing up like that, it could pass for what I turned over. I didn't

see any of the printing. You can't tell just by looking at a manila folder the type of paper it was. I remember there may have been other types of paper, heavier bond, but I do remember something like this was in there.

Q. Do you remember seeing a green sheet of paper with them?

A. I couldn't say.

Q. Do you recall anything being said about where this file had been previously located?

A. As I recall, I don't know who it was, but we couldn't find this thing. It must have been wedged behind something; we couldn't find it and someone said, "Maybe it's in the S3." They looked through the S3 and couldn't find it. Now whether this could mean maybe it had been in the S3, I really couldn't say, but someone did say, "Maybe it's in the S3." I'm not sure. Maybe it belonged there, maybe it didn't belong there. Maybe it had been there, maybe it hadn't.

Q. Do you have any recollection, shortly after you arrived in the S2 shop, or around the middle of May 1969, of a request coming in from the division to locate some documents relating to Task Force Barker?

A. Now, as I say, days just become a blur, day after day, and months go into months. All I really kept track of was how many days I had left. But I couldn't say with any authority. The only thing I can say, I remember some time after I had taken over, I don't remember exactly when it was, taking over the job for SP5 STROP, a TWX came down from division asking to locate something. I don't even remember what it was because it wasn't classified as secret and therefore it didn't involve me. I gave one copy to Sergeant CAMELL. It was just a TWX, probably unclassified. I gave one copy to Sergeant CAMELL and one copy to the sergeant in the S3 and I told him Major WHITE would probably want to see it. I believe Sergeant CAMELL--

Q. (Interposing) Who was Major WHITE at that time, S3?

A. Yes. I believe Sergeant CAMELL said he didn't need it either. I couldn't be positive, but I think he said he didn't need it either and to give both copies to the S3. I'm not sure if this was on this particular incident or on some other incident. I don't even remember what month it happened in because it just didn't seem important.

Q. If such a TWX came in, would that be filed and retained for a period of time?

A. No, I can't see why it would be. It may have been in S3 but I'm sure it wasn't in S2. The only thing we kept a log on was on secret documents and we didn't keep any log on confidential material because everything was confidential, from the position of a unit, to anything. We didn't keep any logs on those. We saw they were destroyed when they were no longer useful. Reports and things of confidential material that might have been of assistance in the future were in Sergeant CAMELL's safe.

Q. You do recall having shown whatever this request was to Sergeant CAMELL and his saying he had no interest and passing it on to the S3?

A. Right, but I can't be sure that this is what it was. I can't even be sure that I showed it to Sergeant CAMELL because a lot of times I just made the distribution on these things. But I do know it got to the S3.

Q. Why do you remember this?

A. Because I didn't really know exactly what this thing wanted, and when in doubt, punt. I would always make sure the S3 got a copy of something I didn't know anything about, because of operations, naturally.

Q. I'd like you to try to recall all you can as to just what kind of request it was. Was there any reference to the USARV IG or to the IG of the Americal Division?

A. I really couldn't say, sir, it's hard to remember. You just go about your everyday work. If you knew this was important you could look at it and say, "Well, I remember that."

Q. Let me just ask you a few things that might just ring a bell. You have no recollection that it related to an investigation by the IG of the Americal Division?

A. Not to the best of my knowledge.

Q. Or to the IG of USARV?

A. No, it didn't have anything to do with any IG as far as I can remember.

Q. Did it relate to a request from the commanding officer of the 11th Brigade, Colonel HENDERSON?

A. Not that I remember. As I remember, it just had something to do with a document and the document wasn't in my safe. It wasn't classified as secret.

Q. Was the document identified in the communication?

A. Now I can't say for sure it was identified, but I would say it had to be identified somehow or I wouldn't have been able to go to my safe and look through to see if I had this message. Now I would guess that the way it was identified was "Message, your headquarters, date, time group," and it gave a date and time group. I went back through my log and didn't find it.

Q. Were they asking for a message, do you recall that?

A. I don't remember, sir, this is what I would guess, but I really can't remember.

Q. Do you remember any reference to an investigation or a report of investigation?

A. I can't remember.

COL ARMSTRONG: You just said something, GEIGER, that sort of rings a bell. You said, "Reference, message, your headquarters." It may mean that the original came from the 11th Brigade. Or were you using that as an example?

A. That's an example. This is when I would type up--

Q. (Interposing) I don't know whether you may have done this subconsciously, referred back to actually what you saw.

A. When I would type up a TWX clearing our place, this is the way I would start it. Number 1, reference, message, your headquarters. This is why I said that. Many times I had done it.

MR MACCRATE: Can you recall any discussions about that time with someone coming back to the S2 shop and Sergeant CAMELL saying, "Oh, I guess I had that in here."

A. Well, Sergeant CAMELL said that quite often, "I guess I have that in here." I remember him saying this on a few occasions. But what do you mean by someone coming back?

Q. You indicated that this request might have been passed on to the S3. The interesting thing to us is this fits in with the recollection of others to whom we've spoken. This request came in, they first look in the S3 shop and then it was subsequently found in the S2 shop. What we are attempting to do is to piece together the locating of the documents which we're interested in in the S2 shop, and how this came about, and the condition which the documents were found, and what documents were together. This is the kind of document search we're on at the moment and I'm asking you to see if you can help recall.

A. Well, as I say, I couldn't tie this TWX in with this folder that said "Task Force Barker." It may have been, it may not have been. It didn't seem to me important at the time.

Q. Did you have occasion to go to the confidential files from time to time?

A. Very rarely would I go in there.

Q. Do you recall any files for the various districts, Mo Duc, Duc Pho, Quang Ngai?

A. There was something like that in there. I know they had a breakdown of all suspected enemy units in the area.

But when Sergeant CAMELL wasn't there, it was PFC NOVELLO. He was trained to know the things in Sergeant CAMELL's safe, and I had a pretty good idea of what things should be filed in Sergeant CAMELL's safe. When I would go through the messages and incoming things, I would put them aside in a pile. I would leave that for PFC NOVELLO to come in and he would wade through it. Things that he knew didn't go in there, he would throw away, put in the wastebasket to be destroyed or he would file. Whenever I needed anything out of that safe I was in a bind. On a few occasions, he had been on guard the night before so he was sleeping in that morning, I would have to go and wake him up and get him to come down because I couldn't find certain things in there.

Q. Did you ever see around Sergeant CAMELL's desk or in the confidential file, on the few occasions that you went there, a document or a file of documents, an envelope that had an indication of "close hold," or documents referred by Sergeant GERBERDING who had preceded Sergeant CAMELL? Any envelope, papers, with Colonel HENDERSON's name on it in the file, just set aside as an envelope that said, "Hold for Colonel HENDERSON," or some such reference?

A. No, I never saw Colonel HENDERSON's name anywhere except just before I left. I can't even be sure it was him. If he was a brigade commander they hung his picture up.

Q. Colonel HENDERSON was the brigade commander until October, 1968.

A. Well, his picture would have been hanging there, then, but I never saw anything with his signature on it. The only thing I ever saw with Sergeant GERBERDING's signature on it were these "1203's," these internal receipts, documents that had been signed out to the S2 from my safe. I think it was on one or two of those. Sergeant CAMELL had signed his name in the next column when he took over. That's the only time I ever saw Sergeant GERBERDING's name. I never saw Colonel HENDERSON or knew what he looked like. I did know who Sergeant GERBERDING was because he was held over. Just when I got there he was supposed to have left but he was still there, he was hanging around for a week or 10 days.

Q. He had to make up some time?

A. He was just sort of hanging around so I knew who he was, but that was all.

Q. You then have no knowledge as to any other papers that may have been in this file related to this document?

A. No. As far as I know, this could have been the only thing in the file. It was only 3 to 10 sheets of paper, as I recall, and this could have been the whole thing. There could have been a few more. There might have been some heavier bond. All I remember is seeing this type of onion skin paper.

Q. I'd like you to look at the documents one by one (referring to Exhibit R-5), see there are three there. The first two pages are a report of investigation, and you've indicated you haven't seen that. As you look at the next two pages it might be that you had seen a copy around the S2 shop of that piece of VC propaganda.

A. Do you want me to read these?

Q. Well, if--

A. (Interposing) I don't remember seeing this.

Q. If you don't remember seeing it, that's all I'm interested in.

A. If it had been around and someone had ever mentioned it was VC propaganda, I probably would have read it because every once in a while things would come in, I would just read them.

Q. Would you look at the last sheet, statement, headed 14 April 1968? Do you recall seeing that?

A. I can't say that I have. There was such a volume of paper work, I really didn't handle anything that was to be typed up or anything. You might say I got out of that because some lower ranking men came in. I had a little seniority; well, they would sit at the typewriter and punch it out. My function was to keep the secret documents in order

and to process all security clearances for the brigade that would come up from the battalions and headquarters company, and this kept me pretty busy.

COL ARMSTRONG: When did you go on R&R?

A. I arrived in Hawaii on 7 July and I believe I was gone 12 days, 12 days after the 6th, I think.

Q. You were gone between 6 to possibly 20 July, but it was in July?

A. Right.

MR MACCRATE: I show you Exhibit R-1, which you can see to be a true copy of R-5 as previously shown you, and you'll note that it's certified by Major COX. It's our information that that true copy was prepared in May 1969. Do you have any recollection of circumstances under which that true copy was prepared? Does that bring back to your recollection anything which went on of which you were aware in the S2 shop?

A. No, if I glance over it, maybe I'll remember what it's talking about.

Q. Why don't you read the whole document. Start at the beginning of it.

A. It doesn't ring a bell. I know I didn't type this up. Maybe someone else in the office did. I would say if it had Major COX's signature on it someone had to type it up, because we couldn't reproduce it like this, we had no means to reproduce it. You say this was typed up some time in May?

Q. Yes.

A. It could have been any one of a number of people who would have had to type this up. Major COX's signature is on it, so it would have to be typed up in the S2 shop sometime.

COL ARMSTRONG: Let me ask you something. Would Sergeant CAMELL be apt to type that himself?

A. I would say, especially since you say this was in May, that this would be highly unlikely. Sergeant CAMELL would pitch in if there was an occasion to pitch in and help with typing. In fact, he was the best typist in the office, but he would only do it if things were really in a bind. Around May we weren't really in any personnel bind, as far as I can remember. As far as having people available, we were in the best shape we were in the whole time I was there. It was just towards the end there that things got ridiculous. Our whole TOC crew would rotate and nobody came. Two NCO's gone. We were down--it was almost impossible.

Q. You say this is an unusual type thing, the circumstances surrounding it unusual.

A. If they were unusual?

Q. Yes.

A. Assuming that the circumstances were unusual, it would be possible that Sergeant CAMELL would have typed this up. But again, at this time around May, we had almost too many people in the shop and everybody could type. It could have been SP4 WALLACE, SP4 DUNN, PFC NOVELLO, SP4 KRIEG, who is now E-5 KRIEG. At this time SP4 KRIEG was the senior man. He had been there the longest and he know the most and was the best typist. He handled most of those things.

Q. We have talked to him, and he did not type it.

A. He didn't?

COL ARMSTRONG: No, he departed in March.

A. No, STROP left in March. When I came there STROP and KRIEG were the men with seniority, and it could have been, like I say, SP4 WALLACE, SP4 DUNN, PFC NOVELLO.

MR MACCRATE: But you have no recollection of the typing or preparation or any talk around the office at that time of an attempt to locate a document?

A. Around that time, no. I really don't remember.

Q. We understand that there was difficulty locating this document, not only in October when you were involved, but when it was first sought in May.

A. I really don't remember. The first I heard, looking for this, was around October. I hadn't been reading the papers or anything, but the first I heard of--I didn't even know where My Lai was, or Son My. First I heard of it was after I got back to the States. I started seeing it in the paper, and that's the first I really knew about it.

Q. Had you ever heard any rumors while you were in the 11th Brigade about anything unusual having gone on in Task Force Barker or in the operations in Son Tinh District in the spring of 1968?

A. The only thing I remember, people would be sitting around drinking a beer, shooting the breeze, and the only thing I remember hearing of it was someone mentioned Pinkville. I don't know who it was. I was sort of new, sitting around. They mentioned Pinkville and somebody says, "Yeah, there's a lot of booby traps up there." That's all I remember hearing about it. So immediately in my mind, like I would hear on the news the area the GI's call Pinkville; this jumps back into my mind, this was heavily booby-trapped. I don't know if it was or not. This guy probably wasn't ever there.

Q. But the only thing you ever heard was there were a lot of booby traps around Pinkville. You never heard of an operation in that area?

A. I didn't know Task Force Barker was up there.

Q. Did you ever know of the existence of Task Force Barker before you were asked to look for this file?

A. I would get these task forces mixed up. There was Task Force Oregon. One of them was Americal Division; one of them was the 11th Brigade. As far as I knew, I thought that Task Force Barker was the 11th Brigade coming over from Hawaii.

Q. Well actually it was a piece of the 11th Brigade. It was taken out of three battalions of the brigade

and created as an ad hoc battalion to cover an area for a period of time. It just lasted for a couple of months in the spring of 1968.

A. I thought Task Force Barker was the actual deployment from Hawaii.

Q. Do you recall in the search for the file in the fall of 1969 that they came in and asked for the Task Force Barker files? Was it known to those that were making the request at that time that there was a Task Force Barker file or was one of the problems that it was not known under what label this material could be found?

A. The first I remember hearing of it, as far as I can remember, someone knew it was Task Force Barker. I remember Major COX came in and sort of took me off the hook. He was talking to the XO and I was talking to this sergeant about Task Force Oregon or something. These names, I just took interest in the names, no particular reason. As far as I can remember, he came in and asked for--I really couldn't say, I don't want to say because I'm not sure. I can't remember if he came in and asked for Task Force Barker or if he just came in and asked for some kind of report, incident report.

Q. You have no recollection of the search that it required?

A. Now that I think about it, it's very possible that he did not come in and ask for Task Force Barker. He could have come in and asked for some type of report. I can't remember the name of it.

Q. A report of investigation? Did he refer to the Pinkville incident?

A. I don't recall him using the word Pinkville. It may have been a report of investigation. As I remember it, whatever it was, whatever phrase he used, we found a file with that phrase on it. We looked through and what he wanted wasn't in there; then we continued to look and this thing with TF Barker popped up. Then apparently that was what he wanted, so I was satisfied.

Q. Can you recall the first phrase that he used?

A. Report of something, it may have been report of survey, it may not have been.

Q. Report of investigation?

A. I really couldn't say. I remember I was going through the files just looking for this written on the top. I found something, there was something in there that said just what he asked for and I felt very relieved when I found it. But what he wanted wasn't in there. So I was on the spot again.

Q. Do you recall what you found, because what you then found may have been what we are looking for.

A. What I found was this thing across the top, report of something. There was nothing in there that he wanted. It covered different incidents over at least months. and I knew it was old. There were old things in there. I believe, there might not have been anything dated 1969. I can't recall what it said across the top and there wasn't anything in there that interested either Major COX or the colonel. They just sort of looked at it and thrust it aside and said, "That's not it."

Q. Was there any correspondence in that file from the commanding general of the Americal Division to the commanding officer of the 11th Brigade?

A. I really couldn't say. All I could tell you about that file is there were things like this typed in duplicate and it was a thicker file than the Task Force Barker one. I don't know what it referred to.

Q. Do you recall seeing any documents in the file in Vietnamese?

A. Yes, one.

Q. Was there an English translation with it, maybe you speak Vietnamese.

A. It was classified and marked secret. Nobody knew what it was or what it was doing there. It wasn't an original;

it was one of these photostats. The whole thing was a photostat. When you photostat something here, it comes out grayish-brown or grayish-black. This came out brown. I remember that. It was odd looking, and it came from MACV. It might have been Sergeant CAMELL, I asked around if he ever saw it. I don't remember if he said he had or what, but we discerned that it must have come from MACV, and we didn't need it, and it was destroyed.

Q. Do you recall if it came from MACV, Saigon or could it have come from MACV, Quang Ngai Sector?

A. To me they were all the same, MACV was MACV, even if it was MACV, Duc Pho. I don't remember if there was an English translation. I wouldn't think there would have been an English translation because being a curious person I would have probably at least looked into it, but it was just like a bunch of scribble to me. It didn't seem important, and everyone I asked said it had been there ever since they could remember. I remember the 1203; this document always bugged me because I had no place to put it. It didn't fit in anywhere. It was the only thing I had in my files that was in Vietnamese.

Q. Did you prepare a destruction report on this document?

A. Well, it went right in with all the others. right on the same, I forget the form, 564, it was logged in there. It was duly destroyed.

Q. When would this have been, approximately? Could it have been in May 1969?

A. I believe I did do a destruction around May, but if I had to make a guess, I'd say it wasn't done then. It was done after. I would think it would have been done when I was cleaning out the files because they were so jammed with things that were never used, and there was just no place to put things. That's why we had problems finding things. I would think it would have been done then.

Q. Do you remember seeing with it a memorandum from the province senior advisor of Quang Ngai Province or his

deputy? The province advisor was James MAY and the deputy was Lieutenant Colonel GUINN. The document would be directed either to Colonel BLACKLEDGE who was the S2 of the 11th Brigade or to Colonel HENDERSON who was the commanding officer of the 11th Brigade. Do you remember seeing anything like that in the file?

A. In the file?

Q. In the file that you were looking at and in which you found this Vietnamese document?

A. No, I don't remember. The only thing that I can say that I remember about this Vietnamese document, there was never any place to put it because it was not an American document. It was kept separately and in the log book, old log book that started with documents going back to 1967, there was an original copy of a "1203" paper clipped onto the first page where this "455," this Vietnamese document, was logged in. The only thing I distinctly remember about it is that I can tell you who logged it in, and that was a SP4 JOHNS.

Q. When did he log it in?

A. He was there before STROP. I was the third man to have this job. As far back as I can go, there was a SP4 JOHNS, there was STROP, and then there was me, and then there was HICKS. JOHNS apparently came over with the brigade.

Q. So it was prior to the time that STROP arrived?

A. Right. STROP may have been there, he may have been in country. He might not have been with the S2. As I remember he didn't go directly to the S2. But this document was logged by JOHNS.

Q. You don't remember any of the other documents that were in that file with this document?

A. It wasn't in any file. I mean, it wasn't in any manila envelope file. It was just in a drawer, if you want to call it that, and it was in there with all our normal secret documents. They were all in one drawer, and this was in there with them.

Q. What I was focusing on, you said that when you were looking for the folder that eventually turned out to be the Task Force Barker folder, you came upon a folder which you showed to Major COX. They said, "No, that doesn't have in it what we're looking for." You said that in that folder you found this Vietnamese document--

A. (Interposing) No. You asked me, "Do you ever remember any Vietnamese document?" This was not in the file that they said, "No, this is no good." This was the only Vietnamese document that I ever knew about.

Q. You misunderstood my question. I was talking about that specific folder, and you said there was no Vietnamese document in that folder.

A. No, I'm 100 percent sure that this folder that they said, "No, this is no good," I'm sure there was no Vietnamese document in there.

Q. You don't recall any communications in there from General KOSTER to Colonel HENDERSON?

A. I didn't look at it closely enough to see any names. I looked at it closely enough to tell if it was written in English. You know, you glance through, it was written in English. But I don't know who it was from.

Q. And you don't recall any reference to alleged killings of civilians or anything of this sort in the file?

A. No.

Q. You can't recall the name of the file?

A. No.

COL ARMSTRONG: Do you think that file is still there?

A. I don't see why it wouldn't be.

MR MACCRATE: But you wouldn't know what to tell us to look for?

A. It was report of something, and I don't remember if it had one of our fancy little stickers on it where it was typed up or if it was written across, but I don't see any reason why it wouldn't be there under normal circumstances. It was something they kept a running file on. I really don't think this is what you'd be looking for. Again, I might have misunderstood a question you asked me or something, but it didn't seem to be anything out of the ordinary. I mean we kept reports on, what do they call those, terrorist attacks in our area of operations, attacks on villages and hamlets by the guerillas and VC and such and such. It appears to me that it was something along that line, I don't know if it's what you'd be looking for or not.

Q. Well, the things in which we are interested are accompanying documents that may in and of themselves appear of no particular importance, but as part of the whole picture that we're trying to put together, could have some relevance. But from your description of the file it's a little difficult to request it.

COL ARMSTRONG: Let me ask you another thing. Do you happen to recall in that particular folder, the so-called incident report, the earliest date of any document in there?

A. I remember they were old. To me they were old meaning--

Q. (Interposing) Before your time?

A. It went way back. I wasn't in the Army when these things were dated. What I considered way back in reference to the brigade was when they first came over.

Q. You think the documents pertaining to these events were that old?

A. Yes.

Q. You don't know the file number or the file folder, you just know that the file's in there?

A. I wouldn't say I could even find it, because I wasn't ever that familiar with that safe,

Q. This was in the confidential safe?

A. Yes, this was in the confidential safe.

MR MACCRATE: Well, Specialist GEIGER, we appreciate your coming in. You can see that we are leaving no stone unturned. As we get the pieces together, we have quite a bit of information assembled, and there's a few little places here and there where we're trying to complete the picture. If there's anything that comes to your mind that our questioning suggests, we would appreciate your letting us know about it. Do you have any questions that you would like to ask of us at this time, or any statements you'd like to make for the record? We'd be happy to have it.

A. No, I just wish I could recall some of these things, something that may have been important, but I really can't remember. It just didn't seem important at the time. If I had known that it may have been important, I'm sure I would remember it like that because I fancy myself as someone having a pretty good memory on things that may matter.

COL ARMSTRONG: Well thank you again for coming in and I'd like to remind you of the instructions you said you read. To you military people we direct you not to discuss what might have transpired here, and not to discuss it, particularly with other witnesses or anybody else. However, this does not apply, of course, if you are called before a congressional subcommittee or some official body that has a right to ask questions about this.

(The hearing recessed at 1055 hours, 6 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: GERBERDING, Robert K. SGM

DATE OF TESTIMONY: 27 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Brigade Intelligence NCO.

1. PREOPERATIONAL PLANS AND BRIEFINGS.

GERBERDING was assistant NCOIC of the TOC (pg. 3). He maintained the intelligence maps and intelligence records (pg. 3). An intelligence estimate was prepared for the task force based on information received from the Americal Division (pgs. 4, 5). At that time they had very little information about the area (pg. 5). While there was some liaison with the ARVN officials, Vietnamese intelligence information was sketchy and, the witness believed, highly unreliable (pgs. 5, 6). There was no written G2 estimate prepared for the 16 March operation, because none was requested by the task force S2 shop (pgs. 6, 7). The witness, thus, was not aware of the planning for the 16 March operation (pgs. 3, 7). He did not know that the 11th Brigade had the mission of knocking out the 48th Local Force Battalion which was well-equipped, well trained and in good fighting condition (pg. 8). He knew nothing about the brigade's attempt to get ARVN participation in this operation, nor did he recall a briefing by HENDERSON of the attempt to obtain an AO extension (pgs. 11, 12). As Americal Division INTSUM reports were outdated, it would have been foolish for the brigade S2 to recommend that an operation be conducted on these reports (pg. 10). The intelligence estimate that was prepared did not state that women and children would be out of the area at a certain time as this would have been impossible to predict (pg. 54).

2. THE ASSAULT ON MY LAI.

a. Knowledge of the operation.

Because of the number of operations with which he was involved, GERBERDING did not remember much about the 16 March operation (pg. 15). Sometime during that day Task Force Barker reported contact, a body count of 69 VC KIA as a result of artillery fire, and a total body count around 120 (pgs. 16, 17). While he did not recall the number of friendly casualties, he remembered that only two or three weapons were captured (pg. 17). He did not remember a radio report of a large number of civilian casualties or a transmission by the brigade commander concerning unnecessary killing (pgs. 19, 55, 56). However, the brigade commander would have used a frequency other than that which the witness was monitoring (pgs. 19, 20). He did not remember hearing a message over the air that 23 civilians had been killed, and he did not see how any VC-civilian distinction could have been made among dead bodies (pgs. 56, 63). He knew nothing about a report that 30-40 VC had left the village prior to the operation (pg. 64). The witness thought the task force had received sniper fire (pg. 25). As far as he was concerned it was a normal operation (pg. 17).

b. Evaluation of the body report.

GERBERDING was not surprised that there was a high body count and a low weapons count because the only time they had a high weapons count was when they discovered a weapons cache (pg. 23). Weapons were usually recovered from dead VC by VC sympathizers in the area (pg. 18). He did not think the count was lopsided and did not suspect it (pgs. 18, 29). He did not feel it was his prerogative to question the units KIA report of 69 artillery KIA (pgs. 21, 31).

3. INQUIRIES AFTER THE ASSAULT.

The witness did not see a combat after action report for this operation (pg. 33). While he spoke to Sergeant STEPHEN's about Task Force Barker's operation, there was no

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particular emphasis on the 16 March operation (pg. 33). He remembered no discussion with STEPHENS about the number of U.S. casualties, and he felt that any such remarks by him would have been stupid (pg. 76). He did not ask STEPHENS why so few weapons had been recovered (pg.77). He did not recall people discussing the operation after it was over (pg. 32). Although he spoke with Lieutenant JOHNSON several times after the operation, the My Lai incident was not mentioned (pg. 63).

4. REPORTS OF INVESTIGATION.

a. Receipt of the report.

Sometime in early April GERBERDING was given a folder of loose papers by his superior, Lieutenant Colonel BLACKLEDGE, which included a handwritten draft response by Colonel HENDERSON to a letter from General KOSTER (pgs. 30, 34, 64). BLACKLEDGE did not discuss the folder's contents with him (pg. 67). However, he was to insure that the confidential status of the letter was maintained (pg. 36). Other than BLACKLEDGE and himself the only other person in his office who knew about it up to the time of his departure was Specialist Five BAILEY who typed HENDERSON's handwritten draft (pgs. 37, 48, 62, 65). He identified Exhibit R-5 as the reply that was typed for HENDERSON (pg. 37).

b. Contents of the folder.

HENDERSON's reply was an answer to a person-to-person letter from KOSTER directing HENDERSON to respond as soon as possible to a complaint from the Son Tinh District chief alleging that 450 innocent civilians had been killed by Task Force Barker during the My Lai operation (pgs. 29, 34, 35, 44, 50). He did not remember the date on KOSTER's letter, however, it had to be very close to the date of HENDERSON's letter (pg. 49). KOSTER's letter had a typewritten official Americal letterhead on it (pg. 52). A Vietnamese letter and a translation, which resembled Exhibit M-34, were inclosed in KOSTER's letter (pgs. 35,36, 45). The VC propaganda leaflet was also included (pgs. 38, 39). He did not recall seeing RODRIGUEZ' 11 April 1968 statement and thus could not account for the difference

between it and the district chief's letter (pgs. 39, 51, 52, 71). The only document of which he had a clear recollection was Exhibit R-5, and he did not know how the inclosures were obtained or what happened to them (pgs. 38, 40, 41, 47, 71). GERBERDING did not remember if TOAN's name was mentioned in KOSTER's letter (pg. 45). He did not know how HENDERSON gathered the facts for his report (pg. 43).

c. Dispatch of the report.

The witness had four copies made of HENDERSON's letter, three of which he forwarded one of which he kept as a file copy (pg. 46). He then returned the folder to BLACKLEDGE who forwarded it to HENDERSON for HENDERSON's signature (pgs. 46, 66). After HENDERSON signed it, GERBERDING received the original and the copies for dispatch (pg. 66). It was delivered by the daily courier and marked "Eyes of the CG Only" (pgs. 45, 69). It was in a double sealed envelope (pg. 45). One of the carbons was marked "File RKB" (pg. 66). "RKB" was BLACKLEDGE's initialling (pg. 46). Neither KOSTER's letter nor its inclosures were returned to GERBERDING and he allowed that HENDERSON might have kept them (pgs. 47,65,66,67). At the time it was dispatched the document was given a "confidential" classification (pg. 56). The witness did not remember handing the document to the courier and surmised that it was picked for delivery from his basket (pg. 69).

d. GERBERDING's retention of a copy of HENDERSON's report.

GERBERDING placed the file copy of the report in a folder he maintained in his desk for confidential correspondence (pgs. 41, 57). This correspondence was not entered into the G2 log because personal or secret matters were not logged (pg. 57). He identified R-5 as the copy he kept (pg. 46). He did not know what other documents were in his secret folder, but there was nothing else in it for HENDERSON's eyes only (pgs. 61, 62). Neither HENDERSON nor BLACKLEDGE ever asked him about the report (pg. 62). When GERBERDING left he told his replacement, Sergeant CAMELL, about the secret folder and showed him HENDERSON's document (pgs. 42, 60, 68). He believed that BLACKLEDGE

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-14	TF Barker log, 16 Mar 68	Wit shown log entry.	10
		Wit knew nothing about entry #17.	11
M-30	RODRIGUEZ' statement	Wit did not recall statements.	51
M-34	TAN's letter to KHIEN, 11 Apr (trans) (Quang Ngai Prov)	Looked like inclosure to district chief's letter which wit saw.	36
M-46	11th Brigade Journal, 16-19 Mar 68	Wit seemed to recall entry 53	16
R-5	Copy of R-1 from 11th Bde file	Wit identified as reply he typed for HENDERSON.	37
R-21	INTSUM #75-68	Entered into evidence.	1
R-22	INTSUM #76-68	Entered into evidence.	1
R-23	INTSUM #77-68	Entered into evidence.	1

(The hearing reconvened at 0930 hours, 27 January 1970.)

MR WEST: The hearing will come to order.

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

RCDR: I have three documents to be entered into the record. The first is an intelligence summary extract from Headquarters, Americal Division, subject: INTSUM 75-68, dated 16 March 1968. This is entered into the record and marked as Exhibit R-21. The second extract is INTSUM 76-68, dated 17 March 1968. This is entered into the record and marked as Exhibit R-22. The third is INTSUM 77-68, dated 18 March 1968. This is identified as Exhibit R-23.

The next witness is Sergeant Major Robert K. GERBERDING.

(SGM GERBERDING was called as a witness, was sworn, and testified as follows:)

RCDR: State your full name, grade, Social Security number, branch of service, organization and station?

A. Robert K. GERBERDING, Headquarters Company, FASCOM, Korea, United States Army.

MR WEST: Sergeant Major GERBERDING, have you read our Exhibit M-57, which gives you the information and purpose of this hearing?

A. Yes, sir.

Q. Do you have any questions about it?

A. No, sir.

Q. Have you been given any order by the military judge in the court-martial case of United States v. Calley and United States v. Mitchell?

A. No, sir.

Q. As you know Sergeant Major GERBERDING, we are primarily interested in inquiring into the preliminary investigations that were made into the so-called My Lai incident. I assume the operation took place 16 March 1968, to determine the adequacy of the investigations and, as a collateral matter to determine whether there was any coverup, or any attempt to withhold information of what had happened.

This arose out of a public realization last November that this thing had happened over a year and a half before and it didn't become known for a long time. So there were immediate questions raised by the press and other people. Had there been a coverup? Was the Army trying to conceal something? This is the primary thing that we are looking into.

We think from your position, from what you heard, you occupied a key position and very likely knew or know some facts that will help us in our investigation.

Sergeant Major GERBERDING, for the record, would you tell us what your position and duty assignment was on 16 March 1968?

A. On that particular date I cannot tell you, but I can tell you that my duty assignment while I was in Vietnam was the brigade intelligence officer.

Q. The 11th Brigade?

A. 11th Infantry Brigade, yes, sir.

Q. Was it attached to the Americal Division?

A. Under operational control of the Americal Division, yes, sir.

Q. Did you train with the brigade in Hawaii?

A. Yes, sir.

Q. And you came over with them when they deployed to Vietnam?

A. Yes, sir.

Q. What were your duties there in the brigade in March 1968? Just what duties did you perform?

A. Well, there were several, sir. My main function was the assistant TOC NCOIC. We had the brigade TOC, or tactical operations center. The senior NCO was the sergeant major and at that time I was a master sergeant. I was the assistant NCOIC and we worked in 12-hour shifts. That was my main function. In addition, I maintained the intelligence maps and intelligence records and so forth.

Q. Did you take the day shift in the TOC?

A. Yes, sir.

Q. And who was the NCOIC?

A. The NCOIC was Sergeant Major KIRKPATRICK, the operations sergeant.

Q. When did you first hear of this plan, the Son My operation?

A. Well, that plan doesn't ring a bell with me, sir.

Q. Well, maybe they talked about it as the Pinkville Operation?

A. At that time there was no Pinkville Operation. It was a normal CA by the rifle company on 16 March. The battalion had a code word for it. At the headquarters we didn't know. It was a normal, every-day operation.

Q. You mean task force?

A. Task force, yes, sir.

Q. Were you aware in the TOC of the planning of this operation that was going on?

A. No, sir. The battalion or task force conducted their own operations.

Q. Well, do you mean by that they didn't even get approval of the brigade before they entered upon an operation?

A. No, sir. They required approval of the brigade commander, but the preparation, planning and so on was at the discretion of battalion or the task force commander. The final approval had to be from the brigade commander. Of course he approved the helicopters, artillery support and so forth. The mechanics and so on were done by the battalion commander.

Q. Do you recall on this particular operation that started on 16 March 1968, that it was necessary to get an extension of the AO?

A. I don't recall that, sir. It might have been possible because that particular area you're talking about was slightly out of our AO.

MR WEST: I show you the 1:25,000 map, Sergeant Major GERBERDING, which has the plan for this operation laid out on it.

(MR WEST oriented the witness to MAP-4.)

Q. Does this map refresh your memory at all about the operation?

A. Well, sir. The operation and plans, I was not involved. This was not my responsibility. This was handled by the operations, but it looks familiar to me.

Q. Do you remember working on an intelligence study in this area or perhaps assisting Task Force in their intelligence estimate of where the operation--

A. (Interposing) We did prepare one, yes, sir.

Q. Who was the S2 at the time?

A. Lieutenant Colonel BLACKLEDGE.

Q. Could you tell us something about the preparation of this intelligence estimate of the operation?

A. This was mostly based on information we received from the Americal Division. Of course, at that time in March, we had very little information about this area. Of course, this task force, when they occupied that area around 27 January, I believe, all the information we had was received from the Americal Division. We had some documents we received from a ROK Marine brigade which operated in that area prior and the 4th Infantry Division, 3d Brigade, which at that time or prior to us coming to Vietnam occupied the area which the 11th Brigade later on occupied. We were unable to collect any type of intelligence and all we could furnish Task Force is what we received from prior sources, plus our latest collection by aero-scouts and intelligence sources.

Q. Right. Task force had a couple of operations in the area before. Do you remember this in February?

A. Yes, sir. There was one in February.

Q. Are you telling me that during those operations you didn't collect a great deal of intelligence on the enemy at the time?

A. Very little, sir.

Q. Do you recall if there were many prisoners taken and interrogated as a result of these operations?

A. As far as I recall sir, there were no prisoners taken.

Q. Did you have any direct sources of intelligence from the Vietnamese authorities, through either the province chief or the district chief? Did you have liaison, for example, with the advisory staff so that you could go to your counterparts on those staffs for intelligence?

A. We had some sir, although my intelligence section handled the liaison. Task force dealt directly with the district chief at Son Tinh which is up in this area of Route 1 here and made liaison and established contact with the district chief and got some information from him, I presume. The 2d ARVN Division at Quang Ngai, which is just below the Song Tra Khuc here furnished some intelligence information through the 52d MI Detachment which was assigned to

the brigade. But the Vietnamese information was very sketchy and I felt, highly unreliable.

Q. Do you remember the name of the detachment commander of the MI detachment? Major LABRIOLA?

A. No, sir. Major FLETCHER was the initial commander and later on a Captain LABRIOLA took after Major FLETCHER left.

Q. I believe Captain LABRIOLA was in command at the time. Are you acquainted with Lieutenant JOHNSON of the MI detachment?

A. Yes, sir.

Q. He went out on this operation with Charlie Company when it CA'd in on the 16th. Was he sent by your section?

A. No, sir. The task force commander made direct contact with the MI and he could ask for any MI support he needed, provided there was no committment or requirement on the detachment by the brigade S2.

Q. I see, so it was arranged. Was this at the request of the task force commander?

A. I would presume so. Yes, sir.

Q. You don't recall sending him out with a mission for your office of the brigade?

A. No, sir. Not from my shop.

Q. Did your office prepare a written G2 estimate for this operation?

A. No, sir. Not this particular one. As a matter of fact, on any company or battalion type of operation we didn't furnish any specific, or particular intelligence information unless the task force required it. In other words, we furnished up-to-date and the latest information to the units, but their S2 collected their own intelligence

information. Unless they asked for it we did not make specific studies for a particular town, village, or hamlet.

Q. Well, in this case you remember Captain KOTOUC, the task force S2, his intelligence sergeant, Sergeant STEPHENS coming in to work with you, getting ready for this operation?

A. I have never seen Captain KOTOUC, sir, and Sergeant STEPHENS did not come to me for any specific intelligence on this operation. Of course this was a normal operation like any other company operation in Vietnam. We had two more battalions which were operating in the area and they received no specific intelligence information or estimate for their day-to-day operation unless they asked for it.

Q. We have received some indications that this operation had been planned to get under way some little time before, or perhaps a week or two before and then it had been postponed. Can you recall this circumstance?

A. Well, sir, any operation requires a little bit of planning. It can't be done on the spur of the moment. I'm sure that the task force commander planned this a few days, maybe a week in advance which I do not know. It was delayed, then there must to have been reasons for it. Lack of transportation, or airlift capability or so on, which again I do not know.

Q. You don't recall the circumstances?

A. No, sir.

COL FRANKLIN: You never saw Captain KOTOUC?

A. No, sir.

Q. Isn't that sort of strange, for a subordinate S2 not to see him?

A. Well, sir, he never came down. My Brigade S2 was Colonel BLACKLEDGE, but his intelligence sergeant I never saw him, because my place of duty was at the TOC.

Q. Did you ever see the other 4/3 and 3/1 S2 up there at the 11th Brigade CP?

A. When they stopped by the TOC, yes, sir.

Q. Do you recall anything about the 48th local force VC battalion?

A. Yes, sir.

Q. How about telling us what you can remember Sergeant Major?

A. Well, the information we had on file when we arrived in Vietnam was that the 48th VC local battalion was operating in what they called the Batangan Peninsula. They had been there for I don't know how many years. We were told at least 10 years they had been operating in this area. All attempts to dislodge or wipe them out in the past had been unsuccessful. They were traveling the range of this area here in the Son My valley. They were switching around back and forth. Several attempts had been made by the 4th Division, and the Korean Marines before them to pin them down and wipe them out, and all these attempts had been unsuccessful. However, during the time I was in Vietnam, we had several contacts with the 48th or elements of the 48th Battalion.

Q. Well, was that a goal of the 11th Brigade, to wipe out the 48th VC battalion? Specifically, have you ever heard Colonel HENDERSON or the S3, Major MCKNIGHT, talk about that? Did this ever come up at briefings or conversations, talking about wiping out the 48th VC Battalion?

A. That I do not know, sir. I have not heard, but our mission was to destroy any VC unit, regardless what their designation was, operating in our AO, and this was part of our AO.

Q. You remember what kind of shape the 48th was in about March 1968?

A. Yes, sir. They were supposed to be well-equipped, well-trained, and in good fighting condition.

Q. Well, it may have slipped your mind, but after Tet, when they went into Quang Ngai, in one of the training centers, they took horrendous casualties, Sergeant Major. They lost a battalion commander killed, two company commanders killed and perhaps one captured, and they were carried, at least by division, in the order of battle, as limited combat effectiveness at that time. What I'm getting at is, testimony we got from Task Force Baker is that they had very good intelligence because the 48th Battalion was located in their objective area, and that was one of the prime reason for launching this operation. I'm wondering where they could have gotten this good intelligence?

A. I would say from the ARVN units in that area, possibly the district chief at Son Tinh or the 2d ARVN Division at Quang Ngai.

Q. You did say that ARVN intelligence was not very good, did you not?

A. Yes, sir. Let me make one statement here, sir. Any time that we had any contact with the ARVN pertaining to intelligence they specified units to us. They said this is the 48th VC regardless of the VC. They saw them only 6 months ago or a year ago, but anything that happened, our fire base got mortared, or LZ got attacked, this is the 48th VC, this was the 3d NVA Division, this was so and so. They might have never left their home base, but they told us this was the 48th VC division, I mean battalion. The 2d ARVN Division never left their home base while I was there as I recall, but they told us specifically that this was the 48th VC battalion and maybe based on that information, the battalion commander decided to try and wipe out the 48th battalion, I don't know.

COL FRANKLIN: Thank you, Sergeant Major.

LTC PATTERSON: Sergeant Major, I'm referring to Exhibit R-23, which is the Americal Division INTSUM, dated 18 March 1968. In looking at this, I'm assuming that on a weekly basis the Americal Division INTSUM carried unit locations for enemy forces. Does that agree with your recollection?

A. Yes, sir. Every Tuesday they published the order of battle.

Q. On this particular morning, on 18 March, it indicates the 48th battalion VC, strength 80, was located at coordinates BS6977, with a date of this location being confirmed by agent report at 4 March. It also indicates on this particular INTSUM that the 44th Local Force Company with a strength of some 50 was located at coordinates BS 7480 by agent report 26 February. Is this the source of your intelligence as far as enemy units are concerned?

A. No, sir. This information, highly outdated, comes from agent reports, and by the time these reports comes to us it would be foolish for brigade S2 to recommend to his subordinate units to conduct an operation based on these agent reports. Their classification and dependability was F-6, according to our evaluation.

Q. Does the name Captain HOLBROOK mean anything to you?

A. Yes, sir.

Q. Who was Captain HOLBROOK?

A. He was the S2 or the assistant operations officer at Task Force Barker during the period you're talking about now, sir.

Q. Did he work at brigade? Did he go back and forth between brigade and Task Force Barker?

A. No, sir. He was the assistant brigade S2 and when we formed Task Force Barker Colonel BLACKLEDGE, the S2, sent him to Task Force Barker as S2 and assistant S3. I understand later on Captain KOTOUC also arrived, who was the artillery officer, and Captain KOTOUC became the S2 and Captain HOLBROOK the assistant S3.

Q. The reason I'm asking, Sergeant Major, is that the task force journal of 14 March 1968 (Exhibit M-16) indicates that Task Force Barker received a "message from Captain HOLBROOK, 11th Bde AO extension has not been approved as yet. Delay caused by 2d ARVN." This was received at Task Force Barker TOC which leads me to believe that Captain

HOLBROOK was at this particular time somewhere other than at the TOC, and would also lead me to assume that he was trying to get this AO extension approved.

A. Sir, Captain HOLBROOK was some place up there in Task Force Barker.

Q. I'm not trying to pin you down as to where Captain HOLBROOK was. I'm wondering about Mr. WEST's question about this AO extension and the procedure to get this AO extension, if brigade did in fact play a part in it.

A. Well, all AO extensions had to be approved by brigade. No battalion could operate outside any AO. Before any operation started the battalion or task force requested it. Since we were operating in the ARVN area our request had to go through the Americal Division to 2d ARVN Division requesting an AO extension. As I say, 9 out of 10 cases they were approved, but before the unit could move out the approval of their extension had to be confirmed by the brigade. Now there might have been a case that the unit was ready to go on 16 March or 14 March and the approval of the extension had not been received by the Brigade TOC.

Q. Do you recall, Sergeant Major, whether or not there was any attempt to get ARVN participation in this operation?

A. We have always tried to get the ARVN participation, sir, but we were very unsuccessful.

Q. On this particular operation, Task Force Barker log, item 17, also indicates that on 15 March brigade had called Task Force Barker and indicated they had attempted to get ARVN's participation. Do you recall anything about the brigade's efforts in this regard?

A. No, sir.

MR WEST: In connection with obtaining the AO extension or in connection with Task Force Barker trying to get an approval of this Son My operation, do you recall any briefings for General LIPSCOMB, that you place on or about this time,

shortly prior to 16 March 1968? I realize that Colonel HENDERSON took command on the 15th.

A. The general had left, sir. I think he left the first week in March. Colonel HENDERSON was the brigade commander.

Q. I see. Was he the acting commander from around 1 March?

A. Sir, I'm not positive. I think General LIPSCOMB departed on 7 March, and as of 1 March Colonel HENDERSON was commanding officer, but I am not positive as to that, sir. It should be somewhere. If you have our journal, it should be in our records.

Q. We have the journal. Do you recall a briefing of Colonel HENDERSON about this operation prior to the time it came off, perhaps in connection with obtaining an AO extension?

A. Well sir, this would have been done at the normal evening briefing. We had it every night. It was attended by all key staff officers, enlisted men did not participate in that.

Q. You don't recall any special briefing on this subject? This operation?

A. No, sir.

Q. Did the battalion commanders normally attend the evening briefings?

A. No sir, their liaison officers attended once a week the battalion commanders attended, on Saturdays.

Q. Sergeant Major GERBERDING, would you notice this entered on the Task Force Barker Log of 11 March (not entered as an exhibit), a message, late that evening, that "General Bruce PALMER will arrive here late tomorrow and will be briefed by General LIPSCOMB"? What about your intelligence files at the brigade, Sergeant Major GERBERDING, did you set up the files and organize them?

A. I made the files at the brigade S2 office, yes sir, and also the MI detachment made files. Now, the order of battle was maintained by the MI detachment, but I maintained the normal office administration files or functional files and the brigade intelligence summary which was published by my office.

Q. Did you have an assistant to help you with this work.

A. I had two clerks.

Q. Do you remember their names?

A. I can't recall their names offhand, sir.

Q. The log for the 11th Infantry Brigade for 15 March (not entered as an exhibit), shows a late entry, "at 0930 LZ Bronco, change of command ceremony. Colonel HENDERSON assumed command of the 11th Infantry Brigade from Brigadier General Carter LIPSCOMB and Brigadier General LIPSCOMB departed."

A. On 11 March?

Q. 15 March.

A. Okay.

Q. Does this refresh your memory now? Did you attend the ceremony? Do you remember General LIPSCOMB being there taking part?

A. Yes, sir.

Q. The date was 15 March. Do you recall now that he stayed in command until the ceremony?

A. I would say, sir, that he turned over operational control prior to his departure, because he was processing out and clearing and I don't think he had as much time to devote to operational matters as he should have. I think that Colonel HENDERSON conducted the control of the brigade prior to 15 March, sir.

Q. For what period of time would you say?

A. Sir, it sticks in my mind that Colonel HENDERSON was not in command, but in charge, or had full hand, as of 1 March.

Q. Can you relate that to any particular event?

A. Well, I recall seeing General LIPSCOMB very rarely. He made trips to the Americal Division and had his out-briefings and so on, and I think he more or less phased out of the picture and let Colonel HENDERSON get into the act more.

Q. What was Colonel HENDERSON's position during this time?

A. He was the deputy brigade commander, sir.

Q. Was he also called executive officer, or did they use the term of deputy at that time?

A. We had a deputy brigade commander when we had a CG in command, sir. Later on, after the CG had departed, we had an executive officer.

Q. Task Force Barker was functioning at this time. After Colonel HENDERSON took his command was the position of executive officer filled right away?

A. No, sir. I don't believe so. One of the battalion commanders, but I could not tell you the exact date, because I wasn't too much concerned with personnel matters. I didn't pay attention to what time or date particular officers assumed command, but offhand I would say the position was vacant for awhile.

Q. Throughout this period Colonel BLACKLEDGE continued to be the S2, is this correct?

A. Yes, sir.

Q. Let's go to 16 March 1968 now, Sergeant Major GERBERDING. Do you recall this day, when the operation got started in the Son My area?

A. Let me put it this way, sir. You are referring to the operation of 16 March?

Q. Yes.

A. While I was in Vietnam my brigade conducted hundreds of operations and if you asked me today if I recall the operation on 7 August, I couldn't tell you a thing about it. None of the operations were of any significance when they started. Nothing was of any importance. Nobody attached any great attention to it, unless a major contact occured. So, whenever they started a normal combat assault by company or battalion nobody paid attention that it stuck in his mind, that particular operation. I do not recall this being any operation of any major importance which should stick in anybody's mind.

Q. Well, of course--

A. (Interposing) Prior, to the beginning.

Q. At some point in time it became apparent though that this was an unusual operation. Do you recall whether you were on duty in the TOC on 16 March 1968?

A. I was on duty every day, sir, except when I was on sick call and missed a few hours. I'm sure that I spent every day from 0600 in the morning to 2200-2300 at night in the TOC.

Q. Well, the combat assault was to get underway at 0730 in the morning. Thinking back now, do you recall any event during the morning which drew your attention, which you can recall about the operation, your reports coming in? Were any unusual, that you can remember, your radio transmissions and messages?

A. No, sir. I don't think that anything of importance came in that early in the morning. Now, once the operation started it always took time for things to develop and the old problem existed, tools of the trade. Information was slow to fill the gaps. Something took place at 0800 in the morning; no matter how hard you push the units it took several hours, sometimes half a day before any information

came back. I do not recall anything of importance that day.

LTC PATTERSON: What do you recall the morning of 16 March, with reference to Task Force Barker?

A. I do know they had contact on that day, sir. Whether it was in the morning or the afternoon I do not remember now, sir. I do know that sometime during the day we received a report from the TOC, Task Force Barker, that they had made contact and killed a large number of VC, over 100.

Q. I will agree by looking at the TOC's journal from the 11th Brigade, Sergeant Major (Exhibit M-46). I will agree that up until about 0930 hours in the morning it was evident, at least to brigade, that an operation was being conducted, VC were being killed by gunships in support of the Task Force Barker operation and by the ground forces that were involved in it. But about 0935 hours in the morning the log reflects an entry that should have or could have rung some bells in your mind. A message came, and I'm referring to item 53, 0935, "Task Force Barker TOC, C/1/20 counted 69 VC KIA as a result of an arty fire.

A. That seems to ring a bell, 69, yes sir.

Q. That's a pretty good body count for an artillery fire isn't it?

A. Yes, sir.

Q. Do you recall any reaction, personal reaction, or personal opinion that you formed at that time?

A. I myself, did not form any opinions, sir. They fired from two LZ's. We had artillery on Dottie and Uptight and I would say they just caught somebody out in the open and just happened to get them.

Q. Well, let's examine the thing just a little bit. Had the 11th Brigade, which had been in country now and operating since 1 January, operating for two and one-half months, had they ever achieved a body count in one fell swoop as large as that prior to that time?

A. Yes, sir, in February.

Q. Where was that at? In one entry?

A. Yes, sir. I think in February we got 128 in a one day operation.

Q. One day?

A. Yes, sir.

Q. I'm talking about a one-line entry. This was a one-line entry, not cumulative, one-line entry. Do you recall anything else about 16 March, any other information received from the Task Force Barker TOC?

A. Well, all I know, sir is that later on during the day we pushed Task Force Barker for additional information. I think we received a total count of well over 100 VC KIA. Again, I would say it was around in the 120's.

Q. The record shows, Sergeant Major, that it was 128 officially reported. Do you recall how many friendly casualties?

A. No, sir. This did not come to me.

Q. Do you recall how many weapons were captured?

A. Sir, I think none, or maybe 2 or 3.

Q. Do you recall making out at the end of each day the compilation of the results?

A. Yes, sir.

Q. What did you think about the activities at this particular point in time?

A. Well, to me it seemed a normal operation, sir. They made contact, killed a large number of enemy, and as far as I'm concerned, that was it.

Q. Did you think anything about the ratios, large body count, small weapons count, large VC body, small casualty count, U.S. casualties?

A. No, sir. You cannot connect, or at least in the area where we were operating, you cannot connect a body count to weapons count. We have the 3/1 which is one of our most successful battalions. They have actually engaged 20,30,40, and 50 VC's and killed them and only came out with 2 or 3 weapons. Of course these weapons disappeared so fast, even after contact, that you just cannot draw conclusions from the number of bodies counted and the number of weapons captured. Of course you can engage a VC force of 100 men, all armed, and when the battle is over you will find maybe 5 weapons. Their doctrine is to recover all weapons at all costs. Women and children and anybody else have one mission, to recover weapons, and after they sweep the battlefield you find hardly any, or very few weapons. So this was not a surprise to us.

Q. You weren't surprised then that 69 people were killed by artillery then?

A. No, sir.

MR WEST: In the TOC area on the morning of 16 March 1968, while this operation was going on, were you listening in on radio transmissions, radio traffic going back and forth, brigade to Task Force Barker and Task Force Barker to companies and so forth?

A. Sir, we listen to all units operating. I do not recall that I paid any attention to a particular unit. At the same time, the other battalions were operating. At that time, it did not seem important to me to pay attention to one particular channel or unit operating which was of no significance at that time.

MR WEST: Do you remember during the morning somebody coming in over the radio about a large number of Vietnamese people being killed in a hamlet called My Lai (4), and the brigade commander talking about firing and unnecessary killings?

A. Which hamlet sir?

Q. My Lai (4). The hamlet which Charlie Company first went into, which of course has been very much in the news for the last 2 or 3 months.

A. No, sir. I do not recall any particular emphasis on this one hamlet or any large number of people being killed. I do recall the number of guerrillas being killed that day as reported to us.

Q. Do you remember hearing any radio transmissions from helicopter pilots about seeing large numbers of dead civilians in My Lai (4)?

A. No, they were on a different frequency, sir.

Q. You didn't listen to that transmission?

A. No, sir, I had no cause or no reason to listen to this transmission.

Q. Did you normally listen to transmissions of Rawhide 6?

A. That was the brigade commander's?

Q. Right. Did you monitor his transmissions when he was out over an area in a helicopter?

A. Well, he was on the brigade command frequency, sir. Everybody monitored that channel.

Q. Do you remember a transmission from him that morning about unnecessary killings?

A. Not to my knowledge, sir.

COL FRANKLIN: The way you talked, Sergeant Major, did I understand you that you monitored each battalion command frequency?

A. No, sir.

Q. Just brigade frequency?

A. Yes, sir.

Q. Okay.

A. We could select one unit and monitor one battalion. We had the additional radio set, sir, and we could switch on any battalion, (3/1, 1/20, 4/3) or Task Force Barker in that case, and monitor their battalion frequency.

Q. In a combat operation, if the brigade commander wanted to talk with somebody in the battalion, what frequency would he normally use?

A. Battalion frequency, sir.

Q. In other words, if he talked, you wouldn't have any idea what he was saying, or what was going on in the battalion, unless you by chance had taken the radio and turned on to their frequency.

A. That is correct, sir.

Q. Okay. The report comes out, 69 VC killed. Would this be a good reason to turn the radio on at this time, or turn it on to their push?

A. No, sir. I mean that would indicate to me that the operation was over and the action was completed. I see no need for me to monitor that particular net. The same time, this could have been on the company net again.

Q. What could have been on the company net?

A. No, I mean, the action net. So, that we couldn't get anyway.

Q. Brigade has certain requirements. Some units, that you know better than anybody, don't report completely.

A. Yes.

Q. If you got a report of 69 VC killed in a location by artillery that's nowhere near the information that division is going to be asking you, or information that you're going to want to know. You're going to want to know the unit identification. You're also going to want to know about prisoners,

what they're equipped with. You're going to have a lot of questions.

A. Yes, sir.

Q. Did you or any of your people ask anyone in Task Force Barker about this report?

A. Sir, we had the same problem, which I'm sure you are aware of in many units. When the unit is engaged, you get one answer from the company commander, "Don't bother me. If I need help, I'll call for it, otherwise, leave me alone. We're not finished. I'll report to you." This is not official, but I might say unofficially, our policy was, don't mess with the units if they are engaged. They are doing fine. They can handle the job. Wait until they're finished and report.

Q. Was that the 11th Brigade commander's policy?

A. I cannot say that it was his policy, sir. But, it was more or less the attitude of senior personnel. They are doing fine, do not interfere. Don't start bothering them about little details like, how many of this, how many of that.

Q. We have heard testimony that Colonel HENDERSON was always tying them up. Would you think this is perhaps an exaggeration?

A. Well, any kind of operation that took place, Colonel HENDERSON was usually there in his C&C ship, and what he heard, that I do not know, sir.

Q. Were any of your friends around the TOC that day, that ever went out in the C&C ship?

A. I can say this, sir. Colonel HENDERSON had more first hand information than we had back in the TOC. Of course, he did come back and say, "No, this is wrong. You've got 10 killed, that's 11. You have 2 SKS rifles, one AK-47. We have a different number. According to my information, it happened right here," and "I saw this". This information was first hand. Ours came from the company, the battalion, the

task force, and back to TOC. And, somewhere along the line in transmission, sir, it always got slightly modified maybe, or garbled, or not exactly the on-the-spot information.

Q. I'm very aware of that problem, Sergeant Major, and it makes it difficult for the people back in the TOC. Sometimes there is a delay in the flow of information, and you have to compete with the brigade commander on the ground.

A. I've been chewed out by commanders for having the wrong information, and he's saying, "No. I saw it. Such and such happened. So many were killed, so many captured." So, I'd go back to battalion to check it out, and maybe a day later they'd say, "Oh, that's right." So, the flow of information was not as accurate as it should have been, sir, going through command channels, from the company back to brigade.

Q. Yes. We have a problem here that very much bothers us, Sergeant Major. The entry in the Task Force Barker log about 0840 in the morning reports at least 69 VC killed by Charlie Company in the hamlet called My Lai (4). In this general area right here. This is My Lai (4) on the aerial photo. Approximately an hour later, in your log, the Americal Division log, people were suddenly killed by artillery in a location considerably to the north. Would you have any light to shed on just how something like this might come about?

A. Sir, let me state again, this operation, as far as I'm concerned and recollect on 16 March, was of no importance or seemed unusual, or special, and I couldn't recall any particulars of that operation unless you tell me. However, I do recall the figure 69, which later on, went well over 100. Of course, Task Force Barker had two operations. One in February and one in March, at which time they killed well over 100 VC. Only two operations in their entire existence, and they had a body count of well over 100. This was one of them. I do recollect that artillery fire, was you say that count was 69, and that's it. Which went later on to well above 100. Now, we do have very heavy artillery preparations and gunships, I believe, prior to any operations of our units. The brigade commander insisted on it, to save American lives. "Prep the LZ's with artillery and gunships." And, it seems to me they were lucky, and they did, because they cannot--

Q. (Interposing) Well, Sergeant Major, I'll be very frank. I'm very impressed with your appearance before us today. We fully understand that day-after-day in that TOC, for 16, 17 hours a day with combat assaults going on every day, certainly you're not going to remember any specific day. But, when you get a report of 69 VC killed, then it isn't just an ordinary day anymore. Now, Task Force Barker actually had two operations. One on 13 February and one on 23 February in this same area. I don't think their body counts were in the hundreds. I think they were in the seventies. Do you ever recall talking to the B Company commander in the 4/3, Captain MICHLES?

