

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

Volume II  
TESTIMONY

BOOK 12

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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 12**

**HENDERSON, O.  
HOFFMAN, R.**

**HOLBROOK  
HOLCK**

**HONDA**

**14 MARCH 1970**

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SUMMARY OF TESTIMONY

WITNESS: HENDERSON, Oran T., COL

DATES OF TESTIMONY: 2, 11, 12, 19 December 1969

TESTIMONY TAKEN AT: Pentagon

WITNESS SUSPECTED OF: (1) Violating regulations and directives pertaining to the reporting and investigation of war crimes; (2) Dereliction of duty regarding the reporting and investigation of war crimes; (3) Suppression or contributing to the suppression of information pertaining to the possible unlawful killing of civilians at My Lai (4) on 16 March 1968; and (4) False swearing.

DUTY ASSIGNMENT ON 16 MARCH 1968: Brigade Commander, 11th Infantry Brigade, Americal Division.

1. PRIOR TRAINING IN RULES OF LAND WARFARE.

a. 11th Brigade training and policies.

Colonel HENDERSON had always stressed to his commanders that indiscriminate killing was not the way to win the war (pgs. 110, 235). HENDERSON and the brigade's former commander, Brigadier General LIPSCOMB, had always emphasized the importance and necessity of proper treatment of PW's and noncombatants (pg. 235). It was HENDERSON's opinion that everyone in the brigade knew that he would not tolerate the mistreatment of civilians (pg. 235). There was a strong policy against indiscriminate firing (pg. 111). HENDERSON could not recall a brigade SOP requiring reports of war crimes (pg. 5). In mid-September 1967, the Geneva Conventions were covered in the brigade training program (pg. 89). However, the rules of engagement were not covered (pg. 89).

b. Americal Division policies and regulations.

Division and higher headquarters reflected the same policy and attitude regarding proper treatment of noncombatants and PW's (pg. 236). The division's policy

was that no burning was permitted without the CG's express permission (pgs. 84, 236, 237).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

HENDERSON was present at a preoperational briefing with the company commanders and Lieutenant Colonel BARKER on 15 March. No order was given, or implied, that My Lai (4) was to be burned. No authority to burn My Lai (4) was given by Major General KOSTER (pgs. 85, 86).

3. ASSAULT ON MY LAI.

a. Artillery prep.

Artillery was not planned to impact in the village during the LZ prep. After the prep, no artillery was fired in support of the operation (pgs. 95, 110).

b. HENDERSON's aerial observations of My Lai (4).

About 0800 to 0815, 16 March, HENDERSON observed the My Lai (4) operation from the air. He saw six to eight civilians south of the village apparently killed by artillery and gunship fire. Two uniformed enemy KIA with weapons were observed north of My Lai (4) (pgs.13-15).

c. PF captives.

At about 0930, 16 March, HENDERSON saw KOSTER at LZ Dottie (pg. 11). KOSTER was interested in information that might be learned from interrogation of two VC suspects picked up outside of My Lai (4) (pg. 17). The suspects were confirmed as PF's being held prisoner by the VC in My Lai (4) (pg. 18).

d. Unauthorized burning during the operation.

While overflying My Lai (4), HENDERSON saw a hootch burning. HENDERSON called Lieutenant Colonel BARKER and told him to put a stop to it (pg. 237). HENDERSON was unaware that other villages had been burned during this operation either by C/1/20 or B/4/3 (pg. 222).

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4. INQUIRIES CONCERNING THE ASSAULT.

a. 16 March KOSTER-HENDERSON discussions.

At KOSTER's 0930 visit to Dottie on 16 March, HENDERSON reported that he had observed six to eight civilians killed apparently by artillery or gunship fire (pgs. 13, 17, 19). During the early evening, HENDERSON was informed by BARKER that the number of civilian deaths had increased to 20. HENDERSON called KOSTER and informed him (pgs. 22, 128, 166). KOSTER acted surprised and shocked (pg. 22). KOSTER was advised that BARKER was looking into this (pgs. 22, 128, 129). KOSTER said, "I want to know that, too" (pg. 22). KOSTER wanted to know the sex, age, and mode of death (pg. 166) (but earlier testimony by HENDERSON on pg. 22 is to the contrary). BARKER was then informed of KOSTER's interest and eventually gave a breakdown of the casualties on a three by five card (pg.167).

b. HENDERSON-BARKER discussions.

BARKER's initial report on 16 March was that an abnormally high number of civilians were killed (pg.20). At that point in time, HENDERSON ordered BARKER to get a body count by sex, age, and mode of death (pg. 20). HENDERSON denied that BARKER relayed WATKE's report of THOMPSON's allegations on to him on the afternoon of 16 March (pgs. 126, 254). After learning of a possible incident, HENDERSON told BARKER of his contemplated plan to resweep C/1/20 back through My Lai (4). BARKER was opposed to moving C/1/20 back through My Lai (4) (pgs. 161, 169, 251, 252).

On 18 March, HENDERSON asked BARKER what he personally knew of a possible incident in My Lai (4). HENDERSON believed that BARKER told him that he had landed (pg. 97) and had flown over My Lai (4) on 16 March and had not seen anything extraordinary (pgs. 253, 254). BARKER told HENDERSON that he had seen MICHLES and nothing was learned from him or his company (pg. 179). BARKER reported that some of the civilians had probably been killed by small arms fire. However, as a result of his personal observations and interviews with people, BARKER was sure that THOMPSON's allegations were unwarranted (pgs. 35, 242). Prior to HENDERSON's meeting with Brigadier General YOUNG at LZ Dottie, BARKER gave HENDERSON a three by five card listing 20 civilians killed by sex and mode

of death (artillery and gunship fire) (pgs. 24, 259).

c. HENDERSON-THOMPSON meeting at LZ Dottie.

(1) THOMPSON's introduction to HENDERSON.

In his earlier testimony, HENDERSON related that Warrant Officer THOMPSON was introduced to him at LZ Dottie by Major WATKE on the morning (0730 or 0800) of 17 March as a man with a story to tell (pgs. 7, 8, 140). HENDERSON, on recall, conceded the possibility that he had talked with THOMPSON on the morning of 18 March rather than 17 March (pgs. 122, 123). On recall, HENDERSON also believed that it was Major WILSON not WATKE who brought THOMPSON to him (pgs. 123, 130, 146). HENDERSON was steadfast in maintaining that he talked with THOMPSON prior to his meeting with YOUNG and that he never reinterrogated THOMPSON (pgs. 10, 139, 142, 150, 241, 242).

(2) THOMPSON's story.

Their discussion was conducted in private (pg. 8). THOMPSON related that there had been wild shooting by the infantry and helicopters (Sharks of the 174th) during the My Lai (4) operation on 16 March 1968. THOMPSON had seen a dark-complexioned captain shoot a wounded woman as he (THOMPSON) had been marking wounded civilians with smoke attempting to get medical aid for them. The infantry would then advance, throw grenades, and shoot in the civilian's direction (pgs. 8, 143, 245). Large numbers of dead, including civilians, were seen (pgs. 34, 247). HENDERSON had always felt that they were VC as this coincided with the high body count (pg. 34), even though THOMPSON was insistent that they were civilians (pg. 143)

The allegation of a dark-complexioned captain (MEDINA) shooting a woman was given by THOMPSON as an example of the infantry's reaction to his action of marking the wounded (pg. 143). THOMPSON also reported that after marking wounded civilians a "colored" soldier (apparently a platoon leader or platoon sergeant) had his troops fire as they moved toward the marked position (pg. 245). THOMPSON did not have communications with the infantry. He had to go through the low gunship (pg. 246).

HENDERSON could not recall if the confrontation with Lieutenant CALLEY was known to him as being THOMPSON or

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the other Warlords (pg. 249). His impression of THOMPSON was that he was a forthright individual in making his allegations (pg. 249).

HENDERSON was unaware that THOMPSON had landed or of THOMPSON's other activities. THOMPSON did not include a description of U.S. soldiers firing into a ditch (pgs. 11, 135, 143, 144, 145, 249). HENDERSON had not heard of any allegations regarding indiscriminate firing until he talked with THOMPSON (pg. 165).

d. HENDERSON's visit to MEDINA's laager site.

(1) Location and time.

After talking with THOMPSON, HENDERSON was satisfied that an incident had occurred (pg. 145). Again, on recall, HENDERSON professed that this could have been 18 March rather than 17 March (pg. 122). HENDERSON's recollection was that after talking with THOMPSON but prior to his scheduled meeting with YOUNG, he informed BARKER of the accusations and flew immediately to MEDINA's position (pgs. 8, 124, 126, 156). However, HENDERSON agreed that his timing (0800) of the MEDINA meeting might be off and that the time of this meeting given by others (1000-1500) might be more accurate (pgs. 153-156). HENDERSON's recollection of the locale of his visit with MEDINA did not nearly coincide with the coordinates given in the operational log (Exhibit M-16). The log indicates that on 17 March, C/1/20 was much further to the south than HENDERSON's map description (pg. 154).

(2) HENDERSON-MEDINA discussion.

The helicopter ascended after dropping off HENDERSON's party. Present with HENDERSON were, Lieutenant Colonel LUPER, Lieutenant Colonel BLACKLEDGE, or possibly Major McKNIGHT (pg. 151).

HENDERSON confronted MEDINA with the allegation that he had shot a woman. MEDINA explained that he shot her in self-defense after observing movement as he walked away (pgs. 8, 151, 158). MEDINA reported 20-28 civilians killed by artillery or gunships. The body count had been reported by MEDINA's platoon leaders. However, MEDINA did not think that they had physically examined the bodies for cause of death (pgs. 158, 159). BARKER had also been informed by MEDINA of the noncombatant deaths (pg. 159).

MEDINA was sure his troops had shot no civilians (pgs. 9, 11, 23, 251), although by dropping smoke he thought THOMPSON was marking VC (pg. 10). His platoon leaders had denied any indiscriminate killing (pg. 251). HENDERSON spoke only with MEDINA but thought he spoke with Captain MICHLES (CO of B/4/3) sometime prior to 20 March (pgs. 167, 168, 179).

(3) HENDERSON's suspicions.

HENDERSON was suspicious of the inordinately large ratio of enemy KIA to friendly (128:0) (pgs. 23, 35, 97), and the low weapons-body count ratio (pg. 38). He was also highly suspicious of MEDINA's report of 128 VC KIA because the two RF/PF captives reported that the VC had departed at first light (pg. 159). After talking with MEDINA, HENDERSON wanted C/1/20 to sweep back through My Lai (4). This was because MEDINA had not observed some things that THOMPSON had and because there were discrepancies regarding the number of civilians killed (pgs. 126, 161). MEDINA had been alerted during their meeting that this would occur (pg. 252).

At a later date, HENDERSON was suspicious that things were being held back at the lower command echelons, but he did not feel that anyone in headquarters was trying to cover the incident up (pg. 225). HENDERSON had no suspicions that of the 128 VC reported KIA some might have been civilians (pg. 257).

e. HENDERSON's order to resweep My Lai (4).

(1) Resweep and requirements placed on C/1/20 by HENDERSON.

After speaking with MEDINA, HENDERSON flew back to LZ Dottie and ordered BARKER to sweep a company back through My Lai (4) from the place B and C Companies were laagered (pgs. 23, 143, 159, 160). HENDERSON dated this order to resweep My Lai (4) as 17 or 18 March and not the 16th (pgs. 125-127, 164). However, in his later testimony, he did not know if the order was given before or after his meeting with YOUNG (pgs. 126, 141, 151, but see pg. 38).

MEDINA was to make a body count. Every non-combatant killed was to be inspected by an officer to determine sex, age group, and cause of death (pg. 126, 141,

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151, 161, 169, 252). HENDERSON did not believe so many civilians could have been killed by artillery (pg. 126). MEDINA was also instructed to make a recount of the VC bodies (pgs. 141, 151), and to thoroughly search the area for weapons (pg. 161).

(2) BARKER's objections.

MEDINA and BARKER objected to the order to resweep My Lai (4). BARKER argued that obedience to the order would have necessitated missing the heli-extraction which was laid on for the 18th. Missing the extraction would have meant walking out through a mine infested area (pgs. 161, 251). Despite BARKER's arguments, HENDERSON ordered the resweep of My Lai (4) (pgs. 161, 169).

(3) Countermand of order to resweep My Lai (4) by KOSTER.

In Duc Pho on the afternoon of 17 or 18 March, HENDERSON was informed that KOSTER had countermanded his order to resweep the battle area (pgs. 42, 45, 127). On learning this, HENDERSON flew to LZ Dottie to discover KOSTER's reasons. Major CALHOUN informed HENDERSON that KOSTER did not want to subject the troops to the mines and boobytraps in the area (pg. 172). YOUNG later told HENDERSON that BARKER had suggested that the troops not walk through this heavily mined area again (pg. 173).

f. YOUNG meeting at LZ Dottie.

(1) Date and time.

HENDERSON received a phone call the night before that YOUNG wanted to meet at Dottie on the morning of the 17th or 18th of March regarding an incident. HENDERSON arrived an hour early (pgs. 128, 134, 142, 151). HENDERSON puts the time of the meeting as 0900 or 1000 hours (pgs. 130, 140). Exhibit M-16 logs HENDERSON's and YOUNG's arrival at LZ Dottie at 0905 and 0910 hours on 18 March 1968 (pg. 229).

(2) Discussion of THOMPSON's allegations.

Present at the meeting were YOUNG, HENDERSON, Lieutenant Colonel HOLLADAY, BARKER and possibly WATKE or

WILSON (pg. 130). The purpose of the meeting was to discuss THOMPSON's observations. YOUNG and HOLLADAY were already informed of THOMPSON's complaints. The discussion was dominated by YOUNG (pg. 130). Not only was the alleged misconduct of U.S. troops discussed, but also the confrontation between THOMPSON and the infantry (pgs. 132, 133). The primary topic was the confrontation (pg. 134). There was no discussion concerning a Negro sergeant firing into a ditch (pg. 135). YOUNG was so unhappy over the confrontation that he intimated that charges should be initiated against THOMPSON (pg. 135). YOUNG gave HENDERSON the impression that he was more concerned over the confrontation than the civilian casualties (pg. 250). HENDERSON did not discuss his suspicions (pg. 38), but he did relate that he had talked with THOMPSON and MEDINA and had directed BARKER to have My Lai (4) reswept (pg. 38). HENDERSON also told YOUNG that THOMPSON had unknowingly marked civilians for death by dropping smoke (pg. 10) and showed him BARKER's three by five card (pg. 38). HENDERSON told YOUNG that he would make a commander's investigation and if there was any evidence to substantiate THOMPSON's allegations, he would recommend that a formal investigation be conducted (pgs. 39, 40, 136, 139). HENDERSON couldn't recall if he volunteered to initiate his personal investigation or whether YOUNG ordered him to investigate the accusations (pg. 243). HENDERSON could not recall item for item what THOMPSON was reputed to have seen and reported as it was discussed at the YOUNG meeting (pg. 243). HENDERSON could not recall WATKE relaying what THOMPSON had reported to him (pg. 141). No statement was made by anyone to the effect that "Only the five of us in here know about this" (pg. 140).

g. HENDERSON-WATKE discussion at LZ Dottie.

HENDERSON changed his earlier testimony and stated that WILSON not WATKE brought THOMPSON to him (pgs. 123, 130, 146). HENDERSON did not recall talking with WATKE after the YOUNG meeting, nor did he recall a visit by HOLLADAY and WATKE on or about 17 March regarding a more efficient utilization of the aero-scout company's assets and capabilities (pg. 129). WILSON told HENDERSON that only THOMPSON had observed the incident (pg. 150).

h. GIBSON's survey of his pilots.

After the YOUNG meeting, HENDERSON returned to

Duc Pho and ordered Major GIBSON, commanding officer of the 17th Aviation Battalion, to survey his pilots--Dolphins, slicks, and sharks--to discover if they had seen any wild shooting or killing of noncombatants at May Lai (4) (pgs. 39, 169, 177, 255, 256). On the evening of 18 or 19 March, GIBSON's oral reply was that he had talked with all of his pilots and that none had heard, seen, or participated in indiscriminate firing (pgs. 47, 177).

i. HENDERSON's interrogation of C/1/20's troops.

When HENDERSON arrived at Dottie to find out the reasons for KOSTER's countermand, troops from C/1/20 were disembarking from the helicopters (pgs. 42, 171, 172). HENDERSON had an NCO hold up the troops and initially they were asked as a group (30-40) if there had been any indiscriminate killing. Receiving no answer, HENDERSON pointed out soldiers individually and inquired if they had seen or heard of civilians being killed and wild shooting. They all answered "No, sir!". The group was composed of men from the first and second platoons of C/1/20 (pgs. 42-44, 46, 170-172). Their appearance and demeanor were not that of men who had just killed a great many women and children (pg. 174). HENDERSON never spoke individually to any of the key personnel of C/1/20, other than MEDINA, while investigating THOMPSON's allegations (pg. 175).

j. HENDERSON-TOAN-KHIEN meeting.

In mid-April, attachment two of Exhibit R-1, was received from HENDERSON's S2 (pg. 192). Upon learning the contents, HENDERSON consulted with TOAN (2d ARVN Division CG). TOAN reported that KHIEN, the province chief, was to investigate the allegations (pgs. 52, 53, 193). HENDERSON then discussed the VC propaganda with KHIEN and KHIEN showed HENDERSON a letter from the village or district chief accusing U.S. forces of killing 500 civilians in two separate incidents (pgs. 52, 53, 193, 194). TOAN and KHIEN did not believe these reports. KHIEN told HENDERSON that the village chief was just writing what the VC told him to write (pgs. 83, 193, 194). Exhibit R-1 (24 April Report) was then written by HENDERSON for the purpose of passing on to division the propaganda attachments and to point out that his investigation disclosed no evidence to support the allegations (pgs. 54, 194).

k. Miscellaneous inquiry.

HENDERSON was positive that he interviewed CALHOUN and MEDINA subsequent to his initial interview conducted between 16 and 18 March. He did not recall the location. A written statement was not taken from CALHOUN (pgs. 194, 195).

5. REPORTS OF INVESTIGATIONS.

a. Oral reports to YOUNG.

Prior to reporting the results of his investigation to KOSTER on 20 March, HENDERSON reported the following to YOUNG: (1) MEDINA's explanation; (2) that the infantry commanders, MEDINA and MICHLES, denied any foul play; (3) BARKER's findings from his investigation; (4) Major GIBSON's report of his pilots' denials of participating in or seeing "wild shooting" (pg. 258). HENDERSON possibly conveyed the impression to YOUNG that THOMPSON's allegations were a reaction to his first combat (pg. 258).

b. HENDERSON's oral report to KOSTER.

HENDERSON was ordered by YOUNG to report his findings to KOSTER (pg. 242). An oral report of HENDERSON's command investigation was made to KOSTER on 20 March 1968 (pgs. 50,51,180,181,197,259). Prior to meeting KOSTER, HENDERSON told Colonel PARSON (Americal Division chief of staff) a few facts regarding the incident (pg. 181). No one was present when HENDERSON reported to KOSTER (pg. 181). HENDERSON handed KOSTER the three by five card which had been prepared by BARKER giving a breakdown on the casualties (pgs. 50,51,197,259). KOSTER questioned the report of so many civilians being killed by artillery and gunships. HENDERSON explained that the report was probably erroneous in that regard because commanders disliked reporting civilian casualties as a result of small arms (pgs. 181, 182). HENDERSON reported the following to KOSTER: (1) THOMPSON's report of unnecessary killing; (2) the machinegun confrontation between the aircraft and infantry; (3) MEDINA's explanation for shooting the woman (pg. 182); (4) his personal observation of six to eight bodies; (5) BARKER's observations of no indiscriminate killing from overflying the AO; (6) MEDINA's denial of indiscriminate killing by his troops (pg. 183); and (7) THOMPSON being the only one who observed anything unusual (pg. 183).

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KOSTER stated that he wanted to discuss this further with YOUNG (pgs. 183, 259). He also indicated in a "disinterested way" that he did not believe it was that important to find out how these 20 civilians might have been killed (pg. 183). HENDERSON opined that a formal investigation was unwarranted (pgs. 50, 183).

c. HENDERSON's 4 April written report.

HENDERSON believed that prior to receiving the VC propaganda reports and approximately 10 days to two weeks after the operation's conclusion, he was told by YOUNG to prepare a written report incorporating his previous oral report to KOSTER (pgs. 146, 184, 264). This was not to be a formal report (pg. 264). Exhibit R-1 fails to accomplish the above requirement (pgs. 212, 264).

This report was a three to five page document which satisfied the requirement of reducing his 20 March oral report to writing (pgs. 188, 194, 264). HENDERSON thought he might have hand carried this report to PARSON (pgs. 184, 265). He failed to log the transmittal at brigade, but he placed a file copy in the S3 safe. This report contained some positive recommendations regarding the control of civilians within the division AO (pgs. 186, 187). This report carried an early April date (4, 5, or 6). There were no appendices. It briefly outlined THOMPSON's allegations. HENDERSON did not interrogate any additional witnesses, nor did he have any further information for making his findings. He did not talk to anyone in the 123d aero-scout company (pg. 187). HENDERSON recalled showing this report to BARKER and Major MCKNIGHT (pg. 189). This report indicated that 20 civilians had been killed (pg. 190). Two or three days after rendering his report, HENDERSON was told by YOUNG that KOSTER was satisfied with it (pgs. 190, 263, 265).

d. HENDERSON's 24 April written report (Exhibit R-1).

As a result of the VC propaganda, HENDERSON authored Exhibit R-1 for the purpose of passing on the propaganda allegations to division and rebutting their assertions (pg. 194). HENDERSON's earlier testimony was that KOSTER had ordered Exhibit R-1 written because of a VC propaganda statement forwarded by HENDERSON (pg. 56).

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No statements were taken for Exhibit R-1. HENDERSON wrote this report from statements in his notebooks (pgs. 7, 56). On 14 April 1968, HENDERSON was aware of attachments 1 and 2 of Exhibit R-1 (Propaganda letters), (pg. 54). He believed that the first attachment might have possibly been prepared by his MI Detachment (pgs. 192, 267). Lieutenant TAN's letter (Exhibit M-5) was erroneously or inadvertently appended to Exhibit R-1 by someone other than himself (pg. 197). One of HENDERSON's April reports was hand carried to PARSON (pgs. 198, 265).

e. BARKER's after action report.

HENDERSON had never seen BARKER's after action report (Exhibit R-2). Normally after action reports from battalion were incorporated by brigade (pg. 66). HENDERSON did not indorse nor did he direct the preparation of R-2 (pgs. 261, 262).

f. Artillery incident report.

HENDERSON was of the opinion that an artillery incident report was not required because the prep landed in its designated impact area. He had been assured that the artillery did not land in the village (pg. 260).

g. BARKER's formal report.

(1) Date of the report.

On about 10 May, YOUNG informed HENDERSON telephonically that KOSTER wanted a formal investigation conducted by his brigade (pgs. 69, 198). YOUNG did not know of new developments which required this investigation (pg. 198). As Task Force Barker was disbanded prior to 24 April (pg. 195), BARKER was then the 11th Infantry Brigade XO and the only officer available to conduct the investigation and was appointed with YOUNG's approval (pgs. 71, 199).

BARKER submitted his report prior to 20 May when he went on R&R (pg. 199). HENDERSON did not know if orders were cut appointing BARKER as investigating officer (pgs. 73, 200).

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(2) Report body.

The report consisted of three to four pages (pg. 201). Other than statements, there were no appendices, overlays or diagrams included (pg. 201). HENDERSON thought he recalled seeing THOMPSON's statement (pg. 202). Detailed statements were to be taken from everyone involved (pg. 72). HENDERSON also recalled statements from MEDINA (pgs. 75, 203, 204), MICHLES, CALHOUN or Sergeant JOHNSON, pilots and the platoon leaders and enlisted men of the company (pgs. 202, 208). With the exception of MEDINA's, there were 15-20 cryptic statements (pg. 75). The report concluded that 20 civilians had been killed by artillery and gunship fire. There was no evidence that any soldiers had willfully or negligently wounded or killed civilians (pgs. 74, 76).

(3) Indorsement and submission.

HENDERSON received the report and found it adequate (pg. 203). HENDERSON indorsed this report and recommended its acceptance (pgs. 76, 204). The report had included THOMPSON's allegations (pgs. 205, 208). The report was forwarded to division, but HENDERSON did not keep a copy as he was relying on BARKER. HENDERSON was amazed that the 11th Brigade files did not contain a copy. The report was classified for official use only. HENDERSON never received a return copy from division, III MAF, or MACV (pg. 207). There was never any subsequent notification of approval (pgs. 77, 207). However, YOUNG told him that the report had been received (pg. 207).

6. OTHER INFORMATION.

a. Telephone conversations with KOSTER.

HENDERSON talked to KOSTER several times telephonically concerning this incident. The first time was after it broke in the press sometime between 10 and 15 November (pg. 214). They discussed the series of events pertaining to the reports, and also KOSTER's countermand of HENDERSON's order to resweep My Lai (4). KOSTER initiated the first call. The second call occurred approximately one week later. Of the four or five calls, KOSTER initiated all but one (pgs. 214, 215).

b. HENDERSON's other discussions.

After making a statement for Colonel WILSON's investigation, HENDERSON talked with Lieutenant Colonel BLACKLEDGE about the VC propoganda leaflets. HENDERSON could not remember how he had obtained it (pgs. 148, 149).

c. Statements to keep the incident quiet.

Although HENDERSON knew of no statements made by anyone that an investigation was under way and that it was best for people to keep quiet about it (pgs. 191, 224), he did tell BARKER, CALHOUN, and others that he wanted THOMPSON's accusations kept close to the belt for morale reasons until there was some substantiation (pgs. 99, 140, 224).

d. Exhibits.

HENDERSON had never seen MACV Directive 20-4, dated 27 April 1967, (Exhibit D-1) (pg. 62). HENDERSON had never seen HAEBERLE's pictures (Exhibit P-2 thru P-25 or P-31 thru P-42). He may have seen Exhibit P-26 thru P-30. HENDERSON was not aware that a photographer had accompanied C/1/20 in the My Lai (4) operation (pgs. 79, 80, 82). HENDERSON's letter to General WESTMORELAND dated 10 December 1969, was entered into the record as Exhibit M-13 (pg. 221). Exhibits S-3 and S-4, HENDERSON's statements of 27 November 1969 and 5 December 1969, were introduced. The Task Force Barker log, dated 16 March 1968, in which item 39 reflects that C/1/20 had 10 to 11 civilians reported killed. This was reported to the brigade TOC at 1555 (pg. 231). HENDERSON cannot account for the failure to mention civilian casualties in the reports forwarded to division (pg. 222). The 11th Brigade SITREP of 16 March fails to mention civilian casualties notwithstanding knowledge of them (pg. 234).

e. HENDERSON's wound.

HENDERSON was wounded as a result of hostile action on 23 March 1968. His leg was in a cast from 26 March until 17 April. He was able to maintain his job as brigade commander (pg. 210).

f. Miscellaneous.

- (1) HENDERSON was the deputy commander of the

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11th Infantry Brigade from 25 August 1966 to 15 March 1968. He assumed command of the brigade on 15 March 1968 (pgs. 3, 4).

(2) No one from the 31st PIO voiced any complaint about the My Lai (4) operation (pg. 78).

(3) During the operation, HENDERSON never heard any radio instruction over the command net to stop killing civilians. He had ordered BARKER to have the National Police stop the burning (pg. 85).

(4) HENDERSON recalled no solatium payments being made to My Lai (4) survivors (pg. 93).

(5) HENDERSON admitted that he had erred in a previous statement to Colonel WILSON. There was never an operation conducted in conjunction with ARVN forces to investigate the VC propaganda allegations (pg. 94).

(6) HENDERSON disclaimed that Lieutenant Colonel GUINN (Deputy Province Advisor) ever gave him a piece of paper from the district grievance committee reporting 1000 civilians killed a few days after the My Lai (4) operation (pgs. 101, 102, 266, 267).

(7) HENDERSON never heard of any noncombatants being killed or atrocities in Co Luy or Co Lay (pg. 223).

(8) Lieutenant General DOLEMAN had lunch with HENDERSON on the 17th, but he did not spend the night at HENDERSON's headquarters at LZ Bronco (pg. 233).

(9) After reading HENDERSON's early April report, and hearing KOSTER's opinion, YOUNG told HENDERSON that as far as he was concerned the incident was closed (pg. 265).

(10) HENDERSON had the impression that YOUNG was supervising HENDERSON for KOSTER on the incident (pg. 268).

(11) HENDERSON admitted that he did not have the capability to investigate the incident himself and that he should have appointed a disinterested investigation officer (pg. 225). If there were shortcomings in the investigation, HENDERSON accepted full responsibility (See Exhibit M-13) (pgs. 111, 112). At no time though did HENDERSON treat the incident lightly (pg. 112).

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(12) MEDINA is an outstanding, aggressive officer who ran his company by the book (pgs. 105, 106). HENDERSON found it difficult to communicate with KOSTER and he maintained a closer liaison with YOUNG (pg. 112).

(13) HENDERSON had three additional battalions operating at the time of the reported incident (pg. 41). The three companies comprising Task Force Barker were the brigade's best. However, the Task Force Barker arrangement detracted from the brigade's efficiency (pg. 68). BARKER had been the brigade executive officer.

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
D-1	MACV Directive 20-4	Had not seen.	62
M-2	MACV Card "Nine Rules"	Had not seen.	89
M-3	MACV Card "Enemy in Your Hands"	Had not seen.	91
M-4	MACV Card "Guide for Commanders"	Had not seen.	91
M-5	TAN's letter to KHIEN, 28 Mar	Inadvertently appended to R-1.	197
M-14	TF Barker log, 16 Mar	Reported 10-11 civilians killed to brigade.	231
M-16	TF Barker Log, 14-18Mar	Put HENDERSON and YOUNG at LZ Dottie. at 0905 and 0910 hours, 18 March.	229
P-2 thru P-25	HAEBERLE's Pictures	Had not seen.	79
P-26 thru P-30	HAEBERLE's Pictures	Had not seen.	80
P-31 thru P-42	HAEBERLE's Pictures	Had not seen.	79
R-1	HENDERSON's report	Purpose was to rebut VC propa- ganda.	7,56,64, 192,197, 198,267
R-2	BARKER's report	Had not seen.	66, 261



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SUMMARY OF RECALL TESTIMONY

WITNESS: HENDERSON, Oran T. COL

DATE OF TESTIMONY: 13 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: (1) Violating regulations and directives pertaining to the reporting and investigation of war crimes; (2) Dereliction of duty regarding the reporting and investigation of war crimes; (3) Suppression or contributing to the suppression of information pertaining to the possible unlawful killing of civilians at My Lai (4) on 16 March 1968; (4) False swearing; (5) Making false official statements; (6) Accessory after the fact to war crimes committed in the Son My area by Task Force Barker; and (7) Misprision of a felony.

COUNSEL: Carlisle C. TAYLOR, COL, JAGC, OTJAG, Washington, D.C.

1. PREOPERATIONAL PLANS AND BRIEFINGS.

Lieutenant Colonel BARKER never discussed with Colonel HENDERSON that one of the purposes of the operation was to resettle some of the civilian populace. General LIPSCOMB informed HENDERSON that Major General KOSTER was aware of this operation and had approved of it. The witness did not know who briefed KOSTER (pg. 379). HENDERSON confessed that he knew that the operational area was inhabited yet no plans were made to take care of the noncombatant civilians (pg. 378). At the preoperational briefing at LZ Dottie on 15 March, HENDERSON urged the company commanders to be aggressive but he did not characterize the operation as a search and destroy mission (pg. 378).

2. INQUIRIES CONCERNING THE ASSAULT.

a. 16 March KOSTER-HENDERSON discussions.

When KOSTER arrived at LZ Dottie at 0935 hours 16 March 1968, the witness met him near the helicopter

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refueling pad. HENDERSON assumed that he and KOSTER spoke in private as this was normally the case. He did not believe that BARKER was present nor did he recall going to the TOC with KOSTER (pgs 335, 336). HENDERSON gave his commanding general the results of the operation as he knew them at the time. He specifically recalled telling KOSTER that he had personally observed six to eight civilian casualties, but that he had received no other reports as to civilians being killed. KOSTER was also informed of the two VC suspects that HENDERSON had brought in earlier. KOSTER indicated an interest in the interrogation of these suspects. However, he evidenced displeasure upon learning that civilians had been killed (pgs. 357, 358). HENDERSON also received the general impression that KOSTER had flown over the operational area (pg. 357). The witness did not recall informing KOSTER of the intelligence report that 30 to 40 VC had left the village prior to the combat assault (pg. 358). HENDERSON did recall telling him that 30 to 40 VC were reported killed at that time (pg. 334). However, the witness did not recall KOSTER asking how these VC had been killed or any discussion with KOSTER about VC being killed by artillery. HENDERSON did not believe that KOSTER asked about the extent of C/1/20's casualties (pg. 358). KOSTER broached the subject of civilians, if any, that had been killed (pg. 358). It was at that time that HENDERSON told KOSTER that from the appearance of the bodies they had either been killed by gunships or artillery (pg. 358). The witness opined that KOSTER probably raised the subject of civilian casualties because of their concern for civilians (pg. 359). HENDERSON had the impression that KOSTER might have seen some of these casualties while flying over the operational area (pg. 359). He believed that KOSTER asked him to find out from Task Force Barker if there were any other civilian casualties (pg. 359). HENDERSON had no other discussions with KOSTER until that evening (pgs. 374, 376). HENDERSON was not present when KOSTER arrived to pick up Lieutenant General DOLEMAN who arrived at 1535 hours that afternoon at Duc Pho. He also denied being present at the briefing which was presented to KOSTER and DOLEMAN at LZ Dottie between 1645 and 1750 hours on 16 March (pg. 374). When HENDERSON called KOSTER on the evening of 16 March, he did not believe that KOSTER's countermand of HENDERSON's order to resweep My Lai (4) was discussed (pg. 376).

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b. HENDERSON-BARKER discussions.

Shortly after HENDERSON's arrival at LZ Dottie on the morning of 16 March, BARKER apparently returned for a short time. The witness would not deny that he might have had a conversation with BARKER in the TOC at Dottie after they had each returned. However, he could not recall anything specific being said (pgs. 352,353). He assumed that the subject matter of any discussion that they might have had would have related to the operation going on that day. He probably did say something to BARKER about the six to eight civilians that HENDERSON suspected of being killed at that time. However, what was said he could not recall (pg. 352). Later, while airborne flying to Duc Pho, HENDERSON thought that he radioed BARKER asking for a numerical report on civilian casualties (pg. 359). He did not recall receiving a report from BARKER at that time (pg. 359). Sometime after lunch BARKER reported to the brigade TOC that there were 12 to 14 noncombatant dead (pg. 372). The witness changed his earlier testimony by stating that to the best of his knowledge BARKER never reported to him that any civilians had been killed by small arms fire (pg. 406).

c. HENDERSON-THOMPSON meeting.

When HENDERSON met with Warrant Officer THOMPSON on the morning of 18 March, THOMPSON stated that he had seen large numbers of dead noncombatants and that the operation was completely out of control (pgs. 383, 384). THOMPSON specifically mentioned something concerning a colored soldier and also a dark complected captain. He said that he was close enough to identify the captain (pg. 383). The witness did not speak to anyone else from the aero-scout company. He emphatically denied talking with two other individuals who were allegedly with THOMPSON (pgs. 384, 404).

d. HENDERSON-MEDINA discussions.

In his reconstruction of what happened, HENDERSON now believed that he talked with MEDINA after talking to YOUNG. This would have been on the 18th of March (pg. 406).

e. HENDERSON's order to resweep My Lai (4).

HENDERSON was still not sure if he ordered C/1/20

to sweep back through My Lai (4) on 16 or on 18 March. His concern over the civilian casualties that had been reported to him during the afternoon probably prompted his order (pg. 371). His decision to order a resweep was made at his own initiative (pg. 375). The witness recalled BARKER arguing against the resweep. One of BARKER's reasons was that the enemy would have had time to place mines and booby traps in this area. Another was the lateness of the hour resulting from the company returning back to My Lai (4) and then backtracking to the laager area. He also seemed to remember that there would have been a problem with helicopter extraction of C/1/20 and for this reason HENDERSON thinks that his order could have been on 18 March (pg. 373). HENDERSON was airborne over Duc Pho when he learned that KOSTER had countermanded his order (pg. 375).

f. YOUNG meeting at LZ Dottie.

HENDERSON believed that his TOC notified him of the scheduled meeting with Brigadier General YOUNG at LZ Dottie for the 18th on 17 March. He did not recall any conversation with BARKER regarding this meeting. He did not recall how YOUNG began the meeting nor did he remember Major WATKE being present. He told YOUNG that he was going to look into the allegation of the captain killing the woman (pg. 382).

g. HENDERSON-TOAN-KHIEN meetings.

In mid-April HENDERSON visited Colonel TOAN to discuss a VC propaganda leaflet which he had received in which the My Lai incident was mentioned. TOAN told HENDERSON that he had received a letter forwarded by General LAM from the village or district chief alleging U.S. atrocities (pg. 291). LAM asked TOAN to look into the matter. TOAN in turn forwarded LAM's letter to Lieutenant Colonel KHIEN at province to handle the matter (pgs. 291, 292). The witness stated that he had never seen Exhibit M-49, a letter dated 22 March 1968, from the village chief to the Son My district chief, subject, "Report of Allied Operations of 16 March 1968" (pg. 292). HENDERSON stated that he did not believe that he had any knowledge of KOSTER talking to TOAN in mid-April 1968 about the My Lai incident (pg. 290). The witness went to KHIEN's headquarters immediately following his visit to TOAN to discuss the allegations. KHIEN informed HENDERSON that he had been

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directed to conduct an investigation. KHIEN translated part of the letter to HENDERSON with the exception that this letter mentioned another incident either in late February or early March. HENDERSON believed that he ordered his staff to get a copy of this letter for him and asserted that Lieutenant Colonel BLACKLEDGE would be the best informed as to how he received this information (pgs. 294, 295, 296). KHIEN and TOAN were adamant in their opinion that no incident had occurred in My Lai. They were strongly opposed to conducting any investigation (pgs. 316, 317). HENDERSON disclaimed the allegation that TOAN had advised him that he, TOAN, had informed KOSTER of the allegations and had asked KOSTER to have this investigated (pg. 317). KHIEN led HENDERSON to believe that he was not going to conduct an investigation because there was absolutely no truth to the allegations (pgs. 317, 403). HENDERSON believed that the only document that he saw was KHIEN's translation of the village or district chief's letter (pg. 323). After asking for a copy of the translation, he did not recall receiving it or making a check as to why it was not received (pg. 323). This request may have been made in the presence of Mr. MAY or Lieutenant Colonel GUINN. However, he did not physically receive this document from MAY or GUINN (pg. 323). He was also positive that he did not receive any papers from Colonel ULSAKER or Colonel HUTTER (pg. 322).

3. REPORTS OF INVESTIGATIONS.

a. Oral reports to YOUNG.

After speaking with THOMPSON and MEDINA, HENDERSON met with General YOUNG at Duc Pho on the 19th or 20th of March and reported to YOUNG MEDINA's rebuttal to THOMPSON's allegations (pg. 386). HENDERSON also reported to YOUNG that THOMPSON's report of many noncombatants being killed was denied by MEDINA, Captain MICHLES and BARKER (pg. 387). The witness adhered to his earlier testimony that YOUNG was familiar with the allegations made by THOMPSON with regard to the captain shooting a woman, wild shooting by the infantry, and the killing of many noncombatants (pg. 388).

b. HENDERSON's oral report to KOSTER.

HENDERSON's oral report to KOSTER on 20 March was in the morning HENDERSON believed. It was made in private

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at KOSTER's office. He did not remember talking to anyone other than KOSTER. YOUNG was not present (pgs. 390, 391).

c. HENDERSON's 4 April written report.

Following his oral report to KOSTER on 20 March, YOUNG informed HENDERSON at Duc Pho that KOSTER wanted the report in writing. YOUNG was physically present at Duc Pho when he issued these instructions. However, the witness could not recall any other details of YOUNG's visit (pgs. 388, 389). HENDERSON wrote this report in longhand and prepared it by utilizing the notes in his notebook taken when he interviewed THOMPSON and others. Major MCKNIGHT might have helped HENDERSON prepare or check into the early April report for dates and for unit actions. HENDERSON also believed that he might have let BARKER read this report but he was not positive (pg. 320). HENDERSON either asked MCKNIGHT, Sergeant JOHNSON, or Sergeant KIRTPATRICK for a clerk to type this report. Otherwise, only the clerk who typed this report saw it (pg. 321). He did not recall ever discussing the 4 April report with Lieutenant Colonel LUPER (pg. 322). The witness did not recall to whom this report was addressed or its classification. He believed that it might have been classified as low as "For Official Use Only" but he was not positive (pg. 327). He stated that he believed a copy was retained in the 11th Brigade S3 safe. However, he had no explanation as to why a copy could not be found there (pgs. 326-328). He thought that the TOC liaison officer delivered this report to division (pg. 326). Three or four days subsequent to the submission of the early April report HENDERSON had a conversation with YOUNG at Duc Pho regarding the report. The witness was told by YOUNG that he and KOSTER were in agreement that this report satisfied KOSTER's requirement and no further action was contemplated (pgs. 391, 392). In the statement that the witness made earlier to the IG investigator, "I received no further comeback from General KOSTER or anyone else", referring to the conversation with General YOUNG, the witness related that this statement referred to his early April report (pg. 397). However, in later testimony the witness said that he could not clarify in his mind which of the two reports he referred to when he made the above statement (pg. 398). The witness had no ideas or explanations as to why his early April report was not available in the files (pg. 405).

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d. HENDERSON's 24 April written report (Exhibits R-1 and R-5).

(1) KOSTER's directive.

HENDERSON did not recall a letter or directive from KOSTER relating that KOSTER had talked to TOAN who had informed KOSTER of the district chief's allegation to the effect that a large number of civilians had been killed in the area of Son My. This directive from KOSTER purportedly ordered HENDERSON to investigate the incident. After being read Sergeant Major GERBERDING's testimony, the witness stated that it did not refresh his memory and that he was positive that he had not received any such directive or letter from KOSTER (pgs. 290, 291, 309, 312).

(2) Purpose.

The witness reiterated that his primary purpose in preparing Exhibit R-5 was to forward the inclosures to division because of their implications (pg.324). The witness denied making any oral report to the commanding general concerning the allegation the district chief made to the province chief (pg. 324). He reiterated his earlier testimony that Exhibit R-5 was not an investigation. However, he was at a loss to explain why he had entitled it Report of Investigation (pg. 329).

(3) Attachments.

HENDERSON identified the second inclosure to Exhibit R-1 as a piece of VC propaganda which he had obtained through his brigade intelligence channels. However, his oral report to KOSTER and YOUNG on or about 20 March was not related to this propaganda as it was not received until mid-April (pgs. 292, 293). He asserted that he was sure the first inclosure was not given to him while in Quang Ngai meeting with KHIEN. Inclosure one of Exhibit R-1 was obtained by HENDERSON's staff, but he could not recall who acquired it for him (pg. 299). HENDERSON could not account for the 14 April statement attached to the 24 April report (pgs. 317, 318). He reiterated that he did not know the source of the 14 April statement (pgs. 317, 318). The witness was shown Exhibit M-30 which is a statement signed by Captain RODRIGUEZ, the assistant district advisor of Son Tinh, dated 14 April 1968 (pg. 399). HENDERSON

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testified that he did not know RODRIGUEZ, and stated that the exhibit did not help him in his recollection (pg. 399). He did not recall any communication which was forwarded with Exhibit M-30 (pg. 400), nor did he have any knowledge as to how the statement by RODRIGUEZ with the exception of his signature was attached to his 24 April report (pg.400).

(4) Preparation.

HENDERSON reiterated that this report was prepared solely by him. It was possible that KHIEU translated one of the inclosures which was in Vietnamese (pgs. 317, 318). However, HENDERSON could not recall how the inclosures were prepared (pg. 309). HENDERSON indicated that he had written a draft in longhand prior to the report being typed. Although he could not recall how it was prepared, it was entirely possible that GERBERDING did do the typing since HENDERSON considered this an intelligence matter and GERBERDING worked in the S2 office (pg. 309).

(5) Securing the report.

In May of 1969 HENDERSON called Colonel DONALDSON, the Americal Division chief of staff, to inform him that a copy of his investigation could be found in the 11th Brigade S2 or S3 office. He was hoping that DONALDSON would find his report of approximately 4 April. Exhibits R-1 and R-5 are not that report (pgs. 301, 302). HENDERSON maintained that he gave the 24 April report to BLACKLEDGE to secure. Regarding both reports, the witness stated that he made three copies sending two forward and keeping one (pg. 326).

(6) Other.

Regarding the third paragraph of the report, which states "Son Tinh District Chief does not give the allegations any importance", HENDERSON believed that Major GAVIN gave him that information (pgs. 314, 315). However, HENDERSON did not recall the date of his visit with GAVIN (pg. 316). The witness had no recollection of receiving any evaluation from province as to what the Son Tinh district chief felt about these allegations (pg. 315). With the exception of KOSTER, YOUNG, and PARSON, HENDERSON had no conversations with anyone at division regarding the report of 24 April (pgs. 327, 328). He did not recall ever

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speaking with Lieutenant Colonel ANISTRANSKI about this matter (pg.328). He believed that he recalled YOUNG speaking with him at Duc Pho about the 24 April report and indicating that it was satisfactory (pg. 398).

e. Delivery of HENDERSON's reports.

HENDERSON recalled hand carrying at least one of the two reports to division. The 24 April report was addressed to the commanding general. He believed that it was hand carried to the chief of staff, PARSON. The report was in a manila folder, and he recalled sitting down in PARSON's office and handing him the report. He briefly discussed the matter with PARSON. The delivery date was shortly after the 24th (pg. 327). Regarding the early April report, the witness did not believe that he hand carried this report to division, but that he gave it to the liaison officer or had the 11th Brigade TOC give it to the liaison officer for delivery to division (pg. 326). He was certain that he had hand carried at least one of the two reports to division (pg. 327).

f. Artillery incident report.

The witness stated that he did not order LUPER to conduct a formal artillery investigation (pg. 392). LUPER told HENDERSON that the artillery prep had impacted in the LZ where it was supposed to. LUPER did not show HENDERSON the log or the firing data indicating where the artillery was fired. HENDERSON did not know where the artillery impacted. All he knew was that it was planned to have impacted on the LZ (pg. 393). HENDERSON could give no reason why he did not order LUPER to initiate an artillery incident report (pg. 393).

g. BARKER's formal report.

HENDERSON emphatically denied the possibility that Exhibit R-5 was the formal report which BARKER had been ordered to initiate (pg. 313). HENDERSON reaffirmed his earlier testimony that there was a formal report of investigation conducted by BARKER. It was submitted to him. After reviewing it, he forwarded it to the next higher headquarters. This report had signed statements (pg. 313).

h. Census grievance reports (Exhibit M-31).

The witness was shown Exhibit M-31, a Census

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Grievance Report, dated 18 March. He stated that he had never seen Exhibit M-31 previously (pgs. 400-402). He did not recall any reference ever being made to the census grievance report by GUINN (pg. 402). There was a possibility that he did discuss Exhibit M-31 when he discussed the VC propaganda with KHIEN (pg. 404).

4. OFFICIAL RECORDS.

HENDERSON did not recall 69 VC KIA by artillery being reported to brigade headquarters. He claimed that if that had been reported to brigade that he should have known about it and apparently he did not know it. However, he had no reason to believe that the number 69 was inaccurate (pg. 335). HENDERSON did not recall asking any questions or being curious about the lack of calls for fire support from Task Force Barker (pg. 336). He contradicted his earlier testimony by stating that he did not question the large number of VC being reported killed on 16 March (pg. 336). He recalled that brigade had received very sparse reports regarding the Task Force Barker operation of 16 March. Major CALHOUN reported to brigade that the Task Force Barker TOC was having difficulty receiving transmissions from the companies in the field. HENDERSON recalled calling for information regarding casualties and not being able to get a read out (pgs. 340, 341). As a result of this recollection, HENDERSON did not believe that Item 22 of Exhibit M-16 was an accurate report as to the time that the VC KIA's were called in by C/1/20 (pgs. 340, 341). The witness recalled no conversations with LUPER regarding the report of 69 VC KIA by artillery (pg. 342). Regarding the TF Barker log coordinates being different than those coordinates reported in the brigade log locating the 69 VC reported KIA by artillery, HENDERSON had no explanation for this divergence (pgs. 342, 343). The coordinates in the 11th Brigade log marking the location of 69 VC KIA by artillery were in the vicinity that HENDERSON had marked two VC with weapons. HENDERSON did not see 69 dead at that location (pg. 350). HENDERSON denied conspiring with BARKER to alter the body count reports and attribute the 69 VC KIA to artillery fire and change the coordinates to the location north of My Lai (4) in the rice paddies (pgs. 354, 355). HENDERSON stated that the civilian casualties reported on 16 March were posted on the TOC board. However, he could not explain why this report was not included in the brigade SITREP (pg. 377).

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## 5. ACTIVITIES, 16-18 MARCH.

a. 16 March.(1) Radio transmissions.

MCKNIGHT called the 11th Brigade TOC to inquire if brigade reports were being called into the division. He was informed that the 11th Brigade TOC was not being kept up with what was going on (pg. 342). HENDERSON told MCKNIGHT to call the TF Barker TOC and instruct them to expedite their reports to brigade to enable brigade to promptly render their reports to division. The excuse given by Task Force Barker was that they could not hear the radio transmissions coming in from their companies in the field. HENDERSON was under the impression that Task Force Barker was having difficulty in maintaining radio contact with C/1/20 (pg. 370). The witness could not recall which transmission or report the brigade did not receive (pg. 370). HENDERSON denied transmitting "I want this excess killing stopped" (pg. 353). The witness did not recall being in any TOC monitoring these radio transmissions (pg. 334).

(2) Civilian casualties.

The witness recalled a conversation with LUPER regarding six to eight bodies that HENDERSON had seen in the southeast corner of My Lai. He asked LUPER to determine if they were killed by artillery. LUPER called the battery commander and was told that the report that these people had been killed by artillery was false. The battery asserted that they had not placed fire in that particular position and for that reason they could not have killed those Vietnamese. It was BARKER told HENDERSON that these people were killed by artillery and not LUPER. However, it was LUPER from whom he requested the battery to affirm or disaffirm the kills (pgs. 336-338). HENDERSON stated that he did not know if anyone was killed in the LZ where the artillery fire impacted. He did not believe that the artillery fire had killed anybody, but he did not know this for a fact (pg. 340). After the witness was informed of the methodical killing of women and children in My Lai (4), he denied having any knowledge of or having seen the killing that went on in My Lai except for the six to eight civilians that he had seen and

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reported. He denied hearing any radio transmissions concerning civilian casualties. None of his staff reported any transmissions regarding civilians being killed in My Lai (4) to HENDERSON (pgs. 352, 353). The witness was at a loss to explain the disparity in the number of bodies that he was claiming to have seen in My Lai and those reported by his RTO and LUPER (pgs. 364, 365). After his meeting with KOSTER at LZ Dottie, HENDERSON saw no other bodies in My Lai (pg. 362). HENDERSON stated that he had no report from anyone in his aircraft that they had observed casualties. He could recall no conversation that he might have had in his command and control ship regarding civilian casualties (pg. 404).

(3) Commanders meeting.

HENDERSON admitted that he did fly over the operational area returning to Quang Ngai (pg. 364). He recalled a commanders meeting at his Duc Pho headquarters at 1600 hours on 16 March to discuss his policies. Those attending would have been the battalion commanders, company commanders, and possibly his staff (pg. 405). Before HENDERSON took command it had been a brigade policy to have a commanders conference at 1600 on Saturday afternoons. HENDERSON knew that he had not changed that policy (pg. 406). BARKER was not at this commanders conference. However, HENDERSON seems to remember that there was a task force representative present (pg. 406). Present at the meeting were: Lieutenant Colonels BEERS, FRANKLIN, ADKINS, ROOSH, LUPER, headquarters commander, special staff officers and unit officers (pg. 407). Otherwise HENDERSON could not recall his afternoon activities on 16 March (pg. 371).

(4) Other.

After arriving at LZ Dottie on the morning of 16 March 1968, the witness did not recall seeing BARKER at Dottie that morning. He did not deny that he might have seen BARKER, but he could not recall having said anything to BARKER that morning. If HENDERSON saw anyone in the Task Force Barker TOC, it would have been CALHOUN. He did recall radio transmissions regarding armed VC evading and a helicopter engaging them. He heard casualty reports and reports of VC KIA (pg. 333). HENDERSON had been late getting to the operational area because of problems with the command and control helicopter which necessitated his

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acquiring a substitute vehicle. He thought that at the time the two VC suspects were picked up that B/4/3 had completed its combat assault (pg. 351). He denied issuing orders to have the burning stopped (pg. 356). He also denied seeing any burning except for some houses on the west side of My Lai (4). He disclaimed seeing My Lai (4) in flames or burning to the ground (pg. 363).

b. 17-18 March 1968.

On 17 March the witness denied talking with anyone regarding noncombatants being killed (pg. 380). He reaffirmed that he had not heard anything from BARKER or anyone else regarding a helicopter pilot's allegations about unnecessary killing of civilians that had been made to BARKER the previous day (pgs. 375, 381). He also stated that he did not overfly the operational area on 17 March (pg. 381). When KOSTER and DOLEMAN arrived at LZ Bronco on 17 March, HENDERSON personally briefed DOLEMAN in the brigade TOC on the Task Force Barker operation and the brigade in general. Then HENDERSON left with KOSTER and DOLEMAN. He believed that KOSTER remained with them through the southern part of the AO when they overflowed it. He also believed that KOSTER had lunch with them but he did not recall talking to KOSTER about the 16 March operation (pg. 382).

6. OTHER INFORMATION.

a. HENDERSON explained the basis for a prior statement to Colonel WILSON which in essence stated that the VC in My Lai (4) had been killed in fighting bunkers defending the village. The basis for this statement was BARKER's report to HENDERSON. From BARKER and others HENDERSON had received the information that My Lai (4) was a defended hamlet. He received word from BARKER that the people who had been killed in My Lai (4) were killed in the fighting bunkers (pg. 367).

b. The witness denied having any conversations with GUINN other than what he had already told the Peers Inquiry (pg. 394). He recalled his previous conversation with MCKNIGHT in December prior to appearing before the Peers Inquiry. However, he did not believe that they discussed reports of investigations. On 12 February 1970, HENDERSON saw PARSON but only shook hands, and they did not talk about the investigation. In December, HENDERSON rode with YOUNG

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to Fort Myer. They did not discuss the investigation or the subject matter thereof (pgs. 394, 395).

c. The witness again related that he had no other documents or papers relevant to the Peers Inquiry. He recalled specifically destroying his notebook in which he had maintained his data (pg. 404).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-16	TF Barker Log, 14-18 Mar 68	Wit shown Item 22. Wit stated that log was inaccurate at least as to the time in reporting C/1/20 with 84 VC KIA by 0840.	334, 340
M-20	Transcript of TF Barkers tape	Transmissions related to witness.	344
M-20A	M-20 as revised by LEWELLEN and annotated with sequence numbers and times.	Entered into the record. Transmissions were related to witness.	345, 346
M-30	Statement of RODRIGUEZ	Shown to witness.	399, 400
M-31	Census Grievance Report, 18 March 1968	Shown to witness. Wit stated he had never seen before.	399-402
M-34	TAN's ltr to KHIEN, 11 Apr (trans) (Son Tinh Dist)	Witness had never seen.	290
M-46	11th Bde Journal, 16-19 Mar 68	Wit shown Items 39 and 53.	341
M-49	Village Chief's ltr (Do Dinh) to Lt. TAN	Wit had never seen	292
M-113	Information Sheet, undated, KIA and related reports.	Shown to witness.	348
R-1	HENDERSON's report (a true copy of R-5).	Second inclosure obtained through his intelligence channels. First inclosure was obtained by his	292 294, 295 296



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(The hearing reconvened at 0901 hours, 2 December 1969.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR WEST, MR STOKES, COL MILLER, and COL WILSON. The first witness is Colonel Oran K. HENDERSON.

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

RCDR: Colonel HENDERSON, sir, please state your full name, grade, Social Security number, branch of service, organization, and station.

A. Oran K. HENDERSON, Colonel, Social Security number: , Armed Forces Staff College, Norfolk, Virginia, U.S. Army.

IO: Colonel HENDERSON, 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) 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 facts and circumstances of what happened at My Lai. It is directed to those specific purposes which I have just stated.

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I have had made available to me and have reviewed prior official statements obtained in other official investigations of the My Lai incident, and, I might say, that that includes some statements made by you.

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

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

There are several people in this room who may possibly ask you questions during the investigation. These individuals are my assistants, and they are authorized by me to ask questions. However, I have the responsibility of weighing the evidence and making findings and recommendations.

You are directed not to discuss your testimony with others except in performance of official duty or as you may be required so to do before a competent judicial or administrative body-

Do you have any questions at this time?

A. No, sir.

IO: Colonel MILLER, from the Office of The Judge Advocate General, will now advise you as to your rights.

COL MILLER: Colonel HENDERSON, General PEERS has just stated the scope and purpose of this investigation. One aspect of it is to investigate the adequacy of investigations conducted and the reporting done in the chain of command immediately after the My Lai (4) incident, and to investigate and determine whether there was any improper suppression of information.

You, as the brigade commander at the time, were one of the senior officers in the chain of command, and, as you can appreciate, General PEERS' inquiry might disclose

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facts tending to establish that you failed to comply with applicable regulations concerning the investigation and reporting of war crimes or even were guilty of dereliction of duty in this regard. For these reasons, I advise you as follows:

First, you have a right to remain silent.

Secondly, any statement you make may be used as evidence against you in a criminal trial.

Third, you have the right to consult with counsel, and by counsel, I mean a qualified lawyer, and have that counsel present with you here during your questioning. You may retain such counsel at your expense or counsel will be appointed for you at no expense to you. Inasmuch as you are subject to the Uniform Code of Military Justice, appointed counsel may be military counsel of your own selection if he is reasonably available.

Next, even if you decide to go ahead and answer questions now without having counsel present, you may stop answering questions at any time. Also you may request counsel at any time during the questioning.

Do you understand?

A. I understand.

Q. Would you like to have counsel appointed?

A. I do not desire counsel.

Q. And finally, Colonel, are you willing to go ahead with the questioning and answer questions at this time?

A. Absolutely.

IO: Colonel HENDERSON, what date did you assume command of the 11th Brigade?

A. I assumed command on 15 March 1968.

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Q. From whom did you assume command?

A. I assumed command from Brigadier General Andrew LIPSCOMB.

Q. How long had General LIPSCOMB been in command of the 11th Brigade?

A. Approximately one year. He assumed command on 23 March 1967.

Q. What was your previous duty assignment?

A. I activated the 11th Infantry Brigade at Schofield Barracks, Hawaii, on 1 July 1966. I had arrived at Schofield Barracks on 9 June with an advance party, with battalion commanders, and made plans during the remainder of the month of June to activate the brigade, which was consummated on 1 July. I remained in command until 25 August at which time Major General, then Brigadier General, John J. HAYES was in command. General HAYES was in command and I was his deputy until January 1967 when General HAYES departed for Vietnam. I again assumed command of the brigade, and when General LIPSCOMB assumed command on 23 March 1967, I again became the deputy brigade commander. I remained in that capacity until August 1967 at which time, due to a reorganization into a light brigade configuration, I became the brigade executive officer. I remained in that capacity until 15 March 1968 at which time I assumed command.

Q. When you were performing your tasks as executive officer of the brigade, specifically, what were your functions?

A. My functions were primarily in the administrative and logistic field. I had primary responsibility for the brigade headquarters area at Duc Pho, for the brigade headquarters area proper to include the security of the Duc Pho complex which was called Fire Support Base Bronco. I handled all the administrative matters, and provided tactical advice when requested.

Q. What were the reporting procedures within your brigade for reporting alleged atrocities?

A. To the best of my knowledge anyone having knowledge of an act of an atrocity nature reported to Brigade. The only one that I was familiar with up to that time, we immediately had the provost marshal conduct an investigation of the incident. I cannot recall any SOP or other such matters that we had within the brigade that defined it any further. Certainly there is no question in my mind that any act of atrocity was to receive command attention.

Q. Were there any special instructions issued by division in this regard?

A. To the best of my knowledge there were none.

Q. Your brigade, I assume, had an SOP?

A. We did have an SOP, sir.

Q. Did this SOP include such matters as reporting of atrocities or, we might say in addition, war crimes?

A. To the best of my knowledge it did not.

Q. I have here a document which I would like to enter into evidence as an exhibit. It is entitled, "Report of Investigation," dated 24 April 1968. It consists of two pages. It is a certified true copy signed by Oran K. HENDERSON. Do you recognize this document?

(Document was received into evidence and marked as Exhibit R-1.)

(After which Exhibit R-1 was handed to the witness by IO.)

A. I do.

Q. Is this your report?

A. It is.

Q. Who directed you to make this report?

A. I was directed by Brigadier General YOUNG. I believe his first name was Brigham, or at least General LIPSCOMB referred to him as Brig YOUNG, to make a report concerning the incident at My Lai.

Q. As a matter of clarification on General YOUNG, was his name George YOUNG?

A. It was. Correct, sir.

Q. With a nickname of Brig YOUNG?

A. That is correct, sir.

Q. What was his position in the command?

A. Sir, he was the assistant division commander.

Q. When did he direct that you make this investigation?

A. In mid-April. I do not recall the exact date. I do recall that he came down to the Duc Pho AO, to my headquarters; and in a conversation, among other things, he stated that General KOSTER desired that I provide a written statement or written report concerning my investigation or my inquiry into the My Lai affair. That, to the best of General YOUNG'S knowledge at that time, the reason for this thing was the propaganda message I had forwarded to division a few days earlier.

Q. This instruction was given to you verbally or in writing?

A. This instruction was given to me orally by General YOUNG.

Q. You were directed to make a report and not an investigation?

A. That is correct.

Q. When you made this report, did you conduct any hearings on this, interrogate any witnesses?

A. No, sir. I did not.

Q. You did not question any individuals concerning it then?

A. At the time prior to making this report I had done this. I had questioned individuals.

Q. When did you question them?

A. I commenced questioning individuals on the morning of 17 March 1968.

Q. Why did you question them at that time?

A. On the morning of 17 March I was visiting LZ Dottie and a major, who was either the company commander or the executive officer of Company B of the 123d Aviation Battalion introduced himself to me and told me that he had a warrant officer with a story he would like me to hear. May I continue?

Q. Yes.

A. At that point--

Q. (Interposing) Do you know the name of the major that you were talking to?

A. I do not know how to spell his name, but I understand his name was a Major WAKEE or WATKE. I am not certain of the spelling.

Q. I think we can clarify that. He was the commander of a company of the 123d--

A. (Interposing) Aviation Battalion. Company B?

Q. Company B.

A. Yes, sir. He had with him a Warrant Officer THOMPSON. I introduced myself--Mr. THOMPSON introduced himself to me and asked if he could speak to me privately. Colonel BARKER was present, Major WATKE was present. I took Warrant Officer THOMPSON into Lieutenant Colonel BARKER'S

quarters, which was a two and one half ton truck van, and sat him down. He made the initial report to me and prefaced it by stating that he was not an infantry soldier and did not know how infantrymen fought on the ground, but he had observed yesterday morning, that is 16 March, what he referred to as extremely wild shooting by troops on the ground, by helicopters in the air, and it appeared to him that everything was out of control. He further stated that he had observed a dark complected captain, not a Negro, but a dark complected captain shoot a woman, a wounded woman. He stated that he had been marking positions of what he considered wounded civilians by smoke. He observed then that troops would advance on this smoke throwing hand grenades and shooting and killing the individuals who were wounded. He stated that this particular captain walked over to this body that he, Warrant Officer THOMPSON, had marked. He nudged her with his foot or with his weapon and turned around and walked away. When he was approximately 10 steps away from this wounded woman, the captain whirled and fired upon this woman with his M-16 rifle. The warrant officer, Warrant Officer THOMPSON, was in tears at that time. I did not question him except to ask him if he had communications with the troops on the ground. He told me he did not have communications. He was unable to talk to the troops on the ground. I do not believe that Major WATKE, the company commander, was with me when I was talking to him, but Major WATKE had implied to me that the story had been told to him. When I came out of Colonel BARKER's hootch, I told Major WATKE and Warrant Officer THOMPSON that I was going to look into the matter immediately, and that in the meantime, I recommended to Major WATKE that he report this to the division aviation officer. I informed Colonel BARKER of these accusations. I immediately took off in my helicopter for the field location of C/1/20, which was at that time located in the vicinity of My Lai (1), the so-called Pinkville area. I landed there, called Captain MEDINA aside, informed him of these accusations and was he the captain that had killed the wounded woman? Captain MEDINA's response was immediate and direct. He stated that a helicopter had been dropping smoke and he had dropped two or three flares approximately 150 yards from Captain MEDINA's position. He had no other troops available to him so he personally went over to investigate. As he approached the position cautiously, he saw this woman on the ground who appeared to be in her early twenties. He went over to see if she was

dead. He nudged her. She didn't move. He assumed she was dead. He turned to walk away. When he got about 10 paces away he observed a movement out of the corner of his eye and the only thing he could think of at the time was a hand grenade and he immediately whirled and fired his M-16 into her. He had no knowledge, or he was positive that no civilians had been killed by his troops, by the ground troops. He could not speak for the air elements, but ground troops had shot no civilians.

Q. He said to his knowledge of the situation that none of the people in his company had killed any civilians?

A. Yes, sir.

Q. Continue.

A. At that time I returned to LZ Dottie and General YOUNG was there, Brigadier General YOUNG, the assistant division commander, who I referred to earlier. I reported the incident to General YOUNG. I told him that I was going to look into it further, but it appeared to me that a young warrant officer who was apparently new -- I didn't know this, but he appeared to be new and inexperienced; and apparently what was a fierce fire fight going on down below appeared to the warrant officer that it was an act of savagery. However, I was going to look into this matter further. Now this was on the 17th, the morning of the 17th of March.

Q. May I interrupt for just a moment. Going back to Warrant Officer THOMPSON, how long did you talk to him?

A. Approximately 5 minutes, I believe.

Q. Aside from his report of the incident of the captain shooting a woman, you also gave some indication about some people throwing some hand grenades where it had been marked where wounded civilians were. Can you elaborate on that?

A. Yes, sir.

Q. I want to know as much as I can about what THOMPSON told you.

A. Yes, sir. THOMPSON told me that in flying overhead he observed many civilians on the ground. He gave no numbers. At this time I had a report that approximately 24 civilians had been killed in the operation. THOMPSON told me that he had observed civilians on the ground, wounded. He was trying to get medical aid for them, and that when he would drop smoke flares, smoke signals, on the wounded that small teams from the company would come over to investigate, but instead of investigating they would come firing and throwing hand grenades and firing M-79 rounds. When I broached this subject to Captain MEDINA, the fact that there was a pilot marking wounded, Captain MEDINA said that he had no knowledge that this individual was marking wounded. This signal was always reserved for marking VC. He directed all of his elements, as he dispatched them out, to investigate these smoke signals to advance cautiously because he did not want to get people killed unnecessarily. As a consequence, when I reported this incident to General YOUNG, I told him that this young officer, it appeared to me had been unknowingly marking people for death. Not having communications with the ground troops yet dropping smoke which was the signal for the troops that there were VC and possibly armed VC. Naturally, they were approaching each of these positions cautiously and with firepower.

Q. With respect to that particular point, did you have an SOP or an SOI within the brigade or within Task Force Barker, which spelled out the use of smoke colors and so on?

A. I do not know, I cannot recall if this was reduced to writing. I do not know, sir.

Q. You indicated that you talked to Warrant Officer THOMPSON on the 17th?

A. Yes, sir.

Q. The day after the incident was reportedly to have taken place?

A. That is correct, sir.

Q. Did you talk to him at all on the 16th?

A. No, sir.

Q. Did he give you any indication that he had landed in the area?

A. No, sir.

Q. That he had talked to anybody on the ground?

A. No, sir.

Q. Were you aware of any of his other activities?

A. I was not.

Q. The following day, the 17th, when you went to Charlie Company to check into this particular matter, did you talk with anyone other than Captain MEDINA?

A. I spoke to both Captain MEDINA and Captain MICHLES, who had B/4/3, about the incident. No, I spoke to nobody else but these two about this incident. I spoke to soldiers on the ground, but not about the incident. I was talking as a commander would to any soldier, but I did not ask any questions of them concerning this alleged incident. I may have spoken--I had a Lieutenant Colonel LUPER who was my artillery battalion commander who was with me when I landed with Captain MEDINA, but, no, I don't believe I spoke to anybody but the two company commanders.

Q. The first individual you saw from division was General YOUNG whom you saw on the 17th, is that correct? After the operation had started?

A. After the operation had started on the 16th, I saw General KOSTER at LZ Dottie on the 16th.

Q. What time did you see him?

A. Approximately 0930 in the morning.

Q. This was about 2 hours after the combat assault had been made?

A. Yes, sir. I had brought a couple prisoners I had picked up from a column of civilians that had been moving along Highway 521.

Q. Would you point it out to us?

A. This being Highway 521 (indicating to a map which will be later marked as Exhibit MAP-1).

Q. Continue.

A. These civilians, at the time I had observed them, were approximately 1,000 meters to the southwest of My Lai (4) (indicating). Approximately 300 civilians moving in a very orderly column formation down towards the direction of Quang Ngai City. When I flew over this column my pilot, my command pilot, who I believe was Warrant Officer COONEY, C-double-O-N-E-Y, told me that there appeared to be three military-age males attempting to evade in this column. As a consequence, I went down and flew immediately over the column. The columns halted, people took off their hats and waved and I identified three black-pajama-clad types in their late teens and early twenties. I sent for an OH-23 helicopter to come over and segregate these three individuals from the civilian crowd that was moving to the southwest. I was able to get two of these individuals and carry these individuals into LZ Dottie for interrogation. While my aircraft was getting refueled, General KOSTER arrived.

Q. Before we get onto that, let me ask a couple of other questions pertaining to this column.

A. Yes, sir.

Q. Where did these people come from?

A. I assume they came from My Lai (4). I called Colonel BARKER and asked if this column had been screened before it departed My Lai (4). He assured me that it had been screened. However, I could see some individuals feeding into the column from the rice paddies further to the southwest which was in effect outside our area of operations so they did not all come from My Lai (4). I was aware of this.

Q. What was the normal procedure within the brigade for handling such groups of civilians?

A. The normal procedure was that the civilian who was not attempting to evade them, he was permitted to, unless we had some reason for holding any large bodies for interrogation, they were permitted to move orderly out of the area.

Q. So then after you picked up these two individuals, and the gunship, the LOH, had segregated them, you returned with them to Task Force Dottie?

A. Fire Support Base Dottie.

Q. Fire Support Base Dottie and turned them in for interrogation?

A. Yes, sir.

Q. All right, proceed with your story.

A. General KOSTER arrived in the area and asked me about the operation and I reported to him at that time that Colonel BARKER was reporting approximately 30 VC KIA in the area. I informed General KOSTER that I had picked up the two VC suspects with whom I hoped to establish the identity of the 48th Local Force Battalion. General Koster asked me to try to get some word on this immediately, and I sent a staff officer from Colonel BARKER'S headquarters from the helipad down to the interrogation tent to see if he could expedite any information from these two individuals. At the same time, General KOSTER asked me about civilian casualties in the area. I said I had no reports at that time from Colonel BARKER, however, I had observed what I believed to be six to eight dead in the area that might be classified as civilian. I had observed two groups of dead. There is a trail coming out of My Lai (4) running into--

Q. (Interposing) We'll stop here. Two things. I would like this map entered as an exhibit.

RCDR: Yes, sir. This map will be entered as Exhibit MAP-1.

(Enlarged scale map of the My Lai operational area to include Quang Ngai City and Landing Zone Dottie is entered into evidence and marked as Exhibit MAP-1.)

IO: I would like the record to reflect that you, Colonel HENDERSON, pointed out these particular things,

your activities in the battle as you saw it, on this large scale map which we'll mark as Exhibit MAP-1. Because of its size, we will have this reproduced in photographic form.

Now at this point I would like you, on the map, to point out your activities within the battle area and then subsequent to this particular interview, I would like you to make a sketch to enter into the record.

A. My actions in the area--that morning I flew up from Duc Pho coming up along the coast. I was late in getting away from Duc Pho because of a problem with my helicopter, and they had to transfer the console over into another ship. So as a consequence I got into the objective area after the artillery prep and after the C Company CA. I was approximately 20 minutes, I would estimate, late getting into the area. I came up the coastline heading north (indicating) beyond the objective listed two on here, the Pinkville area, and then headed west into the objective area. As I started down towards My Lai (4), the objective area, a gunship approximately 500 meters, or a pair of gunships approximately 500 meters to the north of My Lai were orbiting and dropping smoke. My pilot, my command pilot, informed me that these two gunships had killed two uniformed enemy and were having difficulty getting troops over to secure the weapons the individuals had. I asked my command pilot to get into the flight formation of the gunships and let's go down and take a close look. I had reports that the 48th Local Force Battalion had been infiltrated with NVA, and I was curious whether these uniformed enemy were NVA. I went down on the ground--

Q. (Interposing) Let me stop you. How would you distinguish between an NVA and a VC that might belong to the 48th Local Force Battalion?

A. Primarily, the 48th Local Force Battalion wore U.S. equipment. They had U.S. packs, U.S. web gear, where the VC had--or the NVA had a different type of equipment.

Q. With respect to their uniforms?

A. The 48th Local Force Battalion, primarily, when in uniform wore a green fatigue uniform similar to the U.S. and ARVN. Whereas the NVA that we had observed up to this time were normally in khaki uniforms. I went down and orbited over these bodies and they were in green fatigue-type uniforms with web gear, packs, and two weapons. I could not identify them except as carbines or rifles. I remained in orbit there for some 10 minutes communicating with Colonel

BARKER to expedite getting a fire team out to recover these weapons. I released the gunships and let them go about their screening mission. I remained in this orbit until a small infantry element were some 100 to 150 meters away and had visual observation on the point. I departed then--

Q. (Interposing) What element would this have been?

A. This would have been an element from C Company. Which element I do not know. I then flew down over My Lai (4) village (indicating) and at the southern end of the village, of looking into the village, I did not observe any fighting going on. I saw troops moving on the outskirts of the village on both the north side and the south side of the village and one or two troops within the village. As I flew--

Q. (Interposing) Let me interpose for just one moment. Exactly, to the best of your recollection, what time of day was that when you were over the village?

A. I would say it was approximately 0800 in the morning. 0800 to 0815 would be as close as I can estimate at this time.

Q. What altitude over the ground were you flying at?

A. My normal altitude was 1,500 feet. But because I had gone down to cover these two enemy dead, I had gone down to 100 or 200 feet. As we moved south after discontinuing this mission covering these two enemy dead, gaining altitude, I would estimate we went over the village at approximately 500 feet. I was at such an altitude that I could identify on the trail approximately 150 meters to the south--

Q. (Interposing) Would you point this out on the map again please?

A. Along this trail here (indicating).

Q. May I say that is not the village My Lai (4). It is to the northwest there.

A. This must be the trail coming out of the village

(indicating). Approximately 150 meters south of the village on the trail I observed lying in the road a man, woman, and I believe, one child, and a water buffalo, dead. The way their bodies were lying, it appeared to me that they had been hit by artillery fire. They were not a close cluster of bodies. Maybe another 150 meters, to the south of that at the trail junction leading out of the village at road 521 lying at the side of the bank on the south side of the road in a sort of a ravine, were another woman and two military-age males also dead and also separated.

Q. Could you at an elevation of 500 feet know that they were military-age males?

A. Perhaps not at my first view except that it appeared also that there were packs on the ground or some equipment on the ground and I asked the pilot if he could land at this point. We attempted to land at this point and while we were orbiting, I again observed this earlier incident I just reported, the man, woman, and one child, and the water buffalo at a close elevation. I'm not certain how high I was, but somewhere around a 100 or 150 feet. My pilot, though, attempted to land near this second incident I reported, and he could not land because of the bushes and trees in the area and the elevation of the slope, and also the danger of the very wooded, hilly area just to south of us there and any enemy in that area could have thrown a hand grenade onto our chopper. As a result I notified Colonel BARKER to send another element over into that area and take a look at those bodies and see if they had any military gear or if they had any maps or other intelligence information on them. As soon as I discovered I could not land there--I'd like to correct something here. I've jumped around a little bit. Following my observing the two enemy dead, I observed the CA of Company B.

Q. Did you fly over to the area of the CA of Company B, or did you observe it from the area of My Lai (4)?

A. I believe I merely observed it from the area of My Lai (4). I do not recall having gone over there to see their CA, but I do recall going up there, gaining altitude, so I could observe this CA. I believe that I went up then and observed this CA from over My Lai (4) and then came back

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down and at that time observed what I assumed to be civilian bodies to the south of My Lai (4) following which I went down the column and picked up the two VC suspects that I related a moment ago. And, as I mentioned also, that this column, the tail of it (indicating) extended for about 1,200 meters, a very orderly formation of civilians moving out of the area. There was no running, moving at a very fast pace, a fast walk, no running and there appeared to be no wounded in the group that I observed. As I stated I took these two individuals into Fire Support Base Dottie and talked to General KOSTER. General KOSTER asked me about how many civilians had been killed, and I reported to him that I had observed what might be termed--that I did not have a count--that I had observed five to seven or six to eight civilians killed and it appeared to me as a result of either artillery or gunship fire.

Q. When you returned to LZ Dottie, did you have an opportunity to check in with the CP there before you saw General KOSTER?

A. I do not believe I did. It seems to me that I called the CP I was coming in to refuel my ship, and that I had these two prisoners and to come up and pick them up. And as I recall the MI agent came up and took the prisoners from me at that point. While I was being refueled, General KOSTER landed at Fire Support Base Dottie. At that time I got out of my chopper, and went over away from the noise of the choppers, to speak to him.

Q. Did General KOSTER issue any instruction to you at that particular point of time?

A. At that time, General KOSTER, first of all indicated an interest in these two VC suspects and wanted to know how long it would be before we could confirm whether they were VC or not. I sent a staff officer down immediately to find out. While the staff officer was gone General KOSTER asked me how many civilians had been killed in the area. I'm under the impression that General KOSTER had flown over the area at 2,000 feet which was his normal altitude and came back to Fire Support Base Dottie. I could be wrong on this, I'm not positive of it. I informed him that these six to eight civilians had apparently been killed, and he said,

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"find out how they'd been killed," or "look into how they had been killed," something like this. At about this time the staff officer from Task Force Barker returned with a report that the two VC suspects that I had picked up were really part of the Quang Ngai Popular Force. That these two individuals had reported that they had been held prisoner in this village of My Lai (4) for 30 days or approximately one month; that when the C Company assault had commenced that morning an elder in the village had cut them loose and they were escaping back toward Quang Ngai. I had these prisoners turned over to the Son Tinh District chief and about 2 or 3 days later this story was verified that these individuals were members of his PF/RF force, and that they had been held prisoner in My Lai (4).

Q. At the time you were talking to General KOSTER were you aware of any additional civilians that might have been killed?

A. No, sir.

Q. And to your knowledge, at that point of time, and I would like to verify the time that you talked to him, somewhere between five to seven or six to eight civilians to your knowledge had been killed?

A. Yes, sir. This was approximately 0900 to 0930 in the morning.

Q. How long did that conversation last?

A. Not more than 10 or 15 minutes did we meet there on the ground.

Q. Did General KOSTER stay on at LZ Dottie or what transpired then?

A. General KOSTER departed and I don't know where he departed for. I departed almost simultaneously back for the objective area.

Q. At any time during your flight did you fly over the area where the artillery prep was made, and the gunships had been working to support the combat assault?

A. Yes, sir.

Q. And you saw no bodies in this area?

A. I did not.

Q. I say, did you see any bodies in this area?

A. Civilian bodies?

Q. Civilian bodies.

A. No, sir. I did not see any civilian bodies other than the five, six to eight--I believe I stated six to eight--that I observed to the south side of My Lai (4). Those six to eight bodies and the two VC to the north of My Lai (4) were the only bodies of any type that I saw in that entire area.

Q. Would you explain your activities subsequent to your talk with General KOSTER?

A. I do not recall what route I took, but at no time after this do I recall going down for any low looks over the area. I believed that I maintained my normal operating altitude of 1,500 feet. I flew over the entire area noting B/4/3's disposition and A/3/1 position (indicating) and observed movement of C Company beyond the village. At 1100 hours that morning, and I do not recall what transpired from the time I departed Dottie except to go back over the area, but at 1100 hours that morning I had an appointment with Colonel TOAN, the CG of the 2d ARVN Division, in Quang Ngai City, and I recall arriving there 5 or 10 minutes before 1100 to pay a courtesy call on him which I had arranged the day previously as the new brigade commander, and also to inform him of our operation in this area. This operation had not been coordinated with any Vietnamese. The AO extension had been handled with the U.S. advisors with the 2d ARVN Division and kept very hush hush.

Q. Who was the U.S. advisor to the 2d ARVN Division?

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A. I do not recall.

IO: (Speaking to the members) We must obtain this for the record.

Proceed with your discussion.

A. Following this visit with General TOAN which I do not recall how long it lasted, but I do not believe it lasted over 20 minutes. I believe I returned to Duc Pho and had lunch at Duc Pho. That afternoon I was back in the operational area and also visited with my 4/3 battalion CP, which was at Fire Support Base Sue, which was up to the northwest of LZ Barker (indicating) at about this location, about 5 kilometers to the northwest of Fire Support Base Dottie. I spoke to Colonel BARKER on the ground at least twice at Fire Support Base Dottie on the afternoon of 16 March. Our discussion centered not only on the ongoing operation, but also on future plans. I cannot recall any thing specifically coming out of this although I did get from him at sometime during this stage that--and I do not recall the number, except that it seemed abnormally high--12 to 14 civilians had been killed. At that time--and he was uncertain as to how they had been killed, and I asked him, or I directed him, to get me a count by body--by male, female, woman, or child--and exactly how they'd been killed--by small arms fire, by gunfire, or by air, if he could, by gunships--we had no air in this operation.