A. No, sir, I do not.

Q. Well, they had a very low weapon count of 6 on this operation. They had a report of 78 on the 20th. One of the February operations, they had some 78 bodies, and I'm not sure how many weapons.

A. The weapons count was low or zero for both operations, sir.

Q. Okay, this is your third operation now with Task Force Barker. I understand about their policy on getting the weapons of VC. To do this is a primary mission when operating in VC area and they are indoctrinated. But, here now, you have got the third one coming up. Did you have any particular reaction with the high body counts from Task Force Barker and the low weapons counts?

A. Frankly, no sir. As far as I knew, Colonel BARKER, and he was one of the finest officers I have met, and it did not surprise me in any way that he had a high body count and a low weapons count. Of course, the entire year we were in Vietnam, the only time that we had a high weapons count was when we captured a cache.

Q. You were the intelligence sergeant. You had to assess the information. You didn't think that Vietnamese agent reports, things of that nature, were really too good? Did you believe the body count that you got from the 11th Brigade? Did you get good body counts, Sergeant Major? This is your personal opinion. I understand your loyalty to your

outfit. But, this is a real important matter with which we're engaged, very important matter for the whole Army and the country. Frankly, we've got information on these body counts, that these figures were rather lightly arrived at, at times.

A. The command emphasis on body counts from the top on down, division, as far as I recollect, pressing us for body counts. All he called for was how many bodies, how many bodies. So, this emphasis was impressed on all units. We want an accurate body count. To my recollection, what our units turned in, the body count was correct. I left brigade after 12 months. We had a body count of over 3500 VC for brigade, which is not high in one year. If you figured out, sir, it could only mean about 3,500 VC in 12 months, how many is that? 300 per month.

Q. That's a pretty good count.

A. Well, I have heard of body counts from brigades of 10,000 and more. I can say that this 3,500 is about as accurate as you can make it.

Q. Was this emphasis coming down at all echelons for accurate body counts, or was this for just a body count?

A. The accurate body count, sir. It was specifically spelled out in the Americal directives how bodies will be counted.

Q. I'm sure it was spelled out, and I'm sure there was a command emphasis on it. Certainly I don't doubt that.

A. I would say that all the units submitted about as accurate a count as possible, or as they could under the circumstances.

Q. So, you would interpret then that this body count coming in about 0925, the 69, that you assumed that somebody went out there in company or platoon level and had them laid out and counted?

A. How it was done, this I cannot answer, sir. But, I am sure that with the helicopters in the area, I'm sure that somehow the unit arrived at an accurate or fairly close count.

And, not just sitting back at the fire base and saying artillery knocked out this many. Many times that we spotted VC's, the artillery opened up and the artillery forward observer said engaged 10, 8 KIA and it was confirmed by helicopter, by aero-scouts, physically going in there, or rifle squad, or ground troops nearby actually going up there and confirming it. We didn't even take artillery's word for it. Never, since I worked in brigade did we take a body count where an artillery battery engaged the enemy forward and called back and said, "We spotted 50 and wiped out 45." This count was never taken as long as I worked in brigade, and it was first that the count was confirmed.

Q. There is no doubt in my mind Sergeant Major that you believed that Task Force Barker on 16 March had a 128 body count, VC. There wasn't one single American soldier wounded by enemy action, other then booby traps and mines. There were 2 killed and 11 wounded, all by booby traps and mines. There was a total of 3 weapons taken on this operation. Now, this information would be pretty much available within the TOC. I'm asking you now, was there any kind of comments or talk, reaction to this? Task Force Barker killed 128 and hadn't had a soldier wounded or killed other than by boobytraps.

A. No, sir. I believe they did receive sniper fire.

Q. We have had a few people that stated that. How about civilian casualties. If there were noncombatant civilians hurt on an operation, would they normally be reported to the TOC?

A. If any women and children were hurt, we would not know about it, sir.

Q. You would know about it?

A. We would not. Unless they were brought to an American fire base for first-aid. Because these people disappeared. Anytime one of our units were in the area, the civilian population disappeared into tunnels, caves. You didn't see a thing until the operation was over. Then, they came out from where they were hiding. Then the casualties were brought to our fire bases, or the district chief's headquarters said

the American artillery last night in their zone sweep wounded 10 people and we have them down in the district headquarters. We'd say, "Okay, bring them up." And, they were brought in to our firebase.

Q. I suppose in your unit, this happened frequently. It didn't always happen, but everybody didn't get away all the time. Suppose a unit came across maybe 10 bodies, most of them very small children, for example, that had been caught by artillery or gunships or crossfire. There were 10 bodies there and they were mostly children, and, obviously noncombatants. No weapons, no gear, just women and children, say. Would this be reported to your TOC?

A. If you had any idea of a number, yes, sir.

Q. How about one?

A. I have never had one civilian reported to me as killed. An innocent civilian. Of course, it was hard to determine out of 10 bodies whether he was an innocent civilian, or he was guerrilla.

Q. That's true, unless he was a 2-year old child.

A. That's right, yes, sir.

Q. You're telling me that never once in that TOC that you can recall one innocent civilian being reported killed?

A. Not to my recollection, sir.

Q. Did this ever strike you as an extraordinary thing?

A. No, sir. If I may elaborate a little bit, you will have to realize the area we were operating under. Entirely Viet Cong dominated. Now, the reports that we had from our MI detachment, the infrastructure which existed there in this area until the 4th Division and the 11th Brigade arrived here, nobody had set his foot in there. This area was 100 percent dominated. These people were not sympathizers, they were active supporters. Anybody. If you say

innocent civilians killed, nobody could determine if he was an innocent civilian, because 9 out of 10 cases, he was an active hamlet village guerrilla. A farmer in the day time, and at night he carried his rifle. So you cannot use the term in this area saying he was an innocent civilian, because the VC ran this area, and everybody was a VC. Men, women, children. Of course a 10-year old boy could blow up a jeep with a homemade claymore mine. Would you call him an innocent civilian?

Q. I certainly wouldn't call somebody that did that with a claymore mine as innocent civilian, Sergeant Major, but let's just carry this a little further. Any time anybody was killed in this area, that was a VC. Is that correct, carrying your logic, what you said, just a little further?

A. If you had made contact, sir, and you had found dead bodies, he was a VC. He didn't necessarily have to have a grenade in his hand, or a rifle in his hand.

Q. Any age, any sex? Well, then, apparently you've already answered. There isn't ever innocent civilians reported in the TOC as long as you were there. So, I have to assume that everybody that went to your unit was considered a VC.

A. Like you said, he was a 2-year old child. Our unit did not report a little baby as one VC engaged, one VC KIA.

Q. Did they ever report a little baby killed inadvertently, or accidentally?

A. Sir, I cannot recall that any reports have come in of innocent civilians, women or small children being killed, inadvertently or accidentally.

MR WEST: Sergeant Major GERBERDING, I'm sure you realize now that the operation in the hamlet shown on the map as My Lai (4), was most unusual. Quite a few Vietnamese residents of that hamlet were killed that day. I want to ask you to think back and recall if there wasn't some talk around the TOC the day after the action had concluded. Now, before you answer, I want to point out that we have talked to a lot of

people assigned to the brigade, in and around the TOC, and at Duc Pho. All those people were there on the scene and have come back and told what they saw. Do you recall from talk around there afterwards that civilian people or apparent civilian people being killed, including women and children?

A. I have heard of allegations by the Vietnamese district chief that the brigade killed a large number of civilians. Also, that it was under investigation by the Americal Division headquarters, and that allegations had been answered by the brigade commanders.

Q. Well, we're going to get to that. I'm talking about immediately after. Maybe the next day, maybe late the same day, or the next day or two. Didn't Specialist ROBERTS from the PIO detachment talk to you about what he saw there that day?

A. Who, sir?

Q. ROBERTS.

A. Sir, I do not know. I might know him by sight if he was in the brigade. We had some people attached in the task force's zone, and I didn't see them for quite a while.

Q. Did you know HAEBERLE, a photographer from the PIO detachment?

A. Not until I saw his picture in the paper or magazine.

Q. Sergeant Major GERBERDING, after the count was in on this operation the first day, 16 March 1968, it came out 128 VC killed and 3 weapons captured. Didn't this as a matter of fact, seem rather strange to you and didn't you remark to others that this was an unusual ratio, and that it indicated to you a suspicious count, VC count?

A. That I was suspicious?

Q. Yes.

A. To whom was I supposed to have made that statement, sir?

Q. Just answer the question now. Didn't you talk to people about this, that you were suspicious of this?

A. No, sir. It did not seem unusual to me. I might have questioned the unit to have it reconfirmed from various sources. Many times you have an operation going on, for example your gunships report 10 people killed. We had our own aviation detachment in the area engage in operations. They report some killed. Artillery report some killed. And, I'm going to question to get this count confirmed so that we do not have a duplication in counting the same number of people killed, 3 different sources reporting the same count. It has happened in the past that an infantry unit got some help from gunships, and gunships immediately call in and say, "We killed 10." If they killed 10, then we have 20 right there.

Q. I'm not talking about that. I'm talking about your suspicion of the ratio killed here, 128 VC and 3 weapons captured.

A. At that time and the day, there was no suspicion on my part sir.

Q. Well, let's talk about 2 weeks later, or 3 weeks later. Did you suspect something was wrong? By this time there was an investigation going on.

A. Sir, I did not suspect anything wrong. Of course, in the first place it is not my position to suspect or criticize the commanders in saying, "You are wrong. Your operation is working inaccurate. What you have reported is false and erroneous information." If a colonel submits a report, or it has come from his headquarters, it is the same as coming from the battalion commander. To me, that is accurate. And, I do not question it. Except maybe to confirm it.

Q. You mentioned a report coming in from the district chief?

A. I believe the district chief from Son Tinh made allegations and reports to the province chief at Quang Ngai that we had killed a large number of innocent civilians in that operation.

Q. How did you hear this?

A. I handled the correspondence.

Q. Do you recall when this was?

A. The date I do not know, sir. But I would say it was sometime in April.

LTC PATTERSON: Sergeant Major, I appreciate your position. I understand all that you said and appreciate your position. I know that you're being very, very careful in what you say and choosing your words very, very carefully.

A. No, sir. I'm being honest and I'm telling you exactly what I remember.

Q. No. I'm not accusing you of this. What we are attempting to get is just your recollection, and that's all. And, the truth. I have no doubts that you're telling the truth. There's no doubt about that. But, as Mr. WEST has indicated to you, we have got all the facts, and testimony in which people have told us things. Confirming it and typing it all together and trying to put this all together is quite a chore.

A. I understand that, sir.

Q. In your position and with your record, which I might add, is outstanding, we have information that seems to indicate that perhaps in a hootch discussion, not an official discussion--I'm not talking about discussing it with Colonel BLACKLEDGE for example, or perhaps in the division staff, or perhaps even within your own section, your own S2 section. Can you recall any time, and just an opinion, talking about this thing with anybody? I don't know if you had an NCO club there or not. Could it have been as you were just sitting around resting, off-duty?

A. Well, sir, I would like to say this. In the first place it would be inappropriate for me to express an opinion on an investigation like this. And, in the second place it is not my position as an enlisted man to question the actions of

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the commanders involved. They were there. I was sitting in a well-protected, sand-bagged bunker, which is called the TOC. These commanders were out there and Colonel BARKER, like I said before, is a very outstanding officer who was killed in Vietnam. He personally came back after any operation and reported to the brigade commander, and they discussed this, I'm sure. If his command or his staff turned in a report that they killed 128 VC, it would be unfair for me to question his report, or bring any doubts as to his credibility.

Q. Well, I think rather than attacking the report from a credibility standpoint, as to whether or not the report is true, you have indicated that you would attempt to ascertain the facts from all sources. Maybe the younger enlisted men working below you down in the TOC had not been very careful about making the report, and you're going to verify the reports.

A. Sir, I question all reports.

Q. From that light alone, you're not attacking the credibility of a colonel or anything else. You're attempting to ascertain in your job there at a higher command that all the received facts are, indeed, what they purport to be. It would also seem appropriate to me that in your function as brigade S2 sergeant that some analysis, something else than just strict reporting and compilation and pumping it out at division. Some analysis was going on here.

A. No, sir. This wasn't required because the same thing was reported in our SITREP which went out daily to our next higher headquarters. All this was seen by the brigade commander before it was released. Colonel HENDERSON, saw all SITREP's, all INTSUM's before they were released. Many times, he told me to make changes. Of course, my reporting of incidents in the chronological listing of events was inaccurate. He said. "Change this, the coordinate is wrong, or wrong unit designation, it was in Charlie Company, or in Bravo Company." We didn't analyze it, we didn't change it, and confirm it from the standpoint of accuracy. It did not require me to make any further investigation. If the unit says it engaged a large number of enemy and killed so many, that was it. We were not required by regulation to have a study made of any kind of action or engagement. Again, our

brigade did not carry out any major operations in Vietnam, engaging battalions, regiments, or NVA's. Mostly we were engaging local or main force units of platoon, company size.

Q. Well, it would be said that it was normal for you to question. Not in the manner of attacking credibility, but asking for the facts, "How come you didn't get more weapons to the body count that you got," wouldn't it?

A. Yes, sir.

Q. That type of question is not investigative, or attacking credibility, but asking the fact, "How come you didn't get more weapons for the body count that you got."

A. Yes, sir.

Q. That type of question is not investigative or attacking credibility other than in the normal process.

A. No, sir, my first question for any engagement was how many weapons, any documents, any equipment to identify the units we were in contact with?

Q. Am I incorrect in saying then that you might say to a battalion within the brigade "How come you didn't get more weapons?"

A. It may have been possible that I had asked the battalion, the S2 sergeant, "How come you only got three?"

Q. Do you remember hearing anyone around the TOC at brigade talking about this particular incident of 16 March or 17 or 18 March at anytime afterwards?

A. In what respect, sir?

Q. In any respect, Sergeant Major.

A. No, I do not recall because the people that I was working with, we all work in the TOC. We knew what was going on and there wasn't any further question or discussing of that particular operation.

Q. Do you recall talking to Sergeant STEPHENS about it when he arrived in brigade and started working for you?

A. When he came back, naturally I wanted to get a rundown of his action and the performance of his S2 section during the period that he was up there. I questioned him about the entire operation.

Q. About this one operation?

A. No, I mean the Task Force Barker operation from the beginning until it was dissolved. There was no emphasis on any one particular operation.

Q. Task Force Barker did achieve a high body count?

A. Yes, sir.

Q. Do you recall seeing the combat after action report for this particular operation from Task Force Barker?

A. No, sir, it would not have come to me.

Q. You weren't even in on an information type combat after action report?

A. Not unless I wanted to see a particular report.

Q. Well, in the normal routing your section didn't get to see them?

A. I might have seen it, sir, but to me at that time it wasn't of any interest of what was on it. I might have read it. I read many after action reports from the units in our brigade.

LTC PATTERSON: We will take a recess.

(The hearing recessed at 1107 hours, 27 January 1970.)

(The hearing was reconvened at 1130 hours, 27 January 1970.)

MR WEST: The hearing will come to order.

RCDR: All persons present when the hearing recessed are again present. I remind you that you remain under oath.

MR WEST: Sergeant Major, you told us a little bit ago that you had understood that you had gotten a report from I believe the district chief concerning the events in My Lai (4) on 16 March 1968. Some kind of a report. Would you tell us about this?

A. No, sir, I did not say I received a report. I handled correspondence in which a report was made about My Lai (4). The report did not come to me--the S2 office. This was correspondence which was addressed to the Americal Division commander which later on came down to the brigade headquarters.

Q. Can you tell us what you recall about this correspondence?

A. It was a letter from the division commander, General KOSTER, to Colonel HENDERSON, a personal type correspondence which was answered by Colonel HENDERSON, and it was processed in my office. It was given to me to type and process as correspondence and get it out to division headquarters, to General KOSTER.

Q. Do you remember about when this occurred?

A. The day, I do not know exactly, sir, but I recall sometime in April, I think.

Q. Well, let's refer now to when Task Force Barker was dissolved which I believe was on the 8th. I think it was the 9th. Would you say you saw this correspondence before or after this?

A. I'm sure it was well after Task Force Barker was dissolved, sir.

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Q. This occurred sometime after the 9th?

A. I would say so.

Q. Do you recall the contents of the letter from the general to Colonel HENDERSON?

A. Am I authorized to discuss the contents of that letter with--

Q. (Interposing) Oh, yes.

A. Well, it was a personal letter from General KOSTER to Colonel HENDERSON. You might say a person-to-person letter, and it stated in there that the district chief of Son Tinh made a complaint to the province chief of Quang Ngai that during the operation in March by Task Force Barker that 450 civilians, innocent civilians, were killed by Task Force Barker. That correspondence, I presume, was relayed to the 2d ARVN Division commander who in turn relayed it to General KOSTER of the Americal Division. General KOSTER wrote a personal letter to Colonel HENDERSON asking him to answer the allegations or statements made by the district chief, and Colonel HENDERSON formulated a reply that was typed and dispatched back to General KOSTER.

Q. Do you recall whether the letter from the commanding general to Colonel HENDERSON contained any inclosures? For example, did it inclose the communication from Colonel TOAN, from the 2d ARVN Division commander?

A. It had a letter in Vietnamese writing attached. Now, who it was from, I do not know. It could have been the letter from the district chief, the province chief or--

Q. (Interposing) I see. Was there a translation attached to it so that you could read it?

A. Yes, sir.

Q. Sergeant Major, I show you Exhibit M-34 and I'll ask you first to look at the inclosure which is a letter in Vietnamese. See if it looks familiar to you at all. This might have been the inclosure to General KOSTER's letter to

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11 April 1968. Does this help you to perhaps fix a time, the date you received this communication from General KOSTER, when it came to Colonel HENDERSON?

A. As to specific date, no sir. Sir, I have handled such a volume of correspondence that I cannot designate any specific date for a particular piece of correspondence.

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 initials "RKB". Do you recognize those initials?

A. Well, "RKB" would be Richard K. BLACKLEDGE which is Colonel BLACKLEDGE.

Q. Does the printing there look familiar to you?

A. Well, the only thing which surprises me, sir. He would not put his initials on this. Anything that is filed

has my initials on it "RKG". Now, this could--I would say this was a "G" there. Robert K. GERBERDING because a colonel does not initial the correspondence.

Q. Well this is--

A. (Interposing) Because he and I almost had the same initials. Mine was RKG and his was RKB.

Q. Right. Well, this of course is one reason I asked you.

A. That's my writing I would say.

Q. Do you print like that? I must say, all of us have looked at this and thought that was a "B" that last letter. Do you print your "G's" something like that?

A. No, I make it a regular round funny "G". Now, whether I made this marking I won't say, sir. Mostly material that was filed in my file which I personally maintained had my initials on there and my marking "file".

Q. It would be logical for you to initial it and file it. You were handling the paper. But do you agree with me that looks somewhat like a "B" there--"RKB"?

A. It looks like a "B" sir, but I say it's very unlikely that it would be a "B" because it's not the colonel's job to indicate what is filed and what is not. That's my job.

Q. Well, that's fine. This is helpful to us. I call your attention now to Inclosure 1 to Exhibit R-5 which appears to be some Viet Cong propaganda. Do you recall how this particular inclosure was received?

A. Yes, sir. We received quite a bit of this here and I think the way we got this was in connection with this letter from the Son Tinh District chief, submitted as an additional inclosure. I believe, I'm not quite sure how we got this but I remembered reading this here. This and similar material was found constantly.

Q. I see. You think this might have been sent along

with a letter from the district chief that General KOSTER sent to Colonel HENDERSON?

A. Yes, sir, very likely.

Q. You don't remember having this separately or receiving this separately?

A. Sir, I cannot tell you at this time, but I recall seeing this in connection with the correspondence from General KOSTER, and Colonel HENDERSON's reply.

Q. All right. Let me call your attention now to the second inclosure to this Exhibit R-5. It is headed "Statement." Do you recall where this came from?

A. This is the translation from the Vietnamese letter over here.

Q. Yes, there are some differences though. The way this paper has been assembled, this last paper you looked at, headed "Statement," is Inclosure 1 and you recall in the opening paragraph that with the letter that says "Investigation has been conducted into the allegations contained in Inclosure 1."

A. Yes, sir.

Q. I show you again Exhibit M-34, the district chief's letter which you recall was forwarded with General KOSTER's letter. If you compare that with Inclosure 1 you'll see that there's quite a difference between the two.

A. Right.

Q. Can you account for this?

A. No, sir. I recall this letter here and the translation, but I do not recall this one here.

Q. Well, you handled the paper. As far as you know this came to you in that form to be reproduced. It wasn't something written up, that is it wasn't written up in your office or anything?

A. No, sir.

Q. This come to you, handed to you by Colonel BLACKLEDGE to get typed along with the other parts?

A. No, sir, all I typed is this right here, two pages, nothing else.

Q. You didn't handle the inclosures then? We have two inclosures.

A. No, sir, all we forwarded was this correspondence right here.

Q. You notice the letter lists two inclosures. You don't remember seeing the inclosures or typing them, having them typed?

A. No, sir, no inclosures were typed for me. This is the only thing we typed, this right here.

Q. And to whom did you give it when you were finished?

A. This one back to Colonel HENDERSON.

Q. Did it go through Colonel BLACKLEDGE or directly to Colonel HENDERSON?

A. Well, to Colonel BLACKLEDGE and he took it.

Q. Okay, then. If I understand you correctly, you can't account for the two inclosures to the letter? One of which is headed, "Statement." That's Inclosure 1. The second appears to be a propaganda sheet.

A. I don't think that this went back to division, sir. I think all we sent back is this, and this right here. How this got connected with the basic correspondence, I couldn't tell you. There wouldn't have been any use in, any logic, in sending this back to the division commander.

Q. Well, perhaps you better read this all the way through. Did you read it at the time?

A. I checked it for spelling and so on.

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Q. I suggest you read it through because both inclosures are mentioned in the letter. Have you read through Exhibit R-5, Sergeant Major?

A. Yes, sir. This one I recall definitely, sir, I know this was typed, this was proofread by me. These two things I don't recall, this Inclosure 1 and 2.

Q. You noted, however, that in the letter they referred to Inclosure 1 and 2. From the context they appear to be logical inclosures. They fit into the context of the letter. Could it have been that these inclosures were already prepared and no typing was needed.

A. Only this was typed here.

Q. Only the letter.

A. In my office.

Q. Yes.

A. These two pages right here.

Q. Now you notice Exhibit R-5 is marked "file" with initial "RKB" or "G". Now where would this have been filed?

A. I kept this in what I called my personal or confidential file. And it was not filed with the normal correspondence. Now, what happened to that after I left, I don't know.

Q. Was this kept in a safe, for example?

A. No, sir, I had a desk, my desk, which I kept things I didn't want anybody else to see. Of course my clerks and the assistant S2 sergeant had access to my safes. They could go in any time, they had combinations. But my desk, nobody could go in unless I left it open.

Q. So you handled it as a "close hold" paper, then, it wasn't filed with the other material?

A. No, sir.

Q. When you left the brigade, do you know what happened to it, or where the paper was at that time, or where you left it?

A. I told my replacement and I showed this correspondence to him, Master Sergeant CAMELL, and I showed him everything I had in my desk, the suspense file and personal things I kept, information items. I also showed him this file which I said this was a strictly confidential piece of correspondence. I told him that I kept it confidential the time I was here, and that he should treat it the same way, not put it in the normal file. Now what he did after I left--

Q. (Interposing) Was there a copy from General KOSTER with it, filed with it, in your confidential papers? Do you recall? In other words, was there a file copy of the communication?

A. Yes, sir.

Q. That you would--

A. (Interposing) Yes, sir, a skin copy.

Q. Including a copy of the inclosure to General KOSTER's letter?

A. Our answer back to him, yes, sir.

Q. Well, General KOSTER's letter had an inclosure as you remember, which you identified here as Exhibit M-34. Was there a retained copy of that file among your papers along with General KOSTER's letter, do you recall?

A. That I don't recall, sir.

Q. Okay.

A. I think all we kept was the general's first letter and this right here.

Q. The report?

A. Yes, sir.

Q. Could you tell us the name again of your successor there?

A. CAMELL, C-A-M-E-L (sic), master sergeant.

Q. Do you remember his first name?

A. No, sir.

Q. Well, that's a fairly unusual name, I'd say. Sergeant Major, this was a report of investigation. It would be a reply from Colonel HENDERSON to General KOSTER speaking of Exhibit R-5. Do you know what investigation was conducted? The subject of this report. This is Colonel HENDERSON's report. Do you know what he did, how he gathered together the facts and gave them to General KOSTER?

A. No, sir, how he conducted this investigation I do not know. The first time that I knew about it was when I was handed this correspondence to have it typed. So what transpired prior to that I have no knowledge.

Q. Do you recall the period during which Colonel HENDERSON had a cast on his leg?

A. Yes, sir.

Q. Could you tell us in relation to this, the time sequence here?

A. I don't know if it happened prior to this or after this. I do know that he had a cast. He got hit by shrapnel--grenade shrapnel. Sir, I just don't know if this happened prior to this or afterwards. I think it was later.

Q. Our information is that despite his cast he was still pretty active. He remained in command of the brigade.

A. Yes, sir. He wasn't hospitalized. He had a cast on but he continued to function.

(LTG PEERS and MR MACCRATE enter the hearing.)

MR WEST: Sergeant Major, I understand that you recall the name of your clerk there?

A. Yes, sir.

Q. Would you give us that name?

A. SP5 Larry L. BAILEY. He is now discharged, sir.

Q. B-A-I-L-E-Y?

A. Yes, sir.

Q. Do you have any idea where he is living now?

A. Yes, sir, I believe it's in Oregon or Washington, sir.

Q. As you can see, Sergeant Major, we have now been joined by General PEERS and Mr. MACCRATE.

A. Yes, sir.

Q. And I have reviewed for them some of your prior testimony. I don't believe we went over the contents of the letter from General KOSTER to Colonel HENDERSON. Can you recall the text of it?

A. Sir, I remember vaguely in general terms it was the same allegation which you have seen in this. In other words, General KOSTER stated that allegations had been presented to him by his Vietnamese counterparts concerning a supposed massacre by U.S. forces and he directed that Colonel HENDERSON conduct an immediate, detailed, and thorough investigation of the circumstances and any facts concerning these statements by the Vietnamese. That is, in essence, the instructions of General KOSTER.

IO: You say "his Vietnamese counterparts." Did he say who his Vietnamese counterpart was?

A. Well, this was my terminology, sir. I do not remember the exact wording but what he was talking about was the information that he had received from Vietnamese channels

which came from the division commander of the 2d ARVN Division which you might call his Vietnamese counterpart, sir.

Q. That's all I wanted to know. Did he mention the names of Colonel TOAN or did he just say the commanding officer of the 2d ARVN Division?

A. That I do not recall, sir.

Q. Did he mention anything about the Vietnamese being upset about this or anything?

A. That I do not know, sir.

IO: Am I correct in my understanding that this accompanied General KOSTER's letter, a copy of this?

MR WEST: Yes, do you recall Exhibit M-34, Sergeant Major? In your testimony a few moments ago you indicated that this was inclosed in General KOSTER's letter?

A. Yes, sir. That's right, sir.

Q. Sergeant Major, do you know how this report of investigation was delivered to the commanding general?

A. It was signed by Colonel HENDERSON, sir, delivered by the daily courier, sir. The officer from the brigade who made a daily flight to Chu Lai, the Americal Division headquarters. It was marked, on a double-sealed envelope, "Eyes of the CG only", I believe.

Q. Do you remember the name of the courier?

A. No, sir. They changed every 2 or 3 weeks. It's impossible to recall.

Q. It's been almost 2 years, now. Sergeant Major we've already shown you Exhibit R-5 which you have identified as the report of investigation which was typed in your office from Colonel HENDERSON's hand written draft. Now I hand you a copy of that report from which a copy (R-5) was made. The exhibit copy. You'll notice this is on onion

skin and appears to be a carbon copy and you'll notice up in the upper right-hand corner in red printing it says "file", "RK" and this copy appears to be a "B". I refer to your prior testimony in which you indicated you thought it probably could not be Colonel BLACKLEDGE's initials because he didn't mark papers for file. I wish you would take a look at this now and see if you recognize the printing and the initials.

A. This is Colonel BLACKLEDGE's writing, sir. I assumed it was mine but that is definitely his writing there, and he must have marked this copy for file, which I did not recall before.

Q. Did you ever get a comeback copy from the division? Perhaps you didn't prepare that copy, I don't know.

A. No, sir, this is the entire correspondence that I seen there. What you have there and--

Q. (Interposing) Let me put it a different way. Do you remember how many copies were attached when Colonel BLACKLEDGE asked you to have it typed?

A. Yes, sir. The policy was three copies to higher headquarters and one file copy so a total of four copies were typed.

Q. I see. And you are pretty sure that you forwarded the three and kept the one and that is all.

A. Yes, sir.

Q. This copy of the report of investigation dated 24 April 1968 which I have shown and which is on onion skin, or one of the second sheets with Colonel BLACKLEDGE's initials. Does that appear to be a copy which you stored away in your desk for safekeeping?

A. It looks old enough to be it, sir. I would say that's it, sir.

Q. I believe you testified a little earlier that you kept an onion skin copy of the commanding general's letter to Colonel HENDERSON also.

A. Yes, sir.

Q. Let me ask you again, did you retain also a copy of the inclosure of the commanding general's letter which was this letter from the district chief shown as Exhibit M-34?

A. I don't believe so, sir. I think all I kept is a copy of the CG's letter. A onion skin copy and our reply from Colonel HENDERSON. The remaining copies, the Vietnamese letter and--if it was returned or--I don't know what happened to it.

IO: Would you not normally keep that as an attachment to General KOSTER's correspondence since it was a natural attachment to it, that was what he was referring too?

A. Sir, I believe the entire correspondence was returned, the Vietnamese letter and our reply to it.

MR WEST: The original copy of General KOSTER's letter was sent back?

A. The original copy, yes, sir.

Q. You just kept the one in onion skin?

A. Yes, sir.

IO: Did you notice that this report had two attachments? One is a bit of propaganda, reported to be, and the other attachment is a statement dated the 14th of April. Do you recall where these were obtained? And who obtained them?

A. I seen these, sir, but I do not know how they were obtained, sir. I can only assume that they came with the correspondence from General KOSTER.

Q. Do you recall these having been picked up by Colonel BLACKLEDGE from ARVN or GVN forces?

A. How it was obtained I do not know, sir. All I was handed was a manila folder with the correspondence in it. I prepared it and returned it to Colonel BLACKLEDGE. Now, how the material went inside, how the original was obtained and

inclosures and so on, that I do not know, sir. I have seen the various inclosures. I recall them, but exactly by whom and how they arrived at our headquarters at this time I do not know, sir.

Q. One thing I noticed is that all this seems to be in white onion skin with the exception of one inclosure which is in green. Did you have green paper in those days?

A. We had various colors, sir, yellow, pink. It's possible that green paper was used.

Q. You didn't have all white then?

A. The original correspondence was all white and we kept the yellow copy sometimes for the file copy but not at all times, depending on the availability of paper. Now, sometimes we used all white copies for file copies.

Q. Aside from yourself and the clerk that you were using, SP5 BAILEY, who else knew about this report?

A. In my office, Colonel BLACKLEDGE, myself and SP5 BAILEY, sir as I understood, because correspondence came directly from Colonel HENDERSON to Colonel BLACKLEDGE for preparation.

Q. And how were you made privy to General KOSTER's letter?

A. It was in the folder which Colonel BLACKLEDGE had. We had to look up the date and reply for something I think. Anyway, the entire correspondence was in one folder.

Q. That's one thing I noticed, that this didn't make reference to any previous letter from General KOSTER. It says an investigation has been conducted of the allegations cited in Inclosure 1. Inclosure 1 is this statement actually, put in reverse here the present time, quite different from the letter that came down from General KOSTER.

A. Yes, sir. We did have a letter signed by General KOSTER. I have seen it.

Q. Do you remember the date of that one?

A. No, sir, but it had to be very close to the date of Colonel HENDERSON's reply, sir. Colonel BLACKLEDGE told me to get this immediately done and we responded to any correspondence signed by a general officer immediately, sir. It couldn't have been more than a few days prior to our answer.

Q. Well, you indicated previously, Sergeant Major, that General KOSTER had said in his letter that he wanted a detailed, in-depth investigation made of this whole matter. Would you expect that an investigation of this scope could have been made in a day or so?

A. Well, I would say, sir, in a couple of days I believe it could have been done. Because the personnel involved were right at hand and could be reached very easily.

Q. What was Major CALHOUN doing at that time, do you recall? Colonel BARKER was the brigade executive, I believe at that time.

A. Sir, Major CALHOUN transferred to the Americal Division after Task Force Barker dissolved and I believe he worked in G3. He left brigade shortly after Task Force Barker was dissolved.

Q. Are you sure about that?

A. No, sir, I'm not positive. I know he did not return to our base camp except for a couple of visits. I believe that he was transferred.

Q. Could he have been reassigned to one of the battalions? Something of that nature?

A. That could have been possible, sir.

MR MACCRATE: Do you have any set recollection, Sergeant Major GERBERDING, of arrivals by courier of the double manila envelope, or was the first that you saw of it when the folder was handed to you by Colonel BLACKLEDGE?

A. Sir, the first time I'd seen it was when I was handed loose correspondence. Just draft handwritten copies and the basic correspondence from division. That's it. When it arrived, I do not know.

Q. It had with it at that time an envelope from which it came?

A. Sir, I do not know.

Q. You had indicated that it came in a double envelope by courier.

A. No, sir, we dispatched it from our headquarters in a double envelope by courier.

Q. I misunderstood. And you sent it back for the "Eyes of the commanding general only?"

A. Yes, sir.

Q. Do you recall if at this time anyone was in the S2 shop from province headquarters? Anyone from the advisory team at Quang Ngai Province?

A. You mean around 15, 16 March, sir?

Q. No, I'm talking now about the time of preparation of this letter of 24 April. Do you have any recollection of anyone being with Colonel BLACKLEDGE from outside the brigade headquarters? Possibly from either the district advisory team at Son Tinh District or from the province adviosry team from Quang Ngai Province?

A. No, sir, the Son Tinh advisor never came down to our headquarters base camp, LZ Bronco. I do not know who he was. I never saw him. The Quang Ngai Province advisor never arrived at our base camp. Any dealings we had were through our MI detachment.

Q. Well, when you say never arrived at your base camp, you mean as far as the S2 shop is concerned?

A. Yes, sir.

Q. And you in the S2 shop never had any dealings with the deputy province advisor, Lieutenant Colonel GUINN so far as you are aware?

A. No, sir.

IO: We have another exhibit we would like to ask you if you have ever seen. This has been entered the record as Exhibit M-30. This is not very plain, very frankly. You will notice that there is a copy attached. You notice the signature there?

A. Captain RODRIGUEZ, sir.

Q. Do you know Captain RODRIGUEZ?

A. No, sir. I never met him.

Q. You will notice that some of the statement is identical to this statement.

A. Yes, sir.

Q. With one exception. This one has no signature.

A. Sir, I do not recall this, how this statement was prepared or who by.

Q. Yes.

A. I have no idea, sir. I do not recollect.

Q. You recall having retyped this copy?

A. No, sir, I do not. Sir, let me say this again, I figure that at this time I did not pay any attention to this correspondence because it did not seem important to me. I handled a large volume of correspondence to begin with, so the only thing which very strongly stays in my mind is this letter here which was typed in my office. The remaining inclosures you have here, how they were obtained or who made these is something I do not recollect, at this time. This letter stands out clearly in my mind because I read it several times, corrected typographical errors and spelling on it, but the remaining material, at this time it's a mystery to me.

Q. But to your knowledge, you at no time saw a copy of this 14 April statement with a signature on it or Captain RODRIGUEZ', to the best of your recollection?

A. No, I do not, sir. Captain RODRIGUEZ does not ring a bell with me. I cannot say, sir.

Q. Now, the note that came down from General KOSTER to Colonel HENDERSON, was this typewritten or was it in longhand?

A. A typewritten official Americal letterhead, sir.

Q. Yeah. Now you say as far as you were concerned this was just another piece of correspondence, I understand that. Do you recall any other correspondence related to this incident that you might have been connected with, you or SP5 BAILEY or your shop? For example along about the first part of April did you and BAILEY, either one of you, or both, were you involved in typing a report in response to a complaint made by an aviator?

A. No, sir, not in my office. This is the only thing I know concerning this incident.

Q. Yes.

A. Nothing else was typed in my office.

Q. You didn't see, about that time, a report that had about maybe a page but had several attachments to it in forms of statements from individuals?

A. No, sir.

Q. Well, moving now to the end of May, to 10-15 May, or 15-20 May, did you and BAILEY or did you have an hand in preparing about a 4 or 5-page document addressed to this same general subject, which was a report of investigation, having about 15 to 20 or maybe possibly up to 25 statements attached to it?

A. No, sir.

Q. That you can recall?

A. I did not, I'm positive, sir.

Q. Yes.

A. The only dealings or the only correspondence I handled is this one right there, sir, which was in April, and nothing further after that. This was the only piece of correspondence which was filed in my possession in my desk, and any further correspondence pertaining to this subject was never seen by me or by my office. Should it have come to my office I would have seen it, sir.

Q. This could have been called to Colonel BLACKLEDGE's attention without your knowledge could it not?

A. Sir, 99 percent which came in I saw and Colonel BLACKLEDGE could not keep it from me, because we were very close.

Q. Aside from this incident, Sergeant GERBERDING, were you aware that something was under investigation as a result of this Task Force Barker operation in Son Tinh, Son My Village on 15, 16, 17, and 18 March?

A. The only time or the first time I heard about an investigation and found out about it, sir, is when we typed this paper right here.

Q. Yes.

A. When this was submitted to higher headquarters as far as I know to my knowledge the case was closed. No further conversation was ever had, in my office nor do I recollect having any conversation pertaining to this matter with personnel in my office or in the headquarters.

MR MACCRATE: Do you have any recollection of a one-page document that referred to a company commander and an investigation being conducted related to some action by that company commander?

A. No, sir.

IO: This action that Mr. MACCRATE is referring to might have been the shooting of an individual claiming or justifying the killing of this particular individual as an accident.

A. No, sir.

MR WEST: I'd like to take you back to your initial testimony briefly, Sergeant Major GERBERDING. Do you recall telling us that you helped prepare an intelligence estimate of the operation?

A. Yes, sir.

Q. Do you recall whether it contained intelligence to the effect that the women and children in My Lai (4) would be out of the village, gone to market by 0730 when the CA was due to go in?

A. No, sir. Information of that type would not appear in that intelligence estimate. We gave them the facts from information we had from the area and the enemy troops in that area and as far as that goes nobody could know what specific time women and children would leave a specific village. It would be more or less an unfounded statement to put this in the intelligence saying that at 0700 all the women and children will have departed the village or hamlet.

Q. No such thing came from your office?

A. No, sir.

MR MACCRATE: May I inquire, Sergeant Major GERBERDING, whether you had anyone from the S2 shop who was in the brigade TOC regularly?

A. I don't quite understand what you mean by regularly, sir.

Q. Did you have someone who stayed in the brigade TOC during the day and then would come back with a report to the S2 shop later in the day?

A. At the brigade headquarters TOC, sir?

Q. Yes.

A. I, myself, worked there. We had several clerks in there so I was on duty from morning to midnight but I did not stay continuously in the TOC. Now we all had, each section had one or two clerks who stayed there continuously. to answer all phone calls, radio messages and so on. And if anything important came up then they would call me or Colonel BLACKLEDGE. I mean, at times when I was not there, to go eat or take a shower or leave the TOC. But I was responsible for a certain period of time. It did not mean that I had to be there physically from 0600 in the morning until 2400, I could leave. But personnel were detailed to be there specifically from 0800 in the morning to 2000 at night and from 2000 in the evening until 0800 the following morning. They did not leave unless they were relieved by myself, or any of the S3 personnel by the operations officer.

IO: While he's looking for that, Sergeant Major GERBERDING, we notice that in the afternoon of the 16th the Task Force Barker log shows that they received a report from Bravo Company indicating that Bravo Company had had no civilians killed during the day. Charlie Company however reported that they had 10 or 11 civilians which were killed by artillery or gunships. The indication on the Task Force Barker log is that this information was relayed to brigade at about, as I remember the time, it was around 1600-1630. This information however did not show up in the log of the brigade. Can you tell me why these things were not recorded?

A. Well, sir, the log was controlled by a duty officer.

Q. Yes.

A. A TOC duty officer, a captain who was in charge. Now every entry in this log was approved by a duty officer before it was typed by the journal clerk. Any message, radio transmission when it came in went to him and he put his "J" number on it, gave it to the clerk, typed it, or he added something, or scratched a word out and it was typed. Now I

do not recall that type of message having come in. Like I stated before to Colonel FRANKLIN, all the time I was in Vietnam I do not recall ever receiving a report that civilians were killed, innocent civilians. To the best of my recollection I do not recall, on 16 March, a message coming in saying, accidentally 20 civilians were killed by gunships. Like I stated before the entire area was 100 percent VC controlled, 100 percent dominated, and I don't see how anybody could have made a distinction at that time which one of the dead bodies was a VC and which one was the innocent civilian.

Q. Well, there are certain things you could assume I think. A babe in arms or a 2 to 3-year-old toddler although may be reared VC, at this stage of the game might not be classified as a VC.

A. That's correct, sir. A small child, very young age, yes sir.

Q. But you saw none reported.

A. No, sir.

MR MACCRATE: Sergeant Major, did you have a file in the S2 office, that during the time you were there was called security classification system files?

A. Yes, sir. That is the file, part of the functional file system. I'm trying to remember what it was used for. This pertained to I believe to the downgrading of material.

Q. When the 24 April 1968 letter was placed by you in the files for retention, did you at that time stamp it confidential or was the stamping that we now see upon it placed upon it at a later time?

A. The classification was made upon the dispatch of the correspondence to Americal Division, sir.

Q. And it was at that time classified as confidential?

A. Yes, sir.

IO: In what kind of an envelope or folder and so on did you retain this copy and the other bits of correspondence in your desk? Was it in a manila folder or what was it in?

A. Sir, in my desk I had several folders which I kept for reference, my own reference, such as a suspense file, and reference files on various matters which I needed for my own job and job performance and reference material. I had one file on which I had at that time "Sergeant Major GERBERDING, Personal" into which I placed this because I wanted to keep this out of the normal file system where anyone could see it. In my desk nobody except myself and Colonel BACKLEDGE could see it.

Q. What was the reason for keeping this out, if as you say, this was just another event. Why keep this out of the files?

A. Well, the correspondence was treated as critical and confidential by the brigade commander and the division commander and so I wanted to maintain it the same way. We had various correspondence which we received for eyes of the brigade commander only which was filed separate and only myself and the Colonel had access to this particular piece of correspondence. I maintained it in my desk so nobody could find it and I informed my replacement when I left Vietnam that this was considered at the time of preparation a piece of official, confidential correspondence and it should be treated that way, and not placed in the normal filing system.

Q. Was it entered into the log, the G2 log?

A. This would not be entered into the log, sir.

Q. You normally used the log for documents in and you logged them out didn't you?

A. Not confidential matters, sir.

Q. What about personal matters and things of this category, whether it's secret or what it is?

A. No, sir. This was not logged.

Q. Would you go back once more, Sergeant Major and tell us in as great a detail as you can what was said in that letter from General KOSTER to Colonel HENDERSON?

A. Sir, this is very hard to recall verbatim. I wish you wouldn't quote me verbatim, but the essence, I believe--

Q. (Interposing) What I want to get is not too much the verbatim. I want to get the gist and the contents of what General KOSTER was addressing himself to.

A. That allegations have been made by the Vietnamese concerning an excessive number of civilians having been killed unnecessarily. He directed Colonel HENDERSON to conduct an investigation to determine the circumstances, if that is true or not true, and to furnish him a reply as soon as possible.

Q. Did he indicate to what depth he wanted this investigation made?

A. I don't think that was stated, sir.

MR MACCRATE: When did your replacement come to Duc Pho?

A. After 1 November 1968.

Q. Do you recall if Colonel BLACKLEDGE was still the S2 at that time?

A. No, sir. He transferred to Phu Bai sometime in the early part of June.

Q. Did you have occasion to bring the contents of this personal file, that you maintained, to the attention of the new S2?

A. He was aware of it, sir.

Q. And who was he?

A. At that time a Captain SCHLEICHER, Major SCHLEICHER now.

IO: How was he made aware of it, Sergeant Major GERBERDING?

A. Well, I would assume that he knew about it because he was the replacement of Colonel BLACKLEDGE, sir, and I'm sure he appraised him of anything which had transpired in the past in the office. I personally did not show this to Captain SCHLEICHER. I'm sure that he was aware of it, anything which took place in our office.

IO: You don't know though whether in fact that is so? You're making an assumption that Colonel BLACKLEDGE fully briefed and indoctrinated Captain SCHLEICHER.

A. Yes, sir.

MR MACCRATE: But it would not have shown up on any inventory of documents that Colonel BLACKLEDGE might have reviewed with Captain SCHLEICHER at that time?

A. No, he wouldn't have any occasion to see it, sir. It was in my desk. Unless he asked for it.

Q. Do you ever recall him asking to see it?

A. No, sir.

Q. Do you have any recollection of having the document out from your desk from this time in April 1968 until your departure in November 1968?

A. That stayed in my desk, sir, and nobody saw it until my replacement arrived and I showed it to him. As far as I know, nobody else seen it. Except the people involved.

Q. You never had any inquiries concerning it from Colonel BLACKLEDGE or anyone else?

A. Not from anyone, sir.

IO: Did you show him the document or did you just show him the envelope or whatever this was contained in? Was he aware of the report or was he just aware that there was a folder in there marked "personal" and so on?

A. I showed him, I'm talking about Sergeant CAMELL now, sir. I showed him the folder and said, "Here's one piece of correspondence which you can see is sensitive in nature and it's in here and you might keep it. I kept it separate all the time I was here. What you do with it after I leave is up to you and your boss." And I showed him the folder. Now I do not recall him sitting down and actually going through every item in it. I just showed him what I had.

MR MACCRATE: Colonel HENDERSON was still the commanding officer, at that time, when you departed?

A. No, Sir. Colonel DONALDSON was still the brigade commander. Colonel HENDERSON left in October, sir.

Q. So, had Colonel HENDERSON given you any instructions as to what you were to do with that copy that you had retained?

A. Sir, I did not deal with Colonel HENDERSON in this matter. This was given me by Colonel BLACKLEDGE and he told me to keep a file copy which I did.

Q. And this was kept in your desk, not a safe?

A. In my desk, sir.

Q. Colonel BLACKLEDGE had never instructed you to place it in one of the office safes?

A. He told me to file it, sir, now that's it. Now what I do with it after that he doesn't have to consult any further. He tells me to file it and after that it's my responsibility. I took it upon myself, at this time in April, since it was of a personal sensitive nature, to place it in my desk where it would be more protected from people seeing it than it would be in the normal filing cabinet or safe.

IO: Where is Sergeant CAMELL, did you say?

A. Sir, I do not know.

COL PATTERSON: He is in Chicago, sir, we have his name and address.

IO: Is he in service or out?

COL PATTERSON: In service, and we are in contact with him. He will be here as a witness in a day or two.

IO: All right.

Q. Aside from the document in the folder, Sergeant Major GERBERDING, did you have any other personal or confidential kinds of papers that you retained in there, not only for yourself, but for the brigade commander or anybody else?

A. The only correspondence which was maintained for "eyes of the CG only" were a special correspondence which was marked "secret, sensitive" and which arrived from DA once a month, sir. It was a little pamphlet thing, world affairs.

Q. A weekly summary?

A. The weekly summary, yes sir. That's the only item I maintained separate, as I say. It was for the eyes of the CG only and that was discontinued after the departure of General LIPSCOMB.

MR MACCRATE: But so far as this folder in your desk, what else was in the folder with the copy of the 24 April 1968 letter?

A. Sir, at this time it is hard to say. You might call it a little junk folder I had there. I kept stuff I wanted nobody else to see. Any unfinished project I was supposed to do and didn't do, I stuck in there temporarily. Nothing which related to this matter, sir. It was just personal items what I wanted hidden in there, sir, and nobody else could see--

Q (Interposing) Anything that related to Colonel HENDERSON?

A. No, sir.

Q. Nothing that was for his eyes only?

A. No, sir.

IO: Colonel HENDERSON never came in about the time he was leaving and asked you if you still had this report or anything?

A. No, sir.

Q. Did Colonel BLACKLEDGE say anything to you prior to his departure?

A. No, sir.

Q. Yes. When Colonel DONALDSON came in to take over as the brigade commander, this was not called to his attention that you had such correspondence? Is that correct?

A. I do not know if it was called to his attention, sir, but nobody asked for this correspondence and I was the one that had it.

Q. Well, while you were there, I'm not talking about when your replacement came in, whether he showed it to anybody or not but just whether or not anybody had come to ask you for it or whether you had occasion to show it to anybody else?

A. No, sir, I never did.

MR MACCRATE: Who in addition to Colonel BLACKLEDGE, to your knowledge, knew that you had this copy of the 24 April letter?

A. Sir, I would assume that Colonel HENDERSON would, because we kept a file copy and my clerk BAILEY knew it. He typed it.

Q. But up to the time of your departure you know of no one else that was acquainted with this?

A. It was never discussed with anybody, sir. Or, nobody ever questioned me or asked me about it.

Q. When did BAILEY leave?

A. He had an early discharge, sir, September.

Q. BAILEY departed, then, before you did?

A. Yes, sir.

Q. Did anybody from the MI detachment ever come over and talk to you about what may have taken place out there in Son My Village?

A. No, sir.

Q. No lieutenant by the name of JOHNSON? Some people refer to him as "Bull" JOHNSON?

A. I talked to him several times, sir, but we never talked specifically regarding the My Lai incident. We talked in general terms about operation of the entire 11th Brigade AO. I never recall talking to him saying one word about this 16 March affair.

Q. He never told you about seeing quite a few dead noncombatants and so on?

A. Sir, I can truthfully tell you now, that the first time I heard of any civilians being killed is when I picked up the Stars and Stripes in Korea, and read it in the paper last year. With the exception of this propaganda letter attached to this correspondence here, saying 260 civilians killed, by the Son Tinh chief.

Q. Yes.

A. Otherwise, I never heard anything about it. I never heard anybody in my headquarters at the fire base where I was discussing any type of massacre or supposed killing of civilians. Not while I was there. And if it did happen--

Q. (Interposing) We know, however, that on 16 March, reports were passing over the air of not only the 10 to 11 I mentioned but 20 to 30 civilians being killed. We know this.

A. It did not come to my knowledge, sir, at brigade headquarters.

Q. One other thing that's always concerned me a little bit. It was reported that, and if I'm not mistaken this reached the brigade TOC, that 30 to 40 VC departed the village or hamlet prior to the combat assault. That shows up in the log of the brigade, yet when the newspaper came out to recount that operation, and the newspaper was published on 22 March, after it had been in the division news sheet on the 17th, it indicated that 35 of the enemy came into the village while the operation was in progress. This is one thing that I have not been able to rationalize in the slightest. Why on the one hand intelligence reports that 30 to 40 left and then the IO shop--I would assume they get information from the TOC, to verify and check these facts--indicates that 35 enemy entered the village. Do you remember anything about that?

A. No, sir.

Q. Colonel PATTERSON, I know you're familiar with these things. I wish you'd call this to the attention of the Sergeant Major. Get the log of the 16th for the brigade and also get the 22d TRIDENT.

(LTG PEERS and MR MACCRATE withdrew from the hearing room, MR WALSH entered the hearing.)

MR WALSH: Sergeant Major, in previous testimony you indicated you had been given the letter of 24 April 1968 in draft form by Colonel BLACKLEDGE along with a folder of loose papers including General KOSTER's letter to Colonel HENDERSON, is that correct?

A. Yes, sir.

Q. Now, I think you indicated that you had given this draft to Specialist BAILEY to type?

A. Yes.

Q. Colonel HENDERSON's draft?

A. Yes, sir.

Q. I wonder if I could just trace what happened then;

did you get back the original and three carbons together with General KOSTER's letter from Specialist BAILEY and redeliver them to Colonel BLACKLEDGE?

A. No, BAILEY only got the pen copy, the handwritten copy; that's it, that's right, that's all he got.

Q. And he typed it?

A. Yes, sir.

Q. And you don't recall seeing any inclosures or attachments to that letter, either at the time that BLACKLEDGE delivered it to you or that you delivered the draft to Specialist BAILEY?

A. No, sir. In the folder there I had all the material, the Son Tinh letter and this leaflet was in there; it was all in one folder.

Q. I see. Now, when you got back the typed letter from Specialist BAILEY, what did you do with it? Or did you get it back from him?

I think you indicated earlier also that Colonel BLACKLEDGE had marked on one of the carbons that we have shown you here in the file with his initials, in the upper right-hand corner?

A. Yes, sir.

Q. Now, do you specifically recall getting back from Colonel BLACKLEDGE the carbon marked with instructions for you to file it together with the folder of other documents that you'd given back to him? My question is, is it possible that you got back from Colonel BLACKLEDGE and put into your desk only the file copy of the letter, or do you specifically remember getting back and keeping in your desk General KOSTER's letter and the other documents which were initially given to you by Colonel BLACKLEDGE?

A. No, sir, the only thing I remember exactly is this correspondence here (indicating R-5). Anything else I do not know.

Q. I just want to be sure that it is absolutely clear about this, you do specifically remember receiving the file that contained General KOSTER's letter and a letter from the district chief, together with Colonel HENDERSON's handwritten draft; but you do not specifically recall that after the letter was prepared and you received a file copy back, whether you kept all of those papers in your desk drawer until you left in November?

A. The entire folder with all the material I had was given back to Colonel HENDERSON and after he signed it, I received this back for dispatch.

Q. Now, did you receive the original back to be dispatched to the commanding general together with the carbons that were going forward?

A. Yes, sir.

Q. And one of the carbons was marked "file RKB"?

A. Right.

Q. At that time did you receive back General KOSTER's letter and the other papers that were with it?

A. No, sir, I don't believe I did.

Q. Are you sure about that? Or you just don't recall?

A. I don't recall, sir.

Q. Do you have any clear recollection of exactly what was in the folder that you kept in your desk from April until you left in November?

A. Pertaining to this here, sir?

Q. That's right.

A. I would say this letter which I strongly remember and I think I've seen here a copy attached of a propaganda leaflet, and I think that's it.

MR WEST: I bet you took an onion skin copy of General KOSTER's letter to Colonel HENDERSON.

A. We should have kept it, yes sir. There should have been one.

Q. But was there one? You've testified up to now that that was contained along with the copy of Colonel HENDERSON's report of investigation.

A. Sir, I can't swear that I kept it. The only piece of correspondence that I remember keeping is this piece right here, the basic letter.

Q. All right, thank you.

A. Now Colonel HENDERSON might have kept all the correspondence from General KOSTER.

Q. Didn't he have a clerk in his immediate office?

A. No, sir. His correspondence was prepared by the S3 typist most of the time or by my typist.

COL FRANKLIN: When Colonel BLACKLEDGE handed you this folder with these documents in it, the documents which you have referred to here, including the hand written draft, did he say anything about it?

A. No. Just get it typed and just treat it as a confidential matter.

Q. Did he show you what all was in the folder, or did he just hand it to you?

A. I had the folder, sir, I saw what was in it.

Q. He didn't discuss it with you?

A. No.

Q. Did he tell you how many copies to type it in?

A. No, sir.

Q. That was an SOP function I presume?

A. Yes, sir.

Q. Then when you turned it over to Master Sergeant CAMELL? When you went through your personal file where you had this thing kept, do you recall specifically pulling this out of your personal file and giving it to Sergeant CAMELL or did you pull the rest of your documents out of the file and leave the file in the drawer?

A. I showed him the folder and what there was in here but I pointed out this correspondence to him, this letter here.

Q. I see. And was that letter on top of what could have been General KOSTER's onion skin?

A. That is very possible, sir.

Q. You don't specifically remember seeing General KOSTER's onion skin though?

A. No, sir.

Q. When you turned it over to Sergeant CAMELL?

A. No, sir.

Q. In the typing of this correspondence did it go the first time around? I mean you typed it and gave it back to Colonel BLACKLEDGE did it go right through?

A. No, it was retyped, sir.

Q. It was retyped?

A. Yes, sir.

Q. Why?

A. It didn't look good.

Q. It didn't look good? The format or--

A. (Interposing) No, the margin and the paragraphing. I didn't

like it so I told him to retype it.

Q. You didn't like it. But once you gave it to Colonel BLACKLEDGE to give Colonel HENDERSON though it went on through?

A. Yes, sir.

Q. You sealed this in the envelope and it was dispatched to division?

A. Yes, sir.

Q. You recall giving it to the courier?

A. No, sir, I don't think I recollect giving it to him myself. He made his pick up in my office where we had a classified basket from which he picked up all the classified documents. This included secret material which went to division. He just checks this basket and goes and it was marked so there wasn't any question about where it was to be delivered.

Q. Do you recall how it was marked?

A. Personal, confidential "Eyes of the CG only."

Q. That's recall now?

A. Yes, sir. That was just the normal procedure you'd use, sir, for correspondence which is personal in nature.

MR WEST: The hearing will recess.

(The hearing recessed at 1455 hours, 27 January 1970.)

(The hearing was called to order at 1547 hours, 27 January 1970.)

MR WEST: The hearing will come to order.

RCDR: All present when the hearing recessed are again present.

LTC PATTERSON: With reference to the 11th Brigade newspaper called Trident dated March 22 1968, Exhibit M-17, there is a sentence which reads and I quote, "One of the ten suspects apprehended by the company told an interpreter that 35 VC had moved into the village 2 hours earlier." The reference here and it goes on to talk about that this engagement was in fact 16 March, the company was Captain MEDINA's company, and how they had killed 14 VC and captured weapons and so on. But the fact that 35 VC had moved in 2 hours earlier from the purported combat assault is the point. With reference to Exhibit M-46, item 50, I quote, "Time 0915, incident: Task Force Barker TOC, C/1/20, 0900 hours, 716788, a VC informed the interpreter that approximately 30-40 VC departed the area at 0700 hours going east, C/1/20 will move eastward." The discrepancy here is that on the one hand the VC departed at 0700 according to the TOC log and according to the Trident newspaper the VC had moved into the area. The source of the VC moving into the area according to the Trident, of course, is unknown. Do you have any information as to how the public information people could have received such information?

A. They received the information from two sources, sir. Every night at 1700 the paper man came to all TOC's, took a file copy of the journal. This was prepared in four copies. He took a carbon copy and he sat down and copied all major entries from the journal of activity. Now it is very unlikely that he copied this wrong. This is the official record there and the majority of the action taken there is taken from our journal. Now they did go out and question the units, They had reporters, photographers on some of these combat assaults and so on but Lieutenant DUNN, who was the PIO, came into the TOC every night and he went through our journal and copied down major highlights. I would say the journal is more accurate than his because his was taken from ours.

Q. The thought also struck me, Sergeant Major, and I just point this out. The coordinates given in the TOC journal are in the very close proximity of My Lai (4) as we know it. This journal indicates that they moved eastward out of the village. Eastward from My Lai (4) would be towards Pinkville, the, I presume, actual objective village in this particular case. I wondered, and in my assumption the PIO interpretation of the VC moving out of My Lai (4) and into the

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A. Yes, sir.

Q. Is this your first war, Sergeant Major?

A. Yes, sir.

MR WEST: Sergeant Major GERBERDING, earlier we had questioned you about whether after the My Lai (4) operation you might have discussed this with others or heard discussion about it. I want to read you some excerpts from the testimony of Sergeant First Class STEPHENS. You remember him as having been the S2 sergeant as Task Force Barker and then later he came to brigade and he either worked for you or he worked for the S3 section in the brigade TOC. Do you remember Sergeant STEPHENS?

A. Yes, sir.

Q. All right. In his testimony there was some discussion of the body count and the weapons captured for that Son My operation that first day. And there were these questions and answers:

> "Q. But the point I'm making is you had 128 body count at the end of the day. You had nobody in your task force that was hurt by enemy action, other than booby traps. Was this fact known or discussed or did you know that?
>
> "A. Yes, sir. It was discussed. The brigade S2 sergeant talked to me about this, as to how they could kill so many enemy and no one lose anyone.
>
> "Q. The brigade S2 sergeant talked to you about that? Do you remember his name?
>
> "A. GERBERDING..."

And then he spells your name out. Later in his testimony, Sergeant STEPHENS discussed the operation in which Captain MICHLES took Bravo Company in against My Lai (4) and they inflicted quite a few casualties on the VC, but apparently recovered no weapons. He indicated that this was a subject of discussion between you and himself. Then there followed these questions and answers:

"Q. Who was talking to him about that, who was saying that?

"A. The brigade--Sergeant GERBERDING made the statement to me, 'How could you kill this many enemy and not get the weapons?'

"Q. He made that about that action, then he made the same statement about the My Lai incident?

"A. About that incident, yes, sir. And then after the incident, after the My Lai incident, this was after I was back in brigade and he told me, I don't think it was anyone else talking, just me and him in the S2 section and one day he told me that the PIO said that there were a lot, he didn't say many or anything, he said there were a lot of civilians killed.

"Q. In My Lai (4)?

"A. Yes, sir."

Later in his testimony there was a further discussion with Sergeant STEPHENS as to his conversations with you on the subject of the My Lai (4) operation and the body count and civilian deaths:

"Q. He never called you down to ask you about the 128?

"A. No, sir. Sergeant GERBERDING didn't say anything at all until after I returned back to the brigade headquarters S2. Then one time he was talking in the brigade S2 and something about people. I don't know how it came about--just talking about operations, and different units and what they had done and everything. He brought it up that there was a lot of body count that Task Force Barker had accumulated over this period. Something about that they killed a lot of innocent civilians. He said they don't get the weapons. Then he mentioned on this last operation which is the My Lai operation that the PIO had told him, I believe it was SP4 or SP5 ROBERTS had told him that a lot of civilians were killed. The other personnel that would mention

it, it was more or less--I don't think they were serious in what they were saying--personnel would be talking and saying that Task Force Barker killed a lot of innocent civilians or Task Force Barker got a bunch of innocent civilians. Not in a serious--

"Q. (Interposing) Sort of joking?

"A. Yes, not in a serious way.

"Q. What is Sergeant GERBERDING's first name; is he an E-8?

"A. He's a sergeant major now.

"Q. Do you know where he is?

"A. He came back to Fort Polk, Louisiana."

I think that's the end of it Sergeant GERBERDING. I believe you can see why now that we were questioning you along this line somewhat earlier in your testimony. Would you comment on this as to whether you made any such statements, of the accuracy of this testimony?

A. I have had discussions with Sergeant STEPHENS on the operation of Task Force Barker as a whole, sir. However, some of these answers he gave in there that allegedly I was supposed to have said appear kind of stupid, because having been in the Army for a few years, I wouldn't make a statement like that, saying, "How come you have no casualties if you killed 128 enemy?" Making a statement by an S2 sergeant on any kind of operation is stupid. And I don't think I ever committed myself to making a stupid, asinine statement like that. Now we have the official record there or casualty figures which were maintained by our S1. If they say only 10 people got wounded or 15 or 5 by booby traps, well that's it. We had many units in the 11th Brigade who day after day killed 10, 15, 20 enemy and suffered no casualties. So I think that his statements there are not quite accurate as to what I might have said at that time. Further, there has never been any doubt on my part on the type of people who were killed at My Lai. Why should I personally question Sergeant STEPHENS or anybody else on that one particular subject? As far as I'm concerned, on 15 February we had an operation and on 16 March we had one. We had various other operations I've been with. We

killed a number of enemy and I have no cause to go back and say how come 50 weren't killed, how come you got the weapons--only one weapon, how come no U.S. casualties on a particular operation? Now overall, I did question the various battalion S2's as to what they got; how many weapons, what type, what documents, what they found, how many caves, tunnels and so on. But I did not question Sergeant STEPHENS in the light of there being anything fishy and interrogating him, how come, how come 128 people were killed, why did you only get 3 weapons? I had no reason to do so. As far as I was concerned, I had the information I wanted, my information is recorded in the brigade INTSUM, what transpired on that date. And on 16 March that one particular operation was closed as far as I'm concerned.

Q. Sergeant Major, did your views change any after you read the report of investigation of the brigade commander dated 24 April 1968?

A. No, sir. I have formed no opinions. As far as I am concerned, here are the facts as stated by my brigade commander and that stands, and if he says that's what it is, that's what it is. I have no authority; I am not entitled to question his findings.

Q. Are you telling me that because that is the brigade commander's statement you cannot dispute it? Suppose you know it is wrong?

A. Sir, I know Colonel HENDERSON for the 2 years I have served with him and I don't think that he would have made an incorrect statement or have prepared a lie for transmission to the division commander.

Q. Let's make this a hypothetical question. Let's say it's some other brigade commander and you're on the staff and you are there at brigade headquarters for that brigade. Suppose that commander renders a report to the general which you happen to know is false. There was an investigation afterwards such as this one, and you were brought in and swore to tell the truth, the whole truth. Are you telling me that you couldn't tell what you know merely because your brigade commander made a certain statement that you couldn't dispute?

A. No, sir, I did not say that. What I said, sir, is that I have to accept the facts of the investigation as they are known here because I was not at My Lai (4) and I did not investigate this incident. This apparently has been investigated by Colonel HENDERSON because he is making reply, so therefore this must be the facts and the truth as told by the brigade commander.

Q. Aren't you making the assumption that it's true?

A. Sir, I have no reason to doubt his integrity and his statement.

Q. I think the answer was you had no basis for questioning and so forth, right?

A. I have no basis for questioning, that is correct, sir.

Q. Sergeant Major, you've been very helpful to us today. You've given us some useful information that I think will help us in our investigation. We appreciate your coming and we appreciate your testimony. Before we close, are there any more questions?

(Witness gives negative response.)

If you can think of anything else that might help us, if you find any papers, drafts in your possession, anything at all that you think might help us, we'd appreciate hearing from you. Before we close, if there's any statement you'd like to make, we'd be glad to receive it.

A. A small comment I'd like to direct for Colonel FRANKLIN. If you might have the assumption or feeling that I am biased or prejudiced in my statements here concerning this incident, sir, my personal feelings have not been involved in anything which I have presented to this committee here regarding the Vietnamese.

COL FRANKLIN: I accept that, Sergeant Major; I appreciate your comment.

MR WEST: Thank you very much, Sergeant Major GERBERDING. The hearing will be recessed.

(The hearing recessed at 1625 hours, 27 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: GOLDEN, Clarence H. MAJ

DATE OF TESTIMONY: 5 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Forward Air Controller with the 11th Brigade.

KNOWLEDGE OF THE OPERATION.

The witness identified his call sign, Helix 33, as that which appeared on the tape of the My Lai operation made by Captain LEWELLEN (pg. 4). However, even after hearing the tape, he could remember nothing about the operation on 16 March (pgs. 6, 11). He did not remember villages burning on any of the operations in which he worked with Task Force Barker in the Pinkville area (pg. 9). He did not remember ever being asked if he had seen a large number of Vietnamese dead on any operations (pg. 10). He was never asked to make a statement about any events he had seen in the general operational area (pg. 10). He was never aware of any investigation of any of Task Force Barker's operations (pgs. 10, 11, 13).

(The hearing reconvened at 1340 hours, 5 February 1970.)

MR WEST: The hearing will come to order.

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

The next witness is Major Clarence H. GOLDEN.

(MAJ GOLDEN 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. Clarence H. GOLDEN, Major, United States Air Force, 547th Special Operations Training Squadron, Hurlburt Field, Florida.

MR WEST: Major GOLDEN, have you read our Exhibit M-57 about the nature and purpose of this inquiry?

A. Yes, sir.

Q. Do you have any questions about it?

A. No, sir.

LTC PATTERSON: Major GOLDEN, would you indicate to us what your assigned duty was on 16 March 1968?

A. I was forward air controller with the 11th Brigade.

Q. When did you assume duty responsibility as a forward air controller with the 11th Brigade?

A. I can't give you a specific date, but on the 20th of December 1967.

Q. Did you join them in country or did you deploy with them?

A. I deployed with them.

Q. Did you train with them in Hawaii?

A. Yes, I did.

Q. So you had been in Hawaii for some period of time and then deployed with the 11th Brigade?

A. This is correct.

Q. And were you with the 11th Brigade during your entire tour in Vietnam?

A. The second tour I was.

Q. From December 1967 until December 1968?

A. No, until 1 May 1968.

Q. 1 May 1968?

A. I was only there temporarily. I came back to my home station then.

Q. On 16 March 1968, Task Force Barker conducted an operation in the Pinkville area, in an AO extended for the 11th Brigade, for this particular operation. This area was generally considered to be a portion of the 2d ARVN Division AO. Do you recall anything about the general time frame or the general mission that was to be accomplished by Task Force Barker?

A. No, I sure don't.

(LTC PATTERSON then oriented MAJ GOLDEN on Exhibit MAP-5.)

Q. Now that we've been oriented on the map, I have here a verticle aerial photograph (Exhibit P-1). Approximate scale of the vertical aerial photograph: 1 inch equals about 85 meters. The operation on 16 March 1968, as I indicated earlier, was to conduct an assault by helicopter, of two rifle companies. The first of these rifle companies, we feel, was air assaulted into an area just to the west of the My Lai (4) Hamlet of Son My Village. The helicopters made their routing, we believe, generally out of LZ Dottie, south down Highway 1

and turning to the east, then north, on a dogleg final, landed just to the west of My Lai (4).

A. I can't remember that operation. If I was on it I can't remember, but I don't believe I was on the operation or flying that day.

Q. Have you had an opportunity to check your flight records, sir?

A. No, I haven't. That would just give my time anyway. I flew everyday.

Q. What was your call sign when you were in Vietnam?

A. Helix 33. On this particular tour it was Helix 33.

Q. On this day, the first assault went into one LZ just to the west of My Lai (4). The assault landed at 0730 in the morning preceded by an artillery prep of 3 to 5 minutes from LZ Uptight. Two lifts went in with nine slicks in each of the lifts. There was gunship suppression fire in support on the lift as well as a gunship and aero-scout elements of the 123d, operating just to the base--northern edge of Hill 85 and further south.

About 0815 in the morning, the second lift, also supported by artillery from LZ Uptight, landed somewhere to the southwest of Pinkville itself. The artillery had difficulty in shutting down its fire on time and forced the aircraft to make a go-around and finally land. Sometime between the lifts (indicating), someone stated over the air the discovery of some mortar tubes or some mortar rounds. Subsequently this statement was changed to mortar rounds at Hill 85. The aero-scout element landed several helicopter loads of riflemen on the top of Hill 85 here (indicating). Does anything ring yet?

A. No, not yet.

Q. Okay. The call signs of the folks involved here, the ground mission commander airborne in the C&C ship, was Coyote 6.

A. That was Colonel BARKER.

Q. That's correct.

A. On all operations that I flew up there, he was normally airborne.

Q. On how many operations did you fly?

A. I have no idea. I flew several, two or three, along in here and then covered one platoon or something that went out in this area (indicating), I remember. Those are the only ones I recall.

Q. Another call sign was Shark. The Sharks were the gunships of the lift elements that worked the area for the first couple of hours. Another call sign used that day by the aero-scouts or the element involved in the Hill 85 activity was the Warlords, Warlord Alpha.

A. I worked with the Sharks on several occasions, and I've heard of the Warlords, but I can't ever recall working with them.

Q. On the days that you recall working in that area, do you remember anything specific of the times you worked there?

A. Not really. The vivid thing that rings in my mind is the start of Tet. I was coming down this highway and got shot at right there (indicating). About 10,000 people lined up on that road; and as I say, I worked a couple of times around this village when--

Q. (Interposing) Around Pinkville?

A. And then once when a platoon or company, I can't remember--now were going in--

Q. (Interposing) On up to the northwest there?

A. To this area right here (indicating), I also saw some others that weren't actually operations, but they were just on routine search missions north of here.

Q. We have a tape recording that is reported to have been made during the first 2 hours of the operation on 16 March. Helix 33 appears on the tape.

A. That was my call sign.

Q. Yes, on several occasions. I'd like to just run over some of the incidents that appear with you and see if perhaps that can help. A little later we'll listen to the tape and see if that can do any good. Somewhere right after the operation kicked off, Helix 33 came on the command net and indicated that there is a--and I might just add that at this time the aircraft, the helicopters, were making some gunruns generally in here to the north of Hill 85. Helix 33 indicated at this time to someone that he also had "one running down the road to the east," and indicated that it's "just to the left of you." Also, several minutes later he indicated he had a "couple come down, here....Some of them are escaping back toward the ocean, down this road."

A. This is all from Helix 33?

Q. Correct. Later on Helix 33 reported around 0850 or 0900 hours, probably just before he was going off station, made a call that he was getting fired at. "We got an ARVN moving into this little village and there's a troop coming in from the south or from the north...I'm certain I'm being fired at from the village."

A. I can't recall getting fired at down there, if that was me.

Q. And just a little after 9 or 0910, your two hours on station were about up, or 33's two hours were about up, and 33 called Coyote 6 stating that he was leaving but that "Helix 32 would be coming up shortly" to relieve him on station.

A. That's Major HANKS, 32.

Q. Major HANKS recalled coming up on station that morning.

A. Well, I can't recall, but if Helix 33 is on there, it's got to be me.

Q. It's got to be you. Well, I think perhaps then that would be you. Nothing that was said thus far has rung any bells?

A. No, it's been too long. Too much water has gone under the bridge.

Q. I'm going to ask you then, sir, if you'll listen to the tape recording and see if maybe some of the other events that you hear will give you a feel for being back there. Maybe you can even recognize your voice. At this time we'll recess and set the tape up to let Major GOLDEN hear it.

(The hearing recessed at 1402 hours, 5 February 1970.)

(The hearing reconvened at 1440 hours, 5 February 1970.)

COL PATTERSON: The hearing will come to order.

RCDR: Persons present: COL PATTERSON and MAJ COOP.

COL PATTERSON: Sir, after hearing that tape, does it recollect or refresh your memory?

A. I recall a couple of things in there that I heard.

Q. Do you believe that the Helix 33 you heard on the tape was yourself?

A. Yes, I do.

Q. What do you recall now about this particular operation?

A. Well, evidently I thought this was one of the missions I had been on here in Pinkville, because evidently I was flying around in this area somewhere (indicating).

Q. Generally over the Pinkville area itself?

A. Yes.

Q. That's further to the east of My Lai then.

A. Yes, I recall once I said, "I saw someone coming down this road." I don't recall having said that now though.

Q. You do recall having said that?

A. I do not recall.

Q. I see. You don't recall that incident?

A. No, sir.

Q. Do you recall anything that was on the tape?

A. The thing that stands out in my mind is someone calling and saying that they had two that were removing all their clothing. That rang a bell with me.

Q. You recall that?

A. Yes, sir.

Q. Did you see that particular episode?

A. No, sir.

Q. Do you recall where you were about that time?

A. I sure don't.

Q. About how high were you flying on the day? You recall that you got mixed up with this day?

A. I couldn't say for sure, but normally I stayed something above 1,500 feet above the ground. I'd say somewhere between 1,600 feet and 2,000 feet.

Q. Do you recall in the tape that one of the units was going to start working around the peninsula. This was a helicopter unit or of several gunships, helicopters, Hueys, and maybe even a small Skeeter, a little bubble helicopter. Do you remember seeing him over in that--

A. (Interposing) No, sir, I don't.

Q. Do you remember seeing about nine helicopters coming in and landing or trying to land and making a go-around coming out over the coast there in formation?

A. I covered several of these events, and I remember seeing helicopters come in. I don't know if it was this one particular event that I saw or not.

Q. Do you recall anything unusual about the events that you saw with reference to the helicopters?

A. No, sir.

Q. Did you recall on the tape where at one time Helix 33 called and said that he had troops sneaking in from the north or south side of the village?

A. I recall that on the tape, but I don't recall it.

Q. You don't recall making that transmission?

A. No, sir.

Q. Do you remember seeing any mortar fire or what appeared to be some type of firing over in the peninsula area?

A. No, sir. The only thing that I remember is once when I was flying over that village--and I don't know again if it was during this particular operation or not--there was a boat on the FM frequency receiving fire from along this peninsula here (indicating). I was trying to spot that fire for him, but I didn't see it. I was too high.

Q. Do you recall on the tape, it indicated finding those mortar tubes and rounds on top of Hill 85? And you don't recall hearing that transmission?

A. No, sir, I don't.

Q. You also heard on the tape that there appeared to be quite a few people, Vietnamese I would imagine, moving along 521 to the southwest, towards Quang Ngai. We've also heard evidence that there were quite a few people moving out to the north, generally over in this area. Do you recall seeing any large numbers of people?

A. No. The only time I saw any large number of people was during Tet along this road. I never saw any large number of people on any operation in which I was involved up in this area.

Q. Do you recall seeing, in any of the operations in which you were involved, what any of the troops were doing on the ground?

A. I couldn't see them really. If I needed to know where someone was during any operation, I asked them to pop

smoke; and then when he popped smoke I could see two or three people, but I never saw a larger number than ten. I never saw--

Q. (Interposing) On any operation in which you worked in this area as part of Task Force Barker, did you see any burning of the villages or any villages burning?

A. Not that I can recall.

Q. As I understand it, Major GOLDEN, you don't have too much recall about any of the operations that you participated in in this area?

A. No, sir, it's been too long ago.

Q. Do you remember talking to or hearing any of the other FAC's back at Duc Pho talking a particular operation in this area?

A. The only thing that I can recall would have been back in the latter part of December before the unit that was then here left. They had an operation up in here (indicating), and one day while I was flying in the back seat of an O-1 with another FAC, he showed me a lot about it, but I don't even remember where it was that they were in the operation. However, this was a long time before I started working.

Q. Were you flying by yourself on 16 March? Were you alone in the aircraft?

A. I can't recall. Normally I flew by myself. Sometimes I had an Army observer with me, but normally with myself.

Q. You don't recall hearing any conversation in the hootch there, over at the bar, or with any of the Air Force officers?

A. No, sir, not a thing.

Q. Or with any of the Army personnel at Duc Pho?

A. I didn't talk to the Army people very much, just casually. We never sat down and talked about things like this. If we had an operation, I'd get briefed on it, but that was about the extent of it.

Q. Who did your briefing?

A. I got them over in the TOC before an operation. It would be what I call an operations officer. I guess it would be an S3 for the Army.

Q. Do you remember his name?

A. I can't recall.

Q. Do you recall Major HANKS saying anything about seeing a lot of people up in that area?

A. No, sir.

Q. Did Colonel MACLACHLAN ever talk to you about what you had seen or what you had accomplished?

A. No, sir.

Q. You worked for Colonel MACLACHLAN?

A. Yes, I did.

Q. He never questioned you about any of the operations that you flew in up there?

A. Oh, he would if we had a big operation going on. He'd ask us what happened that day, how things went, how was the flying, but that was the extent of it. There was never anything to report.

Q. Do you recall whether or not he asked you about any specific operation or asked if you had seen any large numbers of dead Vietnamese?

A. No, sir. I can't recall that.

Q. Were you ever asked to make a statement or ever interviewed by any individual with reference to any of the events that you had seen in this general operational area at any time?

A. No, sir.

Q. Were you aware of any investigations or did you hear rumors of any investigations concerning the Task Force Barker operations?

A. Not until I read the papers about this investigation.

Q. During your tour in Vietnam you never heard anything and no one contacted you about it?

A. No, sir.

Q. Have you talked with anyone about the My Lai incident or the activities of Task Force Barker in March 1968?

A. No, sir.

Q. How about Major HANKS?

A. Have I talked with him?

Q. Yes.

A. We talked by phone once. He said that he was coming up here, and that's all.

Q. Did you talk about whether or not you perhaps were Helix 33 on this day or whether Grif SCARBOROUGH was?

A. We talked but we couldn't decide whether he or I was flying. From that tape I guess we were both flying.

Q. You and Major HANKS?

A. Yes, sir.

Q. Other than Major HANKS, have you talked with anybody else?

A. No, sir.

Q. Air Force or Army?

A. That's correct.

Q. Then as I understand it, you don't know too much about the activity around My Lai (4).

A. No, sir. I've given you all that I can muster up, that I can remember.

Q. Sir, before we adjourn, I'd like to give you an opportunity to say anything you'd like to for the record, to ask any questions you'd like to ask, or anything else that you'd like to say.

A. I don't have a thing more to offer, colonel.

Q. Colonel WILSON, a member of our staff would like to talk to you also, so we'll ask you to stand by here for a few moments. He wants to talk to you about anything that you might remember up in this area to the north of Pinkville and so on. At this time, unless you have something further, this hearing will recess.

(The hearing recessed at 1500 hours, 5 February 1970.)

(The hearing reconvened at 1540 hours, 5 February 1970.)

RCDR: The following persons are present: COL WILSON, LTC NOLL, and MAJ COOP.

COL WILSON: Major GOLDEN, I remind you that you are still under oath.

A. Yes, sir.

Q. This is Team C, Interview Team C, and we're primarily interested in what B/4/3 did on this operation of 16, 17, 18 and 19 March. We thought maybe you might have a little information, and we wanted to ask you a couple of brief and precise questions. Not being present on your previous interrogation I'm wondering what days you were--you were a FAC as I understand?

A. Yes, sir.

Q. And what days were you over this particular area.

A. According to the tape they played--

Q. (Interposing) That was on the 16th.

A. Yes, sir, that was, and I was Helix 33, and I recognized a couple of transmissions I made in the tape. And I also recognized a couple of things that some of the other people said.

Q. That was on the 16th. Were you over there the next day or just that one day?

A. I can't recall, sir, I flew everyday. I don't know if I was over that particular area or not. We had other areas, too, that we covered.

Q. Now in that particular area, the area that I'm interested in is generally along the coast, and I'll show you specifically.

(MAJ GOLDEN was oriented on Exhibit MAP-4.)

A. The best I can recall is that I covered two or three operations in here. And on another one, there was a company or a platoon sweeping out on this peninsula here, but I can't recall any particular day. It's been so long ago. But I did cover a couple of operations in here after this. I remember on one instance, there was a Navy swift boat that was drawing fire from along in this area (indicating). After they began to receive it, immediately I climbed to about 2,500 or 3,000 feet, after which I couldn't see anything. That's about all that I can recall from this area.

Q. You don't recall anything. Well, we indicated on 16 March, which is the same day that you were on that tape, between 1600 and 1700, that the swift boats moved about ten sampans to the shore and turned the people over to the Army troops on the ground there. That was up towards the north, right up in this area.

A. I have no knowledge of that.

Q. You don't know about that one?

A. No, sir.

Q. Is there anything else that you can recall? Do you recall on that day that you were--on that tape do you recall a lot of burning villages out here?

A. No, sir. I can never recall anything burning; maybe one small building at the time, but I can't say what day it was, even what month it was.

Q. Do you have any questions?

A. No, sir, I don't.

Q. Well, Major GOLDEN, there's nothing else you can recall about this operation?

A. No, sir.

Q. Have you been ordered not to discuss this investigation and your testimony?

A. Yes, sir.

COL WILSON: Well, I have no further questions, and I'll turn you over to our witness committee, and they can get you processed out. The hearing will recess at this time.

(The hearing recessed at 1550 hours, 5 February 1970.)

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SUMMARY OF TESTIMONY

WITNESS: GORE, John E. Jr.

DATE OF TESTIMONY: 27 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Executive Officer, Platoon Leader, Headquarters and Headquarters, 11th Light Infantry Brigade.

The witness went to LZ Dottie after the My Lai (4) incident was reported in the brigade papers, where he remembered Lieutenant JOHNSON discussing the activity he had seen, but he could recall no particulars (pgs. 3, 4). He had the impression that JOHNSON had a "donnybrook" at My Lai (4) (pg. 8). The witness knew Lieutenant DUNN, ROBERTS, and HAEBERLE but did not discuss the operation with them (pgs. 4, 5). He recalled hearing Captain LEWELLEN's tape and Lieutenant Colonel BARKER's conversation on the tape (pgs. 5, 6). He stated that LEWELLEN frequently played the tape (pg. 6). He described LEWELLEN as unstable and an alarmist who would sleep in their fairly secure area with his flak vest and boots on (pg. 7). MCKNIGHT and KOTOUC were also on the tape, but he could not recall specifics (pg. 8). The witness heard no rumors and did not discuss the operation with anyone else (pg. 10). He knew nothing of an investigation being conducted (pg. 10). The witness had no training on treatment of prisoners, etc., and did not recognize the MACV cards (pgs. 13, 14).

(The hearing reconvened at 1545 hours, 27 January 1970.)

COL FRANKLIN: The hearing will come to order.

The following named persons are present: COL FRANKLIN and MAJ COOP.

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

Mr. GORE, will you state for the record your name, occupation, and address?

A. John Edward GORE, Jr. I am a student at Princeton University. I live at 180 Franklin Corner Road, Trenton, New Jersey.

Q. And your Social Security number?

A.

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

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

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

The investigation is not being conducted to investigate all the facts and circumstances of what happened at My Lai. It is directed to those specific purposes which I have just stated. General PEERS has had made available to him and has reviewed prior official statements obtained in other official investigations of the My Lai incident.

Your testimony will be taken under oath. A verbatim transcript will be prepared. Although the general classification of the report will be confidential, it is possible that

testimony, or parts of it, will later become a matter of public knowledge.

Although I am going to be conducting this investigation, General PEERS has the final responsibility of weighing the evidence and making findings and recommendations.

I request that you do not discuss your testimony with others, including other witnesses for this investigation, except as you may be required to do so before a competent judicial, legislative, or administrative body. Specifically, testifying here today in no way precludes you from testifying if you are called before one of the committees of Congress.

Do you have any questions on what I have just read?

A. None.

Q. Mr. GORE, would you state what your duty assignment was on 16 March 1968?

A. Well, at that time my official TOE position was a platoon leader for the rifle platoon, located at Headquarters and Headquarters Company which really, at that time, we didn't have any mission outside of security duty around the base camp. So I had an additional duty as security officer of Headquarters and Headquarters Company.

Q. Which brigade?

A. 11th Light Infantry Brigade.

Q. What did your duties then as executive officer primarily consist of?

A. I ran a gamut. We also had the security mission around the base camp, to protect it from ambushes around the large sector perimeter and just general coordination of the headquarters area.

Q. Did your duties bring you to do quite a bit of moving around LZ Bronco and a lot of contact with, say, officers in the 11th Brigade headquarters around the TOC?

A. Yes, sir.

Q. As I informed you, this investigation concerns the My Lai incident of 16 March 1968 in which Task Force Barker was involved. When is the first time that you became aware of this incident?

A. Well, primarily, just through the news media as it broke just recently.

Q. That would be in September or October?

A. Of this fall.

Q. Of this fall. Do you recall prior to this time, particularly when you were the XO of the 11th Brigade headquarters company hearing anything about this action of Task Force Barker?

A. Well, that one particular action that one specific day was written up in the brigade paper. I had a friend in the MI detachment who was up there at the time, who came back. He was talking about just the general sequence of events of this, not anything specific.

Q. I assume this was Lieutenant "Bull" JOHNSON?

A. I was going up there. I believe it was for pay toward the end of the month or something like that. He wanted me to go up earlier at the time. The CO was Major OBRIEN at that time.

Q. This is the 52d MI Detachment?

A. No, this is the headquarters detachment. He and I were going to go up there for a while.

Q. Go up where?

A. Up to LZ Dottie. He was just primarily kind of trouble shooting up there, as I understand the story. I was going to go up there and spend some time up there; wasn't much going on up there.

Q. Was this before 16 March?

A. It was sometime around that month during that operation.

Q. What did Lieutenant JOHNSON tell you about the 16 March operation?

A. I can't remember. I don't remember if it was that specific day or not. He was just talking. He'd come back after being up there for about 2 or 3 weeks. Just general contact he was making up there and how much different it was as compared to the Duc Pho AO, a lot more action. He really just gave a sum and total of what he was saying, sort of a real war up there.

Q. I think this is very interesting Mr. GORE; can you recall any specific details?

A. None whatsoever.

Q. Just saying he thought they were fighting a real war down there?

A. That is about all that came out of the whole thing.

Q. To refresh your memory a little bit in this operation, you had three battalions and later on, four. All sorts of operations and Task Force Barker on this day operated in an area known fairly commonly as Pinkville. It was known as Pinkville because My Lai (1), known as the subhamlet, was colored pink on your maps. This area was outside of the Americal AO. It was in the 2d ARVN AO. On this particular operation there were 128 VC reported killed and three weapons reported captured. This was a very big operation. Perhaps up to this time, the biggest body count that the 11th Brigade had obtained. Can you recall hearing anything about this? You have mentioned it came out of your Trident. Did you have much contact with your PIO people?

A. Yes, I was very friendly with Lieutenant DUNN and some of those people there.

Q. Do you know Spec 4 ROBERTS?

A. Very well.

Q. Do you know HAEBERLE?

A. Yes, sir.

Q. Did you ever have conversations with either of these two?

A. No, sir.

Q. You never discussed this operation?

A. No.

Q. In the PIO, did you ever see any pictures of this operation?

A. None, sir.

Q. Did Lieutenant DUNN ever comment on this operation to you?

A. I believe he wrote the story that appeard in the Trident.

Q. Do you recall him discussing that story with you?

A. No, sir.

Q. In that particular story which you read on probably 22 March, it mentioned that 35, about 30 or 35, VC had just come into the subhamlet of My Lai (4) on the day of the operation. The intelligence and the actual fact was that all the VC had left My Lai (4) early in the morning. They had not come in. Do you have any knowledge or recall DUNN ever speaking to you about that?

A. No, sir.

Q. Can you recall ever overhearing anything about this operation or speaking to anyone about it?

A. Well, after Task Force Barker was broken down and Major OBRIEN left, and then Captain LEWELLEN was the assistant S2.

Q. Assistant S3.

A. He was TOC officer. I guess at night he came down and took over HHC until, it must have been October, about October. He had a tape that he had taken from the radio in the TOC. I guess he had an open mike on it. He had made a tape. Whether it was that specific day's action or not, I wouldn't know. It was just basically calls for fire support and there was some conversation with Colonel BARKER. He is the only one I can remember specifically on the tape.

Q. Coyote 6?

A. Yes, sir.

Q. What did Captain LEWELLEN have to say about that tape?

A. He was pretty proud of it. He and I never got along too well in the long run. We ended up having a fall out on his tour there. He used to take it to his room and play it quite a bit.

Q. He use to play that same tape over?

A. Yes, sir.

Q. Why would he do that?

A. I have no idea.

Q. Did that strike you as rather strange?

A. Not with Captain LEWELLEN. He was kind of a strange individual.

Q. In what way?

A. Well, some of the programs he wanted to implement in the company. He was just a little bit out of touch with what actually should have been happening in the company. It was an overall impression. I don't think he ran the personnel functions or the morale functions of the company the way he should have. There were instances where he wanted police calls and brush clearing operations and things of this sort that resulted in the

wrong people pulling the duty in the company, mostly my own platoon. This is where I ran into problems with him. At the end of his tour, there was--he wanted to start a PT program in the company and so forth and so on. Most of the people felt it amounted just to a lot of harassment.

At the end, there was some problem with placing in--specific duty personnel he really didn't care for and it was brought then to the executive officer, Colonel FRANKLIN's attention, and Captain LEWELLEN was subsequently removed from his position and sent to division.

Q. Was Captain LEWELLEN relieved?

A. Yes, sir. I don't believe he was relieved officially, but he had about 35 days left to go on his tour and they sent him up to division or something. I believe his official title was CONEX control officer.

Q. CONEX control officer? You say he used to play this tape by himself?

A. Yes, sir, he was sort of an alarmist. When we first got there, he lived in a small tent beside the orderly room. The orderly room was an old artillery TOC, pretty well bunkered-in. He moved down in the first sergeant's room which was in back of the TOC. I can remember on several occasions there were alerts that he'd be alarmed almost to the point where he wasn't really thinking. At that time, we were getting more attacks and some sapper attacks pretty regular on the base camp late in the summer, July or August. The whole scheme as it fits in, I felt he was fairly unstable. That's just my own opinion. The tape to me would reinforce any opinion he would have of himself as an infantry officer. That's basically the way I look at it.

Q. You think he used the tape to boost his own feelings about himself?

A. Yes, sir. He used to sleep in his flak vest with his boots on. We were fairly secure in the area.

Q. How many times did you hear him play this tape?

A. I couldn't say. People used to come in to visit him and he would put it on and play little spots of it. He was very proud of the Task Force Barker operation.

Q. What did he tell you when he played this tape? What did he tell you about this operation? Do you recall?

A. He'd identify some of the people on the radio. Colonel BARKER is the only one I can remember exactly.

Q. How about Rawhide 3, Major MCKNIGHT?

A. Yes, he was on the tape. Captain KOTOUC was on the tape, too. He was S2 up there. I think he was on the tape. I'm not sure exactly what the sequence was.

Q. What impression did you get from the tape?

A. Well, that is hard to say. It was fairly busy. It seems like there was a lot of things going on. There were calls for artillery support. There was some reference to people running with packs, a lot of people on the "push," just a lot of traffic going on. It didn't seem like anything out of the ordinary compared to other operations of any scale.

Q. Did Captain LEWELLEN mention anything about the size of the enemy there, the resistance encountered?

A. I think he was back in the TOC.

Q. Talking about the incident?

A. Nothing more than just general looting as "Bull" JOHNSON had done, heavy going, "Listen to this part here; there is something in here, fire coming in."

Q. "Bull" JOHNSON sort of portrayed this also as a real fight?

A. This was the general picture I had, yes, sir. I don't know if this tape is the same day. I couldn't testify to that fact or not.

Q. So your impression then from "Bull" JOHNSON, there had been a real donnybrook down there at My Lai (4)?

A. Yes, sir.

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Q. Did either one of those officers mention there was not one U.S. casualty on C Company during this day?

A. I knew they had heavy casualties going through the area over a period of time, but not on this specific day.

Q. Did either one of these officers ever talk about just three weapons being taken?

A. The only place I heard about this was in the Trident.

Q. Try to recall now, and I realize it is 2 years ago, anyone else you might have spoken with or whom you might have heard discussing this action?

A. I really couldn't give you anyone else.

Q. How about Captain HENDERSON?

A. Captain Jim HENDERSON, sir, I never heard him discuss it, no, sir.

Q. How about Captain KESHEL?

A. Captain KESHEL, no, sir.

Q. In your movement around the headquarters company, did you ever hear any talk about women and children being killed and included in body counts?

A. In this specific action, sir?

Q. In this or any action?

A. No, sir.

Q. You never heard any talk in the messhall or in any of the clubs around there?

A. Not to my recollection, no, sir.

Q. How well did you know Captain KOTOUC?

A. Fairly well.

Q. Did you ever discuss this action with Captain KOTOUC?

A. No, sir. He came back through Bronco on his way down to Saigon. He came back through and there was no mention of it at all.

Q. Well, we have had some testimony there was talk, at least among the enlisted men around LZ Bronco, questioning this very high body count of Task Force Barker.

A. I heard nothing of that, sir.

Q. Did you ever hear anything about an investigation by either the 11th Brigade or Task Force Barker in the Americal Division about this incident?

A. No, sir.

Q. Did you ever hear about any incident being investigated?

A. In our brigade?

Q. Yes.

A. No, sir.

Q. Well, in summing up, is it fair to say, if not, certainly correct me, is that all you knew about this incident is what you had read in the Trident and the tape, Captain LEWELLEN's, and very general conversation with Lieutenant JOHNSON? You had no other information or never heard anything from any other source about it, is this correct?

A. That is correct, sir.

Q. I'm going to let you just think about this for a while. I'm sure you have been thinking about it ever since you got a call to come up here, because we have heard that around the headquarters there was some talk. Your being in the headquarters company would put you in a position where you might have picked up some of this. Also, we sort of assume you might be friends with Lieutenant JOHNSON, HENDERSON and some of the rest of these people. Just think about this

for a few seconds. Does anything come to you?

A. No, sir. The only contacts that I had with that entire operation up there was through "Bull" JOHNSON and Captain LEWELLEN when he came back through. We had a couple of MP's there. I have been at Dottie several times after the action.

Q. And you are sure that they never mentioned to you at any time about any killing of women and children or anything that would--

A. (Interposing) I can't really remember, and to the best of my knowledge, no, sir.

Q. And your contacts with the PIO, ROBERTS and HAEBERLE whom you knew well, never once mentioned it?

A. No, sir.

Q. How often would you see ROBERTS and HAEBERLE?

A. Every day.

Q. You would see them daily?

A. Yes, sir.

Q. If they had something on their mind or something bothering them, would you have been someone that they would have come to to discuss this with?

A. I don't think so, no, sir.

Q. Who would they have gone to?

A. They were a pretty head bunch. I think they would have hashed it out among themselves. They were not trouble makers by any means.

Q. Suppose they had seen something that very much disturbed them on an operation of a company which had been handled in such a way to shock them? Who would they normally report this to?

A. Either Lieutenant DUNN or Lieutenant MOODY.

Q. Why wouldn't they talk much to MOODY?

A. He wasn't very well respected by them.

Q. What was your reaction when you first read this in the newspaper in fall of last year?

A. I wasn't particularly shocked. I don't know whether it happened or not. I only knew Lieutenant CALLEY casually, nothing more than to say, "Hi." I sort of related back to the tape I heard and some of "Bull" JOHNSON's comments. I knew Colonel BARKER and Major CALHOUN very well, and I had a lot of respect for both of them. So far as whether it happened or not, I couldn't say one way or the other.

Q. What was your emotion when you read it, belief or disbelief? You thought it was possible because of the tape and what "Bull" JOHNSON had told you?

A. I just felt it was possible because just the normal state of affairs. Sometimes I know that outfits had taken a large beating in that area. 1/20 subsequently took a hell of a beating throughout the first of the year and--

Q. (Interposing) So you drew what conclusions from that?

A. I know on a small scale when we were operating, you have got to be particularly sensitive of that thing. Whether on a large scale it could happen or not, I don't know. Any operation we had was primarily squad or platoon level.

Q. Around the squad base?

A. We were never attached to a larger company. On a small scale, I could see how maybe it could happen, but on a large scale, I can't say one way or another.

Q. Are you implying that sometimes the 11th Brigade didn't demonstrate too much discrimination on who they brought fire?

A. No, sir. I'm just saying that GI's over there after 8 or 9 months in the paddies get a little bit frustrated after a

while. It is not just shooting at anyone. It is the morale a guy has. Whether when he sees someone with a soda or beer, will he take it or will he pay for it.

Q. Well, I certainly agree with you. It is something that you become very sensitive to. What was the policy in the 11th Brigade for the treatment of noncombatants, civilians and prisoners. What was your idea of this?

A. Basically, hands-off policy. The rules of engagement that I was told after a period of time, notify the people; if they start running you can engage them.

Q. Had you ever been with the 11th Brigade in Hawaii?

A. I was with them in October of 1967.

Q. When did you DROS?

A. December of 1968.

Q. What kind of training did you get, you and your platoon, on the treatment of noncombatants, PW's and civilians?

A. None.

Q. You got no training at all?

A. No, sir.

Q. How about these cards, different cards? Have you ever seen any of these cards that have been handed out, "Enemy in Your Hands," rules of conduct?

A. No, sir.

Q. Your platoon didn't carry cards around and it wasn't required to carry any kind of MACV cards around in their billfolds?

(Exhibit M-2 was handed to the witness.)

I am going to show you two cards, actually three cards: "Nine Rules," Exhibit M-2, "Enemy in Your Hands," Exhibit M-3, and "Guide for Commanders," Exhibit M-4. Just take a look at those, Mr. GORE, and tell me if you have ever seen any of those cards?

(Witness reviews the exhibits.)

A. No, sir. They may have been around. I was never issued them and I never used them at any time.

Q. How did your platoon know how to treat the civilians, noncombatants with whom they came in contact?

A. Very basically, I would check their ID card. If there was nothing suspicious about them, let them go about their business.

Q. I mean insofar as maltreatment.

A. I obviously let that be known right off the bat.

Q. Oh, you did emphasize it yourself?

A. Yes, sir.

Q. What was the general attitude of your platoon toward the Vietnamese people?

A. I want to make a distinction here between the people I had with me the whole time, and a lot of the people I had back from the line companies that were sent back to my platoon. There seemed to be a marked difference. I don't know whether it was a difference in the amount of action they had seen or not. There were two or three in my platoon I particularly had to watch out for when we were in an area. It only took once or twice to remind them and that was it.

Q. What was the marked difference in attitude?

A. Just basically a large degree of frustration, impatient with them. Just basically not caring about them one way or another.

Q. You noticed this from the people that came from the line outfit? This was all the battalions of the 11th Brigade?

A. No, sir, this was--one individual came from the 1/20.

Q. What company, do you remember?

A. No, sir, I can't.

Q. Do you remember his name?

A. Ronald VALDEZ.

Q. Ronald VALDEZ?

A. He was a good soldier.

Q. Why does he so stick in your mind?

A. Because he was a good soldier.

Q. What about his attitude toward the Vietnamese?

A. It was a marked difference from the rest of the people I had. When he first came to the platoon, he would be out in the villages around the guys and he would start disrupting things. I had to remind him once or twice and that was it.

Q. What was your general attitude about treating noncombatants and civilians?

A. I don't really understand what you are trying to get at. Are you trying to develop a sort of a--

Q. (Interposing) I'm talking about a command attitude in the 11th Brigade. What was the emphasis on the treatment, the hearts and minds; was there a big effort to minimize casualties among concombatants or was it--

A. (Interposing) Yes, sir, I'm sure I know from acts that I had heard and from debriefings at the end of the day that I sat in on, this was both Colonel HENDERSON and General LIPSCOMB both were interested in improving civil affairs action around Bronco and Muscatine AO.

Q. Did you ever hear them talking about rules of engagement and being careful not to hurt?

A. Yes, sir, basically on that one premise, if they ran then they were suspected. That was all.

Q. Did that strike you as very natural?

A. Yes, sir.

Q. Any Vietnamese that would run from Americans, you figured he was VC?

A. I think if I was out in the paddies and 150 GI's came at me, I'd run, too. What it boils down to was a lot of signs on the ground.

Q. Well, you knew the officers and junior officers of the 11th Brigade. Do you feel their attitude was such they would exhibit that good attitude?

A. Yes, sir, the ones I ran across.

Q. You wouldn't by chance have attended this briefing on 16 March when this big body count was given?

A. No, sir.

Q. Did you ever recall, close to that time, Colonel HENDERSON getting up and saying something about this action or commending someone? Does that ring a bell anywhere?

A. No, sir.

Q. How about pilots clubs. Did you know any pilots clubs there at Bronco?

A. Yes, sir.

Q. Did you ever recall--did you go to those clubs?

A. Yes, sir.

Q. How about the pilots at the bar; did they have anything to do with the Dolphins or Sharks?

A. Dolphins or Sharks?

Q. Rattlers?

A. No, sir.

Q. Unnecessary killing and shooting?

A. No, sir.

Q. How about the burning of hootches? What was the policy of your brigade on the burning of hootches?

A. I never ran across that situation. If we came across anything, I would call back either--

Q. (Interposing) You had to get permission to do that?

A. That's the way I always operated, yes, sir.

Q. Did you ever hear anything about Task Force Barker burning a large amount of subhamlets?

A. No, sir.

Q. Would you like to make any statement here for the record, Mr. GORE, on anything we have discussed?

A. No, sir.

Q. Have you discussed this with anyone in the Americal, 11th Brigade since it came out in the press?

A. I got a call from Lieutenant DUNN who was working up in Chicago. He was primarily trying to find some home towns of people whom we knew in common.

Q. Home towns of--

A. "Bull" JOHNSON, some people Art knew were involved in the operation.

Q. These were all in his role as a newspaper man?

A. That's the only one I have talked to, yes, sir.

Q. Did he say anything about being surprised about this?

A. Yes, he did. He was surprised that it broke. Not that it had broken, that this was a charge and so forth.

Q. Did he believe it?

A. I couldn't really say. I think he felt about the same way I did. He really didn't say.

Q. Well, I appreciate you coming in, Mr. GORE, you have helped us. Anything else you want to add?

A. No, sir.

COL FRANKLIN: The hearing will recess.

(The hearing recessed at 1615 hours, 27 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: GOUZOULES, Winston

DATE OF TESTIMONY: 26 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: S5, 4/3.

1. DISCUSSION IN BINH SON REGARDING ATROCITIES.

a. Nature of the conversation.

One day at the Binh Son dining facility there was a discussion in the presence of Lieutenant "Bull" JOHNSON and Sergeant WARREN concerning the treatment of Vietnamese. Captain GOUZOULES stated that he made a value judgement which was misinterpreted and passed along by JOHNSON to Major CALHOUN (pgs. 3-5). In the discussion the witness believed he stated that GI's "took it very lightly" when a Vietnamese was killed through carelessness (pg. 8). He thought that the conversation centered around a woman being shot (pg. 25). He also had stated that this occurred quite often (pg. 25). However, GOUZOULES emphatically denied that he had made accusations against Task Force Barker during the course of the discussion (pg. 23). JOHNSON said very little (pg. 24).

b. CALHOUN's reaction.

CALHOUN became incensed over what he heard from JOHNSON. GOUZOULES received a call from Major MCANAW, the 4/3 assistant S3, informing him that CALHOUN never wanted to see GOUZOULES in the Task Force Barker area again (pgs. 5, 16). On about 12 April at LZ Dottie, GOUZOULES and CALHOUN had a discussion regarding the witness'

statement. CALHOUN had initially confronted the witness by charging that he had heard GOUZOULES was slandering Task Force Barker. The witness pointed out that he had not implicated or slandered Task Force Barker. He said his statements were made in a general sense. The discussion at Binh Son was then forgotten and never mentioned again. Later in his tour of duty, he and CALHOUN formed a good working relationship while each served on the staff of the 196th Infantry Brigade (pgs. 8, 9, 18, 19, 29). In his earlier testimony the witness said that neither Captain KESHEL nor Lieutenant Colonel ADKINS talked with him about his discussion with CALHOUN. He was at a loss to explain how KESHEL knew about this (pg. 9). Later he testified that he may have mentioned CALHOUN's attitude to KESHEL (pg. 21).

2. GOUZOULES' OPINION OF TASK FORCE BARKER'S S5 OPERATIONS.

The witness was critical of the S5 operation in Task Force Barker and he voiced his opinion. He felt that the task force S5 was ignored (pgs. 14, 15). Lieutenant WYNDHAM, Task Force Barker's S5, appeared to have no voice in their operations (pgs. 28, 29).

3. 4/3 SOLATIUM PAYMENTS AND LIAISON.

As the S5 of 4/3 GOUZOULES had a dual responsibility with Task Force Barker for making solatium payments. The witness did not make all of the task force's payments (pgs. 3, 13). However, he stated that Task Force Barker did not make many of the solatium payments (pg. 14). Initially, GOUZOULES sent the signed vouchers used for the payments back to brigade and kept no records at his office. Later, he began keeping his own records (pg. 27). These records remained with 4/3 when he left for another job (pg. 20). Generally, GOUZOULES refused to make solatium payments to people he suspected to be VC or VC kin (pgs. 31, 32). The witness did not recall any requests for solatium payments in the My Lai area. He did make a couple of payments in the Son Hai area (pg. 32). The only time Lieutenant Colonel ANISTRANSKI came to discuss anything with GOUZOULES concerned VIP payments (pg. 31). The witness never heard of Colonel HENDERSON calling Lieutenant Colonel ADKINS, the 4/3 battalion commander, to discuss the S5 program (pg. 29).

4. ACCIDENTAL DEATHS OF VIETNAMESE.

The witness recalled two incidents where Vietnamese civilians had been accidentally killed by U.S. forces. One of the victims was the wife of a Vietnamese employed by CORDS who was killed in a crossfire between a Task Force Barker unit and the VC. This occurred in Binh Son District in February (pgs. 5, 6). In the other incident, Vietnamese were killed in a minefield near LZ Dottie after delivering some letters (pg. 11). GOUZOULES did not know the contents of the letters (pg. 11).

5. INQUIRIES CONCERNING THE ASSAULT.

GOUZOULES never heard of an investigation conducted by the ARVN or U.S. He never saw Lieutenant Colonel BARKER interrogating people (pg. 35). The witness heard no rumors or discussions about something unusual taking place in Pinkville in mid-March (pg. 35). If anyone ever told him to mind his own business, it was in connection with his run-in with CALHOUN (pg. 36). GOUZOULES frequently talked with Captain RODRIGUEZ at Son Tinh District. He did not recall ever discussing any incident regarding Task Force Barker with RODRIGUEZ, nor did he recall any conversation with RODRIGUEZ about an incident that occurred while the National Police accompanied U.S. forces (pgs. 36, 37).

6. OTHER INFORMATION.

a. GOUZOULES never spoke with anyone from the 11th Brigade about the incident (pg. 3).

b. While he was S5 he never saw any propaganda coming from the Batangan Peninsula. He recalled no propaganda from that area calling for revenge (pgs. 31-33).

c. The witness had heard of an RF Company being overrun in the vicinity of Hill 85, but he recalled nothing about their dependents being abducted by the VC (pg. 35).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-10, P-21, P-22	Black and White photos	Wit identified LT. JOHNSON as individual he talked with at Binh Son.	3
M-35	VC propaganda leaflet dated 28 Mar 68.	Wit had never seen.	33

(The hearing reconvened at 1340 hours, 26 January 1970.)

IO: The hearing will come to order.

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

Sir, the next witness is Captain Winston GOUZOULES.

(CPT GOUZOULES was called as a witness, was sworn, and testified as follows:)

Captain GOUZOULES, would you please state your full name, grade, Social Security number, organization, and station?

A. Captain Winston GOUZOULES, , C-1R-2, United States Army Training Center, Fort Knox, Kentucky.

IO: Captain GOUZOULES, have you had an opportunity to read the instructions?

A. Yes, I have, sir.

Q. Do you understand them or have any questions?

A. I understand them.

Q. On my left is Mr. Robert MACCRATE who is a civilian lawyer. He has volunteered his services through the Secretary of the Army to assist in the conduct of this investigation and to provide legal counsel to me and other members of this inquiry team. On my right is Colonel ARMSTRONG, an Army colonel, who has been assigned by the Office of the Chief of Staff to serve as an assistant in the inquiry. Either Mr. MACCRATE or Colonel ARMSTRONG may address questions to you this afternoon. We have other groups in addition to this who are taking testimony from other individuals. I will have the responsibility for putting together the report, weighing the evidence, and making the findings and recommendations.

As a military officer, you are directed not to discuss your testimony with others, including other witnesses in this investigation, except as you may be required to do so in performance of official duty or before competent administrative, judicial, or legislative bodies. In regard to the legislative body, there is a possibility that you may be re-

quested or required to appear before one of the Congressional committees, the most likely one would be the investigating subcommittee of the House Armed Services Committee, in which event, if you were requested to appear there, your appearance here would in no way preclude your appearing there or testifying there.

I do not believe you have been cited or cautioned by the military judge in the general court-martial case of the United States v. Calley?

A. No, sir, I haven't.

Q. I don't think you will be, but in the event you are, your appearance here would in no way change either the applicability or the effect of the order issued by that military judge, or by any of the other military judges for other court-martial cases relating to what we now refer to as the My Lai incident of 16 March 1968. Do you have any questions at this time?

A. No, sir.

RCDR: Let the record show that Colonel FRANKLIN and Colonel ROGERS have joined the hearing.

IO: Captain GOUZOULES, would you indicate you duty assignment within the Americal Division, indicating also times when you joined, any changes of assignment that you may have had, and of course, your termination?

A. Well, I was the S5 of the 4/3 Infantry from approximately 21 December 1967 until the end of June 1968. From there I went to the Americal Division headquarters. I was there a month working for the PSYOP section of G5. I was sent TDY to the 196th, and was there until 18 July 1969.

Q. What was your capacity within the 196th?

A. I was the S5 from July until December, and December to July I was the PSYOP officer.

Q. When you were in Chu Lai with the Americal Division, whom did you work for, Lieutenant Colonel HOLTOM?

A. Yes, sir. Lieutenant Colonel HOLTOM; Stanley E. HOLTOM.

Q. The My Lai incident, as we now refer to it, which

took place on 16 March 1968, or in that time period, became a matter of public knowledge in September or October of last year, 1969, about 5 months ago. Since that time, have you talked to anybody from the 11th Brigade, from the division, or anywhere else in connection with the incident, regarding the reporting of the incident or any investigation of the incident?

A. No, sir, I have not. As a matter of fact, I haven't seen anybody from the brigade.

Q. Did you have knowledge of Task Force Barker?

A. Yes, sir.

Q. What was your relationship to Task Force Barker?

A. We were assigned--the 4/3 Infantry, General, had an AO adjacent to Task Force Barker. Our AO boundary ran along Highway 1 approximately 500 meters west of Highway 1, and west along in this area (indicating on MAP-1). Task Force Barker was to the east. As the S5, my work took me along Highway 1, and I knew some of the people from Task Force Barker and often visited them.

Q. I have also been led to believe you had responsibility for all of the solatium payments and so forth, not only of the 4/3 Infantry, but also Task Force Barker, is that correct?

A. Yes, sir. I believe that is corrct, sir.

Q. Who was your battalion commander, the S2, and the S3 of the battalion at that time, the 4/3 Infantry?

A. The S3 was Major HOLCK. The S2 was Captain LAWSON. The battalion commander was Colonel ADKINS.

Q. Where does Major MCANAW come into the picture?

A. He was the S3 air.

Q. He was the S3 air?

A. That's right. He acted as the assistant S3.

Q. Did you ever have any discussion with Colonel BARKER or Major CALHOUN concerning anything down in this area?

A. Yes, sir, one time I did.

Q. Well, I wish you would state this now and explain to me as specifically as you can what you heard, and what was said, and what transpired.

A. I was at the Binh Son District headquarters one day, at their dining facilities.

Q. What time? I wish you'd speak a little louder because not only are you talking for my benefit--and incidentally I am a little bit on the deaf side--but we're trying to get this down.

A. All right, sir. I was at their dining facility, if you can call it that, and in there was a group of people from Task Force Barker. I believe the S2, Sergeant WARREN, and one other person. There were some people from the district advisory team present, I can't remember their names, myself, and my assistant, who was killed shortly thereafter.

Q. Now, would that have included Captain KOTOUC, the S2 of Task Force Barker?

A. No, sir, he wasn't a captain. He was a lieutenant, short, stocky lieutenant; an MI officer. He took over from Captain KOTOUC. I can't think of his name right now.

Q. Could it have been JOHNSON who was from the 52d MI Detachment at Duc Pho?

A. He was assigned to the 52d MI Detachment. I don't know his name. I can't remember.

Q. I show you three exhibits; P-10, P-21, and P-22. I would ask if you recognize this individual, this individual, or this individual (pointing to the three photos)?

A. They're all the same person, sir. He is the individual.

Q. He was the individual?

A. Yes, sir.

Q. This is Lieutenant JOHNSON of the 52d MI.

A. There was a discussion taking place out at the district headquarters with regard to treatment of Vietnamese. I can't remember exactly what was said at the time, but I

made a value judgment which was, I believe, was misinterpreted by Lieutenant JOHNSON who passed it on subsequently to Major CALHOUN.

Q. Well, before we go on, what did you hear?

A. I'm trying to remember, sir. It was in regard to a shooting of a person by Task Force Barker. What exactly the circumstances were, I can't remember.

Q. You made a judgment--

A. (Interposing) I made a value judgment. I often felt this was interpreted by Lieutenant JOHNSON who reported it as such to Major CALHOUN who became, I think, unjustly incensed at what he heard. I received a call, or I was informed by Major MCANAW that he no longer wanted to see me in Task Force Barker area. Major CALHOUN and I later on talked about it a little bit. I think things were smoothed over, but at that time there was an incident between Major CALHOUN and myself, and it did regard the shooting of what I interpreted as one person by Task Force Barker. Later on, a Vietnamese civilian who worked for CORDS in Quang Ngai told me that his wife had been killed by Task Force Barker. She was located at the time someplace east of Highway 1. I looked into it a little bit and found out that it had already been investigated, that she had been caught in a crossfire or something between--I forget which unit of Task Force Barker and some VC, a nd she had been killed. I believe that this was the incident which they were discussing. It is my belief at that time that is what they were discussing. That's all I can remember.

Q. Did anybody else ever contact you about this?

A. No, sir. This took place in early May. No, correction, it would have been in early April. And shortly thereafter Task Force Barker was disbanded. And nothing more was said about it. When I was informed of the incident by this Vietnamese, I looked into it a little bit and could find out very little more than had already been said. So I forgot it.

Q. Did Colonel BARKER ever talk to you about it, or Colonel HENDERSON?

A. No, sir, neither one of them.

Q. Did Colonel ANISTRANSKI ever come down to see you about it?

A. No, sir. He came down and we talked about another incident in which I was involved in which 25 kids were killed during an accident. My assistant, we were collecting ammunition, and he picked up a fired M-79 projectile and threw it in the bag which he had to keep his ammunition in. It went off and blew up all of the ammunition that he had collected that day. Luckily, I had gone to the dentist and missed it.