Q. Did he provide such a count to you?

A. He did the next day. When I got back to my home, Duc Pho, that night--that evening, and I'm not sure on my return where I went, but I probably stopped, I would assume my battalions as I went south. I think I got in around 1700--I mean 1900 that evening--

Q. (Interposing) What day is this?

A. This was on the 16th, the same day as the operation.

Q. Same day. He provided you that information on the same day?

A. He provided me with a figure of 12 to 14, as I recall right now. It was something that certainly irritated the hell out of me at the time. I told him I wanted a full explanation of how the individuals had been killed. I wanted to know if they had been killed by artillery, gunships, or small arms fire. Sometime later in the evening after 1900, I recall--I think I recall having arrived back at my base just about dark--I had a telephone call from Colonel BARKER which increased the report to 20 civilians killed. His oral report was that they had all been killed by artillery and by gunships, but he did not have a breakout of male, female, and children.

Q. Did he ever provide you with the detailed information which you indicated you had asked for?

A. The next morning. This is still the 16th that I'm talking about.

Q. He gave you a preliminary report?

A. He gave me a preliminary report which I called to General KOSTER that night at division headquarters.

Q. Was this included in your SITREP?

A. I do not recall. I do not know.

Q. Was this normal within your brigade to report civilian casualties as well as military casualties?

A. I would only guess that it was normal. I did not see the SITREP as it went out. I did have a file copy which I always briefed myself on every morning, what we had sent out and what had come in during the night. But I cannot recall whether I ever saw any figures showing these 20 civilians killed ever going out in one of our situation reports.

Q. Who prepared your SITREP's?

A. It was prepared by my duty officer in the TOC.

Q. What staff section would he belong to?

A. The G3 section--my S3 section and my S2 section jointly prepared these during the night or early evening.

Q. Who had the authority to approve a SITREP going out?

A. My S3, Major MCKNIGHT.

Q. Please proceed with your story.

A. When I informed General KOSTER of this number of civilians that had been killed, he evidenced considerable surprise and shock at the number as had I. I told him that I had directed Colonel Barker to look into this matter and to give me a breakout on how these people had been killed. And General KOSTER said, "I want to know that too." I then called Colonel BARKER back at his headquarters at Fire Support Base Dottie that evening, and although I had already directed him to do it I wanted him to be aware of General KOSTER's personal concern and interest in this also.

Q. At that time you were evidently talking about the evening of the 16th?

A. Yes, sir.

Q. And you talked to General KOSTER. Did he direct you to conduct an investigation?

A. No, sir.

Q. I wish you would repeat, to the best of your knowledge, what instructions he gave you at that time.

A. To the best of my knowledge, I informed General KOSTER of this and that I was having Colonel BARKER prepare a breakout on these deaths according to male, female, children and also as to whether they had been killed by small arms fire, artillery or gunship, or, if unknown, then unknown. To the best of my knowledge General KOSTER said, "And I want to know that information also." There were no instructions to investigate it. He was very unhappy that he--General KOSTER was very unhappy, as was I, over this abnormally high number of civilians having been reportedly killed. But there were no further instructions from General KOSTER to the best of my knowledge.

Q. I wish you would proceed with your story, your checking of this, and also your report to General KOSTER.

A. So the next morning then, on 17 March, I went up to Fire Support Base Dottie and at this point almost immediately upon arrival, I met Major WATKE and talked to Mr. THOMPSON, Warrant Officer THOMPSON. And at that time Warrant Officer THOMPSON related to me the story that I reviewed here a few moments earlier, at which time I went out and saw MEDINA--Captain MEDINA, Captain MICHLES. At that time-- and it is not clear in my mind who I gave the directive to. One thought is I gave it to Captain MEDINA and reinforced it to BARKER. I'm not certain. But of my own concern over this report from Warrant Officer THOMPSON-- I do not believe I gave it to MEDINA; I believe I gave it to BARKER. I directed Colonel BARKER to sweep a company back through this area. At this time both companies had moved into--just west of the My Lai (1) area and had laagered overnight in this area (indicating). After talking to MEDINA I flew back to LZ Dottie and directed Lieutenant Colonel BARKER to sweep a company back through this operational area (indicating).

Q. Did you specify the company?

A. I do not know if I specified the company or if in our conversation, C Company came out of it. There were several things on my mind about this operation. One was the report I had from Warrant Officer THOMPSON. I was still concerned about this report although the alleged shooting of the woman by Captain MEDINA was certainly explainable and plausible, and even though how much we hate to admit it, it would have been acceptable to me as an act that could be rationalized. I was also suspicious of the body count.

Q. What body count?

A. The body count of a 128 VC killed during this operation.

Q. What time did you obtain that figure?

A. Sir, I obtained this figure of 128 late that evening.

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Q. Are you referring to the evening of the 16th?

A. The evening of the 16th, yes, sir.

Q. Okay.

A. I also wanted more information regarding these alleged 20 civilians that had been killed. Now, these were the reasons that--of why I directed BARKER to send a company back through this area. And I believe in our discussion Colonel BARKER claimed that since C Company knew where the bodies were, it would be better if they went through the area. And I'm confident that I concurred in this plan. Although I do recall that Colonel BARKER did not want to send C Company back through the area, maintaining that he did not think it was good to subject troops going back through the area as the VC had an opportunity to plant booby traps in the area, which was a tactic of theirs. But I felt confident that I told him I wanted to put this Warrant Officer THOMPSON's allegations to bed once and for all, and that I wanted this done. I don't believe I accused him of having a false body count, but I did infer to him that possibly two platoons may have overlapped in their movement through this area and counted the same bodies twice. So I wanted this body count reestablished and these 20 civilian dead reverified as to how they had been killed. He gave me a card that morning. When I arrived up there he gave me a 3-by-5 card, Colonel BARKER did, which stated how these 20 civilians had been killed and the breakout of men, women, and children.

Q. Do you know what happened to that card?

A. I gave that card to General KOSTER.

Q. To General KOSTER?

A. Yes, sir.

Q. At a subsequent date?

A. Yes, sir.

Q. Did this card indicate by coordinates where they were killed?

A. No, sir.

Q. How they were killed?

A. No, sir--how they were killed, yes, sir, but not by coordinates.

Q. But not by location?

A. No, sir.

Q. But whether they were men, women, or children?

A. Yes, sir.

Q. And how they were killed?

A. Yes, sir.

Q. To your recollection, how many were killed by small arms?

A. There were none on there killed by small arms. They all inferred that they were killed by artillery and gunships.

Q. You accepted this 3-by-5 card then as the answer to the detailed question which you had asked Colonel BARKER to state specifically where they were killed, how they were killed, ages, sexes, and so on.

A. Yes, sir.

Q. At that time, when you started checking into this, I would like you to repeat the information which you had available to you. The items.

A. I don't believe I understand you, sir.

Q. To your knowledge there were some civilians killed which you had observed?

A. Yes, sir.

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Q. You had received additional reports of others being killed?

A. Yes, sir.

Q. Well, that is one item of information, that's the kind of thing I'm getting at, plus any allegations, complaints, or other information which might have been available to you at that point of time.

A. All right, sir. First of all, having observed myself the six to eight civilians to the south of the village, and again I recall telling General KOSTER that I could not state that the three furthest south were not actively engaged militarily in the operation. They were of a military age, but certainly this child lying in the middle of the road was not of military age. I had the report of Warrant Officer THOMPSON at this time.

Q. In THOMPSON's report, as you have given it, I would assume that he made two allegations?

A. Yes, sir.

Q. Would you repeat them?

A. The two allegations. He observed both troops on the ground and aircraft shooting wildly in the area, and shooting at anything and everything that moved, and that he specifically observed a captain shoot and kill a wounded female, a woman.

Q. I don't want to put words in your mouth, but according to my recollection of what you stated previously, you also at this point of time, you had available to you the body count from the previous day?

A. Yes, sir.

Q. Did you also, in addition to the body count, have a weapons count?

A. Yes, sir. I did have a weapons count.

Q. Did you have your breakout in the body count as to how many were killed by each company? That is C/1/20 or B/4/3?

A. Yes, sir. I did.

Q. Do you recall that?

A. I do not recall exact numbers, but I do recall that by far the majority were C/1/20. I don't recall but it seemed to me that the body count of B/4/3, was in the neighborhood of 20 and that the remainder were Charlie Company. And A/3/1 had no body count.

Q. I will come back to this body count in just a moment. Prior to that time, you had this information that we have just gone over available to you at that time?

A. Yes, sir.

Q. But you didn't consider at this time the fact that an atrocity or something had taken place?

A. Absolutely not.

Q. You didn't consider that you had enough information or allegations upon which to initiate immediately an investigation?

A. No, sir. I did not.

Q. Now I would like to go back to the body count. Can you explain the procedures used by the 11th Brigade in taking a body count, and how it was reported?

A. Yes, sir. Every VC killed was reported through channels to the TOC. And the TOC then kept a running tally as did the company. Sometime on the morning of the 16th, I do not recall if it was myself or my S3 who was riding in my helicopter with me, Major MCKNIGHT, called back to our Duc Pho

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headquarters and determined that reports were not coming through from Fire Support Base Dottie, from that headquarters. And I do recall telling Colonel BARKER at the earliest opportunity to get his headquarters brought up to date as to what the body count was and weapons count so they in turn could notify my headquarters, and my headquarters in turn notify division headquarters. The system that was followed by all of the units in the 11th Brigade, if a company killed a VC it was immediately reported to the battalion TOC, immediately relayed to the brigade TOC and immediately to the division. It was not held and consolidated, but it was on an as-occurred basis.

Q. Did they also report civilians which had been killed?

A. To the best of my knowledge they did.

Q. Do you recall the figure that was available at that time?

A. For the figure on the morning of the 17th I had known on the evening of the 16th. At that time the battalion was reporting 20 civilians who had been killed. Now I do not know if this was reported from my TOC to the division TOC.

Q. Going back to Warrant Officer THOMPSON, didn't it appear that the allegation that he was making was quite a serious allegation?

A. It did, yes, sir. This is why I immediately went to the field to Captain MEDINA's position.

Q. Did you make an effort to have him put his allegation down in writing?

A. No, sir. I did not. At the time he gave me the report he was in tears, very emotional.

Q. This was the following day?

A. Yes, sir. He was extremely nervous, but he was

very intelligent and very forthright in his report to me. I considered the youthfulness of him. He had admitted that he hadn't observed and I didn't query WATKE or even him how much combat experience or anything else that he had had. I, in my own mind, I believe I must have been thinking that he was observing people killed for the first time.

Q. Why did you come to that conclusion?

A. I believe it was more in the attitude that he had when presenting this thing to me. By starting out saying, "I've never experienced combat as an infantryman." I'm not certain, but something in the tone and what he said. What exactly he said at this time I do not recall.

Q. Who else did he have with him at the time of the discussion? Evidently the company commander--was his battalion commander there?

A. Major WATKE, his company commander, was there.

Q. His company commander was Major WATKE. And this company belonged to what?

A. It belonged to the 124th--the 123d Aviation Battalion.

Q. The 123d Aviation Battalion. This was a nonorganic or an organic battalion to the division?

A. The division was in the throes of an organization. I'm not sure how far down the road they had gone in the organization, and whether it was at this time organic. I would assume that it was organic to them at this time, but the stages of their activation of the Americal Division, or the 23d Infantry Division had gone far enough that this was--

Q. (Interposing) Would it be fair, then to say that the unit was organic or under the operational control of the Americal Division?

A. Yes, sir.

Q. But the battalion commander was not present?

A. If he was, I did not see him. Because I remember distinctly telling Major WATKE that I recommended that he and Warrant Officer THOMPSON report this to the battalion commander. And I believe if the battalion commander had been there I wouldn't have said--I wouldn't have used those words. I would not swear he wasn't there, but I didn't see him.

Q. Would you discuss the composition of your staff which was available to you at the 11th Brigade?

A. Yes, sir. I had a normal light infantry brigade, less about 60 people--officers and men--who were forming headquarters for Task Force Barker. I did not have an executive officer. My S1 was the exec officer and S3, Major CALHOUN, of Task Force Barker. I had one--

Q. (Interposing) Now just a minute. What did you say? Would you repeat that? It is not quite clear to me.

A. My S1--the officer who would have been my S1--was the executive officer/S3, combination job, of Task Force Barker.

Q. The individual who would normally have been your 1?

A. My S1. When Task Force Barker was organized in early January we took all of the headquarters personnel for Task Force Barker--and Task Force Barker was some 60 personnel, enlisted and officers--we took all of these people from our brigade headquarters proper. We skimmed off our staff down to the bone to organize and operate Task Force Barker. It was my understanding that it was a short term operation up there, and rather than upset every battalion in there, we decided we'd work doubly hard at brigade and provide the resources from brigade without having to call in the battalions to provide resources.

Q. I have another question I'd like to address to you as far as Barker and the functioning of your own staff. Aside from your normal staff, what other staff elements did you have available to you, as at that time you had a somewhat of an independent brigade?

A. That were organic to this independent type brigade?

Q. That's right.

A. We had an MI detachment, I believe it was called the 52d MI Detachment.

Q. And who headed that?

A. Major FLETCHER. Major FLETCHER was sent up when this new corps was formed up, and I'm not sure if he had departed. I think Major FLETCHER was my MI detachment commander at that time. I had a military police detachment commanded by a Major PITTMAN. I had a 6th Support Battalion, commanded by Lieutenant Colonel RUSCHE, which consisted of my supply and medical arrangement.

Q. Did you have a legal officer?

A. No, sir. When we arrived in Vietnam we had--we were a separate brigade when we arrived in Vietnam. When we arrived in Vietnam we were placed under--we were assigned to the Americal Division, and my A Company of the 6th Support Battalion, which provided the administrative matters which consisted of our personnel records, our finance, our JAG section, our IG section, and so on, continued on up to division.

Q. When did that transpire?

A. That transpired the date of arrival. They closed into the Duc Pho area on 22 December and on 23 December they proceeded on. They just remained overnight with us coming in from Qui Nhon and continued on up to division, and became a part of the division administrative unit. Our JAG officer at that time was Major COMEAU, but at that time he was already up at division.

Q. So you had no JAG section. Did you have an IG section?

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A. No, sir. It was also--

Q. (Interposing) Likewise, did you have a public information section?

A. We had a public information section, the 31st PIO Detachment.

Q. Who was your information officer?

A. A Lieutenant MOODY, M-double-O-D-Y.

Q. Did you have an S5 section?

A. Yes, sir.

Q. Who was your S5?

A. I had a captain, a tall, thin boy. I can't remember his name.

IO: (Speaking to the members) We can obtain that for the record.

For the record, would you spell the name of commanding officer of your 6th Support Battalion.

A. Lieutenant Colonel RUSCHE, R-U-S-C-H-E, Ralph RUSCHE.

Q. Now then, by time, picking up where we left off, where you had passed the information to General KOSTER and you had gone the following day to LZ Dottie--

A. (Interposing) I may have confused you here, we started talking about this card I passed to General KOSTER, but this was at a subsequent date.

Q. I understand that. We'll come back and clarify that part.

A. At the point I think we left I had talked to Captain MEDINA and returned to the fire support

base and directed Colonel BARKER to conduct a sweep operation back through this area to verify the civilian and enemy killed.

Q. Yes.

A. I directed him to do that. He did not wish to do it. He told me that he felt this was subjecting our troops to an unnecessary risk. However, I was still concerned about the report of THOMPSON. Although one incident had been explained and I believe I felt the other incidents could--not incidents--he had given me a general statement of wild shooting.

Q. I'd like to clarify one point here. You stated wild shooting, in your previous statement to us this morning you indicated that because of the smoke--he was marking these individuals with smoke and then the people were coming in grenading and shooting. This is a little different than the wild shooting. Can you clarify that particular point?

A. Yes. He stated that he observed in the area what he considered individual soldiers, the troops on the ground, and the gunships shooting wildly at everything that moved. Now he had also stated that this one specific example where he had marked--I do think I tried to pin him down on other individuals that he marked and could he identify who came over to them. But he couldn't. He could identify this one captain and this is the one that stuck in my mind at the time, that he could identify positively this one captain shooting this woman on the ground. But the remaining statements he made were of a general nature of wild shooting and disorganized operation on the ground. I did not argue with him. I realized his emotional state at the time really did not support the discussion back and forth.

Q. But this did not appear to you to be of such severity or did it occur to be of such--let me rephrase that. Did it not appear to you to be of such severity, the allegations, that you spent not more than 5 minutes--about 5 minutes if I recall your testimony--that you would have somebody interrogate him in depth or that he would put it down in writing?

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A. At that time to me, no. There were no indications from me that I got from him that--the word atrocity was not even used nor was there anything described to me on the scale of an atrocity. Until I read the word in the newspapers, I had never considered that any such thing had occurred nor do I feel I have any information available to me that would support it other than individual acts. As I mentioned to MEDINA, as a soldier I can accept such an explanation, that it would be plausible under circumstances such as he indicated at the time.

MR STOKES: General, may we take a 5 minute break?

IO: I think it would a good idea to take a 5 minute break.

(The hearing recessed at 1040 hours, 2 December 1969.)

(The hearing reconvened at 1056 hours, 2 December 1969.)

IO: The hearing will come to order.

RCDR: All persons who were present when the hearing recessed are again present.

IO: Colonel HENDERSON, I would like you to pick up your story in this point of time and carry on.

A. Yes, sir. We were discussing, just before we stopped, my feelings towards Warrant Officer THOMPSON's information to me. One other thing I would like to add in here. He reported having observed many dead in the area. This agreed with the report I had that there were 20 civilians killed and approximately, or a figure of 128 VC killed in the area. I related in effect what he had seen as these civilian dead as the VC that had been killed in the area. So perhaps to some degree, I was swayed by this feeling of the number of dead in this area and his report to me. I did not consider that a major atrocity or any degree of an atrocity had occurred. And I took this as a commander making my inquiry, making a commander's inquiry, into these allegations that he had made, and

that was the approach I took, and that was the way I went about this thing.

Q. Do you recall whether or not in your discussion with THOMPSON, when he said there were large numbers of people being killed, did you ask him--do you recall asking him whether these were civilians or whether they were military?

A. I do not believe the subject ever came up. I took it for granted it was VC, but his report implied at least they were from his viewpoint noncombatants. I did gather from him that he was speaking of noncombatants being shot.

Q. Then, again, you are associating the large numbers of noncombatants with the report of 20 that you had heard before?

A. Yes, sir.

Q. Is that correct?

A. That is correct. And also with the VC because I appreciated the fact that he was up in a helicopter. I had no idea what altitude nor do I today--the altitude he was at. I know that a guy in the air doesn't see the same thing that an individual on the ground sees. And I recall before I went to see Captain MEDINA I talked to Colonel BARKER for a period of time about this thing, and apparently the statement had already been related by either Major WATKE or Warrant Officer THOMPSON to Colonel BARKER because Colonel BARKER was aware of it. And Colonel BARKER was quite forceful in informing me that there was no truth to this alleged wild shooting and that the company was heavily engaged with the enemy. And this is what he felt the warrant officer had observed. I also asked him in the TOC of Task Force Barker--and I do not recall who I directed the question to--I believe to the radio operators and sergeants who were there plus probably Major CALHOUN--I wouldn't swear to it--if they had heard any reports from any aviators or from anybody else of any wild shooting and particularly of any engagements with noncombatants, and I was told, "No, there was no such transmissions over the air." I had certainly heard none and I had monitored the battalion command net all day and at times I had switched to company frequency not for monitoring but to--well, yes, for monitoring and occasionally would talk to company commanders. But this was relatively infrequent that I spoke to the company

commanders. I normally would relay any instructions that I had or requests for information to the task force commander, Colonel BARKER, who in turn would get me the information.

Q. Were any other members of Warrant Officer THOMPSON'S aircraft crew present when he reported this to you?

A. No, sir. As I understood he was flying alone in an H-23. I could be wrong on this, but this is the impression that I had, that he was alone in an H-23. So he would have no other--he might have had a doorgunner, I didn't consider that. No there were no other members of his party present when he relayed to me this information.

Q. Did you ever at a later date speak to Warrant Officer THOMPSON?

A. No, sir. Not that I know of.

Q. Did you have any particular reason for directing Warrant Officer THOMPSON to report or to make his statements and so forth on up the chain through the aviation battalion.

A. Yes, sir. He had reported to me the wild shooting of the ground troops and the aviation element in the area. As aviation elements were involved I told him, "Well, look, I can get at the truth. I'll look into it. I can get the truth about the ground elements, but I don't have the same resources as do the aviation units. So Major WATKE, I recommend that you inform your battalion commander of this incident also so that he can look into it from the aviation aspect."

Q. Did that Bravo Company of the 124th Aviation Battalion--

A. (Interposing) 123d.

Q. 123d. Was it directly in support of your operation?

A. It had been assigned to us for this particular operation. Yes, sir.

Q. Was this a normal attachment or was it just a one-time attachment or was it something that this battalion or this company of the battalion had been stationed with you at Duc Pho?

A. No, sir. I had never met any members of this outfit before. This was, as I understand, a relatively new organization, this B Company, of the aviation battalion, the aero-scouts with an infantry platoon, and after this operation they became attached to us almost on a daily basis. But up to that time they were not. So as far as I was concerned this was a mission type thing. They had been made available to us for this mission.

Q. Where was B Company of the 124th--

A. (Interposing) 123.

Q. Where was that stationed?

A. At Chu Lai.

Q. At Chu Lai?

A. Yes, sir.

Q. And had come south from Chu Lai to support this particular operation?

A. Yes, sir.

Q. Will you continue with your story from this point then.

A. All right, sir. After I had talked with Captain MEDINA and to Captain MICHLES I returned to LZ Dottie and again talked to Colonel BARKER. General YOUNG arrived at Fire Support Base Dottie and I related to him everything that I had gotten up to this point and told him--

Q. (Interposing) I would like to know specifically what you related to him to the best of your recollection.

A. To the best of my knowledge, I informed him of the allegations made by Warrant Officer THOMPSON and that I had so far looked into one aspect of this. This was concerning Captain MEDINA shooting the wounded woman and that I had accepted Captain MEDINA's explanation of this instantly, and to me it appeared plausible. However, I was going to look into this matter further, and that I had directed Colonel--

Q. (Interposing) What matter were you going to look into further?

A. His allegations, Warrant Officer THOMPSON's allegations concerning wild shooting.

Q. Both of them?

A. Yes, sir.

Q. Fine.

A. And that I had in fact directed Colonel BARKER to sweep back through that area and to determine whether the body count of 20 civilians was correct, and, also, I believe, to look for weapons, because of a reported 128 VC KIA and but a handful of weapons, and I did not recall the number--six or seven, something like that. But it was a very low number and it was contrary to our experience in the brigade because we had a body count--a weapon-body-count ratio at that time of 75 percent in the 4 months we'd been there. Some 1,200 to 1,400 enemy and 1,000 to 1,100 weapons. So it was a high weapon-body-count ratio that we enjoyed in the 11th Brigade. And this just didn't stack up in numbers. So I relayed, and I believe--I'm sure I didn't discuss any of this with General YOUNG as to my suspicions of the body count but I did inform him of the allegations made by Warrant Officer THOMPSON, that I had talked to Captain MEDINA, that I had directed BARKER to have a company--and I'm not sure but I believe we agreed on Charlie Company--sweep up through the area.

Q. Did you have available to you at that time a 3-by-5 giving information on the 20 civilians?

A. Yes, sir. I did, sir.

Q. Did you show this to him?

A. I either showed it to him or gave him a copy of it. Very definitely showed it to him; definitely made him aware of the 20 civilians that were reportedly killed. Yes, sir.

Q. All right. Proceed.

A. I returned to Duc Pho and met with Major GIBSON, the commander of the 174th Aviation Battalion.

Q. 174?

A. Yes, sir. This was the outfit that provided the gunships for this operations--the so called Sharks. They called their gunships the Sharks. And I asked him to survey all of his pilots that had participated in this operation--both the Dolphins, the slicks, and the Sharks, the gunships--and to find out from any individual or any pilot if any of them observed any wild shooting or the killing of noncombatants and to advise me if there was any truth to this. I also informed him what the allegations were.

Q. Why--

A. (Interposing) Sir, I was doing this from a commander's viewpoint. I was not conducting a formal investigation nor had I been directed to conduct a formal investigation. As the commander I was trying to put to bed, so to speak, this allegation. And I recall telling Colonel BARKER, and I think I told Major MCKNIGHT, and others who were closely associated with me who had overheard parts of this allegation and my inquiry into it--and I wanted to keep this close to our belt, because I didn't want to demoralize the troops if they had gone out and done a damn fine job. There is nothing worse in my mind, and I know I relayed this to these people, than coming in and finding out they have been accused of shooting up the countryside.

Q. Let me back up just one minute. You've indicated you had not been directed to initiate an investigation. What is your interpretation as to who can initiate an investigation?

A. Well, I was initiating what I felt to be my own personal investigation of this matter as the brigade commander. Anybody above me could have directed me to conduct an investigation or Colonel BARKER could have directed an investigation within his task force.

Q. Now you have indicated you were looking at this from a commander's point of view. A commander's inquiry and not a formal investigation. My question was, what is your interpretation as to who can initiate a formal investigation in such a matter?

A. I discussed this with General YOUNG. I told-- I believe General YOUNG will verify this--I told him that I was initially going to take a look at this thing from a commander's viewpoint, but if there were any grounds or any evidence at all to substantiate the allegations of Warrant Officer THOMPSON that I would, then, recommend that a formal investigation be conducted if any of these allegations proved true. But I'm differentiating here between a formal investigation by orders as opposed to what is the responsibility of the commander. I think I'm differentiating; at least in my own mind I am.

Q. Well, go on with your discussion with General YOUNG.

A. Well, I had finished that and had gone down to Major GIBSON at the aviation battalion--

Q. (Interposing) One additional point going back to General YOUNG again. Had he given you any other specific instructions?

A. No, sir.

Q. At that time?

A. No, sir.

Q. So you told him the course of action you were following, and he at that time gave you no additional specific instructions?

A. That is correct. I spent the rest of the day, or I was planning to spend the rest of the day of the 17th of March in the Duc Pho AO.. I had a couple of operations going on down there.

Q. Let me stop you here for just a minute again because I think this is pertinent. Would you indicate how many other operations you had going on within the brigade aside from Task Force Barker? As I would understand it, you had at least three other battalions and possibly a fourth. So would you indicate what other operations you had under way at that time?

A. Each one of my battalions had a minimum of a company operation going on under them. I had held out from the 4/3--the battalion that's headquarters was up at LZ Sue--I had put strings on one of its companies in case Task Force Barker had run into any trouble over here (indicating). When I made my visit over to that headquarters then, I had released the company by radio I believe, I released that company back under the full OPCON of its battalion commander. He then initiated whatever operation was planned for the day. I do not recall exactly what these were, but each of my battalions did have as a minimum at least one company-scale operation. And I'm confident that it was even more than that, but as a minimum, one. At the same time I was getting my 1/20 which was the one down furthest to the south in Duc Pho area prepared to move north. It was going to move up to 196th Brigade area, and I had another battalion coming in from outside the division into my southern--no, I had 3/1 being extended down and in a day or two I was to have received another battalion. But these were the kinds of operations and things I had going on at that particular time.

Q. So aside from this operation, then, you had two additional battalions in operation and another battalion--

A. (Interposing) Three.

Q. Three?

A. Yes.

Q. Preparing to move north and you were also preparing to receive a replacement battalion. Is that a fair statement of what you were occupied with?

A. Yes, sir. That is correct.

So on the 17th, the afternoon of the 17th, after I had talked with MEDINA that morning, I went back down to Duc Pho and was engaged then with whatever activities I had going on in the southern part of my AO in the so-called Duc Pho AO. Differentiating between the Duc Pho AO (indicating) this was the Muscatine AO up where Task Force Barker was operating. Sometime during the day I received a radio message from my headquarters that General KOSTER had been in the area, and the way I got the order, he had countermanded the instructions issued to Task Force Barker regarding a company sweep. With this information--I wouldn't say I wasn't unhappy about the thing, but I took off immediately for LZ Dottie to find out what happened, that the sweep back through the area had been countermanded as I got it. As I arrived at LZ Dottie I hadn't walked over a 100 feet from the helipad when a CH-47 and two Huey's came into the helipad. I would estimate that somewhere between 30 and 40 troops. I asked the individual who met me, and I'm not certain which staff officer it was from Task Force Barker's headquarters, what element this was. I was informed that it was Company C Being extracted from the operational area.

Q. Do you know where they were heli-lifted from?

A. Yes, sir. They were heli-lifted from the same place that I had met Captain MEDINA that morning. They were heli-lifted from just west of My Lai (1) (indicating).

Q. Was the entire company extracted?

A. The entire company was extracted in shifts. This was the first flight back. I walked up towards them as they were coming in and grabbed the first NCO, whom I do not know, but told him "just hold these people here, I'd like to talk to them for a moment." When the 47 and Huey's took off, I started talking to this group of 30 to 40 individuals. I asked them what platoons they were from and it was a mixture of 1st and 2d Platoons of C Company, plus one or two individuals from the company headquarters, C/1/20.

Q. Which platoon did Lieutenant CALLEY command?

A. Lieutenant CALLEY commanded the 1st platoon. So these were the first two platoons that had gone in on the

combat assault. So I told them the reports I had received led me to believe that they had done a damn fine job and that I was their new brigade commander and appreciated the fine job they had done for the brigade. I also told them that I had had a report that we had injured and killed some noncombatants; that this was an unsubstantiated report; that, if true, it would certainly discolor the fine record that they had. I spoke along this vein for a few moments. I don't recall exactly what I said, naturally, and then I asked them in a group: "Does anybody here, does any individual, any of you observe any acts against noncombatants, any wild shooting? Did any of you, or do you have knowledge of anybody killing any civilians during this operation?" And I got silence. I then pointed to three or four individuals and I don't think they had name tags on, they may have, but if I identified the man and I don't believe I knew any of the individuals personally but, "How about you?" and I pointed to a soldier. I got back from the first individual a loud, clear response, "No, sir." And I pointed to three or four individuals and in each case I got back a loud and clear, "No, sir." The men had their heads high. There was nobody trying to ignore my eyes. I looked at every individual there. They seemed to be in good spirits. They didn't appear to me to be a bunch of soldiers who had just gone out and shot up the countryside and killed a bunch of women and children. Although I wasn't thinking along these lines of a bunch of women and children being killed at the time. But the impression I got of them at the time was that they were a bunch of normal fighting infantrymen whom I have served with in three wars. Again I said I was delighted to hear this, "I think you have done a damn fine job, and again I deeply appreciate everything." I think I went ahead to say, "I know what a rough dirty damn job you've got and appreciate it." I'm also certain that I stated at that time something to the effect I didn't expect my soldiers to carry out illegal orders such as the killing of civilians. Of course, somebody present could say exactly what I did say, but it just sticks in my mind that I made such a statement although at the time I had no basis for making the statement.

Q. Did you have anybody during the course of your flight accompanying you, a staff officer?

A. Yes, sir. I had varying staff officers at varying times. I had a Lieutenant Colonel Bob LUPER, who

commanded my artillery battalion--and I believe it was the 6/11 or 7/11, 6/11--and I had Major Robert MCKNIGHT, my S3, brigade S3, and other staff at times. I'm not certain at any one time who I did have. One individual I did have with me during this entire time was my radio operator, who was a Sergeant ADCOCK. Now, he was with me during the entire time; he was with me on every flight until he rotated from Vietnam. But, normally when I would get out of the helicopter to talk to somebody on the ground, he wasn't immediately with me, but he may have been with me in this particular case because normally he would walk down to the TOC with me when I went into a headquarters and carry on a conversation with the NCO's on the side. I acquired Sergeant ADCOCK from General LIPSCOMB. He had been his radio operator up to that time. And I may have had my command sergeant major with me, Command Sergeant Major WALSH, but again I'm uncertain at this time as to who was with me and when. I know at this particular time I'm pretty confident that Major MCKNIGHT, my S3, was not with me because of this move of the 1/20. I believe he had asked me if he could stay back at Duc Pho at that particular time.

Q. When you talked to this group of people how many people do you estimate were in the group?

A. Thirty to forty.

Q. Thirty to forty?

(Witness nodded affirmatively.)

You singled out three or four people to ask them specifically?

A. Yes, sir.

Q. You did not at this time have any of this put down in writing or interview any of them individually?

A. No, sir. I did not.

Q. All right. Continue with your story.

A. That evening--it was fairly late in the afternoon--it wasn't dark yet--

Q. (Interposing) One minute. One minute. First let me get back to the point which I think is germane to what we're speaking of here. After you heard that General KOSTER had countermanded your order for Charlie Company to go back, you went back to LZ Dottie?

A. Yes, sir.

Q. What was the information you had received concerning the countermanding of this order?

A. I really got this information later. The minute I got there I met with the men. I was just walking away from the helicopter. I had not talked to Colonel BARKER about General KOSTER countermanding my order nor had I talked to division or anybody else about it. After talking to these men, I went down to the TOC, and Colonel BARKER was out covering the extraction at the time. I talked to, I believe, to Major CALHOUN, who as the S3/- executive officer of the Task Force Barker, and asked him what instructions General KOSTER had given to Colonel BARKER. He stated that General KOSTER stated that he did not want to subject the troops to the possible mines and booby traps by going into this area, and that the ships were available that afternoon, and the next day the aircraft would be tied up for 2 or 3 days due to some reemployments, which jibed with the information I had. I was losing my 1/20--it was being sent to the north. Aircraft would be difficult to get, so we would have to walk the troops out of that area. And this is what was passed on to me from Major CALHOUN as the reason. The rationale was acceptable to me, although I didn't object to having to walk the troops out. I was appreciative of the fact that this was a heavily mined and heavily booby trapped area.

Q. Was this a normal procedure within the division to countermand an order without going through the brigade commander? Discussing it with the brigade commander?

A. No, sir. And the first time I saw General YOUNG, I asked him about this, and General YOUNG inferred to me that Colonel BARKER had told General KOSTER that he attempted to get a hold of me and couldn't contact me because I was out

in the southern Duc Pho area. He couldn't talk to me, apparently, by phone; that it was really in effect--that it was Colonel BARKER who did not want to subject the troops to walking out; and he had put this to General KOSTER and General KOSTER stated: "Well, go ahead. Go through your extraction, but notify Colonel HENDERSON that I have approved your plan immediately, as soon as you can get in contact with him."

Q. Did you explain to General KOSTER or General YOUNG why you wanted those troops to go back through the village? Or hamlet?

A. I had explained that morning to General YOUNG, my plan to move them back through the area to verify the body count--not the body count, the civilian killed, not the body count. This was my own discussion with Colonel BARKER where I am sure I threw in the body count also, but I think--I was suspicious of the 128.

Q. Proceed from LZ Dottie then.

A. I talked to the men in C Company, and I went down to the TOC area of the 4/3 at which time Major CALHOUN or the duty officer, and I believe it was Major CALHOUN answered my queries relating to exactly what did General KOSTER tell Colonel BARKER regarding to proceed with the extraction and not proceed back through the area. I got just the information that I relayed to you a moment ago.

Q. And what day was this?

A. This was on the 17th.

Q. What time on the 17th?

A. It was fairly late in the evening around 1700 I believe, on the evening of the 17th.

Q. This is the same day you had gone to the laager area and talked to Captain MEDINA and the captain of B/4/3, and you had moved south and came back up again and were at LZ Dottie when these units were being extracted from the field?

A. Yes, sir. After I had satisfied myself that General KOSTER had issued these instructions and that the extraction was going on schedule and that they had adequate aircraft and gunships and so forth, I returned back to Duc Pho. That night following my staff meeting, I called Major GIBSON aside, who was the commander of the 174th, and asked him what he had found out from his pilots, and he told me that he had talked to all of the pilots that had been involved in that operation and not a single one of them observed any noncombatants being killed nor were his gunships out of control nor did they observe any troops on the ground out of control as Warrant Officer THOMPSON had implied to me, or reported to me that it appeared to him they were. So I had at this time statements, oral statements, to me--

Q. (Interposing) What kind of aircraft did the 174th fly?

A. The Huey's.

Q. Only Huey's?

A. Only Huey's.

Q. Slicks and gunships?

A. Both gunships and slicks. They were the primary unit. Although they were under the operational control of division at Chu Lai, they lived in the Duc Pho area at my base camp Bronco, and were administratively responsive to me. They provided men for my perimeter defense. I fed them in my system so that they got their rations, etc. They were under the operational control of division. I could not go directly to them for ships. I would go to division, and division would allocate them usually from the 174th to support my operations.

Q. Just to clarify a point in my mind. This was the unit that actually effected the combat assault?

A. Yes, sir.

Q. They gave support for the combat assaults? Is that correct?

(HENDERSON)

A. That is correct, sir.

Q. Both with slicks and with guns?

A. Yes, sir.

Q. How many slicks did they have then and how many guns, do you recall, did they use in the operation?

A. I do not recall, sir.

Q. Did they make it a practice that the guns stayed with the slicks or that the guns operated independently?

A. The guns would come in with the slicks on the CA and then would remain in the operational area keeping the operational area under surveillance and taking targets of opportunity under fire until the slicks returned to the area to carry their next load of troops and then they would come in with second and subsequent lifts of slick ships.

Q. So generally speaking they accompanied the slick, or the assault helicopter?

A. Yes, sir.

Q. So that the guns wouldn't be on station at all times?

A. Well, they would stay on station or stay in the objective area and then marry up a minute or 2 minutes out with the incoming slicks and bring them in while they were coming in at a low level. Once they had delivered the slicks--had delivered the troops on the ground, they would escort them as they took off; and once they were airborne, they would come back and remain in the objective area.

Q. Now, how many lifts did it take to move in C/1/20?

A. It was either three or four, sir.

Q. Had they completed their lift by the time you arrived on the scene?

A. I believe they had. Their last element may have gone in after I got there. I cannot recall, sir.

Q. Well, let me refresh your memory one moment. You indicated that you were over My Lai (4) at about 0800 to 0815?

A. Yes, sir.

Q. And while you were there you observed the CA for B/4/3?

A. Yes, sir.

Q. Were those same helicopters used for the insertion of B/4/3?

A. They were the same ones, sir. If I might back up one moment here. When I first got into the objective area some 20 minutes after the CA had started, I remained about 500 yards to the north of My Lai (4) and remained in an orbit watching these two enemy dead on the ground. I do not recall at that time whether, while I was doing that the last CA of Charlie Company came in or not. This was a point I was alluding to a moment ago. But I did see the initial CA of Bravo Company, and again, I'm not certain if I saw it from My Lai (4) area or if I went over to the My Lai (1) area and observed it from directly overhead.

Q. When you were over My Lai (4) at about 0800 where were troops of C/1/20?

A. I observed troops of C/1/20 working along the northern edge. I observed one or two, just a very few, and was surprised I couldn't see more in the village itself; and on this southeastern corner (indicating) there were a small group, as I recall, standing in the LZ proper.

Q. Where was the LZ located in respect to the town?

A. Approximately 400 meters to the west of My Lai (4) (indicating).

Q. Then at the time you were there, then, some of the troops had already passed through My Lai (4)?

A. Yes, sir. At least on the southeastern edge of it; and I believe the ones I saw to the north were also from a small element; then I observed a small element moving up to the north to recover those weapons that I was guarding. They came from almost the north-central part of the village. But I came down over it and I observed more soldiers on the ground about half way through the village. Although the village is relatively narrow from east to west, it is long from north to south.

Q. Okay, well, let's come back to LZ Dottie again and come back to where you left off.

A. I believe I was back at LZ Bronco, and I had discussed this with Major GIBSON, and he denied that any of his officers or warrant officers had observed any acts. This was on the night of the 17th. I did not see General KOSTER until about 20 March. But I saw General YOUNG on an almost daily basis. I know that I spoke at least once to General YOUNG about this thing, and I went over the information that I had with people that I had spoken to, and General YOUNG advised me that I should report this to General KOSTER. But I had not found any evidence that would suggest that a formal investigation should be conducted. The soldiers denying this; the pilots denying that anything had happened out of the ordinary and Task Force Barker and his staff and company commanders denying that anything had happened. It was about the 20th of the month when I--20 March when I had a meeting at division to discuss the rice denial operation scheme that was being presented, and all the brigade commanders were to be present. I either went up early or I stayed after the meeting--and I do not recall at this time--but I went into General KOSTER's office, and I gave General KOSTER first of all the card that Colonel BARKER had provided to me 3 or 4 days before this and explained to him that this was the civilian body count, the civilians that had been killed in the area, and the way it had been reported to me that they had been killed. And I went into the warrant officer allegations made to me, the fact that these could not be substantiated. I informed General KOSTER, whom I had spoken to about the allegations, and that I just did not believe there was any truth to the allegations except on this one incident where MEDINA had killed the woman, and MEDINA openly admitted it. His response was immediate, and General KOSTER accepted my report, or at least--I won't say he chewed

me out, but he let me know in no uncertain terms that this number of civilians in an operation like this, regardless of the intensity of fire, was unacceptable. I was not directed to further my inquiry nor did I, as the commander, feel that anything further was dictated by the information that I had at that time. On or about the middle of April was the next thing I heard about this. And this was a report, and I believe this attachment was the one (looking at Exhibit R-1 handed the witness by the IO). It was either this one or a letter. This statement is attached to my report of investigation, dated 24 April.

Q. Whose statement is that?

A. This statement came from the Quang Ngai Province headquarters. It was delivered to my S2, who was then Lieutenant Colonel BLACKLEDGE. I do not know how he got the report except I believe it was through our liaison officer from my 52d MI Detachment. I had a liaison officer stationed at Quang Ngai, and I believe the report, to me, was that this was brought to Duc Pho, my headquarters, by my MI agent I had up there as liaison officer. One of the paragraphs in this statement--

Q. (Interposing) I'd like--there are actually two inclosures if I'm not mistaken. I'd like to keep our attention directed at the first inclosure and then we can go to the second one.

A. This statement on the top is a statement by, I believe, my 52d MI Detachment; and the other statement, a VC propaganda message, which I will refer to as the second inclosure, was first brought to me. It was in Vietnamese, and my S2, Lieutenant Colonel BLACKLEDGE, turned to one paragraph in here and pointed out to me that this concerns the operations which were named wrong or were in the wrong district, but orally I had been told that this relates to American troops killing civilians in that particular operational area. So I asked Colonel BLACKLEDGE to have our MI detachment get this entire message translated for me. When the message was translated it came back with, from my MI detachment, with this statement on top of it.

Q. Who headed your MI detachment, the 52d?

A. I believe it was a Major FLETCHER.

Q. Would you read the first paragraph?

A. "This statement is in reference to letter from the Son Tinh District chief to the Quang Ngai Province chief, subject: Allied Forces Gathered People of My Lai Village for Killing, dated 11 April 1968."

Q. Proceed with the second paragraph.

A. "The Son Tinh District chief received a letter from the village chief of Son My Village containing the complaint of the killing of 450 civilians including children and women by American troops. The village chief alleged that an American unit operating in the area on 16 March 1968 gathered and killed these civilians with their own personal weapons. The incident took place in the hamlets of Tu Cung and Co Luy located in the eastern portion of Son Tinh District. According to the village chief the American unit gathered 400 civilians in Tu Cong hamlet and killed them. Then moved to Co Luy hamlet. At this location the unit gathered 90 more civilians and killed them."

Q. And that was delivered to you about when?

A. About mid-April was the best I recollect.

Q. And you had it translated at that time?

A. Yes, sir.

Q. And it came back to you from your MI detachment with that particular cover letter, unsigned?

A. It came back to my S2. It didn't come to me personally, no, sir.

Q. What did you do about it? That's my next question.

A. I immediately went to Colonel TOAN who commanded the 2d ARVN Division. I don't recall if it was that day or the next day, but it was within a very short period of time. I would say within 24 to 36 hours I went to Colonel TOAN who commanded the 2d ARVN Division in Quang Ngai with a copy of the VC propaganda message, and told Colonel TOAN that I was

very much disturbed about this and that did he have any knowledge or information that I did not have concerning this? Had he had any such reports? Colonel TOAN told me that he had received within the last day or two a directive from General LAM of I Corps that--forwarding a letter that--I believe at that time me--that the village chief had written a letter to General LAM but I--this doesn't jibe in relation to it, but this is the way I recollect it. He told me that General LAM had sent him a letter or a copy of this VC propaganda message and asked him to have his people look into it. This was the directive that he had gotten from General LAM to look into this incident. I told Colonel TOAN that I was

very much interested in this thing and that when he looked into this I would make available to him a battalion or any number of troops to go into this area and help him secure it while it was looked into.

Colonel TOAN said: "No. This is VC propaganda. There is no truth to this, absolutely no truth to this."

And I said: "Well, but you are investigating?"

He said: "No, I've told Colonel KHIEN of the Quang Ngai Province to handle it."

So I don't recall--I don't remember who was with me. I believe, again, Major MCKNIGHT was with me on my visit to Colonel TOAN. But if at any time he got any more information than what I had on this thing--that I, too, had had such allegations and that I, too, was trying to ferret out the truth--that I would appreciate it if he would let me know about it and that my troops were available any time to help him go into this area or to arrive at the truth. And as I mentioned, Colonel TOAN stated no, he was not going to. He had forwarded it to Lieutenant Colonel KHIEN, the Quang Ngai province chief, to handle the matter. That is the way he put it.

Q. From your knowledge of the ARVN chain of command, what would have been the proper headquarters to investigate this?

A. I don't know.

Q. Did the province chief report to General TOAN?

A. He was not--he did not report to him, no, under the organization, however, they collaborated considerably in this particular province. And I know that Colonel KHIEN deferred to Colonel TOAN on many matters.

Q. I'll refresh your memory somewhat by saying that it was about this point in time that there was a shift. That is, at one time the province chiefs had been under the military commander. But subsequently, they were given a higher degree of independence to operate as province chiefs under the Central Ministry. Militarily, however, they reported to the local military commander.

A. I'm not positive how this relationship was between Colonel TOAN and Colonel KHIEN, although I know when I talked about other matters to them individually, both seemed to be kept well aware of what was going on.

Q. Did you report, at that time, this new information that you had to General KOSTER or to your division headquarters?

A. I sent a copy of this to division--of whatever I had.

Q. I take it that that is around 14 April that you received that particular piece of paper.

A. Yes, sir.

Q. Did you report this new information and the new allegations at that time to General KOSTER or to the Americal Division?

A. I sent a copy of that to division.

Q. At that time?

A. Yes, sir.

Q. And, also, subsequently as an attachment to your report which we have as an inclosure?

A. Yes, sir. In my mind, my sending this paper to division--and I'll explain that a little bit later--was what prompted General KOSTER to have General YOUNG have me prepare, in writing, my so-called report of investigation which to me was a summary of the incident.

Q. That's what I want to get down to.

A. When I finished discussing this with General TOAN, I immediately went over to Colonel KHIEN's headquarters which was still in Quang Ngai City and went out and met with Mr. MAY, who was a civilian advisor; and I believe I met for the first time Lieutenant Colonel GUINN, who was the deputy advisor there, and told--and I'm not sure which one was present, but one or the other of these two gentlemen were present. I told them I had not yet had an opportunity to meet Colonel KHIEN and I wanted to pay a courtesy call on him, and at the same time I wanted to discuss this allegation against U.S. troops. They got me an appointment, and I went in and saw

Colonel KHIEN and we had a cup of coffee, and I explained to him my regret and how disturbed I was over this thing, and that I wanted to get to the bottom of it, and if there was any truth to it I would make troops available to go with his RF/PF forces, or any other forces, into the area if he was going to conduct such an investigation. And he said--and I believe he told me this at the time that he had talked to the village chief or he had been apprised of a letter from the village chief--that the village chief was writing VC propaganda. The village chief did not live in the village, that this was completely VC propaganda, and that he was actually going to conduct a counterpropaganda move operation to answer this. He did not consider an investigation appropriate. I again told him that if anything should change his mind, that if he did get any additional information on this, that I would like to know about it, and that my services were available to him as well as my troops to go into that village again if he desired. Concurrent with my talk with General TOAN and Colonel KHIEN about this thing, I sent a copy of it to division.

Q. How was it transmitted?

A. Through S2 channels.

Q. Was it transmitted by telecommunications or was a copy of the--

A. (Interposing) A copy of the translated material with a copy of the original Vietnamese was transmitted to division.

Q. By courier?

A. By courier, yes, sir. One statement at this time. I--this is not an excuse or anything--I was wounded on 23 March in the leg and for about 3 or 4 weeks I was on crutches. My leg was in a cast with a broken bone.

Q. Who commanded the brigade during that period?

A. I continued to command the brigade. I told General KOSTER I'd fought too hard to get command of the brigade, and I would not let this interfere with my operations and my command. And he stated he'd take a chance and if it

got worse though, I was to inform him right away. I was up in a helicopter daily after this, but I was not out of my helicopter as much as I would have been if I were walking on my legs. When I went to General TOAN--or Colonel TOAN, and Colonel KHIEN--Lieutenant Colonel KHIEN--

Q. (Interposing) Was it Colonel TOAN or General TOAN?

A. He's general now, but at that time he was a colonel.

Q. Commanding the 2d ARVN Division?

A. Yes.

Q. Okay.

A. I was on crutches and had my leg in a cast, and it came out of the cast--and this is the point that I'm not too certain about this 14 April translation. It seems to me it came out of the cast at the end of 3 weeks which would have made it just about on this date. But still I know I was in my cast when I was up in both of their headquarters. So I'm not too certain on this, the time. But then 2, 3 days after I had spoken to Colonel TOAN and to Colonel KHIEN, General YOUNG came down and said that General KOSTER wants you to--and it was not make an investigation because I specifically asked: "Does he want this opened again and an informal investigation conducted?", and General YOUNG said: "No. This paper you sent up, this VC propaganda message, has tripped his memory here a little bit, and he just wants some backup in the files here if anything further should develop on the matter. So provide him with a written report." As a result of this I wrote from my notebook notes that I had taken down when THOMPSON had related the incident to me. I had put his name and some of the sentences in a notebook and when I talked to MEDINA I put sentences or cryptic statements in the notebook. I had a notebook. I pulled this notebook out and wrote this, which is exhibit--an unnumbered exhibit (Exhibit R-1) and forwarded it to division on or about 24 April.

Q. But did you make any additional investigation?

A. At that time I did not because when I asked General YOUNG the purpose of this, General YOUNG implied that it was merely that I had provided my oral report, that when the VC propaganda message had been delivered up to

division, that--and I'm uncertain as to what exactly he did tell me, but I know I asked him, "Was a formal investigation to be conducted," and he said: "No, it was merely put your report or describe the incident into a paper for division." And with this I prepared what I termed a report of investigation which I acknowledge loud and clear is not a report of investigation.

Q. May I see the paper?

(Exhibit R-1 handed to IO by witness.)

I would like to specifically refresh your memory to one statement that it makes. It says, "Interviews with Lieutenant Colonel Frank BARKER, task force commander; Major Charles CALHOUN, task force S3; Captain Ernest MEDINA, CO, C/1/20; and Captain MICHLES, CO, B/4/3, reveal that at no time were any civilians gathered together and killed by U.S. soldiers." When you included this statement, were you referring to your previous discussions with them back on 16 and 17 March, or are these new interviews?

A. These are both. Because I did go back up to LZ Dottie. When that inclosure there first came to light and when I went to see Colonel TOAN and Colonel KHIEN, they showed me another letter from the village chief that had also been translated into English which I had not seen before--I do not believe I had seen before. And this letter alleged that U.S. forces had, on two occasions, and they named the date of late February on a previous operation in this area and the 16th of March, had moved in on an operation and had killed innocent civilians. In this letter, also, it stated that the U.S. forces had gathered up groups of civilians for a total kill of 470, and they had broken them out by two operations in this village chief's letter to the district.

Q. District chief had this letter then?

A. No, it was over--I saw this letter at Quang Ngai.

Q. In which headquarters?

A. In Colonel KHIEN's headquarters.

Q. In the province chief's headquarters?

A. The province chief's headquarters.

Q. Did you obtain a copy of that?

A. I either obtained a copy or had a copy obtained because this was included in Colonel BARKER's investigation of this incident. This other inclosure I'm speaking of, which was the letter from the village chief.

IO: I would like to take about a 5 minute recess. I want to check on a couple of things.

(The hearing recessed at 1209 hours, 2 December 1969.)

(The hearing reconvened at 1217 hours, 2 December 1969.)

IO: The hearing is reconvened.

RCDR: All persons who were present when the hearing recessed are again present.

IO: This document you refer to from village chief to the district chief. You obtained a copy of that?

A. Yes, sir.

Q. And did you forward a copy of that along with inclosures 1 and 2 to the Americal Division headquarters?

A. I don't recall how I secured that other copy. It was shown to me or told to me. And I'm not certain now of the timing here, that such a letter existed that alleged that U.S. troops had two occasions--and then the letter went on to cite specific paragraphs that were in this letter here, and I know Colonel KHIEN when he told me about it, the letter, and I don't believe I saw it at that exact time, but I think he explained to me that he had this letter from the village chief to the district chief which had gotten to--and I believe it had gotten to General LAM--alleged these two incidents of late February and, or maybe it was early March, and this mid-March thing. I did not secure a copy of it at that time, but I do recall that this letter as explained to me when

this was explained to my by Colonel KHIEN, that for the first time it alleged that U.S. forces had gathered civilians together. I don't recall if that one says that or not. May I look at the last page of that sir?

(IO hands Exhibit R-1 to the witness)

MR WEST: Let the record reflect that he is looking at inclosure 2 to Exhibit R-1.

A. No. This one does not show that any people were gathered together. To the best of my recollection, Colonel KHIEN stated that this letter states that some people were gathered together and shot down, which he said was absolutely ridiculous, and I agree with him. I did not secure, at that time, a copy of that letter, but I did discuss this with Colonel BARKER and, specifically, the gathering together of any people. Colonel BARKER denied it and I do not recall where I talked to Captain MICHLES or CALHOUN or MEDINA, but I am positive I asked them point blank if any such people were ever brought together. And it was denied. I do recall making Colonel BARKER aware that such a letter existed, and, again, to the best of my recollection, I had a copy or had him secure a copy for his formal investigation.

IO: Coming back to the exhibit and inclosure 1 of the exhibit, from the second paragraph, might it not be inferred that the drafter of that particular paragraph had available to him a copy of the letter?

A. You mean the other letter instead of this one here?

(IO nodded in the affirmative.)

This was my recollection also, that we had a copy of the--I do not recall having read the other letter. The other letter, the gist of it was explained to me one time. It seemed to me that it was Colonel KHIEN. This statement here appears more to go along with such a letter than it does this VC propaganda message. So I'm not certain how these got attached here, although I know I sent them to you (speaking to Colonel WILSON).

(Col WILSON nodded in the affirmative.)

IO: May I see the exhibit again for a moment (Exhibit R-1 handed to IO)?

Q. If I may say here that what you state you have actually two independent inclosures, am I correct?

(Witness nodded in the affirmative.)

One, in your first paragraph, you stated, "Investigation has been conducted into allegations cited in inclosure 1". That being this statement? (Exhibit R-1 shown to witness by IO.)

A. Yes, sir.

Q. You go on to say in your paragraph 3 of your report, "Inclosure 3 is a translation of an actual VC propaganda message targeted at ARVN soldiers and urging him to shoot Americans." So they are quite independent one of the other, although they certainly bear upon each other. Is that a reasonable--

A. (Interposing) That is the conclusion that I would draw also. It has been sometime, but I do have a copy of this now which I received yesterday before I departed Norfolk, but I did not have a chance to look at it. I note in here also that I acknowledged one man was slightly wounded in the foot by small arms fire, but the newspapers -- that was the first time I had ever heard he had shot himself.

COL WILSON: I don't believe the evidence will show that he did shoot himself. He shot himself, but it was accidental.

A. Oh, I see. There is so damn much in the newspapers now, it confuses me, I think.

IO: This is commonly referred to as a SIW, self-inflicted wound, accidental or otherwise.

A. Well, I state here and I'm positive, I know that I interviewed these people with this specific question in mind or I would have never put it in this statement. Down at the bottom of paragraph 2, "interviews with Colonel BARKER, Major CALHOUN, MEDINA, MICHLES, revealed that at no time were any civilians gathered together and killed by U.S. soldiers." Now, what investigation or what I did when I received this from General YOUNG to reduce to writing--or what my orders were to prepare this, I do not recall. I vaguely feel that General YOUNG was uncertain as to what the purpose of this thing was except that it was definitely not to be a formal investigation.

Q. At this point I would like to ask you if you are familiar with the regulations published by Headquarters, MACV, concerning atrocities, war crimes, reporting and investigations of same?

A. I am not familiar with them, sir.

Q. At this point I would like to enter into evidence a telegraphic message from Headquarters, MACV, providing in telegraphic form MACV Directive 20-4, dated 27 April 1967, concerning inspection and investigation of war crimes. I would ask you to -- I would like to have this marked as an exhibit and entered into the record.

RCDR: This directive is entered into the record and marked as Exhibit D-1.

(MACV Directive 20-4, dated 27 April 1967, subject: "Inspections and Investigations, War Crimes," is entered into evidence and marked as Exhibit D-1.)

IO: At a later date we will substitute or back up this particular document with a printed copy of the document as it was issued within the command.

I would ask you to review the document down to the point, I believe, on the third or fourth page which I have underlined which brings out subsequent revisions of it.

We will recess at this time until 1400 hours. I will stay here while he is completing reading the document. It is not necessary for others to stay here. We will proceed with the interview at 1400.

(HENDERSON)

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(The hearing recessed at 1231 hours, 2 December 1969.)

(The hearing reconvened at 1505 hours, 2 December 1969.)

RCDR: All persons who were present when the hearing recessed are again present.

A. Sir, you asked me a question as to whether or not I had seen this document. I have not seen this document before. Of course, this does not negate my responsibilities as a commander for having knowledge of any atrocities committed. I certainly was aware of my responsibility for previous instances to conducting an investigation and so forth, but this document I have not seen before to the best of my knowledge, nor do I believe such a document was on file on the 11th Infantry Brigade. If I might back off here, when we first arrived in Vietnam our status as a separate brigade-- and I am not offering this as an excuse, but I think it would be to your advantage to recognize this--our status as a separate brigade was neither fish nor fowl. It was in a state of change. When we arrived, as I have mentioned earlier, our A Company of the 6th Support Battalion was moved with all of its bag and baggage to Chu Lai to become an organic part of the Americal Division. At that time, all of our records and all of our files, even our own brigade documents, were carried to the division. It was some time before we could start regrouping some of the documents which had been lost to us by this transition to the division.

IO: Are you referring to all documents, or--

A. (Interposing) Initially, all of our documents, or all of our AG records. For example, our Army Regulations, all of these as we arrived in Vietnam were all shipped to, moved to, Duc Pho and then on to Chu Lai. As soon as we began to determine the need for specific documents we would notify the division AG, in most cases the documents we needed would be returned to us.

Q. Did the division have an issue of these documents to you when that took place? What might be referred to as the brigade set of documents?

A. No, sir.

Q. Directives, guides, memoranda?

A. No, sir. They were issued to us as they were reprinted or as the need for the use of these documents developed. I went over there in September 1967 with the battalion commanders, all of the battalion commanders, who later came over with the brigade, and we visited the Americal Division, and at that time, we picked up some documents we felt would be of value to us as well as at USARV headquarters we picked up certain documents that would be of value to us and we went back to Schofield Barracks and many of these documents were incorporated into our unit SOP, particularly such things as rules of engagement.

Q. Did you have a copy of the Americal Division SOP and SOI?

A. I am certain there was one in our headquarters. I do not recall having seen it, but I am positive we had one.

Q. Do you know whether or not you had, from Headquarters, the Americal Division, the implementing instructions from this regulation, MACV Directive 20-4?

A. I do not, whether we did or did not, no sir.

Q. Within your headquarters, who would normally handle the preparation and dissemination of additional implementing instructions?

A. My SI.

Q. So at this point of time again, when you had received the information concerning the report of the village chief, and I am not sure in my own mind whether you obtained a copy of that from the province chief or from the district chief or exactly what you did--

A. (Interposing) I am not certain either, sir, of how I acquired a copy of it, or how a copy was acquired by my headquarters. It is my recollection that a copy of this was included in the formal investigation, but, I do not recall how we secured a copy.

Q. But you did have, at that time, a statement which was prepared on the 14th, which is an inclosure to your report?

A. Yes, sir.

Q. You also did have the translation of the VC propaganda?

A. Yes, sir.

Q. Which are enclosed as attachments 1 and 2?

A. Yes, sir.

Q. So, in addition to the previous information that you had available to you, you also had information from the village chief and also the allegation in the VC propaganda?

A. Yes, sir.

Q. You provided these two documents to headquarters of the Americal Division, is that correct?

A. Yes, sir.

Q. And the instructions which you received were on about what date?

A. On or about mid-April is the best I can--it may have been--my report is dated 24 April. I believe I would have written this report immediately, I do not recall at this time, but it must have been near 20 April that I received the instructions from the Americal Division, from General YOUNG, that General KOSTER desired that I prepare a report. I do not recall our discussion as to what this report was to consist of, except that I do recall that General YOUNG stated there was no evidence of anything that division had that I didn't have, and I am not certain I understood really what the purpose of my report was. I prepared what I believe General YOUNG had directed me to prepare.

Q. And you submitted that report to General KOSTER? You signed the report on the 24th?

A. Yes, sir. I hand-carried this report to division and gave it, in an envelope, to the chief of staff, Colonel PARSON. Incidentally, the S5 of the brigade is Captain KESHEL. I hand-carried this report to Colonel PARSON and left it with him.

Q. About what date was that?

A. It would have been on the 24th or the next day which was the 25th. Before this report went up, I showed it to Colonel BARKER and asked him if there was any new information to add to it, or if the report was basically correct. I know I also had Major MCKNIGHT, my S3, read it. I took a copy of this report and, rather than just getting it in the regular files of the brigade, I asked that it be locked in the safe in the S2 or the S3 office. It was later secured in the safe of the S2 office. So I assume that's where I had it secured.

Q. Did you coordinate or show your report to then Colonel TOAN, or the province chief Colonel KHIEN?

A. This report here? No, sir.

Q. Were they aware of the fact that you were submitting a report?

A. I don't believe, no, I am positive they were not. I would have had no reason for passing this on to them, no, sir.

Q. Did you ever talk to General KOSTER about this report after you hand carried it to Colonel PARSON?

A. No, sir. I never did. A few days after this, and I do not recall how long afterwards, General YOUNG visited me again at Duc Pho, and he stated that the report that I had prepared had been passed to him by General KOSTER and that General KOSTER had written on the report, or had informed him, that, "we will hold this in our files," or something, "this seems to satisfy the requirement."

Q. What date was this?

A. This I do not recall. It was some days after this, whether it was a week or 3 or 4 days, I just don't -- I do not remember, but I do recall General YOUNG coming back down to Duc Pho and telling me that he had seen the report and he had seen it after General KOSTER had seen it and that he was satisfied and that this issue was now dropped and that the thing had been put to bed and there was no evidence supporting the allegations. I recall telling Colonel BARKER, "I hope we heard the last of this thing now." Not at any time did I, in my own

mind, ever treat this subject lightly, and I was on the alert for any new evidence that might bring it to light.

Q. I have here a combat action report, dated 28 March 1968, to the Commanding Officer, 11th Infantry Brigade. I would like this combat action report entered into evidence.

RCDR: Sir, this report is entered into the record and marked as Exhibit R-2.

(Combat Action Report, TF Barker, dated 28 March 1968 is entered into evidence and marked as Exhibit R-2.)

IO: Colonel HENDERSON, I'd like to show you this document to see if you have seen it before.

(IO hands Exhibit R-2 to COL HENDERSON.)

A. I have never seen this document before.

Q. Would this be normal for a combat after action report such as this to go through your headquarters without you seeing it?

A. No, except from these. As I understand it, we prepared our brigade--consolidated this into a brigade after action report. May I see that again (IO handing the report to COL HENDERSON)? Who was that addressed to? This would have gone to our S3 officer, Major DAVIDSON, who was assistant S3, who consolidated these after action reports. I usually saw most of the things that came in from my battalions, but I have not seen that particular one.

Q. Would this report have gone independently to the Americal Division or would it stop at the brigade headquarters and be incorporated into an overall brigade after action report?

A. It would have stopped at brigade and been incorporated--it may have been an inclosure, I don't know of the ones going on to division. And these I normally screened in the TOC every morning, but I did not unless it is some special interest in them read them in detail.

Q. You will notice that this refers to this as a combat action report; however, the report covers only one day of the operation.

A. I do not understand the rationale of that, no, sir. The reason I say that I hadn't seen the report is that I have never seen that statement that is attached to it from one of the district--Lieutenant TAN, sir. I haven't seen that statement before. This is why I am satisfied that I have not seen that report.

Q. You indicated that during the time frame of the 16th and the 17th you had talked to Colonel BARKER, Captain MEDINA, and other pertinent individuals?

A. Yes, sir.

Q. You also indicated that subsequent to obtaining the information concerning the allegation of the village chief and the VC propaganda that you had again seen these individuals at LZ Dottie and talked to them about it, is that correct?

A. Except for the LZ Dottie, I am not positive where I spoke to them. I saw them both at Dottie, and I saw them at Duc Pho.

Q. But my reason in asking the question is two-fold. One is the fact that you did see them and, secondly, to see if you obtained any written statements from them?

A. I did not obtain any written statements during my entire inquiry taken--from any individuals.

Q. All right, now I would like to see if we can clarify just a little something, because it seems to be a little mixup, not your testimony per se, but other things that we have been associated with and that has to do with the duration of the operation. You indicated that Charlie Company was extracted on the night of the 17th, the second day of the operation after they laagered?

A. Yes, sir.

Q. There are some indications that additional activities took place to the south, participated in by elements of the task force during the 17th and possibly up into the 18th.

(HENDERSON)

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A. I could be wrong on this extraction of all these elements on the 17th. I know the operation was concluded on the night of the 16th as far as the initial operation, and I thought that we had extracted both Charlie and Bravo units on the 17th. Lieutenant General DOLEMAN visited me on the 17th at Duc Pho and I briefed him. I can't recall now whether it was morning or afternoon. I recall briefing him on this particular operation, and I had it in my mind that we extracted both units on the 17th, but I could be mistaken.

Q. Well, I am not sure how really pertinent it is at the moment, we may have to come back to it later. I would like to get your impression on what effect, from a point of view of the efficiency, the splitting up your headquarters of the reduction of your brigade headquarters in the creation of TF Barker had upon the operation of your brigade and upon the task force?

A. I personally never liked the idea of the separate task force, but the decision was made and I naturally supported it, although I had three battalion commanders come to me and ask me to try to reopen the issue. I did not reopen the issue, because the orders organizing the task force were loud and clear. The three companies selected for this operation were the finest three companies we had in the brigade. They were A, B, and C companies from each of the battalions. General LIPSCOMB denied that he picked the companies on the basis of their company commanders and their records up to that time. I feel that this was a deciding influence. The handicap in the brigade headquarters of working shorthanded, of bringing in new talent into the staff certainly had a somewhat degrading effect on the brigade while we were trying to get our feet wet, so to speak. My operation without an executive officer certainly caused me to get by with a hell of a lot less sleep at night. It wasn't that I complained that I couldn't handle the thing, but I later went to General KOSTER to ask his permission to inactivate the thing so I could get an executive officer and get more depth in my staff.

Q. When did that take place?

A. This took place in April. I do not recall the period we inactivated TF Barker, but when we did activate TF Barker I left a company up there with the 4/3 at LZ Sue and they then with two companies handled the entire

Muscatine AO. For a total of one company rather or so he had a total of five rifle companies handling that up there which to my mind was a lot more satisfactory. It gave me better flexibility. The battalion commanders felt that they had lost all of their flexibility by permanently losing a rifle company, not being able to interchange these rifle companies from fire support base out to field operations. I think it did have a detracting influence within the brigade; to what degree I'm not certain. I personally did not like the arrangement.

Q. You indicated that you did not put these men under oath and did not obtain any written statements from them, did you obtain any notes, or did you maintain any records or informal files, or diaries, or anything of this nature?

A. I maintained a notebook, my own notebook, which I would scribble in when I talked to various individuals. It was in no particular order, every time I turned over a leaf it might be a new subject, but I did maintain and had for some time two or three small issue-type memorandum notebooks that I maintained notes in which I destroyed when I departed Vietnam.

Q. That answers my questions. So obviously they are not available?

A. Yes, sir, unfortunately.

Q. Now then, you submitted your report on or about the 24th or 25th, what happened subsequent thereto?

A. I related to you a few moments ago that General YOUNG had indicated to me that this satisfied the requirement. I do not recall how much time elapsed. It seems to me that it was within a few days, but I do recall General KOSTER going on leave sometime after this, 24, 25 April, and again I'm not confident of the days. He departed on R&R. It was approximately 10 May, I would roughly estimate. I got another requirement from General YOUNG that General KOSTER desired a formal investigation of this incident. I assigned Colonel BARKER to conduct a formal investigation. I asked General YOUNG if there was new material which I had no knowledge of that incited or caused another report or a formal report of investigation. He told me that he knew of no further information. I notified Colonel BARKER to conduct the investigation and I believe at this time, he was back in my headquarters. TF Barker, I can't recall, but anyway I passed on to BARKER the requirement.

Q. If you had been back in your headquarters, what position would he have been filling?

A. He would have been filling the executive officer's position.

Q. Had you considered getting some outside help to conduct this investigation, such as requesting some assistance from the division?

A. No, sir. There was nothing that I had heard either by my direct inquiries or through any of my staff, my command sergeant majors, or anybody that would lead me to believe that any incident other than that which had been reported upon had occurred in the My Lai (4) area.

Q. What incident are you referring to?

A. Other than the incident, the one for example of MEDINA shooting the woman, or 20 civilians killed by artillery or air, gunships. I had absolutely not one inkling.

Q. Well, to put together again what you did have, you did have additional allegations which had been made by THOMPSON?

A. Well, I had one made by THOMPSON, right.

Q. One statement, and from what you've indicated it perhaps had two allegations which referred directly to MEDINA, another which was a rather general one concerning--

A. (Interposing) Wild firing by troops and by gunships, yes, sir.

Q. And there was also the information from the village chief.

A. In the letter that went to--yes, sir.

Q. There was also the statement which had been put together evidently by your 52d MI group which is part of your report. There was also the VC propaganda, all that was available at that time?

A. Yes, sir, but I did not consider this as new evidence. When I talked to Colonel TOAN and Colonel KHIEN, these two gentlemen were both adamant that this was a normal VC propaganda move and there was nothing further that I could see developing. That this was not a new development to the case.

Q. What additional instruction did General YOUNG give you concerning the making of this formal report, investigation?

A. He instructed me that I was to have, General KOSTER desired, that we conduct a formal investigation of this incident. He had no knowledge of any additional matter which the division commander had which I didn't have. I discussed with him who the logical individual was to perform the investigation and told him that if he had no objections, I would assign Colonel BARKER to it. And General YOUNG felt, he indicated to me that this was certainly satisfactory.

Q. Doesn't it seem unusual however, to have somebody investigating himself?

A. At no point at this time had I been led to believe or had any information, nor do I know at this date, that Colonel BARKER was personally involved in this.

Q. No, his unit. When I say himself I am referring to something which took place in units under his command.

A. No, frankly it did not enter my mind.

Q. General YOUNG approved it?

A. Yes, sir.

Q. Did he tell you that this was a formal investigation? Did he give you any other instructions?

A. No, sir, he told me it was a formal investigation. It was to be a formal investigation.

Q. How did you interpret the term formal investigation?

A. This meant to me was that statements were to be taken from individuals, that they were to be sworn to and a formal report of investigation made to the division.

Q. You received no directive in writing from the division?

A. No, sir.

Q. To conduct an investigation of the facts and the circumstances surrounding that particular incident?

A. No, sir. I did not.

Q. When you gave your instructions to Colonel BARKER, did you give the instructions to him in writing or did you give them to him verbally?

A. I gave them to him verbally, sir.

Q. What was your admonition to him?

A. I told him that General KOSTER, the division commander, wanted a formal investigation and that he was to take statements from anybody and everybody who was directly or indirectly related to this incident and that I wanted these statements taken in adequate detail to prove or disprove that anything had taken place.

IO: I would like to enter Army Regulation 15-6, titled "Boards, Commissions, and Committees" into evidence.

RCDR: This directive is entered into evidence and marked as Exhibit D-2.

IO: Are you familiar with this document (handing the document to COL HENDERSON)?

A. Yes, sir.

Q. Were copies of the AR available in your headquarters?

A. They were, sir.

Q. Did you instruct Colonel BARKER to utilize this document in conducting his investigation and report?

A. I do not recall if I instructed him in using 15-6 or not. It was certainly my intention that he do so, and I presumed that when we requested orders to be cut from division that the division orders would cite this. Whether they did or not I don't know.

Q. Were orders cut from division that Colonel BARKER was to conduct an investigation of the facts and circumstances and so on?

A. I cannot honestly say that I ever saw them, but I certainly took it for granted that division would cut orders on the investigation. I do not recall that I ever -- it is a normal procedure that when we had an investigation that we would supply the JAG or the AG of the division the name of the officer conducting the investigation and that division then would cut orders naming this officer. I do not recall whether such orders were cut or not.

Q. What date did you issue your instructions to Colonel BARKER?

A. I issued them to him the same day that General YOUNG gave them to me and that was in May, but I estimate it was early May, around 10 May, approximately, when this investigation was initiated. I am also of the opinion that Colonel BARKER visited the JAG office of the Americal Division. I believe this point could be verified by Major COMEAU who is in the JAG office here at the Pentagon. I believe if he would have gone there he would have conferred with Major COMEAU. I believe he did.

Q. You indicated, Colonel HENDERSON, that division normally published orders on investigating officers. You indicated that you are not sure that you saw such an order from the Americal Division. Did you provide the Americal Division the name of the investigating officer and all the essential data?

A. I am confident that I did, sir.

Q. Did you give a time frame for the completion of the investigation?

A. I do not believe that I did give a time frame, but I did imply that it was to have top priority.

Q. When was a completed report submitted?

A. To the best of my recollection, the completed report was submitted approximately 1 week after the requirement had been placed on Colonel BARKER.

Q. To whom was it submitted?

A. It was submitted to the Americal Division through my headquarters.

Q. You then had an opportunity to see, review, and to comment upon the report as appropriate?

A. I did, sir.

Q. Did you retain a copy of the report at the brigade headquarters?

A. I did not, sir.

Q. Can you give us, to the best of your recollection, the sum and substance of the findings and conclusions of the report?

A. To the best of my knowledge the report included statements from certainly all of the company commanders, from various pilots, which pilots they were, I do not know.

Q. Did it include a statement from Warrant Officer THOMPSON?

A. I cannot recall, I thought so, but I do not recall having seen the statement, so I do not know. It included statements from enlisted personnel, both Charlie and Bravo Company, it included statements from personnel working in the battalion TOC. To answer your specific question, the conclusions of that report were that 20 civilians had been killed by artillery and gunships. There were no--the term atrocity was never used, or massacre or anything of this nature. There was no evidence to support that any soldiers had willfully or negligently wounded or killed civilians during this operation.

Q. Were there any written statements and signed statements from then Lieutenant CALLEY?

A. I do not know. There were platoon leaders' statements in there, but as to what platoon leaders made statements, I'm not certain.

Q. Were there any within the statements other than separating them from the findings and the recommendations? Were there any derogatory statements in the testimony which was taken under oath?

(HENDERSON)

A. There were none whatsoever.

Q. How many people were interrogated?

A. I would estimate that there were 15 to 20 statements attached to this report of investigation. There was one Vietnamese report also attached to that, and it seems to me that it was the interpreter who was with Company C. I could not at this time swear to that, but to the best of my recollection it is. He had written in Vietnamese and it had been translated into English.

Q. What was the approximate size of this report? How many pages did it include?

A. Most of the statements were single pages. Most of them were cryptic. They were something to the effect that, "having been advised to my rights and so forth, I was with Company C--or Company B," whichever the case may be--"on 16 March; that I participated in the operation, that during this period I did not purposely or intentionally kill any civilians, nor did I observe any killed." They were not--I don't mean to give the impression that they were carbon papers of one after the other, but it was the general gist of the majority of the statements--Captain MEDINA's statement I recall was in greater detail and he reiterated generally the information that I reported upon here earlier, my questioning of him. His would have been couple of pages or perhaps three pages. Colonel BARKER's covering report was again approximately three pages in length.

Q. When you cited to Colonel BARKER that you wanted an investigation made, did you tell him the purpose of the investigation? Was this included? Would this have been included in the directive coming from the Americal Division?

A. I do not recall, sir.

Q. How many copies of this report were submitted to you?

A. I believe it was submitted in three copies.

Q. Did you have any particular reason for not retaining a copy of it in brigade headquarters?

A. I had none, sir.

Q. All copies were then forwarded to the Americal Division headquarters?

A. Yes, sir.

Q. Can you give us the substance of your comments in your endorsement?

A. My endorsement related that I had reviewed the investigation of Lieutenant Colonel BARKER, that the facts and circumstances cited throughout the investigation agreed generally with my own personal inquiry into the matter, that there was no new evidence to substantiate the allegations, that anybody had been killed, any civilian had been killed except those that had been previously reported upon, and I recommended that the report be accepted.

Q. Did you in issuing your instructions to Colonel BARKER advise him also to interrogate Warrant Officer THOMPSON?

A. I did not. I don't specifically recall directing him to do that. Of course, he knew the report I had received from THOMPSON, and I believe he had received the same report before I got up to that position that morning on the 17th. I do not recall having given him that guidance.

Q. Aside from contacting the division staff judge advocate, do you know whether Colonel BARKER relied upon any other individual to assist him in his investigation?

A. I am under the impression that Major CALHOUN assisted him in this investigation.

Q. Major CALHOUN, what was his position?

A. He was the combination executive/S3 of Task Force Barker.

Q. But also a member of Task Force Barker?

A. Yes, sir.

Q. I would like for you to think for just a minute and give as many of the names of the individuals who were interrogated in this investigation as you possibly can.

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A. The only names that I can recall, sir, are Captain MICHLES and Captain MEDINA. I cannot recall any of the enlisted or any of the platoon leaders that made statements in this investigation.

Q. Did General KOSTER ever contact you after this report was submitted concerning the contents of the report or findings and recommendations?

A. I do not recall that General KOSTER personally talked to me about the report nor did I talk to him about it. We may have. I recall advising General YOUNG that it was in and the investigation had been completed and had been submitted, and I believe that he acknowledged that he had seen it at division, that he was aware that it had been submitted, but no, I do not recall talking to General KOSTER about it.

IO: With respect to this report of investigation, do you Mr. WEST, or Colonel WILSON, or Colonel MILLER have any questions that you would like to direct?

What was the classification of the report?

A. There was no classification of the report. It wasn't even marked "For Official Use Only," as I recall.

Q. Subsequent to that time, to your recollection, General KOSTER never mentioned this report to you again?

A. No, sir.

Q. Do you recall a Sergeant HAEBERLE?

A. Yes, sir.

Q. What was his position?

A. He was a photographer in the 31st PIO section of the 11th Infantry Brigade.

- Q. Do you know his full name by chance?
- A. No, sir. I do not.
- Q. Would you state again what section he belonged to?
- A. He belonged to the 31st PIO Detachment of the 11th Infantry Brigade.
- Q. He was under your operational control then?
- A. Yes, sir.
- Q. Working basically for your PIO, is that correct?
- A. Yes, sir. Lieutenant MOODY was the commander of the PIO Detachment.
- Q. And also a dual capacity as PIO?
- A. Yes, sir.
- Q. Did Lieutenant MOODY ever indicate to you that he might have heard some complaints concerning the operation on 16 March?
- A. Never.
- Q. Did Sergeant HAEBERLE?
- A. Never.
- Q. Did anybody else from the PIO Section of the 31st Public Information Detachment?
- A. No, sir
- IO: I would like to have these photographs please.  
(The hearing recessed at 1545 hours, 2 December 1969.)  
  
(The hearing reconvened at 1548 hours, 2 December 1969.)

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IO: This hearing will come to order.

RCDR: All persons who were present when the hearing recessed are again present.

IO: Colonel HENDERSON, I have here a group of photographs, numbers 2 through 25, which I would like to enter into evidence.

RCDR: These photographs are entered into the record and marked as Exhibit P-2 through P-25 (B&W photographs taken by Ronald L. HAEBERLE on 16 March 1968).

IO: Colonel HENDERSON, I have here a set of photographs, have you ever seen these photographs (handing the photographs to Colonel HENDERSON)?

A. Sir, I have never seen any of these photographs (handing photographs back to the IO).

Q. You did not see any of these photographs while in the particular time period we are speaking of during the course of your investigation or while you were the commander of the brigade?

A. From then until now.

Q. You have any further questions to clarify these?

MR WEST: I think that we might let the record show that these photographs which have been marked as Exhibits P-2 through P-25 have been supplied to General PEERS as being prints of photographs taken by Ronald HAEBERLE when he was a member of the PIO detachment of the 11th Infantry Brigade. They were reportedly taken 16 March 1968, in and in the vicinity of My Lai (4) during the morning of 16 March 1968. I might add, they reportedly are the photographs taken by HAEBERLE in his official capacity.

IO: Within your public information section would such photos normally be called to your attention?

A. Photos such as these, not necessarily. If I identified those correctly those were pictures of soldiers in Company C or B whichever the unit was. I did recognize Captain MEDINA in one of the photographs, so I assume that they were taken of Company C. If there were any indication of any atrocities I saw one person burning there--or appeared to be burning. I would have felt that my PIO would have brought this to my attention. I certainly hope so, although I gave him no specific direction to bring anything of this nature to my attention. I would hope that from my staff briefings and how much concern I always expressed over anytime civilians that were hurt or killed, that he knew of my vital interest in this subject.