Q. How many Vietnamese were killed?

A. Twenty-five.

Q. Killed?

A. Yes, sir. Fourteen injured.

Q. And this was about when?

A. On 16 June, sir.

Q. Do you know the name of this Vietnamese individual whom you talked to from Quang Ngai Province? What was his position?

A. He was, as near as I can interpret, an agricultural representative to Binh Son from Quang Ngai.

Q. To Binh Son?

A. Yes, sir. He worked for CORDS as an overseer for agricultural products in the area. He lived, I believe, right about here (indicating on MAP-1).

Q. What's the name of the village?

A. Xuan Yen Tay.

Q. Did you ever go back to this individual and tell him what you had heard?

A. Yes, sir. I talked it over with him afterwards.

Q. Did you see him up at Binh Son again?

A. I saw him many times before we left the area. We

were planning a couple of dams, irrigation dams, projects up there. And I worked through him and the village chiefs in the area that we were planning to build the dam.

Q. What did he tell you? Just try to remember. I know that I'm taking you back an awful long way, Captain GOUZOULES, but these things are quite significant. I would just like you to try to remember either what he said, or at least the impression that was created upon you.

A. He just simply said that his wife wasn't a VC and that we had killed her. And at the time I remember regretting the incident because I knew or felt fairly sure that he himself was not a VC or VC sympathizer.

Q. Did he say where this incident had taken place?

A. It had taken place, I'm guessing a little, sir, but he said that it was about in this area (indicating). She had been on a wood cutting detail of some sort that day. And it was my impression anyway that she was on a wood cutting detail and was returning back to the house, and one of the units was moving east and ran into something. I don't remember what. A fire fight started, and she was caught in between the fire fight and was hit and killed.

Q. But their home was pretty definitely right up in the area of LZ Dottie?

A. Yes, sir. He lived right about 50 meters from the road. It was a fairly substantial house.

Q. It was not likely then that they lived out in this area that we call Pinkville?

A. It wasn't anywhere near the Pinkville, sir. It happened up in Binh Son District.

Q. And about when did it happen?

A. As near as I can determine, it happened sometime during February, because it was 2 or 3 months later when he talked to me about this.

Q. Did you arrange solatium payments and so forth?

A. I believe I did, sir. I made quite a few payments, and I think I did make one for them. Yes, sir.

Q. Now, what did these fellows that were talking up here, what did they have to say--

A. (Interposing) At Binh Son?

Q. Yes. Lieutenant JOHNSON and Sergeant WARREN.

A. Lieutenant JOHNSON didn't enter the conversation at all very much. He, as I remember, was sitting in the background. I was wondering who he was to be honest with you. As I say, I can't really remember what happened at that time. I've tried several times since this thing occurred. I cannot remember.

Q. Can you recall how you expressed your--however you might refer to it--your indignation?

A. I can't remember exactly what I did say except it had something to do with the times that some people had been careless in shooting Vietnamese and they seemed to take it very lightly, or something like that. I can't honestly remember what it was.

Q. Well, did Major CALHOUN come to see you, or did he call you down, or did you talk to him on the phone, or what happened?

A. He talked to Major MCANAW, and Major MCANAW talked to me about it. I did not see Major CALHOUN until April when we took over LZ Dottie. At that time Major CALHOUN and I had a little discussion as I had always been a little mystified as to why he had voiced his desire for me to remain outside his AO. It was because I felt then, and still feel, that I didn't say anything that pertained directly to Task Force Barker, and I wasn't trying to implicate Task Force Barker in any way. The attitude or interpretation of Lieutenant JOHNSON was far different from my own attitude.

Q. What did JOHNSON say?

A. I don't really know what he said, sir. But, I heard that he said that I had said, "Task Force Barker was going around shooting Vietnamese." My intent was that some GI's have done this or have talked about this, and had been careless in shooting civilians. I wasn't implicating Task Force Barker or anybody else. The typical GI attitude was somewhat callous sometimes. But, I think--

Q. (Interposing) Just a minute. You have been aware for some time that you were going to have to come head to head

with Major CALHOUN sooner or later?

A. Yes, sir, I was.

Q. Okay. It ought to be pretty clear in your mind then what the conversation was.

A. Well, I was so surprised when the thing was brought up to me by Major MCANAW that I tried to remember back at that time. I couldn't, and I still can't.

Q. What did Major CALHOUN say to you?

A. Even that's kind of vague in my memory. He told me that he didn't want to hear any more comments on Task Force Barker, and I tried to tell him at the time that I hadn't made any on Task Force Barker. I hadn't tried to point out Task Force Barker or anything in that manner. After that, it was forgotten. Shortly after that he became our XO and we were on friendly terms. He went to the 196th and I followed, and we worked right closely together from that time forward. The incident was never again mentioned.

Q. Did you ever talk to Captain KESHEL about this?

A. No, sir. I didn't think it was really serious enough to bring up because from my point of view I hadn't said anything that would implicate Task Force Barker in any way. I hadn't accused Task Force Barker of anything, and as a result I forgot it.

Q. Well, who was your S3 at the time?

A. Major HOLCK. He also mentioned it to me.

Q. Did Colonel ADKINS ever talk to you about it, or what's going on? After all, you're one of his staff officers.

A. No, sir. He never mentioned it to me. He never asked me anything about it. I never even knew that he was aware of it.

Q. How do you suppose Captain KESHEL knew about this?

A. I don't know, sir. I can't remember ever bringing it up to him.

Q. You indicated that somebody said that this thing was or had been investigated and it wasn't so, or words to that

effect.

A. Oh, this incident?

Q. Yes.

A. Yes, sir. Some of the people, I think it was Sergeant WARREN as a matter of fact, made some remark that she was killed--let me think. No, that it wasn't so, that it was an accident is what they said. It wasn't--it had been determined that it was an accident, that--

Q. (Interposing) But you didn't know what they were referring to at the time. You didn't know where they were operating, or you didn't really know the basis of their conversation, or didn't know at that time.

A. At the time of the incident I wasn't aware of it. Now there are two different time periods here. We're talking about one period in early April. Then I subsequently made an investigation on it back in May at which time I did determine that it had been an accident, and I paid solatium on this.

Q. In other words, what you're saying is that what they were talking about there--

A. (Interposing) They were discussing the case.

Q. You put that together with what the Vietnamese, subsequently put it together with what the Vietnamese who was working in the agriculture department there in Quang Ngai and who'd periodically be up at Binh Son had told you?

A. Yes, sir.

Q. That's the way you would rationalize it?

A. That's the way I found out about it, and that's the only incident that ever came to my attention on that with regard to Task Force Barker or killing of the Vietnamese in that sense.

Other incidents came to my attention. For instance, the Vietnamese came up to LZ Uptight one time and walked out the gate the wrong way and went through a minefield, and that was brought to my attention by Vietnamese.

Q. What did they say there?

A. That some people were killed on LZ Uptight.

Q. But did they say what they were doing?

A. There were some letters that were submitted to me.

Q. To you?

A. Yes, sir.

Q. Did you get the letters?

A. Yes, sir, I got one or two of them. They were little notes handed to me. And they said that they had walked up there to ask assistance, ask for some assistance, and when they walked off the hill they were killed. They hit some mines.

Q. When did these pieces of paper come from Uptight? Was this after you had taken over LZ Dottie?

A. No, sir.

Q. That area?

A. Yes, sir, I think it was. It was as a matter of fact.

Q. So it would have been sometime after 9 April then?

A. Yes, sir. I just found the--I think a Vietnamese gave me a piece of paper with something like this on it, some description of this nature, and I had it interpreted or translated. I found out that solatium payments had already been made on that one, I think.

Q. What's that?

A. I think that somebody else had made solatium payments on that.

Q. On which one?

A. On the LZ Uptight incident.

Q. I'm aware of this incident, but I understand these

youngsters that went to LZ Uptight delivered some letters and so on. And when they departed they got caught in a minefield.

A. Yes, sir.

Q. Now what happened to the letters?

A. I don't know what happened to the letters.

Q. I thought you said you had them.

A. No, sir. I had a letter that was passed to me at a later date describing the incident.

Q. Well, what happened to the letters that were delivered to Uptight?

A. I never saw them, sir. I had a letter. It did not--it was not delivered to me as part of the group of letters you're speaking of that were delivered to Task Force Barker at LZ Uptight. I had a letter on the incident that I received when we took over--sometime after we took over LZ Dottie, that described the incident that took place. They had gone up to LZ Dottie or LZ Uptight and they asked for some assistance as I understand, and then they walked off the hill. They stepped into a minefield when they did that. Now I don't remember anything about letters being delivered to LZ Uptight or what the letters were. And I don't remember any letters of that nature.

Q. You didn't make any investigation even though you got this subsequent report, then, which was delivered to you by the Vietnamese. Did you check into it to find out whether solatium payments had been made?

A. I think it was determined that solatium payments had been made in that case.

Q. Who determined that?

A. I did. I found out that that was the case. I've forgotten how I found out.

Q. But when these youngsters went up to LZ Uptight, Task Force Barker was still in existence?

A. Yes, sir. I understood that that happened also in February.

Q. February, March, or April?

A. It was early during the existence of Task Force Barker.

Q. That would have been right during Tet then, wouldn't it?

A. That's the picture that I had. The incident took place during that month of February. I don't know why February sticks in my mind but it does.

MR MACCRATE: Captain GOUZOULES, you indicated that you were responsible for solatium payments for Task Force Barker, and now you indicate that someone else had made these payments. Now what did you find out? Come on, let's have the full story on this one.

A. There was sort of a dual responsibility. They did have an S5 at Task Force Barker.

Q. Who was the S5 of Task Force Barker?

A. Lieutenant--I can't remember his name either. He was my assistant, WINGATE--

Q. (Interposing) You would know your own assistant?

A. Not WINGATE.

Q. WADSWORTH?

A. No, sir. When I first arrived at 4/3 Infantry he was there. He acted as the S5 until I arrived. Shortly after we moved to Chu Lai he was moved to Task Force Barker and he was made the S5 of Task Force Barker. Now I did not make all the solatium payments that were made in Task Force Barker's area.

Q. But did you keep a record of all that were made?

A. Yes, sir, we had--

Q. (Interposing) That was your responsibility, wasn't it?

A. We had a form that we had to fill out. I've forgotten the name of the form.

Q. All of this was recorded at your headquarters, was it not?

A. No, it wasn't.

Q. Where was it recorded?

A. Some of the earlier solatium payments were recorded by Task Force Barker or I was given that information.

Q. And then you took over the records of Task Force Barker and these records then became your records, did they not?

A. There weren't very many records when Task Force Barker went out of existence, S5 records.

Q. Well, they hadn't made many solatium payments, had they?

A. No, sir. I don't think there were many made. I don't think there were many made until March or April, to my knowledge anyway.

Q. And you objected, did you not, to the way in which this side of the Task Force Barker operation was being conducted?

A. I voiced some opinion like that.

Q. And you voiced this to various people?

A. I didn't know it was that many.

Q. But you voiced it more than this one occasion that you told us about at a meal at Son Tinh District--or rather at Binh Son District.

A. I had the impression that they weren't doing as much as they could S5-wise.

Q. And you got the impression that they were not giving the S5 part of the operation the support it should have, wasn't that your impression?

A. Yes, sir. But that doesn't say the same thing that I was saying toward--with regard to their attitude. I was critical of the S5 operation of Task Force Barker, and it

seemed to me in talking with their S5 that he was sort of ignored, that he was somebody who made things like solatium payments only.

IO: Was he also present at that discussion at Binh Son?

A. I don't remember, sir, I don't think so. I think that he had left by then.

MR MACCRATE: You indicated that there was one other person in addition to the district advisory team that you had not named. You indicated that there was the individual we've now identified as Lieutenant JOHNSON, Sergeant WARREN, and one other, and the district advisory team. Do you recall who that one other was?

A. My assistant, SP5 BLAINE, was with me.

Q. Was there anyone else that you can recall?

A. I don't remember who was there other than I know that some of the district advisory team members were present.

Q. And who were members of the district advisory team at that time?

A. Major WILLOUGHBY was one, was the district advisor. I can't remember the others' names.

Q. Do you remember Mr. RESSEGUIE?

A. Bob RESSEGUIE, but I'm not sure he was there at that meeting or at that discussion. He was a district advisor. He worked for CORDS.

Q. Now the agricultural advisor to Quang Ngai Province at that time was named SHELDON, was he not?

A. I'm not sure.

Q. Norman SHELDON.

A. The name sounds familiar, but I met him twice I think.

Q. This individual whose wife was killed worked for the agricultural advisor of the province?

A. I believe he did, sir.

Q. But you can't recall the Vietnamese's name?

A. No, sir. I have my little green book that I kept, and I looked through it this morning, I couldn't find his name.

Q. What else do you have in that little green book?

A. Many of the people who I paid solatium to, and notes to myself.

Q. Might we examine that after the hearing? It might be helpful to us in putting some names and items of information together that we have.

A. Yes, sir.

Q. Who was Captain WADSWORTH?

A. He at first was the assistant G5 for the 11th Brigade. Then he was transferred to Echo Troop of the 1st Cav which was a cav company or troop from the 11th Brigade. I knew him from Civil Affairs School prior to going to Vietnam.

Q. Do you remember any conversations you had with Captain WADSWORTH relating to your comments on Task Force Barker, their attitudes towards S5's, or with respect toward their treatment of Vietnamese?

A. No. I'm sure I may have made some as related to their attitude, or use, or employment of the S5, but I don't remember anything specific, no.

Q. How about regarding their treatment of Vietnamese?

A. No, sir, I don't remember anything like that. I may have, but I don't remember anything on this subject.

Q. If I understand what you've told us, Major MCANAW announced to you that you weren't wanted at LZ Dottie and you were to stay away from LZ Dottie from that time on, is that right? Was that his message to you?

A. That's the message that Major CALHOUN passed on through Major MCANAW.

Q. This is what Major MCANAW said to you? He had gotten this message from Major CALHOUN?

A. Yes, sir.

Q. Now, I think you also mentioned that Major HOLCK spoke to you at this time.

A. On the same subject, yes.

Q. What did he say to you?

A. He asked me what took place, and I tried to tell him what took place to the best of memory. He said: "Stay away from there for a while until things quiet down," so I did.

Q. Well, what did he indicate was boiling at the time that had to quiet down?

A. Major CALHOUN's temper.

Q. Major CALHOUN was a little sensitive at this time?

A. Major CALHOUN has a very quick temper and he is very easy to anger. It's really of short duration usually and is forgotten. And he would, if he had heard that I had been specifically saying that Task Force Barker went around killing civilians, he would probably become angry about it and say something about it because it affected him. He would react and then usually forget it.

Q. Wouldn't he be sufficiently interested and call you in and find out what you were talking about?

A. I assume that he might be.

Q. You were an S5. You were supposed to know about these things and have your ear to the ground finding out what was happening. Do I understand that if he heard anything critical coming in in that way his reaction was: "Well, tell that fellow we don't want him coming up here"? That's what you're telling us, do you realize that?

A. Yes, sir. He said that about that incident because I--as I interpreted it at the time and still do, he thought that I was being--that I was slandering Task Force

Barker, and he didn't want me slandering Task Force Barker.

Q. But he never inquired what the basis for your information was?

A. He finally did at that meeting on 12 April, and after that nothing more was said.

Q. How do you fix that so precisely, 12 April?

A. Because it was just about that period that we left LZ Sue and went to LZ Dottie, between the 12th and the 15th I believe. Believe me, most of the days over there were numberless and I can't even--I could hardly ever tell you when Sunday was.

Q. This is what I'm well aware of. That's why I'm surprised when all of sudden you say on 12 April something happened. And this is what I'm interested in, why you placed the conversation on a particular day?

A. The only reason I can place it around 12 April is because it was around that time that we left LZ Sue and went to LZ Dottie and occupied LZ Dottie in both the east and west AO's.

Q. When you had this conversation with Major CALHOUN, was anyone else present?

A. No, sir, it was a private conversation between he and I.

Q. Where did it take place?

A. Right outside the TOC.

Q. Did he hail you or did you go up and ask if you could speak to him?

A. I don't remember. I knew that we had to talk to one another about it.

Q. Tell us as best you can what was said in that conversation.

A. Basically, Major CALHOUN said that he had heard that I was slandering Task Force Barker and that I had said that they had killed some Vietnamese. And I told him that

I hadn't slandered Task Force Barker, that I hadn't intended to slander Task Force Barker, that I had heard of an incident. I was really discussing incidents in general that had occurred from time to time, I wasn't specifically pointing out Task Force Barker, and I didn't intend to.

Q. Did he get into any detailed interrogation with you at that time?

A. He asked me what I said.

Q. Did he ask you what information you had?

A. He did ask me what I said at that discussion. That's all I can remember about that.

Q. Did he ask you anything about dates, times, and places about which you had been speaking? Was he interested in that?

A. No, sir, not particularly. As I say, I had the impression that he felt that I had slandered Task Force Barker, and he didn't accept that and wasn't about to.

Q. Now I quite clearly understood that you started to describe the LZ Uptight incident, that you had some information as to the content of the papers that were handed in. You clearly said, as you started to talk about it, you described the piece of paper.

A. I had a letter or a note really that was handed to me describing the incident. I tried to make this clear later. I obviously wasn't clear when I made the statement initially. I had no letters that involved anything that was submitted to the people at LZ Uptight at the time of the incident.

Q. Did you ever hear about what was in those letters?

A. I think I may have but I can't really remember for sure.

Q. Well, you seem to have a recollection that you spoke to someone about it.

A. It seems to me that something came up, but I have the impression--

Q. (Interposing) Stop for a minute and think hard about that, who it was and what--

A. (Interposing) I'm sorry, sir, I couldn't even begin to tell you. But I did have the impression that the people that came to LZ Uptight came from the base at LZ Uptight and were asking for some assistance, medical assistance, or something like that, which had been given them from time to time. It was somebody who had been in Task Force Barker, I believe, but it's been so long that I can't really remember what the details were.

Q. How did this come to your attention apart from the solatium payment? I don't understand how you would get a note on this and then you as the one responsible for solatium payments would go, and lo and behold someone else had made the solatium payments. I don't follow this.

A. As I said, I wasn't the only one making solatium payments.

Q. But who gave you the note indicating there was a situation that bore looking into? Someone else was already handling it. Why would it have come to your attention? Can you put that together for us?

A. The problem is it's so far back and so many of those incidents occurred that I can't really remember the details. I can't say that I can remember that. It may have been that this was given to me, this letter was given to me, by Task Force Barker, but I can't honestly remember where it came from or how it came to be in my possession.

Q. When you left the 4/3 Infantry and went to the Americal Division, did you leave the records of your solatium payments in the files of the 4/3 Infantry?

A. Yes, sir, I believe so.

Q. In addition to those that you have mentioned, were there any others who spoke to you regarding your adverse comments on Task Force Barker, anyone from brigade, anyone from Task Force Barker, or anyone from division?

A. No, sir. I think maybe KESHEL and I talked about it one time, and maybe I brought it up to him and he said forget it, something like that. I can't really remember for sure because I know that I was bothered by it a little bit, by Major CALHOUN's attitude. And I may have talked it over with KESHEL, and he may have said, "Well, it's forgotten now," something to that effect.

Q. Well, the fact is, is it not, that you were more than a little disturbed about this thing at the time and that quite a bit was said to you and you said some things to others.

A. The only thing that I--I was upset that Major CALHOUN became angry because I hadn't realized that I had slandered Task Force Barker in any way, or hadn't intended it to be taken quite as seriously as it was taken. And I was upset by the fact that I was told that I shouldn't go back to Task Force Barker's AO.

Q. But it wasn't only that you shouldn't go back to LZ Dottie, but you should just stay out of the AO, is that the message you had?

A. I interpreted that as being LZ Dottie, stay away from LZ Dottie. He didn't want to see me at that time.

Q. Who was Lieutenant WYNDHAM?

A. He was the S5 of the task force. I couldn't think of--all I could think of was WINDGATE, and I knew that was wrong.

IO: What was his first name? Charles K. WYNDHAM, is that correct?

A. I can't remember his first name.

Q. We have a roster here.

Let me ask you one thing about this Vietnamese who came to you again. What was the period that he came to you? As I remember you said May or June?

A. He talked to me about it, sir. I actually came to him.

Q. What do you mean you came to him? You came to him to talk about this thing?

A. No, sir. I was trying to initiate some projects, and I ran into him one day on the road, and he got to talking to me about a couple of ideas that he had. And he told me that he was a CORDS representative and he had a couple projects in mind that he wanted to start. And so I said, "Well fine, we've been looking for something like this." And we started working together. And it was in more or less casual conversation that he brought this up.

Q. About what time was this?

A. I think it was shortly after we started working for Task Force Barker, in Task Force Barker's old AO, when we went to LZ Dottie.

Q. Well, this was subsequent to the time, then, that you had this discussion at Binh Son?

A. I believe so, yes, sir.

Q. It was also subsequent to 12 April, because that's when you had your eyeball to eyeball with Major CALHOUN, right?

A. Yes, sir.

Q. So it was after that?

A. Yes, sir.

Q. So up to that time you were working on the basis that you didn't know for sure what these guys were talking about?

A. Yes, sir.

Q. And it was only some time after that that you put that discussion and this thing together as being one and the same instead of something that might have been something different?

A. Yes, sir. It was quite some time afterwards as a matter of fact.

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Q. And when had he indicated that his wife had been killed?

A. Two months previous, he said.

Q. Are you sure he said 2 months? You're a little loose on your memory in some cases, but in other cases you block in real solidly.

A. I had the impression at the time that it was 2 months.

Q. Now--

A. (Interposing) I realize that, and it's something that I've tried to reconstruct and I can't.

Q. Okay. I'd like to do a little more reconstruction around this lunch table because I'm not quite satisfied with all this business. Because up to this time, you see, you didn't know about any women being killed out there. The wife of an agricultural representative, you didn't have the faintest idea about that. Now that we've got that all established, now you come out again and you tell me specifically what you heard at that table. After all, you were a comparatively junior officer at this time, and all of a sudden something like this comes up and somebody says: "You tell that guy I don't want to see him around this place again." Isn't that what you were told?

A. Yes, sir.

Q. Well, that ought to fix it firmly in your mind. All of these details ought to be right there for you.

A. Well, that was the surprising part of it for me, sir. I couldn't reconstruct a complete detailed story as to what took place because I hadn't made any. To my memory anyway, I hadn't made any concrete accusations against Task Force Barker. It shocked me, to be honest with you, that this sort of thing came out of it.

Q. But still, let's go right back to the table again. Let's find out what was said and what you said?

A. There was a discussion.

Q. What did they say in this discussion?

A. At the time I can't even remember who was involved. I have the feeling that there was--there might have been somebody there who was visiting in addition to the people from Task Force Barker. In fact, I think--I'm not sure that I'm confusing it--there might have been somebody else there at the time, and--

Q. (Interposing) But you must remember something that was said, or something that you said.

A. I'm very vague on what was said at that meeting and have been because--

Q. (Interposing) That's already a matter of record. Now I'm trying to get out exactly what did happen. Well, now, let's go back again. Just a little while ago you mentioned Lieutenant JOHNSON, whom I think many of the people knew as "Bull" JOHNSON?

A. I don't know what they called him.

Q. All right. You said he was the one that reported this back to Task Force Barker?

A. I had the impression that that's what was said.

Q. What did he say in this conversation?

A. Very little.

Q. What did WARREN say?

A. He said--I can't remember that either, sir. I--there was a discussion going on there about--I believe it was this incident.

Q. Which incident?

A. This incident that I mentioned.

Q. You later believe it was this incident?

A. Yes, sir.

Q. At that time you didn't know what the heck you were listening to?

A. I didn't know exactly what I was listening to and--

Q. (Interposing) Did you ever hear a name such as My Lai, Pinkville,--

A. (Interposing) Not at that time.

Q. Co Lay?

A. No, sir.

Q. Hill 85?

A. No, sir.

Q. MEDINA?

A. None of these names were brought up at that time. That's why I am very vague, my memory is vague on what took place, because it was a discussion about an incident, a shooting of a Vietnamese as I remember.

Q. How did they say this Vietnamese had been killed?

A. At the time I can't remember how they said it happened. They said that she was shot. And when I say she, I'm assuming that it was the incident that I mentioned to you earlier, and I think I said something to the effect that happened quite a bit, or seemed to. I had personally been involved in two or three incidents such as that in 4/3 Infantry in which I had made solatium payments. A couple I regret having made afterwards. But none of the things that you've mentioned to me were brought up at that time insofar as I can remember.

Q. Did the 4/3 Infantry operate rather loose in this, too? I think you've sort of indicated that a few of them you regretted paying.

A. I regretted paying them because I found out afterwards that the individual I made the payments to was a VC. I had him in the hospital, I brought him to see his daughter. He was there for 2 weeks, and I let him get away. And he was a village VC worker who came out in here someplace. And I went back once to try and find him and he was gone. It bugged me, because at the time I felt that I was innocent enough to let him get away, to believe him.

Q. Now this Vietnamese, did he work with Mr. RESSEGUIE?

A. Yes, he did.

Q. And Mr. RESSEGUIE handled all the civilian projects there in Binh Son, right?

A. Yes, sir.

Q. So he worked with Bob--Bob I think was his name?

A. Bob RESSEGUIE. I worked through Bob. In fact I think that is how I met this man, now that you mention it, through Bob RESSEGUIE. Bob RESSEGUIE introduced him to me one time.

COL ARMSTRONG: Captain, let's refer back to the administrative side of your operation there at the Task Force in LZ--

A. (Interposing) LZ Sue.

Q. Try to visualize the place where you keep your solatium payment records.

A. Well, on LZ Sue, sir, I kept--at the beginning when we moved to LZ Sue, we had a base camp in Chu Lai as well as Duc Pho and Sue. I operated from Chu Lai for a period of time until they found a place for me up there. Then I was called up to LZ Sue and I maintained what records I had back in Chu Lai. I believe my early solatium payments, the early records, were made and kept, made out by either division or brigade. And all I did was pass out the money really.

Q. You had the receipt for this money. You had to collect this money, you had to gather it, and make an account for it?

A. I had to make a statement, sign a statement that said that I paid out so much money to so and so. And what I would do is make the payment, get the man's name, ID number, et cetera, and send this back. They would type the paperwork out and submit it to me for signature, and I'd send it back. And I didn't keep any personal records on that.

Q. You didn't have in your office a file copy of this signed voucher?

A. No, sir. I believe that went straight back to brigade.

Q. Brigade?

A. Yes, sir. Now in the early ones this is the case. After I became well read into what was taking place, then I started keeping records on my own.

Q. What happened to those?

A. As far as I know they're still with the 4/3 Infantry.

Q. You kept then a file of vouchers at the 4/3 Infantry.

A. Yes, sir.

Q. Subsequently, after you got established.

A. Yes, sir.

Q. You feel as far as you're concerned now that there should be a file of vouchers at the 4/3 Infantry showing that you made the solatium payments?

A. Yes, sir.

Q. Did these things get logged in by any chance through any administrative procedures? Did you keep a log on this?

A. No, sir. When we started out we had nothing at all and we didn't keep a log on that kind of thing. As I say, after we once got established, got set up a little bit, I finally found a file drawer some place, did sort of keep a file, but it was a couple months before I was able to get enough together to do this.

Q. Let's refer back to before December 1967. Where were you assigned before you joined the 11th Brigade?

A. The Armor School.

Q. At the Armor School?

A. Yes, sir.

Q. And I believe you went to the Civil Affairs School?

A. Yes.

Q. When was that, just directly before you went to Vietnam?

A. Yes, sir, from some time in October to--I think it was October through December.

Q. Civil Affairs School emphasizes counterinsurgency operations. Do they emphasize the S5 part of it?

A. That's right.

Q. Did you feel from your observation, after you had been there a while, that the 4/3 Infantry was well grounded in the S5 side of counterinsurgency?

A. I wanted to see more done all the way around. I proposed from time to time ideas that involved the S5 more. However in talking to other S5's, I felt we were doing as much as some of the others.

Q. What was the approach and the attitude of the S3 shop, for instance, of winning the hearts and the minds of the people?

A. In 4/3 Infantry?

Q. Yes.

A. In 4/3 Infantry, I thought they accepted that idea. They didn't give all of the emphasis that I would have liked, but I was included in operations.

Q. Do you feel that in Task Force Barker this was the case?

A. As I stated earlier I don't think that they did. From talking to Lieutenant WYNDHAM I got the impression that

he was sort of pushed off to the corner and made to do just some automatic things that were supposed to have been accomplished. He didn't have much of a voice.

Q. Okay. Let's go back outside the TOC now. Was Major CALHOUN excited or heated during this discussion, or had he cooled off, or what? Or did this rekindle his ire?

A. He wasn't angry at that time, no, sir. When he's angry, he's extremely angry. There's no doubt in anybody's mind.

Q. Did you get any impression at all that he may have had something bothering him about this, outside of the grave insult that you had passed on?

A. No, sir. Once we had our talk, that was it. It was never ever again brought up.

Q. But during this conversation, for instance, at the end of it, do you recall anything where he might have said, "Well, okay, that's what you meant, but if you hear anything I suggest that you keep your mouth shut."

A. He may have said something like that.

Q. What I'm getting at is he may have realized that you weren't thinking in terms of another instance that he knew about. Therefore if it ever came to your attention, he wanted you to just forget it, that sort of thing?

A. The only thing I interpreted at the time, as I recall, I felt that he was still concerned about the name of Task Force Barker and he thought that I had slandered it. He took it--I took it in that light. That's what he wanted from me.

COL FRANKLIN: Do you recall Colonel HENDERSON ever calling your battalion commander up, Colonel ADKINS, and talking to him very strongly about the S5 program in your battalion?

A. No, sir, I don't. He may have said something, but I don't know that he called.

Q. When you investigated this thing for this Vietnamese agricultural worker, you don't recall whom you talked to in Task Force Barker?

A. No, sir. The people who were left from Task Force Barker.

Q. Whom would you normally talk to investigating something like this?

A. The people involved in the incident. Things that I did take into consideration in making solatium payments was the location of the incident and whether or not I might be paying VC.

Q. Before we go into that, you've got somebody who's just lost his wife and you want to find out something. Now you're in another battalion. You just can't go wandering around in this other battalion, you've got to--

A. (Interposing) When I found out that this man was involved, Task Force Barker had been disbanded. There was very little left pertaining to Task Force Barker at the time. Now I talked to some of the people involved. I think Sergeant WARREN was one of the people that I talked to. He was familiar with the subject, he said he was. I talked to him about it. He explained what happened and I believe that's where I got some of my answers. He said he was out with the unit that day.

Q. Did you feel that it had been investigated and was in fact an accident, or did you just feel sort of a requirement to report back to this Vietnamese?

A. I had the feeling it had been taken care of. I was given that impression.

IO: You didn't go back and talk to your old friend CALHOUN on that, knowing that he came from Task Force Barker?

A. I don't remember whether I did or didn't, sir.

Q. Well, you're right at the LZ together. If you're going to check on anything, it would seem to me that he would be one of the first ones you'd talk to.

A. I can't remember whether I did. I may have or I may not have. But I agree, it would seem that way.

Q. Now, I asked you before if Colonel ANISTRANSKI had come down to talk to you about this situation?

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A. Yes, sir. I don't remember that he did.

Q. Some other people we've talked to understood that this word also got to Colonel ANISTRANSKI. He came down and you had a head to head on this particular thing.

A. The only thing that I remember Colonel ANISTRANSKI came down to talk to me on was this incident involving the VIP payments, the VIP collection.

Q. And when was that?

A. That was, I believe, 16 June. I think I've stated that. I thought I might have a date on here. I think it was 16 June.

Q. Did you ever see any VC propaganda coming in from out around the Batangan Peninsula?

A. No, sir. At that time I didn't see any. Later on I saw VC propaganda, quite a bit of it, but I hadn't seen any up to that time.

Q. Now you've made one interesting statement. You said you wanted to make sure you weren't making solatium payments to a VC. What were the instructions you received concerning solatium payments for the death or injury of a noncombatant?

A. Death or injury of a noncombatant; I would make solatium payments. I would investigate.

Q. Suppose they were VC? Suppose it was a wife of somebody in the VC, or the child, or something like that, that you either knew or suspected of being a VC?

A. I did not make payments. I won't say I didn't make payments. I did not make--there were no specific instructions given to me on this particular thing.

Q. I know that.

A. I made this rule.

Q. That was your own interpretation?

A. Yes, sir.

Q. So you wouldn't purposely pay solatiums for a non-combatant who was a dependent, let's say, of a VC?

A. If I strongly suspected that he was VC, no. If I were convinced that the person were innocent, I would and often did.

Q. Now this area where we're looking here (indicating), generally speaking, IV and up and to the north, even farther in than that, some kilometers from the China Sea, this is all considered VC territory.

A. I made some payments out there.

Q. Well, they're VC, everything out there is considered VC, isn't that right?

A. Yes, sir.

Q. So your statement isn't quite consistent.

A. I made value judgments. I paid when I could to the people involved when I heard about the incidents.

Q. Now when you took over this, do you remember receiving perhaps an inordinate number of solatium payments to be paid in this area (indicating), out in this area around Pinkville or My Lai and so on, requests for payments?

A. I don't remember any payments or requests for any payments to be made out in this area. I subsequently made a couple north of what you've colored in here. I believe up in here (indicating). I can't remember now.

Q. The Son Hai area?

A. Yes, sir. I don't remember ever making any solatium payments down in this area or having any requests for any. I never came down in this area.

Q. Did you ever get any for Quang Ngai City or Son Tinh Village?

A. No, sir.

Q. You didn't see any VC propaganda all the time that you were there as the S5?

A. I never saw any VC propaganda until--July or August was when I started seeing VC propaganda, but it was up in the 196th area.

Q. Here is a two-page translation of a VC broadcast (Exhibit M-35) that was typed out. I would ask if you have heard of this piece of propaganda? (Witness received and examined the document.) Have you ever seen--

A. (Interposing) I've seen things like that, but I don't remember this particular one.

Q. Did you ever see any of this at the top of that second page there?

A. No, sir. I didn't.

Q. Did you have anything like this called to your attention?

A. Not that I can remember. There were times when they made general accusations to this effect, but I don't remember anything like this.

Q. When you were the S5 of the 4/3 Infantry, did you ever receive any information concerning VC propaganda out in this area, the Batangan Peninsula, indicating that they wanted to get revenge for what might have taken place in March, armbands, uniform tags, posters, and so on?

A. Not that I can recall. The thing that I remember about VC propaganda at the time was that they were saying right after the Tet offensive that they had occupied Chu Lai. This was information that they were passing on in the 4/3 Infantry AO.

Q. Now, when you were the S5 up here (indicating), did you ever have the VC come into a village and more or less wholesale slaughter women and children and so on?

A. Yes, sir.

Q. Where did this take place?

A. Up in this area (indicating). They came into this village here.

Q. What did they do?

A. In every hootch they threw a grenade and generally wreaked havoc. There was a school out there, it was a Catholic school, because I went over to see the man and he asked me to assist him.

Q. How many were killed?

A. I can't remember. There weren't as many killed as there were wounded. Possibly four people killed.

Q. Quite a few wounded and quite a few hootches burned down?

A. They weren't burned down, they were damaged by grenades.

Q. I understand that while you were at LZ Dottie, the VC came in to Xuan Yen Tay and killed more than a few women, children, and old men in there one night, right across the street from LZ Dottie?

A. You mean this village here, sir, the one right here (indicating)?

Q. Yes.

A. No, sir. They would every once in a while come in in groups of four or five and run around the village, but they never--

Q. (Interposing) What was the name of the other village you were locating up there? It looks to me it is about 2 to 3 "clicks" north of LZ Dottie off the railroad or the highway?

A. I can't see it.

Q. Well, how many kilometers north of LZ Dottie on Highway 1?

A. About four, sir.

Q. Four kilometers north? On the west side?

A. On the west side, and possibly five kilometers.

Q. Four to five kilometers west of Highway 1?

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A. The VC had come into Xuan Yen Tang, but they hadn't killed anybody to my knowledge. But they had come into there.

Q. Did you ever hear of an RF company being attacked on Hill 85? Part of the men were killed and some of them were abducted, and about 70 to 80 women and children were abducted as well and never heard from after that?

A. I remember hearing something about an RF company that was overrun down there. That's about all I remember.

Q. Remember the time?

A. The spring of the year. It was May maybe.

Q. You heard about an investigation from somebody earlier when you talked to these people at this luncheon. Did you hear of any other investigations being conducted either by the U.S. or the ARVN's?

A. No, sir.

Q. Did anybody ever come around to take testimony from you when you were at LZ Dottie with Colonel BARKER? Did you ever see him taking testimony from anybody or anything of that nature concerning an investigation?

A. No, sir.

Q. Did you ever hear of an ARVN investigation by province or by Son Tinh District?

A. No, sir.

Q. You stayed there when WARREN was around there and some of these other people were around there. Did you ever have any cause from statements, or comments, or even rumors or hearsay to suspect that something unusual took place down in this area of Pinkville along about the middle of March?

A. No, sir. This thing came to light in the papers. I've wracked my brain to think of anything that I knew about that incident, and I never heard anything like that.

MR MACCRATE: Captain GOUZOULES, were you at any time ever told in connection with your remarks at this luncheon by the others at Binh Son District headquarters to mind your own business? Were you ever given that advice by any of your superiors?

A. All I remember right now is I was told to stay out of--stay away from LZ Dottie. That's about as far as it went, because of Major CALHOUN's ire.

Q. You have no recollection of anyone telling you to mind your own business?

A. If somebody said that, it was said in that connection.

Q. Well, did you have duty responsibilities that extended to Task Force Barker?

A. Only as our AO's overlap as I understood it.

Q. So, if you understand your responsibilities they did extend to the AO of Task Force Barker?

A. When I say that I'm talking about Highway 1, because in order for me to become active at all, especially when I first started, I had to travel Highway 1 between Son Tinh, Binh Son, and Chu Lai. I had to use the road and along that road I took it upon myself to talk to the people and work with the people even though my own AO actually was 500 meters west of Highway 1. I never knew that it extended east of Highway 1.

Q. Did you ever stop in the Son Tinh District headquarters and have a meal with them as you were going back and forth?

A. Yes, sir. I did this quite often.

Q. And from time to time you talked to Captain RODRIGUEZ?

A. Yes, sir. I talked to him, too.

Q. Do you ever remember talking to Captain RODRIGUEZ about the matter of treatment of civilians at the Son Tinh District?

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A. I remember some such conversation.

Q. What can you tell us about that?

A. I remember him telling me about the way the RF's and PF's operated in that area, and I didn't think that it was the proper way to act. I thought that they were rather rough on the civilians in the area. However, I don't remember that the subject of Task Force Barker was ever brought up.

Q. Did he tell you about the problems that they had had with anyone going out of the Son Tinh District headquarters on an operation with the American forces, some of the local Vietnamese personnel?

A. How do you mean, sir?

Q. Well, for example, there were some National Police stationed at Son Tinh District, wasn't there? On occasion they went on operations with Task Force Barker?

A. They may have. I--

Q. (Interposing) Do you have any recollection?

A. No, sir. I don't. I remember that he mentioned the RF's going out and the way they treated the prisoners from time to time. I don't remember any incident that occurred between the National Police and U.S. troops particularly.

Q. Not between, but while the National Police were accompanying U.S. troops?

A. I'm sorry, sir. I don't. I had a lot of conversations and I don't remember all of this.

IO: Did the thought ever occur to you what JOHNSON and MOORE were talking about, that it might not have been that woman that you thought about later?

A. No, sir.

Q. Never?

A. No, sir. The only thing they ever talked about as far as the Pinkville is concerned was the time--I guess he got a Silver Star for it?

Q. Who?

A. WARREN. I've forgotten what he actually said. He was always telling war stories, but he said it was hot. He got off an aircraft with Colonel BARKER and they were under heavy attack at the time--they were under fire at the time, and he stayed on the ground and they evacuated some American soldiers as I remembered it. That's the story that I remember from Pinkville.

Q. Well, Captain GOUZOULES, we appreciate your coming in--

A. (Interposing) I'm sorry that I haven't been much of a help.

Q. Well, we're trying to put this story together. We'll follow out any lead we can get, but I'm sure that some additional information will probably come to mind and I would request that when you leave here that you keep thinking about this thing and if you remember more details of the exchange between yourself and Major CALHOUN, this would be helpful for us. In addition, if you know of any documents or reports of any kind, maps, aerial photos, photos, anything of this nature, they would be helpful to us. We're investigating the investigative process of what happened at My Lai on 16 March 1968, so anything that is directly or indirectly related to this we'd like to hear about it.

A. Fine, sir.

Q. Now, I will give you an opportunity if you'd like to ask any questions or if you would like to enter a statement into the record.

A. I have a question that may be out of line in asking, but I'm interested in knowing whether or not you did find or ascertain that there was such an incident?

Q. That's one of the things we're working on and--

A. (Interposing) It rather shocked me that such an incident was reported. There have been incidents I know and more specifically--some shooting that took place in the 196th. They were individual cases, and they are all a matter of record. The MP's investigated them and solatium was paid and all this.

I wasn't aware of any major massacre having taken place down there. My concern was the attitude of the GI towards the Vietnamese more than the fact that I knew that an incident had taken place. I thought at the time there seemed to be a lack of emphasis on the meaning of what we were doing there, why we were there, what our job was. These were my interpretations I should say. As I say, I was surprised when I heard it.

Q. Have you ever had the feeling, Captain GOUZOULES, that this aspect was not getting sufficient support from the division level, specifically the G5 at division?

A. Which aspect? In the S5 end of it, sir?

Q. Well, you indicated to us that you were concerned that there just wasn't sufficient emphasis on getting across the message as to why you were there and the special problems that--

A. (Interposing) During my early stay with the Americal Division, the emphasis wasn't placed on this area, but subsequently they did change their attitude quite a bit. We were in the 196th--

Q. (Interposing) Would you relate that to a period in time?

A. Well, for instance, we had a rice-denial which really bothered me. It was in the spring of the year, spring harvest, which is generally during the month of March into April. I thought that we're just paying lip service to this rice-denial plan and that--well, we operated along this valley here (indicating), the Diem Diem Valley, and we conducted patrols throughout the Diem Diem Valley for a period of 2 to 3 months. We used PYSOP methods, loudspeakers and the works, but we did not involve ourselves in any way in helping the Vietnamese to harvest the rice. That was all left to them. We did not take any action to protect the rice. I thought the idea as they had talked about it at the Civil Affairs School, a central storage area would have been erected there, and I thought that this hadn't been done and we should've--our plans were laid late. We were already into the season when we actually started making plans and working on rice-denial operations, and for it to have really been effective we would have had to start much earlier.

Q. Did you talk about any of these concerns of yours with Colonel ANISTRANSKI or anyone from Division?

A. I believe I did. At the time I also talked to Colonel HOLTOM about it and we discussed it--

Q. (Interposing) Could you talk to HOLTOM easier than you could ANISTRANSKI?

A. I saw Major HOLTOM more than I saw Colonel ANISTRANSKI.

Q. One was the PYSOP officer, and the other was the civil affairs officer?

A. Yes, sir. Major HOLTOM at the time seemed very interested in using the PYSOP people, and I think he tried to use them. We started to--I thought we worked very well with him.

IO: Well, thank you very much. We appreciate your coming.

The hearing will be recessed.

(The hearing recessed at 1547 hours, 26 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: GREER, Thomas F., Jr.

DATE OF TESTIMONY: 23 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: First Lieutenant, Liaison Officer for 4/3 to the 11th Brigade (Liaison Officer for 11th Brigade to Division from 30 March to 15 June 1968).

1. BACKGROUND INFORMATION.

The witness was not sure of the day of his change over from liaison for 4/3 to liaison for the 11th Brigade but knew it was sometime during the month of March (pg.2). He arrived in Vietnam on 16 December at which time he took over the job of liaison officer from the 4/3 to the brigade (pg. 3). His responsibility was to transmit plans and operations from his unit to the higher level and to bring back verbal orders or verbal desires from the commander or the staff sections to his unit (pg. 3). He was also responsible for writing up the daily activities, the INTSUM, and the operations summary each night (pg. 3). He would also project the operations for the next 24 hours, including night locations and possible ambush sites (pg. 3). As the brigade liaison officer to division he did essentially the same things, except that he attended the nightly briefing at which the staff sections briefed General KOSTER (pg. 3). The witness was the 4/3 liaision officer at the time of the change of command ceremony when Colonel HENDERSON replaced General LIPSCOMB (pg. 4).

2. HIS KNOWLEDGE OF THE INCIDENT ON 16 MARCH.

a. The KIA-weapons captured ratio.

The witness stated that he noticed the difference between the enemy KIA and the number of weapons captured (pg. 6). He stated that although he did not recall the figures he made the observation when they were writing their reports (pg. 7). He credited part of this to the fact that in the Pinkville area the units were contacting the enemy, not in twos and threes, but in platoon and in companies (pg. 28).

b. His information from the PIO shop.

The witness stated that he was friendly with the officers in the PIO shop, referring to Art DUNN, C.H. REHM, and John MOODY (pg. 7). He recalled some comment being made by HAEBERLE and others indicating that it was "kind of an unreal operation" (pg. 7). He did not recall any comments from any of the other brigade's staff sections (pg. 8).

c. Other sources of information.

Aside from the mention in the PIO section, the witness heard no rumors concerning the 16 March incident (pg. 26). He did not attend the division staff briefing in which the Task Force Barker operation of 16 March through 18 March was discussed, because he was still the liaison for 4/3 at the time (pg. 26). He did not recall the briefing officer at the brigade staff briefing giving the statistics on this operation (pg. 9). Normally, Major MCKNIGHT briefed for the S3 section (pg. 9). Major CALHOUN was the primary S3 assistant (pg. 10). Colonel BLACKLEDGE would give the S2 briefing (pg. 10). The witness recalled no comments being made by the staff sections of the brigade with reference to the 16 March operation (pg. 9).

3. HANDLING OF REPORTS.

The witness described in detail his function as liaison officer and "mailman" between brigade and division (pgs. 12-15). If he had taken an administrative document to the chief of

staffs office, he stated that he would leave it with the clerk (pg. 15). The witness felt there was no way to account for the document and the SOP was a little "loose" (pgs. 15, 16). The witness felt it would be virtually impossible to establish that a document did in fact exist (pg. 16). The witness recalled Colonel PARSON and recalled delivering documents to his office (pgs. 17, 18). He would leave the documents with an NCO who worked in the outer office (pg. 18). Even if the document was marked confidential it would have been left with the clerk if the chief of staff was not available and there would be no signature for the document (pg. 19). The witness had not seen Exhibit R-1 before, although he felt he would have remembered it had he carried it (pgs. 19, 20). If he had gotten a document such as that to deliver to the commanding general he would have left it with the same clerk in the outer office (pg. 21).

4. INVESTIGATIONS.

While he was the battalion liaison officer, he did not recall Colonel HENDERSON giving him any specific details regarding operations of B/4/3 with Task Force Barker (pg. 10). While the brigade liaison officer he did not recall any conversations at brigade or division concerning the 16 March operation or any discussion either at division or brigade level about an investigation (pg. 16). While he was in Vietnam he never saw any investigations concerning Task Force Barker's operations (pg. 21).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
R-1	HENDERSON's Report (24 April 1968)	Witness had not seen before.	19,20

(The hearing reconvened at 1420 hours, 23 January 1970.)

MR WEST: The hearing will come to order.

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

I have a document for entry into the record. Preliminary instructions to be read by witnesses appearing before this hearing is entered into the record and identified as Exhibit M-57.

The next witness is Mr. Thomas F. GREER.

(MR GREER was called as the next witness, was sworn, and testified as follows:)

RCDR: State your full name, occupation, and address?

A. My name is Thomas Francis GREER, Jr. I am a student at the University of Colorado. I live at 6292 Arapaho in Boulder.

MR WEST: Have you been provided with a copy of the preliminary instructions concerning the nature and purpose of the Peers Inquiry by the recorder?

A. Yes, sir.

Q. You have read the instructions?

A. Yes, sir, I have.

Q. These instructions have been admitted into evidence as Exhibit M-57.

Mr. GREER, have you received one of the orders of the military judge in the case of the United States v. Calley or the United States v. Mitchell?

A. No, sir.

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

A. Yes, I was.

Q. What was your grade and duty assignment?

A. My grade was first lieutenant and my job responsibility was liaison officer for the 4/3 about that period, and then I obtained the job as brigade liaison officer about that period. I am not quite sure when I was transferred down there.

Q. Was this the 11th Brigade?

A. Yes. The 4/3 of the 11th Brigade and then the 11th Brigade liaison, from brigade to division.

Q. How long did you have this duty? What was the inclusive period?

A. Let's see. I was liaison officer during the whole period in Vietnam. I went over there with--

Q. (Interposing) As the 11th Brigade liaison to division?

A. From the end of March into the middle of June when I received reassignment to the 5th Special Forces Group out of Nha Trang. I left brigade at that time and the division.

Q. And during the month of March proper, you were the liaison for the 4/3?

A. Yes. I'm not quite sure what day I went down there. I was liaison for the 4/3 during the month of March and liaison for the 11th Brigade during the month of March. My job change came during that period.

Q. Was that to division?

A. Yes.

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

LTC PATTERSON: Yes, sir. When did you go to Vietnam?

A. I arrived in Vietnam, I think, on the 16th of December. I arrived at the 11th Brigade as the whole unit arrived.

Q. At that point in time you were with the 4/3?

A. Right.

Q. As the liaison officer to the brigade?

A. To the brigade.

Q. What does the liaison officer do?

A. In fact, what I did or in theory?

Q. What did you do?

A. My responsibility as liaison officer was to transmit plans and operations from my unit that I was assigned to to the higher level and from the higher level to transmit either verbal orders or verbal desires from the commander and anything from any one of the staff sections, the S1 through the S4 and primarily for the S3, and transmit that back down to my lower unit, or the unit which I was attached. In addition to that I was responsible for writing up the daily activities, INTSUM, and operations summary each night. I would write down the operation was conducted by so and so, and what the results were. Then I would project our operations for the future within the next 24 hours, and then I included night locations and possible ambush sites and patrols that were operating in the area. That was transmitted either--you know, brigade kept it there and transmitted it forward to division. As the brigade liaison officer I did essentially the same thing, except I attended a nightly briefing, at which time all the staff sections briefed General KOSTER. As the battalion liaison officer, I attended a similar briefing when General LIPSCOMB or Colonel HENDERSON, either one of them, were briefed by the staff sections.

Q. Let's try to dissect all of these and talk about each of them a little bit with specific reference to the incident that is the subject of this inquiry. First off, let's start off with the time that you became brigade

liaison officer, which, in our reference here, brigade liaison officer means from brigade to division?

A. Yes, sir.

Q. When we refer to the 4/3 liaison job that is from the battalion up to brigade. With reference to establishing the time, do you recall the approximate time that General LIPSCOMB left as brigade commander and Colonel HENDERSON replaced him?

A. Yes. I remember the change of command ceremony.

Q. Do you recall the date?

A. It was in March sometime, I think. It would be about then.

Q. It was, in fact, the records show 15 March. With reference to this time frame in your recollection, when did you become the brigade liaison officer?

A. It was after that time.

Q. How much after?

A. Maybe a week or two. It was right around that time. I know at the time of the change of command I was still functioning as the 4/3 liaison officer.

Q. As you were aware the My Lai incident occurred on the 16th of March, the day after the change of command. In your duties as battalion liaison officer, to whom did you report specifically at brigade?

A. Major MCKNIGHT.

Q. Major MCKNIGHT, the S3?

A. He was the S3, yes. I can't quite--yes, that's true. It was Major MCKNIGHT. At one time it was Colonel BARKER. It's real hazy. I thought about this. At one time I was working for Colonel BARKER, reporting to him. Then I started reporting to Major MCKNIGHT, and I am certain that's when they moved up to the Task Force Barker.

Q. Just to assist you in your recollection now, Task Force Barker was established in January, on or about 20 January. Colonel BARKER, who up to that time had been the S3 of the brigade, moved and became the commander of Task Force Barker, which was formed from three companies, each from the 3/1, one from the 4/3, and one from the 1/20. I believe Major MCKNIGHT took over the S3 job.

A. And Major CALHOUN.

Q. Major CALHOUN, who also subsequently went to Task Force Barker.

A. As the S3.

Q. Okay. So then in the latter part of February and the 1st of March, you were reporting to Major MCKNIGHT, the S3 at brigade?

A. Yes.

Q. Did you contact any other staff officer specifically at brigade?

A. Certainly. I had to go see them all.

Q. The primary staff officer or their assistants?

A. Usually--I had different responsibilities, and sometimes it would vary. Like, sometimes I was given specific things to do like obtain intelligence reports from Colonel BLACKLEDGE or Captain--he was promoted to major--SCHLEICHER, or something like that. Then I normally made a round to each staff section to see if they had anything to go to my battalion just on the basis of trying to cover everything.

Q. Well, if we assume then that you became the brigade liaison officer sometime towards the latter part of March, which I assume from your testimony is what you recollect now, do you recall hearing anything concerning the My Lai operation or the activities of Task Force Barker that occurred on 16 March while you were battalion liaison officer?

A. The operation, where they--the area that they had, Pinkville, you know was notorious. I had a couple of friends

of mine wounded in an operation in that area prior to that. We had two or three major conflicts in that area. The primary things that I heard about was when the reports were made on the actions of that day, and when I attended the briefing, or when Joe REID would be making out his reports--we usually made them out together.

Q. Joe REID?

A. Yes.

Q. Who is he?

A. He was the liaison officer for BARKER. Of course, we used to work that complete AO, 4/3 did until they devised Task Force Barker. We had that whole area of responsibility when we closed up.

Q. Well, let's pin down the particular operation that we are interested in, the one that occurred on 16 March. It's recognized that activities had occurred in the Pinkville area, and that's generalized, in January and February. But this one particular action is the Task Force Barker operation that began on 16 March and lasted until about the 18th. Do you recall any specific reports concerning anything out of the ordinary or unusual in your dealings at brigade with any of the people that you talked with?

A. No. The only thing that I really recall that was of any significance, outside of a personal observation of the number of people killed or captured in ratio to the weapons--that seemed unique in itself--but the only thing other than that was that the PIO office--I used to stop off there. One of the men--and I am not sure which one that was--who was on the operation, made, you know, some passing remarks concerning, you know, he thought it was, you know, a little unique in the fact that--

Q. (Interposing) Let's take and dissect what you said there. Now, the first thing that you said was the weapons captured to the personnel reported killed was, you thought--

A. (Interposing) Well, yes, I thought it was a little odd.

Q. What were the figures?

A. Well, something like, you know, in the hundreds were killed, you know, and they only captured a couple of weapons.

Q. Do you remember hearing anything about the exact figures?

A. I didn't hear anything. This is what I read.

Q. You read this after your arrival back in the States or while you were in Vietnam?

A. No, this was--well, I wouldn't know which one this really was. I know the fact struck me that--the number--the ratio of captured or number killed--I can't pinpoint it down exactly.

Q. You can't pinpoint down in the time frame?

A. When I made the observation is when we were making out our incidents and stuff. You know, "That's pretty heavy contact for what they got out there" would be the reaction that I got.

Q. Now, tell me about these contacts in the PIO with names and specifics?

A. A couple of lieutenants in there were my friends--you know, guys that I racked with while I was down there. It would be--Art DUNN and C. H. REHM and John MOODY were the three officers in there, and I used to stop by and talk to them and stuff like that. They sent someone out, I guess, on the operation. Well, I saw the photographs by HAEBERLE in Life or Time, something like that and--I don't know who it was they were talking about. I don't know if it was HAEBERLE or whether they sent out a group. It seemed like it was a group thing. But at the time they were making some remarks like it was kind of an unreal operation.

Q. Do you recall something about a conversation at that time?

A. After the operation and as they came back in to do whatever they do with it, you know, report or--I don't

know exactly what the IO does with their stuff. But these men--they were all enlisted, and we were all kind of in the hootch--

Q. You used to read The Trident, did you?

A. Yes. They had a paper they put out about every week, or 2 weeks, or 3 weeks.

Q. That's what they do with it. Now did you see the articles in The Trident about it?

A. I'm sure I read the two articles. Now, I went through all the letters that I sent home. For some reason my mother kept them, and I sifted through them to see if there was anything in there that would refresh me, and I couldn't.

Q. Did you have any discussions with any of the brigade, other brigade staff officers other than the PIO section, with reference to this particular operation?

A. No.

Q. You don't recall any conversations with the S3 or the S2?

A. No.

Q. How about any of the enlisted within the brigade staff sections? Did any of them comment in either way concerning this operation?

A. No.

Q. Did you know Sergeant GERBERDING?

A. I know who he is. Yes, of course, I know him.

Q. Did he ever mention anything to you about it?

A. No, he didn't.

Q. Did you hear anything--now this is still while you were the battalion liaison officer--do you recall hearing

anything about any investigations concerning the activities?

A. No.

Q. How about at the brigade staff briefing? Let's say on 16 March, or 17 March, or 18 March? Do you recall the briefing officer giving the statisics of Task Force Barker's operations on the 16 March?

A. I really couldn't say, but I can visually remember him standing up and saying this is what happened.

Q. Did Colonel HENDERSON attend each and every one of these staff briefings?

A. I can only remember a very few occasions when he didn't attend, and, you know, he would always send his assistant. But normally he was there at every briefing.

Q. Do you recall any comments at any staff briefings by any of the individuals who attended, which I assume included all the staff sections of the brigade? Any comments by any of the sections with reference to the operations of Task Force Barker on 16 March in the staff briefing?

A, No, I can't.

Q. Do you recall who the briefing officer was at brigade at this time?

A. It normally was done by each staff officer, primary staff officer.

Q. Who did it for the S3 section?

A. Major MCKNIGHT did.

Q. Did it himself?

A. Every night that he was there. If he was gone someplace, I'm sure somebody else did it, but as I recall he gave the majority of the briefings for the 3 section.

Q. Who was his primary assistant?

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A. Major CALHOUN was his primary assistant, and then there was a major that was former Special Forces that was blond and heavy set, a real character, but I don't remember his name.

Q. Who gave the S2 briefing?

A. Colonel BLACKLEDGE did in most cases.

Q. Who was his assistant?

A. He was later promoted to major. It would be SCHLEICHER, I think. I'm not sure of the name. He was later promoted to major. He was a captain then, I think. He would give the briefings sometimes on several occasions.

Q. Instead of Colonel BLACKLEDGE?

A. Instead of Colonel BLACKLEDGE.

Q. Colonel BLACKLEDGE went to division, did he not? Did he go to division?

A. I don't know. I know that even though he was promoted to lieutenant colonel, and it should have called for a major in that slot, he stayed there for quite some time. I don't know if he ever went to division or not. I left in June, and I think he was promoted sometime like maybe--

Q. (Interposing) Did Colonel HENDERSON ever talk to you, while you were battalion liaison officer now, with reference to the operations of B/4/3?