Q. To your knowledge these pictures were never called to your attention?

A. Never.

IO: I have here another set of photos taken by Sergeant HAEBERLE on the morning of 16 March during the conduct of the air assault and the operation into the village or hamlet of My Lai (4). These are black and white prints of photos which were taken in color. I would like these photos also entered as evidence into the report. They are numbers 26 through 42.

RCDR: These photographs are entered into evidence and marked as Exhibits P-26 through P-42 (B&W prints of color photographs taken by Ronald L. HAEBERLE on 16 March 1968).

IO: Colonel HENDERSON I will show you these photos and ask you if during the time you were in command of the 11th Brigade you saw these photos either in black and white or in color (handing the photographs to COL HENDERSON)?

A. To photographs 31 through 42, no I have never seen those photographs. Photographs 26 through 30, I may have seen. I am not certain of that. When I departed the 11th Brigade I asked the PIO office to provide me some 35mm slide pictures of various combat-type operations that they might have available in case I was called upon to speak to any groups or give any debriefings back in USARPAC. They provided me some which I have in my safe down at my office at the Armed Forces Staff College. A couple of the helicopter scenes look familiar, but I would not swear that those are the same ones.

(HENDERSON)

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IO: May I see those pictures?

A. Yes, sir (handing the pictures back to the IO). But these here, positively not. I've never seen these before. I may have seen one in a magazine.

(IO hands Colonel HENDERSON more photographs.)

I may have seen one of these photographs, it looks familiar from a newspaper article I have seen here recently, but other than that I have seen none of this group here during my tour as brigade commander up to the present time.

Q. The photos you are referring to are 26 through 30?

A. 26, 27, 28, 29, and 30. Yes, sir.

Q. They are simply air assault-type, helicopter-type photos and would have really no bearing upon what took place in the village per se?

A. That is correct, sir.

Q. Those photos could have been taken anywhere, so they are really not pertinent to the item under discussion. Could you accept that?

A. Yes, sir.

Q. Having looked at those photos and recalling your aerial tour around My Lai (4) early in the morning of the 16th, can you identify any of those as being the dead which you observed?

A. No, sir. I cannot.

Q. I have here a copy of a 5 December 1969 issue of Life magazine which includes several photographs from pages 36--an article from pages 36 to 45 which includes several of the photos in color which were taken by Sergeant HAEBERLE. I would like these pages of this issue of the magazine entered into the record as evidence.

RCDR: Pages 36 through 45 of Life magazine, dated 5 December 1969, are entered into the record as miscellaneous documents and marked as Exhibit M-1.

(HENDERSON)

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APP T-1

IO: Colonel HENDERSON, I show you this magazine to relate these pictures to some of the black and white pictures which you just reviewed (handing the magazine to COL HENDERSON). Do you recognize these photos?

A. I recognize them from having seen--these photos, the colored photos, yes, sir.

IO: If they were taken by a member of your PIO section, would you expect such photos would be turned in to your public information officer?

A. Absolutely.

Q. Did either Sergeant HAEBERLE or Lieutenant MOODY indicate to you that they had pictures which might indicate the killing of civilians?

A. Neither Lieutenant MOODY, Sergeant HAEBERLE, nor anyone else in my brigade, or outside my brigade, indicated to me that there were any photographs available of action such as these, or any other actions. I was not aware that I had a photographer with Company C.

Q. To clarify one point, in your report of investigation of 24 April, you do cite that 20 noncombatants were inadvertently killed, but I find no reference in here concerning the one girl or woman killed by Captain MEDINA. Is there any particular reason for having omitted this?

A. There was, sir. It was explained to me and I perhaps should not have accepted it in this light. Captain MEDINA maintained and Colonel BARKER bought it, that when he went back to this body after having killed this woman and searched her basket that he classified her as a VC nurse, that she had in a basket that she had been carrying, lying beside her, were many--some medicine and medical aid items, and as a consequence she was classified as a VC nurse. That was the reason given to me that this individual was not included in the body count as having been killed by small arms fire.

Q. Aside from the three inquiries and investigations which we have cited here today: namely your initial investigation, your subsequent investigation, and the formal investigation conducted by Colonel BARKER, do you know of any other investigation concerning the circumstances of the incident at My Lai (4) on 16 March?

A. I did not at the time, nor do I now consider it as an investigation. Colonel KHIEN inferred to me that he had talked to the hamlet or village chief and that this village chief related that the report that he had made was based on the information that had been provided to him by the VC and, consequently, Colonel KHIEN was disregarding it. Now whether this was in the form of an investigation, I don't know enough about their inner workings to so classify it, but to the best of my knowledge there was no other investigation of this matter.

Q. Was the village of My Lai (4) burned?

A. No, sir.

Q. Were any structures in the village of My Lai (4) burned?

A. Yes, sir. I could not estimate the number, I don't mean from the large number that I could not estimate, but at one point I observed three or four houses or hootches burning in the My Lai area. I asked Colonel BARKER why are those houses being burned. Colonel BARKER then contacted Captain MEDINA and the report came back to me, and this is one that I have never been able to pin down since recently when this thing came to light, but I was under the impression that I had been told that the National Police were burning some houses in which they had found weapons, or hand grenades, or ammunition, or items of military equipment. I informed Colonel BARKER that regardless of who was burning them, that the National Police, I believe that he had a squad of National Police, but I have never been able to verify this. The National Police or the Vietnamese interpreter, or Kit Carson, whoever he had with him, they were still under his control, and we had no authority to burn houses and to see that it was gotten under control immediately.

Q. Did you ever within the next few days fly over My Lai (4)?

A. Periodically. Yes, sir.

Q. Did you observe any additional houses, other than the three or four that you alluded to, that were burned?

A. I did not observe any additional houses being burned, and I did observe that some months later, I do not recall the date, an air strike was going in on this village.

Q. Were any other hamlets in the Muscatine AO during the course of this operation burned?

A. I did not see any burning of any other houses except a small handful in My Lai (4).

Q. Do you know of any instructions that were issued concerning the burning of villages.

A. Approximately a month before 16 March, sometime in February, the division orders were that, no burning of villages except by personal permission of the division commander. This was passed out to all battalion commanders at a staff meeting at brigade headquarters. Whether this came down in written form, or whether General KOSTER or some member of the division staff had passed it to General LIPSCOMB in a staff meeting, I do not know. I do recall General LIPSCOMB announcing this at a staff meeting in which battalion and separate unit commanders were in attendance.

Q. During the course of this operation were you tuned in on the command net between battalion and the companies?

A. Frequently, or occasionally I would monitor the company nets, but as a habit I was on my own command net and on the battalion command net.

Q. Well, in this case it would have been on the command net, would it not, between the battalion and down to the companies? Your command net is from yourself down to the battalion?

A. Yes, sir.

Q. The battalion net is from the battalion?

A. I thought you were talking about the internal company net.

Q. No, I am talking about from, in this instance, Colonel BARKER to Captain MEDINA and to the company commander of B/4/3 and the other company.

A. Yes, sir.

Q. At any time in monitoring those nets did you hear instructions issued to stop the killing of civilians, noncombatants?

A. I did not hear that nor was it ever reported to me that anyone had heard such an order.

Q. When you issued the instructions to Colonel BARKER concerning the burning of hamlets was this order passed down to the company?

A. I am certain that it was, sir. I did not hear it passed down, but I know when I questioned him on why these houses were burning, he did go to the company net, or at least I assume that he did, because it was, "Wait out," and when he came back, he gave me this report that either the National Police or the Vietnamese with the unit were burning the houses. And I ordered that it would be ceased.

MR WEST: We have received statements from several different witnesses to the effect that Captain MEDINA got his men together for the operation against My Lai (4) 16 March 1968, talked to them about the mission, and among other things, told them that the hamlet was to be burned. Along with this, there were also some allegations that orders to burn My Lai (4) came from higher headquarters. Do you have any knowledge of any such a thing? I want to indicate that this is just information we have received. Of course we have reached no conclusion.

A. I have no knowledge of this. I met with the company commanders of TF Barker, with Colonel BARKER, and with his staff on the afternoon of 15 March, at which time I reviewed the concept of this operation. I made certain points that General LIPSCOMB was critical of in previous operations of TF Barker. Primarily, in an area immediately to the north in late February, a company commander had been wounded and several men had been wounded and the company fell into immediately a defense posture. The dustoff ships could not get in. They got fired upon when they tried to go into the area. Later the battalion commander, Colonel BARKER, the task force commander, Colonel BARKER, went in and evacuated the casualties and on two different occasions was absent from his command for an extended period of time. General LIPSCOMB, when he came back to the headquarters that night, was quite disturbed over Colonel BARKER's actions. I made it a point of

telling the company commanders that once they made contact with the enemy, that they were to maintain contact. The best way to protect their wounded buddies, if there were any, was to move forward and give the dustoff ships time, or any opportunity to get in. I did not imply, infer, or state that that village was to be burned, nor to the best of my knowledge, did Colonel BARKER. The meeting continued after I had departed. I do not know what was passed out at that time. The information that I had informally, that Major CALHOUN and the others who were present, they heard no such instructions issued.

Q. Then based upon your previous statement about any burning of villages being prohibited unless authorized by the division commander, I take it there was no such authority from General KOSTER?

A. That is correct.

Q. We have received other information that there were several villages burned in this operation, two or three by C Company and about an equal number by Bravo Company. Did any such information ever come to your attention?

A. No, sir. This is difficult for me to believe, because I was over this area periodically and I saw no burning except these few houses in My Lai (4).

IO: Would you consider these houses, or would you consider these hootches, or what would you consider these?

A. I would consider these hootches. Certainly the ones that I observed were no more than grass shacks. There were no concrete buildings that I saw being dismantled or destroyed by fire or any other means.

MR WEST: I have no further questions.

IO: Would it have been possible for anybody to misinterpret your aggressive instructions to take even stronger action, let us say, against a village?

A. No, sir, I am confident that I said exactly what I meant. There could have been no misinterpretation of my instructions.

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Q. Earlier you mentioned Major FLETCHER?

A. Yes, sir.

Q. The head of your MI detachment?

A. Yes, sir.

Q. Did he report to you any activity within My Lai (4)?

A. No, sir.

Q. You know of any of his people, either U.S. or ARVN or National Police and so forth, that may have been in there from Major FLETCHER's unit?

A. We had a liaison from the 52d MI Detachment of Major FLETCHER's who was working at Task Force Barker with some enlisted assistance, and we had a liaison officer from the MI detachment at Quang Ngai. I do not know if any of these MI agents went into the My Lai (4) area or not. I received no reports back from any of these agents that they had observed anything in the village. So I would assume that they were not in the village.

Q. Do you know a Lieutenant JOHNSON?

A. I know the name Lieutenant JOHNSON. We did have an MI officer, Lieutenant JOHNSON, yes, sir.

Q. Did he work for Major FLETCHER?

A. Yes, sir.

Q. You don't know whether he was in the village that day or not?

A. I do not, sir.

Q. At one time in your testimony, you indicated that you had told Colonel KHIEN, I believe that is the way you pronounced it, K-H-I-E-N, the province chief, if he ever,

in the conduct of his investigation, went into the area of the Muscatine Operation, that you would be very happy to support him.

A. Yes, sir.

Q. Did this ever come about?

A. No, sir. It did not.

Q. Not even within the next 3 or 4 months?

A. I believe it was August, Quang Ngai was attacked from both the west and the northeast. I deployed two battalions into that area plus my E Troop, primarily to the western sector here (indicating on Exhibit MAP-1). ARVN attempted to push back the enemy that had penetrated from this direction (indicating on the wall map). They moved back up to the citadel area here, but that is as far as they got, and that is the time I recall that I observed ARVN bringing in friendly air on the My Lai (4) and other villages, hamlets up in that particular area. I did have a company following this attack under the operational control of Colonel KHIEN, but I had strings on it to say how it should be employed. It was initially deployed south of Quang Ngai City guarding an ammunition dump, but the feeling was we wanted to make the American presence known in Quang Ngai because of the current scare that was going on--that they were going to be hit at any moment. So I got Colonel KHIEN--I worked with General TOAN on this thing to get him to move it around so it would go periodically through the city. At one time it was located up in this hill mass here (indicating) and operated with an ARVN Company out into this general area, but it did not get as far as the My Lai (4) area.

Q. We may come back to this later.

A. Yes, sir.

Q. I would like you to explain what training the members of the brigade had received in reporting atrocities and breaches of, you might say, the rules of war?

A. Sir, when I brought the team back, the battalion commanders and myself from Vietnam on 27 September or in mid-September 1967, we brought with us what we then considered the rules of engagement. From brigade we put out instructions that these rules of engagement would be covered, that the Geneva Convention aspects would be covered, but I do not personally recall having witnessed any of the presentations to the troops.

Q. You have in your rules of engagement for the greater part pertain to what?

A. The rules of engagement pertaining to the taking of targets under fire.

Q. Yes, generally speaking about artillery?

A. By artillery and by individual infantrymen: "When fired upon, fire can be returned," primarily is what I'm speaking of.

Q. Now what about instruction concerning the treatment of civilians, women, noncombatants, destruction of property, responsibility for reporting, and things of this category, where is this included and how is the training given?

A. I do not know, sir.

Q. I have here a facsimile of a two-sided card, wallet size, prepared by Headquarters, MACV, entitled, "Nine Rules." I would like this entered into the record as evidence.

RCDR: This exhibit is entered into the record as miscellaneous Exhibit M-2.

IO: Colonel HENDERSON, I will show you this (handing the document to Colonel HENDERSON). Were you familiar with this document?

A. Yes, sir.

Q. Did each one of your troops have one of them?

A. Yes, sir.

IO: We will recess for a couple of minutes while the recorder changes his tape.

(The hearing recessed at 1512 hours, 2 December 1969.)

(The hearing reconvened at 1515 hours, 2 December 1969.)

IO: This hearing will come to order.

RCDR: All persons who were present when the hearing recessed are again present.

IO: When we recessed, Colonel HENDERSON, we were discussing the "Nine Rules," and I believe you stated that each member of your command had a personal copy of this document?

A. Yes, sir.

Q. Do you know whether this was a particular matter of command emphasis in the brigade?

A. I believe that it was, sir. There were several cards that individuals should carry, such as the preventative maintenance of the M-16 weapon, and the Geneva Conventions Card, and things of this nature. I believe it was emphasized. Yes, sir.

Q. Did you have any special period for giving such instructions to members of the command?

A. I am certain that we scheduled such a period before going to Vietnam, and I do not know, after we arrived, the initial period there, what their orientation consisted of. I was kept down at Qui Nhon to bring the tail of the brigade and supplies and so forth and did not get involved in the period of training that the brigade experienced after its arrival in Vietnam.

Q. I have here another facsimile of a MACV card dated

21 August 1965, entitled, "The Enemy in Your Hands." I would like to delete the 21 August 1965 as I believe this refers to a statement on the card which was made by President JOHNSON on that particular date. I would like to have this facsimile of the card entered into the record as a matter of evidence.

RCDR: MACV Card, titled "The Enemy in Your Hands," is entered into the record as a miscellaneous document and marked as Exhibit M-3.

IO: Colonel HENDERSON, I will show you this document. Have you ever seen this (handing the document to COL HENDERSON)?

A. I have seen the front of this card, "You can and will, you cannot and must not." I do not recall seeing this explanation on the rear of the card.

Q. This is the card that folded so that it actually has four pages to it?

A. I did not personally have one, but I have seen the front of this card, whether I had one or whether there was one under my glass in the office, I am not sure, but I have seen these items.

Q. Was this used in the instruction within the brigade?

A. I cannot say, sir.

IO: I have here another facsimile of the card entitled, "Guidance For Commanders In Vietnam," by General W. C. WEST-MORELAND, COMUSMACV. I would like this facsimile of the card entered into the record as evidence.

RCDR: MACV Card, titled "Guidance For Commanders," is entered into the record as a miscellaneous document and marked as Exhibit M-4.

IO: I ask you, Colonel HENDERSON, have you previously

seen this document (handing the document to Colonel HENDERSON).

A. I have never seen this card, sir.

Q. Do you have any knowledge of any other documents aside from the ones we have just brought into the records as exhibits which might have been used as instruction in the training and indoctrination of troops and the reporting of incidents, atrocities, and the like?

A. Not relating directly to atrocities, but to wounded civilians or civilians who had been inadvertently killed. We had a brigade commander's policy which was signed and published by General LIPSCOMB and continued by me, which concerned the payment of, I forget the term we used over there, solatium payments, perhaps, that was the term, in the event that civilians were inadvertently killed or wounded in a manner that this payment, how this payment would be paid. I have no personal knowledge of any other brigade directive or higher level directives on something of this nature.

Q. When you are on this payment, was this a brigade policy, or was this a division policy, or was this a MACV policy?

A. This was a brigade policy as to how payment would be made. For example, it required the unit commander of the unit responsible to personally visit the relatives of the deceased and make this payment and to prepare a letter to the individuals, offer a letter of apology and so forth. The actual payment, of course, was a MACV directive, Americal Division directive, as to how much the payments would be for wounds and death. As I recall the Americal Division or MACV directive, whichever one it was, covered this matter of payment, did not specify as to who would make the payment in our command policy. It did involve that the unit commander would personally make the payment.

Q. Who administered that fund in your headquarters?

A. The fund was maintained by the S5, Captain KESHEL.

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Q. Was the solatium paid in the interest of civilians who were killed in the area of My Lai?

A. To the best of my knowledge there was no payment, primarily because of the inability to get into this area to determine the deaths, or verify the deaths, and find out who the next of kin was.

Q. I would like to go back in your testimony just a minute. In your previous testimony with Colonel WILSON, you indicated that an operation was conducted in this area in July of 1968, after you had talked to Colonel KHIEN, the province chief, in support of his operations to investigate the information which he had. To refresh your memory I will read this for you.

"About a week later I had a call from, or I as up to see General TOAN, and he informed me that General LAM, the I Corps Commander," then the question is, "Do you know how to spell his name?" And your answer was, "L-A-M, had received a copy of the Viet Cong leaflet and had asked to conduct an investigation and lead U.S. action in this area and he in turn asked Lieutenant Colonel KHIEN, the province chief, to conduct, and he asked if I would send U.S. forces into this area with his ARVN and local forces to get some truth out of this. I assured him that I would, and I told him that I would conduct the operation any time that he was ready. We conducted this operation in July 1968, and as a result the National Police, National Field Force Police, local forces and one ARVN battalion, the Vietnamese would go only as far as My Lai (4) village. They would go no further inland and we scrubbed the operation."

Does that help to refresh your memory?

A. We went into--we conducted numerous operations up there with 2d ARVN Division. This is wrong, and I misled Colonel WILSON on that investigation. At no time did we ever go into that area with the purpose of conducting an investigation and if I made that statement I am completely wrong. I do not recall it. There was never a coordinated effort on Colonel TOAN, or Colonel KHIEN, or myself to go into that area for this purpose. I talked to Colonel TOAN and Colonel KHIEN on other occasions, asking them if they had received any further information concerning this incident. I do not recall these times when I spoke to them, but at no time did they ever give me any information, nor did they even suggest that they had any further information that would shed any light on this--on what

may, or did happened in this particular area. There was no joint operation conducted for this specific purpose of going into My Lai (4).

Q. Did you ever consider conducting such an operation to clear the good name of the task force and U.S. forces?

A. I offered to conduct such operations with both Colonel KHIEN and Colonel TOAN. Of course, I had intended to sweep the area on 17 March immediately following the operation. Of course, that did not materialize.

Q. Yes, I understand that, but you continued to receive reports of something unusual taking place in there, through the village chief, through the VC propaganda.

A. I did not continue to receive, sir. I received the-- I had knowledge--I know I received the VC propaganda message, and I am confident that I saw it one time or another. I don't know how I got the message that the village chief had written to the district chief or to General LAM, which related to the same incident. I can understand, now looking back over how it might appear that I had a considerable amount of ammunition or a considerable amount of information at my hands which might have caused me to react differently. At the time, I did not consider that I had anything really except the warrant officer's accusation, which was to some degree substantiated and considered plausible by my discussions with Captain MEDINA and with other people in the TF BARKER and the 175th Aviation Battalion. I did not consider that the brigade had a bad name or that this was any more than just an accusation made in support of Colonel TOAN and Colonel KHIEN that this was strictly a VC propaganda move which is a normal move on their part.

Q. I would like to clarify one other point, also in your testimony. I believe you had previously indicated that when you--in your previous testimony which you had given to Colonel WILSON of the Office of The Inspector General, you had indicated that you had personally hand-carried your report of investigation to General KOSTER and delivered it to him personally, in discussing in this particular session, that you indicated that you turned it in to Colonel PARSON. Now, would you think about that?

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A. I have thought about that, sir. I became confused on the--actually when I talked to Colonel WILSON I was under the impression in my own mind that I had prepared this written statement immediately following the operation and had delivered that to General KOSTER. What I delivered to General KOSTER on approximately 20 March was my oral report; and 24 and 25 April when I carried the written report up there, I now recall having handed that to Colonel Nels PARSON.

Q. And also to make the record correct in your recent recollection when you talked to General KOSTER on or about the 20th, and you also provided him a copy of the 3-by-5 card, is that correct?

A. Yes, sir.

Q. During all of this time, Colonel HENDERSON, did you ever get the feeling that some of those people weren't leveling with you, that there was some form of cover up going on that you couldn't put your finger on?

A. No, sir. I, at one time I had been given, the night of 16 March, a figure of 24, of possible civilians killed, and when I arrived at Colonel BARKER's headquarters the morning of the 17th the card showed 20. When I talked to Captain MEDINA in the field and asked him regarding the 20 or 24, he gave me a figure of 17 that he had reported, and I couldn't relate this discrepancy between 17, 20 and 24. I may be a little off in my figures, but these are basically--a discrepancies in the figures. This is one thing in wanting this company to sweep back through this area to positively identify if we had killed that many civilians. I didn't believe that we had killed that many civilians by artillery and by gunships, particularly artillery. Our artillery or prep fire was in an LZ which there should have been no civilians. There was no artillery fire in support of the operation from then on. There was not a single round fired in direct support of the company's sweep operation.

Q. How large an artillery prep did they fire?

A. We scheduled a 3 minute artillery prep which

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would have been somewhere between 20 and 30 rounds on each LZ. We did not fire heavy preps. All we wanted to do, up in our AO it is our policy to cover as much of the LZ as possible to destroy any booby traps that may have been placed in the LZ area.

Q. What battery fired the prep and from where?

A. It was prepping from LZ Uptight, and it was Provisional Battery D. This was a provisional battery made up by Batteries A, B, and C, which was organic to the brigade. We needed a fourth battery, so we took tubes from A, B, and C Batteries and formed a composite provisional battery of four tubes.

Q. 105's?

A. Yes, sir.

Q. Who adjusted the prep?

A. This was adjusted by the FO who was in Colonel BARKER's command and control ship. I do not know his name.

Q. But to get back to the point we were discussing. When you did receive these discrepancies in the number of civilians killed and what you saw, there was a degree of suspicion that entered your mind which caused you to say, "I want to check this."

A. The suspicion was more from the system of reporting body count than anything else. When I talked to MEDINA and discovered how the body count was made, it was made by platoons at the conclusion of the operation, although individual reports had filtered in during the day or had been made as they occurred, at the conclusion of the operation, he had asked his platoon leaders, "How many VC did you kill? Were there any civilians in the area that you killed, or that you observed possibly killed by artillery fire and by gunship or small arms fire?", which led me to believe that there was possibly some overlap between platoons and competition within platoons, to report anything and everything that they saw whether it was in their area or not. This was my suspicion, not that anything unnatural had occurred and certainly not anything of a nature of an atrocity or a massacre.

Q. Killing 20 civilians in an operation, was this unusual for your brigade?

A. This was extremely unusual, sir. I know of no previous operation in which this number of civilians had been killed. By the same token, this was the largest number of VC killed, reportedly killed, at any one time.

Q. Do you know whether Colonel BARKER with such a large body count had personally gone into the area to verify the count, or sent anybody else into the area to verify the body count?

A. Again I believe that Colonel BARKER landed in the My Lai (4) area and I cannot recall if this is how I got this information, whether it was in his statement or in his report of investigation, or whether he told me, or whether I asked him, but I'm under the impression that on at least one occasion he did land in the My Lai (4) area.

Q. How many men did TF Barker have wounded in the operation or killed?

A. I believe one of the earlier reports that you showed to me, if I recall correctly, was 2 killed and 11 wounded, sir, or 2 and 10.

Q. That is reported in Exhibit R-2, dated 28 March. There were 2 U.S. KIA and 11 U.S. WIA. For this kind of village fighting that you were doing in this area wasn't this quite an inordinately large ratio of enemy KIA to friendly KIA?

A. It was. Yes, sir.

Q. I would like to change the subject a moment to your staff briefings and so on. What were your procedures? When were they held? What was discussed and who conducted it?

A. Every evening I conducted a staff meeting at brigade headquarters. If I was not present for some reason beyond 5 or 6 o'clock in the evening, then they would conduct it. The normal procedure was the S2 gave a briefing of the day's operation. The S3 briefed on future plans and

operations. The artillery commander briefed on the artillery fires for the day and the amount of ammunition that had been expended and discussed any shortcomings of artillery, particularly any weapons down, anything of this nature. My 6th Support Battalion commander kept me informed on the tracked vehicles and several items that I had listed that I wanted to be informed on, if any of these went down or of we were having any problems of securing replacements. At these staff meetings I had--and these were the people that always spoke--then other staff if they had anything to contribute. I would conclude the meeting with any comments that I may have. In attendance at these meetings were my S1, 2, 3, 4, and 5, my signal officer, my PIO was always there, my surgeon, chaplain, liaison officers from each of the battalions, and company commanders of the separate units. This was approximately it. Each Saturday afternoon I would have a battalion commanders' meeting along with the staff meeting, and after the normal staff meeting all the staff then would leave except my S3 and my S2. And I would then talk to the battalion commanders and separate unit commanders to carry on the other matters that we had to discuss. This was on a normal staff meeting arrangement.

Q. Let's then go back to the night of the 16th and the evening of the 16th and the evening of the 17th or possibly the evening of the 18th. Were there any particular matters brought out at these staff meetings which caused you concern or which you discussed further with members of the staff?

A. I do not recall that there were any matters brought out, but I am positive that I cited this example--which I would have done too on the next Saturday if I had my battalion commanders present--of my concern about the number of civilians that had been killed in this particular operation--the 20 that had been reported. But there was no report to me by any member of the brigade staff concerning anything in the My Lai operational area that would have, that I recall, that, would have certainly nothing to do with atrocities of this nature that would lead me to believe that anything had occurred other than what I already knew, which I reported upon here.

Q. Was your staff aware, that one, that you were conducting, which you referred to as the commander's investigation?

A. I do not know if I made this a public announcement or an announcement to my staff. Certain selected individuals of my staff knew.

Q. Who would they be?

A. They would have been my S2 and my S3, and certainly Colonel LUPER, my artillery commander, definitely those three individuals would have known, but I did have a reason for not publicizing it, and this was the morale of the troops. Until I had something, or something was uncovered that would lead me to believe that something did occur, I did not want a wild rumor getting spread through the brigade. I believe I cautioned Colonel BARKER and Major CALHOUN and others there from Task Force Barker that I did not want C Company, at that time was the only one that I was aware of that Warrant Officer THOMPSON had alleged this wild shooting, plus the helicopter pilots. I am certain that as I questioned him and told them I wanted this close to the belt until this had been proved or disproved from my command inquiry.

Q. When you conducted your informal investigation was your staff aware of what you were doing, or did you solicit any assistance from your staff?

A. I do not recall any soliciting of any assistance from my staff. I know that my S3, Major MCKNIGHT, I showed him my report of investigation 24 April to verify the dates of the previous operations. I believe I have to look at here--I did have him read this. I had Colonel BARKER read it. I do not believe that Major CALHOUN read it, there would be no reason to show it to Major CALHOUN. I do not believe I gave a copy of it to TF Barker. I'm pretty confident that I did not.

Q. You did retain a file of it in the S2 section?

A. Yes, sir.

Q. Was your staff aware of the fact that a formal investigation had been directed by General KOSTER?

A. I believe this was common knowledge because I informed the staff that if Colonel BARKER called upon any of their clerical assistance, they were to provide it. So I'm pretty confident that the staff did know of his formal investigation.

Q. Did you commend your staff and all persons within your command to provide the maximum assistance to him and furnish all available information?

A. I do not recall making that specific. I do not recall making that statement, sir.

Q. What was your relationship with the U.S. province and district advisors? I am referring here to a Mr. MAY who is a province senior advisor and I believe he had a deputy who would have been the sector advisor and probably also a military officer as a district and subsector advisor.

A. I had no command or other authority over them except that they were in my AO, and I was responsible for providing security to them and fires upon request to them. I visited all of them periodically and kept informed of what they were doing. Occasionally, we would try to integrate their RF/PF operations into as many of our combat operations that we could. We offered training for their RF/PF forces. My relations with Mr. MAY were not as close as the district. The Americal Division usually coordinated through the G5 with Mr. MAY's office at Quang Ngai City. Unless I was specifically given a mission of doing something concerning them.

Q. What was the name of his deputy?

A. Lieutenant Colonel GUINN.

Q. G-U-I-N-N?

A. G-U-I-N-N, yes, sir.

Q. And the sector advisor, what was his name?

A. The sector advisor at Son Tinh was Major GAVIN.

Q. Did they also pass on to you information from the civilian community?

A. Not to me personally, but as I indicated earlier, I had an MI officer out in each of these districts. He did not always live there. It depended on what my strength was. If he was not living in the district itself, he visited daily or periodically in the district, yes, sir.

Q. And you used this as a device or means of gathering information?

A. Intelligence information primarily, yes, sir.

Q. Mr. WEST, you are--

A. (Interposing) I would like to add one item if I may to this point here. I read in the newspaper or I was called by a newspaper reporter, I do not recall his name, but he was from The Washington Post--Peter something--and he informed me that he had been informed, in turn, by Colonel GUINN that Colonel GUINN was the first one to alert me that something had happened up in the Quang Ngai Province. He further stated that Colonel GUINN delivered to me the day after the operation a handwritten memorandum, or a handwritten piece of paper allegedly coming out of a grievance committee's report in Quang Ngai City that U.S. forces had killed civilians in this My Lai (4) operation. He asked, this editor asked me, this newspaper reporter asked me to verify it, that thing. I told him that I didn't know what he was talking about. I consequently called Colonel GUINN or got him to call me.

Q. G-U-I-N-N or G-A-V-I-N?

A. Lieutenant Colonel GUINN who was the deputy at Quang Ngai City. Colonel GUINN talked to me in Norfolk, and I told him that I did not remember this piece of paper that he reportedly or allegedly gave to me.

He said, "Oh yes, sir, the day after the operation."

I said, "Bill," after this time he became one of my battalion commanders, "Are you sure a grievance committee would meet the day after the operation and this word brought to the district chief because the district chief or the province implied to me that the first word that he had of it was this letter that had come down from General LAM through this particular means."

GUINN said, "Well, it was a couple weeks after this, and the day after I got the report; it was on a handwritten piece of paper; and I don't know where I got it, but it reported that over a thousand civilians had been killed in the My Lai area; and I carried that down to Duc Pho and handed it to you."

I asked Colonel GUINN something else about it, and he indicated that I had walked out to his chopper with him or something like that, and I asked him if I was in a cast,

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and he said no. This didn't jibe with me because at that time my leg was in a cast, and I wasn't doing more walking than I had to, and I don't remember having ever met Colonel GUINN prior to the time that I went to the Quang Ngai Province to talk to Lieutenant Colonel KHIEN. I asked him if he wasn't certain that he hadn't given it to one of my staff, and he's positive that he gave it to me. I swear under oath I never saw such a report. Now, whether it is the time that has gone by, I don't know, I did not and have not seen this supposedly handwritten note that he reportedly delivered to me, stating that something in excess of a 1000 civilians had been killed on 16 March.

Q. Do you know what a census grievance team is?

A. No, sir.

Q. Are you familiar with what is referred to as Revolutionary Development Cadre?

A. Yes, sir. I do not know the workings or the procedure that they go through. I know that in the Revolutionary Development Cadre, they have such an organization to hear the complaints and grievances of the community. Yes.

Q. This report was, according to the information you just gave, was delivered to you on or about the 17th or thereabouts?

A. Well, initially this was the report that the reporter was given to me, and that Colonel GUINN, when I first talked with him, stated that he had given it to me, but then he said on second thought, that it must have been several weeks later because the report would not have gotten back to any grievance committee in this period of time. But he continues to feel that he gave me such a report. I have no knowledge of this report.

Q. Do you know which RD team it was?

A. No, sir. I do not.

Q. Where are the refugee camps or where were the refugee camps in the area of Quang Ngai, and specifically north of the Song Tra Khuc River?

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A. I do not recall. I know I have flown over and seen them, but I just can't remember where they were physically located.

Q. Do you recall the location of any of these RD teams?

A. No, sir.

Q. Could there have been any confusion in your judgment between the information that you picked up from Colonel GUINN, or what Colonel GUINN had given you, and the information which had been provided by the village chief to the Son Tinh District chief?

A. Well, this was what I tried to square away with Colonel GUINN, whether this wasn't the same. He claimed this was not one and the same, that this was a separate account. But he does not know where he got this handwritten memorandum from, who gave him this handwritten memorandum.

IO: Mr. WEST, do you have any questions that you would like to address at this time to Colonel HENDERSON?

MR WEST: Yes.

Colonel HENDERSON, can you tell me what a denial operation is?

A. I believe you are making reference to one of my comments?

Q. No, and I didn't remember that you used the term.

A. I used the term rice denial operation that denies the crops that had been harvested from falling into the hands of the Viet Cong.

Q. I have seen the term used in several statements seeming to be in the context of destruction of a Viet Cong base. Possibly this could be the destruction of a village or hamlet. Was the term ever used in that sense, to your knowledge?

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A. Back in the mountains when we operated against the NVA subsequent to this period, here, yes, we destroyed VC base camps, anytime and anywhere we could find them. There were no restrictions on burning these bonafide, and-- these weren't even hootches. These were just a couple of feet off the ground, some grass over some limbs or something of this nature. We did not run into any major built-up areas of the NVA out in the mountains. We ran into overnight stations. We ran into small company size--and even in one case--on occasion ran into a battalion, where they had been. Of course, we destroyed anything and everything we could find.

Q. While you were the brigade commander, were you ever assigned a mission from higher headquarters to destroy a hamlet or village? By destroy meaning get rid of the people and burn down their houses, wipe it out as a possible base for VC?

A. Absolutely not. On one occasion I coordinated, and I believe it was after I assumed command, I'm pretty confident it was, while we were down in the Duc Pho area, we had a half dozen houses that were built right along the highway. And 3 or 4 nights in a row, booby traps had been planted right there in that road there. We coordinated with the Duc Pho District chief, and got him to move the people out and for him to destroy the houses. But whenever possible, I put this out at commanders' meetings time and time again that any time a torch is put to a building, I want your troops to be away from it unless it was the direct result of an engagement.

Q. Were such operations occasionally carried out by ARVN troops?

A. Yes, sir.

Q. To your knowledge did the Americal Division ever carry out such an operation, destruction of a village?

A. I have no knowledge of any such operation conducted by the Americal Division, sir.

Q. Did you know Captain MEDINA well?

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A. I felt I knew Captain MEDINA well. Yes, sir.

Q. As you know the Army has been investigating the My Lai incident for several months. Many statements have been taken from many people, including a great many of the men in TF Barker. A number of the men have commented on Captain MEDINA. Some have praised him, and some have criticized him. Among his critics, he has been called "Mad Dog" MEDINA, said to be very ambitious, set a great store by high body count and stated directly or implied that he liked to see high body count, wasn't too particular what the bodies were. Does any of this purport to your knowledge of Captain MEDINA?

A. No, sir. Captain MEDINA was personally selected by General LIPSCOMB to lead the advance party of his entire company in Vietnam. In training, Captain MEDINA's company was always outstanding. Captain MEDINA was a very aggressive commander. He ran his company, as far as I knew from my experience, by the book. When he was out for training, he was out for training, there was no monkey business. On many occasions, not on many occasions, but on a couple of occasions I have personally had officers assigned to Captain MEDINA whom I felt needed educating. Captain MEDINA was a hard task maker, but to the best of my knowledge he was always fair. I have known Captain MEDINA since shortly after activation of the brigade on or about 1 August. The brigade was activated on 1 July. I believe he came to us sometime during the end of July or perhaps 1 August. He was initially the assistant S3 of the 1/20. The following December he was given a company.

IO: That was 1966?

A. This was 1966, sir.

MR WEST: I think it is fair to say that a number of statements give the same impression of Captain MEDINA, went by the book, he was strict, but fair, and took care of his men.

A. I did hear this statement, "Mad Dog" MEDINA, from a newspaper reporter in Chicago who called me a few nights

ago. No, it was The New York Times, and he told me he was writing something up, and asked me if I had ever heard MEDINA referred to as "Mad Dog" MEDINA, and I told him I was making no comment, but to that statement, I would say, positively, no. I have never heard the statement used against Captain MEDINA.

Q. Do you think it possible Captain MEDINA on his own, decided to wipe out everything in My Lai hamlet, burn the village, kill all the living things in it?

A. I just do not believe this was in the makeup of the character of Captain MEDINA. He was a very courageous officer to my personal experience. It is just not the reaction or the acts of an officer of his calibre. Up to 2 weeks ago I would have sworn under oath, and still from the information available to me, I will swear under oath that this massacre, so-called massacre, did not occur. But with the television and newspaper reports that I have been reading here in the last few weeks, there is more of a concern in my mind that perhaps something did occur. I feel that if it did occur, it was the result of some rash acts on the part of, perhaps, members of this company and that, perhaps, Captain MEDINA then seeing that it had occurred, knowing he couldn't stop the thing once it had already happened--yes, a coverup. A coverup I'm confident was at that level if there was a coverup. At no time was there ever any collusion or conspiracy or anything else between Colonel BARKER or any member of his command and myself, or any member of my staff, that I'm aware of, that knew anything about this incident that has not been brought to light to me at the time this thing occurred. There was positively no collusion or conspiracy or anything else between myself and members of the division staff to whom I talked to about this. And, to the best of my knowledge, the only people that I ever discussed this with in detail were General KOSTER, General YOUNG, and I did not even discuss it in detail with the chief of staff, Colonel PARSON. I handed him a report of 24 April and informed him what the report was, and at the time he did not read it in my presence. I did not discuss it further with him, nor did any member of the division staff ever come down to visit me concerning this incident. There was positively no effort on my part to cover up any single aspect of this.

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Q. You might check me on this, but from what experience I've had, I think it's rather commonplace practice for commanders to talk to their troops ahead of an assault, and let them know what the operation is about, and prepare them for it, perhaps give them a so-called pep talk, get them in the right frame of mind. Is it possible in this case that the men were so keyed-up to move in against My Lai hamlet expecting strong resistance that they moved in, got out of control, and did a lot of killing, and went wild as was said? Those words have been used--

A. (Interposing) I hate to say that soldiers can react that way, but yes, it is possible, because we placed heavy reliance on the information provided to us by Major GAVIN of the Son Tinh District. His intelligence reported that the 48th LF Battalion was positively in that area. The 48th LF Battalion had been the one that had been hurting the hell out of us with mines and booby traps, primarily sniper fire and things of this nature. This was a number one target in our brigade, the 48th LF Battalion. Anytime anyone mentioned 48th LF Battalion, night or day, we were ready to move to do whatever we had to do to destroy it. I don't know that C Company, I believe they were involved in a minefield incident a few weeks before this thing happened where they lost 12 or 15 men in a minefield. I don't have any knowledge that they attributed this to the 48th LF Battalion or to this operation, although some of the statements in the newspapers, I'm not certain.

Q. Did you know Lieutenant CALLEY?

A. I do not remember Lieutenant CALLEY. It was sort of an awkward period when we were getting ready to process for overseas. When I came back from a trip to Vietnam, I hurt my knee in Vietnam jumping out of a helicopter and I had to turn into the hospital for a disc removal and I was in the hospital for about 3 weeks. When I got out again I was on crutches and got rid of them just as we walked up the gangplank, practically. When I did get, really--I hadn't been released from the hospital, I was still carried on the hospital rolls. General LIPSCOMB had to go in to have a cancerous cyst removed from his neck, and he was in the hospital for a month. I was trying to get the brigade deployed. I was immobile. I didn't get around to training like I should. There was a hell of a lot of things, but we got the

brigade moved, and we got them moved in damn fine style.

Q. While you were brigade commander, was it ever necessary to conduct an investigation of a war crime in this brigade?

A. There was, not of a war crime, there was one incident of a soldier shooting a group of civilians which was murder, but it was not categorized as a war crime. Now I'm not certain from a legal aspect whether it is a war crime or whether it was not. We treated it as murder, made the necessary reports on the investigation--

Q. (Interposing) Do you know the status of the civilians that he was accused of killing? Were they friendlies?

A. They were friendlies. It was just a willful act of murder, premeditated, and we could not prosecute.

IO: I would like to ask you a couple of other questions. Did you at any time land while you were in the vicinity of My Lai (4) in the LZ or talk to Captain MEDINA?

A. No, sir.

Q. Not on the ground?

A. No, sir. I attempted to land to the south of that area at one time, but because of the terrain, we were not able to land. No, sir. I did not land.

Q. My question is, do you know where Captain MEDINA was? His command post?

A. I am not positive of this. I think I had him mark his command post for me with smoke. When I flew over at one time, that time it was in the edge of the LZ to the west of the village of My Lai (4). I'm pretty certain that I did have it marked so I could get a better appreciation of where the troops were.

Q. From there would he have control of his platoons?

A. Well, certainly radio communications, yes, sir. I see no reason why he would not have from the distances involved.

Q. The distance involved were--

A. (Interposing) Were very minor.

Q. Such as?

A. Well referring to the map here (indicating), I would say except for small elements that he was sending to the north and to the south in response to gunships and others marking positions, everything was right around that My Lai (4) village and he would not have been over 500 to 700 meters at any point his people would have been away from him or his platoons wouldn't have been away from him.

Q. With him being on the ground and separated from his platoon by as much as even a quarter of a mile in this kind of terrain, would it have been possible for him really not to know what's going on in an area other than what he is told over a radio?

A. Yes, sir. It would be possible for him not to know because once you get on that ground, as you probably know, you cannot see a hell of a long inclination. These rice paddy dikes which look from the air like flat rolling terrain, and when you get down on the damn ground you are blinded by a hundred meters or even a little hedgerow which looks from the air like a pooltable. When you get on the ground, it's a hell of a lot different. Yes, I can understand and appreciate where control would be difficult.

Q. This is only a matter of opinion, we'll have to try to clarify that. Was there ever in your mind, a question of the rules of engagement in this particular operation with respect to the use of artillery, the use of gunships, and so forth, or air strikes. Those three in particular, artillery, your helicopter gunships, and possible air strikes, which might have caused you to think about the rules of engagement? I have documents which were put out by MACV, by the Americal Division, and also by your headquarters?

A. We did not use air strikes on this operation. We had no air strikes supporting this operation. It had been planned, but I don't know if I canceled out or what the reason for it. There was no need for it, we had it on call. As

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a result of the 20 killed, civilians, although it was never firmed in my mind how many had been killed, although I had a report from Colonel BARKER of how many by gunships and how many by artillery. I had, from the moment I arrived in Vietnam, stressed at every opportunity the difficulty of trying to win these people over to our side and shooting them up the next few minutes. Within the first week I was there I was already in almost combat with the brigade commander over controlling fires. I cited this at the commanders' meeting for several weeks as what I considered an example of lack of control by the battalion commanders in the use of these gunships. When we went into areas they operated where we told them to operate and not to take off hunting, so to speak. That the artillery fires anytime--there was no authority--at this time there was no artillery landed on the village, although I had reports that some artillery amy have landed on the village. But Colonel LUPER investigated this and assured me that no artillery landed on the edge of that village, which Colonel BARKER later acknowledged that it had not, that he had seen the artillery fire starting in he had claimed he had been left to pick up the ships coming in for the CA and when he arrived for the CA and went in to mark the LZ he had really for a moment or two or for a minute perhaps, had lost sight of the artillery rounds, but he thought he saw a building or two burning in the village which led him to believe that the artillery had perhaps hit the village. But he could not later substantiate this. But the artillery commander, both the battery commander, who had visual observation, claimed that this was not true, that all of his rounds impacted within the LZ which was several meters away. I did stress for none of the battalion commanders to bring any scheme of maneuver or plans that would bring this artillery in close to the villages. That we'd land away from the damn village, keep off the village. Yes, I believe that this did come out, sir.

Q. To your knowledge, did they use any white phosphorus in the prep?

A. No, sir. They did not. There was none planned to be used. There was no reason for using it since it was in the rice paddy area.

Q. It was all HE then?

A. Yes, sir.

IO: I would like to take just about 5 minute recess.

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(The hearing recessed at 1742 hours, 2  
December 1969.)

(The hearing reconvened at 1747 hours, 2  
December 1969.)

IO: This hearing will come to order.

RCDR: All persons who were present when the hearing  
recessed are again present.

IO: Do you, Colonel WILSON or Colonel MILLER, have any  
additional comments that you would like to address to Colonel  
HENDERSON?

COL MILLER: I have nothing further.

COL WILSON: No, sir.

IO: Colonel HENDERSON, do you have anything you would  
like to add?

A. Yes, sir, I have a few comments which I would  
like to add which may not appear to be exactly pertinent,  
but I feel they should be entered into the record.  
Following Tet in 1968 there was an increase in U.S. operations  
throughout the Americal Division, considerable increase. But  
there was no order to change tactics or techniques as far as  
destruction or anything. This was merely a reaction to the Tet  
offensive and we went about it harder. I don't believe there  
was any increase of unsoldierly acts during this period. I was  
at that time and have always been concerned about indiscriminate  
firing. I believe any one of my battalion commanders and company  
commanders will support this. And I don't say this in defense.  
I feel strongly connected with the 11th Light Infantry Brigade,  
having activated that unit and having served with it in combat.  
All these battalion commanders and unit commanders will support  
these positions and policies that we have in the brigade towards  
indiscriminate firing. During this investigation, I personally  
did not consider any new evidence had come to light even with  
this VC propaganda message. If there was a shortcoming in the  
investigation, it was mine, and mine alone, and I shoulder  
the full responsibility for that. And I do not care to share  
that responsibility with anybody else. That is my decision

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as the brigade commander. The fact that I had assumed command of that brigade on 15 March, one day before this incident happened, is also immaterial. When I accepted the flag of that brigade I accepted not only the privilege of commanding it, but also the responsibility of commanding it. I further acknowledge full responsibility for the acts of that brigade following my assumption of command. I at no time treated this incident lightly. I do admit that I had many things going on in the brigade that were competing for my time, many operations, not only in my primary area of responsibility, but I also had four Special Forces camps which required periodic visits by me and the preparation of plans for going to their relief should it be needed and also, the execution--the rehearsal of these plans which were in themselves time consuming. I do not want to give the impression here that I sloughed off this investigation, or the facts alleging to it, although perhaps if I had more time I would have, again if I had an executive officer, I might have said, "go down and conduct it," rather than I conduct this investigation. It may be, more light could have been shed; I do not believe so. I have a great amount of confidence in, and always have in Lieutenant Colonel BARKER, Captain MEDINA, and the soldiers with whom I have served; and I believe in them. I'm not naive, I've been in the Army over 30 years, and I talked with soldiers on many occasions. I know when you get them in a group that you get the group reaction. When I singled these individuals out individually, I had hoped to break this group contact. These soldiers stood tall. There was no bending of heads; there was no impression that here was a group of men who had just been involved in a massacre or any kind of atrocity, and I still do swear by my soldiers. Although during this investigation I have indicated on many occasions that I have not discussed this with General KOSTER. This is not a criticism of General KOSTER, but I found it extremely difficult to talk to General KOSTER. Normally when he would come into my area, the policy was the brigade commander would conduct his government business. He continued conducting the government business. If General KOSTER desired to speak with the brigade commander personally he would so notify him and headquarters would call for me. Otherwise, I was to ignore his presence in the brigade area. He came into the brigade area quite frequently and within every 2 or 3 days, as a minimum, sometimes, day after day, he would be in the brigade area, normally stopping at the battalion CP's and talking to battalion

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commanders or to staff officers who were present. The battalion commanders were enjoined not to take off from an operation when they were needed and go to that headquarters, but I spoke almost on a daily basis with General YOUNG. As far as I'm concerned, whether this was a policy of the division or whether it is merely my assumption that when I spoke to General YOUNG it was the same as speaking to the division commander, this was an understanding, at least I thought I had. Perhaps I was incorrect on this. I find it very easy to speak with General YOUNG and to talk with General YOUNG. Throughout this incident, or any new insights into this incident, I related fully to General YOUNG. I don't mean here that I want to put any of the responsibility over on him. This again is my responsibility. It was also during the month of March, which I believe should be known, the brigade started its infusion program. I say this because I read reports in the newspapers where individuals claimed that they had been immediately transferred out of the company so they couldn't speak. We started the brigade infusion program which was a division directed exercise, by name. The brigade had very little control over it, to try to reduce the impact of not only the following December, November, December, when we started rotating back to CONUS, but also the other brigades there in the division. And they had big job of trying to get the right numbers of people in various units so that the entire unit was not wiped out by this rotation. This started in March. R&R started in March although it hit us very lightly and it had no impact on this particular incident. The fact that I was hobbling around at this particular time possibly detracted my diving into this more than I did, but again that is strictly my responsibility. That is all I have to say.

Q. Was General YOUNG the only ADC?

A. No, sir. He was not the only ADC.

Q. How did you know General YOUNG as his title? Did you call him the maneuver ADC?

A. Yes, sir. He was the maneuver one to whom I was directly responsible to and who filled out my fitness report. So I looked to him as my immediate commander, although certainly I did not look to General KOSTER in any other way either. He was also my commander. I did not know General YOUNG before I joined the brigade--before I deployed to Vietnam.

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Q. Would it be normal if the other ADC be what might be referred to as ADC for logistics and administration, generally taking care of your base area in Chu Lai?

A. I believe that was the organization--I cannot even think of the other ADC's name that was present at this particular time. I am not certain there was one. It seems to me that the general later became the G1 of USARPAC. It seems to me he departed just about this time before this incident occurred, and I'm not sure another one had come up. General MATHESON, I believe. I could be wrong.

Q. General RYDER--

A. (Interposing) General RYDER, yes, sir.

Q. Was he assigned to the division during that time period?

A. He was assigned to the division, but he departed the division before I assumed command, and I am not certain another general came in before this operation kicked off, or before I assumed command, but General YOUNG was my immediate boss, he was my rating officer.

Q. Before you leave the Washington area, I want a sketch of what we have previously asked and also I would like to inform you that perhaps at a later date we will want you to reappear before the investigation in which event we will get in touch with you.

A. Very well, sir.

IO: Thank you very much.

(The hearing recessed at 1809 hours, 2 December 1969.)

(On 3 December 1969, Colonel HENDERSON annotated a copy of Exhibit MAP-4 and prepared an accompanying three-page itinerary on his activities on 16 and 17 March 1968 which was keyed to the annotated map. The map with attachment was received into evidence as Exhibit MAP-7.)

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(The hearing reconvened at 1414 hours, 11 December 1969.)

IO: This hearing will come to order.

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

Sir, the hearing recalls Colonel Oran K. HENDERSON.

Colonel HENDERSON, sir, you are reminded that you remain under oath before this board.

A. Do you want to ask me questions or could I make a couple of comments on my testimony before--

IO: (Interposing) Not at this time.

A. All right, sir.

IO: Colonel HENDERSON, I would first like to reread to you the purpose of this investigation.

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

(1) the adequacy of prior investigations and inquiries into, and the subsequent reviews and reports within the chain of command, of what is now commonly referred to as the My Lai (4) incident of 16 March 1968, and

(2) the possible suppression or withholding of information by any person who had a duty to report and to furnish information concerning this My Lai (4) incident.

Do you have any questions concerning these two purposes of this investigation?

A. No, sir.

Q. We have heard your testimony. Since that time we have heard the testimony of several other witnesses. Your testimony is at considerable variance with other evidence in

several significant respects. This could be caused by lapse in memory on your part or on the part of others. It could be because you did not relate all the facts that were known to you upon which you were questioned, or maybe because you possibly falsified some of your testimony.

Prior to the time you testified, you were informed that as brigade commander you were one of the senior officers in the chain of command and that this inquiry might disclose facts tending to establish that you had failed to comply with applicable regulations concerning the investigation and reporting of war crimes or that you may have been derelict in the performance of your duties. Consequently, you were advised that you had a right to remain silent and anything that you said could be used against you in a criminal trial. You were also advised that you had a right to counsel, to consult with counsel, and to have counsel represent you and be with you during your interrogation. Thereafter you elected to testify without counsel. There is now some evidence tending to raise the suspicion that during and after the My Lai (4) incident, you were negligent or derelict, or even in direct violation in complying with orders and directives pertaining to the reporting and investigation of alleged mistreatment or wounding or killing of civilians, that is to say, war crimes, and that you may either have suppressed or contributed to the suppression of information pertaining to the possible unlawful killing of civilians at My Lai (4) on 16 March 1968.

Such acts would be in violation of orders and regulations and would constitute dereliction of duty. There is some evidence which indicates that your prior testimony before this investigation may have been incomplete in part or in part intentionally false.

I am calling this to your attention because I intend to recall you as a witness, but first I wish to give you sufficient time to think this over and see if you wish to seek qualified legal counsel, and decide if you are willing to give further testimony.

Colonel MILLER, do you have anything further in addition?

COL MILLER: Yes, sir.

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I informed you of these matters the other day. I wish to do so again to make sure you are fully aware of your rights.

You still have, of course, the right to remain silent, and any statement you make could be used against you in evidence in a criminal trial. You have the right to consult with counsel, that is a qualified lawyer, and to have such counsel present with you here if you elect to testify further. You may retain counsel at your own expense or a military lawyer will be appointed for you. If you have a particular counsel you would like, if he is available he will be appointed. Otherwise, other counsel will be appointed. Even if you do decide to continue now without having counsel present, you may, of course, stop answering questions at any time, and you may request counsel at any time if you elect to answer questions at such time as they may be put to you, and if you do not have counsel. Do you understand all these rights?

A. I do.

COL MILLER: Would you like me to go into them further?

A. It's not necessary.

COL MILLER: Do you desire counsel?

A. I do not desire counsel.

IO: I don't want you to make this decision right now. I indicated I'm going to give you time to think this one over before you make a decision as to whether you want counsel or not. This is not a matter of something that can be a snap judgment. I would suggest and advise that you give it heavy consideration. It's not my intent that we get into it any further at this particular time. When we are ready to call you back for further questioning, we will notify you. At the present time we are contemplating tomorrow afternoon, but I can give you no absolute assurance.

A. Very well, sir.

IO: Do you have anything further?

COL MILLER: No, sir.

A.            Could I ask one question, regarding the letters I received from the trial counsel at Fort Benning regarding the submission of discussions? I understand this would be resolved and I could not--

COL MILLER: (Interposing) This is a quasi-judicial type proceeding which we determine to be within the limits of the order.

IO:            The hearing will be recessed.

(The hearing recessed at 1421 hours, 11 December 1969.)

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(The hearing reconvened at 1347 hours, 12 December 1969.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR MACCRATE, MR WALSH, MR WEST, COL MILLER, COL FRANKLIN, LTC PATTERSON, MAJ ZYCHOWSKI, and MAJ LYNN.

(LTC James H. BRANDT was duly sworn to assist in the investigation.)

Sir, the board recalls Colonel Oran K. HENDERSON.

Colonel HENDERSON you are reminded that you remain under oath to this board.

IO: Colonel HENDERSON, I've gone over your testimony here a few days ago in considerable detail. And I notice that there is quite a bit of variation with respect to times and places and dates of things when they took place. And I thought in order to refresh your memory, that it might be well for me, based upon the information I have had from other witnesses and from official documents as well, to reconstruct the schedule of events as they took place operationally which may be helpful to you to determine where you were and what you did at various times under various circumstances.

Now in giving this, I'm not saying to you that this is exactly the way it happened. This is the way it appears that it would happen, or that it did happen. In reviewing this, my purpose is solely to refresh your memory of times, places, and events and not to mislead you in the slightest, but to be helpful to you so you can reconstruct your own movements and activities. If at any time during

this discussion these things do not fit into place, you are not in agreement with them, you are free to so indicate. I also feel that in order to bring you into the proper sequence of events when this incident was reported to division and whereby you then became somewhat associated with it, it might be wise to review these in brief so that you can associate yourself when you first became involved in them.

COL MILLER: Colonel HENDERSON, you recall the information I gave you yesterday with respect to your testimonial rights and the rights to counsel?

A. I do.

Q. Do you wish to have counsel?

A. I do not want counsel.

Q. You understand that you may, if you wish or that you have a right to refuse to answer questions at any time.

A. I do.

Q. Do you now want to make a statement and answer questions?

A. I'm ready to proceed.

IO: This first part, Colonel HENDERSON, I am electing to do this primarily because in your previous testimony and in your sequence of events you had based it upon a 2-day operation.

A. Yes, sir.

Q. All of the indications are that it was not a 2-day operation. I would therefore like to go through the broad sequence of events, so that you can see what information we have, based upon the information which has been made available to us.

A. Yes, sir.

Q. This operation started on the morning of 16 March, with Charlie Company landing generally in the area of My Lai. They had proceeded through My Lai and arrived in a laager area somewhere in the area of My Lai (1) at or about 1500 or 1530 in the afternoon. Bravo Company also air-assaulted on the morning of the 16th south of My Lai

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Q. I wish you would proceed with your story, your checking of this, and also your report to General KOSTER.

A. So the next morning then, on 17 March, I went up to Fire Support Base Dottie and at this point almost immediately upon arrival, I met Major WATKE and talked to Mr. THOMPSON, Warrant Officer THOMPSON. And at that time Warrant Officer THOMPSON related to me the story that I reviewed here a few moments earlier, at which time I went out and saw MEDINA--Captain MEDINA, Captain MICHLES. At that time--and it is not clear in my mind who I gave the directive to. One thought is I gave it to Captain MEDINA and reinforced it to BARKER. I'm not certain. But of my own concern over this report from Warrant Officer THOMPSON--I do not believe I gave it to MEDINA; I believe I gave it to BARKER. I directed Colonel BARKER to sweep a company back through this area. At this time both companies had moved into--just west of the My Lai (1) area and had laagered overnight in this area (indicating). After talking to MEDINA I flew back to LZ Dottie and directed Lieutenant Colonel BARKER to sweep a company back through this operational area (indicating).

Q. Did you specify the company?

A. I do not know if I specified the company or if in our conversation, C Company came out of it. There were several things on my mind about this operation. One was the report I had from Warrant Officer THOMPSON. I was still concerned about this report although the alleged shooting of the woman by Captain MEDINA was certainly explainable and plausible, and even though how much we hate to admit it, it would have been acceptable to me as an act that could be rationalized. I was also suspicious of the body count.

Q. What body count?

A. The body count of a 128 VC killed during this operation.

Q. What time did you obtain that figure?

A. Sir, I obtained this figure of 128 late that evening.

prepared and secured an LZ so that you might land and talk to Captain MEDINA. Subsequent to that time, they moved over and were extracted. Does that assist you in reconstructing what transpired or do you have any difficulty in recalling this?

A. I cannot recall any operations down in that spit-- that area down to the southeast there. I could be wrong, it could have been the 18th. I kept testifying it was the 17th, but I know that I went out there and I met with him and I agree on the general area. It was in the vicinity of the graveyard. I thought it was down closer to where Bravo Company had CA'd in. I was not familiar with this area at this time.

Q. I won't say it is this area. There has been some question whether it is in this area. This has been generally the area that has been accepted. This is quite immaterial, whether it was here or back 500 meters or so.

A. I was following you, but someplace there you mentioned when you got up in there that Charlie Company on the 18th had proceeded back through My Lai (4)--

Q. (Interposing) No. I didn't say proceeded back.

A. The first time you went through it, sir, My Lai (4)--

Q. (Interposing) If I said (4), my intent was that B/4/3 moved back and is reported to have gone through My Lai (1). I guess this is the area you commonly refer to as Pinkville. And they then moved up into this general area in the Son My Peninsula up here. Now again, recalling the days, the 16th is Saturday, the 17th is Sunday, and the 18th is Monday. I will bring some other events into focus which may further tend to establish where you were on the 17th and what you were doing in your own mind. So this would be about the schedule that we would develop. We can check this back against the Americal logs as far as the laager position for the unit at nighttime. We know definitely both units laagered together that night. From all of the testimony, we find no variation that both units moved to the south on the 17th. Now, reporting, how did this happen? When Mr. THOMPSON returned from the My Lai area, after having been on station in this area for the greater part of the morning on the 16th, he landed at fire base Dottie. He and some members of either other helicopters or members of his crew talked to their commanding

officer, Major WATKE, who in turn talked, at a later time, to Colonel BARKER and passed on to him their observation of what was going on in the My Lai (4) area. This is about noontime or shortly thereafter on the 16th. The night of the 16th, this incident was reported to the commanding officer of the 123d Aviation Battalion, the night of the 16th. And the morning of the 17th, it was reported to the division. The most likely development of time from then on is that on Sunday, the 17th, the commander of the 123d Aviation Battalion and the commander of the aero-scout company flew south to Duc Pho in the afternoon and talked to you and various other people in your headquarters, not concerning this operation, but concerning better utilization of the aero-scout company-- to utilize this unit to its full capabilities. After this discussion, they returned to Chu Lai. The following day, a meeting was called at LZ Dottie and attended by General YOUNG, yourself, Colonel BARKER, Colonel HOLLADAY and Major WATKE in the van of Colonel BARKER. That would be the morning of the 18th.

A. Would that have been the morning, sir, that THOMPSON talked to me, the 18th then and not the 17th?

Q. That is correct. There is a possibility that it was on the 17th, but it would appear the most logical induction, and material we have would indicate, that this took place on the morning of the 18th, although it could have happened conceivably on the 17th. Now do those things help you in reconstructing?

A. It complicates it more for me. I have had these series of events running through my mind and this does not jibe, and I hate to throw other things in here but Major WATKE was not the man who brought Warrant Officer THOMPSON to me. When I met Major WATKE last week for the first time and saw him, I knew right off that was not the individual. The individual was as old as I am, and I asked Major WATKE if he had another major in his section, Major WILSON, who was the executive officer. I am confident that when Mr. THOMPSON was brought to me by this executive officer, Major WILSON that he was in the van with me when I talked to Warrant Officer THOMPSON.

Q. Well, we can get into that. There were some other events that took place. From all the indications we have prior to that which have a direct bearing upon this situation, but I'm talking about--primarily, you see, it would appear to me, very frankly, and recognize I'm trying to be helpful here on this thing. You are the new brigade commander, you have

just taken over. This operation takes place, but you still have other units you have to conduct. It would appear to me as far as this operation is concerned you had skipped a day. I don't mean that you weren't there or something of this nature. As far as this operation, your testimony indicates no knowledge whatsoever of this phase of the operation ever existing.

A. I too am confident that the day I talked to THOMPSON, I immediately went out and landed at Charlie Company's laager position and it was up in that area.

Q. We can get into that. I think what you are saying according to the time sequence would fit into it.

A. Fit into the 18th and 17th.

Q. The word laager area doesn't necessarily fit and we can discuss that later. But if they were--if they had come out on the 17th you would not have seen them on the 18th, quite obviously. And if they were down here on the 17th, you would probably have remembered being down in that area.

A. That is correct, sir. I distinctly recall landing at a cemetery over in the Pinkville area. Exactly where, I'm not positive.

Q. That also would fit into the description that we have received from some individuals as to where you landed and what the situation was.

A. Yes, sir. This has been most helpful, sir.

Q. Colonel HENDERSON, in following your testimony, I know no major discrepancy on the events which transpired in the morning of the 16th. That is, you arrived in the area, flew over the area, and subsequently after a few events you finally picked up a couple of people who had evaded to the southwest of the village and took them up to LZ Dottie. Subsequently, you came back over the village and went down to Quang Ngai where you had an appointment, is that about correct?

A. That is correct.

Q. The testimony would further indicate, generally speaking, during the afternoon you went about your business. You talked to Colonel BARKER maybe once or more during the afternoon of the 16th?

A. Yes, sir.

Q. Do you recall returning the afternoon of the 16th to LZ Dottie?

A. Do I recall it?

Q. Did you return to LZ Dottie?

A. I believe I did, sir.

Q. Did you issue instructions for C/1/20 to return to My Lai (4) to make a body count to include the number of noncombatant casualties by age, by sex, and how they were killed?

A. I did, sir.

Q. What prompted you to take that action?

A. This was following the report given to me by Warrant Officer THOMPSON.

Q. Did you talk to THOMPSON on the 16th?

A. No, sir. I believe here that I talked to THOMPSON on the 18th. This is the time I directed Charlie Company to proceed back through My Lai (4).

Q. Well, you did not then to your recollection order them back the afternoon of the 16th?

A. No, sir. I did not.

Q. How were these instructions passed to C/1/20?

A. I passed these instructions to Colonel BARKER, I believe. I may have mentioned something to Captain MEDINA when I was on the ground, when I talked to him on the 18th, when I questioned him concerning the report of Mr. THOMPSON. I may have at that time told him and went back and reinforced it with Colonel BARKER. If not, I went back and informed Colonel BARKER at that time what he was to do, to sweep C Company back through there.

Q. Well, at this particular time, what we are talking about is 2 days later, Colonel HENDERSON?

A. That is correct.

Q. And Charlie Company is already moving north for its extraction, comparatively early in the afternoon, for the lift out of the field?

A. That is correct, sir. This was the first time that I had any information that would indicate to me that anything unusual had taken place during this operation.

Q. Well, after you talked to the people on the 18th, including Warrant Officer THOMPSON, you flew out, according to what you have just stated, to seek Captain MEDINA. Would you not have given him personal instructions what to do?

A. I am positive that I alerted him to what I was going to have him do. As a rule, I did not give direct orders to my company commanders. I preferred to do this through my battalion commanders. I feel in my own mind I alerted him. I was going to talk this over with Colonel BARKER and have him sweep back through that area. There were things in there he hadn't observed that Warrant Officer THOMPSON had reported, and there was a discrepancy in certain figures that he had, between what BARKER had given me and what he had given me, on the number of civilians killed in the area. There were suspicions in my mind at that time, yes.

Q. When you returned to LZ Dottie in the afternoon of the 16th, did Colonel BARKER tell you of the report which had been rendered to him by Major WATKE?

A. No, sir. I had no report from him, absolutely not.

Q. How were these instructions issued to C/1/20?

A. I'm certain I issued them through Colonel BARKER, to go back through that area, to make a body count specifically. I'm positive also that I directed that I wanted every noncombatant who had been reported killed in there inspected by an officer to determine the cause of death, because the report stated that they had been killed by artillery and gunship fire and no small arms fire. I didn't believe it was correct, particularly the artillery fire because I know exactly where the artillery fire went in. I had my artillery commander with me, I believe, during the operation, and if not on at least one of my trips up there, and we had discussed where this artillery fire had gone in. It did nothing in or on the village of My Lai (4) as was inferred by some of the reported casualties, some of the artillery casualties.

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Q. We have testimony which would indicate, Colonel HENDERSON, that on the afternoon of the 16th, somewhere in the time period 1500 to 1530 when C/1/20 was either in or very near to its night laager area, and they may have in fact started to prepare their night defensive positions, that Major CALHOUN, S3, relayed a message. They were directed to return to My Lai (4) and to conduct a body count of the civilian casualties. There was some opposition to this because they had--they were maybe as much as three kilometers to the northeast from their area, and at this time of day it would be quite dangerous to return. They could not have returned to the laager area and might have had to camp out without adequate protection. This was on the afternoon of the 16th.

A. I issued no such instructions, sir. I issued my instructions at the time or immediately following the time I met with General YOUNG up at fire base Dottie, and I'm of the opinion now it was on the 18th.

Q. Why did they not return to My Lai (4) and carry out the mission you had assigned to them?

A. At the time that they were to initiate this mission, I was down in the Duc Pho AO, down in the southern part of the AO. I received a radio message relayed to me from the TOC or from my S3 that General KOSTER had been up at fire base Dottie or had been over the area and that he had countermanded my instructions. I do not recall if I returned to Duc Pho and refueled or if I went directly to fire base Dottie. But I went up to find out why these instructions had been countermanded.

Q. If that event stayed out in your mind to the degree that you indicated, Colonel HENDERSON, would it not also be logical that you would stay to see the execution of this order?

A. I know I was interested in it, but what else I had going on, I just don't know, sir.

Q. Well, just before you went out to Captain MEDINA's company on the 18th, you were with Colonel BARKER?

A. Yes, sir.

Q. According to all indications, and if you would have wanted Charlie Company to go back through there, you could have directed them to do so at that time, or you could

have taken him with you.

A. The way I recall these events, and I think I'm right, I believe I received a telephone call that morning or the night before. General YOUNG wanted to meet at our support base Dottie. I have not said this before in testimony, and I believe now there was a reason for me going up there on the morning of the 18th. When I arrived there, I arrived early because I wanted to find out what it was about. I believe the telephone call I got from--I believe it was relayed to me. I'm not sure what about, an incident that occurred during the operation. And when I arrived at Fire Support Base Dottie, I arrived an hour early because I wanted to find out what this was all about. I was immediately introduced to the executive officer of Company B, 123d Aviation Battalion. He in turn introduced me to THOMPSON. I spoke to THOMPSON in Colonel BARKER's hootch, his van. Major WILSON was present. At the conclusion of that, I took off, I believe, immediately for Captain MEDINA's position and then returned to Fire Support Base Dottie to meet with General YOUNG.

Q. We will reconstruct these events in just a little while.

A. Yes, sir.

Q. To the best of your recollection, Colonel BARKER did not tell you anything that he had been informed concerning anything unusual happening in My Lai (4) on the afternoon of the 16th?

A. I'm positive he did not, sir.

Q. You already had cause for concern, did you not, because you yourself had reported to General KOSTER that you had observed more than a few civilians which had been killed, and as I recall your testimony, you indicated that he was quite agitated.

A. Yes, sir.

Q. What time during that day did you discover that the number of noncombatants killed had increased to 20?

A. That night, that evening, I had a call from Colonel BARKER giving me a further breakout on the casualties, and the figure had increased to 20. At this time I again called General KOSTER at the Americal Division and updated him on

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the report. And yes, in the morning he was concerned and in the evening when I reported it to him, he was greatly concerned, as was I.

Q. Do you recall Colonel HOLLADAY and Major WATKE coming to see you at your headquarters in Duc Pho to talk about the utilization of his capabilities, aviation capabilities, and his organization? That would be sometime around midday or shortly thereafter, or maybe a little bit before lunch on the 17th, which would have been Sunday?

A. I recall them coming down and talking to me. I do not recall it being on that particular day. If there was no operation going on on Sundays, I tried to take off around noon to visit my troops in the hospital. I don't know if the fact that General--we had a visit by Lieutenant General DOLEMAN on the 17th and I briefed him. I don't know how this interfered with my going to the hospital that day to visit my troops. Every Sunday, if I could, I would make the hospital or send my executive officer when I had one. I do not remember them coming that particular day. And I definitely do not recall them discussing any reports or any incidents with me that occurred on the 16th.

Q. There was no indication that there was any discussion concerning what took place at My Lai or operational area. It was solely about getting better utilization out of the aero-scout assets and capabilities of the aero-scout company of the 123d Aviation Battalion.

A. It is possible they did. I cannot say they didn't because there was an instance up in the area where there was a little competition between the Warlords and Sharks that wasn't very good. I know I was unhappy over the arrangement. And it is likely that they came to see me or I asked to see them. I'm not sure.

Q. We would understand this was not prompted by any disagreement on the part of anybody. It was the fact that the aero-scout company had certain assets and felt perhaps they could utilize them better, and as a consequence it was decided to discuss the matter with you and certainly your staff. There are indications that there were four or five other people that may have been present?

A. It may have been right, sir, I just do not remember.

Q. Now then, concerning the morning when you went to fire base Dottie, when were you alerted to the fact that you were to report there to see General YOUNG?

A. I do not recall if it was the evening of the 17th or the morning of the 18th. It seems like it was sort of a spur-of-the-moment thing, that I got a call and immediately moved out. I'm not certain because--

Q. (Interposing) Do you recall about the time of morning that you were to meet him?

A. It was early in the morning. Perhaps 8 or 9 o'clock, I would say. Nine or ten, somewhere in that period of time.

Q. Who were the other individuals present?

A. I think Colonel HOLLADAY was flying General YOUNG and Colonel BARKER and myself. Major WATKE could have been there, but I don't remember. I recall you saying earlier that he was there, but I do not remember him being there.

Q. I don't recall the place in your testimony, from your previous testimony, but as I recall you had at a prior time indicated that Major WATKE was present?

A. Throughout my script I referred to Major WATKE when I was really referring to or should have been referring to a Major WILSON. I denied in my testimony before that I had met Colonel HOLLADAY at that thing there. But just seeing him out there, and I did not talk to him, but just seeing him outside here just a little while ago makes me believe that he was flying General YOUNG that morning, and that I did see him and did talk to him in this meeting about another subject which I had also forgotten about.

Q. What was said in this meeting? What was the purpose of the meeting?

A. The meeting was to discuss the observations of Warrant Officer THOMPSON.

Q. Who presented these observations?

A. I think I was a little bit surprised that they knew-- that General YOUNG -- I know before I said I reported

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base and directed Colonel BARKER to conduct a sweep operation back through this area to verify the civilian and enemy killed.

Q. Yes.

A. I directed him to do that. He did not wish to do it. He told me that he felt this was subjecting our troops to an unnecessary risk. However, I was still concerned about the report of THOMPSON. Although one incident had been explained and I believe I felt the other incidents could--not incidents--he had given me a general statement of wild shooting.

Q. I'd like to clarify one point here. You stated wild shooting, in your previous statement to us this morning you indicated that because of the smoke--he was marking these individuals with smoke and then the people were coming in grenading and shooting. This is a little different than the wild shooting. Can you clarify that particular point?

A. Yes. He stated that he observed in the area what he considered individual soldiers, the troops on the ground, and the gunships shooting wildly at everything that moved. Now he had also stated that this one specific example where he had marked--I do think I tried to pin him down on other individuals that he marked and could he identify who came over to them. But he couldn't. He could identify this one captain and this is the one that stuck in my mind at the time, that he could identify positively this one captain shooting this woman on the ground. But the remaining statements he made were of a general nature of wild shooting and disorganized operation on the ground. I did not argue with him. I realized his emotional state at the time really did not support the discussion back and forth.

Q. But this did not appear to you to be of such severity or did it occur to be of such--let me rephrase that. Did it not appear to you to be of such severity, the allegations, that you spent not more than 5 minutes--about 5 minutes if I recall your testimony--that you would have somebody interrogate him in depth or that he would put it down in writing?

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IO: I'd like to come back to this meeting that took place, probably on the morning of the 18th. Prior testimony we have, corroborated by other testimony, would indicate that Major WATKE was a fifth member of this party at the group which met at LZ Dottie. Where did they meet?

A. I believe we met in the small tent right outside the TOC.

Q. Would you have met in Colonel BARKER's van?

A. No, sir. There would have not been enough room to have met in Colonel BARKER's van. The two of them were within 20 or 30 feet of each other, but I cannot picture, but I believe it was in the tent, sir.

Q. We also have indications that since this information had been reported by Major WATKE to his commander and had been also reported to General YOUNG by the two of them, with Major WATKE relating the facts that had been provided him, that he was called upon to repeat these in the presence of the people there in the van that morning.

A. I'm sorry, sir, I just don't know. I cannot recall Major WATKE doing so, but he could have.

Q. You do recall though, at the present time, that at this meeting it was brought out that a confrontation had taken place between U.S. forces?

A. Yes, sir.

Q. Now that you recall this, would you explain it?

A. To the best of my recollection, it was reported that a helicopter pilot, and I believe it was Warrant Officer THOMPSON, had marked an area with smoke where he had observed civilians or noncombatants, and that a fire team or a squad or an element of C Company was moving on the area shooting. Warrant Officer THOMPSON, I believe, landed in the area and identified whom he thought was the individual in charge, which was a Negro with no rank. He assumed him to be a sergeant and informed him that those were civilians that the troops were shooting at. The soldier or sergeant or the Negro whom he identified was adamant that these were not civilians, that they were VC's, and Warrant Officer THOMPSON then directed his machinegun, his machinegunner, to fire on U.S. troops

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if this sergeant persisted in firing into this tree mass or shrubbery or whatever it was. And I believe -- I do not believe that Warrant Officer THOMPSON had told me that this morning. I believe that this was the first time that I knew of this particular incident. I know that General YOUNG was extremely upset over it as was I, when I heard about it. But frankly, I was more disturbed over the other allegations of Warrant Officer THOMPSON rather than this particular one since no shooting had actually taken place.

Q. What do you mean since no shooting had actually taken place?

A. Since as far as it was reported to me, his machine-gunner did not fire on U.S. troops.

Q. If I understand what you're saying, it didn't really bother you that some colored soldier, U.S. soldier, was firing into innocent civilians?

A. Yes, sir. This fazed me, but there had been other allegations made or reports of observations made by Warrant Officer THOMPSON.

Q. Wait a minute, just a minute, wait. Up to this point of time, what allegations had you heard from Warrant Officer THOMPSON?

A. Up to this point of time, Warrant Officer THOMPSON had reported to me that morning what he observed.

Q. Are you sure you talked to him before or after this meeting?

A. I talked to him before the meeting.

Q. You are absolutely positive, beyond any doubt, that you talked to him before?

A. Beyond any shadow of a doubt, and one other thing. I told Major WILSON or asked WILSON if any other pilot in his organization had seen this, and I was told by Major WILSON, "No." I also told Major WILSON that I recommended that he immediately notify his battalion commander, and at this time I was not expecting down for that meeting his battalion commander. In fact, I did not know really what the meeting was that General YOUNG had called. I believe it was that morning I got the call.

Q. When you met, what did he tell you the purpose of the meeting was?

A. When General YOUNG met with you there?

Q. When the five of you met in the trailer or wherever you met, what did General YOUNG use as an introduction? Why get these people together?

A. Sir, I had the report too, at this time from Warrant Officer THOMPSON. I knew then the purpose of the meeting.

Q. I didn't ask you that. I said what reason did General YOUNG cite for calling this meeting? He just doesn't call a meeting, he must have a reason. Did he give that reason that morning?

A. When I was informed at Duc Pho that General YOUNG wanted to see me at Fire Support Base Dottie, I received the information that there had been an incident.

Q. Who did you receive this from?

A. I do not believe that I received a personal phone call from General YOUNG. I believe it was relayed through the division TOC to my TOC that General YOUNG wanted to see me up there at a specific hour, at Fire Support Base Dottie, regarding an incident. And there was no details of incidents provided to me at that time.

Q. You got together with General YOUNG, Colonel BARKER, HOLLADAY and WATKE?

A. Yes, sir.

Q. It has been reported it was in Colonel BARKER's van. It could have been anyplace, but the van appears to be the one that stands out in people's minds at the present time. When this meeting was called to order by General YOUNG, he must have introduced it with some kind of a statement to say why he is getting these five people together.

A. Yes, sir. The primary point that we were talking about or the initial point at least was the confrontation between U.S. troops, between Warrant Officer THOMPSON and the troops on the ground, yes, sir.

Q. How long did this meeting last?

A. Sir, I have no idea.

Q. Do you recall any order of magnitude as far as the number of civilians, noncombatants, that may have been killed that was mentioned in this discussion?

A. I do not, sir.

Q. Was there any discussion of the fact that Warrant Officer THOMPSON and his confrontation, the one which you are referring to, that this was with an officer?

A. No, sir. He was identified to me as an unknown, colored soldier, believed to be a sergeant.

Q. Was there any discussion of people in a ditch, with a colored sergeant or soldier firing into the ditch?

A. I do not believe so, sir.

Q. Would you think real hard on this one and see if there is some separation, whether this ditch and this confrontation was the same, whether they were talking about different events, or exactly how this did sort out in your mind?

A. Sir, I never heard the statement that any U.S. soldier was observed shooting except for the one incident of Captain MEDINA. I had no reports that there were any civilians in a ditch being fired upon by anybody.

Q. Was it indicated that when Warrant Officer THOMPSON landed, that subsequently other helicopters landed and evacuated a group of people?

A. At that particular meeting this subject did not come up, sir. No, sir. I don't mean the subject didn't come up, but the specific act of landing and evacuating did not come up, or if it did, I did not hear of it.

Q. Do you recall, at all, Major WATKE being asked by General YOUNG to repeat to this group what he had told General YOUNG on a previous occasion?

A. No, sir, I do not.

Q. Can you remember any of the other discussions which took place in this meeting?

A. I know we discussed the dropping of smoke grenades to mark civilians as opposed to VC. Here we had been working with the 174th Aviation Company and this was their system. The Warlords had some other system and we were sure that this was the proper procedure. We discussed the facts that Warrant Officer THOMPSON did not have communications with the, direct communications with the ground, although he was dropping these smoke grenades to mark the civilians. We discussed the machinegun confrontation, and I know General YOUNG was very unhappy over this one and said under no circumstances was this to occur, and that he wondered why charges shouldn't be preferred against the warrant officer. As I recall, most of the conversation centered more over this thing than it did over the other items that Warrant Officer THOMPSON had seen in the area. I do not recall those being brought up. I'm sure they were, but I just do not remember.

Q. You say it was brought out that some discussion that General YOUNG initiated as to why charges should not be preferred against Warrant Officer THOMPSON?

A. Yes, sir.

Q. From what you have indicated, was there any justification for charges being brought against Warrant Officer THOMPSON?

A. Well, I certainly did not, at that time, have the full story as to what had occurred here or do I believe I ever got it, what occurred between Warrant Officer THOMPSON, and this unidentified soldier who apparently was shooting into some civilians in the bushes or trees.

Q. This is the story you are telling me. For this reason, I'm asking you if that's justification for trying a warrant officer? He has been directed, you, myself, everyone of us in the theater had been directed by COMUSMACV, the commanding general of U.S. forces in Vietnam, that we are to do all possible to save civilian lives. You're telling me, right now you sat in on a conference that morning

when a warrant officer performed an act to try to save civilians lives you're suggesting that General YOUNG suggested that they try him for it. Does that make sense?