A. Well--

Q. (Interposing) And their activities with Task Force Barker?

A. That's difficult to say. Often times during the briefing, Colonel HENDERSON would turn to the liaison officer concerned and give him specific instructions concerning the operation. I can't remember him ever giving me specific details that would be pertinent to their operations with Task Force Barker, but you know, something,

for example, "I would like you to work in a certain area. Would you tell Colonel ADKINS that?" And I'd say, "All right."

Q. As I understand it then, in your tour as a battalion liaison officer you heard nothing unusual about the Task Force Barker operation of 16 March except from the PIO section?

A. Yes.

Q. And that's the only contact that you can recall?

A. That's true.

Q. Let's move to your functions as a brigade liaison officer to division. I am assuming here that while you were still battalion liaison officer, you did not go to division.

A. No, I didn't.

Q. But as the brigade liaison officer, you did go to division. Your duties took you to division on a daily basis?

A. Yes. Actually I was more or less based out of Chu Lai, and I would spend more time at division than I would at the brigade level--well, not necessarily. I would spend my nights up there. Let's put it that way. The chopper would pick me up in the morning, and I would go down to brigade, and contact all the staff officers, and usually have extensive conversations with Major MCKNIGHT.. After that was done I would go back up to division about 5 o'clock at night.

Q. You would always make the division staff briefings?

A. Always. I went to the nightly briefings, the formal briefings that they had. Then in the morning, rather than go to the morning briefings, I would go to the TOC and go through all their data that they received for that night and up date my notes from the night before. Then I would go to brigade.

Q. Did you as the brigade liaison officer carry

documents, other than purely operational documents, back and forth from brigade to division?

A. Yes.

Q. How and from whom would you get these documents and what type were they?

A. First of all, the type of document that I carried would be almost anything that they wanted to forward, and they wanted hand-carried. I usually obtained the document from the staff section that wanted me to take it up of the pertinent section. It didn't have to be a staff section. I was a guaranteed means of personally picking up the document and taking it to another individual. I carried most of the documents for the brigade out of the message center. That was one of my jobs, to pick up all the documents from there and shuttle them back.

Q. In addition to other duties, you were, in fact, a mailman between brigade and division?

A. Right, just about.

Q. And you did pick up out of the message center?

A. Certainly, because they had to have someone sign for it, and I normally signed for the documents.

Q. From the brigade?

A. From division to brigade and from brigade up to division.

Q. Now, separating in your mind the operational orders, the operation plans, the INTSUM's, the PERINTREP's and all the rest of the operationally oriented documents, and talking now about letters, reports, memoranda, and these type documents, the administrative documents, when you would carry them from brigade to division, who would you carry them to at division?

A. Whoever they were directed to, meaning that if I got a document from the S3, and it said to take it to division 3, I would take that document to division 3. If I obtained it from the 3 and it said to take it to the 2, I would take it to the 2.

Q. As I understand it now, and correct me if I'm wrong, you picked them up from the message center at brigade and took them directly to the staff agency or the staff officer, the addressee, at division?

A. Yes. I would pick them up from the individual staff sections and the message center, and I would transmit the documents to the people concerned or drop off certain ones at the message center. But that was very rare. I don't know quite how to put it, like--

Q. (Interposing) Let me explain what I'm really after. I'm after how accountability for administrative type documents was controlled between the 11th Brigade and the Americal Division. If there is an administrative document to be carried from the brigade to the division, what type of accountability and who would see that it was accounted for on some type of message center log or something? How was this procedure?

A. I'm not real familiar with how message center works, but I know that when I would pick up a document--now, not all documents had the regular form on there that you get for signing--I don't know what the classification has to be if they just want accountability for it. I would take the document, and I would sign for it, to use an example, from brigade to division. Say, like it said division G3 on there, I would pick up the document, and I would deliver it to the G3 and receive a signature.

Q. From the S3?

A. From the S3.

Q. On what type of form?

A. On the form that was attached to the document. It is a pink slip of paper. Then I would take that slip of paper and just put it in my notebook.

Q. Would you deliver it back down to brigade?

A. I can't remember really. I think I did. I really can't tell you.

Q. Now you signed from the message center at brigade,

and they had a message center log, I'm sure.

A. Right. They would log out the documents to me.

Q. And you would sign for this bulk.

A. I would sign a log from the message center and also the sheet of paper that was attached to the document. So I would sign two different things.

Q. Now, these documents that you picked up from the message center at brigade, you then separated them out and delivered them at division?

A. Normally I delivered them personally. There may have been occasions when I dropped them off at the message center to be disbursed, but usually the people, especially the documents that--you know, they might say I want you to make sure this gets to someone, and I would take it to them, and they would sign for it from me. Normally I would take it to each person there because I had the time to do it, and it was just more efficient because they would stay in the message center for a couple of days.

Q. Let me ask you this then. If I'm looking for a document of an administrative nature that was to have been transmitted from the 11th Brigade to the Americal Division, what type of record and where would this record be?

A. Well, I think we would have a problem in that, you know, if we don't have the document then, you know, we don't have the serial number that goes on the signed sheet on the outside. The message center would have to keep a record of the document by a number. I don't know which number it is. I am sure they didn't put the contents of the document on the log. The message center would have a record of all documents that left their area and who signed for it. The staff sections would too. If they gave me the document or anyone gave me a document and they put the paper on it and you signed for it, they would keep the receipt in their files, in their filing system. So the only way would be, I think, through a message center log or through the staff section file where they log the messages sent out. I think that would be the two best ways.

Q. The receipts that you obtained, you don't ever recall going back and closing them out with the brigade so that they could then say, well, this shows the completed transaction?

A. I know what you are talking about. I am not sure, like if I got the document from brigade and I took it to division and they signed for it, that I would take the sheet and then return it to that section so that they knew that it had been delivered and I was relieved of responsibility. I really can't tell you on that and I am not sure.

Q. Now, there must have been some documents that went from commander to commander, from the chief of staff to the chief of staff, documents that were to be properly handled. Did you have the chief of staff at division sign for these?

A. No, sir. Most of the documents that were signed for, I have to say, were operational documents because of the--it's coming back now. Say I got an intel report or an operations report that is classified--

Q. (Interposing) I am only concerned at this time with administrative documents.

A. Right. But if I get an administrative document, often times I would just take it to the section that it was to go to and give it to them and that was it, because there was no classification on it to speak of outside of just personal.

Q. Then the best information you can offer on this point is that from an accountability standpoint--

A. (Interposing) There is no way to account for it.

Q. There is no way to account for it?

A. If I took it to the chief of staff and he wasn't available to give to him personally, then I would give it to his clerk, which I did, you know, on some occasions.

Q. Would you describe this as being a little loose?

A. Well, for administrative papers--well, it depends upon the nature of the document. If we are talking about something concerning an investigation or the My Lai incident in-

vestigation I would say--it was SOP though. I'd say it was loose, yes, true. There's no way that you can account for it though.

Q. It would be very hard to establish that a document did, in fact, exist or did, in fact, not exist?

A. It would be virtually impossible.

Q. Okay. In your duties as brigade liaison officer, and if you can just kind of think of that position now, do you recall hearing any conversations at brigade or at division in that time frame concerning Task Force Barker's operations on 16 March?

A. No, I don't.

Q. How about an investigation of the incident?

A. No.

Q. You never heard any of the staff officers at division talk about an investigation?

A. No.

Q. How about at brigade?

A. No.

Q. The reason I am asking these questions, is because we have information and testimony to the effect that the information concerning an investigation being conducted was being talked about at both levels in the time frame in which you were the liaison officer. You were the contact and the only personal contact between the two headquarters that were doing the discussion.

A. No, you know, I really don't recall it. It seems to me that I would. I know I have given it thought before you asked me this. They mentioned it to me when they called. I can't recall any widespread or wide-scale investigation. If it was done, it was a very cover type, which--I can understand where you want to be as discreet as possible, but I wasn't contacted about it. I can't recall conversations that I was involved in, concerning it.

Q. Who was the G3 at division, BALMER?

A. I didn't deal directly with--the G3. I can remember when I was there part of the time because, you know, I thought he was such a great guy--you know, he stands out--was Colonel BAXLEY I had contact with him before, and I think he was the 3. I'm pretty sure he was. I don't know whether it was during that time. I worked with him before when we first moved in the area. He was with the 196th. We ran joint operations, and he was the battalion commander then. Most of my contact was made with a major. He was not the 3, but he worked in the plans section.

Q. Who was he?

A. I can't remember. He was a thin fellow, and he worked with another captain. DAVIS? No, that was someone else.

Q. Who was your contact in the chief of staff's office?

A. I only went there when I was directed to go, and then normally it was either I was told to contact a specific person or leave a message or whatever had to be done.

Q. Who was the chief of staff?

A. He was promoted to brigadier while I was there. I really can't remember his name.

Q. How about Colonel PARSON?

A. That might be it. He was bald-headed. I remember that.

Q. Do you remember anything else?

A. He wore glasses. He was a little heavy set, too.

Q. Are you sure he was promoted to brigadier general?

A. I wasn't there when he was promoted. I heard he was. No, wait a minute! It was one of the ADC's. One of the ADC's is the one that I am describing to you; bald-headed,

heavy set, glasses. I know who the chief of staff was. He was gray haired and really an energetic person, and I can't think of--I know who you are talking about.

Q. The records indicate that Colonel PARSON was the chief of staff. I think the officer that you refer to as being promoted and heavy set was General GALLOWAY?

A. Right.

Q. Do you recall Colonel PARSON? Do you recall what he looks like?

A. Well, I'd say he--from my recollection he had gray hair and he was of slight build. Not a real big man and not real small. He moved with real quick motions and was always hustling like crazy.

Q. Do you recall delivering many documents of the type that we have discussed to him personally?

A. No.

Q. You do not recall any instances?

A. I can recall delivering documents not personally to him, but to his office.

Q. To his office?

A. Right.

Q. Do you recall to whom in his office?

A. Just an NCO that was there.

Q. A noncommissioned officer?

A. Right. He was usually in the outer office.

Q. Was it the division sergeant major?

A. No. I took documents to him, but he was in the building next to him in a small hootch-type thing next to the headquarters. It was something usually along the rank of a Spec 5 or E-6.

Q. If you had a confidential document, stamped confidential, of an administrative nature that was to go to the chief of staff, would you explain to us how you would handle this document and how you would get it receipted for?

A. If I was given a document and it had a confidential stamp on it, I normally would have taken the document from whoever I received it and delivered it to that point, and I would have given it to the chief of staff personally if he was available. If not I would have left it with his clerk.

Q. And signature?

A. No.

Q. The same procedure that you described to us before concerning any other administrative document?

A. Right. Unless the document actually had that pink slip of paper on it, I wouldn't have obtained a signature.

Q. I see. Do you recall ever seeing a report of investigation concerning the My Lai incident, or delivering one, or more?

A. I thought about that, too, before coming in here. I know that--unless the envelope was actually sealed, I normally would read them; almost all the documents that went up there. I don't know, I guess, I didn't think there was anything really wrong with it. You know, I just--the brigade liaison officer almost becomes a rumor monger anyway, and the contact I had had--they wouldn't want to know just what was going on, but they would want to know what everybody's attitude was up at division, what they had planned, "Do you know of any plans that they have coming up so that we can plan for them?" and these things. I felt it was my personal responsibility to be informed about every area as I possibly could. Unless the document was sealed, I would read it. I don't recall reading any investigation or report whatsoever.

Q. I'd like to show you a document, Exhibit R-1, to these proceedings, subject: "Report of Investigation," dated 24 April 1968. Would you look at that document?

(Witness examines the document.)

Q. Have you ever seen that document before?

A. No, sir.

Q. You never have seen it?

A. I would have remembered it, I'm sure.

Q. You would have?

A. Yes.

Q. If that document were in a sealed envelope, what would it have had on the outside of the envelope usually to go from brigade to division? What do you think would have been on the outside of the envelope?

A. It would have been an normal-size envelope, probably sealed--and masking tape was normally used--and when they would have had on the outside confidential. Well, no, wait a minute' On an administrative document, it could be sealed or it could not have been sealed. Normally on the outside, they would have a blue cover sheet with confidential on it.

Q. They did use the blue cover sheet?

A. Yes. They certainly did. Possibly they could have had it on the outside of the sheet inside of the folder without a confidential cover on it and stamped confidential on the outside.

Q. You'll notice that the document is addressed to the commanding general?

A. Yes, sir.

Q. And if the envelope indicated that it were addressed to the commanding general of the Americal Division, to whom would have you taken it to now?

A. I could take it to the message center, and I could take it right to the headquarters. Normally on documents like that, I am always positive that I would take it right to the headquarters section and give it to the clerk or the person concerned, normally the clerk.

Q. Would it have gone to the chief of staff now or to the general's office?

A. They were both in the same location, sir. I would give it to the clerk in the outer office. That's what I would do. Well, I think--I'm trying to recall--if there is a pink slip on it with the carbon copies and everything, I may take that to the message center and turn it in to them, and they would distribute it from there. But, like I say, I can't remember. Each document was almost treated individually. There wasn't really any set pattern except that I made a stop at each level. Normally that's when I would deliver any kind of papers and anything else and avoid the message center.

Q. I recognize that from what you have indicated as the procedures, and I am trying to discover if you had such a document addressed to the commanding general with confidential on the outside, what would you have done with it?

A. I probably would have taken it right to the clerk.

Q. And you recall hearing nothing from any of the staff officers or at any other subsequent briefings at division level concerning any investigation of Task Force Barker's operation of 16 March?

A. No.

Q. Do you recall seeing any investigations?

A. While I was in Vietnam?

Q. Of the Task Force Barker operations?

A. No, I don't.

MR WEST: A moment ago you were speaking of the assistant S3 at brigade. Would it have been James HENDERSON or a fellow named DAVIDSON?

A. DAVIDSON, I think that's right.

LTC PATTERSON: They were both assistant S3's listed on the roster?

A. I'm almost positive that it was DAVIDSON. That was

my primary contact in the 3 operations.

Q. Did he operate there during the day in the TOC or--

A. (Interposing) He didn't work in the TOC. He worked in a section--well, it would be part of the TOC. But it's like this was the TOC with the maps and everything, and you had to go through the hallway and in the next room, in the plans section, is where he worked. I made all my contacts with him usually in the morning before I went down there.

Q. Did the AG or the S1 at brigade operate a courier?

A. I handled all that.

Q. All distribution from brigade you carried?

A. Now, you know, there could have been--anybody coming up, say like the S1, might have been coming up, and he could have delivered something. But I was on like, a train schedule, you know. They could count on me to be there at the same time every day. I made my rounds. I can recall that I would make my first stop at the message center, you know, and drop off anything if it said message center. Then I would normally go to the briefing. Then the next morning my driver would take me to each point--well, I would stop, you know, at the JAG, or the 1, or wherever I had to deliver things that night. The next morning I would stop at the 3, and pick up the information from the TOC, and go to the 3, and go to the 2, and swing around and go to the JAG, and then swing up the road and pick up all the 1 administrative stuff there, and then stop at the message center there, and then over to the helipad.

Q. Did you carry with you on your return trip The Stars and Stripes?

A. No.

Q. How did that type information get back and forth to brigade?

A. I don't know. I don't ever recall them loading The Stars and Stripes on the chopper that I was on. I don't know how they got there really. I think it may have just come off the Duc Pho runway, off a C-123.

Q. They came into Duc Pho?

A. Yes, I think so. I know they can land 123's there, and they did.

Q. How about the postal system? Do you know whether or not much information was sent through the APO?

A. Information like what?

Q. Documents or--did division to brigade or brigade to division use the Army Postal System?

A. No, I think I would have been used as a courier. Well, that was my job.

Q. Did you ever see or carry any reports of investigation concerning any of the incidents that involved 11th Brigade personnel to division?

A. Yes.

Q. Do you recall carrying reports of investigation?

A. Yes.

Q. In what time frame are we talking about? When do you recall seeing the first one?

A. I saw only one that I can recall.

Q. You saw only one?

A. That I can recall, yes.

Q. Do you remember when this was?

A. I guess it was about May.

Q. Concerning the rape?

A. No, this was concerning an officer in the brigade that they were trying to muster out because of--

Q. For the record, sir, I'd like to ask you some very specific questions now. Do you recall seeing a report of in-

vestigation with the dateline of somewhere between 4 to 6 April 1968 from brigade to division?

A. No, sir.

Q. Do you ever recall seeing a report from brigade to division concerning the Task Force Barker operations or any of the units that were assigned to Task Force Barker during its existence?

A. Could you repeat the first part of that question?

Q. Do you recall seeing a report of investigation concerning Task Force Barker and its operations while it was in existence with a dateline of May 1968, anytime in May?

A. No.

Q. This would have been a formal investigation with statements appended thereto.

A. No.

Q. The only report of investigation then that you ever recall seeing was the one that you just indicated concerning an officer within the 11th Brigade?

A. Well, to say that the only one I read--I may have carried investigations, but didn't know that they were investigations. They could have been in an envèlope, but the only one that I specifically looked at and read was the one on this officer.

Q. I believe you indicated earlier in your testimony that you did not, as you recall, take many documents directly into the chief of staff's office or the CG's office?

A. It wasn't, let's say, a routine thing. It wasn't like the stops that I described before. It was only on specific request or, you know, if the document said to take it there, then I took it there. But normally I didn't make stops at the chief of staff's office.

Q. Were most of the documents that you carried into the chief of staff's office in sealed envelopes?

A. It's hard for me to say. A lot of times the documents were in the perforated type with the string on them with papers tucked in them. There were various combinations.

Q. Routing envelope is the term?

A. Usually it is in some type of envelope just to protect it.

Q. As I understand it then, to your recollection you recall never having seen a report of investigation concerning Task Force Barker or any of its operations or specifically the 16th of March?

A. No.

Q. You do not recall delivering any type of investigation to the chief of staff other than the one that you mentioned. I presume that that went to the chief of staff?

A. I don't know where--I picked it up from somebody. I took it to--it came down from higher above, not up. It was as a request of....

Q. Were you ever asked by Colonel HENDERSON, or by the executive officer of the brigade, or by the S1 to find out any information from division about an investigation?

A. No, sir.

Q. Or the indication from any of these brigade staff officers, executive officer, commander that this is an investigation and "I want to be sure that it gets to where it is supposed to go"?

A. I know what you mean on that, and I can't--it doesn't stick out in my mind. Often times they would make personal requests of me, you know, just off-the-cuff-type things like attitudes, but concerning specifically an investigation, or the results of it, or their attitudes towards it, or any circumstances surrounding it, no, I can't ever recall them asking me to obtain that type of information for them.

Q. And until today you did not even know of the existence of an investigation concerning Task Force Barker?

A. Well, no, from what I've read in the news media since I've been back and the story that was put out in the public, I knew that they stated an investigation was conducted. But as far as being of either the document that you showed me or any type of investigation surrounding the Task Force Barker incident in March, no, I wasn't aware of it.

Q. And the best that you can recall, you did not attend the division staff briefing in which the Task Force Barker operation of 16, 17, or 18 March was discussed?

A. No, because in the light of--if the change of command was on the 15th, I was still the battalion liaison officer. Therefore I wouldn't have attended--I would have attended brigade briefing, but not the division briefing.

Q. Did you ever hear of any rumors during your tour of duty in Vietnam subsequent to 16 March 1968 concerning what occurred at My Lai (4), or Co Luy, or My Khe, or anywhere within the Pinkville area, or Pinkville itself?

A. Only what I stated before like the reporters came back and discussed--

Q. (Interposing) In the PIO section?

A. Yes, and then, of course, just the after actions of one operation that they had where they felt that the Vietnamese were at fault. We ran an operation working towards the ocean in Pinkville where the 2d ARVN Division, I believe, or the people that were south in Quang Ngai--we were working on line that way--and when they made contact, they stopped. And the Americans, and specifically Lieutenant SPRAGGINS's platoon, pushed forward--he was Bravo Company--pushed forward and exposed their flank. Therefore, they were surrounded and they had to get PC's from our cav element to go in, and get them, and bring them out, and we took some--well, he was wounded there, and I think Lieutenant HOOVER was wounded, and OLLIE (phonetic) was in the cav. I know he was decorated for that.

Q. This was the contact earlier?

A. This was before that. I know that they had another contact there, but it just doesn't come out too vivid in my mind. Those are the only things that I am aware of around

Pinkville outside of just talking about a heavy tunnel network in the area. Nothing concerning any atrocities, but just the conflicts that they had in the area.

Q. How about the rumor that a lot of civilians, women and children, noncombatants, or Vietnamese Nationals being slain? Did that rumor ever permeate through the brigade or within the division in your contacts back and forth?

A. No. The only time I ever really heard it come under discussion is in the IO office that time. Outside of that it was never brought up to me.

Q. Task Force Barker received a lot of publicity within the division while it was in being and established. According to statistics--you be the statistician of sorts in the performance of your writings of reports--the statistics of Task Force Barker were quite good comparatively to any other Americal unit. In fact, at the time it would appear that Task Force Barker was king of the hill as far as body count success, if that is a measure of success in the battles. And yet, you heard no conversations or rumors concerning how they achieved such a high body count?

A. Not really. I mean I couldn't point out an incident. But you're right. Everything you say--that's the general feeling of everyone involved with the Americal, and the 11th Brigade: that they were kind of the baby. Of course, they were Barker's Bastards. When we were under the 198th is when they were originally conceived. And, of course, you know, Colonel BARKER in my contact with him was a real fine person.

Q. The reason I asked that question is because it is evident from looking at the publicity in The Trident and the Americal and the other PIO publications, and we have heard in other testimony that there was a considerable undercurrent of rumor and information back and forth about Task Force Barker and the record that it had established while it was in being, and that some of the rumor and some of the talk was that they had, in fact, established their record in a manner other than in actual coming to grips with the VC. That's why I asked that question.

A. Let me--my interpretation--when you ask for specific details, it's been so long. It's hard for me to remember

any specific conversation, but I can remember attitudes that I had and feelings that I had that were probably a summation of everything that I heard. I can remember my attitude was that I knew that the way the 4/3 operated and the contacts that we had made--first of all, that the area had been worked so heavily by the 3d of the 4th Division before we got there, and we closed out the area after the ROK's--

Q. (Interposing) That's the 3d Brigade, 4th Infantry Division.

A. That it was worked over heavily, and we had a terrible problem with booby traps and the mine fields that were layed by the ROK's that we didn't know about, and that our contacts were only such as three snipers that they would catch in the open or something like that. Our body counts were maybe two or three a day, and we would take casualties from booby traps and such. But I always attributed it to Task Force Barker's area as being so active because of the Pinkville area which was--you know, all of the intelligence reports would say that there were so many people there and everything, and they ran most of the operations in there. So, my attitude was that they just happened to be in the area that was--

Q. (Interposing) Lucrative?

A. Yes. That they had actual units in there, not just disbursed and unorganized snipers--well, not unorganized in a sense, but not in the normal conventional concept--where in Pinkville, it seemed like that area right in there where they had all their contacts was lucrative, yes, as far as confronting groups of the enemy, not in two or threes, but in platoons and in companies.

Q. And yet, if I may, you indicated early in the testimony that when you recalled writing the figures in the INTSUM, or PERINTREP, or daily summary, the body-count-to-weapons ratio struck a chord. You recall that it was a very out-of-the-ordinary-type ratio.

A. Yes.

MR WEST: Eluding once more and perhaps finally to the report of mid-May 1968 which we are told Colonel HENDERSON dispatched to division, do you have any suggestions where such a report, the record copy, would have been kept in brigade?

A. Can I see the cover sheet on there?

Q. You are referring to Exhibit R-1?

A. Of the report, yes.

Q. I am not inquiring, of course, about this 24 April report, but about the alleged report of mid-May 1968?

A. This is the one in April. Is there--

Q. (Interposing) You are looking at R-1. That report was prepared by Colonel HENDERSON in brigade. The mid-May report was supposed to have been prepared by Colonel BARKER at Colonel HENDERSON's request and forwarded by Colonel HENDERSON to division. We have been unable to find a copy of that report anywhere. From your knowledge of procedures and handling documents such as this, I thought you might have had an idea where the record copy would be kept in brigade?

A. If the report originated at Task Force Barker, since they didn't have a 1 section--the only section they had was an operations section, the S2 or S3--we took care of everything else, the 4/3 supplies and so on. The original report, if there was a copy and if it was kept--and more than likely it would have been located in the TOC of the Task Force Barker--more than likely it was originated in the S3 section, and the copy would have been forwarded to Colonel HENDERSON, and he would have put his indorsement on it and forwarded it to division. The only place that a copy would have been kept is where it originated. There would be no reason for brigade to have a copy. Division would have a copy if that is where it terminated.

Q. Did you just say that the 4/3 provided administrative support for Task Force Barker, S1 support?

A. No. The way the S1 would work there, I think, each unit may have provided that, like keeping track of the individual's records. I think their original battalion would handle their 1 functions. Like, we will say that Bravo Company, their 1 functions were handled by their company back in the base area in Duc Pho and by the battalion that they were originally attached to in the rear area. The logistics, that was handled by us completely as far as resupply through our 4 section.

Q. Suppose they had a personnel requisition for Task Force Barker, would that have been handled by your S1?

A. I could only give you a guess.

Q. I'm not talking about keeping personnel records.

A. I understand.

Q. That would have been done by the parent unit?

A. I think it was done by the individual battalion. I think 1/20 would have handled their personnel requests and the 3/1 would handle their personnel requests. I'm not certain on that. This is only, you know....

Q. Do you know what was done with the records of Task Force Barker when it was disbanded on 8 or 9 April 1968?

A. No, I don't recall what happened to them. They possibly could have gone either back to their unit or back to--they could have been just filed.

Q. Of course, in the case of Task Force Barker's headquarters itself, they didn't have any parent organization?

A. Right.

Q. The records could have been retired?

A. Right.

Q. Sent to Department of the Army under the name of Task Force Barker. It just occurred to me that since the 4/3 gave them so much support, might they have been retired to the 4/3 and be in the retained records of the 4/3? Is that logical?

A. It certainly is. I think there is two possibilities that I can see. They could have retired the records since the 4/3 at one time was responsible for the whole AO. Then they gave part of it to Task Force Barker, and then they took it over for a while, and then they moved another unit in there--no, as a matter of fact, I think they ran the whole area after Task Force Barker left. And they could have been retired to our operations. We could have taken all their operations records.

Q. Since you took over from them in that area of operations?

A. Right. The operations and intel. The personnel and the administrative stuff would probably be sent to the parent unit of each company that was working there and possibly any administration or S1 type work would have gone to the brigade S1.

Q. I understand. But, of course, we are interested in the operational papers?

A. There is a very good possibility that the 4/3 would have taken all their files, because they need them, for records of past operations will aid you a great deal.

LTC PATTERSON: Do you recall, while you were the brigade liaison officer, seeing any after actions reports from Task Force Barker?

A. I'm sure I saw some. I saw them from most of the units.

Q. I'd like to give you this opportunity to say anything or offer any evidence or information that we have not asked you about that you think might be pertinent to this inquiry. Or, for that matter, anything that you would care to say that you would like to make a matter of record, I would like to give you an opportunity to say it.

A. I really can't think of anything that might help you. I'm sorry that I can't be of more help to you.

MR WEST: Well, you have been helpful to us, and we very much appreciate your coming here. This last suggestion you made about where the operational files of Task Force Barker might be could be very important to us. Thank you very much for coming in.

The hearing will be recessed.

(The hearing recessed at 1615 hours, 23 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: HAEBERLE, Ronald L.

DATE OF TESTIMONY: 17 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: Ralph RUDD, Willoughby, Ohio, civilian attorney retained at personal expense.

DUTY ASSIGNMENT ON 16 MARCH 1968: Photographer, Public Information Office, 11th Infantry Brigade.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

The witness stated that he joined the 11th Brigade in Hawaii and travelled to Vietnam with them (pg. 5). However, he noted that he avoided much of the classroom training while he was in Hawaii by finagling his way out of it with photographic assignments (p. 65). The witness could not recall the information office at the 11th Brigade being responsible for the handing out of MACV cards "Nine Rules" and "Enemy in Your Hands" (pg. 37).

2. ASSAULT ON MY LAI.

a. Movement with C/1/20.

The witness testified that he went in on the CA with the second lift of helicopters (pg. 6). After landing, he moved in a south-southeast direction with a reinforced squad under the control of an NCO (pgs. 7-9). These men fired on some people moving on Highway 521 (pgs. 46, 47). The witness testified that he took pictures of some of these bodies, but there may have been more. He did not go to search (pg. 47). This group of men moved across a ditch, and shortly thereafter, they saw a woman. One of the GI's opened fire on her and the others started firing also (pgs. 9, 10). About this time, a helicopter dropped a red smoke grenade and the men travelled toward where it landed (pg. 10). The witness recounted then seeing a man and two small children, one of whom was pleading for their lives. Someone opened fire on them (pg. 11). He

added that some people were hiding in a ditch near Highway 521 and were trying to get their cows off the road. These were shot (pg. 11). The witness recalled travelling in an area where a mortar had been set up (pg. 15). The witness could not recall hearing any minigun fire from helicopters, but stated that there was wild fire coming from the village (pgs. 13, 52). This firing had died down by the time he got to the village (pg. 52). The witness reported that he travelled in an area where pigs were being kept in a pen. These pigs were all shot and a torch was put to the property (pgs. 15, 53). He recounted passing a hootch and noticing an elderly woman on a bed inside the building. She had been shot (pg. 16). By the time he arrived in the village, the troops were setting it afire (pg. 16). He noted one instance where he took a picture of a GI throwing a grenade into a tunnel. The hand grenade did not go down into the tunnel and he was forced to take cover (pg. 17). He spoke of another instance in which some of the troops were harassing a young girl by stripping her blouse off. Her mother tried to protect her and a group of people were gathered there. He stated that he took a picture of this group, turned away, and then heard two M-16's open up with automatic fire. All the Vietnamese in the group were apparently killed. He stated that he saw bodies falling and noticed the M-16's smoking, but he did not count the bodies, nor take a picture of the carnage (pgs. 17, 18). He related attempting to take a picture of a wounded child. As he was focusing, another GI shot him and killed him (pg. 53). At another location, he saw a small child come out of a rice paddy toward a group of bodies. The child had had his foot shot off and apparently was attempting to find his mother in the group of bodies. One of the U.S. troops shot and killed him (pgs. 23, 24). In the southeastern portion of the village, the witness saw a group of 50 or more civilians who were all kneeling down. A U.S. troop with a machinegun opened fire on these people (pg. 24). The witness recalled when Carter shot himself in the foot near an old pagoda (pgs. 18, 19). Lieutenant JOHNSON and Captain MEDINA were in that area after CARTER was shot (pg. 19). At about this same time, the witness recalled some of the men yelling to cut out the shooting (pg. 54).

b. Action with B/4/3.

The witness then travelled to where B/4/3 was operating, probably toward the Song Tra Khuc River (pgs. 26, 27). He recalled a VC uniform being found hidden under a rock in that area (pg. 30). He testified that when he was with B/4/3,

he recalled a radio transmission . Captain MICHLES, the company commander was on the radio and was heard to make a comment that "they were all women and children" and some other sly remarks (pgs. 31, 32). However, the witness stated that nothing was stated to make him suspect that anything out of the ordinary had happened that morning (pg. 32). He could recall no prisoners being shot at the night laager area (pg. 33).

3. REPORTING THE INCIDENT.

a. The witness' report of the incident.

On his return to the information office, the witness mentioned to the personnel there that women and children had been killed, but he did not go into detail (pgs. 34, 40, 41). He stated that no one seemed to be interested, but only considered the operation a great victory (pgs. 40, 41). The witness could not recall who in particular he had spoken to (pg. 42). The witness stated that he did not feel that there was anyone on the brigade staff in whom he could have confided, including the brigade chaplain (pgs. 43, 61, 62). He had met the division information officer, but had never had a chance to speak with him (pg. 44).

b. Investigation.

The witness was not familiar with MACV Directive 20-4 (pgs. 34, 35). He stated that he had heard of no investigation of this incident while he was in Vietnam (pgs. 62, 63). He added that had there been an investigation, he would have been more than happy to supply his personal color photographs to the investigating officer (pg. 41).

4. OPERATING AS AN ARMY PHOTOGRAPHER.

The witness stated that he had studied photography in college, and trained Army photographers after coming into the service (pg. 36). Since coming into the service, he had discovered for instance, that if you take a picture of a general and he happens to be smiling wrong in the photograph, you destroyed that photograph. Therefore, he stated he felt that if he had turned in his color pictures, they would have been destroyed (pg. 71). He noted that all photographic assignments he had received were oral (pg. 66). He explained

that the Army utilized black and white film for their normal photographic work (pgs. 45, 46).

5. THE WITNESS' TAKING THE PICTURES ON 16 MARCH 1968.

a. Idea for a lecture series.

The witness stated that he took his personal camera, as well as his Army camera, almost everywhere. He had in mind composing a lecture series covering his two years in the service from his photographs (pgs. 38, 39). He stated that he had shown his color slides from his tour in the service to several civic groups in Cleveland, Ohio. He noted that in giving his lecture he had mentioned the Viet Cong atrocities during Tet, 1968 (pg. 69).

b. The developing of the pictures.

The witness stated that he did not know who developed his black and white film,but noted he developed his own color film (pg. 68).

c. The possibility that other pictures were taken on 16 March.

The witness noted that he could have taken more photographs, both black and white and color, but he was not certain (pgs. 46, 59).

d. The taking of the pictures.

The witness stated that he took these pictures in My Lai more or less mechanically due to his training as a photographer. He noted that he would have reported what he had seen, but he had learned since he had been in the Army to keep his mouth shut (pgs. 70, 71).

6. OTHER INFORMATION.

a. Persons spoken to since the incident became public.

The witness testified that the only other person to whom he had spoken since the My Lai incident was publicized was Jay ROBERTS (pg. 6).

b. Statement of Sergeant MINH.

The witness stated he was with Sergeant MINH, the Vietnamese interpreter, on the day of the incident. MINH

had shaken his head and stated he did not believe this could have happened (pg. 23).

c. Reports of other atrocities.

The witness stated that he felt that at times U.S. troop activities were often as atrocious as Viet Cong activity. He based this on rumors and hearsay that he had heard during his tour in Vietnam (pgs. 43, 64, 65).

d. Opinions of the incident at My Lai.

The witness opined that the incident happened because personnel of C Company were psyched up and resented the whole Pinkville area. He stated that when the men went into the village, they were very effective and businesslike in what they did (pg. 73).

e. Exhibits.

The witness annotated Exhibit P-1 on two occasions. These were entered into evidence as Exhibits P-177 and P-188. Exhibit M-52 explains the reasons for these two annotations (pg. 76). Photographs taken by the witness which were introduced into evidence are noted on the exhibit list which follows.

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
D-1	MACV Directive 20-4	Wit had never seen but told of its existence.	34,35
M-2	MACV Card "Nine Rules."	Wit thought he had seen it.	36
M-3	MACV Card "The Enemy in Your Hands"	Wit could not recall it.	37
M-57	Instructions to witness.	Read by witness.	1
P-1	Aerial photo	Annotated P-177	7,21
P-1	Aerial photo	Annotated P-188	76
P-2	Vietnamese in front of house	Described.	23
P-3	GI and Vietnamese in house	Described.	23
P-4	GI and Vietnamese in house	Described.	23
P-5	GI's searching for weapons	Described.	15
P-6	CARTER being treated	Described.	18
P-7	CARTER being comforted	Described.	18
P-8	CARTER with MEDINA in background	Described.	19
P-9	Medics carrying CARTER	Described.	19,67
P-10	Men comforting CARTER	Described.	19
P-11	CARTER loaded into the dustoff	Described.	19
P-12	CARTER loaded into the dustoff	Described.	19
P-13	Group at south edge of hamlet	Described.	22

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-14	GI firing a hootch	Described.	16,17
P-16	Burning hootch and body	Described.	16
P-17	HAEBERLE's parting pic	Described.	19,22
P-18	GI's and detainees near end of CA	Described.	30
P-20	GI's with woman detainee	Mentioned.	31
P-21	GI's interrogating child	Described.	29
P-22	MINH and JOHNSON and a detainee	Described.	29,30
P-23	MINH and MICHLES and detainees	Described.	30,31
P-24	GI chopping corn	Described.	15
P-25	GI looking at documents	Described.	16
P-26C	LZ Dottie morn of 16 Mar	Described.	29
P-27C	Second lift on air	Described.	29
P-28C	Smoke bomb east of My La	Described.	26,28
P-29C	Landing	Described.	9
P-30C	GI firing on CA	Described.	11,12
P-31C	Bodies in road	Described.	11
P-32C	Dead woman	Described.	11,12
P-33C	Same scene as P-16	Described.	16
P-34C	Bodies in hootch	Described.	16

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-35C	GI throwing basket in fire	Described.	16,17
P-36C	CARTER being comforted. JOHNSON in background	Described.	18,19
P-37C	Body in a well	Described.	16,17
P-38C	Small boy on road	Mentioned.	12,14
P-39C	Bodies on road	Mentioned.	12-14
P-40C	Woman and girl being harrassed	Described.	17,18
P-41C	Bodies on road, south part of village	Described.	24,52
P-42C	Body in west of village	Described.	25
P-43	Contact print P-2 thru P-25	Utilized.	31,56, 57
P-52	Captain KOTOUC	Wit did not recognize.	66
P-55	Helicopter landing	Described.	9
P-56	GI throwing grenade into tunnel	Described.	17
P-57	GI chopping corn (See P-24)	Described.	17
P-58	GI's with a woman detainee	Mentioned.	16,31
P-59	BARKER's driver	Mentioned.	16
P-61	Troops moving south	Described.	10,14
P-62	GI's searching belongings	Described.	11
P-63	Troops moving south	Described.	10
P-64	Troops moving south	Described.	10

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-66	GI's questioning detainees	Described.	15
P-67	GI's questioning detainees	Described.	15
P-69	GI's firing the village	Described.	16
P-70	Contact point P-59 thru P-69	Utilized.	56,57
P-158	Scene on southern side of village	Described.	22
P-177	P-1 annotated	Admitted into evidence.	7,21
P-188	P-1 annotated	Admitted into evidence.	76
MAP-4	Map 6739 II	Utilized by wit.	27
M-52	Explanation of P-177 and P-188	Described.	76

(The hearing reconvened at 1352 hours, 17 January 1970.)

IO: The hearing will come to order.

RCDR: The following persons are present: LTG PEERS, MR MACCRATE, MR WEST, MR WALSH, COL FRANKLIN, COL MILLER, COL WILSON, MAJ ZYCHOWSKI, and MAJ LYNN.

Sir, the next witness is Mr. Ronald L. HAEBERLE.

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

RCDR: Mr. HAEBERLE, for the record, will you state your full name, occupation, and residence?

A. My name is Ronald Lawrence HAEBERLE, I live at 3303 Linden Road, Apartment 605, Rocky River, Ohio. I'm in business management. I'm a supervisor for an industrial corporation.

Q. Mr. HAEBERLE, are you represented by counsel?

A. Yes, I am.

Q. Will counsel so state his name, please.

IC: My name is Ralph RUDD, I'm an attorney. I live at 4777 Wood Street, in Willoughby Ohio. My office is at 33 Public Square, Cleveland, Ohio.

Q. Thank you.

IO: Mr. HAEBERLE, have you read the instructions and the guidance (Exhibit M-57) which was provided you?

A. Yes, sir, I have.

Q. Do you understand that? Do you have any questions?

A. No.

Q. Aside from myself here at the table this afternoon, there are several people who may address questions to you. On

my left is Mr. Robert MACCRATE who is a civilian attorney, who has volunteered his services to the Secretary of the Army to assist me in this investigation, and also provide me legal counsel. The other civilian at the far end is Mr. WALSH, who has likewise, volunteered his services to the Secretary of the Army to assist Mr. MACCRATE and myself in the conduct of this investigation. On my immediate right is Mr. Bland WEST, who is an assistant general counsel of the Department of the Army, and he has been designated by the Secretary of the Army and the Chief of Staff to serve with me as Deputy in this investigation. On his right is Colonel FRANKLIN, Colonel MILLER, Colonel WILSON, and in the far corner is Major ZYCHOWSKI. All of these individuals have been designated by the Chief of Staff and the Secretary of the Army to assist me in the conduct of this investigation. And, they likewise may address questions to you.

You should know that aside from this group, we also have other groups that are likewise taking testimony from other individuals, however, in the final analysis, I have the responsibility for putting together the report, weighing the evidence, and making findings and recommendation.

All military personnel who appear before this inquiry are directed not to discuss their testimony with others, including others that may appear as witnesses before this inquiry. In your instance, I would request that you not discuss your testimony with others, including other witnesses for the investigation, except as you may be required to do so before a competent judicial, legislative, or administrative body. In addition, you are cautioned that if you are subject to the order issued by the military judge in the general court-martial case of the United States v. Calley, that your testimony here would in no way change the applicability or the effect of that order, or for any other of the general court-martials which may be brought to light by this incident.

Do you have any questions at this time?

A. No, I don't.

IO: Colonel MILLER?

COL MILLER: I noticed, Mr. HAEBERLE, that you have counsel with you today. You are not at this time suspected of an offense for

which you can be tried. On the other hand, you certainly have the right to have counsel here, and to consult with him at any time. And you (addressing individual counsel.) may certainly consult with Mr. HAEBERLE at any time.

In view of the fact that you are not suspected of an offense, I don't intend to give you any warning under the Fifth Amendment, or Article 31 of the UCMJ.

On the other hand, if there is information known to you that you feel you cannot testify about because of self-incrimination, you can certainly assert it. And, if it comes to light and we think a warning should be given, we will do so. Do you have any questions concerning that?

A. No, I don't.

IC: I have a couple of remarks that I would like to make as a general introduction, General PEERS. In the first place, Mr. HAEBERLE brought with him, he tells me, a tape recorder, and has inquired of Major ZYCHOWSKI, and of Major PEERS whether he might use it, and he has been advised that this will not be permitted.

IO: Major PEERS?

IC: Forgive me, Major LYNN. I would like, nevertheless, I would like to renew that request for the record.

IO: I appreciate the request very much, but we are not going to allow any of the testimony here to be privileged to any individual. The information which is taken in this inquiry will be provided to the Office of the Chief of Staff, and to the Secretary of the Army. And, it will be their decision to determine what will be done with any of the testimony or any parts of this investigation thereafter. So, as a consequence, after considering it, from all of the aspects, I cannot approve it.

IC: Let the record show an exception to this ruling.

The other matter I'd like to mention is that Mr. HAEBERLE - -

IO: (Interposing) Now, just a minute. Before we get

through here on this. There is one right which I have allowed any individual to do, if by chance he is called as a witness before any of the court-martials, that we would make available to him his testimony so that he can come and review his testimony to provide the accuracy of it. But, as far as a recording, the answer to that is negative.

IC: All right. Thank you. That is welcomed advice, thank you. The other thing that I would like to mention is that Mr. HAEBERLE does not have in his possession at this place and time the original slides made from the color film that he used in his own camera during the My Lai incident. I understand they are in the possession of Life magazine. They are still owned by him, and he does have access to them. He believes that his recollection as to the order in which those pictures were taken may not be completely accurate, and would like at some stage, to have the opportunity to examine the numbers on the edges of the film that comprises those slides. And, from those numbers he believes he could determine precisely without substantial possibility of error, the exact order in which those slides were taken. And, any testimony that he gives today that involves any question as to the order of which those slides were taken of course, is subject to correction by further investigation of those numbers.

IO: We appreciate that very much. As a matter of fact, in line with your discussion, if Mr. HAEBERLE, or yourself would like to come here at any time to review these films with Major ZYCHOWSKI or one of the other officers assigned to the Inquiry, we would be happy to have you do so. And, we would ask that you are suggesting here as far as checking the negatives for the sequence numbers would be very helpful to us. We have the sequence numbers on the black and white. We do not have the sequence numbers on the colored film. And, it would be very helpful to know that we do have them in proper order.

Mr. HAEBERLE, would you indicate your duty assignment as of 16 March 1968?

A. Well, more or less, I was assigned as a photographer to that area to bring back pictures for like, hometown news releases of the GI and any newsworthy events that happened there.

Q. You were a photographer then for the - -

A. (Interposing) 31st Public Information Detachment.

Q. At LZ Bronco?

A. At Duc Pho.

Q. And, how long had you been at that assignment?

A. I was at that assignment since sometime in September, about mid-September when Colonel HENDERSON approved it, with the 11th Brigade in Hawaii.

Q. In Hawaii?

A. Right.

Q. And, you therefore, must have moved to Hawaii with the brigade? I mean from Hawaii.

A. From Hawaii to Vietnam December 6, 1968. We left by boat.

Q. In 1968 or 1967?

A. In 1967, I'm sorry.

Q. And, how long after 16 March did you remain assigned to the detachment?

A. I can't recall at this time, but it was a very, very short time. I was discharged on 27 March 1968, at Fort Lewis, Washington.

Q. So, you probably left South Vietnam somewhere along the time of 23 or 24 March?

A. It could be sometime in there, sir.

Q. Where did you leave from?

A. I left Cam Ranh Bay. I left Chu Lai and went down to Cam Ranh Bay.

Q. Since the My Lai incident became a matter of public

knowledge in the time frame of September, October of last year, have you had any discussions with anybody that was connected with the detachment, with the brigade, or with the Americal Division?

A. I have no--nothing.

Q. You have had no discussions with people such as ROBERTS?

A. No. The only person I had a discussion with was ROBERTS. When this thing broke in the newspapers or shortly afterwards. After he was talked with by Life, after that I called him and we just sort of talked. It was a time after he had his meeting here. I think it was only twice that I talked to ROBERTS.

Q. And, to your knowledge you have not talked to anyone else from the POI detachment, or with anyone else from the brigade--

A. (Interposing) No one contacted me at any time after this incident.

Q. Now, then, coming back to the incident itself, would you start off please and indicate when you first became involved in the operation?

A. It was probably the day before, when I volunteered for this operation. I didn't even have to go, but I volunteered. I heard it was supposed to be a pretty exciting one. And, as for myself, I like excitement. So, I just volunteered. The next day, ROBERTS and I got up and went to our helicopter pad at our base camp and took off for Task Force Barker.

Q. And, when did you become involved in the operation itself?

A. I was on the second lift. It was sometime in the morning. What time exactly I wouldn't say, because I can't remember exactly.

Q. Well, for a point of reference, I can tell you what time the second lift went in.

A. Well, I went in with the second lift.

Q. The first lift went in at 0730. The second lift went in at 0747, and was completed by 0750. So that would put you on the ground at roughly 0750. I understand that you have been together with Major ZYCHOWSKI, to go over the pictures that were taken by yourself, to put them in sequence and to try to identify the sites where each of the pictures were taken, to the best of your memory at this time.

Mr. HAEBERLE, I would like you, for the record, to use this photograph which you marked and start off with the LZ and go through the operation, and from time to time at some of the key points, such as here and here and here (indicating), indicate the approximate times that you were there, now that you know that this thing started about 0750 or 0800.

A. It's just going to be guess work, that's all.

IC: May I ask that the record show that although General PEERS has stated Mr. HAEBERLE, actually it was marked by Major ZYCHOWSKI, but under Mr. HAEBERLE's rather close direction. He made a preliminary sketch on another photograph and then Major ZYCHOWSKI did make the final one.

RCDR: General PEERS, may I enter this as an exhibit, please?

IO: Yes. I would like to have this aerial photo entered into the record as an exhibit.

RCDR: This aerial photo of Mr. HAEBERLE's is entered into the record as Exhibit P-177.

A. Okay. You said this started about 0750, right? We are going toward this trail. I know that my trousers were very wet. There was still condensation in the air, moisture on the rice. Okay, we made it back to here--

IO: (Interposing) Well, what I would like you to do is as you go along, if you would indicate at each of these points, and we can have these pictures made available to you. The green numbers here, as I understand it, are the pictures and the blue would indicate other things that you observed, so if you would retrace your steps and indicate for the record where you took the picture and so on. And, then when you come to the blue, indicate what you saw at each of those sites.

A. Okay. The time is going to be too hard for me to tell.

Q. Yes.

IC: Would you repeat that Mr. HAEBERLE? What you just said about the time and make sure this is understood.

A. The time, I'd prefer, since I really don't know what time it was, I didn't look at my watch or anything--but it was kind of hard to say what happened here at this time, and that time and so forth. I can say this was about midway from the time I left. You probably have the exact time when I left. This is midway in the village. I wouldn't state whether that was 0800 or 0830, or 0900. So, if you want to start with the photographs, I'll gladly start with this one and go down this way.

IO: First, may I ask who you went to the south-southeast with?

A. South-southeast?

Q. Yes. Did you go by yourself?

A. I was with Jay ROBERTS at the time. Of course he might have been way over here (indicating) and I might have been way over here. We were generally together.

Q. Were you with any sort of tactical formation?

A. At times we were and at times we just sort of spread out.

Q. Well, you did accompany some sort of organization of some variety. How many people were involved?

A. Maybe about 15 or so.

Q. Would you say that it was perhaps a reinforced squad? A squad being 10 or 11 men?

A. It was about 15 men, and that's about it.

Q. Who was in charge of them?

A. I believe it was an NCO. I didn't see an officer. As to who he was, I have no idea.

Q. All right. Major ZYCHOWSKI, would you help him now in providing the pictures now in the proper sequence?

MAJ ZYCHOWSKI: Yes, sir.

A. Okay, this (Exhibit P-29) is the helicopters. It looks like that they are taking off. And, the colored one (Exhibit P-55) is in the same area as where they were setting down.

IO: Now, this is your arrival?

A. I believe this is my arrival in the LZ. Okay, we jumped out of the helicopter and as we were, so we started forming security, we formed up, and the helicopters took off. We started walking back toward this grove (indicating).

I'll make a statement here. The CID showed me an area like this and I made a statement. I asked him to locate where the clump of bodies were. This way I could be orientated to this map. So, he pointed right here (indicating) on the trail and then I made my sketch from there. Also, on his sketch he showed me this line here (indicating) and the scrubs on it and I asked him if there was a trail on it right along in here (indicating), which looked like a trail going right to the middle of this area. And, he said, "Yes, it seems that way." So, what I did, I stopped right here. Now, finally I find out we did go down here (indicating). That's not a trail--it's just one of the hedges.

Q. Well, actually it's quite a wide ditch. It's about 8 feet across and 6 feet deep. And, if you recall, you probably didn't go across the ditch proper. You probably went over by going south and going across this particular point (indicating).

A. I know I went down in the ditch at one time, because I ran up the bank. I finally find out that we did go down here. Okay, my first site was in this area right around here (indicating). The group that first shot at a cow.

IC: Let the record show that this is the area marked with a blue number 1 labeled "Woman shot".

A. Also at the same time, there seemed to appear from behind a clump of rice, a figure which looked to me like a woman. And, one GI fired at her first, then all of a sudden, quite a few more seemed to open up on her. She was hit in the head and you could see a piece of the skull flying up in the air. And, from there we progressed steadily towards this road. There were people walking along this road (indicating).

Q. Well, what about as you go south?

A. Well, some of these--well, see, I made two trips. I'm not sure, we came all the way down and went back, and came down again and went back. Those two could have been on the way up. Give me pictures (Exhibits) P-64, P-63, and P-61.

(Major ZYCHOWSKI did as the witness requested.)

Okay, I said this picture (Exhibit P-64) could have been taken as we were going toward the road. The same way with this one (Exhibit P-63) here. And that could have been sort of a sandy area from this picture here. Some of these numbers are not exact.

IO: Yes, we understand that.

A. Now (Exhibit P-61) it could have been that we were moving back toward the village and we were going this way again, I cannot recall.

Q. Yes, all right.

A. All right. So, we're heading toward the road again.

MAJ ZYCHOWSKI: Exhibits P-64, P-63, and P-61 are indicated on the map showing Mr. HAEBERLE going in a southeasterly direction.

A. Now, at this time I cannot recall if we did go all the way to the road at this time, but the helicopter overhead dropped a red bomb which means to go back to that area, which we did. Now, could I please have pictures (Exhibits) P-31, P-32, P-62,?

(Major ZYCHOWSKI did as requested.)

A. Okay, now I'll describe incident number 2. There

is no photograph of this. As we were approaching this area (indicating) coming out from what seemed to be a ditch--

Q. That's on the south side of 521?

A. Right. There was a hedge of bushes somewhere over this way, I remembered the man, he looked fairly--about 18, 20 or something like that, and 2 small children, and they were walking toward us and they were pleading more or less. The little girl was saying, "No. No." They were pleading for their lives, and someone opened up on them and shot them. Now, relating to the pictures, somehow for this shot relation which is along--

COL WILSON: Exhibit P-31C.

A. (Exhibit) P-30C. There is a color photograph of an American GI shooting.

P-30C which is over here, but with the arrows going this way, it should be coming more or less down this way (indicating south). This is the general shot of a GI firing in this order, down this way.

Q. Exhibit P-30C is firing to the south.

A. Exhibit P-31C depicts three bodies lying in the road.

Q. On 521.

A. There were people hiding down here, in the ditch back here (indicating) trying to pull the cows off the road. And, they were shot at in that direction also.

(Exhibit) P-32C is a photograph of a woman that has been shot and I believe, with her brains inside of her head.

IO: That was also on the road or just south of the road?

A. No, that was down more or less in the ditch coming up. Okay, (Exhibit) P-62 is just--I believe it was a little bit aside of this, showing the GI searching through their belongings.

Q. Indicating it was a little bit east of the woman in Exhibit P-32?

A. I believe it was. Just a little, not much. They were very close. Okay, here's what I mentioned before when we backtracked, which point we actually made the number one or two trip, I can't say. Let me see (Exhibit) P-30.

IO: When you were down in this area, did you by chance take a picture up this road?

A. Up this road?

Q. A photograph to the north in this section?

A. I've been to the north, and have a photograph shooting out this way though.

IO: Do you remember by chance where you took this photo (Exhibit P-38)?

A. I think I took it back up in this area here (indicating) because it's more or less closer to the village.

COL WILSON: This is Exhibit P-38.

IO: Well, it's just problematical to figure out where this film could have been taken. And, in looking in this spot and in looking here (indicating) and noticing the road and where it curves, all of it fits into place. At the corner you can see the paddy dike and can see the trees in the background. This isn't to say there isn't another place like that.

A. Well, there is another picture of the one, I believe, the other one showing the bodies.

COL WILSON: The area referred to, is the north-south road in the vicinity of 521.

A. I think this one was shot a little farther out. I can't be sure. I myself can't be sure this was there.

Q. Exhibit P-39C.

A. I'm placing it more up somehow--

IO: (Interposing) Well, this actually isn't really a road. That's the point here. That's just a small irrigation ditch and you can see that something like this--

A. (Interposing) You can see this in--

IO: (Interposing) is quite common.

A. But then you have your curves here, you can see the curve here, but then it also bends back up apparently back up in here (indicating).

Q. Right around here (indicating).

MR WEST: Would the sequence numbers on the photos help you?

A. I think it will maybe.

Q. Maybe you could place it in the proper order.

IO: When you were in this area to the south, when you were coming back up in this area either going or coming in this general area, did you see any helicopters working along the road here, or along this here?

A. I didn't see them shooting, but I saw them flying around this area.

Q. Have you ever heard a minigun?

A. I've heard a minigun, yes.

Q. Did you hear any miniguns firing in there?

A. Not that I recall, except there was one patch, there were no bodies there and it looked like everything was pretty well chewed up in one little area. Somebody said something about that's what a minigun does, or something. But, there was no bodies there. But, as far--I can't recall any helicopters shooting around that area that I can remember. The only one I can remember is the one dropping the red smoke bomb that was hovering around.

Q. Yes, when you were down in that area, did you see an aircraft dropping smoke bombs, or smoke grenades?

A. I can't recall if I seen them dropped out of the helicopter, but I remember the red smoke in the bushes.

Q. Was there just one spot or were there more spots?

A. I just remember the smoke bombs in the bush.

Q. Do you know what an H-23 is? A small bubble aircraft?

A. No, I don't remember them.

Q. In your photo Exhibit P-61, which you took as you were proceeding to the south, you will notice in the center of the film on the horizon what appears to be smoke coming to your immediate front.

A. This here?

Q. Yes.

(The witness examined the photo closely).

A. That's either a chemical stain--that's what it looks like to me. Because, you see, that looks like a regular ring.

Q. We've heard previous testimony that in that area in addition to some red smoke, there was also some grey smoke.

A. I don't know what the grey smoke stands for.

Q. Okay.

IC: Is that chemical stain on the negative or is it just on the print?

A. I haven't seen the negative. I could be wrong, but yet, it just doesn't look right.

IO: Okay, proceed with your tour.

A. As I was talking about before, slide--picture 38--number (Exhibit) P-39, this is where I thought this had happened up in this area (indicating). Now, as we move up--I can't

remember the exact place, but it would have to be where the corn or--whatever kind of little plant they have--now I could tell better were I traced my route.

Q. Do you recall--

A. (Interposing) There was a mortar crew set up right outside, someplace right along this area where I went in, because we went around it.

Q. Do you recall seeing a large house in this immediate area?

A. Where I went in there was quite a few houses in this area. It curved in and went down this way. There were animal pens here (indicating). I remember here is where the pigs were shot. That was a little farther over this way. The pigs were shot here and the torching was done in this area, I believe, down here (indicating).

Q. Well, go ahead with your discussion here.

A. Okay. Let me have (Exhibits) P-5, P-24, P-57, P-66, and P-67.

(Major ZYCHOWSKI did as requested.)

This (Exhibit) P-5 is a photograph that looks like two GI's searching for something, checking the area out for hidden weapons. (Exhibit) P-24 is a photograph of a GI chopping down what appears to be corn. (Exhibit) P-57 is a more of a duplicate shot. (Exhibit) P-66 and P-67 are American GI's who found people in a hut and brought them out and started questioning them, and I remember the old man was crying and one small child was crying and hanging on. As far as what ever happened to them, I don't know. I went inside the village then.

Q. When you were at that point you entered the village from the west?

A. I believe I entered where the corn field was. I entered through there.

Q. Do you remember seeing a pagoda to your north, in this locale?

A. No. Okay, let's see (Exhibits) P-14, P-25, P-59, P-69.

Okay, many of these are depicting, showing the burning of the hootches (Exhibit P-14). (Exhibit) P-25, is an American GI looking through some documents that he found around the area. (Exhibit) P-59, if I remember right, that seems to be Colonel BARKER's driver who volunteered to go out on the mission. He used to hang around Task Force Barker when I was up there, and I knew him from Hawaii.