A. It does not make sense, but this was part of the conversation that took place there.

Q. Well, you're the responsible commander. These are your troops.

A. Yes, sir.

Q. And you sat back and did nothing about this?

A. I knew there was no basis for trying Warrant Officer THOMPSON.

Q. Why did you let it persist then? We all have obligations as soldiers, and particularly as senior officers.

A. I understand that, sir.

Q. And we can't let somebody have an allegation charged against him. He made an allegation that somebody was firing, shooting at innocent civilians. In accordance with MACV directive, is that not quite a serious allegation?

A. Yes, sir.

Q. I would say so. All right, then, let's pick up right here and tell me what else happened?

A. Sir, I believe this was a time that I directed Colonel BARKER to have Charlie Company sweep back through this area. And I do not recall anything further in the meeting except that I did inform General YOUNG that I was looking into this further. I do not recall receiving a directive from him in any way that it was to be, that I was to conduct a formal investigation. By my own statement though, I was looking into it or--

Q. (Interposing) Colonel HENDERSON, what I'm suggesting is that we take those former statements of yours, I'm not saying forget about them, but try to construct the events within the circumstances which are now on hand, which I think are reasonably accurate as to what transpired. Don't try to make things jibe with your old testimony, that's not the purpose of this exercise.

A. I realize that, sir. The only reason that I realize I'm violating instructions of yours is that I have talked to THOMPSON since that time within the last week to try and clarify in my mind if he was the individual that reported to me.

Q. When did you do this?

A. Over on the Hill last Tuesday, when I was introduced to him. I asked him -- there was a warrant officer reported to me, and he looked just like him, the shape, size and so forth. I asked him if he was that warrant officer, and he stated he thought he was.

Q. What else transpired between you and Warrant Officer THOMPSON?

A. There was nothing else that transpired as far as testimony is concerned. We carried on a conversation not concerning his testimony or my testimony.

Q. Did you try to match up events with Warrant Officer THOMPSON?

A. No, sir. Only that he was that individual who had talked to me. That was the only thing that I was uncertain of, was it THOMPSON who had reported to me?

Q. You recall my specific instructions, do you not?

A. I do, yes, sir.

Q. I said I do not want you to discuss anything that was discussed in this investigation including anybody that is involved in this investigation, did I not?

A. I was told--what you read to me, not to discuss my testimony.

(The IO briefly departed the hearing room and returned.)

Q. I want to read to you specifically what instructions

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

A. Yes, sir.

Q. And I'm quite sure it's indicated in the record that you understood these --

A. (Interposing) It is, sir.

Q. And you had no questions?

A. That is correct, sir.

Q. You understand that is not something to be taken lightly?

A. I understand that, sir, and that's why I'm bringing that to your attention now because I did ask him if he were--that I had--when we--last Tuesday I was uncertain of the name of the warrant officer who had reported this incident to me. And it was my feeling that my query, this query was in itself not testimony, that all I was trying to do was that I had used THOMPSON's name, was it THOMPSON, and that is the full discussion that we exchanged at that time regarding this particular subject. We discussed a lot of subjects, but it had nothing to do with this incident.

Q. Have you discussed your testimony or the situation in the My Lai area at this time with anybody else?

A. No, sir.

Q. No individual?

A. None of my testimony, sir, have I discussed with anybody.

Q. Well, indirectly you have by asking, and I indicated that you were not to talk to others about this, and I thought you understood it.

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A. I understood it, sir, and I still understand it as the discussion of testimony. If my attempt to validate, in my own mind, that THOMPSON was the individual whose name I was using, then my apologies to the board, sir, and to you personally, because I didn't understand that, sir.

Q. Well, I'm going to take this under advisement. I don't know how I'm going to handle it right now. I want to go back to this meeting again.

A. Yes, sir.

Q. What else was said that you remember?

A. I do not recall, sir.

Q. Do you recall being directed by General YOUNG to investigate this?

A. To the best of my recollection, I was not directed by General YOUNG to investigate this. I informed General YOUNG that I had started that morning to look into this matter and that I was going to continue this. And I believe I got his okay to carry on, and I do not know if -- it certainly did not come up that I was to conduct a formal investigation. I do not even believe that he directed me to conduct an investigation, although I certainly understood I was to do so by what I told to him.

Q. Did he give you a time period within which to report?

A. I do not believe so, sir.

Q. If you knew nothing about this situation when you arrived at Dottie on the morning of the 18th, why did you single out Warrant Officer THOMPSON before you ever went to this meeting?

A. Sir, Warrant Officer THOMPSON was at Fire Support Base Dottie when I arrived. And he, Major WILSON, and Colonel BARKER were carrying on a discussion outside the TOC as I arrived. I was introduced to Major WILSON and informed that Warrant Officer THOMPSON had something to report to me.

Q. This would be about what time on the morning of the 18th?

A. I would estimate that this would be around 7:30 or 8 o'clock in the morning.

Q. What time did the other meeting take place?

A. I believe it was around 9 or 9:30.

Q. In this meeting, did you ever hear a statement to the effect that it's only the five of us in here that know about this?

A. No, sir. Absolutely not.

Q. Was there any indication that people should not discuss this until such time as it had been properly investigated?

A. I'm certain that I had some concern, that I didn't want a wild rumor spread through brigade or through Task Force Barker if this was not in fact true. It is quite likely that I made such a statement.

Q. Would it be logical that you would make such a statement with General YOUNG there?

A. It would, yes, sir.

Q. Well, at that point of time, if you felt so strongly about it, you should probably remember whether you made such a statement and basically what you said.

A. I cannot recall, sir. But I know that I had this during the entire period, the feeling that I did not want to have the brigade or have this unit -- this information spread through the units of the brigade for morale purposes until it had been investigated. I could have very likely made such a statement at that time.

Q. Colonel HENDERSON, I would like to take about a 10-minute recess. During this recess, I'd like you to think over the situation and the discussion which includes in that meeting of the five individuals in the van or in the tent or wherever this meeting took place, what was said by General YOUNG, the incident that was related, any instructions you may have received, and any other discussion related to this particular situation. We'll recess until 1518.

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(The hearing recessed at 1508 hours, 12 December 1969.)

(The hearing reconvened at 1528, 12 December 1969.)

IO: The hearing will come to order.

RCDR: All persons present when the hearing recessed are again present.

IO: Colonel HENDERSON, we recessed with the idea of providing you some time to collect your thoughts.

A. Yes, sir.

Q. Do you have any additional information concerning this meeting that took place that you feel appropriate to provide us?

A. I do not recall much about the meeting, except I do recall that one was held. It was a discussion. I cannot recall Major WATKE, as reported to me here, making any presentation as to what Warrant Officer THOMPSON had reported to him. He could have but I cannot remember it. No, sir. I cannot recall anything that we haven't already discussed here, sir.

Q. About how long did this meeting last?

A. I just have no idea, sir.

Q. What happened then? What was your next action, did you stay there or what did you do?

A. To the best of my knowledge, at that time I informed Colonel BARKER to have Charlie Company, if I hadn't already told him this, to have Charlie Company sweep back through that area to review primarily the civilians' bodies, to also get a body count of the VC, to determine how the civilians and noncombatants had been killed, and to have an officer inspect these bodies and be sure we didn't have a double count on the VC.

Q. We'll come to that, just a minute.

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A. Yes, sir.

Q. After this meeting, did you talk to Major WATKE?

A. I do not remember talking to Major WATKE, sir.

Q. After the meeting did you talk to Warrant Officer THOMPSON?

A. No, sir. Warrant Officer THOMPSON had departed. I believe Warrant Officer THOMPSON had departed the area before I returned--after I returned from meeting Captain MEDINA in the field.

Q. I'm talking about immediately thereafter or within the period, let's say, after you had this meeting of the four or five individuals. In the next intervening period, did you have an occasion to talk to, to interview, or to interrogate Warrant Officer THOMPSON?

A. Second time? No, sir.

Q. At that time, I don't know whether it was a first time or second time.

A. That morning I talked to Warrant Officer THOMPSON, and I do not believe I have ever spoken to him since that time.

Q. When you spoke to Warrant Officer THOMPSON or he spoke to you, what did he tell you?

A. This, sir, is his report to me in the van that morning?

Q. That's correct.

A. He was introduced to me by Major WILSON. Major WILSON and I and Warrant Officer THOMPSON went into the van.

Q. You are sure Major WILSON was present?

A. Yes, sir, I am. I sat down. Warrant Officer THOMPSON told me, I believe, he preferred to stand. He started his report to me with some kind of reluctance to report this, but that he felt that he had to. He said that the troops on the ground and the aircraft performing in this operation, specifically the Sharks of the 174th Aviation Company, were like

a bunch of wild people or shooting wildly all over the area. They were taking everything under fire, everything that moved, under fire, and he had seen a lot of civilian bodies on the ground. He stated that he had marked specific positions of noncombatant wounded, and that soldiers would advance upon these positions firing. I asked if he had any specific example and he cited the example of Captain MEDINA. He stated that there were bodies all over the area around the village. I asked him if he knew the number of civilians and VC that had been reported killed in that operation. He stated he did not. I told him 128 VC killed and 20 noncombatants was the report I had, and wouldn't this appear to be a large number, and generally they were in that particular area. He insisted that the people he saw were -- could not be classified as VC. He stated that they were women and children. I asked him if he had seen the bodies to the south of the village. He stated that he had, along the trail I had reported before. I said are these the types that you are talking about, and he said, yes, but they are just all over the area. It was partly through his conversation, very early in the conversation, that I pulled out my notebook and reduced what he was saying to some form of cryptic note in my notebook. I believe that's the basic part of his report to me as I recall it now.

Q. At that time, did he mention to you any confrontation with a U.S. force?

A. I do not believe he did because I, at that time, had not understood that he had actually set down in the area. And I don't believe I said anything to Captain MEDINA about this and I'm certain I would have if he had passed it on to me. I do not believe he said anything about a confrontation with U.S. forces.

Q. Well, based on the supposition that what you have been giving in your testimony is correct, Colonel HENDERSON, that you talked to Warrant Officer THOMPSON a few minutes before he had this meeting, and in this meeting with the four other people the subject of the confrontation came up, would it not appear at that point in time you would have said something or given some indication that you had talked to THOMPSON, but you heard nothing about this?

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A. I'm not certain during this meeting that I understood that Warrant Officer THOMPSON was the individual that had the confrontation. I think I am, but I'm not positive of it. And I had this in my mind, I think, as two separate -- no, I did know it was THOMPSON. THOMPSON could have told me about that confrontation, but I -- but when I immediately took off from my meeting with him and headed for MEDINA's area, I asked MEDINA about the wild shooting and so forth, about this specific incident of his, but I do not recall addressing the specific subject of confrontation with U.S. troops. That is the only reason I feel he did not mention it, but he could have mentioned it. I do recall also going out to Captain MEDINA's position--that of this report of Warrant Officer THOMPSON about the My Lai (4) village, I did go over that village and, I believe, I looked at it with field glasses, looking for anything that would support what he had told me. And I did not see any bodies. In fact, in that entire area the only bodies I ever saw were two VC with weapons and in uniform to the north of the village and six to eight civilian noncombatants or possibly--some of them were of military age-- to the south side of the village along the trail and where that trail junctions. I believe Colonel BLACKLEDGE or Colonel LUPER who were in the aircraft with me when we orbited, I do not recall how far down we went, I'm sure we dropped down to 800 and 700 feet. I believe we orbited that village a couple of times, two or three times before we went on out to MEDINA's position.

Q. Would you expect to find any bodies in a situation like that 2 days later?

A. Not really, and I believe even the bodies I observed on the road 2 days earlier had been removed.

Q. Did Mr. THOMPSON mention anything to you about landing alongside of a ditch that contained a large number of bodies?

A. No, sir.

Q. Did he mention to you seeing a colored sergeant point his weapon in the direction of a ditch which contained some dead noncombatants or noncombatants?

A. No, sir. The colored individual that he reported to me, if he reported to me, was the one that applied on this machinegun confrontation, and to the best of my knowledge, he did not see or did not report to me that he had seen any U.S. soldiers--well, that isn't correct either. He did report U.S. soldiers were firing at civilians, but he did not report to me any incident of a U.S. soldier firing into a ditch filled with noncombatants or with anybody, either VC.

Q. Did he indicate to you that, aside from his own helicopter, part of his gun support team had landed to evacuate civilians?

A. I had never understood that he had any other people with him other than his own OH-23 aircraft.

Q. Well, were you not familiar that scouts and scout-type aircraft and guns habitually worked together?

A. Sir, at this point in time, no. I really wasn't familiar. I should have been, but I was not familiar with the employment of this aero-scout unit.

Q. Well, whether they were his guns or whether they were from elsewhere, did he give you any indications that additional aircraft had landed to pick up some noncombatants as a result of this confrontation?

A. No, sir. He did not.

Q. Did he mention anything to you about landing in another area to pick up a wounded boy to take him to Quang Ngai hospital?

A. No, sir. He did not.

Q. How long did your discussion with Warrant Officer THOMPSON last?

A. I reported before, sir, it was 5 minutes. I'm confident that it was longer than that. It could have been 10 minutes. I do not recall, sir. I know that I was well disturbed when I finished talking to him, and that I was satisfied in my own mind that some incident had occurred.

Q. If you had arrived there at the time you indicated, 7:30 or a quarter to 8, the meeting with General YOUNG lasted to 9 o'clock, you would have had--in accordance with the way you were explaining when you had the meeting with Warrant Officer THOMPSON, you would have had ample time to talk to him. Isn't that correct?

A. Yes, sir.

Q. Up to this point now, we've got to the meeting and the discussion.

Mr. MACCRATE, do you have some questions?

MR MACCRATE: Colonel HENDERSON, I noticed that you brought some papers with you yesterday, you had some papers with you that I thought you were going to use in connection with your testimony. And it just occurred to me that in referring to notes that you made at the time of your interview with Warrant Officer THOMPSON, that you might have some materials today that would bear upon that interview?

A. Well, I do. I don't know the pertinency of it now. One item was that I knew that I had not spoken to Major WATKE or I had inferred that Major WATKE had brought Warrant Officer THOMPSON to me was incorrect. It was his executive officer, Major WILSON. And instead of telling Major WATKE to report it to his battalion commander, I was in effect telling Major WILSON to report it to his battalion commander. He is the one, Major WILSON, that I got the impression from that nobody else in the aero-scout company had observed anything else, that this lone pilot THOMPSON had observed this. That was a point of my previous testimony that I wanted to straighten out. I also have reviewed and reviewed this report of mine dated the 24th of April, and I do not believe that that is my report of investigation of the incident that I submitted to General KOSTER, although this one I acknowledge was also submitted there. But the report that I recall preparing, the written report was itself three, four or five pages in length. And I know that I had some recommendations in there regarding subsequent actions of the brigade, particularly pertaining to control of civilians. And this one here, sir, does not jibe with my recollection of what I wrote. I can be wrong. I may be confused with my oral report to General KOSTER, but I just feel that there was another report submitted prior to this 24 April one.

IO: We will come around to those reports, Colonel HENDERSON.

MR MACCRATE: In preparing those reports, did you use notes that you made during conversation with Warrant Officer THOMPSON?

A. I did, sir. I had a small, green, memoranda-type notebook similar to the type down here. I carried one with me all the time, and anytime I talked to anybody regarding this, I put the notes in there. But if another subject came up, if it was not related, I still went from page to page.

Q. But you don't have those pages today?

A. I destroyed three or four notebooks similar to that size when I left Vietnam, sir.

IO: Mr. WEST.

COL FRANKLIN: Sir, I have one question. I may have misunderstood, sir. You say you arrived at Dottie about an hour before your meeting with the ADC. Did you also say that during this time you spoke to THOMPSON, got into your chopper, went out to MEDINA, and then came back, all within this hour?

A. Yes, sir.

Q. After talking--that would sort of rush you. I think you can see that. Cranking up your bird and getting out there and finding MEDINA--

A. (Interposing) Yes, sir. I would say I was about 10 minutes at a maximum out there.

Q. He had an LZ and you could go right down?

A. I believe this--yes, sir.

Q. Why did you want to go to MEDINA? You have your general coming down. You are liable to be late. What motivated you, sir, to want to go right then and see MEDINA instead of waiting until after the meeting?

A. At that particular time, I was seeing red after

receiving this report from Warrant Officer THOMPSON. I had one item that I could dig my teeth into, and that was the positive identification of a dark-complected captain and there was the one in that particular area. I wanted to know right then and there about it. I would have taken my chances of being late with General YOUNG.

MR WALSH: When you spoke to Mr. THOMPSON last Tuesday, did you have any discussion with him about where and when you had spoken to him?

A. We were over in the Capitol building and I asked-- I said, "You look familiar," we introduced ourselves, "You look familiar, but are you the warrant officer that reported to me in Colonel BARKER's van last March?" I'm sure I said van, and I believe he said, "No, I reported to you in the tent," or something like that.

Q. That was the end of it?

A. Yes.

Q. Nothing about time?

A. No, sir.

Q. Have you, since you returned to the United States discussed the events of March 16, 17, 18 with any other person other than this board and the inspector general?

A. Yes, after I discussed with Colonel WILSON the-- after I talked to Colonel WILSON the IG, I went back to Schofield Barracks, Hawaii, and I did ask Colonel BLACKLEDGE who was my S2, and who was then stationed on the island too. He attempted to clarify a few points for me.

Q. And what were the points you asked him to clarify?

A. The only one that I recall was trying to resolve in my own mind how in the hell I got a piece of paper or a VC propaganda leaflet that I could not remember, and could he remember? And I don't remember now whether he was able to clarify that or not.

Q. This was after you had spoken to Colonel WILSON?

A. Yes, sir.

Q. And Colonel WILSON had shown you the report with the attached VC prcpaganda leaflet on it?

A. No, sir. Colonel WILSON did not have this letter and I told him that I had made a report and that I thought I had a copy of the report of investigation that I had made in my safe back at Duc Pho. Colonel WILSON asked me if I could secure a copy of that, to secure it and send it to him. I went back to Schofield Barracks and called immediately the Americal Division, Colonel DONALDSON, who was then chief of staff, and told him that I understood that copies of these investigations had been submitted to the Americal Division and could not be found. He said that's correct. He searched the files and searched all over the place. I said, "Have you looked in the S2 or the S3 safe of the 11th Brigade?" He said, "We have." I said, "I recall putting the reports down there in a sealed envelope with my initials on them which may not have been observed." I said, "Would you have someone check that out." He called me back in a day or two and informed me that they had found one such document in a sealed envelope which they had to forward to USARV because USARV had queried them before on it and they had given them a negative, but that he was burning me a copy and would send it to me. At the time I first got that at Schofield Barracks, I was getting ready to deploy back to the mainland here and I didn't read it too thoroughly. I looked through the damn thing. This inclosure disturbed me because I couldn't remember specifically how it had gotten to be a part of this report. Colonel BLACKLEDGE, who had been my S2 in Vietnam, was then a battalion commander in the 29th Brigade. I asked Colonel BLACKLEDGE if he could recall anything regarding this. To the best of my knowledge, he could not. I have never been able to form in my own mind how I did receive it, and I believe that is the only conversation. There was nobody else on the island that I would talk to about this operation.

Q. That's all I have.

IO: Colonel HENDERSON, Major WATKE in his testimony indicates that after the meeting in the van, at which time you had been directed to investigate this matter, that the other persons departed from the van and that you and he talked for a very short period of time, perhaps in the neighborhood of 2 minutes, but not much more, because there was very little need to talk at that time since you had been together in this previous discussion.

A. Yes, sir.

Q. And at that time you indicated that you wanted to speak to Warrant Officer THOMPSON and other members that were familiar with this?

A. No, sir.

Q. Do you remember at that time talking to Warrant Officer THOMPSON, following the discussion with the other four people?

A. No, sir. I talked with Warrant Officer THOMPSON only once and that was before the meeting with General YOUNG. No, sir. I did not speak to Warrant Officer THOMPSON a second time, I am positive.

Q. There were three members of the unit who went up, including Warrant Officer THOMPSON. Did you speak to any of the other individuals?

A. No, sir. I did not know that there were other individuals there. The only individual that was there-- in fact, Major WILSON told me that Warrant Officer THOMPSON was the only individual that had observed anything in his unit.

Q. Major WILSON told you this comparatively early in the morning?

A. Yes, sir.

Q. But in your mind, at the moment, you did not talk to or remain behind in the van with Major WATKE and subsequently talk to Warrant Officer THOMPSON and/or other members of the meeting?

A. Sir, I'm positive we were never in that van with this meeting of the five individuals, that we were in the tent. I may have spoken to Major WATKE, and what about I don't know. But I don't believe I ever observed Warrant Officer THOMPSON again until I saw him here a week ago or 2 weeks ago, whatever it was. Earlier this week, excuse me.

Q. What was your action then?

A. Sir, I don't know, but I--what sequence of steps I went through. I know I just didn't stop running the brigade and start investigating or looking into this matter. I know that I directed Colonel BARKER to sweep C Company back to this area, and I believe it would have been at this time if I hadn't told him that before. I am confident that I probably alerted Captain MEDINA that this requirement would be placed on him.

Q. When you went to see Captain MEDINA, whom did you have with you?

A. I had my radio operator, Sergeant ADCOCK. I was being flown by my command pilot, Warrant Officer COONEY, and I believe I had Colonel LUPER and either Major MCKNIGHT or Colonel BLACKLEDGE. I may have had my command sergeant major, I do not recall. But I think I had a couple of those people anyway, three of them anyway, I believe.

Q. Do you recall the circumstances on which you talked to Captain MEDINA from the air or somebody talked to Captain MEDINA to try to get a place where you could set your chopper down?

A. This would have been customary. Yes, sir. I am certain I did have him mark the site where he was located so I could land, yes, sir.

Q. Was his unit on the move at this time?

A. I was under the impression it was in an overnight laager position.

Q. When you landed, what were the circumstances of your discussion in talking to Captain MEDINA? What was the physical arrangement of the area as far as what you had to do to talk. Did you have a building you talked in, or did you have to get behind a wall or alongside of a mound or lying in the paddy fields? What were the circumstances?

A. Sir, I sent my helicopter back aloft and had made arrangements that when I threw another round of smoke in the air, the helicopter would come back. I took Captain MEDINA aside. I do not recall if any of the other members of my party walked over with me or not. I took him aside from where some of his company personnel headquarters were, across, I believe, a part of this graveyard where there was a small dike. It was at that point that I talked to him. I know there were no other members of his command around. Whether Major MCKNIGHT or Colonel BLACKLEDGE or Colonel LUPER--those would have been the only ones, I believe, accompanied me over to where I talked to Captain MEDINA. I am not certain. There was no combat action going on at that time, there was no shooting. These, sir, were the circumstances.

IO: We will take a short recess.

(The hearing recessed at 1610 hours, 12 December 1969.)

(The hearing reconvened at 1612 hours, 12 December 1969.)

IO: The hearing will come to order.

RCDR: All persons who were present when the hearing recessed are again present.

IO: Colonel HENDERSON, you recall that from our operation reports, C/1/20 on the night of the 17th laagered somewhere to the south of My Lai (1). Colonel PATTERSON, would you excuse yourself and get those coordinates.

Is that where they laagered on the night of the 17th?

COL PATTERSON: No, sir, they laagered right here, sir.

IO: To the south of My Lai (1)?

A. That is not the location that I visited them.

Q. As we would understand from other individuals we have interrogated, you visited them somewhere to the north of My Lai (1)?

A. Yes, sir.

Q. Would you point out the approximate location up there still further to the north? Right about in that area, is that fairly accurate?

(HENDERSON)

A. No, sir, I visited them more in the vicinity of what's shown there, just to the northeast of objective 2, down a little bit. Right about that area, perhaps a little bit more east. Right on the outskirts of the village, and in a cemetery that was there.

Q. Recognizing a combat unit had laagered in that area, to the south of My Lai (1), and probably going through My Lai (1), would it be a logical assumption that they would cover that much territory in the kind of operation they were conducting in such a short period?

A. Sir, I know what you are getting at, and it still seems to me I got up from that conference with THOMPSON and went right out there. And I just cannot rationalize in my own mind not doing that.

Q. Let me ask you something else. If you had talked to MEDINA before you had the meeting with General YOUNG --

A. (Interposing) Yes, sir.

Q. And with the other people --

A. (Interposing) Yes, sir.

Q. Would you have not known a whole lot more about the situation from talking to Captain MEDINA?

A. I believe that I passed to General YOUNG, at that time, Captain MEDINA's reaction to this accusation that he had killed a woman.

Q. Well, at this stage of the game you are interested in a whole lot more than the killing of one woman, are you not?

A. Oh, absolutely, yes, sir. And that's why I believe I had told General YOUNG I had already initiated an inquiry into this thing, and that's why I do not believe I was directed by General YOUNG to conduct an investigation. Although, if I hadn't said that, I'm certain he would have directed me to. So I--

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Q. (Interposing) We have testimony from two of the individuals who were on the scene when you visited Captain MEDINA. One was Captain MEDINA himself.

A. Yes, sir.

Q. The other one was one of the individuals that accompanied you, Colonel BLACKLEDGE, your S2.

A. Yes, sir.

Q. Another individual that accompanied you was your artillery officer, Lieutenant Colonel LUPER.

A. Yes, sir.

Q. Both Captain MEDINA and Colonel BLACKLEDGE indicate that it was later on in the day that you talked to Captain MEDINA. Now I'm talking about the time of day, I'm not talking about the date. I'm talking about the time of day. This varies from 11 o'clock up to 2 o'clock, but it was not early in the morning.

A. Sir, this later in the afternoon or later in the morning would go along with Colonel BARKER's reluctance to sweep Charlie Company back through that area because of the schedule. There were already helicopters laid on to extract them, and there was insufficient time at the time I issued those orders. If I had issued them immediately in the morning, there may not have been. I thought I had this firm in my mind, sir. I can be wrong. It could have been in the late morning or afternoon that I talked to Captain MEDINA.

Q. I quote here, now, testimony of Colonel BLACKLEDGE. He said, "I would say, sir, it was probably sometime between 10 a.m. and 2 p.m." This is Colonel BLACKLEDGE talking, who goes into considerable detail as to what transpired. Also, when Captain MEDINA was asked the question, he indicated that he was due for an extraction to the north of there, across that river, between 1400 and 1500 hours, so he figured it was in the neighborhood of about 1330 in the afternoon. But it is quite immaterial whether it's 15 or 20 minutes or one-half hour, give or take. The real question I'm getting at is whether you visited there before you talked

to General YOUNG, or whether you visited there after you talked to General YOUNG. And I might say, Colonel HENDERSON, that this also ties in to some of your previous thinking and statements to the effect that immediately when you finished talking to Warrant Officer THOMPSON and possibly the other people--I don't know about the other people at the moment--you immediately took off to see Captain MEDINA?

A. This is my thought on the subject, that immediately upon talking to THOMPSON, after talking to Warrant Officer THOMPSON, I immediately went out to see Captain MEDINA. I cannot place that meeting in there. I mentioned earlier that the thought of that meeting -- I had forgotten about having a meeting or having a discussion with General YOUNG.

Q. How could you possibly forget that? I'm talking to you as a combat soldier. How could you possibly as a commander forget something like that? Where you, as a commander, and one of your units -- a most serious allegation is made concerning the activities of your unit, and you forget it?

A. Sir, there is a lot of things about this I have forgotten and I'm trying to recall. Frankly, I'm having one hell of a difficult time recalling some of these things. And I just cannot in my own mind....

Q. Well, this is our purpose, Colonel HENDERSON. We're really trying to dig out the facts and circumstances of what happened, and for this reason I'm really attempting to provide you as much information as possible based upon what other people have told us and from the logs of the division which provides us the laager area, for example where they laagered, where Charlie Company laagered. This comes right from the log of the Americal Division which your headquarters had transmitted to them. We are carrying right on, on this basis, and we are trying to put together a logical sequence of events. Recognizing time and space factors, only certain things can happen.

A. Yes, sir.

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Q. So this is our purpose, really, to try to put this together. This is also, I might say, Colonel HENDERSON, one of the reasons why I think it would be advisable if you would try, if you could and I don't know that you can do this, if it would be possible, to separate your thinking from your previous testimony so that that doesn't fog the issue. So here we have, as I have indicated, a situation where you think you went out there very early in the morning and frankly, within the time and space, I'm not even sure you could have made it.

A. Yes, sir.

Q. To be very honest with you, just put this together now and form a bit of logic. I don't know exactly how much time you had to take to leave LZ Dottie; to leave the headquarters area; to get down to your chopper; to get loaded up; to take off; to fly; to gain altitude; to fly down there; to get the area marked; and to land. And recognize you are stopping an individual in the course of a movement, and you land and talk to him, and at considerable length, I might add, from all indications. And then you become airborne again and you get back to LZ Dottie in time to meet General YOUNG at 9 o'clock. I'm not saying it didn't take place, but from what I know of situations such as this, where you have to fly in the neighborhood of roughly 12, maybe 14, maybe 15 kilometers as the crow flies, and with the discussion time and so forth, an hour wouldn't make it. An hour and 15 minutes wouldn't make it. Now again, there may have been some special circumstances that made this possible, but the indications are from the people that were on the ground where you landed and talked to Captain MEDINA that you had a member of your staff. You also had one of your attached commanders with you. The individual on the ground, it was his recollection that it was midday or sometime after it. One of your senior staff officers recollects it at about midday, a little bit before, a little bit afterwards, it's quite immaterial, but it was after 9 o'clock in the morning.

A. I would rely on their timing a hell of a lot better than my own, general, frankly.

Q. Well, I'm not saying that either. I don't mean to say that. You see, these statements were made with no thought in mind of what time you had established. But now for the sake of developing the sequence of events and the things that followed, it does become essential for us to find out when things happened within the reporting chain of command, and that's what we are getting at.

A. Yes, sir.

Q. It would be possible then, that you may have talked to THOMPSON ahead of time before this meeting?

A. Yes, sir.

Q. But it is also conceivable that you did talk to him after the meeting as was indicated by Major WATKE, and after that discussion then took off to go to this meeting with Captain MEDINA?

A. I talked to Warrant Officer THOMPSON only once, that I am positive of. I did not see Warrant Officer THOMPSON at the conclusion of our meeting and I did not see him with WATKE. I'm under the impression that Major WATKE sent him up to see me with his executive officer.

Q. You may not have seen him with Major WATKE because, according to what Major WATKE indicated, after that meeting, which I am giving you quite a bit of reconstruction on, of these five people, the other people departed but Major WATKE stayed a minute and the two of you talked. You had evidently given him some instructions to get THOMPSON and these other people up here, and he departed. It was his recollection that three people went up to see you. He does not say that three people talked to you. He does not know, but he knows that three people went up to the appointed place.

A. When Major WILSON brought Mr. THOMPSON in he was the only one that reported to me, and the only one that I knew was available or had seen anything.

Q. All right, it is relevant before or after because of the initiation of the reporting system.

A. Yes, sir.

Q. The investigation system, we'll straighten this out more with other witnesses. Believe me, we must do this for everybody's sake, and we are going to do it.

A. Yes, sir. I understand.

Q. Now let me take you back again to being on the ground with Captain MEDINA. By this time you were reasonably well-advised by Warrant Officer THOMPSON as to what took place, and you may have been further advised by the meeting with the other four individuals.

A. I acknowledge that, yes sir.

Q. Now, based upon that, what was your discussion with Captain MEDINA?

A. I recall calling Captain MEDINA aside, and I told him I had a very serious report from a pilot who was flying over the operation on the 16th. That there had been possibly indiscriminate killing of civilians, and specifically, a captain had been identified shooting a woman. And I remember saying, "Dammit Ernie, I want the truth from this, was that you?" Captain MEDINA replied immediately in detail, and it was almost step for step what the warrant officer had relayed to me, the only difference being the hand movement that MEDINA had seen out of the corner of his eye as he was moving away from the wounded woman who he had earlier assumed dead. I then asked him about any killing of civilians that his troops could be involved in that he couldn't have seen. He said he had had no such report from his platoon leaders, and he was certain he would have if it had happened. I told him that this was a very serious allegation, and it wasn't the 20 civilians we were talking about but possibly more than 20. He said, "Sir, I reported," and he gave me another figure which was contrary to what Colonel BARKER had given me the night following the operation of the approximate number of civilians killed in the area. I asked Captain MEDINA how these civilians were reported to him as being killed and he said they were reported by his platoon leaders as they came upon these bodies, while moving through the area. And I asked him if all of them had been killed by artillery and by gunships and he said, "Yes." I said, "How do you account for the woman you just admitted shooting?" He said: "Sir, after I had shot her, I went and checked around her body for any equipment she may have had. And I found in her vicinity a basket which had some medical supplies in it, and I chalked her off as a VC nurse." He also said that the platoon leaders that had reported these to him, he did not believe that they had physically gone over and checked the body to determine whether it was artillery or whether it was gunship fire; that this report actually had been made after they had arrived at their overnight laager position on the 16th; that it was a reconstruction of what had occurred and how many civilians had been killed;

that Colonel BARKER had called the previous evening out in the field and he had gotten his platoon leaders together. To the best of their recollection, this was the number and he was reporting somewhere between 20 and 28. This discrepancy of eight concerned me. My division commander asked me for a report and I expected to be as accurate as I could. He told me he had made this report to Colonel BARKER. I asked him about the additional killings, and he said, no, that there had been none. And he was extremely positive about this. I do not recall asking him about this machinegun confrontation. I could have and I would have known about it if I had already attended this meeting at fire base Dottie. But it could have been in my--I don't want to say it was unimportant, it was certainly important, but I did not approach him on that subject at that time. For this reason, it does not jibe with me what time I was out there. It doesn't agree with my own thinking of what time I was out there. And it was after I had talked to him that I informed Colonel BARKER that I wanted this company to sweep back through this area.

Q. Do you recall anything else in your discussion there with him? I say this because according to Colonel BLACKLEDGE, who had no previous knowledge of any of your discussions during the morning, he was under the impression that you were really pressing to get information concerning civilian casualties. That is, we were reporting this large number killed, and so on. What about the civilian casualties? How many of these were civilians? Does this ring a bell with your discussion with Captain MEDINA? I'm not saying those are the exact words. You made quite an impression on your S2.

A. I know. I had talked to my S2. I'm sure and I probably talked to Colonel LUPER and my S3 that when I got this report of 128 VC killed, I was highly suspicious. Although I had the report that the LZ was hot, initially cold then immediately hot, that gunships had observed VC moving out of the area and had taken these under fire, I also had the report from these two VC suspects that I had picked up that turned out to be RF/PF that the VC had departed that area at first light. I was suspicious of the 128 body count and I believe--I didn't tell MEDINA that I didn't believe the body count, but I asked him where were the bodies, that I hadn't seen them, where were they? He said that a great number of them that were spread out in bushes and among trees along the way the gunships had taken under fire. Others were in the defensive bunkers around the village. And it is possible you can't see a body or I didn't see any, and it is pretty hard to see from the altitude I was flying. But I continued to hold the suspicion, yes, sir.

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Q. Can you tell me why at this stage of the game, recognizing your suspicion and what you might have been dealing with, why you decided to retain this within yourself and not to appoint an investigating officer?

A. I wish I had, General, but I didn't. I think some of my thinking was that I had just assumed command of this brigade and that it was my brigade and dammit, I wanted to run it. I wanted to find out what in the hell was happening. I didn't yet have control, I recognized that. I know when I went out there to see MEDINA that I expected to relieve him, until he came back to me with this somewhat plausible explanation. I had this in my mind.

Q. But let me put another situation to you now. You had the description of many dead civilians, noncombatants, all over the place?

A. Yes, sir.

Q. MEDINA satisfies in your mind one and possibly 20 or some other figure in that order of magnitude. Did this satisfy your curiosity or your suspicion?

A. No, sir. That's why I was having MEDINA go back through that area so he could see what in the hell he had killed and make a more positive count. Again, you are right. Many of these bodies would have been removed. I do not believe they would have removed 128 plus the 20 civilians within the length of time because the operation was still going on in the general area.

IO: I think about this time we had better clarify this matter of the order of C/1/20 to move back in the area of My Lai (4).

MR WEST: As I recall, Colonel HENDERSON, you feel now this occurred on the 18th and that you gave Captain MEDINA orders to sweep his company, Charlie Company, back to the My Lai(4) hamlet to make a body count?

A. I feel that I alerted him that this was going to be placed on him the minute I talked to Colonel BARKER. Yes, sir.

Q. Oh, I see. Well, then, let's follow that a little further along. Did you subsequently talk to Colonel BARKER about this?

A. I did, sir.

Q. What happened?

A. I informed Colonel BARKER that I was not satisfied. That THOMPSON's report to me was loud and clear. I believed he had seen some of the things that he had reported to me, and that MEDINA did not appear to know what in the hell had occurred. BARKER was quite strongly opposed to moving the company back through there. I believe he told me that he himself had set down in the vicinity of My Lai (4) and that he hadn't seen any of this. Also, he told me about the early extraction or planned extraction of C Company and that there was inadequate time. If he didn't get them back now, the helicopters would be lost. It was because of some troop movements in the area that if he didn't take them now, they wouldn't get them, and they would have to walk out. He was concerned about mines and booby traps. And this is an area you have to be concerned about mines and booby traps in. However, I refused to accept his argument and told him I wanted that company to go back through there and render a report by the type; male, female, and children, how they were killed; and inspected by an officer. While they were at it, they could look around in those rice paddies to see if they could pick up any weapons.

Q. What did Colonel BARKER do then?

A. To the best of my knowledge, Colonel BARKER instructed Captain MEDINA that he was to sweep back through My Lai (4).

Q. Did this ever occur?

A. It did not. I don't recall where I was, but I was down in the Duc Pho AO when I got the word that General KOSTER, well, I got the word, it was relayed to me in my command and control ship, that General KOSTER had countermanded my instructions. That was the information I received.

Q. Colonel HENDERSON, let me take you through the pertinent testimony of three witnesses on this set of facts having to do with the orders to Charlie Company to sweep back through My Lai (4) Hamlet and make a body count. All three of these witnesses testified as to events on the afternoon of March 16, 1968, it starts around 11 or 12 o'clock noon. According to the testimony of Major WATKE, Mr. THOMPSON and

one or two other members of his company came to him and they were disturbed about what they felt was needless killing of civilians during the morning in My Lai (4) Hamlet. They told their story to Major WATKE. Major WATKE was asked:

"Q. What time was it?

"A. I placed it some where around 11 o'clock or maybe a little later in the morning."

A. This was the time of the killing, sir?

Q. This was the time that Mr. THOMPSON reported the incident to Major WATKE, his company commander. I'll continue:

"A. They had come back and they felt there was some indiscriminate shooting in the area. There were people who had been wounded needlessly out there. They didn't think it was right. They felt compelled to tell somebody and they didn't know who to go to. I was their company commander, so they came and told me."

Major WATKE listened to this story and as he said later:

"I contemplated this for a while, I would say maybe 15 minutes or so, wondering what to do about it...My people brought it in to me, and I cannot resolve the problem to them, to their satisfaction. So I went to Colonel BARKER to bring it to his level. It was his troops. Of course, I was concerned more that my people had entered into heated argument so to speak with the ground troops. This is an untenable situation."

He told Colonel BARKER the story that Mr. THOMPSON told you and he was asked when this was. He said:

"15 to 30 minutes after I had finished my talk with THOMPSON."

"Q. That would be about what time?

"A. Almost noon, sir."

He went on to state that Colonel BARKER seemed quite concerned about the matter and he was asked:

"Q. Did you hear him issue instructions subsequent to that time?"

Major WATKE said:

"A. He issued--as I recall, Major CALHOUN was up and he called him and instructed Major CALHOUN to, in effect, look--have a check on the ground, and if anything abnormal was going on--what specific order was given, sir, I don't recall. Then he left to move to the helipad which was some 2 minutes maybe from the TOC, and I walked on back down to my TOC."

During Major CALHOUN's testimony, he recounted the events of the afternoon of the 16th. This included some testimony about ordering Charlie Company to go back through My Lai (4) area. In response to a question Major CALHOUN stated:

"A. Late in the afternoon, I would say at 1600 hours approximately, we received a call from brigade asking us what were the number of civilians hurt and if possible to try to determine how they were hurt, how they were killed or wounded. So Colonel BARKER was sitting there monitoring the operation at the radio at this time. He instructed me to contact Captain MEDINA, who at this time could contact from the task force headquarters, and ask him to count the number of civilian casualties to determine how they were either killed or wounded. Captain MEDINA told me at that time, that he was east of the village, out of that particular area, that he would have to retrace his steps going back to the village, that he thought there was somewhere between 20 and 30 killed, he felt, mostly by artillery, but he would have to form his company up and retrack and go back some distance to the village. At that time the division commander must have been monitoring the conversation between myself and Captain MEDINA. He broke in and said he did not want the company to return to the village and that was it.

"Q. That was sometime in the neighborhood of late in the afternoon.

"A. The best I can remember, sometime after 1500 at least."

On that same point, during Captain MEDINA's testimony, he went over this twice. This is on the afternoon of 16 March 1968. And he was asked a question:

"Q. Were any of the civilian casualties reported as civilian casualties?

"A. Not at the time, no, sir. I did not report them as civilian casualties, but I did later on.

"Q. Do you recall when you did?

"A. We had married-up with Bravo Company in the night defensive position. I guess it was somewhere between to 1530 and 1600 hours.

"Q. Do you remember the noncombatant count? The count of noncombatant casualties you reported?

"A. Major CALHOUN wanted to know how many civilians had been killed. I told him I did not know exactly. He said: 'I want you to move back into the village and get a count. I want to know how many males, women, and children are dead in that village.'"

Then he stated substantially what was said in the other testimony about the problems of going back, retracing their steps.

"Q. What time did he direct you to return to the village?

"A. Again, I would estimate the time to be 1530 hours to 1600 hours, somewhere between that time. I'm not definite on the time. I believe the call sign was Sabre 6. It was the division commander. He was somewhere in his helicopter. He broke in on the radio and said: 'Negative, don't send them back through that mess. There is no need for them to go look at that mess,' or words to that effect.

"Q. At that point of time you had evidently resumed the operation moving toward the linkup with B/4/3?

"A. Yes, sir. That had already been completed. We had already married-up with B/4/3."

Q. The testimony of those three witnesses was on the afternoon of 16 March 1968. Does this help your recollection, Colonel HENDERSON?

A. I know I was damn concerned when I got the report of the number of civilians that was reported to me who had been killed. And I wanted to know how they had been killed. But I still feel that I ordered them back through there after I got the report from Warrant Officer THOMPSON. I was always unhappy when civilians were killed, but I think I ordered them back after I had talked with THOMPSON.

Q. Well, if I might say, this testimony does indicate a chain of events, of course, beginning with THOMPSON's report to Major WATKE. He gets in touch with BARKER. Whether or not he got in touch with you, our testimony is not too clear on that. Colonel BARKER called Major CALHOUN, he called MEDINA, Sabre 6, General KOSTER, cut in and put an end to it. You can see why we are concerned about the discrepancy and want you to go into this.

IO: Before you go on, let me cite one other thing that is evident in there and maybe this might help you just a bit. If you recall Major WATKE, what he had indicated, telling Colonel BARKER of the THOMPSON incident along about noontime on the 16th?

A. Yes, sir.

Q. You, earlier than this, had gone down to see then Colonel TOAN, division commander of the 2d Division?

A. Yes, sir. 11 o'clock on the 16th.

Q. According to your testimony, you later came back and you later talked to Colonel BARKER in the afternoon. Could he have, at that time, informed you of his discussion with Warrant Officer THOMPSON or with Major WATKE?

A. He did not, no, sir. This hit me cold, the way I feel right now, when I talked to Warrant Officer THOMPSON, and that's why I think I talked to Warrant Officer THOMPSON before I talked to General YOUNG. I know that was the first time that I had heard about any large number of civilians possibly killed in that area, except that 20 was also large, sir. And it may be that when he gave me the report of 20 that I told him to sweep back through there. But this is not the day that General KOSTER countermanded my instructions. It may be that Colonel BARKER--I'm guessing now, I just don't know.

Q. Well, the fact of the matter remains, that they did not return through My Lai (4)?

A. That is correct, sir.

Q. On the 16th, on the 18th, or any time in that immediate period, is that correct?

A. That is correct, sir.

Q. Before we proceed beyond this point, does anybody have any questions they would like to address to Colonel HENDERSON?

MR WALSH: You testified earlier, Colonel, that when you reported to General KOSTER on the evening of the 16th, the number of dead civilians was not six or eight that had been indicated in the morning, but was 20?

A. Yes, sir.

Q. I think you said General KOSTER was very concerned?

A. Yes, sir.

Q. Did he give you any instructions about that?

A. Well, he asked me how they had been killed and I told him that I had asked Colonel BARKER to give me a report. And I recall getting the telephone call from Colonel BARKER that evening updating the six or eight that I had known about that had been killed to 20. And I immediately called General KOSTER. I'm positive this was after dark, and that is why I would not have ordered C Company to sweep back through that area on the 16th. It was already in the evening when I received the confirmation from Colonel BARKER of the 20 dead. When I called General KOSTER, he too was concerned, and he wanted a breakdown on how these individuals were killed. He wanted to know first of all male, female and children. He wanted to know whether they were killed by artillery, gunships, or small arms fire: how they were killed. After I talked to General KOSTER, I called Colonel BARKER to let him know of General KOSTER's personal interest in this thing.

Q. And you subsequently got that breakdown from Colonel BARKER?

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A. I did.

Q. Of the 20 civilian casualties?

A. Yes, sir.

Q. On a 3-by-5 card?

A. That is correct.

Q. When you talked to General KOSTER that evening, do you recall any conversation or anything General KOSTER may have said about stopping the movement of C/1/20 back into My Lai (4)?

A. No, sir. There had been no instructions given up to this time.

Q. That is in your recollection at this moment?

A. Yes, sir.

Q. Other witnesses have testified somewhat at variance with that, but to your mind, at this moment when you gave him that body count of 20 civilians killed, he did not raise the subject of having indicated that he did not want that company to sweep back through there at that time of the afternoon?

A. That is correct, sir. He did not.

Q. Or into that "mess" as it has been described?

A. He did not, sir.

Q. On the 18th, after you had talked to Captain MEDINA in the area, what was your next action with respect to looking into the situation?

A. After I talked to Captain MEDINA, I again talked to Colonel BARKER. And I was under the impression that I had talked to Captain MICHLES and I now do not believe that I talked to Captain MICHLES at that laager area. I don't recall when I talked to Captain MICHLES.

Q. If I could draw a little picture of the situation there as provided by other people, maybe this will refresh your memory a little.

A. Yes, sir.

Q. This is not saying this is exactly the way it was, but it was a typical tactical situation out in a comparatively open area with some broken walls and so on around, but still good fields of fire, to the point where people weren't standing up and looking around and talking, but rather than that more or less lying on the ground or seeking the protection of a mound in order not to be caught by any enemy sniper fire. Various scattered local protection was provided by the command and control detachment because the other platoons at that time were still in the process of their maneuver and sweep. You and MEDINA and the other individuals were hunched down and talking so that the other individuals do not have a total recollection of what transpired between yourself and MEDINA, with the exception of certain points which might have been overheard. Is that a fairly accurate--

A. (Interposing) That is correct, sir, because I recall now the minute we jumped out of the helicopter, it went airborne so as not to draw fire in there. Captain MEDINA had run up and saluted and I said let's get the hell out. We headed for a dike keeping low to the ground, and we knelt when we got over there.

Q. So that was the general environment?

A. Yes, sir.

Q. I'm not saying that's what happened, but it lends a portrayal--

A. (Interposing) I can almost picture the little area or the spot where we talked. I do recall there was just such an area.

Q. So at this particular time, as far as you are concerned, Captain MICHLES and his unit was not in the immediate proximity?

A. That is correct. I did not talk to them together as I was thinking before. You're right. I do not believe I did anything further up there except to notify

Colonel BARKER to have C Company sweep through, and I am positive that it was at that time right after I had talked to Captain MEDINA that I issued those instructions.

Q. How did you issue them?

A. I think I went back to Fire Support Base Dottie and told BARKER what I wanted, told Lieutenant Colonel BARKER what I wanted. And I'm positive also that I related to Captain MEDINA while I was on the ground that this requirement would be forthcoming. I do not believe that Captain MEDINA raised any issue about it or stated that his troops were too far away or anything else. There was no problem there. Colonel BARKER did raise several issues with me concerning their scheduled extraction, and the fact that if they didn't use the ships today they would not be able to get them tomorrow because of certain troops, and also the mines and booby trap problems. I was positive that I wanted this done and I wanted it done properly, a sweep back through the area. And to the best of my recollection, at that time I went back down to Duc Pho. At the staff meeting that night I remember calling--I believe I called Major GIBSON aside after the staff meeting. I do not believe I made any mention of this incident at the staff meeting. I'm certain that I did not, except I may have made it clear to two or three individuals. But I did ask Major GIBSON to get his people of the 174th Aviation Company, who had participated in the assault on the 16th, his pilots, and query them concerning whether they had seen or participated in any of this wild shooting or indiscriminate killing of civilians.

(LTC PATTERSON departs the hearing room.)

Q. Colonel HENDERSON, even though you had issued these instructions to C/1/20 to return to My Lai (4) for one reason or another whether it was because at that time the order was countermanded or whether this action had taken place on the 16th, the fact still remains that C/1/20 did not return to My Lai (4). Is that correct?

A. That is correct, sir.

Q. The story we have from Captain MEDINA, is that subsequent to your departure and starting sometime in the neighborhood of 1400 to 1500, north of the Diem Diem River, the first lift was to come in to pick up his troops to return them to LZ Dottie. Do you recall the situation?

A. I was under the impression that he was being lifted out of the location where I met him, sir. I did meet him near My Lai (1).

Q. And although this is his story, it would be irrelevant in my view where they picked him up.

A. Yes, sir.

Q. But the time would be relevant. As I would recall your story and your testimony, when the first unit arrived back at the LZ, you met them?

A. Yes, sir.

Q. Right?

A. That is correct, sir.

Q. What time was that?

A. I would suspect that this was around 1600 hours in the evening.

Q. Would you repeat again what transpired at that time?

A. When I arrived at Fire Support Base Dottie?

Q. Yes, and what action you went through with these troops. Organizing this day as we go through it, you've talked to a group of senior officers together, in which some very serious allegations had been made, and at least, according to testimony, you had been directed to investigate the situation. You had also, at least, talked to Warrant Officer THOMPSON. You had also gone out into the field and you had talked to Captain MEDINA and you had indicated previously that you had personal suspicions?

A. Yes, sir.

Q. And now we are getting to these troops back on the ground?

A. Yes, sir.

Q. What did you do?

A. As I arrived up there, or shortly after I arrived, I think I was en route to the TOC, walking to the task force TOC, when I noted that one CH-47, I believe, and one or two Hueys were landing up at the refuel pad. I observed a relatively large number of troops coming off. I do not believe I had gotten down to the TOC and discovered the extraction had actually started taking place. I grabbed, I believe it was, an NCO, the lead man to head down towards their position. I asked him what unit this was, he told me it was C Company. I said, "Just hold up the men here a minute, if you will, sergeant. I want to talk to your people." He held them all up there, until the helicopters were airborne again and they could hear me. I told them that I had had reports that they had done a damn fine job, and I was proud of them. I certainly appreciated the difficult job that the infantrymen had, but that I had an unsubstantiated report that there had possibly been some indiscriminate killing of civilians during their operation on the 16th. I told them that if this were true, it would certainly take away much of the credit that they deserved for this job that they had done. I asked them in a group, if any of them had observed any indiscriminate killing of civilians and I didn't use the word My Lai. I had never heard of the name My Lai although I recognized it on the map, but I had not paid attention to that particular name at that time. I looked through the group of these 30 or 40 soldiers and I got no reaction. It wasn't just a dull look, there was just nobody apparently going to speak up whether they had or whether they hadn't. I then pointed specifically to two or three or four individuals in the group and asked, "You, young man, did you see any killing of civilians, or did you get any reports, or did you hear anything about it?" And I got back a loud, "No, sir." And I pointed to another man and there was something of a stir in the group. Their heads were a little higher. They were looking at me, they had been looking at me, and I pointed out three or four of these individuals, I asked them a specific question. "Did you participate in, did you observe, or did you hear of any reports of civilians being killed at this operation?" I told them we had a report that 20 had been killed by artillery and gunfire, but that I was speaking above and beyond that and to each of the questions, I got a "No, sir." I know that I personally felt a hell of a lot better after talking to these men, that maybe something didn't happen. Maybe Warrant Officer THOMPSON just

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didn't see what he thought he saw. And I stood there--I also found out, at the beginning of this, that these men were from the 1st and 2nd Platoons of Company C and there was one man, I believe, from the headquarters element. I sort of asked them to hold up their hands, or maybe the sergeant did it for me. I forget how I found that out, but I found that out while I was there. And I got no reaction. Then I told the sergeant to go ahead and take charge. He called them to attention and gave me a salute and dismissed them, and they moved back down the hill and I stood there and watched them pass by me. No individual soldier made any effort to speak to me. I made myself available. I then went down to the TOC and talked to whoever--and I just assumed it was Major CALHOUN--to inform me why the order to sweep the company--to fill me in again why the order to sweep C Company back through there had been countermanded by General KOSTER. He gave me the report, I believe, that General KOSTER was flying overhead and asked for the SITREP, and Colonel BARKER informed him that I had just ordered the company to move back through the operational area to update the body count or something of this nature. He did not like to subject the troops--I got the word that General KOSTER stated he did not want to subject the troops to the mines and booby traps in that area. Since the ships were available, he would overrule my order, but had directed Colonel BARKER to notify me immediately of this.

Q. When General YOUNG talked to you in the morning, did he inform you whether or not General KOSTER was aware of this situation. I'm talking about the morning of the 18th now, concerning an incident that took place on the 16th, and General YOUNG himself had been well-informed?

A. No, sir, and I did not know--I do not believe that I knew that General YOUNG had known about it before that morning.

Q. You knew on that morning that he knew?

A. That he knew that morning, yes, sir. No, sir I did not know whether General KOSTER did or did not know the reason.

Q. I'm not going to say whether this is a logical assumption but recognizing the way assistant division commanders and division commanders and the way people function, it does

seem somewhat natural that if General YOUNG had known what was told to you on the morning of the 18th, and if he had known it on the 16th or the day of the 17th, the night of the 17th, even the morning of the 18th, that the division commander would have been informed?

A. Yes, sir.

Q. And did this thought come to your mind, "Why, if he knew that, why did he on the 18th," now, mind you, "Why did he countermand your order to get back in there to check this atrocity out?"

A. I personally thought he did know this when I received the instructions that he had countermanded my order. I don't know what led me to believe this, but I certainly had it in my mind that he had and I was trying to verify that he had actually given the order. I did not question nor did I call him that night, although I did talk to General YOUNG the next day as to why this order had been countermanded. And I talked to General KOSTER on the 20th as to why the order had been countermanded, when I made my oral report to him.

Q. What reasons had they given, recognizing the magnitude of the report which had come from the aviation people?

A. General YOUNG gave me the reason. It was that Colonel BARKER had been the one that suggested that he did not want to subject the troops to having to go back through these heavily-mined or usually heavily-mined and booby-trapped area, and then have to walk them out afterwards since the aircraft would not be available and that he was unable to get hold of me to get my approval, that General KOSTER said, "All right. I will give the approval, then. However, you are to notify Colonel HENDERSON immediately."

Q. Well, even though I might accept this particular thing, you are still faced with a very serious allegation, is that not correct?

A. That is correct, sir.

Q. Would it not appear that some way or another, just for the protection of the division itself, that even though you had to initiate a completely new operation to go back into the area to ascertain this?

A. Yes, sir.

Q. Was this ever considered?

A. It was not, sir.

Q. When you talked to these men as they came off the helicopter, what did you really expect to get from them?

A. I did not go up there with the idea of really talking to these troops. I went up there to find out why my orders were countermanded--what reason for it. The occasion of the men just getting off the helicopter, they didn't know me as their brigade commander, since I had just assumed command a day or two before that. I wanted them to see me. I wanted to see them. I felt that in light of not being able to sweep them back through this area, maybe I could get something out of them. I realized it was just a feather in the wind, but it was my hope that if something had gone wrong, that one of them or groups of them would have spoken up and told me what it was.

Q. Did it ever occur to you that, psychologically, this was a very poor time and very poor circumstance to be asking individuals if they committed atrocities?

A. I really didn't stop and think of it. I have thought of it since and I agree, psychologically it would have been a bad time. And I wouldn't expect a man to stand up and say, "Yes, I killed a bunch of people."

Q. Not only because of himself, but because of the unit psychology. He as part of the unit. If he was with the 1st Platoon, he would be telling on the 1st Platoon. Would you really expect under those circumstances to get anything out of them?

A. I really didn't expect anything, I don't think, in words. But I expected, if anything, in actions. I watched these men specifically for any actions or reactions that I could get from them and, General, I swear when I talked to those men I did not believe at that time, and I still don't believe, that those men were soldiers who had just come out of that area after killing a bunch of women and children. Their heads were held high and there wasn't any "dogtail" look about them. I know I passed on to General YOUNG this reaction that I had gotten out of these men. I don't mean they were whooping and hollering; they were tired. They probably hadn't had any sleep within the past 2 or 3 days. They were holding their heads high. There wasn't a man who was trying to hide or failing to meet my eyes.

Q. This may well have been your interpretation. It is also conceivable there may have been the vast bulk of 2d Platoon there, with a scattering of the 1st Platoon and with some 3d Platoon. And you may have, in fact, as I would have seen the situation, not been addressing the right audience, perhaps.

A. This is possible, sir, because I didn't know really which audience of the company had been involved. It could have been the 3d Platoon. I didn't know this. I didn't know really the order of 1, 2, 3, and the headquarters element. But I did ask them specifically what platoons they were from or I got the report they were a mixture from the 1st and 2d, plus one or two men from the headquarters. I then verified what the order of the assault was and accepted that I had talked to some of the right people.

Q. Did you ever make any effort to get the platoon leaders and a few of the key platoon sergeants and some of the other ones off where you might talk to them individually if you wanted to find out something?

A. No, sir. I did not.

IO: We'll take a 10-minute recess at this time.

(The hearing recessed at 1730 hours, 12 December 1969).

(The hearing reconvened at 1740 hours, 12 December 1969).

IO: The hearing will come to order.

RCDR: All persons who were present when the hearing recessed are again present.

IO: Would you pick up your story, Colonel HENDERSON, after you had talked to the men coming off the hook, or CH-47?

A. I continued on down to the TOC of Task Force Barker, the tactical operations center there, and talked, I believe, to Major CALHOUN. I asked him to repeat to me the exact instructions that General KOSTER had given, and he was unable to recall the exact instructions, but there was no question in his mind what they were, what it was. General KOSTER had ordered the extraction to take place as scheduled.

Q. Did he order the extraction to take place as scheduled or did he order C/1/20 not to go back to My Lai?

A. He ordered the company not to comply with that instruction to sweep back through the area and to go ahead and execute the extraction as scheduled. I then verified that the aircraft were available for the final lift--we were using the Hueys for the final lift, using the CH-47 for the majority of the moving of the troops out. Then the last platoon, or the last half of a platoon, or whatever it was, would come out with slicks.

Q. Why was this necessary?

A. Because of the generally hostile area, and this was the way we conducted these operations.

Q. Well, yes, if they had been in the area where there were no other friendlies. According to the information, one of the reasons that they crossed the river to get into the north was the fact that they had been going into the area of A/3/1.

A. A/3/1. I just don't believe A/3/1 was still in that area. They had to provide at least one platoon and usually more back at Uptight, to provide security for LZ Uptight. We had only an artillery battery there. I could be wrong. I don't believe A/3/1 was there at that particular time. I did assure myself they had sufficient lift and the gunships, and that the extraction was proceeding. Colonel BARKER was at the extraction site. I did not talk to him any more about it. I was a little embarrassed that the division commander had to come down to take over my command, so to speak, but--

Q. (Interposing) Well, would he have necessarily come down? He could have been in the air over Chu Lai and have done that.

A. That is correct, except that he apparently called in for a SITREP report from the battalion and that Colonel BARKER had decided to get a decision from him. I just checked it off in the back of my mind as something I would discuss with Colonel BARKER later, and I then returned to the Duc Pho AO.

Q. What was your next action?

A. I believe it was that evening following the staff meeting or else I made a special call, I'm not certain, to Major GIBSON, to get me a report or to get a report from each of his pilots. I did relay to him the general statements made by Warrant Officer THOMPSON, and asked him to question these pilots and give me a

report if any one of them had seen anything, and what he had seen. That was, I'm sure that was on the 18th.

Q. Now, how did you give this information to Major GIBSON?

A. I believe I held him after the staff meeting on the 18th, and talked to him in my briefing room.

Q. Are you positive you talked to him?

A. I'm certain, I am, sir, because I got the reply from him.

Q. Are you certain you received a reply from him?

A. Yes, sir.

Q. When did you receive your reply?

A. The next day.

Q. And what was the reply?

A. The reply was that he had talked to all of the gunship pilots that had been supporting Task Force Barker on the 16th, and that none of them had heard or seen any indiscriminate shooting, nor had they participated in any. He got a complete negative response from his people.

Q. Did you receive this in writing?

A. No, sir. I received it orally.

Q. Was all of the gunship support provided by the 174th?

A. For the actual CA's, all except that which was provided by the Warlords, yes, sir.

Q. Are you sure of that?

A. I was certain of it. I thought I was certain of it. I believe that is correct, sir.

Q. Were you at Duc Pho during Tet?

A. Yes, sir.

Q. What happened to the 174th during Tet?

A. They, along with our brigade, lost every helicopter except for about 6 that we had. Of course, this is a month and one-half later.

Q. Yes, I recognize that, but had they completely rebuilt their aviation assets by about the middle of March?

A. Not completely, no, sir.

Q. When a lift requirement such as this was requested, who normally laid it on?

A. We requested that division provide the lift helicopters plus the gunships that we required for the operation. The division, then, put it out to whatever lift ships were available. Usually for us it was to the 174th, and this operation, I'm confident, they came from the 174th.

Q. How are the gunships of the 174th marked?

A. They are marked with the sharks, the red mouth and the white teeth.

Q. Aside from the gunships which you saw with the aero-scouts, did you see any gunships that did not have those markings on them?

A. I do not believe I did, sir.

Q. Is it possible that you might have talked to somebody else in the 174th other than Major GIBSON and received a response from somebody other than Major GIBSON?

A. It is possible, sir, but I have had it in my mind all this time that it was Major GIBSON that I spoke to, and Major GIBSON I got the response from. I knew Major GIBSON as the company commander. I didn't know any of these other officers, and I feel that if I talked to anybody else I would have remembered it.

Q. What did you do then? At this point, we are now talking of the night of the 18th. You had either on your own or by direction of General YOUNG had initiated an investigation?

A. Yes, sir.

Q. What else did you do?

A. Sir, I do not recall.

Q. Did you talk to any other individuals that may have been associated with this activity?

A. Sometime before the 20th, when I talked to General KOSTER, I had talked to Captain MICHLES, B/4/3. I did not talk to Captain RIGGS of A/3/1 because he had sort of been outside of the operational area. I talked further with BARKER.

Q. What did you expect to get from BARKER?

A. Well, on the 18th of the month I had given BARKER a second mission of keeping his eyes and ears open, so to speak, in making inquiries around there to determine whether we had any individuals in that Task Force who had observed anything concerning this alleged incident at My Lai (4).

Q. During the conduct of this operation--

A. (Interposing) Yes, sir.

Q. Which lasted 3 days, is there any instance that you personally know of that Colonel BARKER got on the ground with the troops, on 16, 17, and 18?

A. Not that I personally know of, no, sir.

Q. Did he ever tell you that he got on the ground and talked to specific individuals?

A. He did, because he had gone to see MICHLES and had gotten nothing out of Captain MICHLES, or Captain MICHLES and his company had not seen anything. But I, too, went out to see or saw and I'm not sure where I saw Captain MICHLES. Colonel BARKER knew that I was looking into this and I was wanting his help too in ferreting out anything we could regarding it. I can not, specifically, say I saw Colonel BARKER out in the area other than talking to MICHLES, which I assume was out on the ground. I'm not certain where else he would have gone.

Q. In your opinion, was he the type of commander that would go out and know what was going on on the ground, that would get together with his commanders?

A. I believe he was, sir.

Q. Who else did you talk to about this situation or what else did you do pertaining to it prior to your reporting to General KOSTER, I believe you said on the 20th?

A. I know I talked further, possibly it was on the 19th with General YOUNG. I went over the people I had talked to and what information that I had. He asked me to make the oral report to General KOSTER which I did, then, on the 20th.

Q. Who prepared the 3-by-5 card for you?

A. I got this from Colonel BARKER.

Q. Who prepared it for him?

A. I believe it was typed. It must have been typed in his TOC. I do not know, sir. I was under the impression he gave it to me on the morning of the 17th, but it could have been on the morning of the 18th.

Q. Continue with your story to indicate what you told General KOSTER, what time of day you reported to him. I would like to know if General YOUNG was present and what additional instructions he gave you?

A. Sir, I do not recall. I believe it was the morning of the 20th. I reported to Colonel PARSON, the chief of staff, or I had called to see if I could get in to see the general. I believe I was told to come at such and such a time. I appeared a little bit early. Colonel PARSON and I sat down beside his desk in a couple of brown chairs he had, and I started relaying to him what the report was and what I was reporting to General KOSTER. I had not gotten started very much when the aide came out and it was made known that General KOSTER was ready to see me.

Q. Were your discussions with the chief of staff, Colonel PARSON, of such magnitude or such importance that he would remember it? Did you tell him that you were reporting an investigation to General KOSTER?

A. I told him I was reporting an incident to General KOSTER that I had been directed to by General YOUNG to General KOSTER. Yes, sir.

Q. Are you sure you talked to Colonel PARSON? Could you have been talking to his assistant chief of staff?

A. No, sir. I would have talked to his chief of staff about this.

Q. Assistant chief of staff?

A. I would have been talking to--I believe he had a major as an assistant chief of staff who was sort of an administrative type. No, I'm positive I reported it to Colonel PARSON.

Q. How far did you get into your story with him?

A. I don't believe I had gotten very far. I can't recall, but I do recall us sitting down there, side by side, in a couple of stuffed chairs and me informing him what this was all about. Whether I told him anything about what I had discovered, or the reports that I had from my own people, I do not know. But I went in then to see General KOSTER.

Q. Was General YOUNG present?

A. He was not present.

Q. Was anybody else present?

A. Nobody else was present, sir.

Q. Did General KOSTER indicate to you how he had learned of the incident?

A. No, sir, but he was aware of it.

Q. You had the impression that he was aware of it?

A. I had the impression he was aware of it.

Q. Tell me what you told him, and what he in turn told you?

A. I started out by telling him first that I had the information regarding the civilian casualties that Task Force Barker had reported killing on the operation on the 16th: the 20. I handed him that card and he took a look at it. I can't recall his exact words, something to that effect, "Damn it! This is just thoroughly unacceptable, and we've got to provide in our plans so this doesn't happen any more." And I assured him that this would receive my continuing attention. I believe he questioned why so many of them were artillery and gunship and no indication of any small arms fire. I told him

that it was a fictitious report from that aspect. That I don't believe that commanders liked to report that small arms could be responsible for civilian deaths when there are the more impersonal weapons of artillery or gunships. It was bad enough the people had been killed. I then told him that the real purpose of this, as I had told General YOUNG, or given YOUNG my oral report that I made of this incident, which the warrant officer from B/123 Aviation allegedly reported that he had observed unnecessary killing during this operation. He said, "Yes, General YOUNG has talked to me about it." I'm positive he told me that, and I do not know how much of-- then I went into what THOMPSON reported to me, but I did report to him that the machinegun confrontation problem had apparently been whipped or had been put to bed, that the rapport between Major WATKE and Colonel BARKER was going well. Major WATKE, of course, had been working down there regularly after this with BARKER's people. I told him that I had talked to Captain MEDINA. Captain MEDINA had been able to satisfy one aspect of this to my satisfaction and I went ahead to explain to him the cause of MEDINA's actions. I told him that I had observed personally only the six to eight bodies that I had reported to him previously in the area, and that I had been over the area quite a bit that day of the 16th.

Q. Was that a fair appraisal, you had been over the area quite a bit on the day of the 16th? You were there early in the morning shortly after the unit had landed. You stayed long enough to pick up the two and departed?

A. To pick up what, sir? Oh, two prisoners.

Q. The two who later turned out to be PF's. You stayed at LZ Dottie, flew back over the area, and went to Quang Ngai City. Would that have been a good appraisal of the area--particularly flying at 1500 feet or so?

A. I had spent more time than that out there that day. I do not recall--the Warlords conducted an operation that day on Hill 85. I had a report that they had recovered some mortars out there. And I took off to cover that operation when they inserted their infantry which they called their "animals," and I stayed over that area for at least an hour, I think, while this operation was going on. I recognize that I'm not talking about My Lai (4) proper; I'm talking about an area down to the south. Whether this was a fair appraisal or not, it was the report that I gave to him that I had observed. That Colonel BARKER had reported to me that he who had been

flying at the lesser altitude most of the day had observed no indiscriminate killing of civilians. That Captain MEDINA also denied it. That I had talked to the troops or to this 30 or 40 people from Company C and that they had denied it. I still believe, even at that time and up until recently, Warrant Officer THOMPSON is the only individual that I placed as having observed something in this area. I believe that I relayed this to General KOSTER. And he told me that generally this is what General YOUNG had told him or had discussed with him, but he wanted to discuss it with YOUNG further or that he would discuss this with General YOUNG further. He gave me no further instructions and I departed. I did raise the question about the countermanding order to sweep the company back through the area. And he indicated to me, sort of a disinterest in this particular thing, "Well, I don't believe it is necessary to find out how these 20--it wasn't that important to find out how these 20 may have been killed." I did not open the issue that there might have been more than 20 within the area. My reason for sending them back might have been more than 20. This was the impression I got from him, and I believe he did say BARKER had said that he had been trying to get hold of me and couldn't.

Q. Do you think that you gave General KOSTER the impression that you had conducted an investigation of this in depth or in considerable depth?

A. I explained to him exactly the depth that I went into this thing. I also informed him from what my informal investigation had shown that I did not feel that a formal investigation was warranted.

Q. With respect to the incident itself at My Lai (4), and that was the situation that was reported to you, right?

A. Yes, sir.

Q. At that point of time, you had talked to Colonel BARKER and you talked to Captain MEDINA and you had talked to a group of people. You had also talked to somebody perhaps in the 174th Aviation Company. Putting that up against the allegation that there were large numbers of noncombatants, which is the impression that I have from your testimony, is that enough to put that to bed, to say that there is no investigation necessary?

A. At this point in time, sir, I would say absolutely not. And I cannot rationalize back in time why I arrived at the conclusion that I arrived at. I did arrive at it, and I did make this recommendation to General KOSTER.

Q. That was about the morning of the 20th?

A. Yes, sir.

Q. What transpired subsequent to that time? You had recommended that a formal investigation not be conducted?

A. Yes, sir.

Q. And General KOSTER had indicated that he wanted to discuss the matter further with General YOUNG?

A. Yes, sir.

Q. What did you hear next?

A. The next I heard was from General YOUNG, and this is a point that I can't put in proper prospective. Whether General YOUNG--it is my feeling right now, honest impression, that about 10 days to 2 weeks after I had given my report, oral report, to General KOSTER that General YOUNG advised me that General KOSTER wanted my report in writing. Because I recall very vividly asking General YOUNG, "Has there been some new development or is there something I do not know about?" My feeling is, "No, there is nothing new developing. General KOSTER wants for the record your report." This was even before I had gotten the VC propaganda message or had discussed it with Colonel TOAN. And I feel, although we have apparently never been able to find it, that I wrote at that time a three to five page document on the investigation that I had conducted concerning this incident and submitted it, in fact, hand-carried it to the Americal Division.

Q. Who did you hand-carry it to?

A. I hand-carried it to Colonel PARSON.

Q. Did you obtain a receipt?

A. I did not, sir.

Q. Why not?

A. I just didn't consider that there was any necessity for doing so.

Q. Did you have a file copy in your headquarters?

A. I did.

Q. Would the transmittal of it be entered in your log?

A. It would not have.

Q. Why not?

A. Because I had it typed personally by a clerk in the S3 office who had been--who was the best clerk we had. He had previously been General LIPSCOMB's private stenographer.

Q. What is his name?

A. I do not recall, sir.

Q. Is he operations clerk in the operations, G3 section?

A. Yes, sir. S3 section.

Q. What was the classification of your report?

A. I do not recall, sir.

Q. Isn't it unusual that you would have a report at division headquarters and that one way or another it would not be entered into the log even as an untitled document?

A. I did not even consider this, sir. I had a copy of it that I maintained and had filed, or had placed in a sealed envelope and placed it--and I'm positive I had it placed in the S3 safe.

Q. What did you do with the report when you departed?

A. When I left the brigade?

Q. Yes.

A. The report remained there to the best of my knowledge.

Q. Would this be a normal situation that you would leave a report like this hanging which had not even been logged, into the officials of the brigade or, for that matter, you weren't sure that it was logged into division?

A. I was certain, because I had had a report, had received information from General YOUNG, that General KOSTER had received the report, had read the report, and had discussed it with him. I do not believe that that is this confidential report that I have heretofore said was my report to division. I know positively that I used my notebook. I used THOMPSON's name. I cited his allegations. I went down the list of actions I had accomplished, I discussed the operation, and I had some positive recommendations regarding control of civilians in our operational areas.

Q. What was the title of your report?

A. I do not know, sir.

Q. What was the date of it?

A. I would estimate it was around the 4th, 5th, or 6th of April.

Q. In the next few minutes, will you describe as much as you can about the outline and contents of that document, including the number of pages and any appendices thereto.

A. To the best of my knowledge, this report was three, four, or five pages long. There were no appendices to this report. I started out by citing the purpose of this report, "Per oral instructions of General Young the following report of my investigation of the incident concerning the operation of Task Force Barker on 16 March, forwarded herewith," or something to this effect. I then discussed this operation. I discussed the fact that the allegations had been reported to me by Warrant Officer THOMPSON on such and such a date. I briefly outlined what these allegations were. I do not recall if I included

in that the meeting. I think I did include the discussion that we had had at Task Force Barker, apparently on the 18th of March. I included in there, also, the report of 20 civilians that had been reported and how they had been killed, the same information I had provided General KOSTER orally. I concluded my report with certain recommendations regarding future operations. This was primarily in the area of S1 and future operations in the 11th Brigade. The rifle company commander would fly in the command and control ship of the battalion commander until his troops had all been discharged on the ground and then, after he had gotten a bird's eye view of the situation, then he would be placed on the ground. Before going into an area in which there were civilians of any magnitude, a specific collection point would be designated. This had not been done on this operation. And these civilians would be gathered and selected ones would be interrogated. And that, sir, is about it.

Q. When you prepared that report, had you interrogated any additional witnesses or did you have any additional facts or information upon which to base a judgment?

A. I do not believe I did, sir.

Q. Did you or anybody else talk to other members of the 123rd aero-scout company?

A. I never talked to them about the incident. I do not know if anybody else did or not. I did not ask anybody else to talk to them.

Q. How many copies of this report were submitted to division headquarters?

A. Sir, I would only guess that I submitted the two copies and held the third copy.

Q. That copy then, should be available, still to this date, in the safe of the S3 section of the 11th Brigade?

A. Yes, sir.

Q. What happened as a result of that report, on or about what date, the 10th?

A. I would feel that this report went up around the 4th through the 6th of April.

Q. What did you hear from that report?

A. Two or three days after that?

Q. When you carried it up and you hand-carried it to the chief of staff, were General KOSTER and General YOUNG present?

A. No, sir.

Q. Did you make an attempt to deliver the written report in person to the CG or to the ADC to whom you were to report?

A. I did not because this report was not an up-date, but it was in writing what I had orally provided the division commander. It was not a new report, but I had reduced my oral report to writing.

Q. If you submitted it on the 4th or the 6th, it would have been typed somewhere between the 3rd and the 5th, thereabouts?

A. Yes, sir.

Q. I would like to come back again to the individual who typed for you. Do you recall his name?

A. I do not recall his name.

Q. What was his grade?

A. I believe he was a specialist five.

Q. Was he Caucasian or was he a colored soldier?

A. I believe he was of Spanish ancestry or Mexican, and I believe he was later transferred to the SJA office of the Americal Division.

Q. Did you acquaint anybody in your headquarters with the contents of that report?

A. I believe I let Major MCKNIGHT read it, and certainly Colonel BARKER read it to determine if facts and figures were straight as far as the S3 was concerned, and Colonel BARKER whether there had been any further developments that he was aware of.

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Q. I can see the logic of you showing it to Colonel BARKER, but do you specifically recall showing it to Colonel BARKER?

A. I do. Yes, sir.

Q. Where did you show it to him?

A. I showed it to him in my office. And I do not recall how soon after that I carried it to division, but I'm certain that it went to division almost immediately. Whether I sent for BARKER to come down and read it, I just don't recall.

Q. Do you recall showing it to your operations officer, Major MCKNIGHT?

A. I do.

Q. What comments did he have?

A. The only comments he had were concerning the operation, the tactical aspect of the operation, that I had included in the introduction to my report. I believe this report here I prepared on the 24th. I extracted from that original report, and I carried it to division in early April.

Q. How did you mark the envelope in which you put it?

A. In the unit safe, the S3 safe?

Q. What is the outside marking on it?

A. I believe it just reads, " Report of Investigation." I'm positive that I sealed it and I initialed the seal.

Q. Would this--was it in a double envelope?

A. I do not believe so, sir.

Q. Was there any classification marked on the outside of it?

A. No, sir.

Q. What did you next hear concerning this report?

A. Two or three days after I delivered the letter to division, General YOUNG visited me and informed me that General KOSTER had seen the report and had passed it to him, and he felt that General KOSTER was satisfied with the report.

Q. Did you ever in your meeting with General KOSTER and in this report portray the suspicion which you have indicated here that you had at that particular time, that something fishy had happened? I use the word fishy as rather descriptive, but that something unusual had happened?

A. Sir, I do not recall.

Q. Did your report indicate that 20 or more civilians had been killed?

A. My report indicated that 20 civilians had been killed. It was all that we could verify that had been killed. I had the report from Warrant Officer THOMPSON that there was a great number killed, but I felt that what he was observing was the 128 VC plus these 20 killed, although he was very specific that he was talking about greater than the 20. But, I still believe I drew this conclusion.

Q. At this time, you never had put your suspicion together with the extremely high kill ratio in Charlie Company which was something in excess or about on the order of maybe 100, maybe a few more or maybe a few less, but still a very considerable figure. Whereas the friendly casualties were one man shot in the foot?

A. I do not believe that I ever understood that only one man shot in the foot. I think that the reports that I had gotten for the total on the operation were 10 or 11.

Q. Even the total operation was only two U.S. KIA.

A. There were 10--I'm talking of the total killed, U.S.

Q. Yes. If we are going to submit a report like this, does it not bear checking into, finding out what these companies are doing, who took the casualties? Charlie Company suffered no casualties until the morning of the 17th. The testimony indicates that the casualties had been practically nil until the morning of the 17th, when a unit got up on the eastern side of Hill 85 and got into a mine-

field and they got some people wounded. The casualties, in fact, for the greater part were taken by B/4/3.

A. Yes, sir.

Q. But you did not put Warrant Officer THOMPSON's statement together with this kind of a kill ratio and with what you saw and with your suspicion?

A. That is correct, sir. I did not.

Q. Approximately what date was it that General YOUNG told you that he had the report and that he felt that General KOSTER was going to accept it?

A. It was 2 or 3 days after I submitted it, so I would assume around the 9th of April, 8th of April, sir.

Q. During this time had you, or had your commanders, or had Colonel BARKER, or anybody to your knowledge indicated that an investigation of this incident was underway and in the meantime it was best for people to keep quiet about it and not talk about it.

A. To my knowledge no such statements were made. I knew of no such statements being made.

Q. Did you tell Captain MEDINA that you were in the process of an investigation?

A. I told him when I saw him the first afternoon, apparently, that I was looking into this accusation. Yes, I did tell him that, sir.

Q. Of course, at that time, Colonel BARKER already knew this, didn't he?

A. Yes, sir.

Q. Colonel HOLLADAY knew this?

A. Yes, sir.

Q. And the 123d aero-scout unit knew it?

A. Yes, sir.

Q. They knew that an investigation of some kind was going on?

A. Yes, sir.

Q. And if they, therefore, stopped any loose talk, so to speak, until such time as an investigation of the facts and circumstances surrounding this allegation were submitted, they would have perhaps been right and proper in cautioning their troops?

A. Yes, sir. They would, sir.

Q. What happened next?

A. The next time I heard anything about this was the receipt of a VC propaganda leaflet aimed at the ARVN soldier, advising him that we had committed atrocities in the Son My area and citing a host of other general-type incidents that U.S. forces had been involved in throughout Vietnam.

Q. Where did you get this document?

A. I believe, sir, that I got it from my S2.

Q. Colonel HENDERSON, I show you the second attachment to your report of 24 April, Exhibit R-1. Is this the piece of VC propaganda to which you are alluding?

A. Yes, sir.

Q. I notice with your report, as Inclosure 1, you attached a statement dated the 14th of April?

A. Fourteenth of April, yes, sir.

Q. Who prepared that statement?

A. I do not know, sir.

Q. Did you prepare it?

A. I did not write this statement, no, sir.

Q. Was it prepared within your brigade?

A. I was under the impression that it was prepared by my MI detachment, possibly the liaison officer at Quang Ngai, but I am no longer certain where it came from, sir.

Q. Did you receive any additional reports from either the province chief, the district chief, the province senior advisor, the deputy province senior advisor, or the district senior advisor to provide any additional information concerning alleged atrocities, slayings, in this area during the period 16-18 March?