Q. In photo Exhibits P-59 and P-58, right?

MR MACCRATE: Do you know his name?

A. No, I don't, I can't recall his name.

Exhibit P-69, is just of an American GI torching the village.

Number 4, where there is no photograph, I remember passing one of the hootches and looking in and there was a woman and she was lying on her bed and she was dead. She looked rather elderly. I didn't take a photograph of this, because of the light inside the house.

(Exhibits P-15, P-16, P-33, P-34, P-35, and P-37.)

(Major ZYCHOWSKI presented photos requested.)

I came across this burning hootch. I took a long shot, the first shot. I noticed the bodies laying outside. And, I remember one comment from one of the GI's.

COL WILSON: Photo number 16 (Exhibit P-16).

A. It looked like he had ghosts in him. His legs were contracting. And, my second shot, (Exhibit) P-34C, shows a close-up of the two dead bodies, a woman--I believe it was a woman, and a small baby with the side of his head blown away.

IO: The bodies on that veranda?

A. Yes, the bodies there. Here we have a photograph of an American GI throwing--

COL WILSON: (Interposing) Exhibits P-35C and P-15.

A. Throwing a basket into the fire. Generally, that's in the same area.

COL WILSON: Do you mean in the same area?

A. The same area as all these. The whole thing is in the same area. (Exhibit) P-37, I believe was a little bit farther on down. I'm not sure. This is what Jay ROBERTS described. I didn't see this, he brought me over there and showed me what they had put in the well. I took a photograph of the man in the well.

IC: I have a question about this. In the right hand side of the picture I see something that I suspect is a reflection of your own face with a camera.

A. That's me with my Nikon F, right there. That is the only one that size, the Leica is smaller.

(Exhibit) P-56, please.

(Major ZYCHOWSKI did as requested.)

This was a little bit--photograph (Exhibit) P-56, shows a GI throwing a hand grenade down one of the--it would be like a tunnel. He didn't quite get the hand grenade down and I had to run.

IO: I was wondering what exactly he was throwing it into. Whether it was a well, or not.

A. No, it wasn't a well, it was a tunnel. A big opening.

This, (Exhibit) P-40, is a photograph around this area right here (indicating). It was around the trail. I remember them bringing these people out, a little farther in this way. They brought them out. And, I think you know the story behind this one. I was coming down the trail and I noticed them bringing these people out. They had them standing right here like this. And, they grabbed I think, this girl behind this woman here (indicating), and brought her out front, and they wanted to more or less see what she was made out of. And,

they started stripping her, taking her top off, and the mother, if that was her mother, was trying to protect her. The GI's were punching her around and one of them kicked her in the ass. And, I kind of looked the other way once in a while to see if anything was going on. And, I yelled, "Hey, wait a minute. Hold it." And, I got back in this position here, and I took a photograph of this for more or less human interest. Then I sort of turned away, and all of a sudden I heard two M-16's open on automatic fire, and I noticed out of the corner of my eye all the bodies falling over. To me, not seeing the sport in it, I thought it was a little bit too much. I didn't go back to take a photograph of it. But, I do remember seeing the muzzles of the M-16's, smoke coming out, and they were hot. I just walked away from it. That's all. I never did count the bodies.

MR WEST: Do you know what platoon these men belonged to?

A. No, I do not, because the company was sort of a mixture. By the time I got there, everybody was sort of in the village going in and doing whatever they did.

IO: What they do, or what they did.

A. What they did.

(Exhibits) P-6 and P-7 happened, I believe to be, right about here (indicating), in this area. Now, I understand his name is CARTER, the person who accidentally shot himself in the foot. Anyway, I was with Jay ROBERTS and I was sitting out here on what looked like a little ditch and we were just bull--talking. And, we heard a shot and everybody sort of ducked down. Then, after it was over, these guys got up, then I got up, and went over and I noticed him laying here and I photographed him as the medic that was taking care of him.

(Exhibit) P-9, shows a photograph of two GI's carrying CARTER over to this area right here, probably on this side of the trail.

IO: Yes, well, I'll talk to you on this in just a minute.

A. Okay. (Exhibit) P-36C, this shows CARTER on the ground.

This is a MI, "Bull" JOHNSON (indicating man on top of photo). And, I don't know who this is (bottom). This is some more treatment of CARTER.

(Exhibit) P-8, you have Captain MEDINA in the background.

(Exhibit) P-10 shows them comforting CARTER before the helicopter came in to pick him up.

IO: Well, have you got him on the helicopter yet?

A. He should be getting on the helicopter. There is a slide of that.

IO: Two of them.

A. Okay, (Exhibits) P-11, P-12, I believe (Exhibit) P-17 is when I'm leaving by helicopter. (Exhibits) P-11 and P-12 show him getting on the helicopter.

IO: What I'd like to do is refresh your memory a little bit, because right along in here you'll find a house that looks about like this right in here (indicating). There is another pagoda like building which is referred to as a schoolhouse. This is right here. And, in talking with--let me have those other pictures accompanying CARTER.

(Major ZYCHOWSKI did as requested.)

IO: This building here right on the corner here is the building which you refer to as the schoolhouse (Exhibit P-9). It's actually an old pagoda.

IC: Let the record show that General PEERS has indicated in the southwest corner of the village near the spot marked with numbers 2, 3, 4, which is northwest of that spot and is circled--mark 13 is southwest of that spot.

IO: Yes. The people say that this picture was taken halfway between this building that sits in here (indicating), taken right there (Exhibit P-9). And this is by the interpreter who was with Lieutenant JOHNSON.

A. Yes.

Q. Who, I believe shows up in one of these pictures. His name is Sergeant MINH. He says it was taken right there, and he remembers him being brought around here as you go by these places. Now, one--

A. (Interposing) I can't remember him this far over though. I think it was right out on the trail.

Q. Well, there is a road that runs right along here.

A. Right.

Q. Right along inside the trees. And, there is another sort of trail that runs right along the houses here (indicating). Just for our point of view, we wanted to tie these down.

A. May I ask you a question? Where were the clump of bodies?

Q. Right here (indicating).

A. Okay. I'm doing everything in relation to this. I know it's in this area someplace, but I can't say exactly.

Q. Well, you want to remember, here one inch equals about 75 to 80 meters on that photo, so when you go 1 inch, you're not covering an awful lot of ground. Maybe two or three plots.

A. Okay. It had to be on a trail.

Q. Well, here's the north-south trail. Here's this trail. There is little question, everybody that we've talked to, practically without exception, puts these bodies here, (indicating), and we've heard this described as an offset road, and it is an offset road. It comes in across this other road. It's offset about 6 to 8 feet.

COL WILSON: The road in question is the main north-south road approximately 25 to 50 meters south of My Lai (4).

IO: I don't want to put thoughts in your mind.

A. No. No.

Q. Because, these are just what other people have had to say, and these check out with the photographs, and with the buildings and the masonry on the ground.

IC: May I ask, General PEERS, when this photograph was taken, the one that we're working on (Exhibit P-1)?

Q. I'm not sure when this was taken, I would say--I would be sure that it was taken before November 1969. Exactly how much before that, I'm not prepared to say. But, just to indicate why I say before November, because in November there was a group that went into the hamlet in APC's. An APC leaves a distinctive signature on the terrain. Let me have that photo and I'll show you what happens.

IC: What does APC mean?

Q. Armored personnel carrier. These pictures were taken during that period. Here you see the marks of the APC's (Exhibits P-45, P-46). You won't see any of those now. They just look like village all over the area. This is taken looking directly across the village.

IC: Has an effort been made to find aerial photographs of the village that were taken before this incident in March 1968?

Q. Yes.

IC: The reason I ask, General PEERS, is that Mr. HAEBERLE believes that this photograph does not really show from the air what a photograph taken immediately before this incident would have shown. And, it is therefore more difficult for him to identify in this photograph what he saw at the time of this incident, than it would be if there were a photograph of the village as it was before it was destroyed.

Q. Well, we're not asking for absolute precision.

IC: I understand that, but I'm doing my best to see if we can find a way by which Mr. HAEBERLE could be assisted in refreshing his recollection, and giving his testimony as accurately as possible.

Q. Well, let's proceed with this.

A. (Exhibit) P-13 is along the trail outside here (indicating)--as I put it, over here. If you say we came out here, then I'd be moved way over here more this way, or would they be over here?

Q. Well, there is another photo which goes right along with this one, which is the area where you took off. We have studied this one (Exhibit P-158) very closely to figure out where this was. You'll notice that the dike curves in this fashion. We know generally, that it would be taken somewhere along this southern side of the village, or the hamlet. The only place this could have happened is right here (indicating). And, this is also consistent with the building here which is directly into it (Exhibit P-17). Now, this picture was taken right alongside of it.

COL WILSON: Exhibit P-13.

IO: As you can see the same people in this picture that you see in this picture.

A. Yes.

COL WILSON: Exhibits P-17 and P-13. Exhibit P-158.

IO: ROBERTS seems to remember going a little bit this way, and going back this way (indicating). He tends more toward the east than he does toward the west. But, he definitely remembers being over in this section of the village.

A. Well, I was with him at the time, and I also remember the helicopter coming in around the same place for the dustoff, the medevac thing.

Q. No. One would have occurred in this area here, and the other in this area, but generally in the same paddy field. The reason it's important to us is it's right here that the pile of bodies were located (indicating).

A. This pile of bodies was just before a little hootch on this side, I believe on this side of the trail.

IC: Indicating the west side of the trail.

IO: It may have been that.

A. Shooting out, I remember a little part of that.

Okay, I have Exhibits P-2, P-3, P-4, standing right out about in here. There was this hootch and they found this man right in here in picture (Exhibit) P-4. (Exhibit) P-3, photograph was of them helping him down. His pants slipping down. That's one of the things I remember about this. Number (Exhibit) P-2 shows him --

IO: (Interposing) Do you know the name of this individual? Do you know who he is? (Exhibit P-3).

A. It looks like a Vietnamese, one of the interpreters. I think it was Sergeant PHU. I keep getting mixed up. One had the glasses and MINH was the other one.

Q. Who was PHU with?

A. PHU? Was PHU the one with glasses, or MINH the one with glasses?

MR MACCRATE: MINH was the one with glasses.

A. MINH has the glasses. Well, I was with MINH at one time and he shook his head that he didn't believe this could have happened. This is how I remember him. This is a shot of the old man sitting out to the front of his hootch (Exhibit P-2).

IO: Did anything happen to him?

A. Well, I heard he was shot.

Q. You didn't see him shot?

A. I didn't see him shot. I heard a couple shots. I figured he was shot.

This (Exhibit) P-41C is the clump of bodies. I know one thing distinctly about this one. A small child came out someplace in the rice field. It looked like his foot was shot off and he came walking over here like he was kneeling down to find his mother, and some GI just finished him.

Q. Was that the one--

A. (Interposing) I think this was before the child came out.

Q. Could you describe rather vividly about the three shots being fired at him?

A. I think more than one shot--the first shot missed. And, then there was another shot fired at him. Whether that shot got him, I think it did, the second shot.

Now, here's what I can't really understand. Over here as I was coming back here, someplace, possibly 50 plus civilians, it looked like they were all kneeling down and it seemed to me a machinegunner, like an ammo bearer--I was quite a distance away--seemed to open up on these people and you could see them falling over. Women were getting up to run--

Q. (Interposing) Where was this?

A. I'd say this was someplace in this area, in here, (indicating).

IC: Indicating the area south of the village and west of the central north-south road.

A. Someplace here. It could have been the ones on the trail, I don't know. I can't say for sure. It's hard to judge distance.

IO: Could it have been completely in the other direction?

A. No, it had to be--because I was on this side, when I was on this side coming down back and so forth.

IO: This is the first indication that we have ever had of anybody being located in that area.

A. Well, I said it could be these over here (indicating). But it seemed to be quite a few people.

IC: Let the record show that when Mr. HAEBERLE said this, when he was over on this side, he was indicating the

north-south road that runs south from the southwest corner of the village--southeast.

A. It couldn't have happened--and then it could have too. My judge of distance isn't that hot. But, anyway, it could be anyplace in here (indicating). But, I did see this. I'm more or less, not really adjusted to the scale of this map. I just picked this place, but there were definately people machinegunned in that area.

IO: You saw the machinegun?

A. It looked to me like a machinegun. It looked like he had it strapped over his shoulder. He looked like an ammo bearer, but who it was, I don't know. I could be wrong. I remember two people - -

Q. (Interposing) What race were they? Were both of them caucasian?

A. I couldn't see them, sir. I couldn't say. But, as I say, there were two. Who they were, I don't know. It appeared to me to be a machinegun. But, I'm not certain on that.

MAJ ZYCHOWSKI: Sir, we have one photo that has not been identified on the map. It is Exhibit P-42. Mr. HAEBERLE, could you identify the approximate area of this photo?

A. It would have to be anywhere from here to here (indicating).

IC: Indicating from the west edge of the village to the south edge of the village.

A. I don't believe I went too far into this area in here, mostly around this corner here (indicating).

IC: What was the number of that photograph?

MAJ ZYCHOWSKI: Exhibit P-42C.

IO: Did you ever get over into an area here (indicating) where there is a large number of houses?

A. Well, everybody is walking here - -

Q. (Interposing) And, a large sort of courtyard like area?

A. Captain MEDINA was over in that area. Because, I remember one soldier had a pack of demolitions, and he had a rope and he was walking in among the houses and that stuff. And I remember he kept telling me to get the heck out of there.

COL WILSON: The area referred to was the area to the south of My Lai (4).

MAJ ZYCHOWSKI: Sir, Mr. HAEBERLE has identified all the photographs to My Lai (4). The remaining pictures were those he identified as being taken with the other company.

IO: Yes. Is there anything in these photos that is pertinent?

A. No.

Q. Do you recall the location where these photos were taken other than the fact that they were east of My Lai?

A. The others were taken--where's that other color photograph that I had of the smoke bomb?

MAJ ZYCHOWSKI found it and handed it to the witness.)

MAJ ZYCHOWSKI: Photograph Exhibit P-28C.

A. There was a hut and a big tree off to the side and there was a rock there and underneath it they found a grey uniform. I remember it was pretty well wooded around there.

IO: Is this smoke? Was this the area that you went into?

A. Yes, I believe so. I don't think this is My Lai, I think this is the other area.

(General PEERS got out MAP-4 for reference)

Q. Here is the village of My Lai (4). We know that you went someplace over in this direction.

A. This looks like a railroad. Is it this way, or is it this way?

Q. I'm not sure. I've been wondering where that photo had been taken.

A. All right. One of the other companies, Company B, they were in radio contact.

Q. B/4/3? Could this be the Song My Khe?

A. I have no idea.

Q. In the background here, down in about this complex area here? Do you recall this? Or, down in this area (indicating)?

A. No.

Q. It wouldn't be too far.

A. It wasn't too far.

Q. Well, we're only talking about 3 kilometers. On a 3 to 5-minute helicopter flight.

A. I know we went through sand. This is sand, right?

Q. Yes.

IC: May I inquire whether it appears that the conformation of this island and the river here corresponds with the conformation of this island and the river here, shown on the map (Exhibit MAP-4), which would suggest that the photograph was taken looking eastward of this river. Would that refresh your recollection Mr. HAEBERLE?

A. I really couldn't say, because I don't know. It

was one corner in which the - -

IO: (Interposing) If it were, then it would be right over here (indicating), then.

COL WILSON: B Company laagered up close to the river.

A. Yes, but they met up, those two companies.

Q. How far did you walk after you arrived with Bravo Company?

A. Not really too far.

Q. Well, 50 feet?

A. No, more than that.

Q. Well, that's what I mean. Did you walk a mile?

A. It could be. No, I won't say that, because I don't know.

MR WALSH: B Company was well up in that area by 1100 that morning.

A. Is that right? Well, that's probably what it would be then. This doesn't look to be too wide of a stream, looking right across here (indicating). I remember walking along the trail a while and then turning in some sandy soil.

COL WILSON: May I ask, Mr. HAEBERLE about photo Exhibit P-28C. Did you take this when you were coming in for a landing?

A. I believe so.

Q. Was that the purpose of the smoke?

A. Right, you know, wind direction.

Q. Did you land where that smoke pop was?

A I believe somewhere - -

Q. (Interposing) Do you remember seeing it when you got on the ground there, when you got off the aircraft?

A. Not when I got off, no. It's too hard to recall on that.

IO: Well, for the sake of the record, let's go through the photos which you took.

COL WILSON: There are two photos that have not been identified, sir, Exhibit P-26C?

A. Task Force Barker planes on that.

Q. Is this Dottie?

A. I believe that would be Dottie. That was the task force tactical landing area.

IO: Did you take that picture when the choppers are coming to pick you up?

A. I think it was the first lift or second lift, when they were coming in. That one right there.

Q. All right, Exhibit P-27C?

A. On out to my left.

Q. Second lift?

A. Second lift.

IO: Major ZYCHOWSKI, let's go through those from Bravo Company and see if there is anything in there that Mr. HAEBERLE recognizes.

COL WILSON: Exhibit P-21.

A. They were talking--interrogating one of the small children.

IO: Is this (Exhibit P-22) Sergeant MINH with the glasses?

A. Yes, that's the one that went with us.

Q. Who was the other one?

A. Lieutenant JOHNSON.

Q. Lieutenant JOHNSON?

A. Lieutenant JOHNSON.

COL WILSON: That was Exhibit P-22.

A. Here's the man that they were questioning, by this hut. And, he was more or less the head of this area. And, that's where they found the VC uniform under the rock. We stopped at a few different places on the way, searching for things in the grass huts. I think this is, I can't say for sure, the way of our travels toward our final destination where, they stopped and the helicopter picked us up.

COL WILSON: Exhibit P-18.

A. I think this here is around our final destination where I ended up, because those are people they rounded up and are questioning.

IO: Who had brought those in. Bravo Company, or had Charlie Company married-up with Bravo Company by this time?

A. I'm not sure.

Q. Do you remember Charlie Company joining with Bravo Company?

A. Yes, I believe, I'm trying to recall, but I believe another company did come in. They did marry-up around this time, late, and I was about ready to go. The helicopter was coming in to pick myself and Jay ROBERTS up.

COL WILSON: Exhibit P-23.

IO: Do you know the name of that Captain?

A. That's the CO of Bravo Company.

Q. His name is Captain MICHLES.

A. MICHLES, he was the one - -

Q. (Interposing) He was the one that was subsequently killed with Colonel BARKER.

A. Oh, he was?

Those that I mentioned before were, we were en route.

COL WILSON: Exhibits P-20 and P-58. I have a question on these two photographs. Is that a child lying beside the woman?

A. Are these my contact sheets?

(Major ZYCHOWSKI handed Exhibit P-43 to the witness.)

A. I can't say whether that's a child or not. It looks like two feet.

Q. Why make this particular photo, do you recall?

A. I just kept on shooting away. Just a reaction. The child could have been asleep for all I know.

IC: I suggest that it appears to be a canteen with the mouth of the canteen in the lower left area.

A. That's a canteen there, definitely.

IC: Well, then, let the record show that Mr. HAEBERLE was speaking about something that appears below the staff that the soldier is carrying in front of his body in this photograph. He doesn't know whether that's a child or not. He agrees that the object here above the staff is a canteen.

A. It could be just a roof maybe or something else like that.

IO: When you were with Bravo Company, did you hear any discussion concerning any unusual activities which may have taken place in the morning?

A. Well, I believe it was telephone communications between MICHLES and somebody else in the company. I remember just a comment after that that they were all women and children and sort of laughing, sly remarks.

Q. That's what MICHLES said?

A. Yes, I believe it was MICHLES. Just an off-the-cuff comment.

Q. Well, did you talk to any men of Bravo Company while you were there?

A. No.

Q. Did you see one platoon come in from the southwest from the bridge area here (indicating) later on in the afternoon to join the company?

A. Not that I can recall.

Q. When Bravo Company had joined up with Charlie Company, did you see the National Police there or ARVN soldiers?

A. I didn't stay in that part.

Q. When you left My Lai (4) and flew to the east with ROBERTS, who accompanied you on the helicopter?

A. Sergeant MINH and "Bull" JOHNSON.

Q. They were on the same helicopter with you? They were with you all the time you were with Bravo Company?

A. Yes.

Q. Do you recall the helicopter that you departed on?

A. What do you mean?

Q. From Bravo Company?

A. From Bravo Company?

Q. Bravo Company. Did anybody come in on the helicopter, or was it just a supply helicopter?

A. I think it was a supply, because it took us back to Task Force Barker and I believe picked up a hot meal. It was ready to go.

Q. Anybody on the helicopter besides you and ROBERTS?

A. Not that I can recall.

Q. Do you recall anybody in that laager area shooting any PW's?

A. No, but the one man I pointed to in the one photograph, "Bull" JOHNSON and Sergeant MINH and someone, they were questioning and they took him along when I first went over.

Q. And, I understand he remained with them through out the afternoon and went into the laager site?

A. He was with them all the time I was there, that I noticed.

Q. What did you do when you arrived back at LZ Dottie?

A. We were waiting around for a helicopter to take us back to our base camp. I believe, if I can recollect, two helicopters came in from Americal Headquarters. Some general's helicopter and this major that was under Colonel BARKER, didn't like us around when the big general came around, you know, we were a bunch of peons in his estimation.

Q. What time was that, do you recall?

A. It was late in the afternoon.

Q. Do you say that the CG of the Americal Division was there?

A. I believe that's whay they said, that he was coming down, two choppers came in, and I believe it was

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the general's helicopter. Whether that was him or not - -

Q. (Interposing) And, what did you do then?

A. Jay and I just stood and waited for the helicopter, waiting for our ride back to our base camp.

Q. Did you go back on those helicopters, or what?

A. The general's helicopter? No.

Q. What time did you get back to Bronco?

A. I can't recall that, sir.

Q. When you got back to Bronco, who did you report to?

A. The personnel in our office. I went in to our office.

Q. Did you talk to any senior noncommissioned officer, or any officer there to tell them what you had seen during the course of the day?

A. I believe we might have said a few things here and there, but we didn't go into detail. None of us were questioned on it.

Q. Well, I'm not worrying whether or not you told people what you had seen.

A. I mentioned a few things that had happened, but I can't recall what I said.

Q. Did you ever hear of MACV regulations concerning the reporting of war atrocities? Let me read it to you.

IC: May I have have the regulation number please, General?

IO: MACV Regulation 20-4, dated 27 April 1967. And, it says in paragraph 2--the title of this incidently, is "The Inspection and Investigation of War Crimes." It says:

> "This directive is applicable to all alleged war crimes, violations of the subject of the Geneva

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> Convention inflicted by hostile forces upon U.S. military or civilian personnel assigned in Vietnam or by U.S. military personnel upon hostile military or civilian personnel."

Paragraph 5 states:

> "It is the responsibility of all military personnel having knowledge or receiving a report of an incident or act thought to be a war crime to make such incident known to his commanding officer as soon as possible. Personnel performing investigative, intelligence, police, photographic, graves registration, or legal functions, as well as those in contact with the enemy, will in the normal course of their duty, make every effort to detect the commission of war crimes and report the essential facts to their commanding officer. Persons discovering a war crime will take all reasonable action under the circumstances to preserve physical evidence, to note the identity of witnesses present, and to record by photograph, sketch, or descriptive notes the circumstances and the surroundings."

A. To begin with, I never had a copy of that, or never even heard of it. Nothing was ever mentioned like that to me. Second, I believe I mentioned a comment about it. I turned my film--my black and white film over to them and said, "Here's my film. Here's the results." Now, if there is an information officer there, he reviews this. I mean, I'm not the writer on the thing, and whatever comes out of it - -

Q. (Interposing) No, but what I'm getting back to is, you throughout the course of the day saw something that, in my judgement was pretty horrendous. And, from what I can find, and what you've indicated, you may have casually mentioned this to somebody. To your recollection, you did not report this to the--your senior sergeant?

A. I told them, what I believe it was--I can't say it word for word, but it was mentioned, that I said something had happened. I believe there was women and children in this

also, I believe I did mention that. But, actually going and describing in detail every move, no.

Q. Where did you receive your photographic training?

A. I received it at Ohio University. I have a Bachelor of Fine Arts.

Q. Did you receive any photographic training in the military?

A. No, I trained people in the military.

Q. Prior to your departure for South Vietnam from Hawaii in December, did you receive training with other personnel of the brigade?

A. What type of training do you mean?

Q. Well, specifically, I'm talking about training in rules of land warfare? I'm talking about training in the Geneva Convention, the care and treatment of PW's?

A. I took pictures a lot and stuff. I rarely attended classes and that.

Q. When you were in South Vietnam did you receive a card--this is Exhibit M-2, entitles "Nine Rules"-- such as this?

A. I believe we all received something. I can't recall if this was it, or not.

Q. Would you review that and indicate whether you received that, or not?

(The witness did as requested.)

IC: May I see it?

(Counsel examined the Exhibit M-2.)

A. I believe I have seen it, but I just can't remember.

IC: May I see this just a moment?

Q. Yes. There is another card as well, which I understood was issued also to all personnel within the MACV command. This is entitled "The Enemy in Your Hands." I'll ask whether you have seen one of those, and whether you had received one of them? (Exhibit M-3.)

IC: Does this have an exhibit number?

IO: Exhibit M-3.

(The witness and counsel examined the exhibit.)

A. I can't recall whether I had this one, or not.

IO: Do you know who is responsible for issuing this?

IC: May I have a moment to read this please?

IO: Do you know who is responsible for issuing these cards within the 11th Brigade?

A. It would have to be either the company commander or - -

Q. No. Within the brigade headquarters, who was responsible for handling them?

A. Well, that's the S3, he's training, right? I'm not sure if it would be the S1 or the S3.

Q. Well, to the best of our information, it was handled by the PIO office.

A. PIO?

Q. Yes, the office that you worked for.

A. I don't remember handling those.

Q. Mr. HAEBERLE, can you tell me why you took your private camera along with you?

A. I always have taken my private camera no matter where I went through my whole Army career. I've taken pictures of different things. In fact, some of my own personal pictures I have used for news releases. To begin with, the Army didn't have a camera in Hawaii. I used my own personal camera all the time for taking these pictures, and even bought my own film at times, to you know, try to satisfy people and get them--because a lot of people in the Army do like to make the weekly newspaper and that. I sort of started the office out using my own equipment. I've always been taking personal pictures.

Q. Well, you were in a rather privileged position, however, weren't you, as a photographer?

A. Yes, I feel I was very privileged.

Q. Did the thought ever occur to you that these pictures might really more properly, belong to the Army?

A. No. No.

Q. What were you going to utilize all these pictures for?

A. Would you repeat yourself again, please?

Q. What were you going to utilize all these pictures for?

A. All my personal pictures?

Q. Yes.

A. Sort of as a remembrance of my 2 years of duty. Everybody, all the GI's in Vietnam take pictures with their cameras and bring them along, and different things. Their personal - -

Q. (Interposing) I know, but all the GI's in South Vietnam don't belong to photographic units and are not photographers.

A. Well, there are a lot of photographers over there

that do take their own personal pictures also, that are photographers. I had not been told not to take personal photographs. If I was told, I wouldn't take them, that's all there is to it.

Q. Did you have in mind making up a photo lecture?

A. Yes, I did. My tour in Hawaii. Going to Vietnam. Showing what we do, and the pacification which it was made up. The good things, and finally this last scene turning into something else. The way I presented these slides to people, and also mention the Tet offensive and what the Viet Cong did. What atrocities they did, and let the people who viewed these come up with their own conclusion.

Q. Did you have these pictures of comparable scenes of the Tet offensive?

A. No, I did not. Because our area wasn't really involved with the Tet offensive. There wasn't really that much going on in our area. But, this was supposed to be an operation in a Viet Cong stronghold, so I would have my chance to have some pictures of actual battle.

Q. Well, you will notice in looking at your black and white as compared to your color photos, your black and white photos from a point of view of content are comparatively bland. Practically without exception all of the pictures of what might be termed atrocities appear in your color photos. Did you have any purpose in mind when doing this?

A. No, I'm just wondering if all the black and white photographs are there.

Q. How many cameras did you have?

A. I believe in my own mind, I can be wrong, I believe I had two Leicas. One with a wide angle and one with a normal lens. That's what I believe, but I could be wrong. I had my own personal loaded with color, with an FTN head, which is automatic exposure adjusted to the f-stop and shutter speeds.

Q. Your Nikon?

A. Nikon.

Q. Well, we have the sequences from two rolls of film.

A. I stated that I did shoot two or three rolls of film. But, also looking at the sequence that I was looking at before--that's why I want to take a copy of these and study them. The sequence seems to jump. Again, I could be wrong, but I'd still like to check that out.

Q. In your judgment, you saw nothing wrong with taking these pictures which are pictures of atrocities with the point of view of using them for your own personal reasons?

A. I have used them for my own personal reasons, I had them for a year and a half and myself, I didn't know this was the My Lai area. I knew on the map when the CID came around, generally what area it was in. But, there's no way I could say. "Look, here's a newspaper. Here's what happened." I mean, there's nothing--the Army could have said, "Aw hogwash, that never happened." So, I just showed it to different groups to find out their reaction, how they felt, and explaining what happened during--what they read in the newspapers during the Tet offensive. The part that really turns me a little bit, I can't recall when I read it, was the AP wire release showing the American GI charging ahead with his rifle and some guy on the ground protecting him. And, here's the story of big success. I more or less used some of these slides to discredit the news media, showing how they can really turn things around.

Q. Yes. Putting this thing in its proper content, looking at what you had, you didn't like what you saw, evidently. That's what you're telling me.

A. No. I didn't like what I saw.

Q. Nobody likes this.

A. In fact, at the office we said a few things about the women and children and that. I'm positive I mentioned that, but no one really--the information officer didn't question me on it, or the sergeant didn't question me on it. No

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one. They considered it a great success.

Q. But, you see here's something that bothers me. I'm an American Army officer, and I have 34 years service. We've got one of the highest moral codes that you could possibly imagine, and I have never seen anything like this. I've never heard of anything like this. And, anytime there was anything mentioned about any kind of action where anybody was mistreating anybody, it has always been my practice to make sure this had been taken care of. That's the kind of code that Colonel FRANKLIN, Colonel WILSON, and these people live on.

A. Okay, General, let me ask you this. If there was an investigation on this, why the hell wasn't I contacted when they knew a photographer was out there? Why wasn't I contacted when the brigade was investigating this, and they had talked to troops in the field, who had participated in this? Why wasn't I contacted? I would have been glad to supply the color film.

IO: I think in all fairness, I should respond to your questions, Mr. HAEBERLE. You asked if there was an investigation conducted, why weren't you contacted? I would really like to say that I would like to have the answer to that. But, that may also explain why we are here. The purpose of this investigation, or inquiry, to avoid duplication, is to determine the accuracy of any investigation which was conducted, to determine the sufficiency or the adequacy of any reviews of such investigation. Also to determine if there had been any attempt to suppress information concerning the incident, or you might say, to cover it up. That's basically what we're trying to seek out.

A. Could I just ask you this? Jay ROBERTS was still in Vietnam. I left shortly after. Was he ever contacted about this during the investigation by the brigade at the time?

Q. I have no indication that he was contacted. When did you leave Vietnam?

A. Well, I think you know more about that than I do. I think it was somewhere about the 23d or 24th I left Vietnam, and I was discharged the 27th from Fort Lewis, Washington.

Q. This is the 16th, and how many days after the operation did you remain in the Duc Pho area?

A. I believe it wasn't too long after that that I remained there.

Q. Do you remember the name of your senior noncommissioned officer, in the PIO Shop?

A. The senior noncommissioned officer, that's Sergeant First Class STONICH?

Q. STONICH?

A. STONICH.

Q. Did you talk to him about what you saw? Either you or ROBERTS during the course of that day?

A. I cannot recall that--whether I did talk to him, or not. I believe Jay and I were just talking around the office - - just what happened.

Q. Do you remember talking to Lieutenant DUNN about it?

A. He may have been in the office. I'm not sure if he was there.

Q. Did you see much of Lieutenant, or Captain MOODY?

A. I can't recall if MOODY was there. He was more or less gallavanting around. He wasn't really that hot of an information officer. I thought he was very poor.

Q. What was he doing during--you say he wasn't interested in this PIO business. What was he doing?

A. Well, he was very well disliked by, I'd say the people in the office. Because, like we get an assignment, like a television crew came in, we'd want to go with them so we could shoot also. But no, Lieutenant MOODY would grab the camera and be the big photographer and take off. But, from the TV people I heard he got in the way and stuff. He wouldn't let us go out on different assignments that we wanted to go on. We were the photographers, he was the information officer.

Q. Well, you fellows in that PIO office, you were a pretty small tight-knit outfit as I would understand you. Because I am familiar with the military and how these things function, too. Helicopter crews and PIO outfits and MI detachments particularily when you're dealing with a handful of people. Can you remember talking about this with anybody besides ROBERTS that day?

A. The way I recall it is that I did mention some things on it. I mean it was just two people in the office. To the best I can recall. But, what specific I said--I'm sure I mentioned about babies and children, but other than that - -

Q. (Interposing) Did this tend to upset your stomach a little bit?

A. It did, that was the last set of pictures I have ever taken. I haven't taken any more pictures. I'm not even in photography anymore. Look at Jay ROBERTS. He wanted to be a big businessman. Look where he is now.

Q. Well, that's the thing I was talking about when I mentioned--one point that I have always looked upon in the military is the code of ethics under which we live, and knowing something like this to yourself without going to someone there and really telling him what the score was.

A. You know the trouble as I see it, General, is the people higher up don't receive all the information. I think we're just as bad as the Viet Cong. The atrocities that I've heard just working in the PIO office I did--the offenses they had committed were just hearsay.

Q. Did you feel that as a member of this headquarters, the brigade, that you had access to go to, let's say the chief of staff there, the brigade commander, the executive officer and so forth. That the door was open anytime if you really had a problem to lay out, or to go to the general staff, the G1, the G2, the G3 the operations officer, and the G4, and the G5?

A. I didn't feel that way at all. I really didn't. General LIPSCOMB was in charge prior to that, and you just

more or less kept to yourself. Maybe a few people in the office were, as you say, were a close-knit family. They'd talk, you know, in your office, but that's about it, as I feel.

Q. Well, I'm sorry you're leaving the Army with that impression - -

A. (Interposing) I've worked with higher people, higher up in the headquarters and I've seen where PFC's and sergeants could do a lot better job than the officers.

Q. What about the division IO officer, did you know him?

A. No, sir, I didn't personally know him. Maybe he's been in our office a couple of times, but that's all.

Q. Lieutenant Colonel DIONNE?

A. I've heard of his name, I believe he was there maybe once or twice. As far as--he spent most of his time, I believe with MOODY. We didn't even get a chance to talk or anything.

Q. Mr. WEST, I believe you had some questions you wanted to ask?

MR WEST: Yes.

IC: Before you leave that, may I ask a few questions of Mr. HAEBERLE? I think I might bring out some of the relevant facts here, if I may?

IO: Yes.

IC: Mr. HAEBERLE - -

MR WEST: Let the hearing be recessed.

(The hearing recessed at 1540 hours, 17 January 1970.)

(The hearing reconvened at 1541 hours, 17 January 1970.)

IO: The hearing will come to order.

RCDR: All persons present when the hearing recessed are again present.

IC: Mr. HAEBERLE, what were you told was the purpose of taking pictures as an Army photographer, in black and white film?

A. Mainly for just newsworthy events in hometown news releases of the American GI.

IC: By meaning newsworthy?

A. Maybe a small child who is on a crutch, or maybe helping South Vietnamese civilians by passing out food, pacification, or stuff like that, say like in a group not identifying any one single person. To me, the hometown releases are related to a single person only.

IC: Why were you using black and white film for this Army photograph work?

A. There was no facilities around that area to process color, and they did not want color, because of newspapers do not use the color, or at least, our office.

IC: Were you told that you were making a record of the whole history of the war as far as you see it? Or, only what had occurred?

A. Mainly, what was going to be published currently. Like, we had to make up scrapbooks for the officers, like the general we had to present him with a scrapbook when he left and a few colonels, plus majors. You know, scrapbooks for memories

IC: Now, if you were acting as an Army photographer then for that purpose, and using the black and white film, how can you characterize the manner in which you were acting or what you had in mind when you used your own camera with the color film.

A. In my own mind, the color film was for my own

personal--to remember what happened in my own mind. I couldn't believe--a photographer training for quite a few years, you react. And, I react with a camera and not a rifle. I photographed these for my own personal--just to remember something really different that I had seen. I fulfilled my job as a photographer for the Army and even though it was required of me. The black and white were, and also some of these pictures that are on here that do show--let me show you one for example that you can clearly look at that--you can see where the rifle bullet is hitting the sand or a couple of shots away from it, and you can see, I believe, there is a body lying there. I don't want to make a concrete statement to the fact that I believe there are some more photographs, black and white.

IC: Now, whether there are or not then, did you feel that in making the distinction there was, between the kind of photographs that you took with the black and white film, and the kind of photographs that you took with your own color film, in drawing that distinction, you were doing your job as an Army photographer?

A. Yes.

IC: That's all. Thank you.

MR WEST: Mr. HAEBERLE, let's go back to Highway 521 south of My Lai (4), where the north-south trail joins with 521. Mr. ROBERTS told us about seeing a helicopter making slow passes over that area and firing into a line of bushes to the south. Do you recall that now?

A. No, I'm sorry. I know there was a helicopter in the area. See, the times that I mentioned before, I could have been over here and Jay could have been over here (indicating). Generally, we were together, but not shoulder to shoulder.

Q. But, you did get down to Highway 521?

A. Yes, sir, I did.

Q. Now, Mr. ROBERTS also told us of seeing people along the road, and the squad that accompanied you and Mr. ROBERTS

down in that area came within 75 yards of 521, and fired on these people and several fell. And, later he remembers the squad examined the people on the road and according to Mr. ROBERTS' recollection there were three or four bodies?

A. That's correct. Those are the ones that I photographed out here, because I walked in between the bodies.

Q. Mr. ROBERTS said, "I didn't walk to them, but it looked like military-aged males." Is that what you saw?

A. They were dressed in black pajamas, I could see no weapons.

Q. I wondered if perhaps there were more than that in that vicinity, up and down the road?

A. Well, of course, one, two, three. But, up where the clump of trees are and the cows were in the one picture, there were people ducking behind the trees and in the ditch pulling their cows into the ditch, what looked to me to be women and small children. There could have been men there too, but they were a little far away.

Q. Well, do you recall whether there were more bodies along the road there than three or four? Mr. ROBERTS thinks - -

A. (Interposing) Three of four along the road, there may have been more scattered along the ditch, but I hadn't ventured to find out. Some of the photographs do show, the one with the brains was down in this area, plus the one with the GI's looking through the belongings of another body.

Q. Did you look in a westerly direction down 521?

A. That's this way? No, I didn't look down that way.

Q. Did you see any refugees move along the road at

this time?

A. When I was actually down there?

Q. Yes.

A. No, I didn't see any.

Q. As you approached?

A. Yes, as I approached they were along the trail walking. That's the part that really--they fired at--they were firing at these people and like the three males up there just seemed to keep walking along. I mean, they started firing their M-16's, machineguns, threw a couple grenade launcher rounds out that way.

Q. They didn't try to take cover?

A. It just didn't seem that way, until the male bodies started dropping down, and then you could see the people pull the cows off the trail. But, I mean, at that instance when they were firing, I can't understand that.

Q. They didn't react quickly?

A. They didn't react that quickly, no. Unless, at a distance - - you know, it takes a bullet--that's faster than sound. When that grenade launcher went off, I believe they were shot by the time the grenade launcher could go off.

Q. I believe nobody as yet hasn't mentioned the grenade launcher to us, but someone was firing an M-79 too, along with the M-16?

A. I believe that's the story, yes.

Q. Well, then they probably would have been with the squad. My question is was this squad with the 3d Platoon, probably Sergeant SMAIL who was in charge?

A. A Negro?

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Q. No.

COL WILSON: There were, as far as I know, only two Negro squad leaders, and both of those were with the 1st Platoon. However, some of the photos taken were with the 3d Platoon.

MR WEST: I believe you testified that on your way back up from the road to the hamlet, that you did observe two people, one with a machinegun firing on a group?

A. It looked to me like a machinegun and as I recall, an ammo bearer beside an old--as I got a distance away, that's what it seemed to me to be.

Q. Could you give us an approximate time that you saw this?

A. You mentioned--okay, maybe you can mention--

Q. The dustoff time when CARTER was dusted-off was 1025.

A. Well, this would be earlier.

Q. Way earlier?

A. Yes. Do you have any idea what time I went into the village, at this general point?

IO: Precisely at 0900.

A. Okay, this would have to have happened between that time and the time I saw this.

MR WEST: Could you estimate maybe 10 or 15 minutes before?

A. Oh, it was on the way back. So, anywhere between a 30 and 15 minutes.

IC: May I suggest to Mr. HAEBERLE that the distance from this road that runs south-southeast through the southwest corner of the village over to the road that runs south from the center of the village, apparently it was something like 150 to 180 yards, only.

Now if you were looking from the vicinity of this road that runs from the southeast corner of the village, eastward, would that consideration give you any better impression as to where those people were when you saw them being machine-gunned in relation to this north-south road that runs south from the center of the village?

A. It depends where--I could have been--if I was over this way, it could have moved it over into here (indicating).

IC: Closer to that north-south road?

A. Right.

IC: And, perhaps on it?

A. It could be on it, yes, but I can't say for sure.

IC: It was your impression until you thought of this instance, that they were somewhere between these two roads, is that right?

A. Yes.

IC: But, if the distance is as short as is indicated, they may have been on that north-south road, is that your present feeling?

A. Yes.

IO: On this photo (Exhibit P-45) which is perhaps a little clearer, although taken later, you may have been over--about in here (indicating) which is the area you are talking about.

A. Okay.

Q. Looking this direction on the ground.

A. I was more back away from the village though, and I wouldn't - -

Q. (Interposing) Well, this is down to the south.

IC: Indicating that you were south of the village and had clear sight eastward past the village.

IO: That would have been there where the bodies were along the trail. That would have been here (interposing).

A. If I was over here, this isn't in a direct line with all this. I was coming up here. This is the corn-field area right here, or up on here someplace. This is the area where the 80mm mortar was set up in here some-place (indicating).

IO: You indicated that the mortar was set up in this area somewhere?

A. Yes. I'm trying to figure out where I turned in by that corn field, but I do have a clear shot that way.

IC: Looking east, southeast of the village.

IO: This furrow has the appearance of just another rice bank between the paddies, looking at it from the front. So, I see what you're getting at. From what you indicated here and your previous session, it would appear to me that this group and the group indicated by your number 3 is the group along the trail, it could have well been one in the same group.

A. Yes. That's what I said to the CID fellow, that it could be on the trail. For all I know, this isn't that good.

MR WEST: This is helpful. It does check out what you saw.

IO: That would have been about what time?

MR WEST: About 0830.

IO: Oh, it was a little later than that. Were you going down or returning?

A. I believe I was returning.

Q. There would have been just a few minutes before 0900.

A. I said 30, 15 minutes. I could be wrong.

IC: To make sure this is clear in the record, may I see the color photograph please?

(Major ZYCHOWSKI handed the IC Exhibit P-41.)

IC: I'm handing you photograph Exhibit P-41. Is that the group that was taken that we've been speaking of, that was on the north-south road, south of the center of the village?

A. That's the group of bodies.

IC: Very well.

MR WEST: Mr. HAEBERLE, as you returned from your trip down to 521 and approached My Lai (4), did you hear firing in that hamlet at this time?

A. I could hear firing when I got out of the helicopter and all the way down and when I came back up, I did hear firing.

Q. When you arrived back, say where the mortar was set up, was there still the same volume of fire in the hamlet?

A. There some pretty wild firing going on.

Q. Where was the fire when it died down and stopped?

A. That was when I was actually going into the village, when we made a walk through, and it sort of died down.

Q. When MEDINA moved out and you went along, what was the state of the firing at that time?

A. Well, they were killing animals, maybe off in the distance.

Q. But, there was no great volume of firing at that time, such as there had been before?

A. I heard a couple, but I don't know what time. I heard some large volumes, but what time, I don't know. It was just sporadic.

Q. But at this time when you started through, it was just sporadic fire, I take it?

A. Yes, I remember they were killing the pigs in the pen.

Q. Mr. ROBERTS told us of the incident. I believe it came after the incident which you saw where the group of women and girls were shot down of which you were about to take a photograph of a wounded boy on the trail and you were focusing the camera on the child and someone shot him. Could you tell us about that incident, please?

A. A small child came walking towards me and he needed medical attention, and he was shot through the arm and shot through the foot around the ankle. And, he kept walking towards me, and I kept on focusing, and I kept backing up and backing up. This GI knelt down beside me. I didn't know it at the time, because I kept taking the camera and backing up. Three shots were fired. The first shot hit him in the stomach. The second shot lifted him up in the air. The third shot put him down. A stroboscopic effect one, two, three. And the body fluids came out of his back.

Q. Do you have any idea who that was?

A. He was--I can remember the expression on his face. It was hard, no emotion. It seemed like a southern person, maybe young.

Q. Do you know WIDMER?

A. No, I do not.

Q. WIDMER was one of Captain MEDINA's RTO's, although he was not carrying a radio at the time.

A. I don't remember a person having a radio on his back,

but I can't say for sure. The boy was a little older than 4 years of age.

Q. Along about the time or shortly after the dustoff of CARTER, do you remember hearing orders issued by Captain MEDINA to stop the killing?

A. Not stop the killing. I heard some GI's went through there saying, "Hey, cut out the shooting. There's too many GI's around the area." So, that's when this fellow pulls out his bayonet and starts stabbing a cow, or little calf. You know, just kept--in the sides and in the face.

Q. You mean instead of shooting the cow he started stabbing it with his bayonet?

A. Yes.

Q. Well, what I'm trying to get at, we have evidence that along about the time of CARTER's dustoff or a little bit after this, Captain MEDINA received a call on one of his radios instructing him to stop the killing. This word was passed on to the platoon leaders, and was passed on to everybody. I wanted to ask if you heard any of this, if you were in the vicinity of Captain MEDINA.

A. I was in the vicinity. I didn't hear this.

Q. Do you remember how many rolls of film you took, black and white film?

A. I'd say two or three. Two or three.

Q. Did you have two Leicas?

A. I believe I did.

Q. Do you remember reloading?

A. Yes. I can remember reloading the camera. I believe they had three Leicas in the office.

Q. Well, I won't ask you the obvious question, whether you ran out all the film when you reloaded.

A. Well, to reload the camera, you would run out all the film.

Q. You can't remember then whether you used up two or three rolls?

A. No. Not specifically, right now.

Q. Am I mistaken, it seems to me according to the story in The New York Times you were more positive on that point.

A. No. I never released anything to The New York Times. Nothing went out.

Q. Well, some other kind of media, then?

A. You can't believe everything you read.

Q. You're not sure then whether you turned in three rolls as opposed to two rolls?

A. That is correct.

Q. Moving ahead now to when you were with B/4/3, Mr. ROBERTS told us that you left and went back to landing zone Dottie on a helicopter, which at that time brought in Captain KOTOUC, the S2 of Task Force Barker, and I wanted to bring you back to that point to see if you recall that?

A. I'm sorry, but I can't.

Q. Mr. ROBERTS testimony--I'll find it here in a moment--said:

> "I requested that they get me transportation back to landing zone Dottie, and when the helicopter landed, Captain KOTOUC got off of it. I was really surprised. I looked at HAEBERLE, and said, 'Isn't that Captain KOTOUC?' he said, 'Yes.'"

Then ROBERTS went on to say:

> "I didn't even know he was in Vietnam."

A. Captain KOTOUC? No, I don't even know Captain KOTOUC. I can't recall Captain KOTOUC.

IC: May I ask how to spell the name?

MR WEST: K-O-T-O-U-C. He pronounces--Captain KOTOUC pronounces it that way.

A. No, I'm sorry, but I can't recall Captain KOTOUC. I never knew Captain KOTOUC.

IO: Mr. MACCRATE?

A. Do you have a photograph of Captain KOTOUC?

IO: As a matter of fact, we do.

A. Could I see the photograph, please?

MR WEST: Yes, we'll get it for you in a minute.

MR MACCRATE: I'm very interested, Mr. HAEBERLE, in what you say about your feeling there were more photos than we found. The thing we want to be sure of is that we have all the photographs. Now I would like to show you Exhibit P-43, which is frame 1 through 27 of 1 roll and Exhibit P-70, which are frames 25 to 36.

A. Frames 25 to 36 and 1 to 27?

Q. Of a second roll. And, you will see that is a total of 39 photographs. You have indicated that these photographs were taken during the same period of time, in part. And therefore I think it is reasonable to assume that the film taken, Exhibit P-70, was taken with a different camera from the film taken with Exhibit P-43.

(The witness reviewed Exhibit P-43 and Exhibit P-70.)

(Mr. WEST left the hearing room.)

A. Let's see. I'm in the field, but before I went into the village, I shot these shots.

Q. But, if you had two cameras, and you were taking them simultanously on the two cameras, it would appear there are some you took on P-70, then you picked up the camera and

took some on P-43, then you went back to the first camera, then on to the second camera.

A. Here, I'm still on the outside of the village. As you say, I went back to the other camera. Now, when I finish a roll of film, I reload.

IC: Let the record show that he's pointing there, as he said that, to frame 35a on Exhibit P-70, which is the last one on that.

A. Now, there is a finished roll of film. Now, there's a cause to reload the camera.

MR MACCRATE: So, that after taking the photograph of the interrogation of the man with the two children, you would have reloaded the camera in which that film was held. Would that be your recollection?

A. That could be. I'm still not in the village yet, here. Well, here I am here, but I'm still in that same area, that cornfield. This is near the cornfield.

Q. Now, can you state whether the first frames in Exhibit P-43, frames 1 to 5, for example, were taken before or I should say, were they all taken after the last frame on Exhibit P-70?

A. I wouldn't really want to state that unless I have a chance to sit down and figure it out.

(The witness oriented himself to the sequences on Exhibit P-43 and Exhibit P-70.)

A. What it could be is I could have gone, one, two, three, four, transferred, five, and came back--

Q. (Interposing) Well, so we are clear that you could have gone frame 31, 32, 33, 34, on Exhibit P-70, and then gone across and started with number 1 on Exhibit P-43.

A. Then gone either shooting this next or this next (indicating)--

Q. (Interposing) Either shooting 35 and 36 on Exhibit P-70,

or shooting--

A. (Interposing) Two, three, and four.

Q. Two, three, and four on Exhibit P-43.

A. Yes.

Q. So, that you are unable to say at this time, whether you took the roll of film reflected--or that part of a roll of film reflected in Exhibit P-43 on the same or on a different camera from that which you used for Exhibit P-70. Are you inclined to one recollection or another?

A. I am inclined to say that when I was shooting here, that I switched to a shot with my other camera, then went back to the other camera, or continued on with this one.

Q. So, you would say that Exhibit P-70 reflects photos taken on one camera and Exhibit P-43 on a second camera?

A. Yes.

Q. Now, do you have any recollection of any specific episodes, or events, or people that you photographed that day that you do not find on the two exhibits that are before you, Exhibit P-70 and Exhibit P-43?

A. Well, I thought that in that cornfield, that Captain MEDINA was around that area also. If I remember right, somehow it seems that I took a few more pictures of him in that area. But, I'm sure not sure.

Q. In the area of the cornfield which shows in frames--

A. (Interposing) Two, three, and four.

Q. Two, three and four of Exhibit P-43.

A. And, then out around these people here, but I'm not--

Q. (Interposing) And, then also out around the interrogation of the old man and the two young children on Exhibit P-70?

A. I believe so, but I'm not certain. You see, here you've

got a picture of the captain.

Q. Are there any other pictures that you would have thought you would have taken and of which you have not seen copies here?

A. I can't recall. I just kept on shooting with the camera. There could have been. There may have been, there may not have been. I'll go two ways on it.

Q. We are leaving no stone unturned and we certainly have found nothing more than we have here this afternoon. If there is any line of photographs--

A. (Interposing) Yes, sir, there is still a question in my mind, but I cannot say either way.

Q. The 17 color photographs that we have here, you're going to, after the session, try to put in order for us in accordance with the numbers reflected on the negatives.

A. I thought we were going to wait on that until I received the correct order on that from Life.

Q. Well, that's what we would like you to do.. Not this afternoon. I realize that can't be done this afternoon, but after today's session. But, there are only 17 photographs there. My question is, did you in the course of this operation on 16 March take any other color photographs, other than the 17 that are reflected there?

A. I just made the statement that it could be. It could be.

Q. Well, I'd like to get closer to fact.

A. Some of my luggage is still over in Hawaii yet. I went back there to live for a few months and I took all my belongings with me. Whether these slides are in my trunk back home, or my other two footlockers in Hawaii, I don't know. But, I have a whole collection of slides.

Q. Well, Mr. HAEBERLE, we are going to the bottom of this and making every effort to make certain we find all that

there is to be found out about this event. And, if you have any other photograph that you have not, to this time, produced, we indeed want to see them so that we are confident that we leave no stone unturned. Now, how can we assist you in making certain that you have explored all possibilities?

A. I'll cooperate in everyway, I'll check back home in my footlocker and see if there are any slides in there that pertain to this operation. But, if not, they'll be in my personal belongings in Hawaii, or I believe they would be.

Q. Well, we are anxious that it not be said--as well as our desire to get to the bottom of this--that we have left something that is of great interest to us.

A. Well, I'll cooperate in everyway possible. I gave these slides to the CID.

IC: May I speak with Mr. HAEBERLE a minute?

MR MACCRATE: Yes.

(The witness and his counsel conferred.)

A. If I don't have these slides at home, I figure they are in Hawaii. They may not be now, maybe nothing there, I'm just assuming. Would you send me back to Hawaii to check that out?

IO: Before we make a commitment on that, I'll have to reserve for the moment, would it be possible for us to have those foot lockers picked up and flown to you?

A. My distrust--no.

Q. You could have them sealed any way you want.

A. I'm still--I'm sorry, but I still don't trust the Army.

Q. What about having them turned--you arranging to have them turned in to a commercial shipper to be shipped by air from Hawaii to your home location, or to this location?

A. No, they wouldn't be shipped to this location.

Q. Well, I say, wherever you want them shipped to.

A. No, I was planning to go back to Hawaii myself and pick these up, someday. Let me check at my home first, they could be packed in the foot locker back home. But, I'll check that out.

Q. Well, by the time we get back together again, I'll give you a response on this other.

A. Very good.

Q. I would prefer however, instead of sending you to Hawaii, we make arrangements through any agent that you want, to have them flown from Hawaii to your point of residence.

A. I'd like to do it the other way around. That's my feeling. One other question, General, are you going to give me a copy of these color photographs to take with me, for when Life calls me on Monday at 1400, so I can make reference to what they're talking about?

Q. No.

A. Then there's no way that I can help you in giving them an order by identification number.

Q. Are you going to be here?

A. No, I'm not. I'm going to be in Cleveland.

Q. Then, we'll send somebody to Cleveland with them.

A. All right, fine. Because I would have to get my slides together. I do have duplicates of everything. I can get as many color photographs as I want from Life.

MR MACCRATE: Mr. HAEBERLE, you, at the PIO shop at Duc Pho, are situated next to the chaplain, I believe, aren't you?

A. Yes, that's correct.

Q. Did you in connection with this operation before you left Duc Pho, have any contact with the chaplain that you

recall, or was he around your shop at any time that discussions of this sort, that you have described, were taking place?

A. No, the chaplain is an officer, and he made out that he didn't care for our PIO shop that much, because we used to play baseball out there and he planted a couple bushes and I happened to knock into it and knock it over. Ever since then, we didn't play baseball by his bush. I never did see him over there that much.

Q. Well, is that--

A. (Interposing) That's my reason for saying he didn't come over to our office. But, I had no comments with him whatsoever.

Q. Was there a man by the name of FORD in the PIO shop?

A. Specialist Five FORD?

Q. Yes.

A. First name--

Q. (Interposing) Do you know his first name?

A. James?

Q. James FORD?

A. That might be it. I know a Specialist Five FORD.

Q. Have you any knowledge of his whereabouts today?

A. He was in the Army for, I believe, 4 years. I don't know. He's supposed to be in the Army yet.

IO: Was he an IO type?

A. He was a clerk typist. Because of his ears, he had to have that job. He couldn't go out in the field.

MR MACCRATE: You indicate in your testimony an awareness that there was some type of investigation conducted. When did you first learn that an investigation was being conducted?

A. When the CID approached me.

Q. You heard nothing about this when you were at Duc Pho? Or, before you left Duc Pho?

A. No, nothing at all. There was a phone call Friday by some--I believe it was a major, who got hold of my mother, who finally gave him my address to get hold of me, he said some people from the CID from Washington would be in to see me on Monday. And, I asked him what it was about. He told me, "I can't tell you, I don't know."

Q. This was in 1969?

A. That's correct.

Q. Now, going back to Duc Pho, will you be a little more precise in your recollection as to when you left Duc Pho? On the 16th?

A. No, I cannot. I know when I was separated from the service. I believe it was March 27th, which should be on the records. But, when I left, I cannot.

Q. You have no recollection whether you were at Duc Pho for one night, two nights, three nights?

A. I know I was there, as far as I can recollect, for two nights. A farewell party. I can remember that night.

Q. You had a farewell party at Duc Pho? Do you remember who attended that farewell party?

A. About everyone in the PIO office, and a few friends of mine.

Q. Well, who were some of your friends around Duc Pho?

A. Duc Pho? Oh, all the PIO. Bob SHORT, Michael LINDWICH, Jay ROBERTS, Dean HOLSON, or something like that, Sergeant STONICH was there, Lieutenant DUNN, Lieutenant REHM.

IO: Lieutenant REHM, R-E-H-M?

A. REHM. Maybe I should--no, I think, REHM, I'm not sure, I believe he was transferred to a different unit. I can't remember if it was before that, or after. I'm not sure, I think he was transferred before.

Q. How about the headquarters commandant who was--I understand was quite close to the IO section?

A. Glasses--Captain--

Q. (Interposing) Was it GORE?

A. GORE? That's Lieutenant GORE.

Q. Lieutenant GORE.

A. Lieutenant GORE, I don't think he was there. I know the Korean tailor was there, Sergeant STANSEL I think he was there, and that's about all I can say concerning the matter. That's about all I can recall.

Q. Now, you suggested a very serious charge in your testimony a little earlier, and I think it behooves you either to be very specific about it, or to make clear that you have nothing specific on your mind. But, you indicate that you had information about other atrocities. And, you just took this particular event as a matter of course. Now, that's a terribly serious accusation.