A. The day I received this, document 2 here--

Q. (Interposing) What date was that, do you recall?

A. No, sir, but I assume again around the 20th of April, or it could have been a few days before that. The minute I received that document and understood what it was, I hand-carried it to Colonel TOAN of the 2nd ARVN Division in Quang Ngai City and informed him that I was especially concerned about the paragraph on the second page which alleged that U.S. troops had killed some 500 civilians. Also, I was concerned, of course, that this document was addressed to the ARVN soldiers, and if it fell into their hands, some of them may begin to believe this type of propaganda. I asked Colonel TOAN if he had any information regarding the allegations of 16 March. Colonel TOAN told me that he had received a directive from General LAM of I Corps to investigate this incident. I offered assistance to Colonel TOAN in the form of troops to go into this area and try to again verify whether anything had or had not happened. I do not believe that General TOAN showed me either a letter from General LAM or whatever his guidance from General LAM was, nor did he show me anything further on that except to tell me that he passed a directive to Colonel KHIEN to investigate this matter. Colonel KHIEN, Lieutenant Colonel KHIEN was the province chief. Colonel TOAN assured me that he did not believe that U.S. soldiers had been involved in this incident. I immediately went to Colonel KHIEN and informed him that I had been informed in turn by Colonel TOAN that he was investigating this incident that had occurred on 16 March. Colonel KHIEN speaks English fairly well and he informed me that he did not know if he was going to investigate it or not, that he was satisfied it was all VC propaganda. And I asked him, I said, "What is the allegation that you have?" At this time he either showed me or read to me a letter that I understand came from the village or the district chief, and this letter accused U.S. forces of killing some 500 civilians in two separate incidents, one at the end of February or early March, and the second incident on the 16th of March. I asked Colonel KHIEN if he felt there was any truth to these allegations. He said, "No, this is a typical VC propaganda. We'll initiate a counter-propaganda program." I offered my assistance to Colonel KHIEN to go back in this

area at any time with U.S. forces, along with his RF/PF's, if he wanted to look into it. He told me that the village chief in that area was just reporting or just writing what the VC had told him to write, and that he was not going to look into this incident. With that I then believe that I wrote this so-called report of investigation on the 24th of April 1968 to pass on to division this VC propaganda form, and pointing out that this incident in the Son Tinh District had previously been investigated and that I had no evidence to support the allegations.

Q. When you say it had been investigated, what are you referring to?

A. I am referring to my earlier investigation which I made immediately following the incident, which I reported orally to General KOSTER on the 20th of March, and which I reduced to writing and submitted to him, then, on the 5th or 6th of April.

Q. This makes no mention of it here, though.

A. No, sir, it does not. I know that I submitted a longer report, and that I discussed the allegations of THOMPSON, and I'm confident that I prepared an earlier report than this. The only conclusion that I could draw is that by citing in this paragraph two here the general scheme of the operation and the results and so forth of that operation I was putting into a single packet some information to support-- or that division may need in connection with this propaganda leaflet.

Q. We are in no position to interview Colonel BARKER nor Captain MICHLES. In paragraph 2, you indicate you have interviewed them. Did you interview Major CALHOUN and Captain MEDINA subsequent to your initial discussion with them during the period 16-18 March?

A. I am positive I did, sir.

Q. Where did you interview them?

A. I do not recall, sir.

Q. What was the condition of Task Force Barker at that time?

A. On 24 April, Task Force Barker had been disestablished.

Q. Where did you go to see Captain MEDINA or did he come to see you?

A. I do not recall, sir.

Q. Where did you see Major CALHOUN?

A. I do not recall, sir.

Q. Did you take any written statement from him?

A. I did not.

Q. Is there any particular reason that you did not indicate in this document the interest shown in this by the ARVN side, particularly by General LAM, in recommending that an investigation be done?

A. No, sir. I had no reason for not doing it. No, sir. But, I did have that information from Colonel TOAN that General LAM had directed him to conduct an investigation.

Q. Did you confide with anybody in your headquarters the fact that you were making such a report?

A. This one here?

Q. Yes. Would your intelligence officer or would your operations officer have been aware of it?

A. I certainly would have thought so, sir. I would expect them to be aware of it. I know this is my writing. They did not write it themselves or any part of it.

Q. How did you get this one prepared?

A. Since this was found in the S2 safe I would assume that I had an S2--my S2 people prepare it.

Q. How do you come to that conclusion, if you put the other report in the S3 section and this report ends up in the S2 section?

A. This one, I considered, primarily concerned this VC propaganda message, which in my thinking is an S2 matter. And the other, General LIPSCOMB had loaned his personal clerk to the S3 office to assist them in making their reports. And on that one, I specifically used that clerk. I do not know

if I used the same clerk in preparing this.

Q. And when you had finished with this report what did you do with it?

A. I had it sent to division.

Q. Would it have been logged? It had identification symbols on it.

A. I can't recall if I sent it by courier. I know the last time I said I sent it by courier. I think I did. I'm just not familiar enough with the logging system to know. I would think this would be logged in to the chief of staff's log of the Americal Division.

Q. Do you recognize these symbols?

A. Sir, I can't read these.

Q. In the upper left hand corner it reads XI CO, BA, IR--something comparable to that.

A. I can't make it out. It has some meaning, but what it is, I'm not certain.

Q. Why would this report then be found in the safe of the S2 section, if it were properly logged out and not go out through your normal channels? Did you not have a central dispatch, central log, for the brigade?

A. No, sir. We did not.

Q. It would have been when it arrived at the Americal Division, however? It would have arrived at the adjutant general's office for appropriate receipt and delivered to the recipient?

IO: The hearing will be recessed.

(The hearing recessed at 1845 hours, 12 December 1969.)

(The hearing reconvened at 1907 hours, 12 December 1969.)

IO: The hearing will come to order.

RCDR: All persons who were present when the hearing recessed are again present.

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IO: Colonel HENDERSON, I would like to take you back to your personal presentation to General KOSTER on the 20th of March. You were talking to him about information which you had, at least previously, had contained on a 3-by-5 card?

(HENDERSON)

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A. Yes, sir.

Q. Did you give him that 3-by-5 card?

A. I did, sir.

Q. Could you have conceivably had this information transmitted to a standard-size sheet of paper?

A. I do not believe so, sir.

Q. With respect to your report of the 4th through the 6th of April, would it have been possible that the combat action report of Task Force Barker was forwarded through your headquarters, and you indorsed it to the division headquarters, which may have stuck out in your mind as your report?

A. Except that somewhere I reduced to writing the report of Warrant Officer THOMPSON. This one here, I believe, sir, the last time I saw this report it had an inclosure attached to it that I did not understand that I had never seen from a Lieutenant TOAN--

Q. (Interposing) I will say and I'm very happy that this came up for the sake of the record, that that particular inclosure had inadvertently become attached to that document. May I have that piece of paper? I will clarify it in your interest and in our interest. I believe this that we have entered as Exhibit M-5 is the paper that had inadvertently become attached to this report as its inclosure. (IO hands Exhibit M-5 to witness.) Is that the paper?

A. Yes, sir, that's the one I had never seen before. I do not believe unless it was attached to some other report.

Q. Let the record indicate, in the previous testimony of Colonel HENDERSON, that Exhibit M-5 had been appended to Exhibit R-2 erroneously. It did not properly belong to the report.

A. My indorsement should have been--

Q. (Interposing) There is an attachment which belongs with this report. At the moment we do not have it. I believe, however, that it would be logical to assume since this is an after action report that it would be accompanied by a map or an overlay in some form outlining the operation. Would that be a reasonable assumption for an after action report?

A. Yes, sir.

Q. In your previous testimony you had indicated that you had not seen this document prior to my showing it to you?

A. Yes, sir, and I based that primarily upon the

fact that the inclosure, but I--the information contained herein generally I am familiar with. So either knowing as the situation developed or having read after it was submitted. I'm not certain. I cannot swear that I sat down and prepared, from scratch, a report. But I know that my instructions from General YOUNG were that I was to prepare a report from the oral report that I had given to General KOSTER. This would not have satisfied that requirement, and I know I did what I was told to do.

Q. How was your report of 24 April delivered to division headquarters?

A. I do not recall, sir. It is classified confidential and in my testimony last time I stated that I hand-carried it up to Colonel PARSON. I either hand-carried this one or hand-carried an earlier one to Colonel PARSON.

Q. What was the next thing you heard about this particular report from division or from anybody?

A. This report here?

Q. Yes.

A. To the best of my knowledge the next thing I received was a personal call from General YOUNG, saying that General KOSTER desired a formal investigation. This was in early May, a formal investigation of the incident of 16 March.

Q. What was the purpose of the formal investigation? Were you ever given any reason for it?

A. I was not, sir. I believe at the time I asked General YOUNG if there were new developments or any reports that he was knowledgeable about. I believe that the reaction that I got from him was, "No, we have none." General KOSTER desired a formal investigation and we conducted it.

Q. Did you receive either a written or an electronically transmitted directive?

A. No, sir.

Q. What is the normal procedure for a formal investigation?

A. The normal procedure is--if I were designating someone to conduct a formal investigation, I would request division to cut orders and give them basically the information that is required in the orders. The individual conducting the investigation would then report to the division JAG office and receive personnel instructions, and then would comply with the order.

Q. Did this happen?

A. I assume that it did. I have no knowledge that it did. When General YOUNG gave me the requirement, as I recall I informed him that the only individual that I really had available to do it was my executive officer, Colonel BARKER, and was this acceptable. General YOUNG stated it was acceptable. He saw no reason why it was not acceptable. I believe both General YOUNG and I went into the messhall for a cup of coffee and told Colonel BARKER then what the requirement was.

Q. What did you tell him?

A. The requirement was that he was to conduct a formal investigation of the 16 March incident, and I believe also that I told him that, as far as I knew, nothing new had developed. This was to have first priority. And either at that time, or a few days later, I told him that it was to be completed before he went on R&R on the 20th of May. On or about the 20th of May he departed for R&R, and he did submit the report prior to that date.

Q. What date was it approximately that you issued the instructions to him?

A. I would estimate that it was somewhere between the 6th and 10th of May.

Q. Under those circumstances, what is so magic about R&R?

A. Well, there is nothing magic about R&R, sir. The thing was if he did not finish the report, he would not go on R&R.

Q. You were just giving him a time limit then. You told him, "Before you are going on R&R, meaning before the 20th, I want this thing finished."

A. No, sir. It was with the understanding that his R&R was subject to him completing his report of investigation. I did not consider it as saying, "Okay, you only have these 7 to 10 days, take off and do what you can." I did not have this feeling nor did I leave that impression with him. I'm certain.

Q. Did you have a set of orders cut appointing him as investigating officer?

A. I did not personally. I would have hoped that this would have been done. I do not know if it was.

Q. Why would you have hoped that it would be done? Who else knew about it?

A. Colonel BARKER knew who was my executive officer and he certainly knew the procedures.

Q. Are you sure of the exact dates that Colonel BARKER went on R&R?

A. I am not positive of the exact date. I know that he went during the latter part of the May period, or I believe he did.

Q. Where did Colonel BARKER go on R&R?

A. To Hawaii, sir.

Q. Could this leave or R&R have taken place in the latter part of April or the first part of May?

A. It could have, sir. I may be wrong on the dates, but I had this tied in with the fact that he was going on the 20th. He was taking over the 4/3 early in June and I thought we had his leave scheduled toward the end of May so that he got back immediately from R&R and took over his command.

Q. Did he prepare that report for you on 24 April?

A. No, sir. This was prepared by me.

Q. How do you recognize that?

A. Just the writing.

Q. I asked you previously if you had any particular reason for not contacting division to ask for some assistance in having such an investigation conducted?

A. I had no reason except that General YOUNG stated that General KOSTER desired that the brigade conduct the investigation. I nominated the individual who was in the best position to do it, without any consideration of any implication that he may have had or even that I may have had. It didn't even enter into my mind at the time.

Q. In some respects he would have been investigating himself, would he not?

A. It is possible. Yes, sir.

Q. When was this report completed?

A. I was under the impression that it was completed prior to the 20th of May, which tied into his R&R. If that isn't the period he went on R&R, then--I'm not certain except that I still think that it was towards the 20th of May that the report was forwarded to division.

Q. How many pages did this report consist of?

A. Colonel BARKER's report proper consisted of three to four pages. There were no appendices of other than testimony.

Q. Were there any overlays?

A. There were no overlays.

Q. How was the operation portrayed? Were there any diagrams?

A. I do not recall seeing a diagram. His basic letter did include the concept of the operation, and I do not even recall that it included coordinates. I'm sure that it did, but I do not recall.

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Q. What was the purpose of the investigation?

A. The purpose was to review, not to review, but to investigate facts and circumstances of the 16 March operation, specifically, Warrant Officer THOMPSON's allegations.

Q. Did anybody ever contact THOMPSON to find out more of this situation?

A. I thought I recall seeing Warrant Officer THOMPSON's statement in BARKER's report.

Q. Were there any diagrams in the report showing where even the 20 bodies may have been located?

A. No, sir. I do not recall seeing a single diagram in the report. There were approximately 15 or 20 statements included in this report.

Q. From whom? Name as many people as you can that you specifically saw statements from?

A. I know there was a statement there from Captain MEDINA. I know there was one there from Captain MICHLES. There was one there from either Major CALHOUN or a Sergeant JOHNSON, and the platoon leaders and the enlisted personnel in the company. I do not recall any names. I thought I saw there one from THOMPSON.

Q. Did you see any from anybody else in the 123d aero-scout company?

A. I do not recall seeing any.

Q. Did you see one in there from Major GIBSON?

A. I do not recall, sir.

Q. What was your responsibility with regard to this report?

A. Well, since I had been directed by division to appoint an officer to have it done, I presumed that my responsibility was to review it when it went forward.

Q. To review if for what?

A. To review it for completeness.

Q. To review it for adequacy?

A. Yes, sir.

Q. Did you consider it adequate?

A. I did at the time.

Q. Against all the allegations you had heard about the large number of bodies, and without any diagrams showing where noncombatants or civilians may have been killed, or without any diagrams to point out this, and without any statements from some of the key witnesses? According to the information which we have available, we have found nobody who has signed a statement during an investigation--nobody.

A. That's difficult for me to believe, sir.

Q. It may be, but this is where I am right now, and why I'm asking you to come forth with these names.

A. I know a formal investigation was conducted.

Q. We have not talked to Sergeant JOHNSON, but we have talked to--obviously we have not talked to MICHLES. Within the company itself we have not yet talked to the enlisted personnel, but any of the other personnel which you have mentioned makes no reference--

A. (Interposing) Captain MEDINA makes no reference, sir?

Q. No reference. He makes a sworn statement under oath that he never was contacted concerning a statement. After you talked to him in the field, that was the last time that anybody contacted him.

A. Sir, I recall speaking to Captain MEDINA down in the 1/20 area after he had been released back to the 1/20 and was then a staff officer in the 1/20. He was assistant S3. I cannot recall the date, except I can recall the location, in their TOC, and I talked to him about how he liked

his new job and so forth. Then I reminded him that I'd asked him to keep his eyes and ears open about the operation on the 16th. Had anybody come forth and reported anything unusual that day? He assured me that there had not been one, single word. I know positively that he had at least a two-page statement in that report of investigation and there was a formal investigation conducted. Now, how it got to division I don't remember, but I'm positive that General YOUNG saw it, and I would have thought that Colonel PARSON would have seen it.

Q. How many copies was it prepared in?

A. I do not remember, sir.

Q. Do you recall what you said in your indorsement?

A. I stated in my indorsement that the report of investigation had been conducted in compliance with the instructions from division, that I had reviewed the statements therein, and that there was no additional evidence from what I had submitted in my earlier report. I recommended that the report of investigation be accepted.

Q. How did it get to division?

A. I don't know, sir.

Q. Was it placed under control?

A. I do not know, sir.

Q. What date was it submitted again?

A. I would estimate on or about the 20th of May, sir.

Q. In your previous testimony you indicated, as I recall, it was the third of three copies and that you did not retain a copy.

A. I recall seeing the original which I worked from and conducted my review of it. I am not certain how many copies were prepared. I do not believe I saw the total package of copies, but I saw the original. That was all that

was given to me. I am certain that I had a report from General YOUNG that this report had been received. I do not recall where and when and how I received that information, but I recall letting him know that it had gone in, that Colonel BARKER had finished the report. I thought that I had confirmation back from him that he had seen it.

Q. Did this report indicate in it an allegation of indiscriminate killings of large numbers of noncombatants had been made?

A. It did.

Q. It did?

A. Yes, sir.

Q. And this report of investigation, a formal report, went to division headquarters?

A. Yes, sir.

Q. On or about the 20th of May?

A. Yes, sir.

Q. You had retained copies of your previous report. One, you had indicated, in the S3 file, another which was located in the S2 file.

A. Yes, sir.

Q. Are you sure that you didn't keep one of these?

A. I did not. At this time I was relying on my executive officer to keep our files.

Q. Your executive officer?

A. Yes, sir, Lieutenant Colonel BARKER. Now, I am certain that he maintained a copy of that report of investigation. I've been told that the files of the 11th Brigade have been screened and it can't be found. That is hard for me to believe. Colonel BARKER was very thorough administratively. He had been the executive officer previously.

Q. If this had been an official report of investigation, is it not logical to assume that it would have gone through the normal handling system so that it would be properly logged in and logged out and so identified from the log of the 11th Brigade and the Americal Division?

A. I would believe so, sir.

Q. What was the classification of the report?

A. I believe it was for official use only--stamped for official use only and no classification, sir. But, I cannot swear to that, sir.

Q. With all of these reports are being submitted to division, initially your oral report; secondly, we find a combat action report with no apparent knowledge or record of it; we find a written report which you say you submitted on or about 4 to 6 April. But there is no central handling of these. They are all handled differently in a rather slipshod manner. Is there any reason for this?

A. There was no reason in connection with this incident that there was any difference in handling, except that, I believe, in my report of 4 or 6 April, having been directed to prepare it myself, I personally hand-carried it to the Americal Division without routing it through the administrative channels. There was absolutely no reason for doing it except that I had been directed to provide General KOSTER with the report.

Q. But still, it should, logically, appear on the log of the Americal Division.

A. I would expect that the chief of staff would have had it so logged in, yes, sir.

Q. You gave it to the chief of staff?

A. I gave either that one or this one, and I'm confused as to which one I hand-carried up there.

Q. Did you ever get a return copy of the investigation?

A. Of my 4 to 6 April one?

Q. No, of your report of investigation of 20 May.

A. The formal investigation?

Q. The formal investigation.

A. No, sir. I did not.

Q. Would you not normally expect to receive a reply from the addressee?

A. I would expect to receive a reply that the recommendations--or that the report was approved, but whether I did or not I do not recall, sir.

Q. If you did, such a record should be in the files of the 11th Brigade, should it not?

A. Yes, sir.

Q. And such a report of logging out should be in the files of the Americal Division?

A. Yes, sir.

Q. You don't recall having received an official notification, either in writing or otherwise, approving this report?

A. I do not, sir.

Q. Did you ever receive a copy of this report being forwarded to either III MAF or MACV?

A. No, sir, I did not.

Q. What did you hear from either General KOSTER or from General YOUNG, orally, concerning the report?

A. To the best of my knowledge, I received information from General YOUNG that he--that the report had been received at Headquarters, Americal Division. As to what agency or who had it, I do not recall.

Q. It had been received?

A. Yes, sir.

Q. Do you remember, vividly, hand-carrying-- reporting orally to General KOSTER?

A. Yes, sir.

Q. You also remember hand-carrying either this one or the other piece of paper. This report, now, is a formal investigation which could be of considerable importance. Did you hand-carry that one?

A. I did not hand-carry that one, sir.

Q. What were the conclusions of this report?

A. To the best of my knowledge, the conclusions were that no inadvertent killing of civilians could be substantiated, something generally along that line.

Q. And yet, you reviewed this report, and you are not sure whether there was a statement in there going back to the original allegation of Warrant Officer THOMPSON and/or anybody else in the 123d aero-scout unit?

A. I thought there was a statement from pilots and I thought there was a statement from THOMPSON. I know that Colonel BARKER's introduction to this thing treated the THOMPSON allegations, and I feel that there was an exhibit in there from THOMPSON.

Q. Did you ever contact or discuss this matter with Colonel HOLLADAY subsequent to that time? Or with Major WATKE?

A. I do not recall doing so, sir.

IO: Do you have any other questions?

MR MACCRATE: When did you last see Colonel BARKER?

A. I last saw Colonel BARKER, I believe, on about the 8th or 9th of June, 1 or 2 days--the day before he was killed. I believe he was killed on the 10th of June. I saw his body on the 10th of June or the day he was killed.

Q. Did you at that time give any directions with respect to the handling of his personal effects?

A. No, sir. I did not. He went into a MHA status upon being killed and all of his personal effects were shipped to Saigon, I believe.

IO: For the record, state what MHA means?

A. Missing as a result of hostile action, because his body could not be positively identified. It was initially identified as the pilot and later identified as his. I gave no such instructions. I did receive a letter from Mrs. BARKER asking me to search his effects and see if I could find a list of insurance policies. I called the Americal Division at that time and asked who was handling it, and if they could look into this. I was advised that all his effects by this time had already been forwarded to Saigon.

MR MACCRATE: Did he have files that were at your duty station at that time?

A. Yes, he had working files, but he would not put a-- I do not believe he would have put a permanent document into these working files or personal property files, I should say, at his office.

Q. Do you know who it would be who examined those files at the time of his death?

MR MACCRATE: I have nothing further.

COL FRANKLIN: Sir, I believe you activated the 11th Brigade, did you not?

A. That's correct.

Q. Was that July of 1966?

A. 1 July of 1966.

Q. Up to this time you had been with them about 2 years. I believe also you were wounded sometime around April of 1968, and made a statement to the effect that somebody wanted you to go up to the hospital you had worked too hard for this job and you were going to stay. Evidently, there's a lot of pride in this outfit. Sir, I ask how were you wounded in April?

A. I was wounded in a helicopter by a hand grenade trying to run down a VC. This happened one week after the incident, on the 23rd of March. I went down to pick up an old man who had gotten rid of his rifle and appeared to be too damned old to bite, and hovered about 5 feet off the ground. He was about 15 feet off to the flank lying down in the rice paddy, and I waved to him to stand up and he stood up. He had a hand grenade hid in his hand which he proceeded to throw. My pilot was busy talking to the other ship and didn't hear me yelling to get the hell out of there. And consequently, I got a busted leg out of it.

Q. I'm going to ask you a question that probably you shouldn't even answer. If you think there's a possibility--you have had a lot of troop duty. You have been with this brigade almost 2 years. You had so much affection and pride, feeling for this outfit that perhaps some of your objectivity--it was a little hard for you to believe that American soldiers, these guys that you may even have loved, would go out and do what THOMPSON alleged.

A. I very definitely feel very strongly towards the 11th Brigade and it--in my own mind, I cannot believe an American soldier under any circumstances will kill children. I just flatly do not believe it. Once I start believing it, I'll resign my commission.

COL FRANKLIN: Thank you, sir.

MR MACCRATE: Colonel HENDERSON, one question with respect to your injury. Your leg was in the cast for a while. Do you know for what period of time your leg was in the cast?

A. I was wounded on the 23rd. At the time I did not think much about my wound, it was a relatively small one. It hurt like hell, and I remained in bed for about 3 days. At that time my surgeon who had been on R&R returned, and he insisted that I go up to the hospital and have an X-ray. At this time they determined that there was a bone broken and I couldn't walk on it. They cored it out, sewed it up, put it into a cast, and put me on crutches. That would have been about the 26th of the month, and my leg remained in a cast and I remained on crutches for 3 weeks. So this would have been on or about the 17th of April that I went from the crutches to a cane.

Q. And after about the 17th of April you were without a cast?

A. That is correct, sir.

MR WEST: You testified for us on the 2nd of December and told us at that time, Colonel HENDERSON, that you made an oral report to General KOSTER about the 20th of March 1968. That you were later asked, about a month later, you were asked, to put this in writing and you did so with your report of 24 April 1968. Is that correct?

A. That is correct, sir.

Q. And you subsequently were asked to conduct a formal investigation of the incident and you charged Colonel BARKER with doing this, and that his report was forwarded around mid-May 1968. Is that correct?

A. Yes, sir.

Q. I have read your statement made to the inspector general last May or summer and it makes these same statements, that you made the oral report, reduced it to writing, and there was a formal investigation report after that. I read the newspaper account of the telephone interview that you gave to the Washington Post not long ago, and it's to the same effect, as I remember. I called you around mid-November at the request of the Secretary of the Army about the so-called "second" investigation, formal investigation, and you also told me of the oral report, the 24 April report, the mid-May investigation, and the report on that. Today you tell us for

the first time of an investigation and a report of that investigation dated 4-6 April 1968. Have you ever mentioned this to anyone else before in an investigation or in any other connection?

A. I do not know what I said last April or May when I talked to Colonel WILSON as far as dates are concerned, but up to the time that I physically saw this 24 April date on here, I had always been under the impression that I submitted the written report of my oral report approximately 2 weeks after my oral report. The date 24 April did not come to light until I physically received this from the safe of the 11th Brigade, and even when I saw it I could not believe this date of 24 April. I cannot be positively sure that I submitted a report on 4-6 April. I am positive that I did prepare a report and I reduced the allegations of--I'm positive I was told by General YOUNG to prepare or reduce to writing my oral report that I had given to General KOSTER. This is not the oral report that I gave to General KOSTER. I'm trying to assume or deduce here, there must have been another report and--

Q. (Interposing) Didn't you just describe that report in great detail to General PEERS?

A. The 4 April report?

Q. Yes.

A. The report that I recall preparing in response to General YOUNG's directive that I reduce to writing the oral report that I had provided the division commander on 20 March. I know that I complied with those orders and I feel that it was a four or five-page report. I recall writing the report. I recall using my notebook to prepare that report, and this is not that report.

Q. The report that you are referring to is Exhibit R-1, the 24 April report, 1968?

A. That is correct, sir. This does not satisfy the requirement placed on me by General YOUNG.

Q. Now, what is that requirement. To reduce to writing your oral report?

A. Of 20 March. Yes, sir.

Q. Does that report, Exhibit R-1, express the complaint of Mr. THOMPSON?

A. It does not.

Q. When did you first come to this conclusion?

A. I came to this conclusion within the past week.

Q. Are you sure you haven't fabricated this story of the 4-6 April report because you realized that this is not responsive to the THOMPSON complaint. You had to account somehow for your statement--

A. (Interposing) I have not fabricated the fact that I prepared such a report. I believe, even last April or May, when I appeared before Colonel WILSON that I recalled preparing or reducing to writing my oral report of investigation within 2 weeks from the time I had submitted my oral one and--

Q. (Interposing) You would not then make a false statement to this investigation?

A. Sir, I want to do everything I possibly can to provide this board--and I realize that is not factual, but to provide the board any information that I have. But I do find the dates extremely difficult a year and a half later.

Q. With regard to the people in Vietnam, division, brigade, Task Force Barker, supporting elements that were involved in this operation on 16 March 1968, I believe you stated that since you left Vietnam the only person that you talked to was Colonel BLACKLEDGE--I think Mr. WALSH asked you a question on this--apart from Mr. THOMPSON over on the House Armed Services Committee.

A. I saw Captain MEDINA at Fort Benning and all of the officers in my brigade. I think it was before I appeared--I did not discuss anything with Captain MEDINA at that time, the time that I saw him at Fort Benning which I believe was a year ago. I went down there on an infantry conference. And the following people, I believe it was that I was called before Colonel WILSON.

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Q. Did you see other officers of the brigade at that time?

A. What time was that, sir?

Q. Well, around the time that you saw Captain MEDINA?

A. Yes, sir. There were 30 or 40 officers from the brigade who are attending school as students down at Fort Benning, Georgia. This was a year ago, but I cannot recall any discussion of this incident. I would have no reason for discussing it. I had forgotten that this incident had occurred.

Q. When was the last time you talked to General KOSTER about this incident since returning to the States?

A. I talked to General KOSTER a couple of weeks ago, on a Saturday night, I believe, sir.

Q. Just one time?

A. I talked to him a couple of times, sir.

Q. Are you sure it's only two? I suggest that you think that over very carefully.

A. I have talked to General KOSTER several times, sir, regarding this.

Q. Now, let's have the first time you talked to him?

A. The first time?

Q. Yes. I'm talking about here in the States.

A. The first time was after this thing had broken in the press.

Q. What date, please?

A. I would say it was between 10 and 15 November.

Q. Do you recall the demonstrations around mid-October in Washington. The National Mobilization Committee demonstrations--the great mass of people that were here?

A. I remember reading about it.

Q. Was it after that time? At any rate, you do fix it as around 10 or 15 November 1969?

A. Yes, sir.

Q. What was the substance of that conversation?

A. The substance? General KOSTER called me and asked me if I had been reading about the articles that appeared in the paper, and I told him that I had. He asked me if I had--he asked me if I could fill him in on what I recalled happening. The series of events particularly pertaining to the reports.

Q. Did you do so?

A. I did so.

Q. What did you tell him about the report?

A. I told him basically the timing that the various reports--that my oral report was made to him and the time sequence of this thing.

Q. Was that the time sequence that you told us about on the 2nd of December. That is an oral report about 20 March 1968, reduced to writing about the next month, and submitted on 24 April 1968. And the second or formal investigation with a report about mid-May?

A. Yes, sir.

Q. What else was in that conversation?

A. I told him that I still felt that an atrocity or a massacre did not occur and that I informed him of what my conclusions were at that time.

Q. What did he say?

A. When we talked about his countermanding the order for the company to go through, he said that he just vaguely remembered it, and that--well, he did recall it, but he had forgotten about the incident. He asked me if

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he was at LZ Dottie that morning of the 16th, and I reminded him that he was, that the two VC prisoners--VCS's that I had brought in. When I first reported to him, I made some comment that, "These people were not VC's from the 48th Local Force Battalion, I think my CO handled them."

Q. Was there anything else in this conversation?

A. I told him that I had prepared a written report of some 10 pages, to the best of my memory, how this had developed, and--not at this call I did not tell him, no, sir. That was in a subsequent conversation.

Q. Anything else in that conversation that was around the 10th or 15th of November?

A. I do not recall, sir.

Q. All right. When was your next conversation?

A. I would say about a week later, sir.

Q. Could you fix the date?

A. No, sir. I cannot fix the date.

Q. Well, you said the first one came the 10th or the 15th of November and then you said the second one was about a week later. Would that be--

A. (Interposing) That would be the 22nd, sir.

Q. All right. Who initiated the call?

A. The first call was initiated by General KOSTER to me.

Q. All right.

A. The second call--oh, there was one other thing in that conversation.

Q. In the first call you mean?

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A. In the first call.

Q. All right.

A. There was a captain, commanded C/3/1, who was coming up from Fort Benning, Georgia. And I had informed General KOSTER that if this officer could shed any further light or could bring up anything further that he knew about this situation, I would give him a call and inform him about it.

Q. Did anything come of this?

A. No, sir. Captain RHINEHART was the officer's name. Captain RHINEHART lived here in Washington, D.C. area. I talked with Colonel FRANKLIN, Colonel "Jim" FRANKLIN, one of my former battalion commanders. He informed me that Captain RHINEHART really knew nothing about it.

Q. Let's go back to the question of who initiated the second call, which was in the time frame of 17 November or 22 November?

A. I said I did, but I believe that General KOSTER did. Out of four or five calls, I initiated one, I believe.

Q. All right. While we are thinking about that, how could you place that? Was it the last of the five calls?

A. I would think it was about the middle, perhaps, of the five calls.

Q. Would you please tell us what was said during the second call by you and General KOSTER?

A. General KOSTER, I believe, asked me if I had been called or brought in to make any statements regarding the investigation and I believe at that time I had not and so informed him.

Q. You mean since you have made a statement to Colonel WILSON?

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A. Yes, sir. At that one or a subsequent one, I can't recall, he notified me that he had made a statement to the CID and that his memory was lapsing. He asked me some specific questions concerning the incident and the report of investigation.

Q. Would you please tell us the questions that he asked you and the answers you gave him?

A. He asked me if General YOUNG had ever talked to Warrant Officer THOMPSON. I told him that I did not know. I thought he, General KOSTER, had implied that to me when I gave him my oral report something to the effect that this agrees with what General YOUNG had reported to me. I cannot recall any other questions. I cannot recall any more of the conversation, sir.

Q. I remember you did say that he asked you several questions. Are you sure you can't recall any of them? You can appreciate, Colonel HENDERSON, the seriousness of this. And at this time I would like to remind you that you are testifying under oath, remind you of the instructions given you by Colonel MILLER, the legal officer, your rights as a witness, the fact that we have received evidence which has led us to believe that you might be guilty of certain offenses which he described for you, that you have a right to remain silent, and you have a right to counsel.

A. Yes, sir. I recall in my conversation to you when you called me that I, at that time, openly admitted that I had had conversations with General KOSTER, I believe I did. It was all in my interest and in his interest in personally trying to ourselves arrive, which is wrong, it is the duty of this board, to arrive at what in the hell did happen.

Q. Well, I ask again if you can recall the other questions and answers from this conversation?

A. I think it was my call to him and which possibly was the third call that I call him to inform him that I had prepared a document of what had transpired to the best of my knowledge. I had given a lot of thought to it, as much as I could there were a lot of gaps in my own thinking and that if it were permissible, I would send him a copy of that, but that I did not know what the rules and regulations were and he said, "Well, I don't think that there is anything wrong with it, but let me check with the CID." I did not receive another call back from him on that particular subject, that was dropped.

Q. This was in your third conversation--

A. (Interposing) I believe this was about the third conversation.

Q. One which you initiated?

A. Yes, sir.

Q. Was anything else said during that conversation?

A. I do not believe so, sir.

Q. All right. Could you put a date on that third conversation?

A. I would estimate that that was 2 or 3 days before I appeared before this--possibly the 27th or 28th of November.

Q. Possibly the 27th?

A. Yes, sir.

Q. What was the date of your next conversation with General KOSTER?

A. Sir, that would have been a day or two before the 27th, possibly the 25th. The last call that I had from General KOSTER was on the--would have been on Saturday the 29th of November.

Q. You believe now that the third call was about the 25th?

A. Yes, sir, 24th or the 25th, some place in there.

Q. All right. Who initiated this call?

A. General KOSTER, sir.

Q. All right. Would you please state what was said in that conversation, by you and by General KOSTER?

A. General KOSTER asked me if there were any more developments and I told him that I was under orders to appear before the General PEERS Committee and there was no other exchange of--there was no other exchange of information, except I may have passed on something that I read in the newspaper, or something of that line.

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Q. No more discussion of the events that had occurred back in April and May 1968?

A. No, sir.

Q. Then your testimony is that there is a total of four telephone conversations between you and General KOSTER?

A. Yes, sir.

Q. Beginning at the 10th to the 15th of November and ending on the 29th of November? Have you seen General KOSTER in person?

A. I saw General KOSTER in OCLL on the....

Q. Is this recently in connection with a House Armed Services--

A. (Interposing) Yes, sir. I believe it was on the 8th or 9th of--

Q. (Interposing) I understand, yes. Have you seen him at any other time recently?

A. I saw him both in the morning and in the afternoon of that same day.

Q. I see.

A. Both times in OCLL.

Q. You have a conversation about, at the time, about the My Lai incident?

A. I believe he asked me if Warrant Officer THOMPSON had been flying in a 23 or a Huey. I told him that my report to him and my report has always been a 23, but since I had read it in the newspapers that he had picked up a group of children in My Lai, I didn't know what he was flying.

Q. I'm not straight, what date was it that you saw General KOSTER and had this conversation?

A. On the 9th of December.

Q. Three days ago?

A. Tuesday?

Q. That would be in--

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A. (Interposing) Tuesday the 9th.

Q. That's right, that would be Tuesday the 9th. Was this in the morning or afternoon that you had this conversation with him?

A. Sir, it was in the afternoon. In the morning I met with him, went in and shook hands with him and he was reviewing his testimony for the--a statement that he had apparently prepared for the congressional committee and I started to sit down and at that time General BECKER of OCLL walked in and I excused myself and there was no conversation between us.

Q. Did you see the paper he was preparing, the statement he was preparing?

A. Only that it was bond paper. I did not see a single word on it, no, sir.

Q. What else did you discuss about the case then at that time?

A. In the morning we discussed nothing and in the afternoon the only thing that I can recall is--

Q. (Interposing) One thing about Mr. THOMPSON?

A. Whether Mr. THOMPSON was flying a Huey or an OH-23.

Q. Going back to the call that General KOSTER which you originated. Was this the third conversation on or about the 25th of November?

A. I believe so, sir.

Q. Would you tell us again the purpose of that call?

A. I had prepared--

Q. (Interposing) This was the one on the statement? This is the call that concerned the statement which you had prepared?

A. Yes, sir.

Q. Do you have a copy of that statement?

A. I do, sir.

Q. Would you be willing to furnish a copy of that statement to this investigation?

A. I would, sir.

Q. All right. Would you do so now?

A. I will, sir; could I ask that I might have a copy of it.

Q. Certainly. We'll arrange to have a copy made and that will be returned to you if you wish.

MR WEST: Let the record show that the witness handed me a statement that he's been discussing.

You had no other conversation with General KOSTER then in this time frame of the past--say, the past several weeks?

A. Well, sir, on that one Saturday night that I called his home and I told him I was coming up here on Tuesday or up here on Monday; that I was staying out at Fort Myer in the temporary BOQ; I believe he told me he was staying out at Fort Myer also, but he'd be in late; and that he'd like to see me.

Q. Did you see each other or talk to each other while you were at Fort Myer there?

A. No, sir. I saw him only the two times up in OCLL.

Q. Since this case has been the subject of extensive newspaper publicity over the past several weeks, have you had a conversation with General YOUNG?

A. No, sir, I have not.

Q. Colonel PARSON?

A. No, sir, I have not.

Q. Any other officers who were in the Americal Division during April and May, 1968; have you had a conversation with any of those officers?

A. I've had a talk with--or a talk--I have talked with other officers, yes, sir.

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Q. Would you give me--would you tell us their names and what that conversation was about? We are, of course, interested in conversations about the events of--

A. (Interposing) About these?

Q. Yes. Since the matters into which we're inquiring here.

A. No, I intended--or what I was trying to get at here I had--last Monday night--I believe it was last Monday night, some of my former battalion commanders had me out to their quarters. We did not discuss anything to do with this investigation, except that I did make some concluding remarks that I hoped they would hold their heads up high or something of this nature, but as far as any discussion of the--

Q. (Interposing) Details?

A. Details. I did not enter into any discussion at all.

Q. What was the date of this get-together with your former battalion commanders? Is this since you've been here on TDY in the area?

A. Yes, sir. This would have been--this was the night of 1 December, Monday night. The first night I arrived here.

Q. I see. Colonel HENDERSON, was there in fact an investigation conducted by Colonel BARKER during May of 1968?

A. Absolutely.

Q. Was in fact a report prepared by Colonel BARKER in which you indorsed on to the Americal Division in May of 1968?

A. Absolutely.

Q. I think you should know, Colonel HENDERSON, that we have talked to quite a few people who were there at the time. Colonel PARSON testified today. He never heard of the report of a second or formal investigation; neither did your S3 Major MCKNIGHT; or your S2, Colonel BLACKLEDGE. Major CALHOUN never heard of it, nor Captain KOTOUC, nor Captain MEDINA. No one to whom we've talked, seen, heard anything about it or remembered being questioned in connection with such an investigation or making a statement to Colonel BARKER. You can appreciate perhaps, because of this, why I've asked you this question.

A. Yes, sir.

Q. Can you account for this fact? That the existence of such an investigation and the preparation of the report of that investigation is unknown to so many officers who were intimately concerned with this operation, who were there at the time, and who would normally know about it?

A. I certainly cannot account for the reason they do not know of it. Perhaps Major CALHOUN, I believe he had been transferred out, but I still was under the impression that he made a statement. I do not recall Captain KOTOUC's assignment after the Task Force BARKER was disbanded.

Q. I notice Colonel HENDERSON, the statement that you handed me a while ago is not dated and is not signed. Would you care to fix a date to this report? At least, would you state for the record when it was prepared?

A. Sir, that was prepared on a Thursday before I appeared before this committee. It was typed. It was finished typed. The typing was completed on Thursday, the day I appeared before this committee. And I appeared before the committee on the 9th, no, on the 2nd.

Q. That's correct, the 2nd of December this year.

A. 28th--27th--it would have been prepared on the 27th day of November. It was prepared in two copies.

Q. Why did you prepare this report, Colonel HENDERSON?

A. I prepared this report to try and firm in my own mind what took place.

Q. Did you plan to submit it to anyone in particular?

A. Only if I were asked for it.

Q. You recall how you ended your report--your statement that you've assumed full responsibility for any errors or omissions? I'll ask you to read the last line.

A. "Consequently, I assume full responsibility for any errors or omissions."

Q. Yes?

A. Yes, sir.

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Q. You're still of the same mind?

A. Yes, sir.

Q. All right. I believe you stated that you prepared another copy of this?

A. I prepared two copies of this and the second was an onionskin copy which I took and cut up and prepared a second statement on the--which was typed on the 5th of December in the event I had to prepare a statement for the congressional committee, but I did not submit that statement and no one has seen that statement except the young lady who typed it, and I have that also in my brief case.

Q. Would you be willing to furnish the investigation a copy of that statement?

The statement of Colonel HENDERSON which we completed on 27 November 1969, and attached to the record, would you please give it an exhibit number?

RCDR: Sir, this statement is entered into the record as Exhibit S-3.

MR WEST: The statement of Colonel HENDERSON which was typed on 5 December 1969 and thereafter modified and added to in pencil with a 6, 7, and 8 symbol there, is also offered for the record. Would you please assign it an exhibit number.

RCDR: This is Exhibit S-4.

MR WEST: Colonel HENDERSON, as the basis for preparing these reports, do you have any records that you consulted and used in the preparation of your report of 27 November and the subsequent report of 5 December?

A. No, sir, I have not.

Q. Just from your memory of the events?

A. Yes, sir. I had a map that I made reference to, but this map has been secured since I started preparing that report.

Q. Since this case has received so much publicity from approximately the 15th of October 1969 to date, have you written to anyone concerning the case or received any correspondence from anyone?

A. I have received a great amount of correspondence from individuals from all over the country.

Q. Are these people that you knew in Vietnam and were involved in this operation--know the facts of the case?

A. I have received no correspondence from anyone who was with me in Vietnam, except one little note from a wife of one of my former officers. She just made a small short statement.

Q. Would you tell us the nature of the correspondence you received?

A. Yes, sir. The letters have, for the most part, accused me of being the commander responsible for this incident. It stated that sergeants and lieutenants should not be criticized for these acts when people such as myself are a professional killer or leader. A few have stated, "Don't lose faith in your men, stand up for them," and so forth.

Q. So, some of it is what you might describe as "hate mail," and some of it was supporting you or encouraging you?

A. Yes, sir.

Q. Did you write to anybody, or have you written to anybody recently concerning the case?

A. Yes, sir. I wrote to General WESTMORELAND.

Q. Was your letter to General WESTMORELAND pertinent to the proceedings here? Do you think it would assist us in any way--assist General PEERS in conducting this inquiry?

A. Do you desire a copy of it, sir?

Q. I am attempting to determine whether it might be helpful, or relevant even.

A. I would like to state what prompted the letter.

Q. Is it something which you would like to offer here in evidence?

A. It's not so much the evidence. Since this trip here to Washington, there have been a great number of people-- or a handful or so--who have in their conversations with me, not discussing the case themselves, but discussing the general attitude. For example, a Mrs. STEAGER in OCLL who is a clerk-stenographer, or a secretary, informed me that she had a brother who was a lieutenant and three other young lieutenants out at her house recently and that these young lieutenants are very much disturbed about going to Vietnam under the circumstances which were brought out by this investigation. Other officers have indicated to me that they are seriously thinking of retiring before their time. I appreciate the fact that perhaps the image of the Army has suffered, although I'm sure that the Army can live through it. There is a concern in my mind about our young officer corps and the fact that we do have to keep faith with them and they knowing they can depend on us. As a consequence of this and my strong personal feelings for the Army, I did prepare this statement or this letter, which I wrote to the Chief of Staff.

Q. This is the copy of the letter you wrote to the Chief of Staff? I notice it is dated 10 December 1969.

A. I wrote the letter on Friday the 5th in the form of a back-channel message. I thought that I was appearing before the House Armed Services Committee. There was no provisions for a back-channel facility at Norfolk where I worked at the time, and consequently I brought that statement here and had it retyped in this headquarters.

Q. So, being here, you would have an opportunity to submit it to the Chief of Staff privately?

A. I did not submit it privately. I requested an officer in OCLL to have it delivered to the Chief of Staff's office.

Q. You would like it to be entered into the record, the proceedings?

A. I do not believe it has any pertinency, or perhaps it does. If it has any pertinency, I have no objections to having it entered.

IO: I believe it does have pertinency with respect to things which you have previously stated to this investigation, Colonel HENDERSON. Unless you do object, I would like to have it entered into the record as an exhibit.

RCDR: Sir, this letter is entered into the record and marked as M-13.

A. Also, may I have a copy of that, too?

MR WEST: Certainly. I have no further questions.

IO: Colonel HENDERSON, I have a few more questions I would like to address to you. At one time during your previous testimony you indicated that when you talked to Warrant Officer THOMPSON you considered him incoherent. You also indicated--

A. (Interposing) I did not intend to make that statement incoherent. He was in tears, but I did not intend to use the term incoherent. He was not incoherent.

Q. You indicated at one time today that when you talked to Mr. THOMPSON, probably on the morning of the 18th, that Major WILSON was with him. As you look back now on the events which have transpired, recognizing that we may be talking 2 days after the incident at My Lai (4) might have happened, would your appreciation of Warrant Officer THOMPSON have changed some?

A. I'm sorry, sir?

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Q. Well, you have had a little time now to think about this, about Warrant Officer THOMPSON, the story which he told you what he had seen.

A. Yes, sir.

Q. Would this be a logical story as you heard it?

A. It was. Yes, sir.

Q. Was he over-emotional with this?

A. No, sir.

Q. Did it ever come to your attention during this operation that a total of six hamlets had been burned?

A. No, sir.

Q. Do you know of any reason why, in any of the operational reports which were forwarded to division and subsequently forwarded from division on forward, that none of the civilian casualties were listed?

A. I cannot account for that, sir.

Q. Colonel HENDERSON, I refer to the attachment to Exhibit R-1. I refer you to paragraph 2, in which it names two hamlets. (IO hands the report to the witness.) Are you familiar with those two hamlets?

A. I am not, sir. I was told, I believe, that one of these hamlets could not be identified, but--

Q. (Interposing) The first hamlet is well-established as the Viet Cong name for the village of My Lai (4). I believe it indicates in the village of Tu Cung, or whatever it is.

A. Yes, sir.

Q. Well, in the first one it indicates that somewhere in the neighborhood of 400 were killed. And in the second village which is Co Luy, I believe, 90 people were killed. Were you ever able to identify the village of Co Luy?

A. I was not, and as I recall this was discussed at-- Colonel BLACKLEDGE attempted, I believe, to determine that location. I believe he or one of his people reported to me that they were unable to identify that village.

Q. Are you familiar with the names of the villages on the peninsula or on the seacoast that B/4/3 passed through on their way to the south?

A. No, sir. I am not.

Q. South of My Lai (4)?

A. No, sir. I am not.

Q. I wish you would refer yourself to the map. I have here a map, scale 1:50,000, sheet 6739 II. This map was provided by the senior district advisor of Son Tinh District and it provides the Viet Cong names for the villages in Son Tinh District. I would like to have it entered into the record and made an exhibit.

RCDR: This is entered into the record and marked as Exhibit MAP-3.

IO: Colonel HENDERSON, you will note that My Lai (4) is referred to as Tu Cung.

A. Yes, sir.

Q. We notice out here (indicating) a village with the same name as utilized by the GVN, the hamlet of Co Lay. We notice down to the bottom here across the Song Tra Khuc that there is a village called Co Luy. Did you ever hear, in any of these hamlets in this area, of civilians, women, children, other noncombatants, which may have been killed during the operation of TF Barker in this area during the period 16, 17, 18, and 19 of March 1968?

A. I did not, sir.

Q. When Colonel BLACKLEDGE and Major MCKNIGHT received this information, was an attempt made to locate Co Luy on the map?

A. I do not know if this was the document or if it was the letter from the village chief to General TOAN. There was some area that could not be located and I am of the opinion that it was this one here, Co Luy, that could not be positively identified. I believe that some efforts were made to locate the village. To the best of my knowledge, it was not located.

Q. Did you or anybody go back to the district chief or the province chief or any other GVN authorities within the area to try to locate this village, to associate it with this particular operation?

A. I do not recall, sir.

Q. You, I believe, indicated to your staff, certain members of your staff, to keep this activity or investigation close to their belts?

A. Yes, sir.

Q. What was your purpose in telling them that?

A. The purpose of this was to do just that: play it close to their chests until--I didn't want any official general announcements made that these soldiers of C Company or of Task Force Barker had been or were being accused of anything until we had more positive information, which I unfortunately did not procure.

Q. Was the word ever put out to the troops of your command that an investigation had been made, and that none of it could substantiated.

A. To the command? No, sir.

Q. Would you not owe something to the command, and would it not also be quite essential, frankly, that somebody at least talked to the commander of the aero-scout company of the 123d Aviation Battalion to tell them that this matter has been checked into thoroughly and you could find nothing to substantiate it.

A. It should have been done.

Q. Could have or should have?

A. It should have been done.

Q. Did you ever have a suspicion that somewhere along the line, either beneath you or above you or anyplace that there was an attempt to cover up this whole thing, sweep it under the rug and hope it would go away?

A. I had a suspicion that there were things under me being held back from me. I could never put my finger on it. I thought that it would come to light, but I absolutely had no thought that anybody at higher headquarters was trying to cover this thing up, and I know that I was not trying to cover it up. Although the evidence that you have here about the formal report of investigation, I just cannot answer that. I saw the formal report of investigation and I am positive that General YOUNG told me he had seen it or that it was available in the headquarters and--

Q. (Interposing) You may rest assured that we will be talking to General YOUNG and to the other people in the headquarters who may have been involved with it, because I want you to know that we intend to establish all the facts and circumstances surrounding this case. We're not going to stop working, day and night, until we do.

A. Yes, sir.

Q. You see, the thing that makes it so difficult for me, Colonel HENDERSON, is the great lack of consistency. If I may say, the one hand you tell me that you are suspicious of individuals not giving you the facts and the circumstances, and on the other hand, I find, no great effort made to uncover the facts and the circumstances surrounding this incident. I find this difficult in my mind to resolve.

A. Yes, sir. I understand, sir. The only excuse that I could give is that I made the mistake of attempting to investigate this myself, when I didn't have the capability of doing it. I should have put this out to a disinterested investigating party.

Q. I have issued instructions once before, Colonel HENDERSON, that I didn't want you talking to anybody about this investigation. I told you that I have not made up my mind what action I am going to take with respect to the one disclosure, or the breach of such confidence that you had indicated with Warrant Officer THOMPSON. I will again tell you I do not want you to communicate with anybody concerning

your testimony and this investigation and the proceedings. Specifically, I do not want you to communicate with anybody else who may have any knowledge of the details of what transpired, either of the incident itself, which may have taken place in My Lai (4) on 16 March 1968, or the investigation or inquiries into such an incident, or the review of such investigation and/or inquiry. I want to make it unmistakably clear that you understand that.

A. I understand that thoroughly now, sir.

Q. Specifically, I don't want you to talk--or those individuals that I have mentioned, taken in the whole, but, specifically, individuals, there will be no more discussions with General KOSTER concerning any of the proceedings here or anything having to do with the incident.

A. Yes, sir.

Q. There will be no discussion carried on with General YOUNG, I believe another general--General GALLOWAY, General LIPSCOMB and any other of the senior officers, junior officers, noncommissioned officers or enlisted personnel involved in the incident, this investigation, and/or review. I will repeat that again if you need it.

A. I do not need it, sir.

Q. At this time would you like to make any additional statement or bring anything to light which may be of assistance to this investigation?

A. I know of nothing, sir.

IO: This hearing will recess until 0900 tomorrow morning.

(The hearing recessed at 2115 hours, 12 December 1969.)

(The hearing reconvened at 0901 hours, 19 December 1969.)

IO: The hearing will come to order.

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

RCDR: Sir, Colonel Oran K. HENDERSON is recalled.

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

COL MILLER: Colonel, you are still aware of your testimonial rights and your right to request counsel at any time?

A. I am.

COL MILLER: Do you need further explanation or any explanation?

A. I do not.

(COL MILLER withdrew from the hearing room.)

MR WEST: Colonel HENDERSON, just for clarification, the instructions--orders given to you during the prior appearance about not discussing the testimony before the inquiry; it was not intended to and does not preclude your appearance before a congressional committee. That's a matter beyond the scope of the inquiry. These instructions were not intended to apply to that. So, as far as General PEERS and this inquiry is concerned, you're not limited in any way in appearing before the congressional committee. Such appearance as an official duty is a matter for determination by the Chief of Staff and the Secretary of the Army and not this inquiry. You have, at your request, been given access to a transcript of testimony before the inquiry. A policy has been established, however, that no transcripts will be released prior to completion of the inquiry here and preparation of a report. So, although I understand that you do not now have a copy of the transcript in your possession, I wanted to advise you it would be contrary to orders to furnish anyone a copy of the transcript of the testimony.

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A. I have no copy. I have turned in three, one of each series, that I was given by the recorder.

Q. Thank you.

IO: Colonel HENDERSON, we have several points that we want to try to get clarified with you, and we will have several questions. I thought before we got into these questions that it might be advisable for me, based upon what information you have provided and information from other sources, to try to reconstruct for you some of the events that transpired, particularly as they pertain to yourself. I think the first thing to recall is that this operation, as far as C/1/20 is concerned, was a 3-day operation in which they landed and went through My Lai (4) on the 16th and laagered on the night of the 16th with B/4/3, generally somewhere in the area of My Lai (1). The following day, both companies conducted an operation to the south and again returned to the north, and Charlie Company spent the night somewhat south of My Lai (1).

The following day they had been ordered to extract from the field, and they were moving north to go up into the area of A/3/1. And it was from this area that they were extracted starting in the early afternoon about 1400, and I would imagine it was probably completed about 1500 or even 1600 in the afternoon. It was somewhat of an administrative move, and they went back to LZ Dottie the afternoon of the 18th. So that generally is the sequence of events that transpired on this operation, in a very broad sense. Now as far as your own participation, and your initial involvement, of course, was the fact that sometime on the afternoon of the 15th you talked to the commanders at LZ Dottie, and that's confirmed by yourself and by several others. Then, on the morning of the 17th, sometime after 7:30, you arrived in the area of the combat assault, on the 16th--I'm sorry, let the record reflect sometime after the combat assault on the morning of the 16th, that you arrived with your command and control helicopter. You flew around there, and eventually you picked up what were initially thought to be two PW's and returned them back to LZ Dottie. When you arrived at LZ Dottie, you found that General KOSTER was there. You had a discussion with General KOSTER at that time, and there was some matter of checking out the two PW's who subsequently proved to be PF's.

Also in your discussion with General KOSTER, you had mentioned the fact that six or eight civilians had been killed, at least that's what you observed, and he expressed a considerable degree of consternation at this. You then flew back over the area, sometime after General KOSTER had departed, over generally the My Lai area, and went to Quang Ngai City to fulfill an engagement with Colonel TOAN, then the commanding officer of the 2d ARVN Division. There is sort of a gap in here except for the fact that you indicated that you had General DOLEMAN coming into the 11th Brigade, so you returned sometime in the afternoon for that. I'm not sure what time he did arrive. But it's also indicated that sometime later in the afternoon, actually at 1645, General DOLEMAN and General KOSTER were at LZ Dottie, and that General DOLEMAN was briefed there by Colonel BARKER, and that they departed at 1715. It would be my supposition, and I'm not sure, this one point I would like to have you clarify. If you had met General DOLEMAN at Fire Support Base Bronco and he was your guest for that evening which General KOSTER had indicated he had desired to stay at Duc Pho with the 11th Brigade since it had come from Hawaii-- that you had a three-star general on your hands sometime that afternoon and the night of the 16th. And what time he departed on the 17th, I have no indication, but I would assume that since you were his host you probably accompanied him to LZ Dottie and returned with him to Fire Support Base Bronco or Duc Pho. The following day was Sunday. Recalling that we do have a three-star general on our hands, and also the fact that on Sunday, sometimes, we have a change of schedule so people can attend church services and so on, the working hours are not all the same. So I would assume that sometime, perhaps the morning of the 17th, General DOLEMAN perhaps departed. I know nothing of this.

The next indication that we have of something involving you is a discussion which took place probably early in the afternoon or maybe at noontime on the 17th with Colonel HOLLADAY and Major WATKE on the subject of the utilization of the operational capabilities of the 123d aero-scout company or the aero-scout company of the 123d Aviation Battalion. We have no indication of any additional activities on the afternoon of the 17th.

On the morning of the 18th, according to the extracts which I have here from the log at LZ Dottie, you arrived at LZ Dottie at 0905. I don't know how long

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you stayed here because that is not indicated in the log. It is indicated that about 5 minutes after your arrival General YOUNG arrived on the morning of the 18th shortly after 9 o'clock, 9:10. General YOUNG departed at 9:30. Then, the next indication we have is that a meeting was held after which you talked to certain individuals and then, according to the information we have, you visited Captain MEDINA somewhere in the area of My Lai (1), or to the north of My Lai (1), sometime about the time frame of noon on the 18th. Captain MEDINA remembers this very well because he was stopping his movement to secure a landing site for the helicopter and also to secure the area and because of the fact that in about another hour or so he was to start the lift out of his forces.

So these events have become quite firm. Now, as far as other things that I have failed to mention here, according to your testimony, on the night of the 16th, you had discussed the numbers of civilians which had been killed with General KOSTER on the telephone. At that time you reported to General KOSTER that it wasn't the six or eight that you had reported initially, but the figure now was something in the neighborhood of 20, or it could be greater. And you indicated that General KOSTER was very much concerned with this. You indicated that you were going to get a breakout for him, and so forth, and provide him the details. Then, after the 18th, when the group of you had met at LZ Dottie, the next indication is that sometime about the 20th, according to your testimony, you reported to General KOSTER the results of your initial investigation.

Now those are, Colonel HENDERSON, I think, briefly the events, as I have been able to put them together in my own mind as to what took place. This is not consistent with some of the timing that you have been able to recall, and I think, very frankly, one of the features that has caused some of this is the fact that you did have a senior officer on your hands whom you had to accommodate on the afternoon and evening of the 16th and the morning of the 17th. And in my view, this probably took a great deal of your time. So now, is there any clarification that you would like to have of that description before we go on with the questioning?

A. No, sir.

Q. Are there any major points of these activities anybody may recall here that I have left out of this short dissertation?

There seems to be a difference of opinion as to when you ordered C/1/20 to return back through My Lai (4) to make a body count of the civilians and to provide all of the details. Now, again to refresh your memory of the 16th, you had gone to Quang Ngai and after the meeting had returned to Duc Pho. You knew that six or eight people had been killed. You knew that.

A. Yes, sir.

Q. I show you here the log of Task Force Barker for the 16th. I would specifically call your attention to item number 39 shown at the bottom of page 4.

(Exhibit M-14 is handed to the witness.)

A. Where Company B reports that none of its VC body count ordered by this unit were women and children?

Q. That's right. Then you can go and read about Charlie Company.

(Witness reviews the document.)

Q. At the moment I don't want you to look at the entire log.

A. Oh, I'm sorry, was I only supposed to--

Q. (Interposing) Well, I'm only interested in this one item, Colonel HENDERSON.

A. About Company B reporting?

Q. Primarily Charlie Company. In fact, at that time they are reporting 10 to 11 women and children were killed.

A. Yes, sir.

Q. Now, you notice that this time was around 1555. Do you also notice this information was forwarded to your TOC down at Duc Pho?

A. Yes, sir.

Q. Were you made aware of this information when you were there?

A. I cannot recall being notified of any civilian casualties other than the six or eight I had reported until I had a telephone conversation with Colonel BARKER later in the evening.

Q. Well, you see, I'm really trying to determine why you did certain things. We asked you, for example, when you had ordered Charlie Company back through My Lai (4). And you had first indicated, the first time we talked to you, that it was on the 17th. Then, when we later squared it away that this operation was a 3-day operation, it was shifted to the 18th. Well, frankly, this just doesn't make sense for many, many reasons, the first being that it wouldn't appear logical to send anybody back 2 days later, because it would probably prove nothing. But aside from that, we have other testimony to the effect that--and one confirms the other--that you had issued the instructions, evidently, to Colonel BARKER, and the word was passed by Major CALHOUN to Captain MEDINA sometime in the period of 1530 to 1600, along in about that time in the afternoon. And this is the time that Captain MEDINA objected to this, because of the late time in the afternoon. And it was at this time that General KOSTER interceded and countermanded the instructions. This is fairly well confirmed as far as the time is concerned.

The question that arises in my mind, is why did you order C/1/20 back to My Lai that afternoon?

A. Sir, again, I do not believe I ordered them back there on the afternoon of the 16th. What I figure out in my own mind was that when I received the notification that my order had been countermanded, I was up in the brigade area, down in the Duc Pho area, and I received this by radio from either my S3, Major MCKNIGHT, or from the TOC. And I believe at that time is when I took off to go to LZ Dottie. The brigade log, I would think, would show that message having been relayed to me since it did come to me either through the TOC or through the brigade S3.

Q. Well, we know that at least those 11--that information was passed to your headquarters. Whether or not your headquarters made you aware of it, I don't know. As far as the word on countermanding, I'm not sure how that word was sent to you. I am sure, and it is confirmed, that General KOSTER was concerned about countermanding your order and asked that you specifically be informed. And as I indicated, this information was confirmed, including the fact that you were to be informed. Exactly how you were informed, I don't know, because up to the present time we do not have the log for the 11th Brigade. We will check that and see if there is an entry in that concerning it.

A. Sir, I did not see General DOLEMAN on the 16th at LZ Dottie. This was not in the plan, that General DOLEMAN would visit the 11th Brigade on the 16th. I was scheduled to receive General DOLEMAN on the 17th at Duc Pho, and I believe I had lunch with him, and I know that I showed him throughout the southern part of my AO. How long he was with me, I do not recall. I would estimate somewhere around 3 hours, perhaps 4. He did not spend the night of the 16th with me.

Q. He did not?

A. He did not. I have had several general officers who have stayed there, but General DOLEMAN did not stay there. I remember giving him a weapon, that it was sort of a rush job. I didn't know that he was coming in the area. As soon as I heard he was in the area, I let General KOSTER know that he had been the general officer who had handed us our flag on our activation on 1 July, and it would be most appropriate, since he was retiring from the service, that he, I'm sure, would like to visit us. And so the plan was changed. And I know he did not spend the night with me. I'm not certain what time he was there on the 17th. I'm confident he did have lunch with me. And we gave him a thorough briefing of the Duc Pho AO. I do believe now, yes, General KOSTER did take him to Dottie on the day before, but I was not there at that time.

Q. You were not there?

A. I was not at Dottie, and he did not spend the night with me, sir.

Q. Well, we will check on General DOLEMAN as to exactly where he was. It was General KOSTER's impression that General DOLEMAN was going to spend the night with you, not with you, specifically, but with the 11th Brigade, because he felt very closely attached to the 11th Brigade in its having originated in Hawaii while he was there, and its activation, and all of the things connected to it.

The main thing I wanted to bring out to you in my discussion was not to pin this down exactly, but to have you aware of the fact, fully aware, that General DOLEMAN had visited you. And I know the treatment you have to give the senior officers, and it does take time.

A. I brought this out in my original testimony, although in the testimony it came out as a Lieutenant GOLDBERG--or it didn't come out as Lieutenant General DOLEMAN.

Q. It came out Lieutenant DOLEMAN. That's why we will be cleaning these up to remove the errors. This is just a draft transcript.

A. Yes, sir, I understand. Again, sir, I cannot shed any further light on when I ordered the company back through there. It is firm in my mind that I ordered C Company back through there after I had talked to Warrant Officer THOMPSON and after I had talked to General YOUNG. After I received the call that I had been countermanded, then I went to Dottie almost immediately. That's the way I visualize it right now. I could be wrong.

Q. Going on to another point, Colonel HENDERSON. In the morning you were aware that some civilians had been killed. By the evening you were aware that somewhere in the neighborhood of 20 or more had been killed on the 16th. Yet I read the SITREP report made by the 11th Brigade to the Americal Division, and I notice no mention of civilians being killed by any means, whether it be by artillery, whether it be by gunship, by small arms fire, or by a combination of them. There is no mention of civilians being killed, at any time. The first time that it shows up in a reports is, to my official knowledge, on the 24th of April in the report of the investigation which you submitted at that time. Can you tell me why these civilian casualties were not reported by the brigade?

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A. I cannot, sir. We kept, in our TOC, a board which was maintained by the TOC duty officer, and this chart was posted as calls came in with U.S. casualties, VC, VCS's, prisoners, and civilians that were wounded or killed. And in the evenings, when our SITREP's were prepared, the information was drawn both from that board before it was erased, and also it was taken from the reports that had been submitted through the day and entered into our log. I just do not understand why it was not. There was no effort on our part to try and hide it. We weren't proud of this fact, but there was no reason not to report these civilians.

Q. What were your instructions from the Americal Division concerning civilians, the treatment of civilians? How was it handled? Was it something that a great deal of emphasis was placed upon so that everybody was aware of exactly what they were to do concerning women, children, old men, noncombatants, treatment of PW's, and all things of this nature?

A. At that point, sir, I do not recall what the Americal Division instructions were. I know what General LIPSCOMB's and my feelings were toward this thing, towards civilians particularly. And hardly a night went by or a briefing went by that either he or I did not comment on this business of winning these people over, and how in the hell could we do it if we kept wounding and hurting the civilians.

When I was executive officer, I visited our dispensaries daily to see how we were treating the civilians. I visited the stockades daily to see how we were treating the prisoners. And the MI detachments during their interrogations, I dropped in unannounced to observe this. And frankly, sir, I believe everybody in the brigade knew that I would not tolerate any mistreatment of civilians.

Now, as far as what instructions we got from division, I just do not recall. During the period I was executive officer, I do not recall any instructions.

Q. Well, it would follow though, would it not, that the attitude reflected in the brigade would be that coming from the Americal Division? They set the standards for the brigade.

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A. I believe this is fair, yes, sir.

Q. So you are very concerned about the handling of all civilians?

A. Yes, sir.

Q. Well, this is why it seems totally inconsistent to me, that we would have 20 civilian casualties and yet it does not show up in the SITREP anyplace. And yet we know that it was reported to the brigade, at least that much. We'll check the log of the 11th Brigade to find out specifically what other data was entered in the log, because some of it, as you know, may have come in from different sources other than the electrical transmission.

A. Yes, sir.

Q. What was the brigade policy concerning the burning of hootches, the destruction of living accommodations, the killing of livestock, and the like?

A. I do not recall a particular brigade policy on the killing of livestock, although I just frankly never understood or never considered that livestock would be treated as VC. On the burning of houses, there was a very specific regulation from the Americal Division which we had known about before, that we did not burn houses. It was reinforced somewhere in January or February. I'm not certain of the exact period, but I recall that General LIPSCOMB had a battalion and separate unit commanders and staff meeting, and had announced that he had received information from the division that only General KOSTER could authorize the burning of any villages and that there would be no burning by U.S. troops in the 11th Brigade. From time to time we got requests from the district, and so forth, to destroy a settlement or something of this nature, and we would not participate in that. And I, in turn--and certainly not before this incident--but I recall certainly after this incident that I didn't even want U.S. troops present when the PF's, or RF's, or ARVN soldiers burned villages. This is not our business.

I know General LIPSCOMB and I, after his former aide was killed, the company commander in the 1/20 area, would like to have gone in and burned out this entire village,

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I mean the entire valley, in one area. And we were restrained, of course, by the order. So there was no question in our minds that we did not have this authority to burn.

We could return fires, specific fires aimed at a specific hootch if there was one. And if it caught on fire, this was a result of direct combat. But the burning of villages, there were no orders for us to do it. There were orders to the contrary, that we would not.

Q. This is generally consistent with what we have heard from other testimony. The thing that, very frankly, is difficult for me to try to rationalize is that this was an established policy to the degree you have just indicated, how is it that troops of Task Force Barker that participated in the operation were directed to destroy the houses, to kill the livestock? That's the first one. And secondly, after this was done, it was not reported so you and the brigade commander were aware of it. We know, for example, from testimony that most of My Lai (4) was pretty badly burned out, and we also know that throughout the 3-day operation a total of six hamlets were burned, put to the torch. So the thing that I find very difficult to understand is, with policy such as you indicated, that such was the order, that it would not be reported in any form, that you would be totally unaware of it.

A. Sir, I was unaware of it. I saw some hootches burning in the My Lai (4) area when I first flew over there. In fact, one took flame as I was flying over. I don't know if it would show in the log or anywhere, but I know I called Colonel BARKER when I saw this and wanted to know what in the hell was happening down there and who was burning that hootch. And I thought he told me that it was the National Police, that a squad of National Police had gone in with his C Company. And I told him at that time to put a stop to it and that the ARVN, or National Police, or whoever in the hell they were, were under our control. If they did not perform, he was to evacuate them out of there. And that was the only hootch that I saw--Well no, I'll take that back. When I arrived in the area, there were some hootches burning along the western side of My Lai, and I was told that these were the result of gunships that had fired on the defensive bunkers on that west side. Some of the hootches had caught fire. And then it was down on

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the south side, as I recall, that I saw this other hootch burst into flame at that time that I called and told him to put a stop to it and get the ARVN, or the National Police, whichever one it was, under control.

Q. What time of morning was it that you talked to Colonel BARKER?

A. This was early in the morning, sir.

Q. What time?

A. This was immediately before I picked up the two VCS's from this column that were evacuating to the southwest, sir.

Q. You talked to Colonel BARKER on the--

A. (Interposing) Yes, sir. He was overhead in his command and control ship.

Q. Well, we have a tape which was made of communications during this particular period, and we will see if it shows up on the tape. From the best of my recollection of what's on the tape, I find no reference to that.

A. Yes, sir.

IO: Does anybody have any questions concerning either the reporting of civilian casualties or the policy of the brigade and the division concerning burning of hootches, and killing of cattle, and reporting of same?

MR MACCRATE: Colonel HENDERSON, were there any brigade directives that had been issued on any of these subjects that General PEERS has just been inquiring about?

A. Sir, I do not recall. I do not recall if the one we received from division that General LIPSCOMB had at the meeting I talked about earlier, whether that was in writing or whether he had attended a meeting and received this orally. I do not recall us putting out anything in writing on the subject. I could be wrong, but I do not remember it at this time.

IO: Mr. WEST.

MR WEST: Colonel HENDERSON, we received evidence that hootches, houses, in My Lai (4) and other hamlets, these being generally along the coast of the China Sea, were burned by Charlie Company during this 3-day operation. This burning did not occur as the incident of hostile fire. It occurred as a result of fires deliberately set by the men as they moved through the hamlets. There is also testimony that they were ordered to do this by Captain MEDINA. I gather from your testimony you are not aware of any such orders if they were in fact given?

A. That is correct, sir. I gave no orders that they would not be burned, but the orders had been issued previously, and I know that Colonel BARKER was thoroughly familiar with these orders. And I saw no burning. I do not recall visiting Charlie, or Bravo, or even flying over them on the 17th in the operation down to the south. Honestly I don't even recall that operation down there. It is a complete blank to me. I did not see any burning.

Q. It has been made available to us also, the statement of a witness who said that Captain MEDINA in briefing the company made the remark that, "Higher headquarters didn't want the houses burned, but we were going to burn them anyway." This is in connection with the testimony that he had ordered the hootches burned. Are you aware of any instance in which Captain MEDINA, in an operation such as this, had gone beyond his instructions?

A. I was not, sir. This was the first combat action I had been involved in or observed. As the brigade executive officer up to this point in time, I was pretty well limited to Duc Pho. Occasionally, I could get an H-23 and get out on the periphery or something. But as a general rule, I was stuck at Duc Pho. I had not participated in a CA nor had I observed any combat action except that at the Duc Pho Province. So I had not had an opportunity to observe Company C before.

IO: Well, I think it is wise to point out here, too, that this burning was not confined to Charlie Company. B/4/3, likewise, burned some villages. I can't recall the exact villages they burned, but they, to my knowledge, burned at least two villages along the coast in the area either of Co Lay (1), Co Lay (2), Co Lay (3), or it could have been all three.

A. This was not reported to me, sir, nor did I have any inkling that any villages had been burned. This was not customary in the 11th Brigade, that any hootches or any villages would be burned. We did request at times that district, along the highway when we have a series of minor incidents, remove people from two or three little hootches, and destroy those. But every time we got the province people or district people to do it, and not U.S. soldiers.

MR WEST: The reports coming in seem to be consistent with that. I don't recall that they reported hootches burned during the course of the operation in the operational reports made during these 3 days. Nevertheless, it seems to be a fact that they were burned, and we are trying to account for the fact that this could happen when evidently it was against division and brigade policy, that this went on in an organized fashion, probably pursuant to orders. Can you account for this?

A. I cannot account for it, sir. It doesn't seem possible that Captain MEDINA or Captain MICHLES, who were two very outstanding company commanders whom I knew during training back at Schofield Barracks, would resort to such a technique.

IO: It should be brought out, at least in some of the five villages and hamlets that were burned along the coast, that at that time, according to some of the testimony, these villages or hamlets were not inhabited. But they were put to the torch.

Does anybody else have any questions on these?

Now, Colonel HENDERSON, I would like to bring you down to the morning of the 18th, or whatever day it was, that the meeting took place between General YOUNG, yourself, Colonel BARKER, Colonel HOLLADAY, and Major WATKE. General

YOUNG indicated that he was there only for a short period of time. This is somewhat verified by the log which we obtained which indicated that General YOUNG arrived at 9:10, 5 minutes after you had arrived, and he departed at 9:30, which slices the total period that he was at LZ Dottie to about 20 minutes. So he could not have been there too long.

General YOUNG also indicated that when this group met there was a short discussion, and he issued instructions to you and indicated that these people, the other individuals who were there, Major WATKE, Colonel HOLLADAY, were to go into detail with you and discuss this whole thing further. He was already aware of it. And shortly thereafter he departed, leaving the four of you together. But he also remembers having instructed the initiation of an investigation. Do you recall how long General YOUNG was at this meeting and the sequence of events this morning?

A. Sir, I have been trying to think about this meeting in a van--meeting in a tent. I don't recall this group even sitting down. I'm not certain we didn't stand outside the TOC or stand around in a cluster. I'm positive we weren't in a van. That van wouldn't hold us, I don't think. I don't believe that this meeting or this discussion lasted very long. I do not recall, as I believe you mentioned to me last time, Major WATKE had briefed us. I just cannot hear a thing that he said. I do not remember seeing Major WATKE, but it's possible that he was there. Before I didn't remember seeing Colonel HOLLADAY, but now I do recall that he came in. And I thought that he left with General YOUNG. I had in my mind that he was flying him.

Q. General YOUNG indicated that he came in, that you had met in the van, in Colonel BARKER's quarters, for a few minutes when he issued the instructions to you and then indicated that he was leaving, and that these other people were there to discuss it in detail. He left, and you were gathered outside of the van standing and discussing this particular point.

A. Sir, I cannot remember how long we stood there nor can I remember anything specifically that we said.

Q. What did General YOUNG tell you to do?

A. Sir, I cannot remember. I thought in our discussion there that either I relayed to him--and I still feel that Warrant Officer THOMPSON talked to me before I

saw General YOUNG, and that General YOUNG was aware of this. I told him that I was looking into it. I do not recall him giving me any instructions except agreeing that I was to look into it.

Q. Well, are you saying that General YOUNG never directed that you conduct an investigation and report to the commanding general?

A. I had instructions to report to the commanding general. There is no question about that. Whether I got it at that time, or the next day, or the day after that when I saw General YOUNG again and briefed him on what I had, who I had talked to, and what they reported to me. But I know that I was not directed at that time to conduct a formal investigation. He said, "Look into this, and see what we should do," or whether I said, "Let me look into it," or, "I'm going to look into it." This is the way I feel that our discussion went.

Q. Do you recall General YOUNG instructing you to investigate the allegation that U.S. forces were firing unnecessarily, were using excessive fire power and firing into areas occupied by noncombatants?

A. No, sir. I do not.

Q. Let me read a couple of things that people have indicated.

Colonel HOLLADAY said:

"A. At the conclusion of Fred's story"--  
and here he means Major WATKE.

"General YOUNG directed Colonel HENDERSON to investigate this. If I am recalling his precise words, he said, 'I want you to investigate this.' Then he gave him a time limit to get it in to him, the investigation. As I recall it was a remarkably short period of time. I don't recall a specific time. Anyway, it was less than 72 hours."

I asked the same question of Major WATKE at a later time and asked him for the precise words:

"Q. Do you recall the exact words that he used?

"A. I don't know if he used investigation or inquiry, but I left with the complete understanding in my mind that Colonel HENDERSON was told to conduct the investigation and report it to the division."

"Q. In your mind, what would this investigation entail?

"A. Well, principally at that point of time it was with reference to the unnecessary shooting and wounding and killing of civilians. He wasn't investigating the confrontation between my personnel and somebody on the ground. At this point in time it was relative to the needless and unnecessary shooting of civilians."

A. Sir, I cannot deny that General YOUNG may have told me to investigate or to look into it. But I do not recall it. But I left there with the understanding that I was going to look into it. There is no question of that in my mind.

Q. At this meeting, what was reported to you that the warrant officer--or told to you at the meeting that the warrant officer had reported in his activities in the area of My Lai (4)?

A. At the discussion group?

Q. At the discussion group.

A. Sir, I cannot recall. I'm still under the impression that I had talked to Warrant Officer THOMPSON before General YOUNG arrived and that everybody in the meeting, or in this discussion here, was apparently aware of what THOMPSON had reported. And I--there were questions about whether he could see what he reported. Where was he flying? Some discussion about what kind of an individual was this Warrant Officer THOMPSON. I believe this question was put to Colonel HOLLADAY or one of the members, perhaps Major WATKE, but I don't remember him being there. But as far as a step-by-step discussion of what Warrant Officer THOMPSON had reported that he had seen, sir, I do not recall that.

Q. Well, again I would refresh your memory by indicating the time that you arrived on the 18th, and General YOUNG arrived and departed. You arrived at 0905. General YOUNG arrived at 0910, and General YOUNG departed 20 minutes later. We have no entry as to the time of your departure.

A. Of course, I recognize that we have to go on the log, which is more accurate than somebody's memory. I would hope that my 11th Brigade log might show what time I had left Duc Pho and proceeded directly up there. And I'm positive I was there before that time. I almost visualize walking out of that van after talking to Warrant Officer THOMPSON and observing General YOUNG arrive.

Q. It might possibly have been that. From the information we have available, this is not the sequence of events. What you should know is this, Colonel HENDERSON, that according to the testimony of Colonel HOLLADAY and Major WATKE is that Major WATKE reported this to him the night of the 16th and that sometime on the morning of the 17th the two of them reported this to General YOUNG. General KOSTER recalls having been informed about noontime or thereabouts on the 17th, and this meeting took place on the 18th. Major WATKE and Colonel HOLLADAY had talked it over, had reported this to General YOUNG, who in turn informed General KOSTER, who directed General YOUNG to have this investigated, which in turn set up the meeting for the following morning. And it was indicated that General YOUNG did direct you to investigate this. And also it was indicated that Major WATKE had again repeated for the third time what he had told to Colonel HOLLADAY and to General YOUNG and again repeated here, so that everybody basically should have been working on the same foundation of information.

A. The only difference being that I can't understand then how the executive officer of the 123d introduced THOMPSON to me, how he got into this act. And I'm positive that he is the one that introduced me to Warrant Officer THOMPSON the moment I arrived in front of that TOC that morning.

Q. We have not checked into, I believe you indicated his name was Major WILSON?

A. Yes, sir.

Q. We have not checked into him yet. We shall. It certainly is conceivable that you might have talked to THOMPSON before that and also talked to him after that.

A. I only talked to him once, and I know that when I told WILSON to report this to his battalion commander, at that time I thought this was the first moment this had come up. And I did not know that Colonel BARKER had an earlier

report as I was informed here before, or that General YOUNG knew anything about it, or that General KOSTER knew anything about it. And it is hard for me to believe that they knew about it on the 17th, and I was not informed, or that Colonel BARKER knew about it on the 16th, and I was not informed.

Q. We will check with Warrant Officer THOMPSON and Major WILSON. We have testimony of Warrant Officer THOMPSON and what he told you, whether this was at a later meeting or whether some of this came out at the first one, if, in fact, there was a first meeting before you got together with the five of them. After the meeting of the five people, and possibly after the departure of General YOUNG and the subsequent discussion, it is reported that you talked for just a few minutes to Major WATKE. Subsequent to which you asked to have Warrant Officer THOMPSON and some other individuals come up to talk to you. And it was reported at that time that Warrant Officer THOMPSON and, to the best of recollection, two other individuals came to see you. Whether you talked to all these individuals or not, we are not sure. The indications we have are that you talked to at least Warrant Officer THOMPSON at that time. Major WATKE's recollection is that he, in sending up the three, did not send up the crew of the H-23, but rather he sent up the pilot of the aircraft. The only one that we have positive evidence of at the moment of talking to you is that of Warrant Officer THOMPSON discussing this matter with you. Now, irrespective of whether you talked to Warrant Officer THOMPSON afterwards or whether you talked to him before, or whether you talked to him both times, it would be material, but for the moment, the thing I am interested in is what did Warrant Officer THOMPSON tell you?