A. In my mind mainly through gossip of GI's. It's all hearsay, hearsay, hearsay. What can you really believe? Is it true, or are they making up a big story? If they brought me photographs to the office and say, "Hey, look at here. Look at these pictures." That's fact. Hearsay is not fact.

Q. Well, this is what I'm driving at. Do you have any specific instance of any sort, at any time, and any place that you can tell us about this afternoon, or is it just a kind of generalization that--

A. (Interposing) I have no specific fact, date, time, place--hearsay.

Q. Do you have any person who said such a thing to you, the name of the person?

A. No, I don't.

Q. Now, one thing we're concerned with here is what corrective steps may be needed with respect to procedures. And, you have described two aspects of your indoctrination and instruction. And, as I understand, you were saying generally that you had no instruction before you proceeded to Vietnam from Hawaii.

A. With respect to photography?

Q. No. With respect to the rules that should guide you in the conduct of your work in the PIO branch.

A. No. I really can't, because I just more or less just used to finagle my way out of things by taking photographs. I'd do it for different things, but usually it was my job, to stay out taking photographs.

Q. Well, when you were in Hawaii, you must have gotten to know some members of the brigade.

A. Oh, yes.

Q. Did you get to know any of the individual companies?

A. No, not really. Before I did, but there was an influx of troops to build up the brigade before we left, and I really didn't get a chance to know them. I also had a month's leave, in, I believe it was September when the new troops were coming in. I really didn't get a chance to know them.

IC: I understand your testimony to be that although the training was available, you found ways to avoid it? Is that what it comes down to?

A. Yes, there were certain duties that had to be performed in relation to my job as a photographer. The way I avoided some of these training sessions was to say that I'll take pictures of this. This was part of my job--of training sessions--in different areas that was going on.

MR MACCRATE: I think you said, in answer to your counsel's question is that you were instructed as to the purpose of your

photographic work. By whom were you instructed?

A. Throughout--from the beginning as I was told all the way along, is what we want, and it's been said over and over again.

Q. Well, could you be specific in identifying the--

A. (Interposing) Hometown news releases for American GI's.

Q. No, specific as to the people giving you the instructions as to the time and place.

A. Time and place, no. The people would be from our office.

Q. Well, can you identify those people, please?

A. Well, it would be Sergeant STONICH, Lieutenant MOODY, Lieutenant REID, if they want a hometown news release; that's mainly what we were reporting on, newsworthy events.

Q. And, did you get any written instructions at any time as to the photographs you were supposed to take, or were all of these instructions oral?

A. No. Most all of these were all oral. We had an assignment chart up with our name and what event we were to go to.

Q. But, you received no general written instructions at all to guide you with respect to your photographic work?

A. No, not that I can recall.

MR MACCRATE: Mr. HAEBERLE, I show you a photograph that has been entered into the record as Exhibit P-52. You can see a man holding a name plaque on his chest that says Captain KOTOUC. Do you recognize him?

A. No, I don't recognize him.

Q. Let me direct your attention again to the incident which you saw a little boy shot, I believe you said, 3 times.

A. Yes, sir.

Q. Did you look at the man who shot him?

A. I looked at the expression on his face, yes, sir. I sort of remember a little bit about him, but very faintly.

Q. I show you photograph Exhibit P-9 on your black and white. I direct your attention to the soldier on the right as you look at him. Does he look familiar to you?

A. I can't really say. Now, it could, but it couldn't. He had a straight serious face. It could look just a little bit like him. I just remember seeing the person's head. It was light, but really not that long.

MR WEST: Thank you.

IO: Mr. WALSH?

MR WALSH: Mr. HAEBERLE, who developed your black and white film when you got back?

A. I didn't.

Q. You didn't?

A. I'm pretty sure I didn't develop that.

Q. Do you have a man that develops film there?

A. CONEX container.

Q. Pardon?

A. CONEX container.

Q. Could you explain what that is?

A. CONEX container is a big Army steel square thing that's used to store things, that has two open swinging doors on it. It's used for shipping, United States shipping. Heavy steel.

Q. Did you normally develop your photography?

A. No, not--sometimes I did. More or less in the beginning I did do it. I could get down the time and temperature and that, as a regular. Then I turned it over to the regular people in the office who would do it.

Q. Anybody particular?

A. No one in particular, no. Usually Bernie GMITER did most of the processing.

Q. Did you turn the film over to him? That is, the black and white?

A. I'm not sure who I turned it over to. Somebody in the office I turned it over to.

Q. Do you have any recollection of seeing the black and white photographs before you left?

A. No, I don't.

Q. Where were the color photographs developed?

A. They were developed at 4176 Western 29th, Cleveland, Ohio, processed by myself.

Q. You developed them yourself?

A. Correct.

Q. Do you have any record indicating how many photographs were developed out of this bunch? A charge slip, or anything to indicate?

A. There is no charge slip. I developed them myself. I buy the chemicals and process them myself, and these were all films from December 6, throughout my tour in Vietnam.

MR WALSH: I have no questions of Mr. HAEBERLE, sir.

IO: COL WILSON?

COL WILSON: You said you presented these photographs to, as I remember, civic clubs in the Cleveland area?

A. Correct.

Q. Did you show the photographs which are the color photographs?

A. Correct.

Q. What did you say when you presented these photographs?

A. I described what I saw that happened.

Q. If you gave a description of what happened to a civic club--how many civic clubs did you present this to?

A. Well, I started out with the Cleveland Optomist Club, and I just started to work at that time, and--wait until they finished over there.

(The IO and MR MACCRATE conferred.)

A. Different civic clubs, well, the J.C.'s, Kiwanis Clubs, one high school in the southern part of Ohio, a church group, youth group.

Q. Well, let me ask you this, what is the total number of people do you think that you presented this to?

A. Anywhere from 600 to 1,000.

Q. If you presented these from a standpoint of possibly Americans killing people like this, and you presented it to 700 to 1,000 substantial citizens of Cleveland, I wonder why somebody didn't say something about that?

A. Okay. Around the same time, you know, the Tet offensive, I mentioned some of the things that I heard that had happened. What happened at Hue, and I let the people come up with their own conclusions. I didn't go and say, you know, "This was wrong." I just let them come up with their own conclusion of it. Because at the same time, I was a little bit affected by the Tet offensive and the things I had heard happened to civilians and that. Because I wanted to find out what the people felt on this.

Q. Did Sergeant STONICH ever say anything to you about these particular films not being favorable--leaving favorable impressions about the Army?

A. Not that I can recall.

Q. Did you ever show these films to Lieutenant JOHNSON--or photographs to Lieutenant JOHNSON?

A. Photographs to Lieutenant JOHNSON?

Q. Yes.

A. No, I don't believe so. I don't believe I've seen him--the last place I've seen him was at My Lai, or that other place.

COL WILSON: That's all I have, sir.

IO: Do you recall the name of Captain MEDINA's driver?

A. No, sir, not his driver.

Q. Do you remember his grade?

A. No.

Q. Do you recall when you were in Hawaii, having received instructions on the Geneva Convention and signing a card to that effect, or initialling your personal records?

A. I may have; I'm not sure.

Q. Would you state again for me why you wanted this kind of picture to go into your photographic catalog, more or less pictures of atrocities, or the other side of the war?

A. Yes. After the Tet offensive, it was hard for me to believe that our own American GI's would do something like this. But, mainly because of all the action, because, as a photographer, you react. That was more like myself as a machine. Psychologically, I felt wrong. I was more--I was stunned. It was hard to believe this was happening. The machine came out and took the photographs.

Q. Did you ever feel compelled to go to the legal side of the military or the inspector general side of the military or the chaplain's side of the military?

A. I had learned to keep my big mouth shut. You're a group, not an individual.

Q. That's your impression of the Army?

A. That's my impression of the Army.

Q. But you never at any time felt compelled to tell people what you saw, even as serious as it was, you didn't--

A. (Interposing) I didn't know who would believe it.

Q. Well, you had the proof; you had the pictures. You also had the color photographs, which is more than ample proof. If you had wanted to use them for this instead of for your own purposes.

A. You know something, General? If a general is smiling wrong in a photograph, I have learned to destroy it. What would happen if I had turned my color in? What would have happened to that? That was my personal work. That would never have gone up there to be developed. My experience as a GI over there is that if something doesn't look right, a general smiling the wrong way, a picture of this, I stopped and destroyed the negative. I can't remember the instance, a couple instances throughout my Army career that I have taken photographs because someone was doing--maybe smiling the wrong way or something. It wasn't just right.

Q. Well, I'm real sorry that you're left with this impression of the Army because I could bring down several IO's that I have known and that I have worked with, and they would find what you're telling them, I'm sure, quite contradictory to all of what they have done.

A. You could be right, General, but sometimes I have spent more time printing pictures for the officer's personal things, you know, putting pictures of my wife and myself together at social functions.

Q. Now, Mr. HAEBERLE, I would like to get your signature on this photo, even recognizing that it is done from memory. And, if you'd prefer not to sign this at this time, and wait until such time as you can get together with the color photos, I will have this photo--

A. (Interposing) I would prefer not to.

Q. All right.

A. It would benefit both myself and you.

Q. As a matter of fact, in light of this, at least make a note to revise this one area here (indicating) which you have marked by numbering 3 to explain that possible location elsewhere. Rather than making a new one, I think this will suffice by just changing the annotation.

A. Right, just put a plastic over this and just read it.

IO: Does anyone have any more questions?

MR WEST: Yes. Mr. ROBERTS told us when you got back to LZ Dottie, you went into the Task Force Barker TOC, and Mr. ROBERTS made the attempt to talk to Major CALHOUN, and Major CALHOUN in effect threw him out.

A. That was probably because a big colonel was coming and a little peon couldn't stay around.

Q. Well, he didn't indicate that. He said he went outside, I don't recall if he said you were with him or not, and met Colonel BARKER, who took him back in, at least he took Mr. ROBERTS back in and gave him a briefing on the operation. Were you there at that time?

A. No, I wasn't with ROBERTS. I can't recall being with ROBERTS at that time.

MR WEST: That's all I have.

IO: Mr. HAEBERLE, can you tell us why you think this happened?

A. This is my own personal opinion from what I've been able to gather?

Q. That's right.

A. I didn't know at the time what motivated this to happen, but what I'd been hearing was that Company C was under strength, from what I hear, because in a certain area--and the prior things that had happened prior, booby traps, sniper fire. And I heard this, Sergeant COX was killed prior to this and he was pretty well respected by all the men. Somehow, I felt, what happened was a psychological dealing on human emotion that would put in the drive to really resent this area. But, as far as hearing any briefing or as they say now, pep talk, no.

Q. Well, did these people appear to go about this in a methodical method?

A. Business like. It was like a computer would run.

Q. Like just what they were supposed to do?

A. That's the way it seemed to me.

Q. All right. Mr. RUDD, with respect to the notes which you have retained, the very nature of this investigation has been confidential. Although I am probably remiss for not asking you in the very beginning, I would ask at this time if you would allow us to retain your notes. This is a confidential investigation and I believe that the rules of society would dictate that I want nothing of this investigation to get to the press or to the public, so I would make that request of you at this time.

IC: Well, General, I certainly would assure you that I will not permit them to get to the press, or to the public. And, if my client consents, I would be perfectly willing to provide you with a photostatic copy of the notes. But I think I ought to keep the notes.

IO: You will give me your professional assurance that there would be no breech of security with respect to your notes, and with respect to public notice?

IC: Yes.

IO: With respect to any form of news media?

IC: Yes.

IO: Do you see anything wrong with that?

MR MACCRATE: No, I see nothing wrong. It's perfectly acceptable.

IO: Well, I appreciate that.

IC: Thank you.

IO: I would, for our purposes, ask you however to--or indicate that we would like to comply with your suggestion that we make a duplicate copy of them, which we can do in a matter of minutes.

IC: I'd like to consult with my client about that. I think that I am engaged by him, and I think these are, in fact, his property.

(Counsel and the witness conferred.)

IO: I'll withdraw that last request.

IC: All right. Thank you.

IO: Does anybody have any additional questions they would like to address to Mr. HAEBERLE?

(Negative response from members of the inquiry team.)

Mr. HAEBERLE, I would again repeat what I indicated in the very beginning. We have specifically directed all of the military personnel not to talk with other people about this investigation or the investigation process of the incident. As you well know, I cannot direct you, but I would request that you neither directly or indirectly or through others, discuss the My Lai incident including subsequent investigations and reports with any person who may have been

connected with the incident in any way, or has been a witness in this investigation. Of course, as I indicated, there are certain things or bodies such as legislative bodies or judicial bodies in which this would not be acceptable. And here I refer specifically to the investigation sub-committee of the House Armed Services Committee. And of course, to any court-martials and so on. Now, before closing, I'll give you this opportunity to ask any questions that you would like, or if you would like, to enter a statement into the record.

A. Not really. There are only two things about this whole thing that sort of bug me a little bit that I think are very poor. Number one is the judge advocate at Fort Benning. KENNEDY, I think is his last name, was trying to prosecute people for talking. And I think he is very poor in judgment. I didn't receive my letter until Tuesday saying that he was, possibly--because I talked on Monday. I think this was very poor because I didn't receive this until on a Tuesday, and the letter was returned on Saturday. If a person in the position such as that could say something like that, I think that--well, that's a comment I made to the press. I told them about that.

To show that I've been cooperating, I paid for the telegram, $4.18, that was sent by this committee here to ask to have me called back here because it was sent to the wrong address.

IO: By this committee?

A. That's right.

Q. We can refund that.

A. According to your telegram, I had to pay for it, and I paid for it.

Q. Is that correct?

RCDR: I'm sure we can get that refunded.

IO: We'll arrange to have that refunded.

A. That's not problem. I just thought I'd make it clear.

Q. No. I want to make sure that it is refunded.

A. It's just that I'm trying to help out and then I receive something like that.

IO: Do you have anything further?

A. Nothing.

IO: All right. The hearing will recess.

(The hearing recessed at 1650 hours, 17 January 1970.)

(Subsequent to this testimony, on 19 and 20 January 1970, MR HAEBERLE was interviewed at Premier Industrial Corporation, Cleveland, Ohio, his place of employment, by MAJ ZYCHOWSKI. At that time MR HAEBERLE annotated an aerial photograph, Exhibit P-1, to indicate the route which he possibly followed through My Lai (4) on 16 March 1968 and the possible locations in which he took photographs, Exhibits P-29 thru P-42. The annotated aerial photograph was subsequently received in evidence as Exhibit P-188. MAJ ZYCHOWSKI prepared a memorandum concerning the 19-20 January interview which was subsequently received in evidence as Exhibit M-52.)

SUMMARY OF TESTIMONY

WITNESS: HANKS, John G. MAJ (USAF)

DATE OF TESTIMONY: 3 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Forward air controller, 11th Infantry Brigade.

1. RESPONSIBILITIES OF FORWARD AIR CONTROLLER.

The witness stated that he normally flew an O-2A, fixed wing, twin engine, push-pull, observation aircraft (pg. 4). He flew in conjunction with ground units, to check certain areas for the brigade, and to make general visual reconnaisance (pg. 4). The witness learned of the operations for any certain day from the aviation officer who attended the brigade's evening briefing (pg. 6), and from informal conversations with other aviation personnel (pg. 7). Occasionally, the witness would visit troop commanders in the field to determine if they needed any special support (pg. 7).

2. THE WITNESS' ACTION ON 16 MARCH.

The witness offered that there is nothing in his mind to indicate that any of his observations were made on 16 March (pg. 30). The witness came on station at about 0915,16 March (pg. 9). The witness recalled seeing troops in My Lai (4) and Vietnamese moving to the north and to the west (pgs. 10, 11, 17). He recalled seeing over thirty Vietnamese dead in the village (pg. 12). He noted that the bodies were grouped on one side of Highway 521 near the hootches (pgs. 12, 13, 28). Other bodies were scattered throughout the village (pg. 14). The bodies seen were all adult (pg. 29). He noticed residual fires in the area

(pg. 14). He saw helicopters, guns and "slicks" in the area (pg. 15). The witness could also recall Navy Swift Boats being in the area (pg. 17). He stated that when he saw the scattered bodies he thought they were military-age males; the groups were assumed to have been killed by artillery (pg. 18). He could recall no "slicks" landing, no dustoffs, nor any radio conversations (pg. 20).

3. REPORTS OF AN INCIDENT.

a. Reports heard.

The witness heard no conversation from his comrades among the aviation personnel concerning Vietnamese casualties, although he recalled hearing of the cache of mortar tubes being destroyed (pg. 23). He knew of no confrontation between air and ground troops (pg. 24).

b. Reports made.

The witness asserted that he told Major GOLDEN and Lieutenant Colonel MACLACHLAN about the large number of dead he had seen (pg. 24). He recalled mentioning that the artillery must have caught them by surprise due to the large number of civilians killed (pg. 26). This was an informal conversation and was not a formal report (pg. 27).

4. KNOWLEDGE OF AN INVESTIGATION.

The witness could remember no investigation concerning the cause of death of a large number of Vietnamese on 16 March (pg. 24), or any investigation concerning the operation (pg. 28).

5. OTHER INFORMATION.

a. News of the operation.

The witness testified that he had read accounts of the 16 March operation in both the 11th Brigade and Americal news organs (pg. 25). He thought the report might have been exaggerated (pg. 25).

b. Exhibits.

Exhibits noted by the witness are listed below.

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-23	Americal News Sheet, 17 Mar 68	Wit had read.	25
M-57	Instructions to witness	Read by witness.	1
P-1	Aerial photo	Wit oriented.	5
P-31	Miscellaneous Scene	Wit stated he could have seen this scene from the air.	30
P-41	Miscellaneous Scene	Wit could not recognize.	27
P-45	Oblique aerial photo	Wit oriented.	12

(The hearing reconvened at 0947 hours, 3 February 1970.)

MR WEST: The hearing will come to order.

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

The next witness is Major John G. HANKS.

(MAJ HANKS was called as a witness, was sworn, and he testified as follows:)

Will you state your full name, Social Security number, branch of service, organization, and station.

A. John G. HANKS, Major, , United States Air Force. I'm in Squadron Officer School of the Air University at Maxwell Air Force Base.

MR WEST: Major HANKS, have you read our exhibit M-57 which describes the nature and purpose of this inquiry?

A. I have, Mr. WEST.

Q. Any questions about it?

A. No questions.

LTC PATTERSON: Major HANKS, do you recall to which unit you were assigned on or about 16 March 1968?

A. I was assigned as a forward air controller with the 11th Infantry Brigade.

Q. When did you arrive with the 11th Brigade to become a forward air controller?

A. I had been associated with the 11th Infantry Brigade from the time they were reactivated at Schofield Barracks. I trained with them for one year there. I was assigned to the 7th Direct Air Support Flight at Wheeler Air Force Base and I trained with the 11th for one year. When they deployed to Duc Pho, I deployed with them for a 6-month period.

Q. You were quite familiar then with all the personnel?

A. Quite a number of them. Yes, I was.

Q. Were you the only FAC with the 11th Brigade?

A. No, I was not. We had a Major GOLDEN and Captain BROWN and an air liaison officer, Lieutenant Colonel MACLACHLAN.

Q. Were Major GOLDEN, Captain BROWN and yourself the only three FACs?

A. Not entirely. When we were getting ready to rotate probably in March or April we started getting replacement FACs in, forward air controllers. Captain HARTENBAUER and Captain SCARBOROUGH were two of the replacements that came in. There was another one and I can't recall his name. The first name was Paul and that's all I can recall. He was a captain. That was a Major HARTENBAUER, by the way, not a captain. Major HARTENBAUER and Captain SCARBOROUGH.

Q. Do you recall the call signs of any of these individuals?

A. Yes. The four of us that were there originally, Colonel MACLACHLAN was Helix 31, I was Helix 32, Major GOLDEN was Helix 33, and Captain BROWN was Helix 34. And I don't remember what call signs we assigned to Major HARTENBAUER and to the captain, Paul something, and Captain SCARBOROUGH. I don't remember what call signs we assigned to them. Probably they were a continuation of the numbering sequence of 35, 36, and 37 temporarily until we vacated our calls signs and then they took them, but this I don't remember.

Q. We've been told that Grif SCARBOROUGH was killed.

A. That's correct.

Q. Do you recall when he was killed?

A. No, not exactly. It was after the date you're interested in.

Q. After 16 March 1968?

A. Right, it was after that. I don't remember when though, exactly.

Q. Do you recall his call sign?

A. No, this is a question I've been wondering about. He was going to take the Helix 33 call sign, but I'm not sure he had taken it yet. I think Major GOLDEN was still using Helix 33 in the period of time in question. I tried to check on this myself prior to coming up here. I did fly with Major GOLDEN on 17 March, and he was using Helix 33 on that date. I don't know if Captain SCARBOROUGH was also using that call sign or not.

Q. Would you be able to recognize the voice of either SCARBOROUGH or GOLDEN?

A. Yes, I could.

Q. With reference to 16 March 1968, Task Force Barker, a part of the 11th Brigade, conducted a fairly large operation in the Pinkville-My Lai area. Do you recall flying with this operation?

A. Not specifically.

Q. Have you checked your individual flight record?

A. I have.

Q. Did you fly on 16 March?

A. I did. I flew every day once or twice, every day from 27 February to 22 March. And I had a day's break at each end of this period. Then I flew continuously on both sides of that you might say.

Q. How much time did your records indicated you flew on the 16th?

A. Two hours.

Q. Do you recall how many hours you flew on the 17th?

A. Right, 2.8 hours, but the .8 of an hour was night-time and I remember that mission. This is when I flew with

Major GOLDEN. He and I went up at night and attempted to use the starlight scope, because from the report that the command post had received there were very heavy movements of troops along the beach and this was south of My Lai, down near Duc Pho. And so it was 2 hours daytime and .8 hour nighttime.

Q. How about 18 March?

A. Two hours.

Q. Kept a fairly balanced flying program?

A. We tried to.

Q. For the record would you indicated what type aircraft you were flying?

A. O-2A.

Q. Which is a--

A. (Interposing) It's a military version of Cessna 337, twin engine, push-pull observation aircraft.

Q. Fixed wing?

A. Fixed wing, that's correct.

Q. Would you briefly describe the responsibilities of and missions assigned to the forward air controllers in support of the 11th Brigade?

A. Well, the majority of our time, I would say, was spent in visual reconnaissance missions. Now sometimes that was in conjunction with ground unit movements and sometimes it was just checking areas for battalion, or brigade, or company, or whatever unit happened to be planning on moving into a particular area. Other times it was just general area visual reconnaissance. We put in preplanned air strikes and we put in immediate air strikes, immediate requests coming from the ground units, well both for that matter coming from the Army unit. But the majority of our time with the 11th Brigade, I would say, was spent doing visual reconnaissance for units that were in some kind of maneuver on the ground, some kind of operation.

Q. To help you recall perhaps or at least get into the time frame of 16 March. On 15 March, which was a Friday, General LIPSCOMB had a change of command ceremony at 0930 hours in the morning and departed the brigade shortly thereafter. This is supported, of course, by logs. Colonel HENDERSON assumed command from General LIPSCOMB on the 15th. On the 16th, the day after this change of command, is when this operation that we're looking into took place. Does that assist you in recalling the time frame any.

A. Not really. I remember the retirement ceremony real well. The Americal commander, General KOSTER, was down. We had the ceremony right down on the helipad, but I can't tie this in any way with my flying, because I was not flying in C&C ships during this period. Most of my flying was being done in the O-2. So in that way I can't really tie it with the retirement ceremony.

Q. Were you stationed at Duc Pho?

A. I was.

Q. And you flew off the fixed wing strip at Duc Pho?

A. At Duc Pho, that's correct.

Q. I'd like to show you an aerial photograph (Exhibit P-1), vertical of the My Lai--immediate My Lai (4) area and a map (Exhibit MAP-5), 1:50,000, and I'll orient you at this time.

(LTC PATTERSON orientated MAJ HANKS to the photo and the map.)

(MR WEST departed hearing.)

Do you recognize or feel comfortable with the map?

A. I do.

Q. Did you use the 1:50,000 map?

A. Yes, I did.

Q. Do you feel like you're oriented on the map?

A. Yes, sir.

Q. We have reason to believe, Major HANKS, that you were flying that day in this area. We'd like to see if you can recall seeing anything, or any part, or recall any unusal incident with reference to the 16 March operation.

A. Well, as I said, I can't really be sure that I am thinking of 16 MARCH. I'm really not that certain. I do feel that I recognize My Lai (4) and for this reason, most of the villages to the east of My Lai (4) were pretty well leveled, particularly Pinkville. It was all leveled. My Lai (4) was one of the first intact hamlets or whatever you want to call it moving to the west. And I think I remember My Lai (4), but whether or not it was on the 16th, I have no way in the world right now of tying it down. I can't do it.

Q. Okay, let's go back then to the 15th. How did you receive your missions.

A. We were scheduled, routinely, to try to keep a forward air controller in the air at any time an operation was going on, a ground operation where there might be need for air strikes. If there was no operation we simply spaced ourselves out, each pilot trying to keep his flying down to 2 hours per day. There were four of us, so that gave 8 hours in the air during a normal routine day. Now if there was an operation such as a heliborne assault we tried to have a forward air controller airborne, in the vicinity, where he could immediately request an air strike and get it on target as soon as possible.

Q. How would you get word of an airmobile assault the next day? Would you get it from the 11th Brigade?

A. I would get it from the 11th Brigade during our evening briefing.

Q. Would you go to the unit that was conducting the assault and coordinate?

A. No, they had officers that attended these briefings and generally I just, at my level anyway, discussed it with the officer who was there, who had been sent down by his battalion. Usually it was from battalion that they came down.

Q. Liaison officers?

A. Right, liaison officers. And I would talk to them if I had any questions. These got to be routine, and of course we were housed right next to the 174th aviation people. We saw them daily, throughout the day. So if there was an operation going on and we had any questions, there was a map right there in our hootch. Usually we were over there talking quite a bit in the evening anyway, and we'd be able to discuss in pretty good detail just what the plans for the next day were. As it was actually done down at the FAC level, it was pretty informal with the people that were actually going to lift them in there. And we talked with the liaison officer who came down to the evening briefing. I sometimes went out to the fire bases and talked to the company commanders or whoever was going to be involved in the move. I don't ever remember doing that though for the My Lai area or the Pinkville area as we called it.

Q. You'd have to hook a helicopter ride?

A. Right, I'd go out in the helicopter. I specifically remember going up to 4/3 several times and talking to them on some operations further out to the west and regularly with the 3/1 which is down in the Duc Pho area. With Task Force Barker I was in their fire base a couple of times, but never to coordinate one of these assaults.

Q. What part did Colonel MACLACHLAN play in getting the FAC's ready or oriented for the next day's operation.

A. Well, he would bring down the official requirement. He was the official scheduler. He was the one who made our missions go, you might say. But when he came down to tell us about it, generally we had all the details that he brought with him. We had them by the time he got back from his conference.

Q. Do you recall who the liaison officer was for Task Force Barker in the 11th Brigade?

A. No, I don't. In fact I didn't know many of the liaison officers, and the ones I did know I didn't know which unit--I mean I can't right now tie them to any particular unit.

I remember SMITH, but I think he was with the 4/3, a Lieutenant SMITH.

Q. Well, the operation that was to be conducted by Task Force Barker was a two LZ, multilift operation, two rifle companies being air assaulted, one company walking into a blocking position. It was planned for 0730 in the morning, preceded by an artillery prep on the first LZ, which was to the west of My Lai (4) in the open area, the paddy. We have reason to believe that the plan on the evening of the 15th, which was briefed at LZ Dottie, was that the second LZ was to be some tentative time after 0730 pending the availability of lift aircraft.

The 174th was tasked to provide the lift aircraft, but had to be augmented in order to accomplish the lift. They were augmented, we have reason to believe, by additional aircraft from other aviation units, so that on 16 March they had nine slicks involved in the lift and at least two gunships. In addition the aero-scout company, the 123d Aviation Battalion out of Chu Lai was involved in the operation and was given a screening mission to the south, generally south of Highway 521, covering the area from 521 to the Quang Ngai River. The artillery was planned to come out of LZ Uptight alone, rather than using both fire support bases, Dottie and Uptight.

We have reason to believe that the lift went off as scheduled, 0730 after an artillery prep, gunship suppression, lift touched down in the LZ at 0730. And the second lift into the same LZ was accomplished about 0747 according to the log. The lift was complete 0751. The first lift in was cold, the second lift there was some report it may be hot. The second LZ was moved up from an original planning time of about 0915, because of the additional aircraft involved. And the second lift went in somewhere to the southwest of Pinkville, south of 521.

A. That put them over in this area (indicating).

Q. They went in about 0815, lift complete about 0827. Two rifle companies on the ground; one rifle company was at a blocking position north of the Diem Diem River. The scheme of maneuver generally was that the company that landed to the west of My Lai (4) was to sweep to the east, linking up with the other company that was air assaulted. Task Force Barker

was almost into or out in the field. Anything of this scheme of maneuver sound familiar in any way?

A. Right, I remember this.

Q. What can you tell us about what you remember?

A. I remember just what you told me. I remember what the plan was. I wish I knew what time I flew on that day. This would really help if I could find out what time I was up there.

Q. I can tell you what I think. You came on station somewhere around 0915.

A. Around 0915?

Q. And you relieved Helix 33.

A. Okay.

Q. If you were 32.

A. I was 32, no one else used that call sign.

Q. If you were 32 we have reason to believe, according to the exhibit, that you came on station somewhere in the vicinity of 0915, sometime after 0900.

A. Okay, that sounds about right. The first 2 hours--

Q. (Interposing) Helix 33 was the original Helix on station.

A. That would probably have been GOLDEN. And can you tell me if I stayed in the area, did I stay in the area?

Q. We have reason to believe you put your 2 hours in on station. Just as 33 had put his 2 hours in on station by approximately 0915, which would have given him about his 2 hours flying time.

A. Well, let me tell you what I think I remember. As I say I'm really not confident that I got the right day.

I do remember this particular plan, just as I remember the retirement ceremony. But trying to tie my mission with a particular exercise unless something very unusual happened is pretty difficult to do.

I remember one mission though when we did have units on the ground up here. I came up on this particular day, I came over the Quang Ngai City itself, crossed the river there, (indicating), and flew up 521, coming in from the west. I don't know why I came in from the west. Normally I would have gone up the coast, but the reason I do remember coming up from the west is that when I got into the area where I was to work I had dropped down very low. I was quite low coming into the area and I turned and went over, and I saw our troops in this general area. I think it might have been My Lai (4). It was the first time I had seen us in that particular village. As I said, this one was undamaged. When I left My Lai (4), I had expected all activity to be further to the east, everything's pretty level over here during this period, there wasn't many buildings standing. There was not much ground activity going on, very little, and I don't remember if I received any small arms fire in that area at all that day or not, I don't recall right offhand. Things were very quiet. And I believe I ended up going, after looking over this area for I would estimate 15 minutes, to that company that was blocking to the north. I forget the company commander that had that one. He was killed in the helicopter accident, I believe he was the one up north. His name will come to me after awhile. I really spent some time with him, I believe, because people were crossing the Song Diem Diem. There were people fleeing to the north across there (indicating), and I was trying to call out some of them to him, if this is the right day, if this is the right exercise. It seems like I was talking to him trying to point out who was crossing which bridge and where they were going to the north. There were people going out to the west, also from My Lai (4). There's another bridge over here, let me see if I can find it. Well, I guess it was to the north, not to the west, moving toward a bridge to the north. But this was long after the lift had gone in, things were settled down, pretty routine. I said it's going to be another boring 2 hours, since I was out trying to see what I could spot on the ground. I believe I ended up spending most of my time on over toward Pinkville, and with that company that was blocking to the north, and with those to the south. But now the only reason I remember any of this is, I did see troops back

in the villages to the west of Pinkville, which I think was My Lai (4). It's the first time I had seen our troops in that village.

Q. On this particular day and not being able to say this is 16 March, do you recall getting a briefing, air to air briefing from 33?

A. If I did it was probably, "There's nothing going on up there," probably is all he said if I got one, because I don't remember him saying anything about anything happening that was exciting. As I recall it was pretty dull flying.

Q. On this particular day, 16 March, we have testimony that indicated there were a considerable number of people, Vietnamese nationals moving down to the southwest on 521, towards Quang Ngai City evading the area, a large number.

(The witness gave an affirmative response.)

As well as some moving out as you've indicated, to the northeast and north. It would seem to me that if you had flown up 521 you would have recognized the fact that there were a considerable number of people on 521.

A. That may have been why I came up 521, I don't know.

Q. You don't recall seeing the--

A. (Interposing) On two occasions I saw many people on 521 and I always thought that was back in Tet though. I didn't know it was this time. At one time they were stacked up, I mean literally thousands of them on the highway. I don't believe there were that many this day, but I recall once, and I think it was earlier, back in Tet when it took them all day before they finally cleared the highway. When it was over, there were dead all along the highway. I don't know, old people, I guess, dying from exhaustion and everything else. But this was earlier, I'm pretty sure this was not the 16th, I'm thinking of.

Q. Well, this day that you remember coming up 521 and seeing the people to north and flying low over the area that

you think was My Lai (4). How did My Lai (4) look to you at that time?

A. Well, most if it was still intact. I was going to say there were some fires, but I really don't remember if there were any fires in there. There were a number of dead throughout the area, throughout the My Lai (4) area.

Q. Vietnamese dead?

A. Vietnamese dead, that's correct.

Q. You were low enough to see them?

A. Yes.

Q. How many dead did you see, would you estimate?

A. I don't know, I would say over 30, over 30.

Q. Scattered individually or--

A. (Interposing) They were spotted here and there throughout the village. But again now, if I'm thinking of the right day, I believe there were greater numbers of them much closer together. As I recall it was this area here or right here (indicating). Now I'm pointing to the little group of houses, just south of My Lai (4). It seems like they were on the east side--correction, west side of the road. I'll say that the larger number that I'm thinking of, it was right here (indicating) I believe. You see this main road coming south out of My Lai (4) or just inside the village. Out of the--

Q. (Interposing) Pointing to the north-south trail, coming south out of My Lai (4).

A. And then as I said, I spotted dead here and there throughout the village itself.

Q. I'd like to show you photograph Exhibit P-45 which is an oblique as you can recognize. It was taken from west to east. You're looking at My Lai (4). In other words to the right of the photo is to the south of My Lai.

A. Okay, I see it.

Q. Does that give you a better aerial view perhaps?

A. That's not what it looked like at all. As I recall, what I mean is, the village was much more intact and it did not look at all like this.

Q. Well, this is a recent photograph.

A. Now, this is what the villages just east of My Lai looked like. They looked about like that. But this is not very helpful, frankly. But the major--

Q. (Interposing) Yes, we have a sketch of My Lai that's made by engineers. All right, you indicated that you recall on this day seeing some bodies just to the south of My Lai, generally along the north-south trail. How many bodies did you see here.

A. The most of them, probably 20.

Q. Were they scattered or were they bunched?

A. No, they were bunched; it looked like--they were not bunched. It looked like as though someone had at least drug them out of the roadway and drug them off to the same side of the road, I would say. If they had been killed on the road or had been killed in houses--and it just so happens that's the side the houses were on--they may have been killed in or around their houses, and just been taken outside their houses. They would have ended up on that side of the road anyway. I'm really not sure about all of this. As I say, I hope I've got the right village and I hope I've got the right day. I'm really not sure, but this is what I think. As I said, I was very low that day, if this is that same day.

Q. How low is very low?

A. 50 feet. As low as I could get. About as high as the trees, you could measure them, and find out.

Q. And could you state anything about the ages or sexes of these people in this group you saw there, south of the village?

A. They seemed to be of all ages and all sexes.

Q. Women, children, old men, young men? Is that what you mean?

A. Right. Let me say though, this is from 50 feet at about 100 knots, so that's the accuracy of this observation.

Q. I understand. And then you indicated that in your low passes over the village you saw additional bodies other than this one group?

A. Yes.

Q. They were scattered generally throughout the village?

A. Right.

Q. Did you notice whether or not there was any burning in the village area?

A. I'm not sure. I think there was some fires. I believe there was. It looked as if probably they were residual fires, maybe from the artillery prep that went in. I don't think I was there for the lift itself. I was not there. I don't know if it was just the smoulders left of the fires or there were actually fires burning. I'm prone to believe though it was just the aftermath of a fire, you might say. In other words, there was smoke coming up from here and there, but the village was not destroyed. It had been damaged more in the western part as I recall than it had been in the eastern part. It still was not destroyed, had not been leveled.

Q. Where were the ground forces, the friendly ground forces at this time, as you were making your low passes?

A. I saw them all over the area. They had pretty well gone throughout the village area. They were not in unit formation anyway, that I recall.

Q. Did you see any more larger groups, more than two or three dead in any one spot, other than the one you've described?

A. No, only there. That's all I recall.

Q. Do you recall the little hamlet, the subhamlet to the north of My Lai?

A. Well, I saw it, but I can't associate anything with that. No, I can't associate a thing with that. I don't remember troops in there. I don't remember any of our troops up there.

Q. Did you see any troops to the east of the village at this point in time?

A. To the east? No, not that I remember.

Q. Do you recall many additional aircraft of the helicopter variety being in the area?

A. Well, there were always slicks, and guns, and scouts circling there just like we were doing VR or flying resupply, or medevac, or whatever. Well, no, I don't recall. I know they were there; it would have been unusual if they had not been out. I think I would have remembered that.

Q. The reason I ask the question is because for you to get down to 50 feet at 100 knots in a fixed wing with helicopters also in the area, would have caused you some concern or caused the helicopters some concern.

A. It caused me concern, too.

Q. And to do this it must have been relatively clear, in order for you to get down that low.

A. Well, it was a clear day.

Q. Clear of helicopters.

A. Oh, clear of helicopters. No, there were helicopters in the area, but I was very alert for them, I looked for those things. Actually from our working altitudes which go from ground all the way up to 1,500 feet, you find helicopters all the way up. At 1,500 feet that's your C&C ship up there, and you'll find others doing one mission or another right on down. There's no altitude you're clear of them unless you go above 1,500 feet, and then you can't work from those higher heights.

Q. When you came into this area on that day do you remember checking if there was any artillery firing?

A. No, I don't remember checking. I would have done it though prior to entering, but I don't remember checking. But routinely I will call when entering an area like this and ask if they are firing.

Q. After you made your low passes over the area do you recall what you did then or where you went?

A. The best I can remember, all I did was visual reconnaissance. I moved on out to the east and tried to pick up what would look like males with weapons, if I could spot any of those moving. And as I say people were moving, I don't remember what kind they were or anything else, but there were numbers of people moving. I was trying to talk to the units to the north of the river in those blocking positions, trying to direct them to the movement so they could go out and intercept them.

Q. On 16 March, we have evidence to indicate that the Navy swiftboats were operating off the coast as well. And the unit was assualted into the southwest of Pinkville was moving over close to or perhaps even on the peninsula. Crossing the bridge just to the south of Pinkville in there (indicating), and moving down into this peninsula. Do you recall seeing any troops over in there and the swiftboats operating?

A. Well, I remember swiftboats out here and I remember troops in that area, but again I can't tie that to a date, because we were in there more than once. Routinely, whenever we had ground units in this area there would be people fleeing down to the south, down to this sand spit (indicating). And there's a ferry they had set up down here and they would cross into the Quang Ngai side of the river, go to the Quang Ngai side of the river.

And I do remember swiftboats being off the coast. And I remember units down there, but again I can't recall--now one thing I do remember about swiftboats--if you happen to have this bit of information, is that once, when there were what appeared to be VC fleeing, VC males, you know, carrying guns and what not in that area, they were out of range of our ground units and the swiftboats fired on them. Now did this happen the day we're thinking of? Did the swiftboats fire at anybody fleeing to the south? This happened on one of our trips into this area. I believe though it was on an earlier one. I think we had some armored units in there on this earlier one.

Q. We also have reason to believe that about 0945 in the morning, you indicated that you saw something impact on the beach and were concerned or wondering who was doing the firing.

A. Yes, artillery. I thought somebody had fired an artillery round.

Q. Or mortars?

A. Or mortars.

Q. Could have come from either swiftboats or from the organic mortars of the rifle company. Does that refresh your memory any?

A. No, because this is not unusual either.

Q. Do you recall seeing any dead bodies along the peninsula or in the area to the southwest of Pinkville, at this time?

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

Q. Do you recall seeing large numbers of people evacuating to the north, out of Pinkville?

A. There were some. I don't remember it being a great number. I think there were some going to the north though. Now, how many? I'd say groups of five and a group of three, you know, and a couple singles and so on, moving in that way.

Q. When you saw these bodies on this day in the vicinity of My Lai, whichever day it was, what thought struck you?

A. I thought the artillery prep had been off when they first fired and had gotten them.

Q. And what about the people you saw scattered through the village?

A. I thought that they were either killed that way or some of them in the village were males, military-age males. In fact, I'll say that I don't remember anything other than military-age males on the scattered part that went on into the

village. I thought possibly they had been killed in fire fights later on. Where I saw the mixed ages and sexes, I thought very likely they could have been killed by the artillery prep.

Q. That was the group to the south, immediately to the south of My Lai (4)?

A. Right. In fact, this was exactly my thought. And I said, "Well, the explanation for this is probably we haven't been in this area that many times and these people were not taking any precautions whatsoever and our artillery prep that morning, probably got them," because they just were not expecting an assault into that area.

Q. Were you monitoring or talking on the Task Force Barker command net?

A. Probably I was. Unless I had a specific message for some company, at times I couldn't talk to them, when there was too much traffic on the command net. I would switch over to the company freq and get my message across and then get back on the command freq. I changed frequencies pretty freely from the command to the various companies.

Q. Again to try to get you to fix 16 March in your mind, there were some events, coincidences that occurred that might help you to recall. One is our dustoffs; there was a dustoff. There were three as a matter of fact, however there would have been probably only two of these dustoffs occur while you were on station, maybe even three. The first of the dustoffs was to the--

(The witness interposed by indicating a location on Exhibit MAP-5.)

No, the first of the dustoffs, I believe, was to the area over near Pinkville, you might not have seen that one.

A. Okay.

Q. This was made by a regular medevac aircraft helicopter. The second dustoff was made by a C&C aircraft, also in the vicinity of Pinkville, in fact by Colonel BARKER himself on or about 0930 hours, 0935 hours, somewhere in that time frame. That one would have occurred soon after you arrived on station. Can you recall any conversations about a dustoff, and Colonel BARKER going in to get the wounded himself?

A. No, I don't think I would have been saying anything to him, except to know where they were coming from and if they had been receiving ground fire, I might.

Q. I thought you might recall monitoring that. The original call indicated they wanted a dustoff and they called for a dustoff. Then Colonel BARKER decided that he would go in and pick him up himself and take him back to--

A. (Interposing) Was there some reason that the regular dustoff would not or did not go in there?

Q. No, not that I know of.

A. That's another incident.

Q. You don't recall an incident of a C&C aircraft coming down?

A. No, this again was not unusual.

Q. The third dustoff occurred somewhere on or about 1020 hours, 1030 hours, after you had been on station an hour or so. It occurred right to the south of My Lai (4).

A. No. I was thinking, did we have any resupply in this area? Did we have any slicks resupply in anywhere in the area?

Q. Well, we had some slicks landing in there. They weren't resupplying as such.

A. I mean this is prior to dustoff, did we have slicks coming in here?

A. No, not to our knowledge.

A. Well, I think I did--

Q. (Interposing) Do you recall slicks landing in there?

A. Well, I thought I did. I'll just say I don't remember enough to make any statement about that. I don't remember any dustoff or anything.

Q. Okay. The second incident that might help you

recall is here in the vicinity of Hill 85. The Warlords, the aero-scout, with a little H-23 helicopter bubble and a couple of Huey gunships--

A. (Interposing) They killed a couple I think, didn't they?

Q. No, they discovered some mortar tubes, mortar rounds and inserted. They had been inserted when you arrived on station. They had troops on the ground, probably when you got there and were going to blow in place, the mortar rounds.

A. I remember that, but as I recall I heard about it after I got back on the ground. I don't think I saw this or maybe I heard them say we found something down here, but I'm pretty sure I remember this incident. It was one of the warrant officers that flew helicopters back at Duc Pho that I was talking to, that spotted these things. He was in the H-23 I believe, the one that spotted them. But you say Warlords, they came out of Chu Lai, so maybe this is not the same. What did they find? Can I ask?

Q. They initially reported two mortar tubes, which was subsequently changed to twenty 60mm rounds. And once they got in there and dug around they upped it to forty 60mm mortar rounds, according to the log.

A. Could you give me any names? What I remember about it, if this is the same incident, I heard about it when I got back on the ground. I don't remember anything while I was flying.

Q. Do you recall monitoring any radio transmissions with reference to the activity of the day? Do you recall seeing the dead here? Do you recall monitoring any activities or transmissions with reference to what's going on on the ground, between the C&C aircraft and the ground commander.

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

Q. Coyote 6 was the call sign for Colonel BARKER.

A. Right.

Q. Charlie 6 was the man on the ground in the vicinity of My Lai. Bravo 6 was on the ground in the vicinity of Pinkville to the southwest. Alpha 6 was the call sign of the individuals in the blocking position to the north.

A. Yes.

Q. Sane Drank Delta was the swiftboat call sign.

A. Yes, that's a standard call sign, all these mean, are standard call signs. But I don't remember any radio conversations that day. I mean, I know that we had some, but I don't remember any of them as being out of the ordinary.

Q. Do you recall flying there on the 17th, perhaps. The troops were still in the field on the 17th. We have reason to believe that B Company and C Company RON'd just south of the hook in the Diem Diem River--

A. (Interposing) Yes.

Q. On the night of the 16th. And on the 17th, B Company went down the peninsula, went to the east, and then crossed the bridge and down the peninsula. And C Company went due south. They went all the way to the Quang Ngai River and then turned around and came back and laagered in somewhere here (indicating), in the vicinity of My Khe (3) perhaps, or in this general area, the night of the 17th. Again they had little, but they did police up a few--

A. (Interposing) I think only one time, do I remember our units moving down here and back now. Maybe they did it more than once, but once I do remember them going down and back. And as you said there was little or no activity, that I recall. I think there was some minor fire fights down there (indicating), but nothing that would concern me, in other words. I didn't pay any particular attention to it. I mean no need for air support. I remember, I guess you can check your log and see if they did go down there more than once, but I remember them going down once and coming back. I don't know if we did that more than once or not, during this 2 month period.

Q. Do you remember seeing anything that day, troops?

A. Our troops? Our troops are very easy to see as you well know. There's no missing them. I remember seeing them moving along rather relaxedly, you might say, no particular concern.

Q. Do you remember seeing any dead?

A. No.

Q. Do you recall on the day that they were participating in their moving down and back, overflying the My Lai area or looking back over the area that--

A. (Interposing) Yes, to see if it had been cleaned up, policed up, and it had been.

Q. It had been. Did you see any burning on that day in the My Lai area or to the south as the troops were moving down there?

A. No, if I am thinking of the right day there was nothing of any significance at all happening back over to the west, the My Lai area. The only activity, as I recall this, was a very quiet day that those people moved. I mean, our unit moved down to the river and back. I don't remember any activity to speak of.

Q. Do you recall any large number of Vietnamese evading to the north on this day?

A. No, I don't. It seems like the only time I saw them evading in great numbers, was that first day.

Q. 18 March, the information that we have is that C Company, the Charlie unit, moved to the north, across on to the island or in that vicinity. They were extracted in the afternoon somewhere between 1420 and 1630. B Company moved on up the peninsula to the northeast, up toward this area. Alpha Company was in the process of going on back by foot. Do you recall participating with the ground unit on the 18th, to the northeast of Pinkville.

A. Let me ask something. Did this unit cross on over on to the Binh Duc and work on up?

Q. Not to my knowledge.

A. Not to your knowledge? I don't remember working with them then.

Q. They perhaps could have fired some artillery over there.

A. This little village An Hai (2), there were great numbers of Vietnamese in there. Usually when we were not around, you might say. And any time our units moved there--and this

was on several occasions--you'd see quite a number of them either getting in their boats and moving out or moving out on foot, one way or the other. Again this happened more than once and so I don't know about this day. Once we did cross on over. We had a unit that moved all the way around the Binh Duc peninsula and I was just trying to tie it with that particular movement.

(LTC PATTERSON gave a negative response.)

They did not do it. Okay, no, I can't say anything about that.

Q. Do you recall at any time in this time frame of 16, 17, 18 March hearing any discussion at Duc Pho, either at the 174th where you were socially involved or around the brigade headquarters, concerning any of the events that transpired within Task Force Barker?

A. Only that mortar tube thing, the cache they found down there is the only thing I can recall.

Q. Do you recall anything about a large number of casualties?

A. No.

Q. Vietnamese casualties?

A. I made a comment about it, just my own facts you might say--if this is the same day--and I said what I told you earlier, that no doubt the prep, artillery prep had caught those people unguarded, early in the morning. They just weren't expecting it in that area. This is the only reason the thing was significant to me. As I said, the village had been untouched prior to this and there was a number of dead around and I surmised that was what had happened, the first prep had gone in off target.

Q. Did you hear anything?

A. No. For one thing, most of the troops involved here moved back up to Dottie or Uptight. They did not come back down to Duc Pho.

Q. Did you hear any talk about any investigations being conducted into the casualties that were taken, and to determine how they were killed?

A. No, I did not.

Q. Did you hear any talk about any incidents or confrontations between helicopter people and the ground forces?

A. No.

Q. Did you see any helicopters land on either 16, 17, or 18 March, in this area (indicating), that you can specifically recall?

A. Not that I can specifically recall, but I know I saw them land, because it would have been very unusual had they not landed, and I would have taken note of that.

Q. There's another incident that I haven't mentioned yet. Sometime, probably during the time you were on station on 16 March, the bubble helicopter landed somewhere to the east of My Lai, 300 or 400 meters maybe. Also some gunships sat down there, or a gunship sat down and evacuated some of the civilians from the area. At one time there was the bubble helicopter and the gunship on the ground at the same time. Do you recall ever seeing this?

A. No, I don't, not particularly. Very likely I could have been on off to the east and a little to the north, up there with that other unit during this period.

Q. Did Colonel MACLACHLAN ever mention to you or ask you about any of the activities or the missions that were being performed by Task Force Barker in the vicinity of My Lai (4)?

A. No, nothing I can recall.

Q. Was it reported to you that he'd asked any of the other FACs concerning what they had seen at My Lai (4), or in the vicinity of My Lai (4) on 16, 17, or 18 March?

A. Not that I remember. As I said now, if this is the day I'm thinking of, I volunteered the information when I got back about the dead I'd seen.

Q. To whom?

A. I can't remember. I'm sure it was to Major GOLDEN and Colonel MACLACHLAN. I'm quite sure that's who it would

have been, because that's the people I spent most of my time with. You know, I said that socially I saw the 174th. I should correct that. It was more brigade aviation people, Major SMITH and whatnot, that I dealt with mostly, not the 174th. Now I did spend some time with them, but more brigade aviation people.

Q. Do you recall talking to Major SMITH or Mr. HONDA about it?

A. I sure don't.

Q. Do you recall any conversations or any rumors that you heard about any of the Task Force Barker operations?

A. No, I didn't. I did not. Did the Americal paper put out a blurb on the number of VC they had killed in this, 120 VC or something like that?

Q. Yes, they did.

A. Okay, I remember reading that and this was not in conversation with anybody else, and wondering myself, where were they? I do remember that. We got a little newssheet out of the Americal Division it seemed, and they put out a little blurb.

Q. I'd like to show you Exhibit M-23, the Americal News Sheet for Sunday 17 March, and ask you to read that please, sir. Is that the account that you recall reading?

A. This is it. Again, I don't remember anyone talking to me about any of this. I do remember reading this and wondering where they had been killed, what area they had been killed in. And I took it that some of them at least, and possibly more were these that I had seen in My Lai (4). You remember that I told you there were military-age males back in the village itself and I assumed this was a part of them.

Q. Well, did the thought strike you or was there any descrepancies with reference to the article and what you heard concerning the KIAs reported, and what you had seen that day?

A. Well, I thought the number was high, but again I was only there for 2 hours, and I didn't know when they

had been killed or what. Usually we didn't see the dead anyway. Again, just to have as many black suited males as I had seen was an indication that there probably were quite a number that I did not see.

Q. Well, with reference to the ones you recall seeing, of mixed ages and sexes to the south of the village?

A. (Interposing) All right, that's down to the south.

Q. Did you associate with the figures you read, there being a part of them?

A. I wondered if they had been counted.

Q. You wondered?

A. I didn't ask or go any further. I just wondered if they had been counted.

Q. Now you indicated when you recalled discussing this incident of seeing the bodies there within the FAC element.

A. Within the FAC with the four of us.

Q. Do you recall reporting what you had seen to Colonel MACLACLAN or to anyone else in the brigade?

A. Well, it wouldn't have been anyone else, if I said anything it would probably have been to Major GOLDEN and Colonel MACLACLAN. Now I did make a comment to one or both of them, probably both of them about the number. I said something to the effect that, "Gee, they really caught them up there this morning." I don't remember my words, I'm just assuming the way I normally talk, that's what I would have said.

Q. Do you recall whether or not you made any comments about the ages and sexes of those, you had seen killed?

A. I'm sure I did, because this is one reason I remembered those that I thought had been killed by artillery most likely, the southern part of the village.

Q. Do you know what action was taken or did you request any action or were you reporting it in an official nature?

A. Oh, no, it was unofficial. There were troops in the area and I had not put in the airstrike that killed them. The area was under observation and it never crossed my mind that I should be putting in a report or anything like that. This looked like a regular operation, this was the only one I'd ever seen like that, but the prep and the landing and all came off routinely. They had been sending back their reports routinely. As I said, I wasn't even there when this took place. I flew over later on and saw it, so I didn't even consider putting in a report.

Q. Then I understand that you did not. When you were talking about it, you were not making a report as such?

A. Oh, no, it was back in the tent and we were just chatting about the mission and I just made this comment. There was no report.

Q. And you didn't feel that it was your place to make a report or you didn't feel it was necessary.

A. Didn't feel it was necessary, because many people had seen it, everybody that was up there, and there were quite a number of people flying up there and troops on the ground also. So I didn't make any report. I did not put in an airstrike, I don't remember putting in an airstrike. In fact, the only time I would do it is if we saw something definitely hostile or if we ran into an enemy blocking position, and I don't remember doing this during this period.

Q. I'd like to show you photograph Exhibit P-41.

A. I've seen this in the paper.

Q. Do you recognize that scene as anything that you could have seen on 16 March?

A. No, in fact, I'm fairly confident this is not what I saw, because what I saw was not on the road. I said it looked as if they had been taken out of houses or something. They were not on a road.

Q. What were they on or in?

A. They were over to the west side of the road. They were pulled over to the west side.

Q. In a paddy?

A. No, it was not. It seemed like an area between buildings. It seemed like it was either in an area between buildings right here (indicating), in this little cluster of buildings to the south, or between the buildings right here (indicating), in the bottom edge of it, or possibly on this road. Again I could be all wrong on location, but it seemed to me it was either here, or through here, or right through here (indicating). Somewhere along here, off on the west side of the road. And they were not bunched that heavily, not bunched up that heavily.

Q. Did you ever hear of an investigation being conducted concerning this operation?

A. No, I didn't. I read since then that there was one, and I didn't know anything about it.

Q. Did you ever hear or discuss this operation other than the time that you've indicated you did, while you were in Vietnam?

A. No.

Q. Did you hear about the operation at any other time?

A. No.

Q. The hearing will recess.

(The hearing recessed at 1059 hours, 3 February 1970.)

(The hearing reconvened at 1105 hours, 3 February 1970.)

LTC PATTERSON: The hearing will come to order.

RCDR: All present when the hearing recessed are again present.

LTC PATTERSON: Do you recall seeing any bodies in the area of 521, the road running generally southwest to northeast, just south of My Lai (4)?

A. Yes, I think I did see a few along there. Not as many as I saw in the village, but I do think I saw a few.

Q. Do you have a feel for where you saw them?

A. Let me use this picture (Exhibit P-1). I think I saw them on the south side, generally, of 521, where this trail comes in and back this way aways, possibly some up here (indicating), too. It seems like they were right here where this trail hits 521.

Q. Let the record indicate the witness was pointing to the junction of the north south trail and 521, indicating, generally, to the southwest from that trail on or in the vicinity of 521. How many did you see in this area? Do you recall?

A. I would estimate five and no two were near one another. They were not close together.

Q. Did you see anyone shooting any people there?

A. No.

Q. Were the ground troops there when you saw them?

A. No. The ground troops were further to the north.

Q. Did you see the ground troops?

A. Yes.

Q. Where were they located?

A. I think they were throughout the My Lai Village.

Q. Were they between 521 and the village?

A. Some were on the south edge of either My Lai or some may have been in this little cluster of billets, just south of My Lai. But none were down at 521, itself. I didn't see any down that far south.

Q. What kind of people with reference to age and sex and so on, were these that you saw along 521?

A. They appeared to all be adults. Sex, I'm not sure, but I think it was probably mixed, but they were all adults. There were no children down there.

Q. I'd like to show you photograph Exhibit P-31?

A. That could have been them. I didn't remember them being quite that close together, though.

Q. These you think could have been the individuals along 521?

A. Right, they're generally on the south side, I assume this is the south; do you know if this is the south?

Q. No, we have reason to think though that this is the south to the right of the picture.

A. Well, that's different. I thought I remember them being generally on the south side of that road and not as close together as that. However, they were generally dressed in black and they looked like adults, and this could very well be them.

Q. Well, were there any other dead that you saw beside those at 521, those scattered in the village and the individuals that you've indicated just south of My Lai (4) in the group?

A. No, no others.

Q. Sir, I'd like to thank you for coming, making the trip and you have helped us indeed. We'd like to give you an opportunity to state anything for the record that you would care to state, at this time.

A. Well, the only thing I can say is there's great doubt in my mind that anything I've reported did happen on the 16th, or the 17th, or the 18th, or in fact that I have narrowed down the exact village, or exact trail, or anything else. I do know that some time in this period, somewhere in this area I did see what I reported, but whether or not it was this operation, I can't recall.

Q. I understand. Is there anything concerning the events of 16, 17, or 18 March that you can think of that might be pertinent to our inquiry, that we have not asked you about?

A. No, I've reported everything that I can think of that would be of any interest.

Q. You have no other information that would be of assistance?

A. No, I don't.

Q. Do you have any or do you know whether or not you have any records, or pictures, or any physical evidence that might assist us?

A. The only record I have is my flying record and it's of no help to me and I'm sure it would be of less help to you. I have no pictures, I didn't have a camera over there. The only other possible source of information would be the reports that our tactical air control party at the 11th Brigade sent in at the close of each day. I doubt seriously if there would be anything significant in them. If we did not put in air strikes, all we reported was flying time for the day and VR and I don't think it would be of any assistance. This is the only record I could think of.