A. To the best of my recollection, Warrant Officer THOMPSON reported to me that he had observed, "Sir, your soldiers on the operation of the 16th were like a bunch of wild men and were wildly shooting throughout My Lai-- or throughout the area, including the gunships." He stated that he had seen soldiers firing into groups of civilians that he was marking with smoke because there were wounded amongst them, or because there were wounded in the area. I recall him mentioning one colored soldier, that he had marked a spot with smoke, and this colored soldier and some of his people were moving on this position firing. I asked him if he could identify the colored soldier, and he said, "No." But he assumed that he was, that he looked like he was in a position of authority, possibly a platoon

sergeant or squad leader. He then said, "I can identify a captain." I asked him what did this captain look like. He told me of an instance of the captain apparently going over to look at a woman that he, THOMPSON, had marked with smoke, and then turning around and walking away and then whirling and firing at her. I asked if he had communications with the ground. He said he did not have communications with the ground. I don't know if I asked him--

Q. (Interposing) Did you press this point that he personally did not have communication with the ground?

A. Yes, sir. I specifically asked him if he had communications with the ground and if he had been talking to anybody on the ground and he said, "No." He did not have communications with the ground.

Q. Did you know how, at that time, his information was relayed to people on the ground? Did you know that although he couldn't talk directly to the ground, he could communicate with the ground through relay?

A. As I understood it from him, he was not attempting--he had no communications with the ground. He was not attempting to talk with the ground, either going back through his commander or in any other fashion. He was just marking what he identified as wounded civilians with smoke. This was the impression I got from him.

Q. The fact of the matter is that he communicated. His radio contact was with his lower gunship, and he relayed his messages through the lower gunship. When he would mark something, he would pass the word to him that he was marking it, and what he was marking. So there wasn't any absence of people on the ground having knowledge of what was going on.

A. This was contradicted by Captain MEDINA who maintained and told me that he had no knowledge of what this individual was marking, except what he assumed to be VC.

Q. I think we have pretty well established through some of the pilots--what I'm saying concerning communications is basically the fact that the H-23 is an old model, and it only had one radio, and by this means he communicated, for obvious reasons, with his guns. And he left it up to his guns to relay that information. After all, they are flying

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right behind him, right on his tail, just off to the side. So they can see everything, and they relayed the information to the ground.

A. He also told me that he saw a lot of dead civilians in the area. I recall asking him if he knew what were the results of the infantry units had reported in this operation. And I informed him what these results were, that 20 civilians had been killed and 128 VC. And he said, "No, he did not." I said, "Well, that is a hell of a lot of bodies on the ground." And he said, "Well, yes," and he agreed that it was, but that the civilians that he saw on the ground were not these, were not VC, that they were old men, old women, and children. At no point did I pin him down as to numbers, nor do I believe he gave me any numbers. And I do not recall--and also I told him that I had observed early in that operation, and I was very unhappy, two groups of civilians that I had reported, possible civilians to the south side of the village. I don't recall if he said, "Yes, he had seen those too," or if he had not. I do not remember. I do not recall him telling me about any machinegun confrontation, and I do not believe he told me anything about a group, of seeing any group of civilians or large group of civilians.

Q. Let me recount what you had indicated in your testimony. Here is basically what you said:

"I asked him if he knew the number of civilians and VC that have been reported killed in that operation? And he said he did not. I told him it was 128 VC killed and 20 noncombatants was the report I had, and wouldn't this appear to be a logical number and generally were they in that particular area? He insisted that the people he saw could not be classified as VC. He stated they were women and children. I asked him if he had seen the bodies to the south of the village? He stated that he had, 'Along the trail, I had reported four.' I said, 'Are these the types that you are talking about?' He said, 'Yes, and they are just all over the area.' Part way through his conversation--very early in the conversation, I pulled out my notebook and reduced what he was saying to some form of cryptic notes in my notebook. I believe that's the basic part of his report, as I recall it now."

Now let me read to you what Warrant Officer THOMPSON thinks as to the length of time you were there, and specifically what you told him:

"I told him that I had seen the captain shoot the Vietnamese girl. I told him about the ditches and the

bodies in the ditch.

"Q. How many bodies did you tell him were in the ditch?

"A. I think I said about 100, sir. Between 75 and 100. There was a bunch of people there. I told him about the sergeant saying the only way he could help them was to shoot them. And I told him about--I didn't tell him what my direct words were with the lieutenant. I didn't even know he was a lieutenant at that time. I didn't tell him my direct words; what my words were with the lieutenant. But I did tell him that I set down and told him to stop his men. I told him when I set down there I talked with the man who appeared to be in charge, and I told him that I had spotted some Vietnamese kids in the bunker. And he said, 'No, you're kidding,' and that the only way he could get them out was with a hand grenade. So I told him to stop his men, and I would get them out of there without killing them.

"Q. Did you indicate to him that you had, in fact, picked up and evacuated these individuals to the southeast along Highway 521?

"A. I can't remember telling him that, sir. I mean it was a lot fresher in my mind then than it is now. I know I told him about getting the kid out of the ditch.

"Q. Did you tell him about the other woman you had seen aside from the girl?

"A. Yes, sir.

"Q. How were you marking these individuals?

"A. Dropping smoke beside them, sir, smoke grenades."

And it goes on:

"Q. Well, repeat the items, if you will, so that I can have them firm in mind?

"A. I told him about seeing the wounded Vietnamese. I told him that a captain had come over and shot one of them. I told him about seeing the bodies in the

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ditch. I told him about evacuating the boy to Quang Ngai. I told him what I said to Lieutenant CALLEY. I didn't tell him what I told my crew chief. I told him about how I had gotten the people out of the bunker. I told him that I hadn't seen--I don't

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remember the number, but I told him that I hadn't seen very many that were draft-age out there that were shot or dead."

I think that's the germane part of what he recalls.

A. I have never had it in my mind that he ever landed there. I think I asked him how high he was flying.

MR WEST: On that point, Colonel HENDERSON, I believe that what you have just said is borne out by your prior testimony, because on examination I couldn't find where you had ever mentioned the so-called confrontation between THOMPSON and CALLEY, the officer on the ground.

A. Sir, I had completely forgotten about that. A week or 2 weeks ago I read something in one of the newspapers, and I did remember that instance. And I have been trying to remember whether I got that from CALLEY or not. I believe I got this at the meeting which General YOUNG was at, at the conclusion of that meeting. In my mind, this was a completely separate incident, and I don't even recall that THOMPSON was involved in that. I believe it was a problem of the Warlords and Task Force Barker having to work together. And I believe I told BARKER to get together with WATKE, and somebody get that thing resolved, and get your rapport reestablished here.

Q. That was not what you were investigating, I take it?

A. No, sir. Although it happened perhaps the same day or part of the same operation, I did not tie this in with the report I had from Warrant Officer THOMPSON. And as far as him evacuating anybody out of that area, until I saw something where he had gotten awarded for it, I had never once had this report. And I just believe that if I had known--that if I had known some of the things I know now, it would have been a different action. I'm not saying I did know then. I would have taken more action than apparently I did. I just do not believe that I had a full story of what went on. Well, I know I didn't have a full story of what went on up there. I do not believe that I had a full story from Warrant Officer THOMPSON. I know that when he was talking to me he was in tears, as I reflect back on it. He appeared to me to be a very forthright individual. I

had no reason to question his integrity. I believe I asked Colonel HOLLADAY or perhaps Major WATKE as to what kind of a young man this boy THOMPSON was.

Q. Major WATKE and Colonel HOLLADAY have testified that when you, WATKE, HOLLADAY, and BARKER got together with General YOUNG, the main concern was about the killing of civilians and looking into that. Does this fit in with your recollection of that meeting? This business of confrontation was discussed, but it was more or less a subordinate issue.

A. I felt that from General YOUNG's comments, I'm not really certain of what they exactly are now, that he was more concerned about the machinegun confrontation. I do recall him making one statement that we are not going to have U.S. soldiers from different units going around shooting each other up.

Q. But you did not leave there to investigate that aspect, I take it? But you were left there--

A. (Interposing) That is correct. It was the other aspect that I felt I was investigating.

IO: Warrant Officer THOMPSON indicates, Colonel HENDERSON, that there were some other people that came up with him. Also Major WATKE indicates that he had sent some other individuals up to talk to you. Do you remember any of these individuals?

A. No, sir. I do not. And I'm satisfied that I was told by Major WILSON that Warrant Officer THOMPSON was the only individual in the troop who had observed anything that day. And I did not know that there was anybody else that had observed anything.

Q. Did you ever have a discussion with a Chief Warrant Officer CULVERHOUSE?

A. The name doesn't ring a bell, sir.

Q. Could he have been one of the individuals that talked to you?

A. No, sir. I did not talk to anybody else.

Q. Do you have anything additional concerning this get-together or the events at LZ Dottie that have come to mind that you would like to bring out?

A. No, sir. I do not.

Q. We have it pretty well plotted and so forth about your discussion with Captain MEDINA.

A. Yes, sir.

Q. You had obtained quite a bit of information from Warrant Officer THOMPSON?

A. Yes, sir.

Q. Not only concerning the woman that some captain shot, but about other things. Do you recall your discussion with Captain MEDINA about the other aspects of the situation?

A. Well, I know that I hit MEDINA first with the woman incident because that was something that I could get my teeth into immediately. And I also told him that I had a report from an observer or warrant officer, I don't believe I passed on THOMPSON's name, but I had a report that a warrant officer had observed Company C troops firing indiscriminately, and that he reported that he had seen a large number of civilian bodies on the ground, apparently more than this 20 we were then reporting. And I asked MEDINA what he knew about this. He informed me that this was incorrect. I believe he said that he, that his platoon leaders, denied that there was any indiscriminate killing. Then he gave me a figure that was different from the 20. I do not recall now. I think it was more than that, 24 perhaps. But when I submitted the report orally to General KOSTER, it was 20. I was concerned now that we are coming up with different figures. I asked him then how did we arrive at the figure of 20, or how we arrived at the figure of 128 VC. That is when he informed me that after he had arrived in his overnight laager position, the platoon leaders had gotten together and each one had estimated the number of VC that they had killed and the number of noncombatants apparently in their area that had been killed. This was the time I believe that I told him this was an unacceptable manner of counting either civilian casualties or VC casualties, and that I wanted him to sweep back through there. I believe, then, I went back and informed Colonel BARKER of this.

Q. At that time, did Captain MEDINA tell you that he was scheduled to be lifted out almost within the hour?

A. I believe he did tell me, as did Colonel BARKER, that they would be lifted out. And I know that Colonel BARKER, when I talked to him--or I'm positive I talked to

him about it. I can't recall if it was over the radio or on the ground that he resisted it because of this. I informed him that if we couldn't get the choppers laid on later on in the day or the next day, that we would walk the troops out. And he brought up the problem of mines and booby traps in the area. I was insistent that this company go back through that area.

Q. Had you told Captain MEDINA specifically what he was to do?

A. I'm confident that I did. It was to check every body in that area, to verify that they were noncombatants. And I wanted an officer to check that body and determine whether it had been killed by artillery or small arms or gunships. And I told him that I appreciated the difficulty of telling whether the body had been killed by artillery or gunship, but he should be able to tell whether they were killed by small arms fire or artillery.

Q. And it would be your conclusion then, after you went back and so advised Colonel BARKER, was at that time that General KOSTER would have countermanded your order?

A. After I had departed the area assuming that MEDINA was sweeping back through the area. And I had left the area and had returned down to the Duc Pho area. It was several hours later. So I can't believe that my talk with Captain MEDINA was that close to his extraction time, not within one hour. You had mentioned earlier this morning that I had talked to MEDINA sometime between 10 and 2. All I can say here, I'm putting it on the short side closer to 10 or 11 or 12 o'clock rather than 2 o'clock. In my mind it was a longer period of time. But I recognized at the time that he could not accomplish his move through My Lai (4) and still accomplish his extraction.

Q. Recognizing the severity of the allegation, large numbers of civilians all over the place, noncombatants killed, and so on, can you explain why you spent such little time with Warrant Officer THOMPSON and did not get down to details as to what did transpire? You were to make an investigation. So you would know what you were investigating?

A. Well, I thought, sir, I knew what I was investigating. Except for the one specific incident of the woman, the statement of Warrant Officer THOMPSON was basically a general statement that he had seen a lot of civilians dead.

I personally still tied this into the 128 VC and 20 civilians that had been reported to me that had been killed. When MEDINA--and frankly, I had and still have a hell of a lot of confidence in Captain MEDINA--when he, as the company commander on the ground, assured me quite forcibly that this had not occurred, that they had not shot innocent civilians; when Colonel BARKER, who I'm certain told me he had landed at this area, told me that he hadn't seen any of this, he couldn't believe that it had happened, I had to weigh or I did weigh, and I did not give enough credit to Warrant Officer THOMPSON's statement, apparently. Although I do not know yet, today, whether this happened except from the newspaper reports which I have read.

Q. Well, it would appear to me that with really a serious allegation such as this, it would have been necessary, in recognition of the fact that General WESTMORELAND, the commander of III MAF, General KOSTER, everybody was hounding on this matter of civilians and the protection of civilians, and you have an allegation such as this, even though it is only 20, although what you knew at that time--at least 20--that it may have required more attention in getting of the details instead of a very quick, cursory discussion with him.

IO: We will take an administrative recess.

(The hearing recessed at 1040 hours, 19 December 1969.)

(The hearing reconvened at 1044 hours, 19 December 1969.)

IO: The hearing will come to order.

RCDR: All persons present when the hearing recessed are again present.

Q. Colonel HENDERSON, did you ever discuss with Colonel BARKER what he knew about what took place at My Lai (4) before you reported orally to the division commander?

A. Yes, sir.

Q. What did he tell you?

A. Sir, he told me that there had been no indiscriminate killing of civilians, that although he acknowledged

that some of these civilians had probably been killed by small arms fire, that he had been over that area, that he had talked to people, and that he was positive that nothing such as Warrant Officer THOMPSON reported had occurred. But again, I did not know that he knew this on the 16th, nor the 17th, until the 18th. And I placed a great deal of reliance in Colonel BARKER. But that's my responsibility. And I talked to him on repeated occasions. I know that I even told him there were still suspicions in my mind that something occurred. Frankly, I was thinking of the 20 civilians that were reported, that had been killed by gunships and by artillery, that more than likely they had gotten into a fire fight and had been killed. That's primarily it. But, yes, sir, I had talked to Colonel BARKER.

Q. You indicated previously that the 3-by-5 card which you had, which you further indicated that you subsequently discussed with General KOSTER that this card had been provided to you by Colonel BARKER?

A. Yes, sir.

Q. Do you recall your discussion with Colonel BARKER concerning this 3-by-5 card and the data contained thereon?

A. No, sir. I do not.

Q. Colonel BARKER had not mentioned to you until the 18th that he first heard this allegation from Major WATKE on the 16th about noontime?

A. I did not know that from anybody present at that meeting, that any of this had come to light before the morning of the 18th, or perhaps on the 17th. Because I think that when they came up there, I got the impression, very rapidly, that they were already knowledgeable in it. But as far as having a report on the day of the operation, no, sir. And not until just very recently did I understand that Colonel BARKER may have gotten the word on the 16th.

Q. You stated in your previous inquiry that among other things you had talked to Major GIBSON, the commanding officer of the 174th Aviation Company in Duc Pho and asked him to check his pilots, his crews, to see if there were any indiscriminate shooting of civilians, and so forth, by his helicopters. And you further indicated that you sub-

sequently received a report from him to the effect that he had checked, and that there was nothing to report.

A. Yes, sir.

Q. When Major GIBSON was before this group, we asked Major GIBSON:

"Q. Did Colonel HENDERSON ever come to you in the time frame of the 16th and 17th and ask you for a report as to what your gunships were doing? Did they shoot up any civilians, noncombatants more specifically, along the south and along the road south of My Lai?

"A. I do not remember any such conversation. Sure I would have if he put a direct question to me as you have here. I am sure I would have remembered it because I would have looked into the situation and probably asked some people.

"Q. Did anybody ever ask you about your helicopters possibly shooting into civilians?

"A. No, sir.

"Q. Did you ever give a statement to that effect?

"A. No, sir."

And then there are some other questions.

A. Either he has completely forgotten or he just refuses to stand up and be counted, sir. I positively asked him and talked to him again about the answer, and I'm positive it was he.

Q. On this matter of Major GIBSON, do you recall if anybody else was present when you talked to him on either occasion? And what were the circumstances of the discussion?

A. I know that when I asked him to look into this matter, both of his own gunships firing and also whether they had observed any of my soldiers shooting at civilians, that it was either at the back of my brigade briefing room or down below on the dirt that I caught him following a meeting. And I assume it was on the meeting of the 18th, since I did not know about this until--as I visualize now, I didn't know it until the 18th. With my concern in this

matter, it must have been the night of the 18th at my normal staff meeting, which would normally start at 5 o'clock and end about a quarter to 6. So it would be somewhere around the 18th of March. And it was at the rear of the brigade briefing room or down on the ground outside of the briefing room. I remember very distinctly eyeballing that young man and asking him that question and asking him to query his pilots. And at that time I had no knowledge that his pilots were not the only--the 174th was the one that supported us on that operation.

Q. Although we've had some indications that other units may have provided support, from what we see at the present time, the testimony would, the evidence would indicate that most of the lift, all of the slicks, and at least a pair of guns came from the 174th.

A. The ships that were used that day were also my other battalion command and control ships. While this operation was going on, they were grounded, and we, of course, were eager to get them back to them as rapidly as we could. And I never recall any of our command and control ships ever being provided by anyone except the 174th.

Q. Do you recall specifically what you told Major GIBSON?

A. I told Major GIBSON that I had a report from a warrant officer pilot in the 123d Aviation Battalion that he had observed wild, indiscriminate shooting by my gunships and my troops on the 16th of March. And I wanted him to get together all of his pilots, all the pilots that were involved in that operation, and ask them if they had observed particularly any of my troops--that Colonel BARKER and others who were in the area claimed that they had not seen any pilots firing indiscriminately. But I was particularly concerned about the accusation against C Company.

Q. How long was it before he responded to you?

A. I believe it was the next day, sir. I believe it was just before I went up to see General KOSTER that I either called him or saw him there in my area and got the question answered by him.

Q. Does anybody else have any questions?

MR WALSH: In connection with your conversation with Colonel

BARKER, you have testified earlier that on the evening of the 16th you were suspicious of the body count?

A. Yes, sir.

Q. I wonder if you can tell us what you did to allay your suspicions about the body count during this period?

A. Well, I don't believe I did anything to allay my suspicions of the number of enemy reported killed. I certainly took no actions nor did I accuse anyone of falsifying body count.

Q. Did you relate, in your own mind, the dead civilians that had been reported with your suspicions of the body count of VC?

A. I don't believe I understand you, sir.

Q. Well, did it occur to you that some of the body count of VC you were suspicious of might have been civilians?

A. No, sir.

Q. Some of which you had seen yourself?

A. No, sir. I did not have this suspicion.

Q. You don't recall talking to Colonel BARKER or anybody about your suspicions or your validity of 128 VC killed?

A. I do not recall it, sir.

Q. I have nothing more.

IO: Did you ever discuss the progress of your investigation with General YOUNG?

A. Yes, sir. I did. I gave General YOUNG my report after I had talked to--and I believe Major GIBSON was the last one I had a report from. I told him what I had found out, and he said, "Fine, make the report to General KOSTER." And I made an appointment, I guess, the next day then, to go up and see General KOSTER.

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Q. What did you talk to General YOUNG about, do you know? Did you cover the whole thing, or did you place primary emphasis on your discussion with THOMPSON?

A. No, I didn't place primary emphasis on relating again what THOMPSON had told to me. But I do recall hitting the points such as MEDINA's explanation of how he killed the woman. I also recall informing him that one thing that we were going to have to straighten out is this dropping of smoke signals, because apparently the troops on the ground were assuming these smoke signals were marking VC. But I told him what I had gotten from Captain MEDINA and Captain MICHLES. Again I'm not sure where I talked to Captain MICHLES, but I know I talked to him--and from Colonel BARKER. And I know he indicated to me that he had also been talking to Colonel BARKER--and what I got from Major GIBSON and what I got from the members of Company C.

Q. Did you tell him something to the effect that you had talked to THOMPSON, and he had given you a report. You checked into it, but it was probably just his first real combat action, and he might not be reporting things as they actually were?

A. I believe I told General YOUNG that the only way that I could rationalize or understand what he had reported to have seen as opposed to what my troops and what other people had told me had occurred may have been as a result of his recent assignment. And I was under the impression that he had not been with the 123d very long. I don't know from whom I got this. I had this impression. I could have very likely have said something to that effect to General YOUNG, yes, sir.

Q. Do you recall saying it?

A. I do not recall specifically saying it. I had this in my mind, and I could have said it.

Q. Where did you talk to General YOUNG? Do you recall?

A. I believe I talked to him at Duc Pho, sir, at my headquarters.

Q. Well, he talked to you on the morning of the 18th,

and you reported to the division commander sometime on the 20th. I'm not sure what time of day it was you reported to him. But, in between, you are saying that you did talk to General YOUNG?

A. Yes, sir.

Q. When you reported to General KOSTER, what did General KOSTER say to you?

A. After I had finished my report to General KOSTER, I recommended to him that it did not appear to me that a formal investigation was required. And he said either, "That's what General YOUNG has said," or "I'm going to discuss this further with General YOUNG." General YOUNG had been looking into this, too, or something to that effect. I received no instructions from General KOSTER to continue the investigation or not to continue the investigation.

Q. Did you discuss the contents of the 3-by-5 card with General KOSTER?

A. Yes, sir. That was the first thing I did.

Q. What did he have to say about that?

A. I know that he was damn unhappy over it, as was I. And I do not recall any specific instructions except it was just--it was unacceptable.

Q. How many of the people on there were indicated, as you recall, killed by artillery or gunships?

A. Sir, as I recall the breakout on this card, the majority of them were listed as having been killed by artillery fire, over 50 percent, and the remainder by gunship fire.

Q. Well, you were a senior officer at that particular time, Colonel HENDERSON, and certainly General KOSTER was a senior officer. If civilians were killed by artillery fire, was it not necessary to initiate a formal investigation of an artillery incident?

A. It would have been, in my opinion, if the artillery had not landed in the impact area that had been designated for it. But artillery fires, in my assumption, artillery fires in

direct support of combat operations, where they are impacting where they are scheduled to impact, this did not require an investigation.

Q. Did you know where this artillery was scheduled to impact?

A. Yes, sir. I did. At the LZ. Yes, sir.

Q. Were you also acquainted with the fact that artillery was programmed to cover the western portion of the village?

A. No, sir. I was not. In fact, I was assured that the artillery did not land on the village.

Q. Was any discussion or thought given to initiating an artillery incident report or a gunship incident report?

A. I did not give any to it. No, sir.

Q. Give me Exhibit R-2, and give me Exhibit R-1, too.

(The recorder handed Exhibits R-1 and R-2 to the IO.)

We have discussed this previously, Colonel HENDERSON. This is the combat after action report, prepared by Task Force Barker (indicating Exhibit R-2). The indications are, since it was addressed to the 11th Brigade, that it was delivered to the 11th Brigade. You had indicated previously you had never seen it?

A. As you recall, sir, there was an inclosure on it when it was shown to me.

Q. The last time we clarified that by saying that the inclosure was improperly placed there. We do not have the inclosure. We ask you to look at it again, without the inclosure.

A. The last time I believe I stated the information contained here was familiar to me. Whether I have ever seen or read this before, I could not recall, but I could have.

Q. Do you know why that report was initiated?

A. No, sir. I do not.

Q. Isn't it quite unusual to have a combat after action report covering just a period of 1 day of a 3, 4, or 5-day operation, as you notice in paragraph 2?

A. Yes, sir.

Q. Whoever directed the preparation of it or whoever prepared it must have done so for a specific purpose or under specific directions.

A. I did not direct the preparation of this report, sir.

Q. After you reported to General KOSTER, orally, on or about the 20th and you indicated just a few moments ago that General KOSTER had stated that he wanted to talk it over with General YOUNG, what did you next hear about your report or what you were to do?

A. I still believe it was 10 days to 2 weeks after this, I received word again from General YOUNG that General KOSTER wanted me to reduce my oral report to writing. And I believe I did reduce that to writing.

Q. This is the report you had spoken of previously of about 4 to 6 April?

A. Dates I just cannot--the only thing I can say is some 2 weeks after I gave my oral report, to the best of my knowledge, I was asked to reduce that to writing, and I believe I did so.

Q. I believe you further indicated that this report was three to five pages in length?

A. Yes, sir.

Q. Who did you deliver this report to or how was it delivered?

A. Sir, one report I know positively of hand-carrying to the chief of staff, Colonel PARSON. Whether it was this report that I'm now referring to as the reduction of my oral report to General KOSTER in writing, whether that's the one I hand-carried or whether that's the one of 24 April, it doesn't seem to me that that report of 24 April--that was of such significance that I would have hand-carried

it up there. I'm only deducing that the other one I did hand-carry was my three to five page report.

Q. Colonel HENDERSON, that's the same report as Exhibit R-2 which I have just shown you?

A. Yes, sir.

Q. This was submitted on the 28th of March. You notice also it is five pages in length. This report happens to be prepared on legal size. If it had been on that form, could that possibly have been your report that you have been referring to?

A. I know that I recounted the information that had been provided to me by Warrant Officer THOMPSON, and as I recall there is nothing in here to that effect.

Q. Could you have transmitted that with an indorsement?

A. I don't believe so, sir. I have been giving this some thought. I do not believe it was even a memorandum for record. I kept trying to think here during the last week on this report, and I know that I sat down and prepared and used my notebook, and wrote down what THOMPSON had related to me and the actions sequence I had gone through, and what other people had reported to me, and arrived at my conclusions or recommendations which I had in this report. And I'm positive this is the report that I prepared in response to General YOUNG's directive that I reduce my oral report to writing. No, sir, I do not believe that I indorsed this. I do not believe that I indorsed this. I did not, no, sir.

Q. I'm not at all sure exactly which report this might refer to, but when General YOUNG was here I questioned him concerning a written report and said:

"Q. Did you ever see the written report?

"A. I don't recall seeing the written report, sir. I recall seeing Colonel HENDERSON in General KOSTER's office several days after I had been told that he had made his oral report, and he had a paper with him, some papers with him. And that is the only time I can recall

seeing the report. I don't recall--I'm sure I didn't read the report because this was a matter between Colonel HENDERSON and General KOSTER."

We recessed about that time, and I asked him again. And he responded to the effect that, to the best of his knowledge, he did not remember seeing the report.

And then I asked him:

"Q. Do you recall anybody ever telling you about seeing the report and the contents of the report, size of the report, and what is involved?"

"A. I recalled that I asked General KOSTER and I don't recall General KOSTER's description as to the size of it. I do recall that he informed me that Colonel HENDERSON completed the investigation; I believe these are the words he used: 'He had talked to a number of individuals who were involved in the operation, and that other than the noncombatants who were killed by the artillery, the other allegations were unfounded.' I believe these are the words used, sir.

"Q. You were not made privy to the conversation?"

"A. I merely spoke to them, sir, and then departed. I was not engaged in the conversation."

A. General YOUNG was not present when I briefed General KOSTER, gave my oral report to General KOSTER. But General YOUNG did, 3 or 4 days after I gave my written report to General KOSTER--I don't mean I gave it to him. I did not give it to him. I gave it to Colonel PARSON. General YOUNG informed me that General KOSTER had sent him that written report and that it had a note on it that this was a good report. This is not exactly what the words were, but this apparently ended it.

Q. I asked General KOSTER about this, the fact there was a possibility that one had been submitted such as you have indicated. He said, "No, sir; I do not recall a written report."

A. Might I ask if General YOUNG recalls giving me the requirement for that?

(MR WALSH withdrew from the hearing room.)

Q. Here is some testimony that is relevant to what

we are speaking of a question put to General YOUNG:

"Q. Were you present when he gave his oral report to General KOSTER?

"A. No, sir.

"Q. What was reported to General KOSTER?

"A. I asked General KOSTER had he received the report. He said he had. I believe at that time General KOSTER told me he had received the oral report, and he had directed Colonel HENDERSON to submit it in writing."

Then referring to the same incident:

"Q. Did you ever see the written report?

"A. I don't recall seeing the written report. I recall seeing Colonel HENDERSON in General KOSTER's office several days after I had been told he had made his oral report, and he had a paper with him, some papers with him. That is the only time I recall seeing the report. I don't recall. I'm sure I didn't read the report because that was a matter between Colonel HENDERSON and General KOSTER."

Well, from this, how did you receive the instructions to prepare the report which you submitted on or about 4, 5, or 6 April?

A. I received it from General YOUNG, sir, at Duc Pho. I recall him coming down there, and in our conversation he informed me that General KOSTER wanted me to reduce my oral report to him in writing. And I specifically recall asking him, "Does this mean he wants a formal investigation conducted?" He said, "No, he just wants your oral report written up for the record." And that's when I recall writing this three to five page report which I just cannot believe is that 24 April report, because that does not meet the requirement that was laid on me.

Q. It was given to you by General YOUNG?

A. Yes, sir.

Q. Did he give you any time period to have it submitted?

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A. No, sir.

Q. Do you remember the circumstances under which he so directed you to put it in writing?

A. No, sir. There was nothing special about the meeting or our conversation. It was just one of his normal, routine visits into my area. There was nothing special about it, no sir.

Q. When you submitted this report, you indicated you had submitted it to the chief of staff?

A. Yes, sir. And I recall when I handed it to the chief of staff. I could be wrong in these two reports, when I handed this piece of paper concerning the incident to the chief of staff, I told him what it was, and he made a statement, to the effect, "Oh, yes, General YOUNG and General KOSTER, this is a subject they had been talking about," which led me to believe that he was not personally well-acquainted with the situation.

Q. Did you ever talk to General KOSTER about that report?

A. No, sir. I had from General YOUNG again, 3 or 4 days after I gave him this report, and I'm positive about this, that he told me that General KOSTER had read the written report and that General KOSTER had a note on the report, or something to the effect that this meets the requirement. He thought it was a good report. General YOUNG indicated to me then that, as far as he was concerned, the incident was closed.

Q. Would you repeat again what you just stated concerning what you did hear from this report?

A. I estimate 3 to 4 days after I had submitted this written report, on one of General YOUNG's almost daily or three or four times a week at least, he was down to see me. He informed me that General KOSTER had received and reviewed my written report, that it was satisfactory, that he felt it was a good report, and that he had passed it to General YOUNG. General YOUNG had read it, thought it was fine and, as far as he was concerned, the incident was closed.

Q. Who told you that?

A. General YOUNG, sir.

Q. General YOUNG told you that General KOSTER had reviewed it and had passed it to General YOUNG, and General YOUNG said he thought it was fine?

A. Yes, sir.

Q. Therefore, at that time, you had no additional obligation upon you?

A. I had no formal obligation upon me, that is correct, sir. I did not forget about the incident. I recall, even after this, talking with battalion commanders and company commanders at any and every opportunity to find out if any of them had ever heard anything further, if there were any individuals that reported anything further about this incident to them.

Q. We have some indications that Colonel GUINN provided you some information which reportedly came from a census grievance team. Can you give us the approximate time you received that information, whether you received it orally or in writing, and the general contents of it?

A. Sir, I don't believe that Colonel GUINN ever gave me anything on this subject. In my original testimony, I informed you that I had read in newspapers and had called Colonel GUINN about this matter, and at that time he told me he had brought me a piece of paper, a hand-written piece of paper. He wasn't sure where he had gotten it from, but it had come out of the grievance committee. And this piece of paper reported that some 1,100 civilians or over 1,000 civilians had been killed. Colonel GUINN in the newspaper, and orally to me over the telephone, said he had immediately secured a chopper and had come down to Duc Pho and had handed me that piece of paper and just passed it on for what it was worth. I don't believe I had ever met Colonel GUINN at that particular time. And I'm positive that I did not get any such report from Colonel GUINN, sir.

Q. If he had not given you a piece of paper with which you might have tied down the situation, do you remember the allegation?

A. No, sir. I remember nothing about it. And that's why I'm positive that Colonel GUINN neither called me, came to see me, nor handed me a piece of paper. I'm not sure

of the exact dates, but at some future time General KOSTER informed me that he had accepted Colonel GUINN as a potential battalion commander in the Americal Division, and that right now he was toying with the idea of assigning him to the 11th Brigade. And he asked me what I thought of Colonel GUINN. And I did not know Colonel GUINN. In fact, I made a visit up to Quang Ngai a few days later to visit the province chief and, at the same time, made it a point to see Colonel GUINN. And that was the first time that I had laid eyes on him. I'm positive he had never visited me at Duc Pho.

Q. Could he have visited you at Duc Pho subsequent to that time? This is what I'm trying to get, the same time period here.

A. Well, if he did such a thing, I do not know when he would have done it. But he feels, or at least from the newspapers, that he gave this to me before the middle of April. Actually he thought he had given it to me on the 17th. The first report was that he thought he had given it to me the day after the operation. Then he stated it was a day after the grievance committee had met which he figured must have been a couple of weeks after the incident. And I have absolutely no knowledge of this.

MR MACCRATE: Can you fix the time when Colonel GUINN was recommended for this command position?

A. No, sir. I cannot, except it was sometime after this. But I do not know, sir.

IO: Colonel HENDERSON, here is a statement which was attached as Inclosure 1 to your report of 24 April. Can you tell me who prepared that statement? (Exhibit R-1 was handed to the witness.)

A. I cannot, sir. I told you initially I thought it was by one of my MI agents, but I do not know, sir.

Q. Did you ever discuss that document and its contents with General YOUNG?

A. I'm positive that I did. I cannot say when. I had almost daily, three or four times a week conversations with General YOUNG, and I hardly did anything that I didn't let him know about.

Q. Did you feel that he was acting as the supervisor

of this sort of thing for General KOSTER?

A. I did. Yes, sir.

Q. Not only of this particular report, but that he generally would be knowledgeable of all of your activities and oversee your activities and act in the form of an ADC for maneuver with respect to your operations?

A. Yes, sir. He was my rating officer, and I looked to him except when he was absent on leaves or R&R or something of this nature. I went to him always before I went to General KOSTER, unless General KOSTER happened to be in the area and something came up. Or, at least, I felt I did.

Q. After you had submitted this report, according to your testimony, you were directed to prepare a formal report, to conduct a formal investigation. You had indicated that these instructions were passed on to you by General YOUNG?

A. Yes, sir.

Q. And you went into, as I recall, quite an elaborate and detailed discussion. This came to light principally from the interrogation of 2 December, in which you stated:

"I asked General YOUNG if there was new material about which I had no knowledge, or that incited or caused another formal report of investigation. He told me he knew of no further information. I notified Colonel BARKER to conduct an investigation. I believe at this time he was back at my headquarters at Task Force Barker. I don't recall. But anyway, I believe, I passed on the requirement."

And then there were some additional questions concerning specific instructions:

"Q. Did you receive an order appointing an investigating officer, a letter of instructions, and so on?"

And the answer is negative. We have questioned General YOUNG on this:

"Q. Did General KOSTER talk to you before having a formal report prepared?"

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"A. The only thing General KOSTER stated to me was that he had received the oral report and that he had directed it be put in writing, that's to the very best of my recollection. As to any subsequent report, I cannot recall it being directed.

"Q. You do not recall going to Duc Pho on or about the 10th of May and directing in the name of the division commander that a formal investigation be conducted on the My Lai incident of 16 March 1968?

"A. I do not recall any such direction.

"Q. Do you recall after having issued such a directive in talking it over with Colonel HENDERSON, he indicated that he was going to appoint his executive officer, Colonel BARKER, as the investigating officer?

"A. I do not recall any such conversation. And I believe, at that time, his executive officer was Colonel FRANKLIN--I'm incorrect, Task Force Barker. I don't know when Colonel FRANKLIN assumed his position of executive officer--probably subsequent to that, but I'm positive I recall no conversation when it was indicated that Colonel BARKER was going to make a formal investigation."

A. I'm positive it was General YOUNG, sir.

Q. You've read your previous statements. Do you have anything to add to those statements of circumstances and so forth concerning the receipt of a directive from General YOUNG for the formal investigation?

A. No, sir. I do not.

Q. Also, to whom did you deliver your formal investigation?

A. Sir, I do not recall how that formal investigation left my headquarters. I know that when Colonel BARKER finished the investigation, he either gave it to me or gave me the original. I was thinking at one time that the report had been submitted in S1 or somebody brought it in to me. But I believe I saw only the original of the investigation. And I drafted an indorsement to it. And, sir, I do not recall how it would have left the headquarters. It would either have been hand carried by Colonel BARKER or would have gone thru my S1, Major DAKNIS.

Q. We talked to Colonel PARSON about this, too, and asked:

"Q. Did you have any knowledge of any formal investigation being made other than Exhibit R-1, which is the one you are familiar with, of 24 April?

"A. No, sir. None other than this investigation by Colonel HENDERSON.

"Q. Do you have any knowledge that the division commander indicated that he wanted a formal investigation made?

"A. No, sir.

"Q. If he had ordered such a formal investigation, would it have been normal to expect that he would have informed you?

"A. Yes, sir.

"Q. You do not recall ever having been so informed?

"A. No, sir."

Also you had indicated that this formal report of investigation contained sworn statements and so forth from the unit commanders, including Captain MEDINA, and, I believe, you included some other people. We asked Captain MEDINA about this. He said: "No, sir, Colonel HENDERSON did not discuss the matter, or incident, at My Lai (4) with me after that." Here he is referring to the discussion with you on the ground:

"Q. Did he ever ask to have a statement from you, a statement after that?

"A. No, sir.

"Q. Did he ever have you placed under oath?

"A. No, sir, he did not.

"Q. Did Colonel BARKER contact you to indicate he was conducting any investigation of the My Lai (4) incident of 16 March 1968?

"A. No, sir. He did not.

"Q. Did you ever--did he, Colonel BARKER, ever again tell you another investigation was being made in the latter part of March, in April or in MAY?

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"A. No, sir. He did not.

"Q. Anybody else query you concerning the My Lai incident?

"A. No, sir. Not until April, 1969 when Colonel WILSON questioned me at Fort Benning, Georgia."

A. Sir, I know that he had a statement there. I'm positive there was a statement from him. I know there was a formal investigation conducted, and I know that General YOUNG was the one that directed me to have it done.

Q. You see, we are placed in the unique position, Colonel HENDERSON, of receiving some very affirmative testimony to the effect that there was a formal investigation conducted. And we can find nothing in terms of physical evidence that such an investigation was conducted, or that a report was submitted.

A. Sir, does Sergeant JOHNSON also deny it?

Q. Sergeant JOHNSON knows nothing about it.

A. I'm positive that Colonel BARKER did not type that thing himself. It must have been typed in the S3 office. It is the only place that I can think of. Sergeant JOHNSON was working in there, and Sergeant Major KIRKPATRICK. I just cannot believe that thing being done without those three individuals having knowledge of it. I can't be as positive as I am on MEDINA, but I'm almost certain that Sergeant JOHNSON also had a statement attached to that concerning radio transmissions or something to this effect that had occurred on that day of the 16th.

Q. I can tell you quite affirmatively that he did not allude to that. As a matter of fact, he recalls nothing of a report of investigation having been prepared by a clerk in his office. He was then the assistant operations sergeant.

A. All I can say, sir, it was prepared. Some individuals are apparently as contrary as I am, or else they won't admit it. But I saw it.

Q. General KOSTER is of the belief that he saw a formal report, but the only individuals that know anything about a formal report are you and General KOSTER.

A. Sir, if I had an opportunity to line up my brigade staff at this point or in the near future, I'm sure I could get the truth of this one out in a hurry. I don't think these boys would eyeball me and deny that such a report was prepared. I can't think now who would have been involved or even on the fringes of this thing, but I know there must be somebody in my brigade headquarters aware that this formal investigation was going on and that Colonel BARKER was conducting it, and either saw it, typed it, read it, or dispatched it.

Q. I would like to think we would find additional evidence on this. But I also must be very honest to tell you that, at the moment, we can find no physical evidence of the report. We can find no evidence that the report was prepared in your headquarters, that it was logged, that it was dispatched, nor can we find any reference to it in headquarters of the Americal Division. We are in the same kind of dilemma with your written report of 4 to 6 April. There is no reference to it whatsoever.

A. I cannot understand why copies of both of these reports are not on file in the Americal Division. I know there was no effort on my part to cover up any phase of this thing. If I didn't submit the reports that I should have submitted, the ones that that were required by MACV Directive 20-4, it was only due to my ignorance. It was not due to my attempting to cover up anything in this incident. I do not understand it, sir.

MR MACCRATE: Colonel HENDERSON, do I understand that you only saw, at any time, but one copy of what you have described as the formal report?

A. At one time I had thought I had seen the two or three copies, but I feel now that I saw only the original, that the original was passed to me by Colonel BARKER for my review.

Q. It's your testimony that you retained no copy of this report at brigade headquarters?

A. I didn't personally retain a copy. All I was saying, sir, was I did not personally retain a copy. It was put in the S2 or S3 safe, as I felt I had on my other reports. Whether my headquarters retained a copy, I don't know, because I don't know how it was dispatched. It would be normal that the S1 office, or some office in my brigade would hold a copy of this. Whether they did or not, I don't know. I understand everybody searched in the files in the brigade, and they could find nothing. Of course, they couldn't find that 24th April report either. I do not know if you made inquiry over to the 11th Brigade to look in the other safes, too, for any sealed envelopes with my initials on them.

IO: We asked Major MCKNIGHT about the report of investigation and he indicates primarily his discussion with you when he had met you and talked to you comparatively recently; the question was:

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"Q. In May?

"A. Yes, sir.

"Q. At that time, did you have any personal knowledge of this?

"A. No, sir, I did not. I went on R&R in May. It is possible that this came about at that time.

"Q. You never saw the report of investigation?

"A. No, sir."

A. This is the formal report that you were speaking of at that time, sir?

Q. This is what we are seeking out here, yes. To see if we can find any information concerning the formal report.

A. Sir, do you have a Captain HENDERSON on your roster to talk to?

Q. Not that I know of.

A. He was my TOC duty officer and one of the most knowledgeable people in my headquarters, I have not talked to him since I left Vietnam. The last I heard he was at Benning. I have no knowledge whether he would have any knowledge of the formal report. I do believe he would have knowledge of certain things that transpired, the radio communication that he received because he was on duty every day, and might be able to assist you. And he may have some knowledge on this formal investigation.

RCDR: Do you remember his first name or initials?

A. No, I do not.

IO: Did you ever get a response of any kind from the formal investigation?

A. I did not, sir.

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MR MACCRATE: I would like, Colonel HENDERSON, to go back to a conversation you referred to very early in your testimony this morning. It was a conversation between you and General LIPSCOMB, I believe, where you indicated that you and he wanted to burn out a whole valley, but you felt restrained by the division order. Can you identify when you had such conversation and to what area it related?

A. Yes, sir. This was in the southern Duc Pho AO. General LIPSCOMB and I had just attended a memorial service for a Captain JONES, who formerly was General LIPSCOMB's aide. He had given him his rifle company, and he came back to this valley just to the southwest of Duc Pho. The captain was killed by a single sniper round, and I know that General LIPSCOMB and I went down to the hospital to see Captain JONES. When they brought him in, he was still alive at that time. And he was evacuated to Qui Nhon. We both thought that he would survive. Later that evening, we learned that he had died. This disturbed General LIPSCOMB quite a bit. The next day, or 2 days later, we went down to the 1/20 CP, which was at an LZ to the south of Duc Pho, and attended a memorial service, at which time General LIPSCOMB spoke to the gathered troops of this particular company, plus the battalion staff officers, and other company commanders who were present. And I know that after the service he and I looked out over--we could see the valley from this lookout point where we had the memorial service. General LIPSCOMB was quite emotional at the time. He felt very close to this young man, and made some comment: "I would just like to go in there and lower that whole valley." But he said, "The boy is dead, we couldn't bring him back, and also we are trying to win these people over." And I felt that the restraints--that both of us were thoroughly aware of the restraints that were imposed on us by this American directive about burning villages. That was the only point I was attempting to make there, sir.

MR WALSH: Do you recall the exact date you were wounded in March?

A. I was wounded on the 23d day of March.

Q. You were in the hospital a while after that?

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A. No, I did not go to the hospital. I did stay in my quarters for 2 days. My surgeon was on R&R. The acting surgeon had just taped it up a little bit, but after my surgeon returned, he insisted that I go up to Chu Lai and get it x-rayed, because I still couldn't walk on it. It was x-rayed. The bone was broken, so they put a cast on it.

Q. So you were in your quarters, say, for the 24th and 25th?

A. No, I still went airborne both days. I believe it was Sergeant ADCOCK, my communications man, used to come to headquarters, and I used to hobble out on one foot. It wasn't very comfortable, I'll say that. I stayed in my quarters most of the first day. General KOSTER did visit me that day, a couple of hours after I had been in my quarters, and told me to take it easy. If I was okay in 2 or 3 days, I could keep the brigade, otherwise, he would have to reconsider.

Q. He didn't say anything to you then about reducing the report to writing that you had given him a few days before or anything like that?

A. No, sir.

Q. You had it x-rayed by the 26th and put in a cast, is that correct?

A. Yes, sir.

Q. Were you fully mobile from then on, other than your leg? You were not staying in your quarters? You were moving about?

A. Absolutely not. I did not get down on the ground as much as I would have, as I did subsequently to the time I had it removed. When a rifle company or any of my troops were on high ground or solid ground, I did not object to getting out and moving over on crutches. But I didn't want to get into the rice paddies with the cast on.

Q. I think you testified that your leg was in the cast for about 3 weeks?

A. That is correct.

Q. During that intervening 3 weeks, you were fully functioning as the brigade commander?

A. Yes, sir.

IO: Colonel HENDERSON, before we recess, do you have any additional information which you would like to provide us which might shed some light on this investigation which we are conducting?

A. No, sir. I do not, sir.

Q. We will recess at this time. We will have to set up the time when we will reconvene.

(The hearing recessed at 1203 hours, 19 December 1969.)

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(The hearing reconvened at 1330 hours, 13 February 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR MACCRATE, MR WEST, MR WALSH, COL MILLER, COL FRANKLIN, LTC PATTERSON, and MAJ LYNN.

Sir, the hearing recalls Colonel HENDERSON.

(COL HENDERSON reported to the IO.)

Sir, I remind you that you still remain under oath before this hearing.

WIT: Right.

IO: Colonel HENDERSON, since you last appeared before this inquiry, we have interrogated a large number of people. To date, from the time the hearing started until the present date, we have talked to somewhere in the order of 350 people.

A. Yes, sir.

Q. We have also assembled a large selection of documents having to do with the so called My Lai incident of 16 March 1968, and to do with the reports of the incident, and having to do with the investigations and reviews of the incident. In addition, we have had an opportunity to go to South Vietnam to talk to the people in MACV headquarters, USARV, III MAF, and the Americal Division headquarters. And in each case, we have searched the records for pertinent documents. We have also talked to General LAM of I Corps and part of his staff. We have visited Duc Pho, LZ Bronco, and we also visited the 2d ARVN Division now commanded by General TOAN, whom you knew as Colonel TOAN. We've talked to some of his people and to some of the advisors who are there at the present time. We've done this at province and talked to Colonel KHIEN, and his successor, Colonel BINH. We've talked to the current PSA and the advisors there, and we've talked to the former one. The same thing is true at the Son Tinh District headquarters with Lieutenant TAN, now Captain TAN, and with various other people, Vietnamese

and American, associated with the district headquarters. We visited LZ Dottie briefly, and we made an on-the-site inspection of My Lai (4) which we now know as Thuan Yen Subhamlet of Tu Cung Hamlet of Son My Village. And we were able to verify on the spot the geographic locations of many of the instances that we are familiar with. We have also had an opportunity to make an over-flight of the area around Hill 85, down around An Loc, and My Khe (2), and on up the coast around where Bravo Company operated and also over in the area that A/3/1 operated in. We had an opportunity to talk to approximately 30 Vietnamese, senior ones such as General LAM, Colonel TOAN. And we also talked to some people who were in My Lai (4) that day as well as some prisoners and Chieu Hoi's who knew what might have transpired. So, the point that I am informing you about is the fact that we are in a much better position at the present time to talk to you because we know pretty much what went on in the incident, in the reporting of it, and in the investigation of it. So it is our intention to bring you back to try to fill in some of the gaps which exist and to expand and clarify your previous testimony. Before I turn it over to Colonel MILLER, I would ask you if since the last time that you were here, have you talked to anybody connected with the Americal Division concerning the incident, the reporting of it, or the investigation of it?

- A. Yes, sir.
- Q. Who were they?
- A. Captain--the trial counsel down at Benning.
- Q. Was he from the division?
- A. Oh, from the division?
- Q. That's what I said, from the Americal Division.
- A. Oh, no, sir. I'm sorry, sir.
- Q. But, when you talked to the trial counsel, you talked officially to him?
- A. Oh, yes, sir.

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Q. I would ask if above and beyond the documents that you provided for us previously, if you have any other documents that you have uncovered in the interim to present to this committee?

A. I have no other--the only other document I have in relation to this is the letter from General WESTMORELAND in response to my letter to him.

Q. Well, let me ask you if you have copies of these documents, and I'd like you to respond to this specifically, yes or no.

A. Yes, sir.

Q. Do you have a copy of your report, written report, to the Americal Division that concerns the allegation of Warrant Officer THOMPSON?

A. No, sir.

Q. Do you have a copy of your formal report?

A. I have a copy of the report that I submitted on 24 April. The formal report by Colonel BARKER?

Q. In your testimony, you indicated that after that you directed Colonel BARKER to make a formal investigation.

A. I do not have a copy of that report.

Q. Do you have any of the papers concerning the division, reports to the division, or any papers that may have been provided you by General TOAN, Colonel TOAN, by Colonel KHIEN, or by Mr. MAY, Colonel GUINN, or any other individual?

A. I have a copy of the report that I submitted to the division on the 23rd or 24th of April.

Q. 24th of April?

A. 24th of April.

Q. The one that you located in the files--

A. (Interposing) The VC propaganda, yes, sir. That's the only one that I have. 24 April.

(The witness produced the document from his brief case.)

Q. You have no other documents of any form?

A. That this committee does not have, no, sir.

Q. Were you able--as I recall, you indicated that when, as you left country, you destroyed your notebook?

A. Yes, sir.

Q. Do you by chance--did you make a duplicate copy of your notebook?

A. No, sir. I did not.

Q. Before we go on with the questioning, I would like Colonel MILLER to inform you as to your rights and also to inform you as to some of the items of which we may suspect you.

COL MILLER: You have now testified before General PEERS on several occasions. On two occasions you were advised that you were suspected of certain offenses, and you were also advised of your testimonial rights and your right to counsel. In both occasions you elected to give testimony without counsel. To refresh your memory, I shall read from the transcript the warning which you were given at those times.

On the 2d of December, and I'm quoting now:

"You, as the brigade commander at the time were one of the senior officers in the chain command, and, as you can appreciate, General PEERS' inquiry might disclose facts tending to establish that you failed to comply with

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applicable regulations concerning the investigation and reporting of war crimes or even were guilty of dereliction of duty in this regard."

From there on I went into the warnings with respect to counsel.

Extracts from the 11th of December are as follows:

"We have heard your testimony. Since that time we have heard the testimony of several other witnesses. Your testimony is at considerable variance with other evidence in several significant respects. This could be caused by lapse in memory on your part or on the part of others. It could be because you did not relate all the facts that were known to you which you were requested to relate, maybe because you possibly falsified some of your testimony.

"Prior to the time you testified, you were informed that as brigade commander you were one of the senior officers in the chain of command and that this inquiry might disclose facts tending to establish that you had failed to comply with applicable regulations concerning the investigation and reporting of war crimes or that you might have been derelict in the performance of your duties. Consequently, you were advised that you had a right to remain silent and anything that you said could be used against you in a criminal trial. You were also advised that you had a right to counsel, to consult with counsel, and to have counsel represented with you during your interrogation. Thereafter you elected to testify without counsel. There is now some evidence tending to raise the suspicion that during and after the My Lai (4) incident, you were negligent or derelict, or even in direct violation, in complying with orders and directives pertaining to the reporting and investigation of

alleged mistreatment, or wounding, or killing of civilians, that is to say, war crimes, and that you may either have suppressed or contributed to the suppression of information pertaining to the possible unlawful killing of civilians at My Lai (4) on 16 March 1968.

"Such acts would be in violation of orders and regulations and would constitute dereliction of duty. There is some evidence which indicates that your prior testimony before this investigation may have been incomplete in part or in part intentionally false."

This was called to your attention because of the intention to recall you as a witness. You were then advised again concerning counsel, and again you elected to testify without counsel. In addition to that, I wish to advise you of other matters, or offenses of which you are suspected. Now, in the listing of these, I would state that you are not charged with nor have allegations been made with respect to these. Based upon all of the evidence now before this committee, there is the suspicion that you may have committed one or more of these offenses. You will also note that there are some apparent inconsistencies in them. Not all of the facts are in, and the actual offenses, if any, which may have been committed would depend upon all of the facts. The purpose of this is to put you on notice of all possible offenses of which you are suspected.

First, you are suspected of the failure to obey or the violation of general regulations concerning the reporting of knowledge or information and reports pertaining to alleged, suspected, or apparent war crimes. I refer here to directives which require the report of such incidents to commanders.

Second, dereliction of duty in that you had had brought to your official attention through American and Vietnamese channels allegations and reports of the killing of significant numbers of Vietnamese civilians by American troops, more specifically Task Force Barker in the Son My

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area of Vietnam during the period of about 16 to 18 March 1968. You failed to take affirmative action to verify this information or to seek additional information adequately through American and Vietnamese channels.

Next, having appeared before General PEERS on several occasions in December and having testified under oath, you are suspected of having withheld relevant information about matters concerning which you were questioned and of having testified falsely under oath. The giving of false testimony under oath is false swearing and is in violation of Article 134 of the Uniform Code of Military Justice.

Next, suppression and conspiracy to suppress information and reports concerning, as well as the investigation of, acts allegedly committed by American troops, again Task Force Barker personnel, during the task force operations in the Son My area of Vietnam during the period of about 16 to 18 March 1968. The information and reports of the investigation which you are suspected of suppressing and conspiring to suppress concern reported alleged serious offenses in violation of the laws of war and the Uniform Code of Military Justice. I'm referring here to the acts allegedly committed by the Task Force Barker personnel.

You are suspected of dereliction of duty with respect to your actions and your failures to act on reports and information concerning the alleged unlawful killing of civilians by American troops in the Son My area of Vietnam on or about 16 to 18 March 1968. Your dereliction is not limited to those dates but to your subsequent actions or failure to act as you may have been required to do in proper performance of your duties in so far as this information is concerned.

You are suspected of having made various false official statements to various people from time to time, which were related directly to the My Lai incident, the information which you had, and reports which you were submitting. This is a violation of Article 107 of the Uniform Code of Military Justice.

You are suspected of being an accessory after the fact to possible offenses committed by Task Force Barker personnel during, and related to, the operation of the Task Force in the Son My area during the period of about 16 to 18 March 1968 in that you had knowledge and you thereafter assisted the offenders in order to prevent or hinder their apprehension or their trial or their punishment.

You are suspected of having had knowledge of the actual commission of serious offenses at or in the area of Son My, Vietnam, during the period of 16 to 18 March 1968. You may have taken some positive act or acts to conceal these offenses, and that you did not make the knowledge of the offenses known to the proper military authorities. Knowledge of these facts and your acts or omissions may constitute the offense of the misprision of a felony.

A. Of what? Of a felony?

Q. Of the felonies. I used the phrase "serious offenses" a moment ago. By that I mean a felony, which is a serious offense. It includes such things as unlawful killing, wounding of innocent civilians, rape, and other felony-type of serious offenses.

Do you understand the things that I have told you?

A. Well, I understand the broad terms.

Q. The purpose of this is to advise you of the general nature of these things which you are so suspected.

A. I understand.

Q. I advise you also concerning your right to counsel and your right to testify or to remain silent. You have the right to remain silent. You can, if you wish, make no statement whatsoever. Any statement that you do make may be used as evidence against you in a criminal trial. You have the right to consult with counsel and to be represented by counsel. By this I mean a qualified

lawyer. This man may be present with you in the hearing, if you so wish. This may be civilian counsel retained by you at your own expense or it may be military counsel provided for you. If you wish you can have both civilian and military counsel. A military counsel would be at no expense to you. If you have a particular counsel who is reasonably available, we will try to make him so available. If you wish military counsel and you have no choice, we will make one available. Now you may decide that you wish to give testimony today without the presence of counsel, if you are willing to answer questions without him here. If you elect to do that, you may stop answering questions at any time or refuse to answer any particular questions. You also have the right at any time to request counsel. Do you understand your rights with respect to counsel and your rights with respect to testifying?

A. Yes.

Q. Would you wish at this time to seek civilian counsel or have military counsel appointed for you or both?

A. I desire to have counsel appointed, sir.

IO: The hearing will recess at this time.

(The hearing recessed at 1430 hours, 13 February 1970.)

(The hearing reconvened at 1207 hours, 16 February 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR WEST, MR MACCRATE, MR WALSH, COL MILLER, COL FRANKLIN, LTC PATTERSON, and MAJ LYNN.

Sir, the hearing recalls Colonel Oran K. HENDERSON.

Colonel HENDERSON, sir, I remind you that you remain under oath before this hearing. Are you represented by counsel?

A. I am.

Q. Will counsel please state his full name, rank, Social Security number, organization, and station?

IC: Carlisle C. TAYLOR, Colonel, Judge Advocate General's Corps, Office of the Judge Advocate General, Washington, D.C.

RCDR: Thank you. ,

COL MILLER: Colonel, for the record, how do you spell your first name?

IC: C-A-R-L-I-S-L-E.

Q. Are you a lawyer admitted to practice law before a federal court or the highest court of a state?

IC: I am.

COL MILLER: Colonel HENDERSON, on the 13th of this month you were advised of offenses of which you were suspected and also you had read to you the warnings which had been given to you on prior occasions. You were also advised of your testimonial rights and privileges and of your right to counsel. After this, you indicated that you would like to have military counsel made available to you and Colonel TAYLOR was so made available. Have you had an opportunity to consult with him?

A. I have had that opportunity.

Q. Have you had sufficient time to consult with him?

A. I have, yes, sir.

Q. Are you satisfied to have him represent you before this hearing?

A. Yes, sir.

Q. Do you wish time to seek any civilian counsel in this case?

A. I do not desire such time.

Q. When you were here, I advised you that you had the right to make no statement and other circumstances under which you could make a statement. Would you like to have that reexplained to you or do you understand it?

A. I understand it.

Q. Are you now willing to answer questions and to make statements?

A. I am so willing.

Q. Before we proceed further, do you have any questions, Colonel TAYLOR? You will be introduced in a few moments to the people who are before the table. If you have other questions, feel free to ask them.

IC: Thank you. No questions.

IO: For your benefit, Colonel TAYLOR, on my left is Mr. Robert MACCRATE, a civilian attorney who has volunteered his services to Secretary RESOR to assist in this inquiry. He also provides legal counsel to me and to other members of this inquiry team. Mr. WALSH, second on my right, is also a civilian attorney working with Mr. MACCRATE in the same capacity, having volunteered his services to the Secretary of the Army. And I'm sure you are familiar with Mr. Bland WEST on my right, an assistant in the General Counsel's office. On my extreme right is Colonel FRANKLIN, who is an Army colonel designated as an assistant to this investigation by the Office of the Chief of Staff. Now this afternoon any of these individuals at the table may address questions to Colonel HENDERSON. Before I proceed, do you have any questions, Colonel HENDERSON.

A. No questions, sir.

Q. First, I have reread your statement to General WESTMORELAND as of 10 December (Exhibit M-13), Colonel HENDERSON. I'm sure what you said in this memorandum you had full meaning of it. I would refresh your memory on a couple of things you did say. In your second paragraph and in the beginning of the third paragraph. You stated:

"I continue to maintain the highest admiration, confidence, and faith in the integrity, fighting quality, and courage of the officers and men of the 11th Light Infantry Brigade present during the alleged incident in the interest of strengthening the American people's confidence in its Army and to halt a growing disenchantment within the Army junior officer corps, a speedy decision is urgently needed."

I hope that you have the same feeling to date that you had indicated in your letter to General WESTMORELAND as of early December.

A. I do, sir.

Q. I think that it is necessary for me to tell you, Colonel HENDERSON, in the beginning here that as we have gotten into this investigation, although we were directed to look into the investigation and reporting of the incident and whether or not there had been any attempt to suppress information of the incident anywhere including people who had been involved in it, one of the first things we had to determine is whether an incident had in fact taken place. And I can tell you and must tell you that an incident did take place, and I can tell you that it was of considerable magnitude, the enormity of which in some instances almost defies description. And as a consequence, we have a problem of considerable magnitude that we are looking into. I think in all fairness, you should know this. Also, since we last talked to you, as I indicated to you the other day, we have talked to a large number of people. At the present moment, we have talked to as many as 360 people. We also have assembled a large number of documents concerning the incident, concerning the reporting of the incident, and concerning the investigation of the incident.

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At the moment, we have a pretty good understanding of what transpired throughout the operation itself and throughout the reporting and the investigation of the operation. Although you in the past, on several occasions, in your four previous appearances, have attempted to provide us this information, the lack of documents and the lack of some of this other information has really prevented you from providing a complete story as to what transpired and the part you played in this particular thing. One of the things, for example, that we have looked at and looked at very carefully has been the investigations which have been conducted. We at least see the one paper of the 24th of April, but we can find no real depth in this investigation or the previous investigation, the one which was made of Warrant Officer THOMPSON's allegation. As a matter of fact, we have heard of numerous eyewitness' statements. But to date we have not found a witness who made an eyewitness statement. So these are the dilemma that we are faced with. But in order to know as much as we can about what has transpired in the various areas, we have talked to numerous people in the Americal Division headquarters, including not only the commanders, the commanding general, the ADC's, the chief of staff, but all of the key general staff and special staff officers and also numerous enlisted personnel in the headquarters of the Americal Division. The same thing is true of the 11th Brigade. We talked not only to Colonel BLACKLEDGE and Major MCKNIGHT, but we've also talked to a large number of people in the G2 and the G3 section: Sergeant Major GERBERDING and various other people in the S2 shop, the clerks and so forth responsible for handling the papers; Sergeant Major KIRKPATRICK in the S3 shop and a large number of people there; and also to a large number of people who have been associated with Task Force Barker. This was done with the intent of trying to find out and being able to put together a story of what actually transpired. I think that at the present time we have a fairly complete story, and we can assist you as we go along by providing information. I think that we will be able to provide certain parts of testimony from others and also documents which I'm sure will tend to make your story more complete.

A. Yes, sir.

Q. Now, in your previous testimony, you have alluded to a letter which you had seen, which reported a large number of Vietnamese civilians having been killed. I'd like to show you that letter. This has been entered into the record as Exhibit

M-34 and is dated 11 April 1968. It is a letter from the district chief, Son Tinh, to the lieutenant colonel province chief of Quang Ngai. I refer that document to you. The Vietnamese version is on the third page, and I would particularly call your attention to the distribution which shows up at the end of the second page. I'll give you time to look at that, Colonel HENDERSON.

(Witness reviews Exhibit M-34.)

Is this the letter that you had seen?

A. No, sir, this is not the letter I have seen. I have never seen this letter.

Q. You have never seen this letter?

A. No, sir. I saw a letter or a letter was read to me, and I'm not certain right now which it was. But in the basic body of the letter it made reference to two incidents, an incident in either late February or early March, and the date 15 March was the one which actually related to My Lai. This letter here I have never seen, sir.

Q. Well, were you ever familiar with the fact that along in about mid-April General KOSTER talked to General TOAN, Colonel TOAN then?

A. To the best of my knowledge--about this incident, sir? Talk to him--

Q. (Interposing) Yes?

A. No, sir, I do not believe that I did have knowledge of that.

Q. Did you receive a letter or a directive from General KOSTER stating that he had talked to Colonel TOAN and that Colonel TOAN--along this line--I'm not saying specifically what it stated, but along this line, that he had talked to Colonel TOAN who had informed him of the allegation of the district chief, who was relaying the information of the village chief, to the effect that a large number of civilians had been killed in the area of Son My Village in about mid-March, and further directing that you investigate the incident?

A. No, sir. I did not.

Q. And to it was attached a copy of this letter?

A. No, sir. I did not receive any such directive from General KOSTER.

Q. When you went to see Colonel TOAN sometime in about mid-April, what was your purpose?

A. The best I can recall I had received--and I'm not positive how I received it--a VC propaganda document in which this incident at My Lai was mentioned. In the final paragraphs of this VC propaganda leaflet there were instructions or there was propaganda targeted against or towards the ARVN soldier to now pick up his arms and turn them on the U.S. soldiers. This was the purpose of my visit to General TOAN, to determine that he had seen this and what he felt that we should do about it to insure that this did not occur.

Q. And what did General TOAN tell you?

A. General TOAN told me that he had seen that VC prop-  
aganda document. We talked about the operation at My Lai. He told me that General LAM had forwarded a letter, I believe, from the village or the district chief to him to look into it. I asked him what he felt about it, and I'm positive he told me that there was absolutely no truth to it, that he had forwarded a letter to Lieutenant Colonel KHIEN at province to handle.

Q. What did he tell him to do?

A. From Colonel TOAN, I understood that he told Colonel KHIEN, at least he was telling me this, that he had sent this to Colonel KHIEN for him to investigate it.

Q. To investigate what?

A. The reported incident at My Lai.

Q. As reported by what?

A. I understood it was an order from General LAM to TOAN that in turn went to Colonel KHIEN. But it was based upon a lette

from the--a complaint or a letter from the village chief that had gone to the district and I guess had gotten to General LAM or had gone to General LAM. Whether it had gone through Colonel KHIEN to General LAM, I don't know. But at least there was a letter reportedly originating either at the district or the village level.

Q. That's exactly what you have there. You have a letter from the district chief to the province chief with Colonel TOAN receiving an information copy. If you will notice in the--

A. (Interposing) Yes, I see.

Q. (To recorder) And give me the village chief's letter.  
(The recorder did as instructed.)

This has been entered into the record as Exhibit M-49, dated 22 March 1968, to the first lieutenant district chief, Son Tinh District, subject: "Report of Allied Operation of 16 March 1968." I show this document to you and ask if you have seen this document? This is the village chief's report to the district chief.

A. No, sir. I have never seen this document before.

Q. (To recorder) Give me Exhibit R-1.  
(The recorder did as instructed.)

I show you Exhibit R-1, which is actually your report of investigation. Referring specifically to the second enclosure, is this the piece of VC propaganda which you had obtained?

A. Yes, sir.

Q. And how did you get it?

A. To the best of knowledge, it came into my headquarters through intelligence channels, sir.

Q. And up to this time that it was called to your attention, you had no knowledge of any of this propaganda or had not talked to Colonel TOAN or had received any instruction from General KOSTER?

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A. Well, now, I had received instructions from General KOSTER to reduce my oral report to writing.

Q. That has nothing to do with that, Colonel HENDERSON.

A. Well, this, sir, I did not receive this until some-time in mid-April. So this is the 1 month period there, and I'm certain I saw General TOAN during this period. But to discuss the My Lai affair, no, sir.

Q. Your oral report had nothing to do with propaganda?

A. No, sir.

Q. Your oral report had to do with allegation of Warrant Officer THOMPSON?

A. Yes, sir.

Q. And if you did make a written report, it would have supported your oral report?

A. Yes, sir.

Q. So this is not your follow-up written report against the THOMPSON allegation?

A. I'm sorry, sir?

Q. All right. Let me go through it briefly. You'd indicated that you had been directed by General YOUNG to conduct an investigation. You conducted such an investigation, and you reported orally to General KOSTER on or about the 20th of March. You further indicated you were directed to put your oral report in writing.

A. Yes, sir.

Q. Which you did.

A. Yes, sir.

Q. And from what I can gather, it was about a three-quarter

of a page report. That was sometime in either late March or early April. The date you gave the last time was about 4 to 6 April. That had to do with THOMPSON, the warrant officer aviator's allegation. We now come to another situation having to do with Viet Cong propaganda, having to do with the village chief and district chief's letter.

A. Yes, sir.

Q. So, although we are talking about the same incident, the reports are on different allegation. This allegation, the first response to it was on 24 April. You had further indicated that subsequently you were directed to conduct a formal investigation which was conducted by Colonel BARKER which you endorsed to General KOSTER. Is that not correct?

A. The point that I would say is incorrect is having submitted this oral report of three-quarters of a page. I believe you said three-quarters of a page.

Q. No, I believe you indicated that it was four or five pages and had several statements attached to it.

A. I do not recall ever having made the comment that there were statements attached to my reducing this oral report to writing. I do not recall any such statements.

Q. Yes. What did your written statement look like then?

A. Sir, to the best of my knowledge, it was entitled, "Report of Investigation." It was three or four pages long. Some where between three and five pages long. It included accusations that had been made to me by Warrant Officer THOMPSON and by individuals whom I had talked to during my investigation.

Q. Well, we'll come back to that.

A. Yes, sir.

Q. Now then, with respect to this report of investigation of yours, I would turn to the first inclosure.

A. Yes, sir.

Q. Where did you get this statement?

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A. Sir, again I can only assume that I got it through intelligence channels. I do not know how this statement--I do not remember how this statement came to me.

Q. Well, who was the author of this statement?

A. At this time, sir, I cannot recall.

Q. Well, how can you include in your report of investigation a statement: one, you don't know where you got it; two, you don't know who the author is; and I would say three, in the opening paragraph of this statement it refers to a letter from the district chief to the province chief, and in the second paragraph it refers to a letter from the village chief to the district chief. How can you possibly include a statement like this without knowing where you got it, who the author of it was, or having never seen the backup materials.

A. Sir, when I was at Colonel KHIEN's headquarters immediately following my visit to General TOAN to discuss this propaganda leaflet and he informed me that Colonel KHIEN had been directed by him to conduct, I believe, an investigation; and I had gone immediately to Colonel KHIEN's headquarters and I met with--perhaps for the first time--

Q. (Interposing) Who was present with you?

A. I'm not certain who was present with me. I think it was my S3, Major MCKNIGHT. I believe that when I arrived at Colonel KHIEN's headquarters that I either met Mr. MAY or Colonel GUINN, and one of those two gentlemen got me an appointment with Colonel KHIEN, and we went up into Colonel KHIEN's office. At that time, I discussed with him this incident at My Lai (4), informing him that Colonel TOAN had told me he was investigating it. Colonel KHIEN had with him or went into his office and recovered a letter which might have been this one. I do not know. I believe he translated part of that letter to me and to everybody present. But the letter, as I recall him reading or stating what the letter said, was that there were two incidents as I mentioned before, one in either late February or early March and this one on 15 or 16 March. I do not recall if that letter had been translated at that time into English or--I believe it was still in Vietnamese. I believe I asked one of my people to get me a copy

of that letter or something--to get a copy of a translation to me. At this time I do not know if this is my effort or the effort that was given to me as--of getting that or not. I think Colonel BLACKLEDGE, to my mind, would be the best one to answer how I got that. I would think it would have through him. But this statement was not handed to me at any time that I was in Quang Ngai. I am positive that this letter or this statement either came to me with this VC leaflet or came to me through intelligence channels immediately following the VC leaflet.

Q. Well, you see that letter of 11 April actually was in all three headquarters.

A. This was in my headquarters?

Q. I said in all three headquarters in the area of Quang Ngai City. You notice it came from the district. Colonel TOAN had a copy of it. Colonel KHIEN had a copy of it because it was addressed to him, and so did Colonel GUINN have a copy of it if you will notice it--or Mr. MAY.

A. And Son Tinh subsector also, I see. The letter that Colonel KHIEN made reference to that day in his office had the name of a village or of a hamlet, I'm not certain which, that he claimed was not in the Quang Ngai area. It was located down around Saigon or completely removed from Quang Ngai, and that there was this discrepancy, and I remember him pointing this out, "Typical VC, they don't know where they are operating," or something to that effect.

Q. Well, this seems very strange, Colonel HENDERSON, because we have been to all three headquarters, and we've talked to all of the people and this was the exact piece of paper that was being discussed in then Colonel TOAN's headquarters by Colonel KHIEN and by Lieutenant TAN.

A. By whom, sir?

Q. By Lieutenant TAN, the district chief. And each of the three headquarters had copies of that paper in it.

A. Yes, sir.

Q. And it is known that Colonel TOAN directed the province chief to investigate it and to report. So how they could be talking about something else is very difficult for me to understand.

A. Sir--

Q. (Interposing) There are two incidents here. There is no question. They are talking about--in case you don't know the geography of this area, I can acquaint you with it very quickly. When it says Tu Cung Village or Tu Cung Hamlet, that refers to what you commonly referred to as My Lai (4), the area where Charlie Company was operating. When it talks about Co Lay or Co Luy, that refers to the area south of My Lai (1), the area that Bravo Company was operating in. And that is the significance of those two names.

We have talked to Colonel BLACKLEDGE at length. He recognized having picked up VC propaganda and called it to your attention, but your response was to the effect that the matter is under investigation.

A. What, sir?

Q. "It is under investigation. You indicated the Americal Division headquarters knows that and they are investigating it." These things become very difficult to put together. I don't see how you could possibly feel justified in a report of investigation to a division commander, to have in it a piece of paper that you don't know where it came from, you don't know who the author is, you have none of the backup--you have no knowledge concerning the backup material which is referenced in it.

A. Sir, my report or my cover letter sending this to division was for the purpose of calling to division's attention--and not only division, I anticipated that this might go all the way to MACV--attention to this VC propaganda effort directed toward the ARVN soldiers throughout Vietnam because the incidents that are mentioned throughout here are not isolated to the Quang Ngai area. This statement--I believe that I had a telephone call from a Colonel WILSON after I had forwarded this letter to him.

Q. Who is Colonel WILSON?

A. The IG.

Q. Well, you're talking about in the spring of last year in 1969?

A. Yes. The spring of last year when I forwarded this to Colonel WILSON. He called me to tell me that on the original that I had sent--or on the copy that I had sent to him, there was some writing or there was another cover statement or something that made reference to this first inclosure. He asked me to try to identify a name or what the writing was. I did not recall what it was. Whether that is any indication of where this may have come from, I do not know, sir.

Q. Just a minute. Are you trying to tell me that your report of investigation that you submitted did not have this 14 April inclosure to it?

A. Yes, sir, it did. What I am saying, sir, or trying to say, is that there was additional writing on the 14 April inclosure when I sent this entire package to Colonel WILSON of the Inspector General's Office. What this was, I do not know. He called me on the telephone in Hawaii to ask me if I could identify where this statement came from and said on his copy there was some penciled or ink writing which made reference to something, and I could not identify that, sir.

Q. Well, let's get back to the point now. Let's come down to your opening paragraph in your letter of 24 April, "Report of Investigation." It states, "An investigation has been conducted of the allegations cited in Inclosure 1." Inclosure 1 is the statement.

A. All I can say is, sir, that when I wrote this, what I was making reference to was my investigation that I conducted immediately after the event, and reported orally to General KOSTER--

Q. (Interposing) Colonel HENDERSON, don't try tell me that, please, because you're going back to Warrant Officer THOMPSON's allegation and that's--quite frankly it's about the incident at My Lai (4), but it's quite separate and distinct from this. This is an allegation. This is a severe allegation; 450, 500 people have been killed. This merits an investigation, and that's what this says you're doing.

"An investigation has been conducted of the allegation . . . the following are the results of the investigation."

I mean up to that point it makes sense, but it doesn't make sense to say that you are relating that back to an allegation you received from Warrant Officer THOMPSON. Look at your paragraph 4.

A. Well, I'm basing this, sir, on the fact that when I prepared this letter of 24 April, I did no further investigation.

Q. This is the last investigation?

A. That this letter dated 24 April, which I sent to division, was based on the investigation that I had originally made. I did not, after having received this VC propaganda--except for going to General TOAN and to Colonel KHIEN, and I can't recall if I talked to anybody else or whether they had found out anything else earlier--but I did not make a further--I used the notes and used the previous investigation to prepare this, sir.

Q. Well, I wish you'd think a little bit more on this statement and where you got this statement because unless this can be satisfactorily explained to a division commander, this particular piece of paper doesn't really mean very much. I can hardly visualize you, Colonel HENDERSON, a senior brigade commander, sending a piece of paper into a division commander that you don't know where it came from, you don't know who wrote it, you have no supporting material to back it up, and you're sending this in over your signature to General KOSTER, your division commander. This seems extremely strange to me knowing full well that the first question General KOSTER is going to ask you is, "Well, what about this letter from the Son Tinh district chief to the province chief and what about the letter from the village chief to the district chief?"

A. Sir, I just cannot remember where this statement came from or how I acquired it. I honestly cannot.

MR WALSH: Colonel HENDERSON, did you make a copy of R-1 and keep it when you sent out a copy to Colonel WILSON?

A. No, sir. When I called the Americal Division--I forgot the sequence of whether Colonel WILSON called me or--

Q. (Interposing) I'm not interested in the sequence.

A. I did not. The Americal Division burned a copy and sent me the burned copy. The original, which was a carbon, was sent to USARV, and what I received

to pass on to Colonel WILSON was a burned copy. The original carbon, the actual carbon that I had saved in my safe, was sent to USARV channels.

Q. A copy went to you. My question is did you make a copy of the copy you got before you then forwarded on a copy to Colonel WILSON?

A. No, sir. I did not. I have a copy, but my copy was received last November when I called Colonel WILSON here in Washington and asked him to send me a copy of this since I had given him my only copy.

Q. I'd like you to be very clear in telling us what exactly it is you say Colonel WILSON said to you when he called you and inquired about writing on Inclosure 1?

A. Colonel WILSON called me shortly after he had received this package from me and stated that there was some handwriting--I don't recall if it was my copy he was talking about or the one that had come to him through USARV, but he had gotten this thing and there was some handwriting or some comments somewhere in it that might indicate--or that had a Vietnamese name, I believe he said, which might give him some relief as to where this came from. He asked me if I understood it, and I was unable to clarify the point.

Q. Could this have been an inquiry with respect to the initials on the document or on the letter itself rather than with respect to the inclosures?

A. It could have been, sir, but I believe it pertained to one of the inclosures.

MR MACCRATE: Colonel HENDERSON, does the copy that Colonel WILSON furnished to you show this notation on it to which you refer?

A. To the best of my knowledge, sir, it does not.

Q. Do you have it with you?

A. Yes.

IC: I had it in my pocket because it was still marked confidential.

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(The individual counsel hands a copy of Exhibit R-1 referred to to COL HENDERSON.)

A. I see no markings on this copy that would be what he is talking about, sir.

MR MACCRATE: You'll note that both that copy and R-1 are true copies or they are copies of true copies and not of anything that would have been found in your safe. Where did you get the information that a carbon copy, your carbon copy from your safe, had gone to USARV?

A. I got this from Colonel DONALDSON, sir, who was chief of staff of the Americal Division at that particular time, now Brigadier General DONALDSON, who called me and told me that the document had been found in my safe and that USARV had made inquiries several months earlier for such documents, and the Americal had given a negative report that there were none available, so that they now felt obligated to send the original carbon to USARV and that they would send me a copy.

Q. Now, that we are on this conversation that you had with Colonel DONALDSON, we have gone into this, and we find that before you spoke to Colonel WILSON, that you initiated a telephone call to Colonel DONALDSON in anticipation of speaking with Colonel WILSON. This would have been the week of the 20th of May 1969. We would be interested in what specific request, as you recall it, you made to Colonel DONALDSON at that time?

A. Yes, sir. I notified Colonel DONALDSON that I had or was being called to Washington as a witness for the IG investigation, and I told him that so many of the dates and things of this instant had slipped me and that I felt confident that I had left or had filed in the unit safe of either the S3 or the S2 office a copy of my report of investigation. I asked him if he would call down to the 11th Brigade and have somebody look in the S2 or the S3 safe to see if there was not an envelope there with my report of investigation in it.

Q. What was your recollection which led you to make the suggestion to Colonel DONALDSON as to what you had left behind and where?

(HENDERSON)

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A. Sir, I don't recall. I was thinking that I had had word that the report of investigation could not be found, but this couldn't be right then because you are correct, I did call--and I think I testified differently here once before--I did call Colonel DONALDSON in the Americal Division before I went to the IG. I was under the impression later that it was after I left the IG.

Q. I think I can help you further. Colonel DONALDSON first informed you that it couldn't be found and then, fairly promptly after that, he told you that something had been found. Now, I want to go back behind this and get your recollection of what you thought he might be able to find, what had been left at the 11th Brigade or that you recall had been left at the 11th Brigade that you thought he could find.

A. I was looking and hoping that he could find my reduction of my oral report to General KOSTER that I had reduced to writing. This is what I had thought I had left in the S3 safe of the 11th Brigade. This is what I was looking for, sir.

Q. Actually, what Colonel DONALDSON found was something different from what you had expected that he would find?

A. Yes, sir. It was, sir. I goofed when this thing first came in to me at U.S. Army, Hawaii, by not sitting down and reading it. At that time it would have been a year fresher in my mind to have recognized that this was not the thing, but I was in the process of moving to the mainland here, and when this came in I just put it in a sealed envelope and wrote a hasty note to Colonel WILSON and forwarded it as my report of investigation, which it frankly is not.

Q. It is a report of investigation as the title indicates, but it is not the one that you were expecting to get when you spoke with Colonel DONALDSON when you called him initially.

A. No, sir. It is not. And I am certain when I prepared this one I did have a copy of that oral report of investigation, which I reduced to writing to give me this basic information, and I would have hoped that I would have gone right back into the same location or the same file that it--I don't recall if it was in a file or safe. I was after that report, sir.

Q. Now, coming back to this 24 April report and the copies that you have seen since you made your initial request to Colonel DONALDSON--all of those have been only true copies, isn't that correct?

A. Yes, sir. I have never seen this carbon paper or the original copy that I forwarded to the division. I have never seen that since releasing it.

Q. We have no indication that USARV ever received a carbon copy of the original document.

A. Colonel DONALDSON told me that he was sending them this carbon.

Q. What they received was possibly a carbon copy of the true copy, but what they received was the true copy.

A. Then, sir, I don't understand what happened to the carbon then.

Q. That seems to have remained at the 11th Brigade.

A. I don't know if the 11th Brigade had a reproducing capability down there now or--they didn't have when I was there to do this type of thing.

Q. This reproduction was just to make a true copy which could be typed from the file copy. If you will examine it, it is not reproduced by machine, it is not a Xerox or Thermofax or anything of that sort, but it is just a typed, true copy.

A. I feel that when the IG called me he was talking about the carbon copy, that the writing was on that carbon copy and not on the copy that I had sent him. I may be wrong. I could be wrong.

IO: Let me hear that again. The IG said something about something being on the carbon copy?

A. I said, sir, that is what I believe it was.

MR MACCRATE: When you say the IG, you mean Colonel WILSON?

A. Yes, sir. I mean Colonel WILSON, sir.

Q. As of the time that he spoke to you, he did not have here anything other than a true copy. We know that.

A. I do not understand then where the writing is on this that he confused on or that initiated his call to me in Hawaii to ask me to attempt to identify what this writing was.

Q. Could it have been the letters just to the side of "XICO" on the first page? In making the true copy they apparently erred in putting a notation after your notation of "XICO" and it was erased, but not completely erased. Do you recall if that is what he called you about?

A. I don't believe so, sir.

IO: We will recess at this time for lunch.

(The hearing recessed at 1308 hours, 16 February 1970.)

(The hearing reconvened at 1415 hours, 16 February 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR WEST, MR MACCRATE, MR WALSH, COL FRANKLIN, COL ARMSTRONG, LTC PATTERSON, and MAJ LYNN.

(The witness was reminded that he was still under oath, and he testified as follows:)

MR WALSH: Colonel HENDERSON, I would like to show you a document which has been entered into evidence as Exhibit R-5. It is a carbon copy of a report that you have previously seen as R-1. I would like to know if that refreshes your recollection (handing Exhibit R-5 to witness) in any respect with respect to the preparation of that document and its inclosures?

(The witness examined the document.)

A. Could I have the question again now, sir?

Q. Does the examination of that document refresh your recollection in any respect either to the preparation of the document or to the conversation with Colonel WILSON with respect to the possible notation on the copy that he'd received?

A. I can see no notations on here, except a couple of apparent additions to it that are different from R-1.

Q. I will call your attention to the initials on the first page which are not reflected on R-1, one difference; and another one is in the symbols.

A. The "XICO," of course, was my own special for the 11th Brigade CO's office. This "BA" something, I don't know what it was. I do not know what it was or how it got added. The file, Richard K. BLACKLEDGE, Lieutenant Colonel BLACKLEDGE, my S2.

Q. Well, Colonel BLACKLEDGE has identified those and those are his initials. I want to read you testimony by Sergeant GERBERDING, who was in charge of the preparation of the original document of which R-5 is a carbon copy, to see if this refreshes your recollection in any respect. Sergeant GERBERDING, who has appeared before General PEERS, was asked the following questions and gave the following answers:

"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 some time in April, I think.

"Q. Well, let's refer now to when Task Force Barker was dissolved, which I believe was on the 9th. I think it was the 9th. Would you say it was before or after this?

"A. I'm sure it was well after the task force was dissolved, sir.

"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. 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--

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"A. Yes, sir.

"Q. Now, I believe you said you prepared or processed the reply from Colonel HENDERSON to the general?

"A. It was given to me to have it typed. Since the letter was personal and of a confidential nature, I was to insure that it received no publicity and not too many people heard or knew about it."

Q. In returning to this subject sometime later in Sergeant GERBERDING's testimony, he was asked the following questions and gave the following answers:

"Q. I wanted to ask you. 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. Now, I wonder, Colonel, if Sergeant GERBERDING's testimony refreshes your recollection about the letter you received from General KOSTER on this subject?

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A. It does not refresh my memory. I am positive that I received no letter from General KOSTER, nor did I receive any letter from General KOSTER or correspondence forwarding through me any--well, this M-34, for example.

Q. Or any other documents relating to any allegation?

A. From General KOSTER, from the Americal Division, no, sir.

Q. All right. Now, with respect to the preparation of this document, would you dictate that letter, or did you prepare that document, R-5?

A. I wrote this in longhand, I believe. I did not dictate; I am positive of that.

Q. How did you have it typed?

A. It is possible that Sergeant Major GERBERDING is correct. I do not recall who I gave the letter to to have it typed. Since I've always considered it to be an intelligence matter, it is quite likely that I did have it typed by the S2 personnel, Sergeant Major GERBERDING.

Q. How about the inclosures? How were they prepared?

A. Sir, I cannot recall.

Q. Let me read you a little more of what Sergeant Major GERBERDING said:

"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, which 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?

"A. Yes, sir, after I proofread it, I gave the entire folder to Colonel BLACKLEDGE to deliver to Colonel HENDERSON for signature.

"Q. 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

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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 that 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 the 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 (indicating R-5) 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."

Now, I wonder if this testimony refreshes your recollection as to your having received a letter from General KOSTER

with inclosures; having prepared a letter, Exhibit R-5, in handwritten form and given it then to Sergeant GERBERDING; having it typed; and having received back from him the typed letter that you then added the inclosures to it yourself, and retained, yourself, all of the additional documents that related to it?

A. No, sir. It does not. I am confident that I received no letter from General KOSTER regarding this subject. As far as Sergeant Major GERBERDING having this typed for me or for Colonel BLACKLEDGE, this is quite likely, but I'm also of the opinion that this inclosure--I'm not an expert on typing, but it looks to me like most of this has been typed off the same typewriter. I could be wrong on that.

Q. Do you have any explanation of why the one inclosure has a green carbon paper and the other one has white? The rest of the document is white.

A. No, sir.

Q. They were apparently prepared at the same time.

A. Sir, some of the staff sections within the brigade used green paper or yellow paper as the final hold copy. Others who didn't have the green would use white paper. It was no real--I'm not certain I ever saw green paper. I can't recall seeing green. I know, I am positive, we had some yellow paper there. No, sir, I can place no significance on the green carbon.

Q. And you recall nothing further about where the inclosures were typed if they weren't typed by Sergeant GERBERDING?

A. No, sir, I--

Q. (Interposing) Following the completion and submission of R-5 or R-1 as your report of April 24th, you testified previously that you were instructed to and you instructed Colonel BARKER in preparing a formal report of investigation, which he did, which he submitted to you, and which you forwarded to division with your indorsement, containing sworn statements by numerous witnesses. Now, we've spoken to more than 350 people, including warrant officers, other pilots, and various people at Task Force Barker, some of those people that you indicated whose statements were connected with this report. Not a single witness recalls having been questioned or having sub-

mitted a signed statement in support of such an investigation. We've been able to find no copies of any such investigation, and I wonder in view of the apparent confusion over the initial report and the report that was forwarded to you when you expected to receive an earlier report, whether there has been some confusion in your mind with respect to the reports that were prepared and whether it's possible, in fact, that the document that you had been thinking of as the formal report was the document of April 24th, that has been marked here as R-1?

A. Absolutely not, sir. There was a formal report of investigation conducted by Lieutenant Colonel BARKER. It was submitted to me. I reviewed it, and I forwarded it to the next headquarters.

Q. Well, colonel, if there was such a report prepared and submitted to you, it would have had to be a forgery, and I will ask you if you know of any reason why Colonel BARKER would have prepared a forged report containing forged statements of witnesses?

A. I know of no reason, sir, and I just cannot believe that this is the case.

Q. Well, I'm telling you, colonel, we have talked to every person now alive whom you have named as having submitted signed statements in support of that report, and just about everybody else connected with this incident, and not one of them recalls ever having been questioned, let alone having made a statement. So, if there was a formal report of investigation prepared, the statements annexed to it would be forgeries.

A. I personally did not see any witnesses put their signature on the documents, but when the report was presented to me the inclosures were signed. The statements were signed.

Q. Can you suggest any reason why people throughout the various headquarters, the people that you've named as having submitted a statement, would now deny that they ever gave a statement?

A. No, sir, I cannot. I did ask Captain DANIEL, the trial counsel in the case, if within his investigation he had talked to anyone who had made statements in this formal investi-

gation. And he informed me that he, at that time, did not recall the names, but that one or two people had said that they had made statements. Now, I am unable to tie this in with the formal investigation or anything else, but it was at least satisfying for me to hear that in his investigation as a trial counsel in the preparation of the case that he had talked to one or two of the individuals who had made statements.

Q. What was his name, again?

A. Captain DANIEL.

Q. We will certainly check with him concerning that, but I think we can be very confident you have misunderstood what he said, because we have talked to everybody that has had any connection with this thing, and no one has given any testimony to that effect. Witnesses have been uniformly asked this question and 350 answers have been, "No."

Q. Well, does anybody else have any questions?

MR MACCRATE: Colonel HENDERSON, with respect to R-5, which is in front of you, the third paragraph states: "Son Tinh District chief does not give the allegations any importance." He pointed out that the two hamlets where the incident is alleged to have happened are in an area controlled by the VC since 1964. Now, I understand you to say that when you prepared this letter, you wrote it out in longhand, and I would assume that in its preparation you had some assistance or were working with other people as you were putting the information down, things were provided to you, and focusing particularly on that one sentence that I just read to you. I would like for you to pause for a minute and tell us as best as you can recall today the basis upon which you were able to make that statement and wrote that statement in this letter to the commanding general.

A. To the best of my recollection, I got this information from Major GAVIN who was an advisor to the Son Tinh District. Shortly after this incident, I visited the Son Tinh District headquarters. I do not recall if I spoke to the district chief. I do not believe the district chief was present, and I spoke with Major GAVIN who met me down at the bottom of the hill at the helicopter pad in a 106 recoilless rifle jeep. We drove up to his office and, among other things, we discussed this incident, and

I told him that I was looking into this and asked him what he could tell me about this area and what were the district chief's feelings on this subject. This information, I believe, I got from Major GAVIN. I'm most positive that I did.

Q. Was this during the time that you were laid up with your leg in a cast and were hobbling around, as we know you did throughout the early part of April?

A. Sir, I do not recall when it was, but it was the first visit--the day I immediately took over the command of the brigade I asked Major MCKNIGHT, my S3, to arrange calls on all of the district headquarters within the brigade, and I wanted to do all of this, and I think I told him I wanted to do it within the first week or 10 days that I was in the brigade. So I think this might have been before I had been wounded.

Q. Well, the difficulty with that is that we are here dealing with allegations that apparently the Son Tinh district chief has received, and from what we've seen, you can see that those allegations were at a later time. Are you clear that this particular information came to you through Major GAVIN and not, for example, through the province team?

A. No. I agree that this would not have been made to me on my earlier visits there. No, sir. I do not recall, but if I didn't have it, I wouldn't have said it. I don't believe I would have said it unless I was confused with the district and province, and I don't believe I was. I am confident that I meant exactly what I said, but I can't say where I got the information.

Q. Well, I think what we're trying to trace is what you did have before you at the time, and it seems quite clear that you had something. Now, we have had testimony that there was found at brigade a communication that came to you from province that referred to Son Tinh District. Have you any recollection of receiving an evaluation from province of what the Son Tinh District chief felt with respect to these allegations?

A. No. I can't recall any such evaluations.

Q. Well, do you have any recollection of a conversation with Major GAVIN on this particular subject? I gather you recall a visit there, but you feel that visit may have been at an earlier time?

A. I certainly feel that I had a conversation with him regarding this subject at some time, but when, I do not know. But, I'm positive that I did speak to him at least once on this subject.

Q. Do you have any recollection of speaking with Colonel GUINN on this subject?

A. Only that Mr. MAY or Colonel GUINN, one or the other, was present with me when I called on Colonel KHIEN sometime in mid-April or before this letter went to division.

Q. Now, I would like you to look at the green sheet. You will note there in the fourth paragraph the statement, "The letter was not given much importance by the district chief, but was sent to the Quang Ngai Province chief." Does that in any way help you to recall the origins of the statements in your letter, the first sentence in the third paragraph?

A. Well, all that I can say is that it is consistent; but not knowing where this statement came from, I just can't answer that, sir. This statement here does not jibe with my information from Colonel TOAN that he was directing the Quang Ngai Province chief to conduct an investigation. This reflects that the Son Tinh District chief was called in to the 2d ARVN Division, and I did not understand this at all from my conversation with Colonel TOAN.

Q. But having written this out in longhand, and having apparently attached the green sheet as Inclosure 1 to this letter, you must have some information as to the background or that inclosure. You must have some recollection from whom it came, who spoke to you about it, who gave you this assurance that permitted you to write to General KOSTER that the district chief does not give any of the allegations any importance.

A. Well, I certainly had this later from Colonel KHIEN, that he and the district chief gave no credibility to this.

Q. Well, when you say later, are you saying before or after you wrote this letter?

A. No, it was before that I would have written this letter. When I called on Colonel KHIEN and discussed this incident with him, he was adamant, as was Colonel TOAN, that this incident-- that no

incident had occurred there. And they were strongly opposed to conducting any investigation, although TOAN had said he had told the province chief to conduct an investigation. But the province chief led me to believe that he was not going to be conducting an investigation because there was absolutely no truth to the matter.

Q. Well, how could they know whether such a thing had or had not occurred? The Americans were there. And Colonel KHIEN was in Quang Ngai unable to enter the area without an armed force to bring him in, so that he didn't have any knowledge of what had or had not taken place, any personal knowledge.

IO: When you talked to TOAN, for example, did he advise you that he had informed General KOSTER of all of this and asked General KOSTER to have this investigated?

A. No, sir. He did not.

Q. What do you think those words mean that you put down there, "The district chief does not give the allegations any importance"? What do you think that means?

A. Well, I hope it means just what I said that it meant. I cannot recall where I got my information from, but I know that when I drafted this letter, the facts that were available to me, what I considered to be the facts, were what I was reporting.

MR MACCRATE: Well, who helped you to write this letter?

A. I believe I drafted or wrote this letter myself.

Q. But you certainly didn't do all the leg work that was necessary to bring the thing together, did you?

A. Leg work, sir? I conducted the investigation right after the incident. I had to give an oral report.

Q. Well, these are inclosures. Take the 14 April statement, Colonel HENDERSON. That's no part of what you had done before. You had to get these things, and you weren't running around personally. You must have had someone to help you.

A. No one outside of the brigade handed me, to the best of my recollection, a single piece of paper regarding this incident. Now, I believe that Colonel KHIEN only translated the Viet Cong letter, or letter in Vietnamese, when he told me what he knew or what this letter was from the district or village chief.

Q. Well, who in your brigade handed you the statement of 14 April?

A. Sir, I believe it had to come through my S2 to me.

Q. Colonel BLACKLEDGE has testified that he had nothing to do with it.

A. I do not know, sir.

Q. You have no explanation as to how that statement came into your hands?

A. No, sir. I have not. I feel that it came in through intelligence channels, and that would be through my S2.

Q. But without any indication of the intelligence source, how could you possibly evaluate it as to whether it had any substantiality to it? Speaking colloquially, there are absolutely no fingerprints on that statement, as if someone saw it, to eliminate, to expunge any record of where it came from. The only impression that someone can get by looking at that document unexplained is that there was a conscious act of suppression in connection with the preparation of that letter. An inclosure that has been deprived of all fingerprints so no one could be blamed or credited with having put the thing together.

A. Well, at the time, sir, I must have known the source of this document, but I do not know at this time.

Q. Well, it is reasonable to conjecture that someone might have delivered this to you with an explanation. But if you received it with an explanation, where is that explanation?

A. At this time, I do not have it, sir.

Q. Who gave you such explanations?

A. I do not know, sir.

Q. We have had it suggested that it came to you from an individual at province on the U.S. advisory team.

A. This is possible, sir, that it could have been given by the headquarters of district. I'm confident that it was not handed to me personally.

Q. Well, the indication was that it did come to you.

A. I do not believe so, sir.

Q. What ever happened to all the other papers that were brought together to permit you to sit down and to write out in your own hand the basic letter, Exhibit R-5?

A. I do not know, sir.

Q. One is struck by the coincidence that the only document that is found is one that you didn't think was still in existence.

A. One that--

Q. (Interposing) Well, that one document that you understood that has not been found. A document that you didn't expect to be found, has been found. So, the question arises, where are the documents that you expected would be found?

A. I'm sorry, sir. I don't follow you.

Q. You have told us that the first report of three to five pages upon your early investigation is the one that you expected, or at least you asked, Colonel DONALDSON to locate. And rather than finding that document that you had understood was with the S3, nothing was found, and instead, this document, R-5, was located in the S2 file.

A. Yes, sir. But I do not understand why I did not want it found?

Q. Well, I didn't say that you wanted it found, but apparently you didn't expect it to be found.

A. Well, I don't follow the reasoning. When I called Colonel DONALDSON, I was asking him for any and all reports concerning the My Lai incident. I did not limit it to one. I did remember that when I reduced my oral report to writing and submitted my report, I know positively, I saved a copy of that. I feel confident that I had a copy of that put in my and, I think, the S3 safe. And that was one that I felt was there, but anything that he had on this My Lai report, I wanted.

Q. Now, with respect to the one that you did save and put in your safe, did you put anything with it?

A. No, except that I did testify earlier that I think maybe I used that one to prepare this. I'm not positive, but I think I used the report of early April to prepare this.

Q. That may very well have been. But coming back to the earlier report that you recalled leaving in your S3 safe, did you leave any other papers with it?

A. Not pertaining to My Lai, because at that time, I don't think I had anything else.

Q. Well, in its preparation, if this were a three to five-page paper, there must have been other papers gathered or information, data. Did you write it out in longhand as well?

A. Yes, sir, and I used my notebook that I had used when I had interviewed Warrant Officer THOMPSON and others.

Q. Did you put those things with this letter?

A. No, sir. I recall I had one copy of that letter that I either put in an envelope and had them put in the S3 safe, or asked the S3 to have it put in the safe or filed, I'm not sure.

Q. Well, did you get any help in its preparation?

A. I am of the opinion I either let Major MCKNIGHT, my S3, read this one or the earlier one for dates or for unit actions, or let Colonel BARKER read it. I'm not really positive who I let read it. It seemed to me that somebody did read it. But as far as help in preparing it, no, sir. I had no help in preparing it. I wrote it out myself.

Q. We have substantial information that Major MCKNIGHT did assist you.

A. In this one, sir?

Q. In the earlier preparation, taking that as the first.

A. Well, I feel that I at least got the dates, the units, where they were, the results and so forth from him, or had him review to make certain that what I put down was correct. But I don't know that I had any help from him in writing out the statements that I had myself talked to individuals.

Q. What recollection do you have on the physical preparation of the earlier report?

A. The physical preparation of it, to the best of my knowledge, I either asked Major MCKNIGHT or Sergeant JOHNSON, or Sergeant KIRKPATRICK, or one of the officers or individuals in the S3 office to let me have a clerk or--and I thought I directed it to a special clerk that I had. I do not recall who it was, but it was one of the better clerks to type this.

Q. Well, do you recall that Sergeant JOHNSON at this time was spending his time over at LZ Dottie?

A. That's why I directed Sergeant KIRKPATRICK.

Q. Sergeant KIRKPATRICK was there and he would have been available. Now, in this connection, a document three-quarters of a page in length or thereabouts was seen in preparation.

A. No, sir.

Q. That could have been a part of it, could it not?

A. Oh, yes, sir.

Q. Now, who in addition to Major MCKNIGHT and Sergeant KIRKPATRICK, in the brigade had any participation in that that you know of?

A. Well, other than those who had given me information

or statements when I interviewed them, I think only possibly the clerk who typed it.

Q. Did you discuss this with Colonel LUPER?

A. I cannot recall having done so, sir.

Q. So far as a later report is concerned, in addition to Sergeant GERBERDING, you can't recall at this time who assisted you in the actual physical preparation of R-5?

A. No, sir, I cannot. I think that I used my initial report of early April as a basis for this, and I do not know that I had any additional help. And, I believe my S2 gave me this VC propaganda message. And, I can't think of anybody else but him having given me this statement. Possibly, well, I know the MI didn't come to me directly. It would have gone to him, and I'm positive that nobody at province gave me that paper.

Q. When you left Colonel TOAN, did you receive any papers from him?

A. No, sir.

Q. When you left Colonel KHIEN, did you receive any papers from him?

A. No, sir. I'm positive I did not.

IO: Well, did you get any papers from either Colonel ULSAKER who at that time was down with Colonel TOAN? Colonel ULSAKER left about the 1st of April and Colonel HUTTER came in. Did you receive any papers from them?

A. I do not remember Colonel ULSAKER at all. Colonel HUTTER I remember, but no, sir, not on this subject did I ever receive any papers from Colonel HUTTER.

Q. That's Colonel HUTTER. H-U-T-T-E-R.

A. HUTTER, no, sir. I didn't receive from him any papers on this subject.

Q. From Mr. MAY and Colonel GUINN, when you were talking to Colonel KHIEN?

A. No, sir. I may have asked him for an extract or a translation of a document that KHIEN made reference to, but I did not physically receive it from him. Whether it was sent to my headquarters, I don't know, sir. But I did not see this single piece of paper from either of those gentlemen.

MR MACCRATE: Well, you say you were accompanied by Major MCKNIGHT, so if the paper followed you over and was sent to you, possibly by Mr. MAY or Colonel GUINN, it would come to Major MCKNIGHT and not to you, would it not?

A. Well, it would depend on how it was addressed. I couldn't guess on that one. I would think, though, if I had asked for it, they would have sent it to me.

Q. Well, I would assume so. But you indicate that it may have come into your headquarters and not to you.

A. Well, I hope it would have come to my attention if it would have come into my headquarters. I, at one time, thought that I had seen this letter that had been written from the 2d, or from the village to the district and had gotten to province. But the longer I thought about that, I believe that it was only Colonel KHIEN's translation that I heard of that. I do not remember seeing where I could sit down and read what actually was said in that letter.

Q. Did you ever seek to get a copy?

A. I am under the impression that I asked for a copy of it, but I cannot recall ever receiving it, or having made a check as to why I didn't receive it, if I did not receive it.

Q. You have no explanation of your willingness to accept the statement in the first sentence of the 14 April statement regarding this 11 April letter without having before you a copy of the 11 April letter?

A. Which paragraph?

Q. Well, in the very first paragraph of the 14 April letter there is a reference to the 11 April letter. You appear to be taking that letter and a statement upon it and passing it on

to your commanding general without, as I now understand it, ever having seen the text of that 11 April letter.

A. I remember having the text of that read to me by Colonel KHIEN or explained to me by Colonel KHIEN, but I cannot recall having seen that in my headquarters where I would sit down and look at it. That is correct, sir.

Q. Now, of course, if that letter was known to the Americal Division at the time that you sent forward this statement, or if you had received a copy of that letter from the Americal Division and returned it to the Americal Division, it would explain why you did not have a copy in your file.

A. I did not see the copy of that letter or correspondence from General KOSTER on this subject, sir.

IO: Did General KOSTER ever talk to you about it and tell you to investigate it?

A. No, sir. When I reported orally to General KOSTER, it was my opinion at the time--

Q. (Interposing) Well, now, when did you report orally? What oral report are you talking about now?

A. Well, I'm talking about the report of 20--

Q. (Interposing) Well, that had nothing to do with this. That is a completely different allegation. This is an allegation by the village chief to the district chief, and the district chief puts it in a letter to the province chief. It is not Warrant Officer THOMPSON's allegation. Now, did you again make an oral report to the division commander concerning the allegation of the district chief to the province chief?

A. No, sir. I did not.

Q. R-1? Although the two are related, the allegation of Warrant Officer THOMPSON is quite separate and distinct from the allegation made here.

A. I understand that, sir. But on this report, as I mentioned earlier, my primary purpose, I feel, in sending this thing forward was to get this propaganda leaflet to division because of the implications in the latter paragraph 7.

Q. Well, just a minute. You previously indicated, I think, and I'd have to check back in the testimony, but when you picked up this propaganda, that you provided copies of the propaganda to the division, and that you subsequently conducted this investigation and provided it?

A. That is correct, sir.

Q. So, division already had the propaganda?

A. That is correct, sir. The only thing they didn't have was my statement going along with it.

Q. Well, you see, the allegation that you point out in your letter is not the propaganda. The allegation that you point out appears in the statement of 14 April. That is why it is absolutely inconceivable to me that you as a senior commander would, unless there is more that is known between yourself and General KOSTER than has been brought forward to the present time, that you could have sent a paper forward to General KOSTER that you didn't know the origin of the paper. You didn't know how you received it, or anything about the paper. It just doesn't ring because that, you see, is the allegation contained in Inclosure 1.

A. I cannot explain it, sir. I absolutely cannot.

Q. Well, for minute, let me ask you a few other questions about these other things. You left this paper, you indicated, in the safe of the S2 section, this particular paper?

A. Yes, sir.

Q. Now, where in the safe was it retained?

A. I don't know, sir. I assume this was--I don't even know. I believe it was just a field safe.

Q. Well, you had a regular wall safe with combinations on it and so on.

A. Well, I thought Colonel DONALDSON told me this was found in a sealed envelope. I don't know.

Q. But in what condition was it when you left it? How was it addressed? How was it maintained?

A. Sir, I did not see it placed in the safe. I can only assume that I gave it to Colonel BLACKLEDGE to secure.

Q. Was it in a sealed envelope of any kind?

A. I do not know, sir.

Q. You never went back to see the report?

A. Sir, I do not believe that I ever saw this report after I signed off on it. I'm not certain I hand-carried it to the division. I'm under the impression that I did. I never saw that report after that time.

Q. How many copies of this report did you make?

A. I believe I made three copies and sent two forward and kept one.

Q. Now, what about the other report that you prepared earlier? How many copies were made?

A. Again, sir, I believe it was three copies. I kept one and two went forward.

Q. And you retained that one in the S3 safe?

A. I believe so, sir.

Q. Do you know what else was in either of these files?

A. No, sir. I do not.

Q. Do you know how your report of early April was delivered to division?

A. I do not believe I hand-carried it up. I believe I gave it to the liaison officer, or had the TOC give it to the liaison officer to deliver it to the division.

Q. How did you have it addressed?

A. I do not recall, sir.

Q. Do you recall a classification?

A. No, sir. I do not. I believe it was, possibly it was "For Official Use Only." But I do not know, sir.

Q. And the report of 24 April, you had three copies and you sent it to division. Did it go by courier, or was it hand-carried, and in what form was it delivered?

A. I believe that I hand-carried this one to division. I hand-carried one of the two. I can remember distinctly either this one or the other one being in a brown envelope addressed to the commanding general, and that I hand-carried that to the chief of staff.

Q. That was Colonel PARSON at the time?

A. Yes, sir.

Q. Did you indicate to him the contents?

A. Yes, sir. I recall sitting down with Colonel PARSON in his office and handing this to him, or laying it on his desk, in this manila folder this report for General KOSTER, and telling him generally what it was about. And I recall that we started talking about this and he made some comment about, "Oh, yes. I wanted to hear about that. General KOSTER and General YOUNG have been discussing this matter, or had discussed it, and I hadn't gotten involved in it." I just got a little bit out about what it was all about when either the general sent for him for a meeting or something, and that dropped the conversation. I do not remember getting back with him on this subject.

Q. Well, how long after this report was prepared on the 24th do you recall that you delivered it to Colonel PARSON?

A. I do not recall, sir. But I would think that I would have delivered it very soon after this date, sir.

Q. Do you know whether General KOSTER was present, or if he was away on R&R at the time?

A. I am of the opinion that General KOSTER was present at

the time, but I did not hand this report to General KOSTER. It was addressed to him and I left it with the chief of staff.

Q. Do you have any idea at all why we shouldn't be able to find, for example, in the S3 files or the brigade, a copy of your report of early April?

A. No, sir. There is no reason in the world why the copy that we retained shouldn't have been there. I'm fairly confident that it was the S3 office where I passed the thing on to be held.

Q. Well, we have had the headquarters searched, and we have had people from our own group conduct a very detailed search, and it is certainly not there at the present time, nor is there any record of it.

A. I have no answer for that, sir.

MR MACCRATE: At the division, in addition to Colonel PARSON, General YOUNG, and General KOSTER, in connection with this second report, R-5, did you have any conversation with anyone else at division?

A. No, sir. I did not.

Q. At or about this time, was Colonel ANISTRANSKI, who was the G5 of the Americal Division, at any time at Duc Pho speaking with you?

A. I do not remember him speaking to me about this subject, sir.

Q. Do you remember as you drafted the first paragraph of this letter of 24 April, "An investigation has been conducted of the allegations cited in Inclosure 1," just how it was that you expected anyone at the Americal Division to read into this with you? If this came in to a reader cold, what kind of an introduction would that be? Doesn't this in some way relate to what you knew was up at division when you sent this?

A. Well, I knew, sir, that my early report was up at division, and again I made no reference to it.

Q. But the early report had nothing to do with the allegations of the hamlet chief.

A. No, it did not. That is correct, sir. I do not understand my lead into this letter. The purpose of this letter really was not an investigation. It was transmitting this VC propaganda leaflet forward, and apparently Inclosure 1, which right now, I have no recollection of how I got it.

Q. But Colonel HENDERSON, if it was not an investigation, why would you have written with your own hand at the very top of the page, "Report of Investigation"?

A. I cannot answer that, sir, at this time.

IO: Now, Colonel HENDERSON, we want to go back to the 16th. I have heard your testimony before, and because it is almost 2 years ago, there's quite a bit of loss of memory as far as exactly what happened, the time this happened, and so on. For example, I can read in your testimony, on one occasion you said you went to see Captain MEDINA on the 16th, and I can find in another place you went to see him on the 17th, and you talk to THOMPSON on the 16th. Well, we have gone through this and I would like to go over verbally for you what I think you did during the course of 5 days to put you into focus so we won't have to be jaunting back and forth as to whether this was the 15th, the 16th, the 17th, and so on. I'll give this to you as I remember it, and if there is any great slippage in it as we reconstruct within the staff, I'll ask the people here at the desk to correct me.

Going back to the 15th, it was on that date that you assumed command of the 11th Brigade from General LIPSCOMB. Early in the afternoon you proceeded to LZ Dottie where you had an opportunity to talk to the assembled staff and command of Task Force Barker, and you delivered to them a pep talk concerning their forthcoming operation on the 16th into the area of Son My Village. You pointed out to them their lack of aggressiveness and failure to close on the previous operation and you gave them a good pep talk. "For once, let's hold the 48th Local Force Battalion and eliminate them once and for all."

Coming down to the morning of the 16th, the preparatory fire started either at 0725 or 0727 in the morning and terminated at 0730 at which time the first lift went in. The second lift went in at 0747 and was completed by 0750. The LZ, of course, from where they were lifted was LZ Dottie. Subsequent to that time, Bravo Company was picked up from LZ Uptight and put into their LZ south

of My Lai (1). Now, as far as your movements that morning were concerned, you had proceeded from Duc Pho and went to Dottie briefly, briefly to LZ Uptight, and were in the area by the time the artillery preparation terminated or thereabouts. Shortly thereafter, after the second lift and after the troops had entered the village, you were involved in getting troops to come out north of the hamlet of Thuan Yen or My Lai (4) to pick up some weapons from a couple of VC that had been killed by gunships. Subsequent to that time, you were orbiting to the southeast of the village noticing these large crowds of people streaming down Highway 521--200, 300, maybe 400 of them. And at that time the H-23 cut out a couple of these which they thought were prisoners trying to evade at the time and held them in position so that you could go down and were able to pick them up in your helicopter, and you brought them on board.

MR MACCRATE: I believe it was southwest rather than southeast.

IO: No, orbiting southeast of the village and later went down southwest of the village to pick up the two individuals. I believe that is the way I would reconstruct it. Subsequent to picking up the two individuals, you went over to see the insertion of Bravo Company. This was while the two individuals, the two suspects, were still in the aircraft. In the aircraft with you that morning were the following individuals: you were sitting in the left-hand seat; Colonel LUPER was sitting next to you; a man who had just joined you from General LIPSCOMB by the name of ADCOCK was operating your radio; to the immediate right of him was Major MACLACHLAN; in front of him in one of the jump seats was Command Sergeant Major WALSH; and sitting on your side of the aircraft in that jump seat was Major MCKNIGHT. The two PW's were picked up and you watched the insertion of Bravo Company. You will remember this, I think, very vividly because the artillery did not lift in time and it forced the helicopters to make another circle to get back into the LZ after the artillery had finally been lifted. Subsequent to that time, you went back to My Lai (4) again for a "quick see" and then went to LZ Dottie. You stayed at LZ Dottie for quite some time until along about the 1030 time frame. There you saw Colonel BARKER. You also saw General KOSTER come in; you talked to him, and saw him depart. Then you again went to My Lai (4). Then subsequent to that time, you went to Quang Ngai to keep your appointment for a courtesy call with Colonel TOAN about 1100 hours. In the afternoon, or subsequent to that you returned to LZ Bronco at Duc Pho, and in the afternoon, you were back up in the area again, visiting the 4/3

and also you stopped over at LZ Dottie a couple of times, at least once. That afternoon General KOSTER, in addition to the visit in the morning, had come back into your AO. He first was en route to LZ Bronco to pick up General DOLEMAN where he met him and spent about 30 minutes. At 1545 he and General DOLEMAN were again at LZ Dottie where they were briefed by Colonel BARKER until about 1715 at which time they departed for Chu Lai. That, I think, pretty well accounts for the 16th.

Now, with respect to the 17th: early in the morning on the 17th at about 0820, General DOLEMAN and General KOSTER are again at LZ Bronco, and I assume that after that time you took General DOLEMAN on a visit to some of your fire bases in the brigade area. That afternoon you had a meeting starting at about 1400 with Lieutenant Colonel HOLLADAY and Major WATKE concerning the optimum employment of the assets of the aero-scout company of the 123d Aviation Battalion.

Now then, coming down to the morning of the 18th, you had received a telephone call or some kind of a notice to meet General YOUNG at LZ Dottie at about 0900 hours. Prior to this time you probably stopped by A/3/1 which had been hit by a sapper attack the night before and had suffered some casualties. As I recall, there were at least a couple of dead and five or six or seven seriously wounded. You called on them prior to the time that you proceeded to meet General YOUNG at LZ Dottie. Then at LZ Dottie when you did arrive there, General YOUNG arrived a few minutes after you did. Five of you met in the van of Colonel BARKER including General YOUNG, yourself, Colonel BARKER, Colonel HOLLADAY, and Major WATKE. It was there that you had reviewed for you by Major WATKE the information that had been passed to him by Warrant Officer THOMPSON. It was also there that General YOUNG told you that he wanted you to investigate the matter. Now then, subsequent to that, you talked briefly to Major WATKE and then you talked to Warrant Officer THOMPSON. After talking to them, you flew down to the area of My Lai (1) where C/1/20 was en route from down south. They had laagered just north of Nui Ngang Mountain on the 17th and they were en route to the north generally to an area to the northwest of My Lai (1) up in the area of the Diem Diem River so they could be extracted early in the afternoon. You notified Captain MEDINA in the field that you wanted to come in to see him, for him to pick out an LZ and to mark it. That he did. You went in to see him generally somewhere just a little to the southwest of My Lai (1) and you talked to him there. At that time you had Colonel LUPER with you and you had

Colonel BLACKLEDGE with you. You talked to Captain MEDINA. While you were talking to Captain MEDINA, your helicopter went aloft. You called the chopper back to you and you boarded it and departed.

Somewhat subsequent to that, when C/1/20 started arriving back at LZ Dottie, you met some of the early lifts and you talked to some of the personnel as they came back into the LZ. That, I think, fairly well completes the 18th.

Exactly what transpired on the 19th I do not know; however, on the 20th, this is the date you made your verbal report to the division commander. I would ask if there is any major deviation that anyone knows of here at this time?

MR WEST: Just a small matter. You arrived at Landing Zone Dottie with these two suspected VC around 0830 and stayed there until about 0950 to 1000. (To IO) I think you maybe said 1030.

A. I stayed there until what time?

Q. About 0950 or 1000. You were there about an hour and a half. General KOSTER came in at 0935. You left 20 or so minutes after that. While you were there, Colonel BARKER was in and out twice. He came in about 0840, then took off to Bravo Company, where his Charlie-Charlie ship was used for a dustoff. He dropped him off on the way out to the wounded and he stayed there; he was there when you left.

MR WALSH: I would like to pick it up right there, colonel. After you had observed the insertion of Bravo Company and then went on back over My Lai (4), perhaps observing the markings of the two dead VC with weapons north to the hamlet which were being marked by other helicopters in the area so the troops could move up and get the weapons, you then moved back to Dottie, arriving there at 0830. Now, I would like to ask you to recount for us, first of all, where you met Colonel BARKER. Did you see him at the landing pad when you came in there? Did you see him in the TOC?

A. When I arrived at LZ Dottie and turned the prisoners over to the military police or whoever received them from me there at LZ Dottie, I'm of the opinion that I started for the TOC when General KOSTER arrived, and I turned around and met him. Your timing, I don't disagree with it, but if I met Colonel BARKER

there, I feel I met him up at the helipad. I don't recall talking to him that morning down at the TOC.

(General PEERS withdrew from the hearing.)

Q. Now, the timing is such that your recollection may be that you were about to depart when General KOSTER arrived. You may have moved or changed your intention at that time rather than when you arrived because the log and other indications are very strong that General KOSTER didn't arrive until about an hour after you did. So with that comment, I wonder if I could ask you again where you saw Colonel BARKER initially?

A. I feel that I would have seen Colonel BARKER at the helipad. I do not believe I saw him in the TOC.

Q. What did you say to him and what did he say to you when you saw him?

A. Sir, I am trying to go along with this scheme that General PEERS outlined, and I do not recall seeing Colonel BARKER there that morning at LZ Dottie. If there is evidence that I did see him there and talk to him, I don't deny it. But I cannot recall having said anything to him.

Q. All right. Let me ask you more generally, would you describe exactly where you went and exactly what you heard and exactly what you said during that approximate hour and a half that you were at LZ Dottie starting at 0830?

A. My recollection is that I was not at LZ Dottie for any one and a half hours that morning. At the time I was there I possibly did make it to the TOC. If I would have seen anybody it probably would have been Major CALHOUN, but what I would have said to him I don't know and I do not remember.

Q. What do you recall about hearing a report of VC killed reported by Charlie Company that morning, either monitoring the radio nets or reports received directly in the TOC from Major CALHOUN or Colonel BARKER?

A. I remember hearing radio transmissions, whether I was airborne or on the ground I'm not certain, of armed VC evading and the helicopters taking them under fire on several occasions, not just one occasion, but on several occasions I heard this. I heard certain casualty reports or reports of VC killed coming in

again from Charlie Company or at least from Colonel BARKER from his TOC and his command net. Whether I was in the TOC or monitoring, I don't remember.

Q. By 0830, Charlie Company had transmitted reports and Colonel BARKER had received information that Charlie Company was claiming to have killed 84 VC in the first hour of the action. Now, what was your reaction when you heard those reports?

A. I didn't have that report, sir. I don't believe I had that report. I think, I'm confident, when I talked to General KOSTER that I was under the impression at that time that I had information that there had been 30 or 40 VC killed. I don't think there was anywhere in the 80's. I do not believe it was, sir.

Q. We know that it was up in the 80's. It was 84 and was transmitted over the net that you were monitoring. Eighty-four had been recorded in the Task Force Barker log by 0840. How could you possibly not have been aware of that?

A. At this time, to the best of my recollection, I did not know it, sir.

Q. What did you know as of the time you saw General KOSTER? What did you know about Charlie Company and their success in killing VC?

A. I think it was that I knew that they had killed in the area of 30 to 40 VC. I believe that was my discussion with General KOSTER.

Q. Well, this is very curious, colonel. I suggest to you that your recollection is not accurate. I won't point out all of the entries. In addition to the number of VC reported by the helicopter unit, Charlie Company had reported killing 15 VC prior to 0830. We know there were transmissions over the net that Charlie Company had killed a total of 84 by 0830. I call your attention to the log of Task Force Barker, item 22, which has been entered in the record in this proceedings as Exhibit M-16, and ask you to take a look at item 22 on page 2. See if that doesn't refresh your recollection with respect to the number of VC Charlie Company had claimed to have killed by 0840 in the morning.

(MR WALSH hands Exhibit M-16 to the witness.)

A. Is this the morning log that I'm looking at?

Q. It is a copy of the log of Task Force Barker for the period commencing 0001 hours on 16 March 1968.

(The witness studies the log.)

A. Is this item 22, "VC counted," is that "09"?

Q. 69.

A. Well, if they were reporting that to my brigade headquarters, I should have known it and apparently did know it.

Q. Now, what was your reaction to knowing this? Do you think it was accurate?

A. Well, I have no reasons to think it was not accurate, sir.

Q. Because of the bodies that you had observed while you were over My Lai (4)?

A. No, sir, because when I was over My Lai (4), I had observed only two VC dead with weapons and some six to eight others to the southeast of My Lai (4) who--I had translated that these were civilians or could possibly be civilians.

Q. And you hadn't seen any other bodies?

A. I had seen no other bodies, sir.

Q. All right. What questions did you ask when you heard these reports of this large body count?

A. I had no questions, I believe, of the large body count.

Q. You had just been there and you hadn't seen any and you came back to Dottie and you heard these reports of large numbers of VC being killed by Charlie Company. Didn't you ask

any questions on how they were killed, what the circumstances were?

A. I don't recall asking any questions.

Q. Do you remember being curious as to why there were no calls for fire support, why there were no reports of contact?

A. I do not recall it, sir.

Q. What can you recall about the period of time that you spent at LZ Dottie between the time you brought in the prisoners around 0830 and an hour and 5 minutes later when General KOSTER arrived?

A. Except for meeting with General KOSTER at LZ Dottie, sir, I cannot remember any of my conversations there.

Q. Do you remember any conversations about any VC reported by Charlie Company being killed by artillery fire?

A. I recall asking Colonel BARKER, but I believe it was over the radio while I was airborne, about the six to eight bodies that were to the southeast of My Lai (4) and how they were killed. He initially told me by artillery fire, and Colonel LUPER who monitored this conversation called the battery, I believe he called the battery, and a few minutes later over the intercom told me that this was incorrect, that these people had not been killed by artillery fire. I do not recall this taking place at LZ Dottie.

Q. Colonel LUPER called the battery and the battery advised him that they had not been killed by artillery fire?

A. That they had placed no artillery fire in that particular position.

Q. Would you indicate on the map the position you are talking about?

A. I'm talking about....

(The witness studies MAP-1.)

Q. Why don't we use an aerial photograph? I show you P-1 which is an aerial photograph of the area around My Lai (4). Would you indicate the area that Colonel LUPER advised you was not the area where artillery had landed?

A. Well, if I've got this oriented properly, this is My Lai (4) here (indicating).

Q. That is correct. North to the top.

A. I'm talking about this road running along here where I observed, I believe, about this location and again at this location at this road junction here (indicating).

Q. You're pointing to a trail leading south of the village, the first point being where it intersects the irrigation ditch and the second point where it intersects Highway 521.

A. The junction of 521, correct. And in both of these locations or near these two locations, I observed what I considered possibly civilian bodies.

Q. How many were in the first location? That is on the trail just to the north of the irrigation ditch.

A. I believe that I observed there a man, a woman, either one or two children, and a water buffalo.

Q. And below that at the point where the trail junctures with Highway 521? How many there?

A. There were three adults. I believe it was two men and a woman or one man and two women. I'm not certain. Three there (indicating) and about three or four at this location here (indicating).

Q. Now, is it your testimony that before going to Dottie, you had asked Colonel LUPER to inquire of the battery commander whether any artillery had gone into those positions?

A. I believe so, sir.

Q. And do you know if he contacted the battery commander to make that inquiry?

A. I believe he did, sir.

Q. And what did he report to you?

A. I had the report from him that those people were not killed by artillery fire, that no artillery had impacted outside of the LZ area, and that no requests for air other than the LZ prep had been received.

Q. Colonel LUPER was here the other day and he was asked the following questions and gave the following answers:

"Q. Now, Colonel LUPER, do you have any recollection of Colonel HENDERSON making any request to you to investigate anything with respect to this incident?

"A. I have none whatsoever. And this, sir, if I may say so bothers me in that I am apparently being questioned about things that other people have said...without...having a chance to clarify it with them.

"Q. Colonel HENDERSON in a rather long answer to a question, included the following: 'I had the report that some of the artillery had landed in the village, but Colonel LUPER investigated this, and assured me that no artillery landed on the edge of that village, which Colonel BARKER later acknowledged, that he had seen the artillery rounds but he thought he saw a building or two burning on the edge of the village, which led him to believe that the artillery had perhaps hit the village. But he could not later substantiate this. But the artillery commander and the battery commander, who had visual observation, claimed this was not true, and that all of his rounds impacted on the LZ which was several meters away.'

"A. He states that the battery commander had observation?

"Q. That is what he said.

"A. The battery commander is sitting at Uptight, and if he can have observed whether or not a round landed in that village, he's got terrific vision.

"Q. I really was more interested in his comments on what you had assured, and what investigation you made before giving him that information.

"A. I could not have given him an assurance like that without landing and taking SHEL-REP's in that village. I could not possibly have given him that kind of assurance.

"Q. Did you give him any assurance with respect to any aspect of the artillery preparation?

"A. I do not recall giving him any assurances.

"Q. Do you remember any discussion with Colonel HENDERSON pertaining to this subject?

"A. I do not, sir. I do not."

Colonel LUPER has no recollection of any discussion with you on where the artillery impacted. Can you explain that, Colonel HENDERSON?

A. The only thing that I can explain--you have read my testimony there where I asked him to investigate. This was not my interpretation of the investigation that he was to make a formal or even an informal investigation. When I had the word from Colonel BARKER that these people were probably killed by artillery fire--and I'm sure I was in the helicopter at the time--I either looked over at LUPER or I told him on the intercom, "How about that, Bob?" And he got busy on his little portable radio that he carried with him, his "25," and called who I assumed to be the battery and later came back to me and said: "That's incorrect. We did not do any firing to the southeast or to the south of the village."

Q. So you are absolutely certain then that there weren't any VC or other people killed by artillery fire that morning? Is that your testimony?

A. No, sir.

Q. I'm having difficulty understanding it. You say that you had Colonel LUPER check and make sure that none of the artillery had impacted in the area where you had seen bodies, that it

had all gone to the LZ. Is that what your testimony is?

A. I'm saying that the only two places or three places that I saw bodies, based on what Colonel LUPER said to me, it was not the result of artillery fire.

Q. All right, and that the artillery fire had gone where it was supposed to go, on the LZ?

A. In the LZ area, I do not know if anybody was killed in the LZ. I do not believe so, but I do not know this for a fact, sir.

Q. Let's go back then to your learning of a large number of VC being killed by Charlie Company. You were at LZ Dottie. You say now that your recollection is that you heard of 30 or 40 of them being killed. This is difficult for us to understand in view of the transmissions by Colonel BARKER of 84 and confirmation of those transmission in the task force log. By 0840 in the morning Charlie Company was credited with 84 VC. First of all, is there any explanation that you can give us as to why you were not aware of that or made aware of that while you were at LZ Dottie?

A. The only explanation I have, sir, is that I believe that this is a reconstituted log. I do not believe that the log was typed at that time as those transmissions came in. There was one part in the morning of this operation, and I think it was when I was en route to Colonel TOAN's headquarters, that Major MCKNIGHT called back to my brigade headquarters to find out what kind of reports in this operation we were receiving. We were informed that the reports were still very sparse, that we were not getting these reports, and we call back to fire support base Dottie to find out why we weren't getting them. I believe it was Major CALHOUN on the radio, I could be wrong, who reported to us they were having a difficult time of reading the transmissions from the company to the battalion commanders. We asked him to get it corrected and get to the battalion commander as soon as he could cut in on him and tell him we needed these reports as rapidly as possible and to pass them on to the 11th Brigade. What I'm saying that I believe is that this log was prepared later in the day and was not kept up on a moment-to-moment basis as it should have been.

Q. Well, without regard to when it was reported, do you have any question as to the accuracy of the entries? Is that

the point you're making or why does it make any difference when it was typed up?

A. Well, it makes a difference when the information was received in at the TOC. I question whether at 0830 or 0840 in the morning they had a report that 84 VC were killed. I do not believe they had that information in there at that time of the morning.

Q. The reason you believe that is that when you called the 11th Brigade, you couldn't get information about how many casualties they were reporting?

A. That is correct, sir.

Q. I have a document here, Exhibit M-46, the log of the 11th Brigade for 16 March. I call your attention to a number of entries there including item 39 at 0805 in the morning reporting from the Task Force Barker TOC, 14 VC KIA; at 0805 another report from the Task Force Barker TOC, 1 VC KIA, making a total of 15. And then I would like for you to take a look at item 53 at 0930 and see if that doesn't refresh your memory with respect to the number of VC that were reported killed by Task Force Barker.

(Exhibit M-46 is given to the witness for examination.)

Now, I would also like you to take a look at the map (MAP-1), colonel, with respect to the coordinates given on that item 53, and I remind you that the coordinates reported on the Task Force Barker log of 69 VC killed by Charlie Company were in the middle of My Lai (4). You'll notice the coordinates as recorded in the 11th Brigade log are in a different location.

A. I notice these--this is the brigade log here I believe.

Q. Correct.

A. 714794 which is to the west.

MR WEST: No, it's north about a half kilometer.

MR WALSH: And the coordinates given in the Task Force Barker log at 0840 make no reference to artillery fire at 716788 which you'll notice is the location of My Lai (4) itself.

A. 716788 (looking at MAP-1)?

Q. Now in view of these entries in the 11th Brigade log, I wonder what you're referring to when you said you were on your way to Quang Ngai, which would have been shortly before 1045. You couldn't get any information from your headquarters about casualties.

A. I believe that was the time that Major MCKNIGHT had an occasion to call and find out whether we were getting our reports into division, and he was informed that our TOC was not being kept up to date as to what was going on. If this was entered in my log, then I have no recourse but to accept it. I should have known the numbers.

Q. What I would like to get at now is whether you have any recollection at this time as to what your reaction was and what discussions you had with people when you received these reports of very large numbers of VC being killed?

A. Sir, I do not recall any specific or special conversations regarding this.

Q. Do you recall any conversations with Colonel LUPER with respect to the extraordinary toll of 69 killed by artillery fire?

A. I do not, sir.

Q. Do you know of any other occasion while you were in Vietnam when an artillery preparation of 5 minutes duration killed 69 VC? Wasn't this something you would congratulate him about or ask questions about?

A. I can recall no conversations about it, sir.

MR MACCRATE: Where did the idea originate that 69 had been killed by artillery? You note that in the Task Force Barker log at 0830 there is a notation of 69 having been killed at one coordinate. But in the brigade log, over an hour later, you have the coordinate moved and 69 killed by artillery. Do you have any recollection of anyone suggesting that the KIA's were due to artillery rather than ground forces?

A. No, sir. I do not recollect anything about it, sir.

MR WEST: We'll recess at this time.

(The hearing recessed at 1611 hours, 16 February 1970.)

(The hearing reconvened at 1630 hours, 16 February 1970.)

IO: The hearing will come to order.

RCDR: All persons present when the hearing recessed are again present. Let the record show that General PEERS has rejoined the hearing.

MR WEST: Colonel HENDERSON, were you aware that Captain LEWELLEN made a tape recording of traffic over the Task Force Barker net the morning of 16 March 1968?

A. I am now aware, or in December I became aware that such a tape existed, but what it pertained to, I have no knowledge.

Q. You didn't know it at the time?

A. No, sir.

Q. A transcript of this tape has been introduced into evidence as Exhibit M-20. I am going to read you a little of it as background which involves your presence over the area in your Charlie-Charlie ship, picking up these two suspected VC. There is a transmission about 0805:

"Rawhide 3	This is Rawhide 3. Over.
Warlord 3	This is Warlord 3. Go ahead.
Rawhide 3	This is Rawhide 3. When you get a chance to check out those people down to the southwest, you will be able to see our ship orbiting over them. Over."

Now following this, the aero-scout people, who have been working down south, do move down and take a look at the people moving down the highway. About 2 or 3 minutes later, this transmission is about 0808:

"Warlord Alpha Lead	Request Warlord 3 come over to check people. We got one down here that is surrendering. He's taking all his clothes off. Standing by if you want to come down and pick him up."
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(A tape recording transcript as revised by CPT LEWELLEN and annotated with sequence numbers and times was marked and entered into evidence as Exhibit M-20A.)

All right, now look at page 14 in Exhibit M-20A. On the top of the page, you'll notice some letters and some words in capital letters. Those are remarks made back in the Task Force Barker TOC, that are superimposed on traffic that is going. I'll read that again:

"Warlord Alpha  
Lead Request 3 come over to check people. We got one down here that is surrendering. He's taking all his clothes off. Standing by if you want to come down and pick him up."

Somebody in the TOC says: "Pick his ass up.

"(Warlord Alpha  
Lead) I'm ready to pop the two white smokes on the highway. We got your 'dink' down here; he's stripped down. He is standing with his hands over his head.

"Rawhide 3 This is Rawhide 3. Over.

Somebody else in the TOC says:

"Come on now. Major MCKNIGHT has to get in on it.

"Rawhide 3 This is Rawhide 3. Over.

"Warlord Alpha  
Lead Rawhide 3. This is Warlord Alpha Lead. Roger. We have your 'dink' now at this time. He is stripped down and got his hands over his head. He tried to run once and we caught him again. He's down on the road if you want to come down and pick him up ... He's stopped and ready.

"Rawhide 3                    This is Rawhide 3. Roger. We're on our way in at this time. There were two others that were going along with him. Did you manage to get them also? Over.

"Warlord Alpha                Negative. We got two of them now  
Lead                            at this time.

"Rawhide 3                    Rawhide 3. Roger. Out."

This is about 0810 or just shortly after and this is when he picked up the two suspected VC. The next point of interest I think is at the top of page 18. Now this is about 0829. Colonel BARKER talking to Charlie 6:

"Coyote 6                    Coyote 6. Roger. Dig Deep. Take your time and get 'em out of those holes. Over.

"Coyote 6                    Coyote 6. Is that eight...ah... eight four KIA's? Over.

"Coyote 6                    Roger. Out.

"Coyote 6                    65. This is Coyote 6. Over.

"Coyote 65                    This is Coyote 65. Go ahead.

"Coyote 6                    This is Coyote 6. Returning to your location to refuel. I'll stop down in the TOC and bring you up to date. Over.

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"Coyote 65

This is 65. Roger. I'll have a vehicle up to meet you. Over."

Now this is when BARKER returns to Dottie and the TOC and reaches there perhaps 5 minutes later. At 0840 they make the entry, "69 VC KIA."

IO: You'll have to look in the log. It won't be in there. The log shows it.

A. Yes, sir, I saw that.

MR WEST: Now your ship's still in the air, but not very much longer, about 0835, you will notice on page 20 (referring to Exhibit M-20A) there are a couple of noncommittal transmissions by Rawhide 3. He's talking to Charlie 6 and something passes between them. Rawhide 36 says, "You're coming with your element."

Now by this time you're out of gas. So you head back to Landing Zone Dottie.

A. Where does it show that I'm out of gas and heading back?

Q. It doesn't show. It just has to be, from the time you've been in the air. But at any rate, I think it's also interesting that there's an entry in the brigade TOC, at 0820, a message from the Task Force Barker TOC, at 0805 hours, giving coordinates "detained 2 VCs evading; will evacuate to Landing Zone Dottie." Now there are further entries in here which show Colonel BARKER taking off for Bravo Company area about 0855, using his Charlie-Charlie ship for a dustoff. They drop him off about 0930, take the wounded on. It may be a little after that. It probably is a little after that because there's a transmission there you can read later on where he tells Sergeant JOHNSON he's going to hop off the helicopter and let him take the wounded on. Sergeant JOHNSON rogers and says, "Be advised Saber 6 is at this station." He gets back there about 0940.

But meanwhile I ask you to think back now and just remember who was there and what took place. You arrived there probably about 0840. BARKER was there. With you was MCKNIGHT, LUPER, and MACLACHLAN. All of you went into the TOC. CALHOUN was there; LEWELLEN was there; Sergeant JOHNSON was there; STEPHENS was there; KOTOUC was there. Colonel PATTERSON reminded me that you landed first at the IPW cage; you hovered over and started to refuel. I want to get you into the TOC now. The TOC is pretty crowded. All these people are in it. You've been out over the operation. So was BARKER. You have at least about 10 minutes there together before he takes off. You've orbited at least a couple of times over My Lai (4). BARKER has been down taking a look. This is a little after the first hour of operation, the biggest operation the brigade had ever had up to this time. You get a report of 84 KIA from Charlie 6. You had already had 15 reported, so they make an entry of 69 KIA. I want you to take a look at this Exhibit M-113. These are some selected entries in the logs of Task Force Barker, the 11th Brigade logs, and the tapes with a list of times. At the moment I'm thinking about this body count problem. You'll notice that right at 0735 from an entry in the Task Force Barker log there's one VC KIA reported by Charlie Company. Seven minutes later there were three reported by Sharks. Lifts completed at 0747 into Charlie Company area. Three minutes later, two more from the Sharks. Five minutes later another. Now that's all the Sharks reported

having killed, six. At 0757 Sergeant JOHNSON's on the tape, the Task Force Barker net, saying Charlie Company had 15. So they make an entry in the Task Force Barker log 14 more. That would give you a total of 15 VC KIA reported by Charlie Company. At 0829 you have the entry that we read where Coyote 6 asked about the 84 KIA. And a minute later Colonel BARKER tells Sergeant JOHNSON he's coming in. About 0840 you've got the entry in the Task Force Barker log that says 69. Evidently somebody subtracted 15 from 84 and you get 69.

Then there's an interesting entry in the log of the 11th Brigade at 0915. This is a report from Task Force Barker. It says, "30-40 VC left the hamlet at 0700 going east." Now in this exhibit, and this is abbreviated, let's read the entry in the 11th Brigade log at 0915. Entry number 50, 0915, Task Force Barker TOC, C/1/20, 0900 hours, and it gives the coordinates for the hamlet that you've seen before, 716788, "A VC informed the interpreter that approximately 30 or 40 VC departed the area at 0700 hours going east and C/1/20 will move eastward." Now this came from an interrogation in Captain MEDINA's presence in the village, in which the old man told him the only VC in there were 30 or 40 who left about 7 o'clock in the morning. That's on your log. It's not on the Task Force Barker log for some reason. Then at 0930 we have the entry in the Task Force Barker log which you've seen before that says, "69 VC KIA due to artillery fire." That's in the brigade log, excuse me.

A. At 0930?

Q. Yes.

A. 9:35 here, sir.

Q. Now, Colonel HENDERSON, you were there for almost an hour and a half. BARKER was in and out. CALHOUN was there all the time. You have all this radio traffic coming into the TOC. LUPER's there with you and MCKNIGHT. We've talked to all these people. We've talked to the enlisted men, the officers, everybody that was there. I haven't mentioned Lieutenant WATKINS I don't believe, the signal officer. He was right in Colonel BARKER's Charlie-Charlie ship. We've talked to all these people. I'd like to have your account of what went on during this period. It's also interesting that after this entry at 0840 in the Task Force Barker log there's not one other single entry

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for the rest of the day of VC KIA by Charlie Company; that's the end; there is a curtain dropped right there. It's also interesting that the entry in the brigade log reads, "69 KIA due to artillery" at a coordinate 500 meters north of My Lai (4). No artillery fell up there. You testified that Colonel LUPER assured you that it was all out in the landing zone. The fact is that some of it fell on My Lai (4).

IO: As a matter of fact, to further compound the problem, Colonel LUPER said that the artillery was on the southern part of the village, toward the landing zone.

A. On the village itself?

IO: Yes.

MR WEST: He testified that certainly no artillery fell up where the coordinates were in the 11th Brigade log. That's the area where you went down and marked two dead VC with weapons for somebody to come out and pick up the weapons.

A. Yes, sir.

Q. Did you see 69 dead up there?

A. No, sir.

Q. That's right. They weren't there. Now I think you can see why we're looking for some explanations. We've had some explanations, but we would like to have your account of what transpired in this hour and a half in and around the Task Force Barker TOC, including General KOSTER's coming in and getting briefed. We've had several accounts of this already from people who were there. You were the brigade commander, and this is a big operation, and you're watching it. You've been out there.

A. I do not believe that I spent that much time at the brigade TOC--I mean at the Task Force Barker TOC or at LZ Dottie. I did not get into that operational area until about 0750 that morning, or I was late getting in. The artillery fires had already gone in contrary to what was said earlier here this morning. I know that I made a specific point that here the first operation that I was the brigade commander, my damn helicopter radio wasn't working, and I had to get a substitute vehicle to carry me up there with a console installed in it.

And I got in late. I spent considerable time over these two VC with weapons. When I picked up the two VC suspects later--I do not know the time--I did take those two VC to LZ Dottie, but I believe I picked those up after Bravo Company had CA'd in.

IO: No, you've got mixed up just a little bit.

MR WEST: It's in your own log.

IO: One fellow remembers this extremely well. And he knows where the two PW's were, because there wasn't a very good search made of the PW's, and they put them on board and he wasn't sure whether they had any grenades with them or not. And so these fellows were sitting right on the seat right next to him, and he knows where you went and how long those PW's were in that airplane with you. So you had the PW's or the VC suspects, I should say, which later turned out to be Popular Force Soldiers, from the time you picked them up until you saw the insertion of Bravo Company, and then came back over My Lai (4), and then went to LZ Dottie.

A. Well, I do not recall riding around with those VC suspects in the aircraft for any period of time. It seems to me we picked them up and took off. I could be wrong on that.

MR WEST: The time may have passed rather rapidly but you hit LZ Dottie about 0840, something like that, and dropped off your prisoners. You were there a good while. You were at Landing Zone Dottie for a while. During that period of time General KOSTER--

A. (Interposing) I was there with General KOSTER?

Q. Over an hour. We've had pretty good accounts of what took place there, but we would like to hear your version. You're the brigade commander. You must have talked pretty thoroughly to your task force commander and the others that were there. In fact we know that you huddled with BARKER over in the corner in TOC and talked at considerable length. He's dead. We can't ask him what you said.

IO: The rest of the group pretty well huddled around the map and were talking with CALHOUN and MCKNIGHT while you and BARKER were over there for quite a considerable period of time before BARKER took off and went back out to the operation.

A. I could have had a conversation with Colonel BARKER there in the TOC. I can't deny that I didn't. But I cannot recall anything specific that I said to him or that he said to me regarding this operation. And I would assume that any discussion we had regarded this ongoing operation because it was of the moment. I don't believe I would have discussed other administrative or any other business. It must have had to do with the operation.

Q. Well, as of that time, what did you talk to him about, civilian casualties? You knew some civilians--

A. (Interposing) I do not recall, sir. I do know there was six to eight civilian casualties that I had seen that could have been civilians. I hadn't positively identified all of them as civilians, but some of those were definitely civilians. I'm certain with my concern and interest in civilian casualties I probably said something to him about it. But what I said I cannot recall.

MR WEST: Let me set the stage a little further. These three platoons of Charlie Company were put down the 1st, 2d, and 3d Platoons. The 1st and 2d Platoons moved in shortly after they landed. They went through this whole place in less than an hour. By the time you were ready to come back they had been practically through the village. By this time there were dead civilians all over the place. There wasn't any resistance. There wasn't a shot fired at them. They suffered no wounds; they took no prisoners. The only wound suffered was CARTER who shot himself in the foot. There were dead people all over the place. Hootches were burning by this time. This is what you saw out there. And this is what you had to talk about when you got back to the TOC. And BARKER saw the same thing. By this time the Shark pilots and the other helicopter pilots were on the air talking about civilians, innocent civilians, being killed. This traffic was heard in the TOC. It was heard in the 11th Brigade TOC. It was heard in the operation van of the 123d Aviation Battalion. This report of 84 KIA, they were women and children, they weren't VC. Charlie Company was methodically killing everybody they came to. That was the count up to the moment. Later in the morning MEDINA made reports of 186 killed, later 310. This was around noon. You had a lot to talk about when you got back there. This is your opportunity to tell us what you said and what you did back there.

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A. This is incorrect, sir. I did not have this information.

IO: What were you doing? You were the commander. You were listening to all this going on.

A. Sir, I did not hear this conversation.

Q. This was on the air. Everbody was listening to it.

A. I did not hear it, sir, nor was it reported to me that any of my people heard it.

MR WEST: Let's say you didn't know all of these things. At this time you knew a hell of a lot of civilians had been killed. You had this body count that went out over the air of 84. Now what discussion took place between you and BARKER?

A. Sir, I recall no conversation between me and Colonel BARKER at his battalion TOC, and I absolutely knew nothing about any civilians being killed other than the six to eight that I had observed on the ground.

Q. Colonel HENDERSON, quite a number of people heard you make the transmission over the air saying, "I want this excess killing stopped."

A. I made no such transmission.

Q. They heard MEDINA get on the air. They heard BARKER get on the air to MEDINA and MICHLES telling them to stop the killing.

A. Sir, I made no such transmission.

Q. This took place while you were at Landing Zone Dottie.

A. Absolutely not.

Q. Could you tell us anything that transpired while you were there? It's remarkable that nothing transpired. Did you just stand around mute, drinking coffee, maybe.

A. I'm certain I did not, but I cannot remember 2 years ago what I did in that location.

Q. Well, you seem to remember some things that went on there, and this is perhaps one of the highlights of the day, when you are in the TOC. You come back from looking at the operation. BARKER is back. This thing's still going on out there. You've had a big body count: later, 90 attributed to Charlie Company, 6 to the Sharks, 84 to Charlie Company, the bulk of the 128 reported for the whole day by two companies. This was such a big deal it got headlines all over the country and a congratulatory message from General WESTMORELAND. You never had such a big kill in the brigade. And the information was there. There was something to talk about. And you don't remember anything about it?

A. No, sir. I do not.

Q. We'd like to have an explanation for this. This is your opportunity to give us one. We've talked to a lot of other people.

A. I wish I could, sir, but I cannot (referring to M-20A). Was this made in the TOC or in the helicopter?

Q. The transcription was made in the TOC by LEWELLEN. He had his tape recorder in the TOC. This is why you hear remarks made in the TOC cutting into the transcription. A recording was made of the traffic on the Task Force Barker net. He evidently had a mike attached along with it, and he was taping off the Task Force Barker frequency, and there were comments made in the TOC.

IO: If you will look at that you will notice that you have three different types of transmissions. You have ground-to-air, that is TOC-to-air; you have air-to-ground, C&C-to-ground; and you have air-to-air.

MR WEST: They were still monitoring all those nets in the Task Force Barker TOC that morning. I will just asked you a question, Colonel HENDERSON. Did you direct BARKER to call MEDINA and MICHLES and tell them to stop the killing?

A. I did not, sir.

Q. All right. Did you and BARKER conspire to alter the reports of body count and attribute the 69 KIA to artillery fire and change the coordinates to a location north of My Lai (4) in the rice paddies?

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A. I did not, sir.

IO: When you were back at LZ Dottie, from your previous statement which you have supplied us a copy, you indicated that Task Force Barker was now--this is about 0930--Task Force Barker was now reporting approximately 60 enemy KIA. Do you remember supplying that information?

A. I'm not certain I understand.

Q. This is a statement which you had prepared.

A. Yes, sir.

Q. And when you appeared before us you provided us a copy.

A. Yes, sir.

Q. One of two statements in which you recounted your participation in this operation.

A. Yes, sir.

Q. And it's based upon this that, because of the misinformation and the misplacement of yourself, I'll walk you through what we believe you actually did as far as time is concerned during primarily the 16th through the 18th because these points are all particularly relevant. Now, also you've stated:

"Following General KOSTER's departure from LZ Dottie, I returned to the objective area. Contacting LZ Bronco by radio, I discovered required reports from Task Force Barker were not being received. I consequently directed Lieutenant Colonel BARKER to bring his own headquarters, LZ Dottie, up to date and to insure he requested Lieutenant Colonel BARKER to query the commanders on the ground to determine how many civilians had been killed and whether they had been killed by artillery, air, or small arms fire."

A. Yes, sir. I am confident that I did that.

Q. That is while you were over the objective area?

A. Yes, sir.

Q. And at that time did you also issue instructions for them to stop the burning?

A. No, sir. I did not.

MR WALSH: Colonel, when General KOSTER arrived at LZ Dottie, where did you meet him, what did you say to him, and what did he say to you?

A. I met General KOSTER near the helicopter refuel pad and talked to him there.

Q. Who was with him?

A. I do not remember if anyone--I'm certain his aides--I believe--no, I can't even say that. I do not know who was with him.

Q. Who was with you, who participated in the conversation or could overhear the conversation?

A. I'm not certain anyone was, sir.

Q. In other words, you spoke to General KOSTER apart from any other group?

A. That would be normal. Yes, sir. I can only assume that that was the case.

Q. Was Colonel BARKER there?

A. I do not believe that Colonel BARKER was there.

Q. Did you go with General KOSTER to the TOC?

A. I do not believe we went to the TOC. I believe our conversation was carried on right there at the helipad near the refuel station.

Q. And General KOSTER did not go to the TOC?

A. I do not believe that he did, sir.

Q. All right. Now, what did you say to him when you reported to him?

A. To the best of my knowledge, he asked me how the operation was going, and I gave him the results as I knew it at that time. I do not know what I gave him in terms of the results or what I knew at that particular time. I did tell him, or he asked me about any civilian casualties, and I do recall telling him that, yes, I had observed six to eight, but I had no other report from Colonel BARKER as to civilians killed, but I had observed these. I also reported to him about the VCS's that I had brought in a short time earlier and that I felt that these were--that we could possibly confirm that this was the 48th Local Force Battalion. He indicated an interest in this, and I sent somebody to find out how the interrogation was coming.

Q. Could you hold that for just a moment? You indicated in your earlier testimony that you told General KOSTER about a woman and children and a couple of dead water buffalo that he had also seen. And what did he say to you about that?

A. As I recall, General KOSTER evidenced some displeasure that any civilians were killed.

Q. Did he indicate to you that he had seen other bodies other than the woman and the children and the two water buffalo?

A. No, sir. He did not, and I'm not positive that he was these that I--as I recall when I told him about having seen this to the south of the village, he agreed, which led me to believe that perhaps he had seen them. I'm not positive he did see those, but I was under the impression that he had been out over the operational area and had come in to refuel.

Q. Do you recall anything more than an impression in that respect?

A. No, sir. I do not.

Q. What did he say to you? Did he comment on his observation of the operation or make any criticisms?

A. I know of none, sir.

Q. Did you tell him about the intelligence report that 30 to 40 VC had left the village at 7 o'clock that morning?

A. I do not recall, sir.

Q. What did you tell him about the number of VC that had been killed up to that point by Charlie Company?

A. Whatever report I had, I thought it was in the vicinity of 30 to 40. It could have been 69 if I had that report. I'm not confident that I did have it.

Q. Well, all of the indications are that you had a report of the number of 69 with a total of 90, 6 by the air elements and 84 by Charlie Company by that time. Did he make any comment to you with respect to the success of the operation, any inquiries as to how these VC had been killed?

A. I do not recall any specific query to me. No, sir.

Q. Do you remember any discussions with him about any VC being killed by artillery?

A. No, sir. I do not.

Q. Did he make any inquiries of you of what casualties Charlie Company had suffered?

A. I do not believe so, sir.

Q. All right, now, I'd like you to recall just as specifically as you can exactly what you said to him about the six to eight noncombatants that you had observed dead south of My Lai (4) and what he responded to you about those bodies?

A. General KOSTER asked me how many, if any, or how many civilians, if any, had been killed. I told him I had no reports from Task Force Barker as of that time of any civilians being killed. However, in flying over the area that I had personally observed six to eight south of My Lai, that from the way their bodies appeared to have sort of been thrown around that they'd either been killed by gunships or by artillery. But I did not have a report from BARKER of any others. I do not recall him saying anything specifically about these except that I believe he did evidence some displeasure that possibly some--these civilians had been killed.

Q. Well, isn't this a rather unusual subject to raise, just to make this inquiry of you, how many civilians have been killed? In other words, what would cause him to raise that subject with you?

A. I don't know what caused him to raise the subject except that we were always concerned about civilian casualties.

Q. I take it your impression was that he had observed at least some noncombatants killed and raised the subject with you when he saw you at LZ Dottie?

A. I had the impression that he may have seen either the same ones I had seen or a part of that group that I had seen, or one of the two groups, I mean, that I had seen.

Q. Well, now, did he ask you to make any further inquiries about this subject of noncombatants that had been killed?

A. I believe he did ask me to find out from Task Force Barker if there were any others.

Q. All right, did you do that immediately?

A. I believe I asked Colonel BARKER while I was airborne, radioed him, to give me a count.

Q. What report did you get back from him?

A. I do not recall what report, if any, that I got back at that time.

Q. Now what time are we talking about, when you were airborne before you went to Dottie, or are you talking about after you took off after seeing General KOSTER?

A. I'm talking about after I saw General KOSTER. I placed this requirement on Colonel BARKER, and I did not receive any numbers until I had returned to LZ Bronco after meeting with Colonel TOAN.

Q. We'll get into that later. I take it your testimony, then, is that in your conversation with General KOSTER you do

not recall any discussion as to a large number of VC that were being reported as killed, as to how they were killed, or the lack of any casualties by C Company, or any of the other operational matters that one would normally expect would be discussed.

A. At this time, I cannot recall.

Q. All right. After you finished your conversation with General KOSTER and he departed, you took off in your helicopter and went back over the operational area. You were there for approximately 40 minutes before proceeding on to Quang Ngai where you arrived about sometime between 1045 and 1100 for your appointment with Colonel KHIEN. I'd like you to tell us what you did during that approximately 45-minute flight. I understand you went back over the operational areas of both Charlie and Bravo companies, and I'd like you to describe in detail what you observed and what transmissions you made during that trip.

A. I recall receiving or overhearing a message that the Warlords had discovered on Hill 85 a number of mortars, and I went airborne immediately. This was in the morning of the 16th.

Q. No, this happened before you ever took off after seeing General KOSTER. Times are confirmed by the tape.

A. This did not, sir, absolutely not.

Q. Well, now, Colonel HENDERSON, its just not an arguable proposition. The operation of the Warlords of Hill 85 had been entirely completed before you left LZ Dottie after your conversation with General KOSTER.

A. No, sir. It had not.

Q. Mr. WEST, will you give us the tape entry please? Suppose you take a look at page 23, colonel, at the top of the page. Notice the time of the transmission from Warlord Alpha Lead.

IO: What time is that?

MR WEST: That would be 0855.

IO: The entry in the log, actually, of Task Force Barker is that "Company B, 123d Aviation, found up to 40 60-millimeter rounds and will destroy." This is at 0855. "11th Brigade notified."

MR WEST: You were there in the TOC, and that's just about the time that BARKER took off for the dustoff in the Bravo Company area. If you'll look on page 26 of Exhibit M-20A again in the middle, you'll find item 296:

"Roger. This is Warlord Alfa Lead. Cancel that two mortar tubes. Make that two-zero 60-millimeter, 60 Mike-Mike mortar rounds. We're calling EOD in now to destroy 'em.

"Coyote 6: This is Coyote 6. Roger. Negative on mortar tubes. Is that right? Over.

"Warlord Alpha Lead: That's affirmative. We just got the rounds, didn't get the tubes."

A. I was airborne when that message came--when I heard that transmission, and I flew down over Hill 85, and I was over Hill 85 for at least a half hour. I was thinking that I had seen the infantry inserted on that operation.

Q. And if you'll notice over on page 27 is where they're ready to blow:

"We got them all stacked up now. We're going to blow them with an EOD team from Dottie.

"Coyote 6: This is Coyote 6. Thank you. Out."

That's where they go. Now the time on that is--

MR WALSH: (Interposing) It doesn't show.

A. I don't go along with these times. I can't accept them, sir.

Q. All right. Well, let's just assume that you were in the air when those were taken. It's irrelevant to what we're talking about here. There is no possibility that this operation wasn't completed by the time that you had your conversation with Major General KOSTER. What we're talking about now is what hap-

pened? What did you do? Where did you go? What did you observe? And what transmissions you made after your conversation with General KOSTER and your departure from Dottie shortly before 10 o'clock for 45 minutes before you arrived at Quang Ngai? Now we understand you went back over the operational area, and at that time you observed certain things, such as, for example, My Lai (4) was in flames, and there were bodies all over the place. And some transmissions were made.

A. I saw no bodies at My Lai (4) other than those that I have already spoken about. At one time, and I don't know if it was after I had seen General KOSTER or before, I saw some buildings burning in My Lai (4), and I made a radio transmission to Colonel BARKER to ask him why those buildings were burning. To the best of my recollection, he told me that the ARVN or-- not the ARVN, the National Police, or the company interpreter, or ARVN interpreter that was with the companies were setting them afire. And I told him to stop it.

IO: Well, we'll tell you one thing right offhand. There were no National Police with them at that time. There were no ARVN with them at that time. There were only two interpreters with them, one with Captain MEDINA and one with Lieutenant JOHNSON. And they were both with MEDINA's command group, both of them, Sergeant MINH and Sergeant PHU.

A. Well, this is the report that I had from Colonel BARKER, and I'm not certain--some way I had it that the National Police were down there--had a squad down there with that company.

Q. Well, that's erroneous because they did not appear on the scene until later on in the afternoon, and we know specifically when they appeared on the scene. We know what they did, but they were not there.

A. As far as what I specifically did during the 45-minute period and what I said, I do not know.

Q. All right, now let me talk just a minute. How low-- what was your altitude?

A. At what time, sir?

Q. Well, when you came back over it. You left Dottie. You'd been talking to General KOSTER. And you came back over. The H-23's and the gunships, they're not receiving any ground fire. Nobody's receiving any ground fire. There hasn't been any ground fire there since about 0745 in the morning when there may have been a stray enemy round fired. They're working right on the ground picking out these things. What altitude did you fly when you came back over? Remember, we've talked to other people that have been in this aircraft, too, so we have a pretty good idea, Colonel HENDERSON, on what you did and so on. So we have indications what they saw.

A. I can recall nothing specifically, except I did see some hootches burning. Whether it was earlier or whether it was this time, I'm not certain.

Q. By that time practically the entire village had either been burned or was on fire. And not only that hamlet, but the northern subhamlet just above it, Binh Tay, the southern part of Binh Tay had been burned by this time. Now, I'll show you on this photo (P-1). I know what happened, you see. Mind you, now, before 9 o'clock, the killing stopped. There was no report of casualties after that. None. By 0840 in the morning, they had reported 90 killed from Charlie Company. And by the time you got back out there, if you met General KOSTER and talked to him back at LZ Dottie, and he didn't get in till 0930, and by the time you got down here, which would put it in the time frame of about 10 o'clock or thereabouts, this village, for all practical purposes, ceased to exist. This is the subhamlet of Thuan Yen, right there, and the southern part of this subhamlet had also been burned. And by this time, the troops were out in this area in the defensive position. Now you're a commander. You can see these things.

A. If I saw any burning, sir, I had it stopped immediately. And there was no excuse for that burning. And I did not see this burning except some houses burning in My Lai (4). And as I recall they were on the western side of My Lai (4). I did not see My Lai (4) in flames or having been burnt or burning.

Q. Well, then the other people we that we've talked to, who indicated you came back over this area, must all be in error because they all indicated that you did fly--when you

left LZ Dottie and before you went to Quang Ngai, you did fly back over My Lai (4) for some time and allowed yourself some time to get to Quang Ngai, where you entered at the Tropo Pad.

A. I cannot recall where I went. I'm certain I did go back over the operational area before I went to Quang Ngai.

Q. Well, I will tell you by that time, which we have reconstructed from all the men in the company, by the platoons and so on, for all practical purposes this subhamlet was destroyed. And not only was the subhamlet destroyed, but a vast majority of the animals were killed. A large number of men, women, and children were killed. And there was considerable raping going on. Now, you conversed with the people in your helicopter, I take it, didn't you?

A. I'm certain that I did, sir.

Q. All right. How is it that you only saw six to eight, and Colonel LUPER, who's sitting right next to you saw 15 to 20, for example? In one location alone, he saw 15 to 20. He saw 15 to 20 right on that road, right there (pointing to Route 521).

A. I do not know, sir. I certainly did not.

Q. He was sitting right next to you. Don't you communicate with him?

A. On the intercom, yes, sir.

Q. Yes, I would assume you did. He saw those and reported them. We so have it identified on the map. Also, your pilot, you were low enough that your pilot--not your pilot, but your radio operator. You were low enough that your radio operator saw 12 to 15 bodies in the hamlet itself. But you must not have been communicating with those people.

A. I did not fly down over My Lai (4) at any low altitude after--when I went back out. I know that. I flew over My Lai (4) after I had those two VC picked up early in the morning, and came down southward flying over at least the western side of My Lai (4) at a fairly low altitude to where I saw those bodies and attempted to land down in this area here, which I later aborted.

Q. Yes, there were also 10 to 15 bodies right on the road right down there at that time.

A. I saw three bodies and--

Q. (Interposing) There were 10 to 15. There were also more than 5 bodies in the field right here, which were marked by smoke right at that time.

A. I did not see them, sir.

Q. Well, I'm quite sure that what I'm telling you is the correct story. I could look back in the testimony, but I'm so sure of this that I find it unnecessary to.

MR WALSH: Colonel, at or before this time, either at the time you were at LZ Dottie or after you left there and went out over the area, you made a transmission that you didn't want any unnecessary killing going on there. And we have independent testimony from three different individuals who remember this very distinctly. It might refresh your recollection if I read you a transcription of their testimony. The first one is Specialist KUBERT.

A. Specialist who, sir?

Q. KUBERT. K-U-B-E-R-T. He was monitoring the transmissions. He said:

"Yes, I remember that because there was a comment. We didn't like to work with Rawhide because he tied up the net, wanted to know everything. We preferred not to stay up with him. I remember that really rang a bell when he first said that, Rawhide 6, 'No unnecessary killing'....a little bit later than 9 o'clock."

And Captain SABRE, a pilot who was also monitoring the transmission that day, testified:

"I seem to--I think maybe I did hear either--Rawhide 6 or Coyote 6 transmit a message, 'Let's not have any needless killing,' or 'I don't want any unnecessary killing.' I would say it was Rawhide 6-- I don't remember the time."

Finally Captain MOE testified:

"I seem to remember one comment that I'm quite sure now came over the air that particular day. I think that was probably Rawhide 6, because it had kind of a distinctive--you know, you get to hearing a person's voice several times. The comment was, 'I don't want any unnecessary killing down there.'"

Now does this possibly refresh your recollection to the transmission that you made in this connection, either while you were at the TOC, or at LZ Dottie, or after you went back out over the area and observed what was on the ground?