Q. You recall discussing this with Major GOLDEN, I believe you indicated earlier.

A. I called Major GOLDEN. We did not discuss the incident at all. I discussed the date with him and asked if he thought he was 33 or if Grif SCARBOROUGH had taken over the call sign. And Major GOLDEN thinks that he might have been 33 during that period.

Q. Did he indicate to you whether or not he had flown on that day?

A. I didn't ask him about the 3 days. We know he flew the night of the 17th, because he and I flew together that night.

Q. Did he indicate to you whether or not he had flown on the 16th?

A. No, he didn't. I imagine he did though. I imagine he flew all 3 days.

Q. Do you have anything else to add, sir?

A. That's it.

Q. We thank you very much for coming forth and we appreciate your honesty and forthrightness. This hearing is recessed.

(The hearing recessed at 1111 hours, 3 February 1970.)

TT 544

SUMMARY OF TESTIMONY

WITNESS: HENDERSON, James H. CPT

DATE OF TESTIMONY: 26 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Assistant S3, Headquarters Company, 11th Brigade. He was duty officer of the Brigade Operations Center.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

During the July 1966 through January 1967 period Captain HENDERSON was a company commander with the 11th Brigade in Hawaii. There was very little emphasis,if any, on counterinsurgency training (pg. 20). After he moved to the brigade staff he knew that the S5 himself gave instruction at the company level, but HENDERSON did not know how many hours of instruction were involved (pg. 20). He did not know whether counterinsurgency was taught at the company level (pg. 20).

2. HENDERSON's RESPONSIBLITIES AS TOC DUTY OFFICER.

As the brigade TOC duty officer it was HENDERSON's responsibility to record all incoming calls from the different battalions and to inform the S3 of any matters demanding his attention (pg. 5). The telephones were placed along a bench and were answered by enlisted personnel who recorded the message and gave it to HENDERSON for appropriate response (pg. 9). The completed transaction was then typed into the log.

3. RADIO TRANSMISSIONS DURING THE OPERATION.

There was excitment in the TOC on the day of the My Lai operation and there was a feeling of victory generated by the fact that this was the Brigade's first big kill

(pgs. 6, 36). On the 16th the witness had one radio monitoring the division net, another radio monitoring the division security net, and a radio monitoring the brigade net (pgs. 7, 8). He had telephone communication straight to the battalion TOC (pg. 8). He got no report on the 16th concerning civilian casualties (pg. 9). He recalled no transmissions involving the aero-scouts (pg. 13). The thing he remembered most about the operation was the size of the body count (pgs. 5, 6).

4. LOG ENTRIES MADE ON THE 16TH.

The witness could not explain why there was an entry in the task force log of 69 KIA at one set of coordinates and another entry in the brigade log fifty minutes later of 69 KIA due to artillery at a different set of coordinates (pgs. 6, 7). He recalled no reports that were changed after being received (pg. 7). HENDERSON did not recall making any of the three log entries involving B/4/3, even after noticing that there was an entry giving the company a body count of 30 (pgs. 7, 8). The witness did not know why an entry in the Task Force Barker log stating that none of the 10 to 11 civilian casualties reported by C Company were included in its body count and that all of B/4/3's body count was of VC was not reported in the brigade log (pg. 8). He did not recall such a report coming into the brigade TOC (pg. 8). Since things reported to brigade should have been more elaborately described in the Task Force Barker log than the brigade log, HENDERSON could not explain why the Task Force log made no mention of the brigade entry which states that 30 to 40 VC had departed the area going east at 0700 on 16 March (pg. 21). He recalled no discussion concerning the contradiction between this report and the story in the brigade newspaper, dated 22 March, that 35 VC had moved into the area two hours earlier (pgs. 21, 22). This is especially strange since the PIO lieutenant normally obtained his information from the log (pg. 22). HENDERSON did not recall the entries recorded for the 17th, but did not remember any unusual events being reported that day (pgs. 22, 23).

5. HENDERSON's KNOWLEDGE ABOUT A CONFRONTATION BETWEEN A HELICOPTER PILOT AND GROUND FORCES.

a. <u>From conversations at the colonel's mess</u>.

There was a conversation in the colonel's mess on the night of the 16th concerning a helicopter pilot who had landed his aircraft and ordered his doorgunner to ward off American soldiers while he helped a Vietnamese (pgs. 9, 10, 28).

Those discussing this could not visualize a helicopter pilot having his guns on Americans and felt that this seemed impossible (pg. 12). The witness did not know how this talk started; perhaps it came from the division liaison officer (pgs. 12, 16). He did not believe it came from anyone in the 174th Aviation Company and he did not recall speaking to Major GIBSON about it (pg. 18). The witness had heard nothing about this confrontation in the TOC during the day (pg. 14).

b. From MCKNIGHT's report.

About a week,or perhaps more, after the My Lai operation while at the TOC the witness saw a typewritten page concerning the confrontation pass from Major MCKNIGHT to Colonel HENDERSON (pgs. 24-26). The document was just one page long and had no statements attached (pgs. 25, 26). He did not recall whose signature block was on it or to whom it was addressed, but he was under the impression that it was either a document MCKNIGHT had prepared for the colonel or a document MCKNIGHT had prepared for the colonel's signature (pgs. 25, 27, 30, 38). The document which he saw was not Colonel HENDERSON's report of 24 April 1968 (pgs. 23, 32). The report was directed toward an allegation by a helicopter pilot about somebody shooting a civilian (pgs. 28, 37, 38). He was unable to read the report,and thus remember its details,because, as he recalled it, the paper was being passed from MCKNIGHT to Colonel HENDERSON at the time he saw it (pgs. 25, 26). He remembered the part about the confrontation because he had heard something about it earlier (pg. 24). From hearsay and the report he gained the impression that it was MEDINA who had shot the civilian and upon whom the helicopter's guns were trained while the pilot checked on the civilian (pgs. 28, 29). The witness never spoke to MEDINA about this (pg. 24). He recalled no comment in the report about women and children being killed or about a sergeant shooting into a ditch (pgs. 25, 29). There was no mention of the use of smoke to mark wounded civilians or VC (pg. 30). He did not recall the report saying that persons other than the helicopter pilot had been interviewed (pg. 38). He did not recollect any of the report's conclusions or recommendations (pg. 27).

6. OTHER KNOWLEDGE ABOUT THE MY LAI OPERATION.

a. On the day of the operation.

HENDERSON overheard MCKNIGHT and Colonel HENDERSON

discuss the fact that only a few weapons had been captured during the operation (pg. 10). They said they wished they had gotten another 50 to 100 (pg. 10). He remembered that two VC suspects who had been picked up turned out to be PF's, but he did not talk about it with Major MCKNIGHT whom the witness considered to be a very tight-lipped individual (pg. 10). MCKNIGHT said nothing to him about mortar rounds (pg. 10). He remembered no account of an aero-scout taking a wounded child to Quang Ngai (pg. 13). He had no recollection of Colonel HENDERSON's order to resweep My Lai or General KOSTER's countermand of that order (pg. 12).

b. Subsequent to the day of the operation.

HENDERSON remembered no report about women and children being killed and was never told not to talk about the operation (pgs. 25, 33). He had a close relationship with the enlisted men, but heard nothing about the incident through EM channels (pgs. 34, 37). He knew nothing about Colonel HENDERSON's meeting with MEDINA in the field on the 18th and felt that he would have been informed if such an event had taken place (pg. 39). He did not know about the meeting between YOUNG, HOLLADAY, HENDERSON, BARKER, and WATKE at LZ Dottie on 18 March (pg. 40). The witness never spoke about the My Lai matter with Captain KESHEL, the brigade S5 (pg. 33). With the exception of the helicopter pilot's report, he had no information that something unusual had taken place during the My Lai operation (pg. 40).

7. OTHER INFORMATION.

a. Persons with whom he has spoken since the incident broke in the press.

The witness had spoken with Major TUMELSON, aide to the Commanding General; MEDINA; Major ROBB, the S4 of 1/20; and Lieutenant Colonel HENRIONNET, the battalion executive officer since the story broke in the press (pgs. 3, 4). Neither TUMELSON, ROBB, or HENRIONNET had any knowledge of the incident (pg. 34). He did not discuss too much about it with MEDINA (pg. 4). He did not know CALLEY and, thus, did not speak to him about it (pg. 4).

b. Acquaintance with various individuals.

The witness did not know Lieutenant Colonel ANISTRANSKI or Captain GOUZOULES (pgs. 33, 35). He thought that MEDINA was one of the finest officers with whom he has ever been associated (pg. 41).

c. Children injured by mine.

He knew nothing of an incident at LZ Uptight occurring in late March or early April in which a child stepped on a mine and was killed (pgs. 23, 24).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-15	11th Brigade Journal, MFR	Witness used to refresh memory.	5
M-17	11th Bde TRIDENT, 22 Mar	Wit did not recall article in the newspaper.	21
M-46	11th Bde Journal, 16-19 Mar 68	Given to witness.	5
R-1	HENDERSON's report	Wit had not before seen report or inclosures.	23,32
R-2	BARKER's report	Witness had never seen before.	31

(The hearing reconvened at 1048 hours, 26 January 1970.)

IO: The hearing will come to order.

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

The next witness is Captain James H. HENDERSON.

(CPT HENDERSON was called as a witness, was sworn, and testified as follows:)

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

A. James Hurdell HENDERSON, Captain, , 20th Company, 2d Student Battalion, Fort Benning, Georgia.

RCDR. Thank you.

IO: Captain HENDERSON, have you had an opportunity to read the instructions?

A. Yes, sir.

Q. Do you understand them or have any questions concerning them?

A. Yes, sir, I understand them. No questions, sir.

Q. On my left is Mr. MACCRATE, who is a civilian attorney who has volunteered his services to Secretary RESOR to assist us in the conduct of this inquiry, and also to provide legal counsel. On my right is Colonel ARMSTRONG, who was designated by the Office of the Chief of Staff as an assistant in this investigation. Either of these gentlemen may address questions to you here this morning.

A. Yes, sir.

Q. We have other groups such as this that are taking testimony from additional individuals. It will be my responsibility to pull together a final report, weigh the evidence

and determine the findings and the recommendation. As a military officer you are ordered not to discuss your testimony in this investigation with others, including other witnesses for this investigation, except in the performance of official duty or as you may be required to do so before a competent administrative, judicial, or legislative body. To explain the legislative body, it is possible that you may be asked and or required to testify before a congressional committee. The one most likely would be the investigation subcommittee of the House Armed Services Committee, in which event your testimony here would in no way preclude you testifying before that or any other comparable body. To my knowledge you have neither been cautioned nor cited by the military judge in the general court-martial case of the United States v. Calley, is that correct?

A. Not to my knowledge, sir.

Q. Well, if you were, you'd know it. It is likely that you will not be cited, but in event you are so cited your appearance here would in no way change either the effect or the applicability of such instruction.

A. Yes, sir.

Q. You have any questions at this time?

A. No, sir, I don't.

Q. Captain HENDERSON, would you indicate your duty assignment in the Americal Division, indicating when you joined and when you departed, and if you had any different assignments indicate those?

A. I joined the 11th Brigade in July 1966 and went to Vietnam with them in December 1967. We became part of the Americal. I was assigned to headquarters company of the 11th Brigade with the job assignment of assistant S3. The duty assignment, once in Vietnam, was duty officer of the brigade operations center. We were stationed in Duc Pho.

Q. Yes. Well to orient you with this map, we may come back to this map, this is just the area which you probably knew as Pinkville (indicating on Exhibit MAP-4).

Son My Village, Quang Ngai City, are down in the southwest corner, and you will notice up to the northwest LZ Dottie where Task Force Barker was located. This is shown on this map in a larger scale (indicating Exhibit MAP-1). How long did you remain as the S3, TOC duty officer?

A. The whole 12 months I was in Vietnam, sir.

Q. The entire 12 months?

A. Yes, sir.

Q. Since the matter of the My Lai incident became a matter of public knowledge in September or October last year, through radio, television, newspaper, and magazine have you had any discussions with anybody from the brigade or from the Americal Division concerning: (1) What may have transpired at My Lai on the 16th or that period? (2) Any report that may have been submitted concerning the incident? (3) Any investigations of the incident?

A. I talked with several of them from the brigade and division concerning all the news reports and things we had seen and read about in the newspaper and on television. Reference the incident itself, maybe one or two, I've talked about referenced reports that were submitted after the incident, but that's about it, sir.

Q. I wish you'd recall for us with whom you have talked?

A. Well, a couple of my classmates, one was Major TUMELSON. He and I just discussed it informally.

Q. Major THOMASON?

A. TUMELSON, sir. I think at the time he was either in the 3/1 assigned to our brigade and later the ADC for the last CG that we had. I forget the CG's name.

Q. ADC?

A. CG, sir.

MR MACCRATE: Aide to the CG?

A. Well, he was the aide to the CG.

IO: Not an assistant division commander?

A. No, sir.

Q. Okay.

A. He was Major TUMELSON, Ron TUMELSON, I believe it is, sir.

Q. Yes.

A. I talked to him about it. I talked to Captain MEDINA just briefly, and we didn't discuss too much, sir. Ernie and I were good friends when we went over there, being in the same battalion together for quite some time when I first joined the brigade. I talked to George ROBB, a major just briefly.

Q. What was Major ROBB's job?

A. When we went to Vietnam, he was the S4 1/20 and later became a company commander in one of the companies. I can't remember which company it was. Colonel HENRIONNET and I talked informally a couple of times.

Q. Who?

A. Lieutenant Colonel HENRIONNET. He was the executive officer of one of the battalions there within the brigade at one time and then later moved up to division staff after he got promoted. He and I talked a couple of times. That's about all I can recall, specific names, sir.

Q. Did you ever talk to CALLEY or any of those?

A. No, sir, I didn't know CALLEY, and I never talked to him at all.

Q. As the G3 duty officer, would you explain your duties please?

A. My principal duty, sir, was, I worked the day shift

from 0800 to 2000 hours in the evening. I had a man from the S2 shop in there with me, a man from the S3 shop, plus the S3 air liaison, TAC air liaison, and the artillery liaison. My principal duty was to record messages coming in from the different battalions. Any information that needed passing on to the S3 at the time and requiring an answer I was to check with the S3, get the answer and relay the information back to the subordinate battalions. Also I maintained the daily log within the S3 shop, sir.

Q. Did you have any S5 representation in your TOC?

A. No, sir, not in the TOC. His office was just down the road from us there.

Q. I'm going to take you back a little ways. As a matter of fact I'm going to take you back about 22 months to 16 and 17 March 1968. I know that memories are fleeting things, but I wish you'd remember every single detail that you possibly can so we can make this a matter of record as to what exactly transpired in the TOC on that day. I think Major LYNN has provided you a copy of the log, of the 11th Brigade (Exhibit M-46) for those 2 days. Is that correct?

A. Yes, sir.

Q. You've had an opportunity to refresh your memory?

A. Yes, sir.

Q. Would you provide him those copies please?

(Recorder hands copies of the log to the witness as requested.)

These have been entered into the record as part of Exhibit M-46. I wish you'd describe for us, to the best of your recollection, what transpired in the TOC that day.

A. Well, from reading the log here, on the 16th we did have a CA that morning, a combat assault conducted by Task Force Barker. The biggest thing that it brings back to me is at the end of the day we had one of the largest body counts, so to speak, that we had in our brigade up to that

time, and I recall, after I read this, some of the reports that did come through the TOC that day. For instance, the body count that was given, when the company first moved in, as a result of the artillery and air strikes into the objective area. The notations that I saw in here reference that one company, Bravo Company reporting their body counts. I didn't recall that until I had read it in here. But the biggest thing that this brings back was the fact that we had one of the, if not the, largest body count that we had within the brigade up until that time.

Q. Was there much excitement and tension in the TOC that morning?

A. Excitement? Yes, sir.

Q. Now this combat assault, the first lift of C/1/20, started at 0730, and the second lift was completed at 0750. Shortly thereafter you received a report, I believe, of initially one and then subsequent to that 14 enemy KIA in your log item number 53.

(The witness examined the document.)

A. Yes, sir.

Q. Now, Task Force Barker enters in their log (Exhibit M-16), at 0840, that Charlie Company has counted 69 VC KIA, vicinity 716788. In your log which is item number 53 at 0930, you have a report from C/1/20 that counted 69 VC KIA as result of artillery fire? Also you will notice that the coordinates are 714794?

A. Yes, sir.

Q. Can you explain to me why we have one entry in one place just plain 69 at a given set of coordinates, and why we have KIA by artillery fire at a different set of coordinates and actually 50 minutes later?

A. Well, the time that I have in my log is the time that we received the call from the task force TOC.

Q. Yes.

A. Then the column on the left is the time the entry was made into my journal. The coordinates I can't explain, sir.

Q. Yes.

A. The reason that I have more writing, as a result of artillery fire or reasons like that, is the individual that's calling it from his TOC into the brigade TOC says these things, and we write them down. He didn't record it in his log. Maybe.

Q. Yes.

A. He elaborates a little more on the phone when he's talking to the man that's taking the notes down within our TOC.

Q. Now, this day Colonel HENDERSON was flying in this area and he had Major MCKNIGHT with him, your S3. When he was flying through this area were you in contact by radio with Major MCKNIGHT?

A. I can't say at that particular time, but normally Colonel HENDERSON did keep one of his radios on the brigade frequency, and we monitored the brigade frequency at all times. Yes, sir.

Q. Well, thinking back to this specific day, Captain HENDERSON, do you remember any reports coming in that were changed after they came in or that you took down?

A. From the task force?

Q. Not the task force, but from Major MCKNIGHT?

A. No, sir, I don't.

Q. You don't remember the entries from B/4/3?

A. No, I didn't remember it until I was reading this, and frankly I still don't remember the task force calling B/4/3. I noticed in here where they had 30 something body count that day, and I didn't remember that at all. No, sir.

Q. I remember you have three entries in there?

A. From Bravo --

Q. (Interposing) Twelve, eighteen, and eight, as I recall.

A. Yes, sir, and I didn't remember any of those actions.

Q. When you were monitoring Task Force Barker, did you also stay on the battalion pushes as well?

A. No, sir.

Q. You just stayed strictly on the brigade net?

A. On brigade, yes, sir. We had one radio on the brigade command, one on the division command, and the division secure, nets. We had telephone communication straight into the battalion TOC.

Q. I have one entry here in the Task Force Barker log which is logged in at 1355. It says Company B reports that none of the VC body count reported by his unit were women and children. Company C reports that approximately 10 to 11 women and children were killed, either by artillery or gunships. These were not included in the body count. In the action column it says 11th Brigade notified. Can you explain to me why this doesn't appear in your brigade log?

A. No, sir, I can't. I tried to think back to that time and I don't recall ever receiving a call such as that. I had a couple of enlisted men working with me. They may have received it. They may not. I don't recall that at all.

Q. Now I wish you'd tell me how you made up this log. For instance, you have a typed copy here?

A. Yes, sir.

Q. Now, how did this all come about? How did you maintain it and so forth?

A. Within our brigade TOC, sir, we had our telephones lined up in one row across the bench. I had one man on one

side and one on the other side whose primary duties were to answer the telephones, record the messages on a little mimeographed form with the time received, coordinates, who it was from, the text of the message, action taken, who notified, and what have you. As the message would come in, one of these lads would take the message down and give it to me. I would take the necessary action on the message. Then I had a man over in the corner with a typewriter, and it was his primary function to type the log and keep it up to date as the messages came in. I would take the message, take whatever action was necessary on it, give it to the man at the typewriter, and he would type it in the journal.

Q. You worked the slip system then, instead of working a pencil copy, which you would type up later in the evening?

A. Right, sir. We had just the little mimeographed forms that we filled out on the messages as they came in. Then I would turn and give it to the guy who did the typing.

Q. Did you ever see any report that day that had to do with civilian casualties?

A. I can't recall whether it was that day or not, sir, but later on. I know it wasn't that day, but the civilian casualties were mentioned. I did see a typewritten report. That had been prepared at brigade level to go forward.

Q. Yes, fine.

A. I don't have any idea what was in it or where I even saw it, but you know how things like that are seen in a brigade headquarters. I did see a report, but I don't think it was that day. As a matter of fact, I'm sure it wasn't.

Q. Did you get a report that night at LZ Dottie as a result of radio conversations between Captain MEDINA with the TOC at Task Force Barker that somewhere between 20 and 28 civilians had been killed that day?

A. No, sir. I didn't. The only thing I did hear, and this was just casual conversation between one man and another, was about the same notice I've read in the paper a couple of times about the helicopter pilot stopping and

having his doorgunner ward off an American soldier while the helicopter pilot got out and did something to a Vietnamese.

Q. Was that mentioned to you there that day?

A. I heard it that day, yes sir.

Q. Who did you hear it from? Do you recall?

A. I don't have any idea. I think it may have been at the mess hall that evening. But I did remember that once I'd read it in the paper a couple of times.

Q. Now, Major MCKNIGHT came back later in the day. Do you remember any discussion with him concerning Charlie Company's assault and Bravo Company's assault? Do you remember him telling about picking up a couple of what they thought were VC and taking them into LZ Dottie and they were interrogated there, and they found out that they were really PFs?

A. I remember reading that about two PFs, two VC turning out to be PFs. But I don't recall discussing any of that with Major MCKNIGHT, even though I'm sure that when he came in he -- well, you don't discuss too much with Major MCKNIGHT. He was the most tightlipped man I ever worked for, sir. He didn't talk too much. But I don't recall any conversation concerning the CA itself with him. No, sir.

Q. He didn't talk at all about any of the conversation that went on during the operation and what he saw on the ground and about picking up some mortar rounds on Hill 85? He didn't come in and debrief you, in any sense to come in and check on how you were recording the operation?

A. Not to my knowledge, sir. But I do remember hearing him and listening to him and Colonel HENDERSON talk. They would come in, and they would be standing there at the map board just talking. I do recall them talking about the fact that only a few weapons were captured that day and the excitement of the operation itself.

Q. Well, what happened? What did they say about these 128 VC KIA and three weapons captured? What did they talk about there?

A. This is what they didn't particularly like. I don't know how to express it, but it sounds funny. 120 something body count and three or four weapons captured, saying, "Well I wish we had another 50, or 75, or 100 weapons to go with it. It sure would be nice," or things like this, sir.

Q. Let me relate to you another situation to see if you recall any discussion back in the TOC concerning this. Looking at this map to your rear (indicating Exhibit MAP-1) using this blown up one here (MAP-4) with Charlie Company landing here at 0730, going through the hamlet, proceeding along up to a laager area in this area, where they laagered with Bravo Company, which had landed down to the south of MY Lai (1), and had moved north and the two joined up in this area, remaining there over night. Now, going back to Charlie Company up about in this area, do you remember any conversation between Colonel HENDERSON and Major MCKNIGHT to the point where Colonel HENDERSON had ordered Charlie Company to go back in to My Lai (4), to make a body count by age, and by sex, and to determine by what means they had been killed?

A. No, sir. I don't.

Q. And that this had been countermanded by the division commander, pointing out that it was too late in the day and this area is just loaded with mines and booby traps?

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

Q. You never heard any conversation such as that?

A. No, sir. Not to my knowledge.

Q. It wasn't discussed in your presence?

A. No, sir.

MR MACCRATE: Captain HENDERSON, you indicated that you have recollections that in the evening of 16 March you heard some conversations about an aero-scout pilot putting down and warning off U.S. forces? What do you recall of that conversation that you heard at that time?

A. Well, I remember just talking about it. I don't

have any idea now, sir. But we couldn't actually visualize one of the helicopter pilots sitting down up there and having one of his doorgunners holding off or stopping a U.S. trooper while one of the pilots got out to check a Vietnamese or something. We were just discussing how impossible it seemed at the time.

Q. Well, was this the story that you got at that time, about what you might call a confrontation between the aeroscout squadron, and or members of it, and the ground forces? Is that what the story was?

A. Yes, sir. I remember talking. We just couldn't visualize it actually happening at the time.

Q. Were there any indications as to where this report had come from? Were you the one that brought it to the table?

A. No, sir.

Q. Or was it someone else at the table?

A. No, sir. I was listening to it there, and I don't know how it got started. I don't have any idea, sir.

Q. Was it a discussion among the TOC duty officers? With whom did you usually have dinner?

A. Well, the brigade staff officers were eating there at the time, the S2, the S2 air, the S5, and the S4, their asistants, the S3 air, seems like about 25--

Q. (Interposing) Would Major MCKNIGHT be there?

A. Yes, sir. About 25 or 30 officers that ate there.

IO: You also had a little happy hour, maybe, before hand?

A. I'm not sure that it had started at that time, sir. I can't remember. We did have one later on, yes, sir. I don't know whether they were having it then or not.

Q. Maybe have one before dinner and stand around and sort of rehash the events of the day?

A. Yes, sir.

Q. This is quite normal in most of the tactical units that I know of.

A. They had one there, but I can't remember when it started. It may have started by then. I don't really know, sir.

Q. They had a bar there, I know that.

A. Yes, sir.

Q. A little bar in the mess.

A. Well, that's where they had it. But I don't know when they actually started it.

Q. I'm sure Mr. MACCRATE is going to ask you some more questions about it. I think it is quite important to find out, if we can, who initiated this discussion and what he was talking about? You know, was this the air officer that was reporting this, or your AO from the aviation outfit, or was it Major MCKNIGHT, or who was it? It should have been somebody who had to be up there that day.

A. Actually I don't know, sir. I don't know.

MR MACCRATE: Had you heard any transmission relating to the activities of the aero-scouts that day, that you can recall at this time?

A. No, sir. I didn't. Not from the task force or through the brigade net. No, sir, I didn't.

Q. You don't remember any account of an aero-scout taking a wounded child down to the Quang Ngai hospital?

A. No, sir.

Q. You don't recall any report of this confrontation coming in while you were at the TOC?

A. No, sir.

Q. So it would have to have been someone who was out on the operation during the course of the day who was bringing this information into Duc Pho, would it not?

A. It seems like it would. Yes, sir.

Q. Can you identify for us those of your mess group, shall we call them, who would have been out that day as distinquished from those back at the base? You have already indicated that Major MCKNIGHT was one who was out. Now, who else would have been out on the operation?

A. Normally, the colonel carried with him in his command group, the S3, the S2, the air liaison officer.

Q. That would be Major MCKNIGHT, Colonel BLACKLEDGE?

A. Colonel BLACKLEDGE, I believe, was the S2 at the time. Yes, sir.

Q. And who would be the air liaison?

A. I don't know who our air liaison officer was, sir.

IO: Well, would he carry both MCKNIGHT and CALHOUN?

A. No, sir. CALHOUN was the--

Q. (Interposing) If CALHOUN was there, BLACKLEDGE would probably be--

MR MACCRATE: (Interposing) Not CALHOUN.

A. CALHOUN was the S3 for the task force.

IO: I mean MCKNIGHT. If MCKNIGHT was with General LIPSCOMB or with Colonel HENDERSON, would BLACKLEDGE also be with him?

A. Yes, sir. Normally he carried the S2 and the S3.

Q. Took both of them with him?

A. Yes, sir.

Q. Did he not normally take his artillery officer with him?

A. Normally the artillery officer. Yes, sir. I think Colonel LUPER may have been our artillery commander at that time and lots of times our S3 air would be flying the commander's chopper or either a couple of his pilots that were assigned to our brigade.

Q. Yes.

A. Now, that's about the extent of the command group. Whether anyone from any one of the other staff sections may have been in that area at that time, sir, I don't know.

Q. Was your ALO an Air Force officer?

A. Yes, sir. I forget who our ALO was. A lot of times they would rotate. One of his FAC's would come down and stay 4 or 5 days. Another would come down. They all maintained their flying and worked out of the TOC, too.

Q. What was his grade, captain or major?

A. Our ALO was a lieutenant colonel at the time that went over with us from Hawaii. One of his FAC's was a Major GOLDEN. I forget the others.

COL ARMSTRONG: Your aero-scouts company that was involved was stationed up around Chu Lai, is that right?

A. Yes, sir.

Q. What did they do? Would they meet up in the battle areas and the operational areas and coordinate and then go in with whatever they were supposed to do? They actually had very little contact with the battalions except from a liaison officer standpoint, is that correct?

A. Normally, the aero-scouts were assigned to division support, I suppose. If we needed them, say tomorrow, for an

operation, we put in a request for the aero-scouts to report to such and such a place at such and such a time for an operation and a brief description of the operation. I'm sure that they reported into LZ Dottie that morning and made contact with Colonel BARKER or his S3 up there. We had refueling tanks at Dottie for the aero-scouts. It saved them from going back to Chu Lai while they were down on an operation supporting us.

Q. I see.

A. They would refuel at Dottie and go back to the area of operation.

Q. Would it be unusual to have one of the brigade staff stay up at Chu Lai during the day, or something like this to coordinate the operation?

A. Yes, sir. I don't think we had anybody specifically go to Chu Lai.

Q. On a possible basis, wasn't this the same outfit that flew the courier aircraft back and forth between Duc Pho and Chu Lai?

A. No, sir. They may have flown one, but our brigade flew a courier also, one of the brigade assets flown by the pilots assigned to the brigade, sir.

Q. What I'm trying to suggest is the possibility of this story, this rumor originating--could it have been some officer heard it or been involved with it and brought that information back rather than getting it from the operational area?

A. The only possibility I know of there, sir, is the liaison officer that we have from the brigade to division that went to Chu Lai every morning, came back, made his rounds there within the brigade, went back to Chu Lai again, back and forth every day. One of his primary functions was to check through the TOC at division and all the staff sections at division. It may have come through there.

Q. Do you recall who this officer may have been at that time?

A. They changed like the weather, sir. I sure don't.

MR MACCRATE: Does the name GREER mean anything to you?

A. GREER? I know a Lieutenant GREER, but I think he was later on in the year, right before we left there. We had a lot of liaison officers, sir.

IO: Did you have a representative in your TOC from the 174th Aviation Company?

A. No, sir. We had a direct line from our S3 air section into the TOC over to the operations of the 174th, sir.

Q. Did you have an Army aviation officer working with you?

A. Our brigade aviation officer, also an additional duty as the S3 air, handled not only TAC air but the helicopter support. Either he was there or one of his enlisted men was there in the TOC at all times, sir.

Q. Who was your S3 air at that time?

A. Major Fred SMITH.

Q. Captain HENDERSON, aside from the aero-scouts, which was a separate entity in itself because of their action, the greater part the aviation support was provided by the 174th. Now, as we would reconstruct the picture, also involved in the lift were some ships from the 71st Aviation Company of the 14th Brigade, and possibly the 176th Aviation Company. One outfit was known as the Rattlers and another one was known as the Minutemen.

A. Minutemen. Yes,sir.

Q. It appears that the 174th dispatched two gunships and nine slicks. Some of those slicks were used for other purposes, and to take their place they used three, four, five slicks from these two companies which I just cited. The operation itself was, generally speaking, controlled and directed by the 174th. Do you remember any talking at all concerning the activities of the 174th? Do you remember hearing any reports from personnel of the 174th? For instance, could they have been the ones that provided you the insight into this aero-scout aircraft using his doorgunners to cover certain activities?

A. Sir, I don't believe so.

Q. Did you ever go to the club over there?

A. No, sir. I don't believe any of their personnel ate in the colonel's mess over there either.

Q. Did you know Major GIBSON?

A. Yes, sir, I knew Major GIBSON. He was the operations officer there for a while, I think. He may have been the CO for a while.

Q. On this day he was the commander of the outfit. Do you remember him talking about it?

A. No, sir. I don't, but then there's the possibility again, of his people getting back, talking to some of our people there at brigade and then me hearing from them.

COL ARMSTRONG: I'd like to take you back just a bit further than this, back to your training in Hawaii. You were in one of the battalions then, I understand?

A. 1/20. Yes, sir.

Q. Do you recall the approximate date you joined the 1/20?

A. I joined them in July 1966 and left them in August of 1967, sir.

Q. August of 1967? Let's take the summer of 1967 and its training. By this time you knew that you were going to Vietnam and had built up as much as you were going to get the people that you were going to take with you. Do you recall the emphasis of the training during that time period for the companies, for the battalions, for the brigade? What was the emphasis on at this time?

A. Along about March or April of 1967, they filled our battalion with trainees right out of basic, I guess. We completed the AIT and then we went right into unit training, squad right on up through battalion level training. I recall we went right down the ATP as far as squad and platoon level, I believe.

It was because I was given the platoon ATT's at the time. Then we went into the Vietnam type training for company and battalion. We had the area there assigned for the ATT and we would go out and our battalion was given this. The operation order was "Our mission is to search and destroy an AO and A Company, B Company, C Company, D Company," right down the line like that. It was that type of training. As I recall, the aggressors in that particular ATT were planted out. They had caches of this and caches of that hidden out in the mountains, sir.

Q. The emphasis was on the tactical side of this, the operations that you might encounter in Vietnam?

A. Yes, sir.

Q. Now, let's start thinking a little bit about the psychological side of this. Counterinsurgency training per se covers a lot. One part of the emphasis is to get to know the people, get into an area, try to operate with the people, get the people on your side. How much was that emphasised as compared with search and destroy, the techniques of cleaning out a village, the techniques of finding a cache, the techniques of the fighting?

A. Well, I remember after I had moved to brigade in August, the S5 and I were pretty good friends there. His office was right down the hall from mine, and I remember that was part of our POR qualification. He had numerous hours that he had to pitch himself down at, I think, company level, within the battalion.

Q. That he had to pitch? He pitched it himself?

A. Pitched it himself. Yes, sir.

Q. He was the brigade S5?

A. Yes, sir. I think he was pitching it himself, as I recall.

Q. In other words at the battalion and company level there were no great emphasis on this by the staffs?

A. Well, I couldn't answer that, sir. I don't know how much emphasis was placed at that time.

Q. You were a company officer?

A. I was a company commander up until January 1967, and then I was the assistant battalion S3 until I went to brigade, sir.

Q. So at the battalion level you would know of any real emphasis?

A. Through the time that I was there, no, sir, very little if any.

Q. Very little if any emphasis?

A. Yes, sir. Of course this was from July 1966 to January 1967 when the strength was--

Q. (Interposing) That's when you were a company officer?

A. Yes, sir.

Q. What I'm talking about is focusing in this area of the training that went on during the summer of 1967. What I'm trying to find out is really how much balance in this counterinsurgency training, how much more emphasis was given to the companies?

A. I don't recall how many hours the S5 had to give there, sir.

Q. This was at the S5 level?

A. Yes, sir. I remember him saying he had to go down and make a pitch to such and such a company, today and tomorrow or something like this.

Q. All right.

A. Now whether they had any taught at company level or not, I don't know, sir.

MR MACCRATE: You speak about, "He had to make a pitch," are you describing a little lecture that he gave?

A. Yes, sir. He was the primary instructor for that period of instruction, sir.

IO: I want to go back to this log again (Exhibit M-46). On your item 50 for the 16th, you'll see an item there that says 30 or 40 VC departed the area at 0700 hours going east?

(The witness examined the document.)

A. Yes, sir.

Q. Can you give me any logical explanantion why this didn't appear in the Task Force Barker log?

A. No, sir, I sure can't. As identified here, it was reported from Task Force Barker TOC.

Q. That's right. It was of sufficient importance that they pass it on to you, but wasn't of sufficient importance that they put it on their own log?

A. No reason why they shouldn't enter it, sir.

Q. It in effect should be more inclusive than what they passed on?

A. Yes, sir.

Q. I'll ask you another question. Do you remember seeing the brigade newspaper, called The Trident, dated 22 March, which we have entered into the record as Exhibit M-17? I will show you this and you will notice the entry on the right hand column of the first page.

(The witness examined the document.)

You remember that article?

A. No, sir. I don't, but I'm sure I read it at the time. I don't remember this article.

Q. You'll notice that, looking at the right hand column the second paragraph from the bottom, it makes a statement,

"One of the ten suspects apprehended by the company told an interpreter that 35 VC had moved into the village 2 hours earlier."

(The witness examines document.)

A. Yes, sir. I see it here.

Q. Now there's not much question. One says that 30 to 40 left the village, and this article says 30 to 40 came into the village.

A. Yes, sir.

Q. That's quite a different connotation there?

A. Yes, sir.

Q. Do you remember any discussion concerning this?

A. No, sir. I don't.

Q. Somebody must have remembered that the VC had left the village. Then all of a sudden seeing something like this where the enemy had moved into the village, they're very contradictive of one another?

A. No, sir. I don't, and the strange thing is our PIO lieutenant, normally, when he would write his little things that he had to send to division each day, the last thing that he would do in the evening is come through--would go through the daily journal and I assume that's what he was doing, getting notes for those squibs that he would send to division.

Q. Yes, he would have to do that. He did, however, have a reporter on the ground that day.

A. I don't remember, sir.

Q. Now looking at the log that you have, for the 17th, do you recall those activities being reported?

(The witness examines the document.)

A. I can't remember them specifically being reported no, sir.

Q. Do you remember anything unusual being reported that day or anything unusual that happened?

A. No, sir.

Q. I have here an inclosure to Exhibit R-1 which I would like to show to you. This is a one page statement dated 14 April 1968, and I would like you to look at that piece of paper and tell me whether you've ever seen that piece of paper or not in the 11th Brigade headquarters or any place around that outfit?

(The witness examines the document.)

A. No, sir, I haven't seen this.

Q. In the brigade or any place?

A. No, sir.

Q. Turn that page and look at the next two pages. Now, this is supposedly a piece of Viet Cong propaganda. I ask you to look at the next two pages and review that and see if you've ever seen that document?

A. No, sir.

Q. Have you ever seen anything considered comparable to that?

A. No, sir. I'm sure I haven't.

Q. Just put that down for a minute and let me ask you a couple more questions. At some time or another, and I take it, it would be along in the latter part of March, April or conceivably even in May of 1968, some young children went to LZ Uptight. They indicated that they had something they wanted to give them in terms of a document, or piece of paper, or letter, it's been described to me. This letter was delivered and then some discussion went on with these youngsters and telling them

exactly how to get out of where they were so that they wouldn't get into this mine field. These youngsters were supposed to have departed. One of them evidently stepped on a mine or something and was seriously injured, maybe one or two of them, and they were finally extracted from this area. Some of them were flown to the hospital, and whether the other one died or not I don't quite recall at this moment. It was a question of some youngsters delivering something and then going out, going through the minefield and being hurt. Do you remember that incident?

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

Q. You recall it ever having been reported to the brigade TOC?

A. No, sir. I don't remember it at all, sir.

Q. All right. Now, in your testimony just some minutes ago, you indicated that you'd seen a report on investigations of this My Lai incident?

A. Yes, sir.

Q. Can you tell us about this?

A. I remember a piece of paper. I'm almost positive that this was between Major MCKNIGHT and Colonel HENDERSON, and it had something to do with the helicopter bit on it. That's the only thing that I actually recall, myself, that was on that piece of paper.

Q. Did you see that piece of paper?

A. I saw the piece of paper, yes.

Q. What did it say?

A. I can't answer that, sir. I don't know, but I remember specifically that being in there, something about the helicopter business on this piece of paper. The reason for that is I had remembered hearing the discussion earlier.

Q. Well, this might have caused you to read it rather carefully then, wouldn't it?

A. I don't think so.

Q. Why?

A. I did see the piece of paper.

Q. What's that?

A. I did see that piece of paper.

Q. Did you read it?

A. I don't think I even read it at all because I think Major MCKNIGHT might have had it in his hand. I can't really remember, but I did see a piece of paper like that and the helicopter business stands out in my mind. But anything else that may have been in it, I don't know. The only point that stands out is the helicopter bit, sir.

Q. Were there any comments in that concerning women and children being killed?

A. Not to my knowledge. No, sir.

Q. Do you ever remember a report of women and children being killed?

A. No, sir, not to my knowledge.

Q. Where did you see the document?

A. I'm sure it was at the TOC, and I think Major MCKNIGHT was passing it to Colonel HENDERSON or was fixing to give it to Colonel HENDERSON, and he may have had it laying on my desk, or something like that. That's the reason I say I can't remember reading the whole thing, per se.

Q. What did this document look like?

A. It was just just a typewritten copy. It might have been his draft copy, is what it may have been.

Q. Was it one page long, or was it more?

A. To the best of my knowledge, it was just one page long, yes, sir. That's what makes me think it may have been a draft.

Q. Were there some statements attached to it of any kind?

A. I don't think so. I don't think so, sir. I'd hate to say yes or no, but I don't believe there were.

Q. What time was this?

A. Oh, Lord. I'd say it may have been a week after the 16th, somewhere along in there.

Q. Do you remember Colonel HENDERSON at that time, having his leg in a cast, at the time of this exchange you're talking about?

A. I don't remember his leg being in a cast at that particular time, but he had it in a cast along about then, but I don't know whether it was at that particular time, or not, sir.

Q. But this would be a week or so after the 16th, this would put it up--

A. (Interposing) It would be, I would say close to a week, 5 to 7 days, something like that.

Q. Could it have been longer?

A. It could have been, yes, sir. It could have been, maybe not that long, but it could have been longer, yes, sir.

Q. Well, it does seem odd to me, Captain HENDERSON, that you heard this report where a captain or a warrant officer had his guns trained on American troops, and you heard that on the evening of the 16th or sometime on the 16th, yet when a report comes in, or at least it's called to your attention in one way or another, you remember seeing it, but you don't remember any of the details?

A. Well, that's why I think it may have been in the process of being passed from Major MCKNIGHT to the colonel at the time, sir, when I read a little bit of it.

Q. Do you recall Major MCKNIGHT having made this report, prepared it?

A. I'm sure he did. I couldn't swear to that, but he did most of the writing over there at the time. He had one major that helped him but I'm sure Major MCKNIGHT would have written that report, since the other assistant S3 had no first-hand knowledge whatsoever.

Q. Who normally did all the typing there in the S3 shop?

A. We had a typist over there in the S3 shop. Now, what was that kid's name?

Q. At one time had this individual been quite closely associated with General LIPSCOMB?

A. The typist?

Q. Yes, maybe his driver or enlisted aide?

A. We had a man in the S3 section who used to be General LIPSCOMB's stenographer, I believe. That rings a bell. I think he worked in our S3 shop for a while, but I don't remember the typist's name who was over at the S3 shop. Our sergeant major was JOHNSON, I think that was his name.

Q. Yes. With respect to this report, did the report come to any kind of conclusion at all? Here we have this aviator and so on that you've been talking about, but did the report have any findings, or conclusions, or recommendations in it?

A. I don't know, sir.

MR MACCRATE: Did you get any impression from Major MCKNIGHT as to what he had concluded about this thing?

A. That this was just about the end of it, was the impression of it, yes, sir.

Q. Did he indicate upon what he based that conclusion?

A. I don't remember.

Q. Did you understand that he was trying to determine

whether someone was guilty of misconduct, or what did you understand to have been the subject of his investigation?

A. From the hearsay earlier about the pilot, my impression was somebody was being investigated for shooting a civilian.

IO: A civilian?

A. Yes, sir.

MR MACCRATE: Was there an individual mentioned?

A. In the conversation, yes, sir. I don't remember an individual being mentioned in the report. In the conversation, yes, sir.

Q. Well, who was the individual mentioned as having shot the civilian? Who is being investigated?

A. Captain MEDINA. It was just about like what we've seen in the papers since then, the woman with the hand grenade business.

Q. Well, was this the subject of Major MCKNIGHT's report at that time?

A. I don't recall a name being in there, sir, in his report. I don't recall a name of an American being in it mentioned in his report.

Q. How did the helicopter figure in this story? You said this was the helicopter business?

A. Yes, sir.

Q. What was the report about? Was it about a captain shooting a civilian, or was it about a confrontation of the helicopter personnel with the ground forces?

A. As best I can remember on the report, the helicopter had stopped there, and it was talking about the guy that was on the doorgun that was told to hold back the Americans, and it mentioned the pilot getting out, checking with the Vietnamese civilian, checking the civilian himself.

Q. Well, this is, I think a little more than came out as you started to recall this before. So there was a question of the shooting of a civilian, and there was the question of the confrontation between the doorgunner and the American forces, and the pilot getting out and having a conversation. Now what did you understand was the relation between the pilot's conversation and Captain MEDINA shooting a civilian?

A. I tied it together as the doorgunner holding MEDINA actually, and the pilot checking the civilian that was there on the ground. That's what I tied it together as, sir.

Q. Have you ever talked with Captain MEDINA about this?

A. Reference that? No, sir.

Q. Did you at that time?

A. No, sir. He was up with Task Force Barker. I didn't talk to him.

Q. Well, very shortly after that he left Task Force Barker, didn't he?

A. Yes, sir. He was back with the 1/20 for a while, and then he went to division.

Q. Well, did you ever talk to him about it at that time?

A. I don't believe so, no, sir.

Q. Okay, he's an old friend of yours from what you've said?

A. Yes, sir.

Q. And you knew that he had been the subject of an investigation, and you never talked about it?

A. I didn't mention that to him, no, sir.

IO: Was there any mention in this report about a sergeant firing into a ditch or into some people?

A. No, sir, not to my knowledge.

Q. Was there any indication concerning this helicopter pilot using smoke grenades to mark wounded civilians?

A. No, sir.

Q. Or to mark VC?

A. I'm not sure, sir. That rings a bell but I wouldn't swear to it but that does ring a bell, there, sir.

Q. Yes. This part of this business with Captain MEDINA?

A. I don't recall hearing that discussed reference Captain MEDINA. No, sir, I don't.

Q. Now, as far as you recall, this paper amounted to just one page?

A. I think so, sir, to the best of my knowledge. I wouldn't want to state that it was or it wasn't, sir.

Q. And whose signature block was it prepared for?

A. I don't have any idea, sir.

Q. Who was it addressed to?

A. Normally, a command letter like that, Major MCKNIGHT would have our typist put the colonel's signature on it.

Q. Well, do you recall whether it had Colonel HENDERSON's signature block or not? And who was it addressed to, do you recall?

A. No, sir. I don't.

MR MACCRATE: Was this the same report that you referred to, that you recall seeing typed, that dealt with civilian casualties, at the time General PEERS pointed out to you the entry in the Task Force Barker journal, but had not shown up in your brigade journal or the other way around? You indicated that you had seen some paper with civilian casualties referred to. Was this a different piece of paper than the one you just have been referring to?

A. I don't know, sir. I'm not sure I understand what you're asking me now.

Q. Well, earlier this morning when General PEERS asked you about the absence of a certain entry relating to civilian casualties, you said you couldn't explain that but you did know that you had seen a piece of paper with information about civilian casualties, or at least that's what I understood you to say. My question is what piece of paper were you then talking about? Was it this report of Major MCKNIGHT's, or was there still another piece of paper that related to civilian casualties?

A. I remember telling the general that we had discussed this at the mess that evening. I don't remember seeing another piece of paper. I don't think so, sir.

IO: I have here another document called Combat Action Report, dated 28 March, which has been entered into this investigation as Exhibit R-2. May I ask you to take a look at that document to see if you are familiar with the contents of this document? Recognize if you will, Captain HENDERSON, that this is a true copy. The document itself was on standard size typing paper. That attachment is just an overlay showing the operation. Do you recall having seen that document?

(Witness examines the document.)

A. No, sir. I'm sure I've never seen it.

Q. This isn't the document, then, that you saw that was being discussed between Colonel HENDERSON and Major MCKNIGHT?

A. No, sir. I'm sure it's not.

Q. Do you recall that brigade had received a request from division on 19 March requesting an after action report of A/3/1 in a 23 February contact? Also a report of the 1 March trawler incident and also a report of CID

and Special Forces beginning on 7 March and also another for the 1/20 on 16 March?

A. No, sir. These were requests from division at about that time?

Q. Yes.

A. No, sir. Normally the requests for after action reports like that came down from the action officer in the G3. Most of the time it was the assistant S3 that worked over in the S3 shop itself, sir. He did most of the writing of the after action reports and things like that. We did none of those in the TOC.

Q. Well, you're not familiar with this, then. For this reason you would probably not be familiar with one of the reports that was submitted in response to it?

A. No, sir.

Q. I'd like to give you this piece of paper, Exhibit R-1 again, and ask you if that is the piece of paper which you saw being discussed between Colonel HENDERSON and Major MCKNIGHT.

A. No, sir. I'm sure it isn't.

Q. This then, is not the piece of paper that you saw being discussed? You'd indicated previously that the piece of paper you saw concerned the helicopter pilot?

A. Yes, sir.

Q. This one has no reference to a helicopter pilot.

A. To the best of my knowledge, I don't think I have ever seen this one, sir. As a matter of fact, I'm sure I haven't.

Q. Now, I believe you were on very friendly terms with your S5, Captain KESHEL?

A. Captain KESHEL, yes, sir.

Q. Do you remember any conversations with him concerning what had happened there and some of the information that had come to him through the S5 channels?

A. No, sir, I don't.

Q. Was there any possible conflict between Captain GOUZOULES, with CALHOUN or BARKER or any of these people? Do you know Captain GOUZOULES?

A. GONZALES? Yes, sir, I think he was up in 4/3 I think one of the battalions up there. Yes, sir.

Q. GOUZOULES, not GONZALES, who was the S5 officer of the 4/3.

A. No, sir. I don't know him. GONZALES is the man I thought you were referring to.

Q. Did you ever hear anything about GOUZOULES having any problems with CALHOUN and HENDERSON?

A. No, sir.

Q. Did anybody ever caution you about not talking or let's stop any rumors, and so forth that are going on around here concerning an operation out at the Son My area?

A. No, sir.

Q. Did you have the feeling that the enlisted men were aware of or doing any talking concerning anything which may have transpired along about this time when you were in the TOC?

A. No, sir.

Q. And you were a member of this command, and you were well known throughout here, and you had a good pulse on everything that was going on in the brigade, didn't you?

A. Fair, yes, sir.

Q. And yours was a key position?

A. Yes, sir.

Q. As a matter of fact, you probably had a better insight than I would say 99.9 percent of the people in the brigade. But you never heard anything from the enlisted men and so forth?

A. No, sir.

MR MACCRATE: You indicated that you talked, I believe, with Major TUMELSON recently?

A. He and I talked recently, yes, sir.

Q. What did he indicate as to his recollection of that section of March and April 1968?

A. Just like mine, sir, almost none, was his indications to me, sir.

Q. Was he an aide to Colonel HENDERSON at that time?

A. I'm almost sure he was still in the company. He carried a company to Vietnam in December. Then later he was General GETTYS' aide. I'm sure it was after that. He was probably down in the 3/1 at the time, sir.

Q. He didn't indicate any special recollection of events?

A. No, sir. He didn't

Q. What about Major ROBB?

A. None whatsoever, sir. He was, I think, at that time, the S4 down in the 1/20. All we did was discuss the news events that we had seen. Ernie and he were pretty good friends also, Captain MEDINA and he, sir.

Q. Anything from Lieutenant Colonel HENRIONNET?

A. HENRIONNET? No, sir. Basically all of my discussion with these people were just what we had seen and read recently since we had been there at Benning.

Q. What had Colonel HENRIONNET's position been in March and April 1968?

A. I'm almost sure at that time he would still be executive officer of the 3/1, assigned to the brigade, sir. I think he got promoted a little later and would have gone to division.

Q. You have no recollection of a Captain Winston GOUZOULES, the S5 at the 4/3?

A. I'm sure I've never talked to him. No, sir.

Q. Then you have no recollection of Captain KESHEL speaking about him?

A. No, sir.

Q. How did you understand the relations were between Colonel ANISTRANSKI and Captain KESHEL?

A. Who, sir?

Q. Colonel ANISTRANSKI, the division G5. Did you ever talk with Captain KESHEL about that?

A. No, sir. I don't recall ever hearing the name, sir.

COL ARMSTRONG: When you read about this report, Captain HENDERSON, in the newspaper 5 or 6 months ago, what was your reaction?

A. Personally, sir?

Q. Yes.

A. I still don't believe it happened, sir. I don't believe it.

Q. Were you shocked by this?

A. Yes, sir, I was.

Q. I know how you felt. Let's go back to when you were first talking to us. You mentioned that in the TOC itself there was a lot of excitement going on concerning this particular operation?

A. Yes, sir.

Q. This was the first big kill. You started getting reports on the first big kill that the brigade had, so to speak?

A. Yes, sir.

Q. Was that the excitement? What was the nature of this excitement? Typical TOC stuff, "Boy, we're really firing it up this time?"

A. Yes, sir.

Q. This was the telephone guy, talking to the map markers?

A. Yes, sir, just the normal excitement, I guess, that is as any other TOC, but that's just about what it was, sir.

Q. A victory?

A. Ready to go and get them, yes, sir, things like this and especially with no casualties so to speak, on our side. This was what was so good.

Q. This operation went over several days. The companies were down in that area for a couple of days longer. Did you ever sense a reaction setting in of, "Maybe this wasn't so hot after all?"

A. No, sir. That's the feeling that I had got since the story broke, though. And I think talking to some of the other boys that were in our brigade at the time, that was the feeling that we'd had since then.

Q. Since then, but not at that time?

A. No sir, not at that time.

Q. What I'm trying to figure out is: Was there any way that this information started getting up through the enlisted men? Who would have this kind of reaction among them, sort of a letting down?

A. As the general says, I was pretty close to the enlisted men that worked for me, there in the TOC, especially. I'm sure they never heard anything like that. I'm sure of that. No resentment or no rumors going through enlisted channels up through brigade sergeant major or the S3 sergeant. He and I were pretty close. I'm sure of that, sir.

IO: I wish you'd think back again about this piece of paper that you saw with respect to time, size of the paper, and what it said on it. See if you can add anything to what you have indicated, because we do have this one important investigation which does not direct itself to any helicopter pilot, or any possible confrontation, or anything of this nature. It would be extremely helpful if you did have some additional facts that you could present to us. Are you comparatively sure of the time?

A. Yes, sir, I'm sure it wasn't long after the --

Q. (Interposing) It wasn't this paper that could have come out almost a month and a half after, 5 or 6 weeks afterward?

A. I'm almost sure that it wasn't that long, sir.

Q. The event was still pretty fresh in your mind, is that correct?

A. Yes, sir. Through casual conversation and then recall seeing it on the paper is what. . . . But anything else on it, the "TO" or the signature block, I don't know, sir.

Q. Was it directed toward an allegation which may have been made by a helicopter pilot, the one-page job?

A. I would say so, yes, sir.

Q. And it concluded there was no basis of fact or foundation?

A. Yes, sir. That was what I gathered as the conclusion.

MR MACCRATE: Did it indicate who had conducted the actual interrogation? Do you have any recollection of a reference to certain individuals being talked to and the responses made by them?

A. I want to say that the helicopter pilot's name was on there, sir, but I wouldn't swear to it. The only reason his name is fresh is from me reading it in the paper. But I wouldn't want to swear that his name was in that report, but it seems that it was.

Q. It is your recollection that it was Major MCKNIGHT who had prepared this paper, reporting on such investigation as had been conducted to that time?

A. Yes, sir. It was my indication that he had prepared the paper for possibly the colonel's signature, or maybe he hadn't written it, but I assumed that he had. Because of the lack of knowledge of the other assistant S3.

IO: I don't want to put thoughts in your mind or words in your mouth, but did this paper say anything about having talked to Captain MEDINA, and having talked to a large number of people in the company and having talked to the helicopter pilots?

A. Well, all the other people I don't remember, sir. But the helicopter pilot does ring a bell. And I'm saying I wouldn't want to swear to it since I have seen his name in the paper.

Q. I am just talking about what you know.

A. But I don't recall it specifically saying that these other people had been interviewed. No, sir. I don't.

Q. Yes.

MR MACCRATE: Captain HENDERSON, do you have any recollection of hearing that Colonel HENDERSON went out into the field during this time frame and spoke with Captain MEDINA in the field with his company, out on an operation?

A. You mean going out on the ground with the company, sir?

Q. Yes, in fact going out and making a special landing. They had to pop smoke to indicate where he was coming down. He was on the ground for a period of time talking to Captain MEDINA.

A. No, sir.

Q. If the commanding officer of your brigade made such a trip, it's something that you would have known about as it happened, would you not?

A. Normally, yes, sir. If he would take off, either someone in the chopper with him or his pilot would call me and give their destination as to where they were going. I'd just write it on the side of my board up there so that I would know where he was at all times. When they would get there and depart, then someone in the chopper would call me again and say he departed here for somewhere else, and I don't recall anything like that. No, sir.

Q. You have no recollection of Major MCKNIGHT coming back to the TOC and telling you about going out to the field and landing with Colonel HENDERSON and talking to Captain MEDINA?

A. I don't remember anything like that. No, sir.

Q. Anything about a meeting of Colonel HENDERSON with Captain MEDINA in this report, that you recall, from Major MCKNIGHT?

A. Not to my knowledge, sir. I don't recall any such meeting. No, sir, not being mentioned.

IO: Do you ever recall anybody mentioning a meeting between General YOUNG, Colonel HENDERSON, Colonel BARKER, Colonel HOLLADAY, the division aviation officer, Major WATKE, the commanding officer of the 123d Aviation aero-scout company at LZ Dottie on or about 17 or 18 March?

A. No, sir. I don't.

Q. Did you ever hear anything, aside from what you have already told, where you heard this conversation concerning a helicopter pilot? Did you ever hear or see anything which would arouse your suspicion that something unusual may have transpired in the Son My or My Lai area?

A. No, sir, not until the story broke after I had come home.

Q. You have been quite helpful to us Captain HENDERSON. I would ask you to continue to think about that particular piece of paper and the circumstances surrounding your seeing this piece of paper. Obviously you had an opportunity, if not to read the whole document, to read part of it.

A. Yes, sir.

Q. See if you can reflect a little more on it and possibly some of the bits and pieces may come to mind. If you do, I would like very much to have you get in touch with Major LYNN or this office so that we can take advantage of that information. I tell you that it is quite important.

A. Yes, sir.

Q. In addition, if you have or know of any documents such as directives, reports of investigation, aerial photos, photos, maps, anything which would be of assistance to us we'd like to take advantage of those. As you can see, we already have a great number of the documents associated with this event, but any others that relate directly to it or indirectly for that matter, we'd like to have an opportunity to take a look at them. At this time I give you an opportunity to ask any questions of us you may like to ask, or, if you'd like, to enter a statement into the record.

A. No, sir. I have no questions to ask.

Q. Do you care to make a statment?

A. No, sir, except that I thought Captain MEDINA was one of the best officers and one of the nicest fellows that I have ever been associated with. I said before, I didn't believe it when the story broke, and I still don't, personally.

IO: We appreciate your being here. The hearing will recess.

(The hearing recessed at 1239 hours, 26 January 1970.)