A. Well, I certainly can't deny the fact that I didn't want any unnecessary killing, period. But whether I made such a transmission or not, and I question whether these people recognizing my voice--I think they're hearing it for the first time over the air.

Q. They were familiar with the call signs and I think Rawhide 6 was your call sign, wasn't it?

A. I believe so. I'm not certain, sir. It changed every month.

Q. Do you recall, colonel, giving testimony to Colonel WILSON in which you said that all of the VC reported killed on this operation were killed in fighting bunkers which surrounded the village? I'll read it to you if you want me to. I'll read it to you anyway. We were questioning you about the VC reported killed in this operation and you said:

"My Lai (4) Village, it is a misnomer really if you refer to it as a village in the sense of a peaceful existing village. This was a defended village defended by a bunker system, communications trenches running through it. The bunkers completely surrounded this village. They were not the type bunkers that we refer to as family protective bunkers. These were fighting bunkers that had been prepared by the Viet Cong to defend that village. The KIA's, the VC KIA's reportedly killed in that village were killed inside these bunkers."

What was the basis for your information in that respect?

A. Well, the basis of this was my discussions with Colonel BARKER and the other people who had operated in that area. This was the feeling that I had last April when I talked to the IG regarding My Lai (4), that this was a defended hamlet, and I know that I got the word from him that the people in the village who had been killed, or bodies reported in the village, were killed in those fighting bunkers. Now, I had reports that there was severe fighting, initially.

Q. Now, just a minute. Let's stop right there.

A. Yes, sir.

Q. What reports did you have that there was severe fighting? There were no casualties reported. There were no calls for fire support. What were the reports of severe fighting that you had?

A. When I came into the operational area, I asked for a SITREP, and I got a SITREP from Colonel BARKER, over the air, that C Company, upon landing, had initially landed in a cold LZ, it turned hot, and initially they had had severe fighting on the outskirts of My Lai (4).

IO: What push did you talk to him, on?

A. I'm certain that I talked to him on his battalion command net, sir.

Q. Would that not have appeared on this tape then?

A. I do not know, sir.

Q. That was on all morning?

A. I do not know, sir.

Q. All the activities are right there. All on the battalion push. Beginning at 0730 (reading from Exhibit M-20A):

"Dolphin Lead: This is Dolphin Lead. We're out of the LZ. LZ appeared to be cold.

"Coyote 6: Coyote 6. Thank you. Out."

And he reports that back to Sergeant JOHNSON:

"Coyote 6: Coyote 65. Coyote 6. Over.

"Coyote 65: 65 Go ahead.

"Coyote 6: Coyote 6. Touchdown 0730. LZ appeared to be cold. Over.

"Coyote 65: 65. Thank you. Out."

And I'll run along here. Look at the top of page 5:

"Coyote 6: 6. Over. This is Coyote 6. You say it seemed to be hot. Did you receive fire when you first went in? Over.

"Dolphin Lead: This is Lead. Negative reported from any of the slicks. Over."

Now, I don't find any transmissions about a lot of resistance, but if you can find them, fine.

A. I had the report that they had, that this LZ was hot, initially cold and then hot, and that there was heavy fighting.

MR WALSH: All right. You were there. You were there by 0750. By your own admission, you were there. And you were down low, treetop level. Now I don't think--

A. (Interposing) I was at treetop level to the north of My Lai (4).

Q. You were landing to the southwest, and you were at treetop level to the north?

A. That is correct, sir. I heard no firing. When I got the initial report on casualties--before I got into the operational area, I had a radio transmission that I had monitored

that--I don't recall the number, 10 to 15--which gave me an indication, okay, they have made contact. At that time, I got a hold of Colonel BARKER to determine whether I should try to hold onto these slicks to deploy another company from 4/3 into this operational area. I had another company standing by because if we did run into a hot LZ or run in and make immediate contact, it was our plan that we would introduce even yet a fourth company into this operation. And Colonel BARKER assured me that they could handle it, that they were in initially, what he termed--and I'm not sure the word "severe" is proper--but a substantial firefight.

MR WALSH: Colonel, you have seen a lot of action, I'm sure, and I find it very difficult to believe that you could mistake very substantial action when none, in fact, was taking place. You were there. You were down low. There were no calls for fire support. There were no casualties, no requests for dust-offs, and nobody was receiving fire. It's just incomprehensible to me that you could sit here and say that you were under the impression when you talked with Colonel WILSON that there had been heavy contact in fighting bunkers, with the VC being killed in fighting bunkers surrounding the village.

IO: On your radio console there, how many radios did you have on your console?

A. I had two, sir.

Q. Just two? You didn't have a third radio?

A. No, sir, I had the old makeshift that had--this was one of the reasons I was delayed in taking off that morning. The regular console that I should have had in my command ship was not available and I had two of the 47's, I believe the number of the radio is, two 47 radios.

Q. Did you normally fly with a console with three sets in it?

A. I normally did when that aircraft was "flyable."

Q. Well, if that's the case, why did your artillery officer have to carry along a separate PRC-25?

A. He always did. There was no reason why he couldn't have used one of the radios for a moment's talk. I did monitor my--had to monitor my brigade command net as well. Then I would switch to a battalion frequency in whosever area I was operating in. Also I would keep my third radio on the division, but I had an arrangement with my brigade that if they heard the division commander calling me on the division or anybody calling on the division net, I was immediately notified and I switched to that frequency.

MR WALSH: After your trip to Quang Ngai you returned to Duc Pho for lunch. I think you testified a little earlier that on the way to Quang Ngai, Major MCKNIGHT was in communication with the 11th Brigade TOC and he'd had some difficulty--they had at the TOC had some difficulty getting reports. I wonder if you could go over that just one more time and tell me exactly what it was that Major MCKNIGHT was talking to your TOC about, what report you got on that?

A. Major MCKNIGHT received from whoever the TOC duty officer was that they were not being kept updated on the Task Force Barker's operations and consequently we were unable to keep division informed. I had Major MCKNIGHT call Task Force Barker TOC and ask them to expedite getting reports into the brigade headquarters so that we in turn could send ours in. The excuse given was that they could not hear all the radio transmissions coming from the ground. This advises me here (indicating M-20), this one that they could hear Charlie Company. I was under the impression that Charlie Company was the one that they could not hear all of his transmissions. I believe that I personally called Colonel BARKER and asked him to get his system set up so that his TOC could get more immediate information, and in turn my TOC.

Q. You have no recollections of what these transmissions were about or these reports that you weren't getting?

A. No, sir. Only that my TOC reported to Major MCKNIGHT that they were not receiving a continuous flow of information.

Q. All right. Well, after your meeting in Quang Ngai you went back to Duc Pho. Now, were you briefed when you got back to Duc Pho about this operation?

A. I was not briefed per se, as I recall. I'm certain that I did walk into my own TOC and take a look at the board

that we keep posted.

Q. Did you give any instructions to the TOC duty officer or anyone else there with respect to information you had being personally on the scene?

A. I do not recall any such information, sir.

Q. When you came in and looked at the board and looked at what reports had come in, did you say, "Well, that's not right in this respect," or, "I was there and I saw this," and, "That is incorrect," or anything? Did you give them any briefing in what you observed yourself?

A. I cannot recall anything, sir.

Q. Do you recall with whom you had lunch that day?

A. No, sir.

Q. All right. After lunch you returned to the operational area. I'd like you to tell us what you did and saw at that time.

A. I cannot recall what I did that afternoon, where I went, who I saw. I believe I did go back up over the operational area. I may have landed at--I do not know.

Q. Well, you previously told us that you gave instructions to Charlie Company or Colonel BARKER to have Charlie Company retrace its steps back into My Lai (4). Do you recall that?

A. I recall that I kept insisting that C Company was to sweep back through My Lai (4), but I had it on the 18th because I kept tying in when one of Colonel BARKER's reasons for not doing it was the extraction of helicopters. I thought about this for a period of time, and although the extraction ship was still on my mind, I am not as positive that it was on the 18th that I ordered that sweep back through My Lai. It could have been on the 16th. And my concern for whatever number of civilian casualties--I think earlier in the afternoon I did have a report that there were 12, 14, or something of this nature, civilians that had been counted as a result of my directive that morning to BARKER to get me a head count of any civilians that had been killed. This could have prompted it. I do not know what prompted it.

Q. All right now, this is quite important. I'd like you to recall for us exactly what Colonel BARKER reported to you after you said you wanted a count of civilian casualties. Where were you? How did you get the report? And what did he say?

A. I'm not positive how I gave him this instruction, whether I gave it to him over the air or whether I gave it to him on the ground, but I believe that Colonel BARKER pointed out to me certain problem areas in having a sweep conducted.

Q. Well, now, the sweep comes after the report. I want to know what Colonel BARKER reported to you first, where you were, and what he said after he reported to you that some 12 to 14 noncombatants had been killed.

A. I believe I received this in my TOC after lunch that day.

Q. Now, this was in response to a requirement that you had put on Colonel BARKER that morning?

A. Yes, sir.

Q. Okay, now, what did you learn in the TOC from Colonel BARKER? What did he say?

A. I do not recall talking to Colonel BARKER.

Q. I mean when you were in the TOC, you got a report from Colonel BARKER. I think you just said when you were in your TOC in the early afternoon you got this report.

A. This message had been delivered or reported to my TOC that Task Force Barker was now reporting that 12 or 14, I'm not certain of the number, but it was greater than the 6 to 8 that I had observed that morning as possible civilians, and that was all I got, sir.

IO: Let me read a statement here. Here's a part of a statement from your own statement which you provided us, which we have entered into the record as S-3. You said:

"Following the visit with General TOAN, I visited LZ Sue (Command location 4/3) and overflew its units

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operating in the AO. I periodically overflew TF Barker operations and returned to my home base (LZ Bronco) approximately 1900 hours. At no time did I observe any civilian bodies other than those cited above. I talked to Lieutenant Colonel BARKER on the ground at LZ Dottie twice on the afternoon of 16 March. Our discussions, although centering around the ongoing operation, touched also on future operations. I received a report from him that a total of some 128 enemy and 24 civilians had been killed in the operation. He was still attempting to secure additional information regarding the manner in which the civilians had been killed."

And then it goes on from there. But this would indicate that you--I don't know whether you were talking to him by radio, on the ground, or whether you landed at LZ Dottie to talk to him, but you also indicate that you're over the Task Force Barker operational area again. He gives you a report of 128 enemy killed plus 24 civilians killed. This is according to the statement which you have provided.

A. Well, I recall preparing that statement, yes, sir. Now, your question was?

MR WALSH: What did you do when you got the report from Colonel BARKER, I take it, you got while in your TOC at Duc Pho? Does the material that General PEERS read you refresh your recollection as to getting it someplace else, that is, the report of 24 noncombatants being killed?

A. I cannot specifically recall seeing Colonel BARKER on the ground there at LZ Dottie that afternoon. I believe I did go up to LZ Sue, and I may have stopped off at BARKER's headquarters. And I may have also, at this time, ordered this sweep through My Lai (4).

Q. Do you know who you transmitted that order to?

A. I felt that I gave it to Colonel BARKER because I got some--this hesitancy on his part to sweep back through there because of the lateness of the hour and so on.

Q. Now, this was early in the afternoon you received this report from Colonel BARKER, and I don't understand the lateness of the hour problem.

A. Well, I'm speaking of the time that I--if this is the day that I ordered the company back through. There were three or four areas that I recall Colonel BARKER, when I did order the company's sweep back through, that he wanted to point out to me. One was that the enemy would have had time to place mines and booby traps in this area. One was the lateness of the hour of getting

back to My Lai (4) and then to a laager area. And I have had on the back of my mind the problem of helicopter extraction, and that's why I continue to insist that this has been on the day the helicopter extraction was scheduled. But now it was something about helicopters, but I'm not positive it was for the extraction.

Q. Now, let me ask you this. Did you have any discussion with General KOSTER at Duc Pho or LZ Dottie that afternoon?

A. On the 16th, no, sir.

Q. You didn't see him either place that afternoon?

A. No, sir.

IO: Did you meet General DOLEMAN when he arrived at LZ Dottie?

A. No, sir.

Q. On the afternoon of the 16th? DOLEMAN I am talking about.

A. No, sir, I did not.

Q. You were not there when General KOSTER arrived, perhaps to pick him up?

A. No, sir.

Q. That's at 1535 in the afternoon at Duc Pho?

A. No, sir.

Q. He arrived at 1510 and departed at 1535. He was there a total of 25 minutes. Were you present at the briefing which was presented for General KOSTER and for General DOLEMAN at LZ Dottie between 1645 and 1750?

A. No, sir. I was not.

MR WALSH: Did Lieutenant Colonel BARKER tell you about the allegation or report that he had received from a helicopter pilot with respect to unnecessary killing of civilians?

A. No, sir. He did not.

Q. Where were you when you first learned that General KOSTER had countermanded your order to have the company sweep back through My Lai (4)?

A. I was airborne over the Duc Pho AO.

Q. I believe you testified you went immediately to Dottie. What are the reasons for this?

A. I did earlier testify but now then since I'm not confident it was on the 18th, I do not know how I verified this. I recall questioning the Task Force Barker TOC. I don't believe I talked to Colonel BARKER, but I talked to somebody at Task Force Barker as to exactly what instructions they had received.

Q. Earlier that day when you saw General KOSTER at Dottie and you had told him about the six to eight people, had he suggested that he wanted a count as to how these people were killed, how many of them there were?

A. I do not believe so, sir.

Q. Well, this was entirely your initiative to have the company sweep back through My Lai (4)?

A. Yes, sir.

Q. And you gave these orders after your return to Duc Pho and after your receipt of a report from Colonel BARKER that not the six to eight you had seen, but about 24 noncombatants, had been killed.

A. I'm not certain at this time that I had a count of 24. I was thinking in terms of 12 to 14. It could have been 24. I'm not certain at this time, sir.

MR WEST: I'm familiar with the testimony that your orders to go back into My Lai (4) were countermanded and that the company proceeded to its laager area and laagered in for the night with Bravo Company. The next morning, Charlie Company moved south. The 1st Platoon angled off a little bit toward the right and headed for Hill 85. They had a mission up on Hill 85, perhaps to set up an OP. The only thing that happened was MEADLO stepped on a

booby trap and blew his foot off and wounded CALLEY in the face. As they were hiking along the way to Hill 85 they passed My Lai (4) off to the right. The place was still smoking. Clouds of smoke were coming up. Between them and the hamlet were freshly dug graves that hadn't been filled yet. The people had dug a great many graves and apparently hid when they saw the troops coming. My question is, if you were so concerned about having a count made to determine how the civilians were killed, why didn't you send Charlie Company in the next morning? They were right there.

A. I have no reason--no excuse for not doing it, sir.

IO: You had even a better means if you had any qualms in your mind about civilians getting killed, and knowing that Charlie Company had received one wounded man, which was a self-inflicted wound, that there was no resistance in the village. You had the aero-scout company of the 123d with a ground platoon which could have easily been inserted to check it out in a matter of minutes. Even if someone had flown low in a helicopter over this, he couldn't have missed it.

A. This didn't dawn on me, sir.

Q. The order to go back through My Lai (4), which you initiated, finally got to Charlie Company just before they got into the laager area, which is to say, sometime in the time frame about 1500, maybe just a few minutes after. What time was it that you received word that your order had been countermanded by the division commander?

A. I do not recall, sir.

Q. Yes, well, you evidently were brought up pretty tight as far as your statistics were concerned later in the afternoon because that evening you called General KOSTER, according to your testimony, and you talked to him and indicated the six to eight that you reported to him was something greater than that as had been given to you by Task Force Barker and was now somewhere in excess of 20. General KOSTER exhibited considerable concern, according to your testimony. Did you at that time take up with General KOSTER his order not to send Charlie Company back at this time to My Lai (4)?

A. I do not believe I did, sir.

Q. Well, now, you knew at that time that there had been some civilian casualties, irrespective of how they happened or what the number was. You talked to the division commander about it. Why was this not included in your SITREP? Why was it not transmitted to the Americal Division?

A. I cannot answer that, sir. I know it was posted on our board at the TOC.

Q. It did not show up in your log. There is one entry in the Task Force Barker log which was along about 1640 I think.

MR WALSH: 1555.

IO: 1555. And they were asked for a casualty count of civilians. Bravo Company indicated that they had none. There were no civilians included with their body count. Charlie Company indicated that there were 10 or 11 civilian casualties, but these were not included in their body count. In other words, their body count was VC. That was received at Task Force Barker. The log shows that it was transmitted to brigade, but there's no entry of having received such information at the brigade, nor is there an entry of the information which you received, nor is there an entry in the division log of any civilian casualties having been transmitted to the division TOC.

A. I cannot account for it, sir.

MR WEST: Colonel HENDERSON, as was indicated earlier, and as you've told us, you relieved General LIPSCOMB and assumed command of the brigade on 15 March 1968, the day before this operation we've been talking about. Prior to that time, I understand you had been executive officer.

A. Yes, sir.

Q. Were you familiar with the Son My operation that was to begin the day after you assumed command?

A. I was briefed very broadly on it about 2 days earlier, sir, by Colonel BARKER or his S3.

Q. All right. Are you familiar with the steps that were taken to obtain approval of the operation before it kicked off?

A. Well, I'm familiar that we put in for our helicopter assault ships in advance.

Q. Well, do you know who briefed General KOSTER on the operation?

A. No, sir. I do not.

Q. What was the purpose of the operation, the concept?

A. The concept of the operation was to CA in, to locate and destroy the 48th Local Force Battalion, with a unit on the west, the unit on the east, the unit on the north, and the Warlords screening to the south.

A. Yes, you talked to the company commanders and you urged them to be aggressive, to close in, not let the enemy get away, to eliminate the 48th VC Battalion once and for all.

A. Yes, sir.

Q. Was this characterized as a search and destroy operation?

A. No, sir.

Q. Then Captain MEDINA must have somehow gotten a mistaken idea because this is what he told his men. We've talked to over 70 men in the company who were on that operation, who sat and heard his briefing that evening. You understood that this was an inhabited area, that the operation was going into several villages that were inhabited. What were the plans to take care of the noncombatant civilian population?

A. There were no plans, sir.

Q. I don't think I understand you. You knew, you and everybody else knew, that there were people living in these hamlets, old men, women and children.

A. That is correct, sir. The brigade and battalion in planning this operation did not include in its plans any provisions for the evacuation or for taking care of a collection point for civilians. It was a complete oversight on my part. In my report to General KOSTER I acknowledged this.

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Q. Let me take you back a little bit now into the planning. If you were briefed, you must have realized that one of the reasons the operation was planned at the onset was to clear the area and the civilian population which had been a hindrance to operations in the AO. BARKER had frequently talked about it, and in his discussion of the operation with his own people and with others, he spoke of this. Our evidence is also that he talked to the ARVN's; he tried to arrange some cooperation so that they could take some of the civilians and put them in the refugee settlement, and he was informed the refugee settlements were full, and it couldn't be done. Were you told this?

A. No, sir.

Q. Getting back to the approval of this operation, at this time our information is, and this is quite strong evidence, that there wasn't any operation of a battalion or larger size which could be conducted in the Americal Division without first getting the approval of the commanding general. Tell us what you know about getting approval of this operation. And you knew this as well as anyone else; it would have been your neck if you'd conducted a task-force size operation without the approval of the commanding general. You must have known about this and how the approval was secured.

A. I must have known what, sir? I didn't understand the last part.

Q. You must have known how the approval of the commanding general was secured. You must have known that it had been approved before the operation kicked off.

A. General LIPSCOMB told me that General KOSTER was aware of this operation and had approved it in concept. This was before, I do not recall what date, but possibly the 13th or 14th.

Q. Who had briefed General KOSTER?

A. I do not know, sir.

Q. There had to be a briefing, though. There were no operational written orders. It couldn't have been done on the paper basis since there were none.

You weren't present when he was briefed on this operation?

A. No, sir. I was not.

Mr WALSH: Now, on the evening of the 20th--on the evening of the 16th, you talked to General KOSTER and reported that 20 or more civilians had been killed in the operation. Now, what did he say to you about this?

A. I know he was quite disturbed. He asked me how they had been killed. I told him that I did not yet have the report of how they had been killed, but that I had asked Colonel BARKER to get me the details of whether they had been killed by small arms, artillery, gunships and whether they were men, women and children. At this time, I did not have this information.

Q. You did say to him, "I asked him to go back into this village and check this, but you countermanded the order, general"?

A. I did not, sir.

Q. How did you expect Colonel BARKER to get that information?

A. Well, I hoped that Colonel BARKER had the information. If he knew that 20 were dead, that 20 civilians had been killed, I hoped the people who had reported to him that 20 civilians had been killed would know how they had been killed.

Q. The following day, the 17th, did you have any discussion with anyone with respect to the report that you had of 20 noncombatants being killed?

A. Did I have a conversation with anybody?

Q. You will recall that General PEERS told you that the afternoon of the 17th at Duc Pho you had a meeting with Colonel HOLLADAY and Major WATKE with respect to the employment of the aero-scout company, and I want to know if you talked to anyone else. Did you talk, for example, to Colonel BARKER? Did you talk to General YOUNG? Did you talk to General KOSTER with respect to the report that you had of noncombatants being killed the previous day?

A. I do not recall talking to anybody on the 17th regarding noncombatants being killed, sir.

Q. And, it's your testimony that you had not heard anything from Colonel BARKER or anyone else with respect to the helicopter pilot's allegations about unnecessary killing of civilians that had been made to Colonel BARKER the previous day?

A. That is correct. I did not have any knowledge of that.

Q. Did you go either to LZ Dottie or over the operational area at any time during the 17th?

A. I do not believe that I went north on the 17th, sir.

IO: Let me ask one thing. You have been talking to the division commander the night before and he exhibited, according to your testimony, great concern over these civilians being killed. The fact that they had not been reported in the log by official traffic is another matter entirely. You and he had discussed this matter and he told you how concerned he was and told you how he wanted you to find out all about this. He was down at your headquarters early the next morning. He was at your headquarters according to your log, and this entry is at 0915 and the entry reads as follows: "General DOLEMAN arrived at 0825 along with CG Americal Division. Departed LZ Bronco at 0915 hours." So they were there a total of about 50 minutes at LZ Bronco on Sunday morning, the 17th. And after you'd had this heart-to-heart discussion, would it not appear logical that you just can't let something like that go off in the blue and not discuss it? Here you have the division commander right with you and you don't discuss: one, his countermanding the order to send Charlie Company back in there to make this count by age and by sex and by the manner in which they had been killed; and two, the fact that he was tremendously upset when you talked to him about these casualties. But you see him Sunday morning and everything is sweetness and light. Nothing is said.

A. I told the general on the 16th what I had asked BARKER to do in getting this information.

Q. But that's over the telephone. That's not eyeball-to-eyeball.

A. That's right, sir. And on the 17th when he came down, he was with Lieutenant General DOLEMAN. I personally briefed

Lieutenant General DOLEMAN in the brigade TOC on the operation, on other operations, and the brigade in general, and went airborne with him, and I'm certain General KOSTER remained with us, through the southern part of the AO. I think he had lunch with me. I'm not positive of that. But at no time do I recall talking to General KOSTER about this operation on the 16th.

MR WALSH: Previously on the 17th, probably, you received the advice that General YOUNG wanted you to be at LZ Dottie for a meeting the next morning, the 18th. Do you recall how you were notified of that meeting?

A. I believe my TOC received the information.

Q. Did you have any conversation with Colonel BARKER concerning what the meeting was all about?

A. I do not believe I did, sir.

Q. Early on the morning of the 18th you went to visit A/3/1, which received a sapper attack the night before, resulting in a lot of casualties. You got over to LZ Dottie about 5 minutes after 0900 and General YOUNG arrived about 10 minutes after 0900. I'd like you to be very clear about a couple of points about the meeting with General YOUNG, Colonel HOLLADAY, and Major WATKE in the van. For example, did General YOUNG open the meeting by telling you why you were there?

A. I do not recall, sir.

Q. Did he direct Major WATKE then to give you an account of what Major WATKE had reported to him?

A. Sir, I do not remember Major WATKE being present, and I'm positive that I was not briefed by Major WATKE as to what had occurred.

Q. Did General YOUNG tell you that he wanted you to report on the allegations of a helicopter pilot?

A. Sir, when I came out of that meeting, the most serious offense that I recall was the captain killing the woman, and I told General YOUNG that I wanted personally to look into that, and I do not recall having been told to conduct an investigation. But I did tell General YOUNG that I was conducting or that I was going

to look into this, that I was quite concerned that one of my very fine officers had been accused of this killing of this woman.

Q. You have heard allegations of unnecessary killing of civilians having been reported by a helicopter pilot. You were asked to make an investigation and report on this. My question is, what did General YOUNG say concerning to whom you were to report?

A. To the best of my memory, I was not tasked by General YOUNG to conduct an investigation and make a report, but I informed General YOUNG that I was going to look into this matter and he approved that.

Q. Let's pass that for a moment, colonel, and go to the interview with the warrant officer after the meeting broke up. Could you tell us again exactly what the warrant officer reported to you when you talked to him immediately following your meeting with General YOUNG at LZ Dottie?

A. I still cannot accept that I talked to Warrant Officer THOMPSON after I talked to General YOUNG. I'm still confident that I talked to Warrant Officer THOMPSON before I saw General YOUNG.

IO: Well, I must say here, we've gone over your testimony time and again on this particular point. We've also gone over the testimony of many other people, including Warrant Officer THOMPSON, including the people who were in the van with you when the order was issued, and including the individual who stayed behind and talked to you for a few minutes before the warrant officer came up. So this thing gets tied down pretty tight, really.

A. Your question is what did Warrant Officer THOMPSON relate to me?

MR WALSH: That's right.

A. He stated that he considered the operation on the 16th to be completely out of control, that there was wild shooting by both the ground troops and by the gunships, the Sharks. He stated that they were firing all over the area, firing at everybody. He stated that he had marked with smoke wounded civilians and that this company would advance on these positions firing. He

specifically talked about a colored soldier and Captain MEDINA, or a captain. I do not believe he could further identify the colored soldier but he said, "I was close enough to see this dark-complected captain, and I could identify him." He went through the explanation of his marking this woman, this wounded girl, about 20 years of age he estimated, and that Captain MEDINA came over to investigate and then walked away and then whirled and shot. He said he acted like a cowboy. He stated that he was not talking to the troops or talking to the company commander by direct communication or any communication as far as I understood. He repeated several times that to him the operation was completely out of control.

MR WALSH: He also stated that he had seen large numbers of dead noncombatants?

A. Yes, sir.

Q. Now, after you spoke to him, you spoke to two other people from the aero-scout company. What did they tell you?

A. I did not speak to anybody else from the aero-scout company.

Q. Colonel HENDERSON, we have very clear testimony from two other individuals who went with Warrant Officer THOMPSON and whom you interviewed as well as him.

A. You are absolutely mistaken.

Q. All right. After that--

IO: (Interposing) I would like to pursue this because you also indicated, I believe, when we first talked to you, that when you did interview Warrant Officer THOMPSON, you talked to him only for a very short time.

A. Yes, sir.

Q. Five minutes or so, Warrant Officer THOMPSON believes it is closer to 20 or 30 minutes that he talked to you.

A. I did say 5 minutes the first time I talked to you; and later I told you I felt it was a little bit longer, perhaps 10 minutes.

Q. And you also, according to the testimony of Warrant Officer THOMPSON, made records in your notebook, on a piece of paper of some variety, as to the critical points that he described to you. Now, subsequent to Warrant Officer THOMPSON's departing the van where you interviewed him, three individuals had come up to the hill together. One was a pilot, Warrant Officer CULVERHOUSE, and one was a door-gunner for Warrant Officer THOMPSON. His name was COLBURN, and they have both indicated that they talked to you, indicated how long they talked with you, and they indicated you took notes. This is without any prompting on our part, and as you completed interviewing them, they went back down the hill, back to the shack of the 123d Aviation Battalion back at the landing zone at Dottie. So the point is, with this from the testimony of Warrant Officer THOMPSON and from the testimony of these other two individuals, you had a lot of information as to what transpired at My Lai (4) on the morning of the 16th.

A. I did not have any evidence or any statements from anybody but Warrant Officer THOMPSON from the 123d Aviation Company. I did not see any other individuals except Major WILSON.

Q. Major WILSON was not there. It was Major WATKE.

A. It was not Major WATKE. It was Major WILSON.

Q. Major WILSON does not remember it. We've also interviewed Major WILSON. But Major WATKE remembers the incident quite well.

MR WEST: I took Major WILSON's testimony. He was not at LZ Dottie that day. He didn't leave Duc Pho.

A. He wouldn't have been at Duc Pho.

Q. I mean Chu Lai, his base. He was the executive officer. He very definitely was not at Landing Zone Dottie that day. We brought him from Alamogordo, New Mexico, to ask him these questions.

MR WALSH: I take it you adhere to your prior testimony; you were not directed to conduct the investigation of these allegations by General YOUNG?

A. That is correct, sir.

Q. After the meeting you went out to interview Captain MEDINA in the field?

A. Yes, sir.

Q. And you spoke to him and he told you that 28 noncombatants had been killed by artillery and gunships?

A. I'm not sure of the number. It was different from the 20 that I had heard previously. Whether it was greater or less, I'm not confident that I recall.

Q. Well, your memorandum made reference to 24. Your previous testimony has indicated that he gave you a number between 20 and 28. But it was larger than 20?

A. Yes, sir.

Q. And then you went through the motions of your investigation of the warrant officer's allegations in terms of talking to people when they came back in out of the field, in talking to Colonel BARKER; and sometime prior to the 20th, you made a preliminary report to General YOUNG. Now, I want you to recall for us where you were when you made your preliminary report to General YOUNG, and what you said to him, and what he said to you.

A. I believe that it was at Duc Pho that I made my report to General YOUNG. I reported to him Captain MEDINA's rebuttal of the warrant officer's accusations.

Q. Was General YOUNG familiar with the warrant officer's allegations?

A. I felt that he was, sir. I'm confident he was.

IO: What day was this, approximately? You had met him on the 18th and you talked to THOMPSON on the 18th. What day was this that you would have talked to General YOUNG?

A. I would say it was a day before I talked to General KOSTER. If I talked to General KOSTER on the 20th, it was the 19th. If it was the 21st, it would have been the 20th.

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MR WALSH: What did you say to General YOUNG about the warrant officer's allegations of there being many bodies of noncombatants lying around My Lai (4)?

A. I told General YOUNG that neither Captain MEDINA nor Captain MICHLES nor Colonel BARKER agreed with this report.

Q. Now, when you say this report, I'm focusing that on the allegation by the warrant officer that there were many bodies of noncombatants that he observed around My Lai (4).

A. Yes, sir.

Q. You reported to General YOUNG that this allegation was unfounded?

A. That it was denied by MEDINA, by MICHLES, and by Colonel BARKER.

Q. Now, did you report to General YOUNG that somewhere between 20 and 28 noncombatants had been killed?

A. I had the report, I believe, at this time that BARKER had verified through the company commanders that it was 20 and this is the number that I--

Q. (Interposing) MEDINA had told you something more than 20.

A. That is correct, sir, and when I questioned Colonel BARKER regarding this, he informed that they had added, that MEDINA had added, the 6 to 8 that I had observed which were being counted twice and that in reality it was 20.

IO: Why did you also talk to MICHLES if all your concern was about MEDINA?

A. I do not know really why I talked to him, but I did talk to him.

Q. What did he tell you?

A. He told me that he had not observed any indiscriminate killing of civilians because his unit wasn't reporting any.

Q. Your concern though, was the allegation, really, not so much that MEDINA had killed a woman but from the statement then, in your own words, that he had seen many civilian bodies all over the area. And that is unquote--this is your statement?

A. Yes, sir.

Q. And this warrant officer was not only worked up. This warrant officer was mad, and you aren't the only one that he talked to, so we have a pretty good idea about what story this man had to tell. Go ahead, please (to Mr. WALSH).

MR WALSH: General YOUNG appeared before us here, and he was read your prior testimony about meeting at LZ Dottie on the morning of March 18th, specifically to hear your testimony that he was told at that meeting that the helicopter pilot's allegation of a captain shooting a woman, the allegation of wild shooting by ground forces, and the allegation that many noncombatants had been killed. After hearing your testimony, General YOUNG stated, "I do not recall Colonel HENDERSON relating that to me. I would have recommended formal investigation." I'd just like to know if you have any explanation why General YOUNG testified he heard nothing about this sort of allegation?

A. No, sir.

Q. And you adhere to your prior testimony that General YOUNG was familiar with the allegations made by a helicopter pilot with respect to a captain shooting a woman, allegations of wild shooting by ground forces, and allegations that many noncombatants had been killed.

A. Yes, sir.

Q. At another point in his testimony, General YOUNG was read your testimony that at the meeting at LZ Dottie, there had been a discussion of the fact the helicopter pilot had been marking wounded civilians with smoke and that there had been a confrontation between the pilot and ground forces. General YOUNG responded, "I do not recall that conversation whatsoever." I wonder if you can explain that?

A. I cannot. No, sir.

Q. You testified that following your oral report to General KOSTER on the 20th, General YOUNG told you that General KOSTER wanted it put in writing. Do you recall exactly where you were when you got that advice from General YOUNG?

A. Yes, sir. I was at my Duc Pho headquarters.

Q. And was General YOUNG there, or did you talk to him on the telephone?

A. No, sir. He was there, and I stated that he had-- page 198 of my testimony where I said he telephoned me, it was a slip of the tongue which I corrected on page 199. He was physically present at Duc Pho, and he gave me these instructions.

Q. Do you remember the occasion of his visit? Was there any other reason for him to be there?

A. I know of nothing. I can recall nothing specific other than this.

Q. Do you remember what time of day it was?

A. No, sir. I do not.

Q. Do you remember if anyone else was present?

A. No, sir. I cannot.

Q. General YOUNG denies that he had any such discussion with you. Do you have any explanation of why he would have no recollection of that meeting?

A. No, sir. I do not.

Q. Is it possible that you are confused?

A. Sir, it's always possible that I am confused, but I'm positive he gave me instructions from General KOSTER. I was to reduce my oral report to writing.

Q. When you reduced this oral report to writing, I believe you said earlier today that you think it was transmitted

by a liaison officer. And I think in some of your prior testimony you had indicated that you had delivered it to Colonel PARSON. Are you clear about that, and could you give us a description of how your written report concerning Warrant Officer THOMPSON's allegation was transmitted to General KOSTER?

A. I cannot, sir. Either my oral report or my report of the 24th, I personally hand-carried up, and one of those two reports I handed to Colonel PARSON. The other report of these two that I did not hand-carry up, I feel that I sent up with one of my liaison officers.

IO: Could your report of 4 to 6 April, your first written report, could that have been some kind of an indorsement on a paper that somebody else had prepared so that your indorsement, a letter of transmittal, would have been something less than a page long with your signature on the front page?

A. I can't believe so, sir; I recall very vividly of pulling out my note book and making sentences out of some of the cryptic notes I had taken down during my interviews with various people.

Q. Did anybody help you prepare this report?

A. Well, it was typed by somebody in my headquarters.

Q. Who else beside yourself has any knowledge of it?

A. I do not know, sir.

Q. We can find no record of it in the 11th Brigade, nor can we find anybody in the 11th Brigade who has any real knowledge of the report.

MR WALSH: With respect to your oral report to General KOSTER, did that take place in his office?

A. Yes, sir.

Q. Did anyone accompany you up to headquarters when you made that report?

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A. I'm certain somebody went with me. I do not know who. Nobody went into General KOSTER's office with me.

Q. When you arrived at the headquarters, do you remember talking to anybody in the headquarters before going in to see General KOSTER?

A. I cannot recall talking to anyone, sir.

Q. Was it in the morning?

A. I believe it was in the morning.

Q. Was General YOUNG there?

A. I do not know if General YOUNG was in the headquarters. I think he was in the headquarters, but he was not present when I talked to General KOSTER.

Q. Between the time you made your report to General KOSTER and the time General YOUNG told you at Duc Pho to reduce it to writing, did you have any discussion about it or conversation with either General YOUNG or General KOSTER or anybody else?

A. I had no conversation with General KOSTER other than the report after I made that report to him. I feel that I did mention it from time to time to General YOUNG that I had no further information on this incident. I do not recall when or where.

Q. All right. After you submitted the written report, the 4th to 6th of April report, you indicated that you had been advised by General YOUNG that the report satisfied the requirements. I wonder where you were when you had that conversation with him?

A. Again, sir, I feel it was at Duc Pho.

Q. What I'd like you to give us is everything you can remember about that discussion.

A. To the best of my knowledge, General YOUNG informed me that General KOSTER had seen or had received my oral report, and that he had passed it--

Q. (Interposing) You mean written report?

A. My oral report that I had reduced to writing, that he had sent it in for General YOUNG to look at. General YOUNG and General KOSTER agreed it satisfied the requirement and that no further action was contemplated.

Q. How long after you submitted it did you have this conversation with General YOUNG?

A. I don't know, sir. I have estimated 3 or 4 days. I do not recall.

IO: I want to come back to this one paper that I talked to you about, your written report. Possibly it was three-quarters of a page. I think I may have created the impression that nobody in your headquarters was familiar with your written report, the one which you may be describing as three, four, five pages in length. We do have a couple of people in the headquarters that seem to remember there was a paper, which was about three-quarters of a page in length, which you were working on. We also have some indications at division headquarters that there was such a paper at division. So I don't want to mislead you in any way. There is no knowledge of the three to five but there is a remembrance of something that was about three-quarters of a page long, by Captain HENDERSON for one and Sergeant Major KIRKPATRICK another one.

A. Well, not because they said that, but I considered those two individuals a couple of my finest, sir.

Q. They were fine soldiers. We also have some indications that you may have directed Colonel LUPER to conduct an artillery investigation.

A. I did not order Colonel LUPER to conduct a formal artillery investigation. There was a discrepancy between what I had in mind, somewhere that I had gotten, that some of these civilians, well, 50 percent of them, that I was reporting to General KOSTER had been killed by artillery fire and 50 percent approximately by gunship. Colonel LUPER, as I recall, denied this. I asked him to look into it and to let me know if he could pick up any intelligence from his firing battery as a result of it. I believe that he did that and orally told me that he had talked to Colonel BARKER and that--I don't know if they

came to any meeting of the minds, but he was very unhappy that his artillery was being accused of having killed civilians.

Q. Well--

A. (Interposing) I did not follow up on that report, sir.

Q. What specifically did Colonel LUPER tell you about his artillery?

A. It seems to me that some place in this conversation it came up, sir, that the artillery had not impacted in the area that it should have impacted into, and that as a consequence, possibly some civilians had been inadvertently killed by this artillery fire. And as I recall, Colonel LUPER verified that the artillery impacted where it was supposed to have impacted. I do not recall exactly where that was, but he assured me that in his check with the battery commander, that the artillery impacted in the LZ or exactly where it was supposed to have impacted.

Q. May I ask you why you did not direct Colonel LUPER to initiate an artillery incident report?

A. I have no reason, sir. I did not direct him to do so.

Q. He should not have had to have been directed. The regulation that was put out by the Americal Division makes it very clear that any casualties caused by friendly artillery against friendly forces, U.S., ARVN and Vietnamese civilians, requires that an artillery incident report be initiated. Additionally, I wonder why, knowing how General WESTMORELAND and how MACV felt about civilian casualties and the requirements for protecting noncombatants, why a report was not initiated under MACV Regulation 20-4, or a serious incident report to explain the civilians having been killed. Going back to Colonel LUPER, when you talked to him about the artillery, did he show you his log on the firing data which he had for the 16th?

A. He did not physically show it to me, no, sir.

Q. Did you know where his artillery had impacted?

A. I do not believe that I know precisely where it impacted. I know where it was planned to have impacted. It was in the LZ.

Q. Yes. This would probably ring with one exception and that is that Colonel LUPER puts the LZ about 800 yards west of My Lai (4).

A. He put it there for the operation, or he puts it there now, sir?

Q. We asked him where the LZ was. He indicated down here, 500 to 800 meters to the southwest, not immediately to the west of the village where you know and everybody else seems to know that it was.

MR MACCRATE: Colonel HENDERSON, you have previously told us of the conversation that you had with Colonel GUINN last fall after you had seen an article in The Washington Post.

A. Yes, sir.

Q. Have you at any other time spoken with Colonel GUINN in the last year?

A. Well, I talked to him, not about testimony or anything, out here. I think I saw him in the hall of the Pentagon one day in December when I was up here. I think I have seen him on two, possibly three occasions.

Q. Have you had any conversations with him that related to the substance of this investigation at any time other than that one telephone conversation that you have told us about?

A. To the best of my knowledge, that's the only time I have talked to him about that.

Q. Well, while we are on the subject of telephone conversations, within the last year, what telephone conversations have you had with Major MCKNIGHT? What conversations, not necessarily telephone, have you had with him?

A. I have had no telephone conversations with Major MCKNIGHT. I do not believe that I talked to him until he processed back through Hawaii. That would have been more than a year ago. I did meet Major MCKNIGHT at the motel the first night I was here, which would have been on the first--

Q. (Interposing) The first week of December?

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A. On the first week of December at breakfast, on the morning of the 2nd, I met him across the road here at the motel at breakfast. He had spent the night there; I had spent the night there. I had not seen him and we did have a conversation in a taxi coming over here. Some of this related to this and I frankly do not recall what we discussed about it. That was before I appeared before. That was the day I appeared, I believe, for the first time.

Q. You have no recollection of what he recalled as to the reports of investigations that had been made?

A. I do not believe we discussed the reports of investigations.

Q. And that's the only conversation that you recall from the time he may have passed through Hawaii more than a year ago?

A. I do not believe I saw him when he passed through Hawaii. I believe I saw him last in Vietnam, and, of course, I have seen Major MCKNIGHT sitting out here.

Q. What about Colonel PARSON? Have you had any conversations with him relative to the substance of matters here under investigation over the last year's time?

A. I only shook hands with him yesterday.

Q. But nothing with respect to the substance of the investigation?

A. No, sir, absolutely not.

Q. And with respect to General YOUNG, have you been in communication with him as to the substance of the investigation at any time within the last year?

A. No, sir. When General YOUNG was here in December, I rode from here to Fort Myer with him in an official sedan and told him that I was under orders that I could not discuss the case, and in fact, I stated for that reason, I was calling a cab to take me over there, and he said, "Well, I understand that you can't discuss it; come on with me." I did and we did not discuss this case. He let me out at Fort Myer and I have not seen him since.

Q. Colonel GUINN told the IG 2 days after you spoke with the IG last May:

"...but because of the accusation made and, as I say, because of the seriousness of it, I did take the information and pass it on the Colonel HENDERSON. At the time, I didn't believe it. No, I did not believe it but it did have to be checked out. And I know, again I say, I know, that the province chief and the 2d ARVN Division commander and also the division commander of the Americal Division made an effort to investigate and find out what happened. I do not know the results of their investigation."

Now, this was what Colonel GUINN told the IG in May before he spoke with you on the telephone. Then, in May, you had your interview with the IG and you said:

"I did not show the report to anyone else."

It is unclear at this time what report you were speaking of in May of 1969. However:

"General YOUNG, a few days later came down to see me and told me that he had read the report, had discussed it with General KOSTER again and that he recommended that General KOSTER buy my report, that he thought it had all the pertinent details in it, and this is the last that I have heard of that report. I received no further comeback from General KOSTER or anyone else."

Now, one reading that seems to hear a complete write-off of the matter at that time, as if that's the end of it. The next question is:

"Did you ever see a copy of the investigation made by the province chief directed by General LAM?"

And you say:

"I did not. I only know that at the conclusion of that investigation that Colonel KHIEN, the province chief, informed me that he could find no basis for the accusations made in the VC propaganda leaflets, and as far as he was

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concerned this whole area was Viet Cong."

Now, I have several matters that I want to explore from these statements which we all recognize were made when you were a year closer, almost a year closer, than you are today to the events in 1968. First of all, when you say, "I received no further comeback from General KOSTER or anyone else," after you had this reassurance from General YOUNG, were you referring to the report of investigation of 24 April?

A. I believe I was referring to my 4 or 6 April, whatever the date it was, that submitted my oral report in writing. Although, I admit that some place there I had mentioned that VC propaganda document. But that isn't true because I did receive comeback to have a formal investigation conducted.

Q. Well, it seems that your write-off here may well have been directed to the 24 April report. Did General YOUNG, after the 24 April report, come down to speak with you at Duc Pho?

A. Well, he did, to tell me--well, I know that General YOUNG came down several times during the week to talk about this specific thing when he gave me the orders to have a formal investigation conducted, which I believe was sometime in May.

Q. But prior to then, had he told you at Duc Pho that the 24 April report looked fine to him and that it had all the pertinent details?

A. I would think that I was referring to my earlier report.

Q. This doesn't help you put it into a clearer frame of reference by going back and seeing how these things have developed? Because, at this time, when you were making this statement, you indicated to us today that you had not as clear a view of the sequence of these reports as you have today. I just wanted to be sure that we were not misreading what you were thinking about when you were back at this time last May.

A. Well, I think last May that I was thinking only of one report. This paper, this R-1.

Q. R-1 and R-5 are the same. One is a true copy and one is the document from Duc Pho.

A. This R-1, although it is entitled "Report of Investigation," was never considered a report of investigation.

Q. Well, if it wasn't a report of an investigation as you labeled it, and General YOUNG came down to talk to you about going a step further, what else could he have been talking about other than this report of investigation?

A. Sir, I had no word from division that my oral report, that my written report, that this letter transmitting what I call the report of investigation dated 24 April, that the formal report made by Colonel BARKER, that there was any criticism or any comment at all from division that they did not meet the requirement placed upon me at the time.

Q. Well, you did have the affirmative comment that they did meet their requirements as I understood what you told the IG?

A. That is correct, sir.

Q. Last year.

A. Sir, I just cannot place which one of the two reports I was speaking about at that time.

Q. Well, do you ever recall General YOUNG speaking with you about the 24 April letter or report of investigation?

A. I believe he did.

Q. And indicated that it was satisfactory?

A. Yes, sir.

Q. And did that take place at Duc Pho?

A. I believe it did, sir.

Q. And was that after General KOSTER returned from R&R in Hawaii or before he left?

A. I do--I'm sorry I don't know when General KOSTER went on R&R.

Q. We understand that General KOSTER left on R&R on 28 April, which would have been some 4 days after this document is dated.

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A. I can't tie any time in based on those dates of when General KOSTER was gone, sir.

MR MACCRATE: Now, I want you to look once again to Exhibit R-5. Once again we invite your attention to what Colonel GUINN said in his statement to the IG, ". . . I did take the information and pass it on to Colonel HENDERSON . . ." And he further says, ". . . I know that the Province Chief and the 2d ARVN Division Commander, and also the Division Commander of the Americal Division, made an effort to investigate and find out what happened . . ." Now, does any of that bring back to you anything relating to the one-sheet inclosure, that green sheet?

A. No, sir.

Q. Colonel HENDERSON, we do know who put his name beneath that. We have found it in Vietnam, and I am going to show you Exhibit M-30 and ask you if you have ever seen that document before? A clear copy is underneath which is a true copy and you'll see the signature on the top copy of M-30.

(The witness examined the document.)

You'll notice the document is signed by "Angel M. RODRIGUEZ, Captain, Assistant District Advisor, Son Tinh District."

A. Yes, sir.

Q. Does this in any way bring back to you the train of events of that move from district to province and province to you?

A. No, sir. I do not know this captain. It doesn't help me a bit.

Q. Do you know Major GAVIN?

A. Yes, sir.

Q. This was Major GAVIN's assistant.

A. Yes, sir.

Q. When he was out of town, this was the man who acted in his stead. You have no knowledge of the request that went from province to district on which Captain RODRIGUEZ acted in preparing this statement?

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Q. Did it ever occur to you at that time that you could have initiated an operation back into the area with perhaps not too much problem if you were really interested in finding out what transpired?

A. I don't recall if I considered it or not, sir.

Q. Did Colonel KHIEN ever tell you that he had planned operations into the area?

A. Colonel KHIEN, at that time, told me he was not going to conduct an investigation; that this statement was completely false. Again, I do not recall asking him how he knew it to be false, but I accepted from him this, his judgment that there was nothing to the report.

Q. Which report are we talking about?

A. Well, the report that we were discussing.

Q. We were talking about the report from the district chief to the province chief.

A. Some letter that he had made reference to that he had received.

Q. Yes, which indicated that approximately 500 civilians had--a letter from the district chief to the province chief relaying information provided by a letter which had been provided by the village chief to the effect that approximately 500 civilians had been killed in Son My Village on 16 March?

A. Yes, sir. I understood this had come down from General LAM with instructions to Colonel TOAN to conduct an investigation and had been passed to Colonel KHIEN to conduct the investigation.

Q. Well, we know that Colonel TOAN did inform General LAM of his actions, but General LAM up to that time had not directed an investigation. The action was initiated by Colonel TOAN who directed Colonel KHIEN to conduct an investigation. You do not recall specifically any report of information provided by the Static Census Grievance Committee or through Colonel GUINN?

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A. No, sir, I do not.

Q. Other than, there's a possibility--

A. (Interposing) There's a possibility of oral conversation.

Q. Now we also asked you to recall your discussion with individuals subsequent to the time that General YOUNG instructed you to conduct an investigation at LZ Dottie on the morning of the 18th. You indicated the only individual you talked to was THOMPSON, and I asked you to think that over to see if you could recall having talked to Warrant Officer CULVERHOUSE and also Specialist COLBURN, doorgunner on the H-23 that day.

A. I'm positive that I talked to neither of those individuals, sir.

Q. I also asked you if you would think over any of the discussions which may have transpired on the aircraft that morning, the morning of the 16th, or the afternoon of the 16th between yourself and the other occupants of the aircraft concerning civilian casualties which had been observed or may have been observed on the ground that morning.

A. Except for the civilian casualties that I observed I had no report from anybody in my aircraft that they had observed any other casualties, and I know of no conversation that I had regarding casualties, civilian casualties.

Q. Now I'm sure we've asked you before, Colonel HENDERSON, but I would want to ask you once again, if you have any papers of any kind which relate to this incident? And here I'm referring to whether or not you may have retained a copy of your, possibly the 4 to 6 April, that time period--I'm not sure exactly when you did date your report to back up your oral report--whether or not you have, one: a copy of the report; two: whether or not you have a copy of your formal report that was supposed to have been submitted in the latter part of May; or three: any other documents pertaining to this incident?

A. I do not, sir.

Q. Do you specifically recall destroying your green notebook which you maintained all your data in?

A. Yes, sir, I do.

Q. That has been destroyed and is no longer a matter of record?

A. Yes, sir.

Q. Do you have any idea how the files of the 11th Brigade-- for example, your report of 4 to 6 April, how it is not available in the files at the present time?

A. No, sir. I do not.

Q. Would you have any thought as to how or why the log of the 11th Artillery Battalion, 6/11 Artillery Battalion I believe it is, with the date of the 16th of March is not available?

A. No, sir. I do not.

Q. Well, we appreciate very much your coming in, Colonel HENDERSON. If you do, based upon what we've told you and this line of questioning, recall anything we would ask that you get in touch with us. We are trying not to leave a single stone unturned in this investigation because of the enormity of the incident so that we can give a valid and factual report to the Chief of Staff and the Secretary of the Army. As a consequence, we are trying to go into every single facet of it to provide answers, primarily concerning the investigative process, the reporting, the reviews and analysis of such reports, and whether or not there has been any attempt to cover up the incident. If you would care to ask any questions at this time I'd be very happy to try to respond. Or if you would care to enter a statement into the record, now would be the time to do so.

A. I would like to make a couple comments if I may, sir. One, regarding Saturday the 16th, I now recall that I had a battalion and separate company commander's, and possibly a staff meeting at Duc Pho at my headquarters at 1600 hours on that Saturday. This was the first opportunity that I had to speak to my commanders regarding my policies, of any changes from General LIPSCOMB's, and I did meet with them at 1600 hours on Saturday. I do not believe this has been entertained in the record at any point up to now.

Q. May I ask you at this point, was Colonel BARKER there?

A. Colonel BARKER was not there. I had excused him from attending that because of his ongoing operation.

Q. Was anybody from the task force present?

A. I believe there was a representative of the task force. Whether it was Major CALHOUN or the liaison officer, I do not know, sir. There should have been a representative from Task Force Barker. I'm positive there was. On page 253 of my testimony, sir, I note where I had, and this I believe was a slip of the tongue, where I stated that Colonel BARKER acknowledged that civilians had been killed by small arms fire. This is incorrect, sir. To the best of my knowledge Colonel BARKER never admitted to me that any civilians had been killed by small arms fire. Also I agree with you in your reconstruction of the situation that I now believe that I talked with Captain MEDINA after I talked to General YOUNG. I, heretofore, have been insisting that I believed I talked to Captain MEDINA before I talked to General YOUNG, but in rationalizing what happened, I believe now it was after, if that is any help. Otherwise, sir, I have attempted to be as candid and honest with this committee as I can.

MR MACCRATE: Colonel HENDERSON, in reconstructing the day of 16 March which you have just done, did you have any information, any materials that you relied upon to establish the actual time of this meeting with your command group? How were you able to now fix so clearly that it was at 1600 hours on that day?

A. Every Saturday it had been SOP in the brigade to have a commander and staff meeting at 1600 hours. I did not change that policy, and I know that I was eager to get with my battalion commanders and separate company commanders, that this would be the first opportunity that I would have after assuming command. And during our earlier testimony I had not placed much significance on this being a Saturday, this particular 16th being a Saturday, and I know that during my entire tour in Vietnam only when I was out in the area to the extreme west of the Duc Pho AO and on ongoing operations, brigade-size operations, did I ever cancel that Saturday meeting.

Q. Can you tell us who was at that Saturday meeting on 16 March other than yourself?

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A. Yes, I would have had one, Lieutenant Colonel BEERS, commanding the 1/20; I had Lieutenant Colonel FRANKLIN commanding the 3/1; I would have had Lieutenant Colonel ADKINS commanding the 4/3; I would have had Colonel RUSCHE commanding my 6th Support Battalion; Colonel LUPER commanding the 6/11 Artillery; my E Troop, 1st Cavalry, and I do not recall the company commander's name; I would have had my Headquarters Company commander; and all of my special staff officers, my unit and special staff officers present. Now these would not have stayed for the entire meeting. I am confident that I excused the staff and kept my commanders to discuss other matters with them.

IO: I would like to again caution you, Colonel HENDERSON, of the fact that you have been directed not to discuss your testimony with others, including witnesses who have appeared or who may appear before this investigation.

The hearing will recess at this time.

(The hearing recessed at 0925 hours, 17 February 1970.)

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SUMMARY OF TESTIMONY

WITNESS: HOFFMAN, Raymond P.

DATE OF TESTIMONY: 13 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Brigade Chaplain, 11th Brigade.

1. KNOWLEDGE OF THE MY LAI OPERATION.

a. From briefings.

HOFFMAN attended the staff briefing given by General LIPSCOMB preceding the My Lai operation and no order was given to "wipe out the area" (pgs. 4, 5). In the briefing following the operation HOFFMAN heard a body count of 128 over 60 of which were due to preparatory fires (pgs. 6, 21, 22). He did not recall a discussion of the body count to weapons ratio (pg. 6). It did not seem unusual to him because of other operations he had seen (pg. 6).

b. From CRESSWELL.

The only reports he heard of firing on civilians came from Chaplain CRESSWELL (pg. 7). The witness said that CRESSWELL loved to "kid", but also stated that CRESSWELL seemed convinced that the information about killing women and children was correct (pg. 7). HOFFMAN did not believe that CRESSWELL had the information he said he had (pg. 17). Any information CRESSWELL may have had was not from personal observation (pg. 17). He did not believe CRESSWELL's story because he had heard that a large number of civilians had been killed in the preparatory fire (pg. 22). In fact the next time he saw CRESSWELL after the briefing he said, "Ned, it was not the 11th Brigade that did this. It was Divarty firing the prep fire" (pgs. 7, 8). In any event

CRESWELL told HOFFMAN about the civilian casualties in a manner that made HOFFMAN unaware that he was serious (pgs. 20, 22). CRESWELL never told HOFFMAN the source of his information (pg. 7). HOFFMAN never mentioned CRESWELL's story to HENDERSON because HOFFMAN did not believe it (pg.21). If CRESWELL had reported his information to Colonel YOUNG, the artillery commander, in a believable manner HOFFMAN was certain that YOUNG would have taken action (pg. 18). If HOFFMAN had had information that civilians had been killed, he would have taken it to HENDERSON (pg.24).

c. From LEWIS.

HOFFMAN saw Chaplain LEWIS only twice while he was in Vietnam and the My Lai incident was not discussed (pgs. 8, 9). LEWIS would have known only what he was told as he was never out with the troops (pg. 17). LEWIS was a "weak sister" if he had information and did not get a hearing on it (pgs. 24, 25).

d. From the men.

HOFFMAN heard no reports about the My Lai operation from anyone in his capacity either as an officer or confessor (pgs. 9, 10). Had anyone attempted to keep him from finding out something from the men he would not have been welcomed by the company commanders (pg. 10). However, none of the company commanders from Task Force Barker attempted to keep him from seeing their men (pg. 10). He knew nothing about the men being told not to talk about the incident or being asked to give a statement concerning it (pgs. 11, 12). On something as unusual as the My Lai affair he would have expected a feedback within 10 to 20 days of the event (pg. 11). He could not believe the men could keep quiet about this for two years (pg. 17).

d. From HENDERSON.

He did not believe that HENDERSON knew anything about what had gone on at My Lai (pg. 17). He was close to HENDERSON, but HENDERSON said nothing about an investigation (pgs. 12, 13). HENDERSON never sought his counsel on the matter and never told him about 20 to 30 civilians being killed at My Lai (pgs. 20, 21).

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f. From other sources.

He lived right next to the PIO tent, but never saw HAEBERLE's pictures or heard ROBERTS talk about what he had seen (pgs. 15, 16). He heard nothing about a "Pinkville incident" (pg. 19). He heard nothing about a confrontation between a helicopter pilot and a ground commander (pg. 8).

2. OTHER INFORMATION.

HOFFMAN did not recall if he gave the memorial service for COX (pg. 5).

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(The hearing reconvened at 1030 hours, 13 January 1970.)

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

Sir, the next witness is Chaplain Raymond P. HOFFMAN, Jr.

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

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

A. Raymond Phillip HOFFMAN, Jr., Chaplain, Lieutenant Colonel, , United States Army, Hawaii, with duty as Schofield Barracks area chaplain.

IO: Before we proceed with any question I'd like to inform you concerning 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 the facts and making findings and recommendations concerning two matters:

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

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

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

A. No, sir.

IO: I have had made available to me and have reviewed prior official statements of other official investigations of the My Lai incident. To the best of my knowledge, however,

(HOFFMAN)

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I have not seen any statements which had been taken from you.

A. That's right.

Q. Your testimony today will be taken under oath. A verbatim transcript will be prepared, and a tape recording is also being made in addition to the verbatim notes which are being taken by the reporter. Although the general classification of the report will be confidential, it is possible that the testimony, or at least parts of it, may at a later date become a matter of public knowledge.

Besides myself this morning, on my right is Mr. MACCRATE, a civilian lawyer, who has volunteered his services to the Secretary of the Army to assist me in the conduct of this investigation, and also to provide legal counsel to me. Mr. MACCRATE may also direct questions to you this morning. We have other members of the investigation team who are also conducting interrogations and questioning witnesses, but I have the responsibility for weighing the evidence and making the final findings and recommendations.

You are 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 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, your appearance here in no way changes the applicability and or effect of that order. To my knowledge, you have not been cited by the military judge in this case.

A. Yes, sir.

Q. Do you have any questions at this time?

A. No, sir.

IO: Colonel HOFFMAN, what was your duty on 16 Mar 1968?

A. I was brigade chaplain, having been assigned as of 1 February as brigade chaplain. Prior to that, Dave JOHANNSON was the brigade chaplain. Prior to 1 February, I was the battalion chaplain for the 4/3, so that when they were carrying on

an investigation, I was brigade chaplain for the 11th Brigade.

Q. How long after the middle of March did you remain as the brigade chaplain?

A. Right through until I left the country about 2 December.

MR MACCRATE: 2 December 1969 or 1968?

A. No, it would be a year ago. Let's see, I had my leave. It was the 6th of January, I returned to duty in Hawaii.

IO: Since the My Lai incident became a matter of public knowledge in September or October of 1969, have you had any conversation with anybody from the brigade or task force or the Americal Division?

A. No, sir.

Q. Concerning the incident?

A. No, sir. Most of them are not in Hawaii. They went to other assignments. My family was there and I had come to Hawaii for a long assignment. I was then reassigned to the 11th. But most of the officers and men did not return to Hawaii. Some of them were there for a very short period of time until their children got out of school and that was before this thing broke so I had no real conversations.

Q. When did you first hear of the Task Force Barker operation into the Son My area?

A. The Task Force was created because we, at that time, didn't have the 4/21 which was our fourth battalion. So the commander had to create the task force from one company from each of three battalions, and when the 4/3 went into fire base Sue, which is to the west of the area, the task force was to function in, fire base Dottie was set up for the task force. To cover that part of the AO, we had to move between Sue and the task force area so at the time the task force was set up I knew about it and I knew of its operation, where it was.

Either I or one of my battalion chaplains would be in and out, either in the company with a Catholic chaplain if we could borrow one from the 198th since we were then detached, and Duc Pho was in the area, and the ARVN division. And then the AO began where My Lai is.

Q. Very generally called Muscatine?

A. Yes, Muscatine. So in order to have coverage for the troops I would try to borrow a Catholic chaplain from 198th and I or my battalion chaplains would work between the two, the battalion and task force.

Q. Some of the coverage for Task Force Barker was provided by chaplains of the 198th?

A. Only to the extent that perhaps once in 10 days, we could borrow a Catholic chaplain. Only one Catholic chaplain assigned from brigade spread out the way ours was. The most important place to put our brigade Catholic chaplain was in the medical clearing station at Duc Pho at the base camp. From there we would try to work him out. But when the operation was on, this was the place to have him, so we did borrow from the nearest unit, either the unit to which we were satelliteed or another unit operating near us, or sometimes Frank LEWIS in the division would have another Catholic chaplain he could loan us. So I think this is pretty much what we did.

Q. Around the operational area at this particular time period is the area which we have indicated on this blown-up map. Colonel HOFFMAN, what you know as Quang Ngai City is off the lower left-hand corner, southwest of here. This area is generally known as the Son My village area. Are you familiar with this area?

A. Yes, sir.

Q. This operation was initiated on 16 Mar and terminated 4 or 5 days after that. Were you acquainted with this particular operation?

A. Yes. I attended every brigade staff meeting when I was present in the base camp. Usually, the staff meetings were held in the evening. I was pretty much up on the briefings for operations. I tried to be in order to have coverage where we could.

(HOFFMAN)

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Q. Did you keep in close contact with Task Force Barker yourself?

A. Yes, as much as I could. I had to depend upon my battalion chaplain as much as I did myself. He was a little closer to the task force area than I was.

Q. You're talking about the chaplain of the 4/3?

A. 4/3, spelled COOPER, but pronounced "coper."

Q. Did you by chance attend a memorial service at Task Force Barker on the afternoon of 15 March 1968 for a chap who had been killed by a mine a couple days previously? His name was COX?

A. I can't say for certain whether I took COX'S memorial or whether COOPER himself took it. I don't --

Q. (Interposing) We understand that there were two chaplains there, one a Protestant chaplain and a Catholic padre.

A. It's possible, I'm sorry, I just can't say for certain. We would often do the memorial services together as an ecumenical function. We would have a Mass or Protestant service prior, and then the military portion of the ceremony, or we would have the denominational parts afterwards. COX, his name is familiar, but I'd have to look at a service book or something to refresh myself. I'm not sure.

Q. From your knowledge of the staff briefings at LZ Bronco and the 11th Brigade, do you recall any of the directives that were issued concerning the conduct of this operation by General LIPSCOMB, on the day before the operation, on the 15th, which is the date that Colonel HENDERSON assumed command of the brigade?

A. It didn't seem to me that day differed from any other operation that they ever had. If you want me to state that nothing such as appeared in the newspapers was ever said, I can absolutely say that. No orders were ever given for any kind of wipe-out that the Army has been accused of. There never, in any briefing or-any place that I was ever with these men,

was anything like that. It was not command policy or anything else to say this kind of thing.

Q. Were you, from the staff briefings or from visits to LZ Dottie or perhaps other places within the brigade or task force AO, familiar with the operation itself as it was conducted?

A. Only in its broader outlines. From what I can recall the pickup points for the units and the CA, and the preparations and this type of thing in its broad outlines is the type of thing I remember, but it didn't differ materially from any one of a hundred or more that we did, and were always going on.

Q. Colonel HOFFMAN, the operational report of the first day, which I could indicate to you in the log, either of the Brigade or the Americal Division, indicates that Task Force Barker reported having killed 128 VC, captured 3 weapons, had 2 friendly killed, and 11 wounded. Do you remember those figures being reported?

A. I would say substantially, yes. This is the thing I remember, 124 or 128 was the figure that seemed to stick in my mind. I think that I wouldn't disagree with that figure. What I remember from the briefings and the orientations and so forth it seems to me that the majority of those, of the kills, were part of the preparatory fire from artillery and from the gunships, but probably not all of them. The majority were. I would say the figure that I remember was 124 or 128.

Q. Well, it was reported that 69 of them had been killed by artillery. My question, however, was: was this ever questioned at brigade during the staff briefing, or was the discrepancy between the small number of weapons captured and the large number of VC KIA questioned and discussed?

A. No. The small number of weapons. This did not seem to be unusual from other operations that I saw. Weapons seemed to disappear from the area, hidden by the villagers, or just disappear. It didn't strike me as strange that there were few weapons and no great discussion of it occurred at staff briefings either that day or on subsequent days. No, I don't remember any discussion on this.

Q. Did Chaplain CRESWELL ever talk to you about a report which he may have received concerning somebody firing into some women and children.

A. No, CRESWELL seemed to be convinced that the reports that he heard, and I stress the fact that he heard these reports, and had not seen this, the reports that he had heard that our people had fired into women and children were true and correct. I heard no reports like this except from Ned CRESWELL who was-always ragging. When he initially said this thing, I said, "Ned, you're kidding, you don't really believe that."

Q. Did he say where he got this information?

A. No, these were things that he had heard, whether he had heard this at the DIVARTY briefing or what. At first I thought that Ned was off on one of his leg pulling expeditions. He loves to kid. He seemed convinced that it was correct and I said, "Well, I had no information that anybody had done anything like this." So I don't know where his information for this came from. He was a DIVARTY chaplain at the time. Whether he had heard this from our forward observer or some other person I don't know.

Q. Can you recall specifically what he told you? For instance, did he tell you about an individual firing into a group of civilians in a ditch or in a defile?

A. The only thing I recall Ned saying is that it would be in the effect of, "You 11th Brigade people did it again." He'd go to the 198th, the 196th, he ragged everyone. "You weren't fighting soldiers; you were fighting innocent civilians." And I said, "Cut it out." But no, nothing; I recall nothing like that. He never said that to me. The next time we met, and after I had attended the briefing, I said, "Ned, it was not the 11th Brigade that did this. It was DIVARTY firing the prep fire." I was still not thinking that Ned was convinced that what he was saying was true.

Q. What did he respond to that?

A. He didn't say anything. He stopped his ragging a little bit. But I don't think he expected me to rag it back.

Really it was the nature of an exchange such as that it wasn't the infantry at all but the artillery did this. No, he never gave me any specific information such as that. His talking to me, it was on the basis of the whole operation. The fact that so many people had--so many casualties had occurred. This, I think, is one of the reasons why the 124 to 128 sticks in my mind. But we've had other casualties occurring in the prep fire.

Q. Nothing of any magnitude?

A. I had no reason to think that this was any different from what had happened before because this was a bad area. We got hurt every time we went in. I would stand on the fact that no mention of it was made. You say an individual firing into people in a ditch or something?

Q. Or seeing large numbers of bodies laying on a road or throughout the village?

A. No.

Q. Any talk of a confrontation between U.S. forces to rescue some Vietnamese civilians?

A. No, but I don't know what your definition of confrontation is in this case. We sent some in to do this?

Q. No, I'm talking about an argument which may have taken place between some of the helicopter personnel and personnel on the ground.

A. No, sir. My first recollection of this kind of thing is what appeared in the newspaper. As far as Ned talking about this to me, no.

Q. How about the division chaplain, Colonel LEWIS. Did he ever question you concerning whether you had heard any rumors through your contact with the personnel of the task force or the brigade?

A. I probably saw the division chaplain, in the course of my work, no more than twice in the time LEWIS was the

division chaplain. At the absolute outside, twice. Rarely did I get to his headquarters. I was on the road in my jeep any time the commander would permit moving up and down that highway, or I was in the helicopters, either the C&C ships, or with the resupply helicopters. But Frank LEWIS did not call me or talk to me about this.

Q. Well, did he come to see you about it?

A. No. He made one visit to my 4/3 area prior to my becoming brigade chaplain, so this is prior to 1 February. He made one visit to fire base Sue area, and I was not present. I was out with the rifle companies so I did not see him. He made one visit into the Duc Pho area. I don't know if he did. It seems to me that it was about 3 or 4 weeks before Frank DOLAN took the chaplain slot over. I can't tie it, but I do not remember LEWIS ever talking to me about this.

Q. Now, if there's anybody in the brigade that has an overall feel of what's happening from contact with the personnel, it probably is the chaplain. Did you get any reports or rumors or have anybody come to see you to discuss their participation, or did you hear reports of anything happening in the My Lai area on this particular period?

A. I did not. Now, I'll make two distinctions here. One, you're talking to me as a chaplain and you are talking to me in a privileged communication area. About the privileged communication area we will not talk, but I will say this. Never, in connection with this operation, did a man ever speak to me regarding his feelings of conscience, either on the basis of a chaplain as a counselor or a chaplain as a confessor. So as far as either area is concerned, no. In some rare instances not connected with this, when a man would have some conscience and speak in a privileged communication, he would not ever speak so that he then could witness, and I can't break this. He would not release me from speaking of this, nor would he stand on his own feet and witness what he was talking about. But I have no recollection of any privileged communication or any other for the My Lai incident. This of course was not the first time we had been in and out of that area.

Q. I take it that what you're telling me is that at no time, either in your official responsibilities as a chaplain including your privileged communication, or in your duties as an officer, did you ever hear anything or have cause to suspect that something unusual had taken place in My Lai #41 on 16 March?

A. That's correct; it was a tough fight. There were high casualties and the whole business. There's no question on that. Let me just back up and speak in general terms. Usually you can tell if you have a morale problem with a line rifle company if on the radio you're coming in, or you want to come in, and on the radio they say no. A couple of times we've had young company commanders who said I do not want the chaplain. Well, the young captains can say this. I was a major at the time, old enough to be most of their fathers, and I would say I'm coming in, and if I was with the old man in the C&C I would go in. If I was with resupply, I would go in anyway. Then you feel you've got something, because he doesn't keep anyone else out, but he doesn't want the chaplain. In no case with Task Force Barker did I ever have any problems with the companies that were out there. Any time I was available and Colonel BARKER had his helicopter, I was welcome, and I was with Colonel HENDERSON and everyone else. Only in a few instances, and not with the task force at all, did I ever run into an initial flap with the young captain who didn't want me to come in. If I would hear that, then I would go in again and talk and walk and look around.

Q. Do you recall visiting C/1/20 or B/4/3 after about the middle of March 1968?

A. Yes, B/4/3 was part of my initial battalion. I went overseas with them and was with them in December and January. I tried to keep contact with the 4/3 because I had known them longer than the rest.

Q. You knew Captain MICHLES then quite well, I take it?

A. Captain MICHLES and MEDINA, too. I have no recollection of any of the men during the period of time under

discussion raising any questions about what happened there. I've gone over this and over this.

Q. If the men of the units concerned had been told not to talk about this to anyone, that the matter was going to be investigated, do you think that would have had any influence on the men possibly from a conscience point of view, talking to you, or other chaplains within the chain of command?

A. It usually doesn't affect the men's willingness to talk about it. But if I had an inkling that they had been told specifically not to talk to the chaplains about it, I would have been in there asking questions.

Q. I'm not referring to talking just to chaplains; I'm saying just not talk about it.

A. As far as I know, they were not. The company commanders may have done this, but I have no knowledge about them being told not to talk about it.

Q. From your knowledge of soldiers, your knowledge of combat, the conscience of people, could it be possible that something would be conducted that would be so horrendous that they wouldn't even tell the chaplain about it?

A. They might not tell it then, but later on there would have been some indication about it, and by later on I don't mean a year or two afterwards; I mean a matter of 10, 15, 20 days. Usually that is about what a man can take.

Q. Then it starts sinking in?

A. The first shock of the thing goes off. This is why I kept turning this thing over. If what had been spread all over the news media was true, why hadn't we had men talk about it, especially the ones so conscience stricken now? Why hadn't we seen this before--and we had not. Then again, it's not to say it didn't happen. These must be very different men than in World War II, Korea and the rest of what's going on in Vietnam to be able to pocket it away, never refer to it again consciously, until 2 years later.

Q. Did you ever hear that an investigation of any form was being conducted of what took place in My Lai (4)?

A. Well, in any form, no.

Q. At that time; I'm not talking about an investigation at the present time. I'm talking about within the time period, a week, a month, 2 months, or even 3 months after the incident may have occurred?

A. Well, it didn't appear to me to be any formal type of investigation. The question of the high number of casualties, and low number of weapons, and this kind of thing seemed to me would be the thing that would be talked about more than anything. I don't remember anything being brought out in the staff briefings of this kind of thing going on. On the other hand, the staff briefings that I attended were those when the whole staff was together. It's possible that, more than likely, if it was going on that the command group itself were the only ones concerned.

Q. Did you ever hear of anybody being questioned on this, or being placed under oath, or taking official statements or anything of this nature?

A. No, sir.

MR MACCRATE: It's been suggested that you were rather close to Colonel HENDERSON and saw a great deal of him, and he reposed a certain confidence in you. Did you see a great deal of him during this period?

A. I was his brigade chaplain and you can't really function if you're not close to the commander. I tried to be as close to any battalion commander that I was battalion chaplain to. So my answer to that would be, yes, but is there any implication beyond that?

Q. This is a rather strange coincidence of events we have here, that something of this character arises the day after a man takes command. Anyone can appreciate that; if an incident is called into question the day after a man assumes command,

it can be of rather special concern, before you have your feet on the ground to be hit with something of that sort. I was interested in whether you were ever aware, in your relations with Colonel HENDERSON, that this thing really got to him, whatever it was, in the period shortly after he took command?

A. No; he's an old soldier and a good commander, and I couldn't say that this was a more shaking experience than having, say, one of his companies pinned down in this area and having to send another company in and try to dig it out. We've been in and out of that area a good many times.

Q. Did he ever tell you that he was conducting an investigation?

A. No.

Q. Could you describe for me how you carried out your duties as brigade chaplain? What did it entail? What kind of visitations? What did you include within your duties?

A. We had five chaplains, including myself, assigned to brigade. Not often did I have five chaplains that were actually with the maneuver companies. It was more like three of us available. One was either injured or sick, the Catholic chaplain working primarily in the medical clearing area in the base camp. This meant that we would try to do religious services for whatever number of men were available. We went down with the resupply, went down with the maneuver company. A company would be maneuvering off the fire base 5 or 10 miles out. We would go down and conduct a service. It wouldn't matter how many men were available--5, 10, 15--and the other men would man the perimeter and we would have a service, long or short, depending on the time we were going to be there. In this period we probably were conducting 60 services, which meant you had to move pretty fast.

Q. Sixty services over what period of time?

A. Over a month.

Q. So an average of two services a day at different locations?

A. I'm sorry; this would put, if you had 5 chaplains, this would put about 12 services--this would be over a week--put about 12 services per chaplain per week. That would be pretty good if you could get it in. However, with our Roman Catholic men, if you get a priest to a man, or a man to a priest every 10 days, you were in good shape.

Q. How much time did you personally have left for personal counseling of the men?

A. When I would go into the company, if it was a maneuver company and they were out in the boonies off the fire base, either the first sergeant or the company commander or platoon leaders and so forth would make available to me men who wanted to see a chaplain. I'd have a service. Then I'd sit down on a hedgerow or the edge of a ditch or some where, and we would talk right there in the field. If it was a base camp, we would do it either in my tent or at one of the chapels located somewhere around the base camp. If it was on a fire base, we were able to do it--in the end we had chapels, but we'd have a tent or something else. Now this was a pretty big AO and plus the fact the 4/3 being over there (indicating on Exhibit MAP-1), Dottie in this area and Dottie up here and Sue on the far side, units located all the way to the south to Thunder, Charlie Brown.

Q. So you had a lot of ground to cover and were moving around quite a bit?

A. Yes, and if the helicopters were not available, we used our jeeps. Sometimes we were limited in getting out on the road because there would have been a series of ambushes. One in a day would not matter, but if there was a series, it was difficult.

Q. There was a substantial limitation on the amount of personal contact that you might have with the members of the company?

A. Yes, as far as staying with them; you just didn't have that amount of time, say, for a week. It would be just great if you could be with a rifle company for a week at a time, but you just couldn't do it.

Q. You referred to the fact that there was no question; this was a tough fight, there were high casualties. Now who gave you that impression? Everything I have heard is contrary to that being a fact. This was not a tough fight. It was feared that it would be and in anticipation, it was thought that it would be a very tough fight. Did you ever hear after the event that this was really a tough fight, as you told us this morning? Are you clear on that point?

A. A tough fight from the point of view of this area, and the place always being alive with VC.

Q. But if you don't get any return fire to speak of, is that a tough fight?

A. Well, simply being under small arms fire is not the whole story in Vietnam. The amount of mines, the amount of booby traps--

Q. (Interposing) Were you told that there were many mines and booby traps encountered in this engagement?

A. I'm trying to recall what the S2 briefing was. I would not think that there were more in this than there were in others, but I always considered any time our troops went into this area, it was a tough fight. I don't want to mislead you into thinking that this was like a pitched battle of men surrounded, such as in Bastogne or some place like that. I don't know why I considered it a tough fight. I consider it a tough fight. I'm surprised that people are not characterizing it as such.

Q. Were you given the impression at the time in these briefings that this had been a tough fight? Did you have any contact with the people in the PIO at brigade?

A. They lived right behind my tent.

Q. Did you ever talk with them about this engagement, ever get the feel of the correspondent who had been out on this particular engagement?

A. The young photographer?

Q. There was also a correspondent, too.

A. I saw the young photographer almost everyday that I was in the base camp and I still want to know where the pictures came from. I saw most of the pictures; I watched hundreds of pictures in the development and printing state. How could I help it? My tent was here, there was a bunker here which we shared, and their tent was right here (indicating). This was a distance of not more than 15 yards. I could come out the back end of my hootch and the bunker that I had here, they shared with me. I still never saw pictures that this lad said he took.

Q. Did you know Mr. ROBERTS, Specialist ROBERTS at that time, who was the correspondent.

A. That name I'm trying to place; the young photographer is the one that I knew better than ROBERTS, I guess.

Q. Do you remember ROBERTS talking about having to write up this operation. Did you hear any of that conversation or did you share in any of that discussion?

A. No.

Q. Now what comes through to me from your description of your conversation with Chaplain CRESWELL was, I must say, rather surprising--what seems to be an acceptance of substantial civilian casualties and just being a question of whether the infantry or artillery killed them. Two chaplains bucking this bit back and forth. I find it shocking. That's what came through to me. Now, if it was something different than this that you were describing I'd like to hear it, because that's the message that came through to me.

A. I'm sorry that it came through that way, but I thought he was just ragging. I'm not discounting the fact that civilians had been killed; they are killed. They're not killed deliberately by artillery or anything else. The preparations were put in, and I thought that was why the casualties occurred. I'm sorry that Ned gives this impression or anything that I said misleads you.

Q. I get the impression, quite frankly, that Chaplain CRESWELL was concerned, and that he had a message to deliver. This is what concerns me, that his message was not taken seriously by those to whom he addressed it. This quite frankly, Chaplain HOFFMAN, is what concerns me, that his was a concern--

A. (Interposing) He did not deliver this message to me. Did he deliver it to his DIVARTY commander?

Q. He delivered it to the division chaplain, we understand.

A. I do not think that Ned CRESWELL has the hot information that he says he has. I couldn't see that he had it from any personal observation, but the way I gathered what he was talking about, was that this is what he heard, and how about this? Not coming to me and saying, "Your men were out there and deliberately did this kind of thing."

Q. What I get from you, chaplain, is that you didn't want to believe whatever you heard, that there was a protective defense operating here. That's what I don't understand and why I'm laying it frankly on the table. I just don't understand what this is, defense against the disagreeable; what is it?

A. Defense against the disagreeable? I've seen people killed in wars now in considerable amounts, but--

Q. (Interposing) Did you have any suspicion at this time that this had gone on?

A. Of course not, and I do not think that Colonel HENDERSON or any other commander at that level had any suspicion that this was going on, if at all. I don't know what Ned CRESWELL or what LEWIS had to say. LEWIS would not know anything except what he was told. He was never down with our troops, never with the troops. I was. So were my battalion chaplains. We're not discounting the fact that these people died. I just don't think that this after-the-fact deciding that this was hot information that we had, is the time to bring this up. It was never told to me. It was never told to my commander. Obviously it was not told to his commander--

Q. (Interposing) You're assuming quite a bit; why do you assume this to be fact?

A. All right, the DIVARTY commander was at that time Colonel YOUNG, right?

Q. Yes, Colonel YOUNG.

A. I know Colonel YOUNG from Fort Campbell days and others, and let me tell you, if that kind of information had been given to Colonel YOUNG, who was one of the original men to organize Task Force Oregon from which the Americal Division sprang, if that kind of information had been give to Colonel YOUNG, and it was provable, Colonel YOUNG was not the kind of man who would let that thing sit.

Q. In other words, if an artillery incident report had been filed on this, there's no question in your mind that Colonel YOUNG would have acted on this?

A. If Ned CRESWELL had gone to Colonel YOUNG with this kind of information, there's no question in my mind that Colonel YOUNG would have acted on it. How the artillery incident thing was handled, I've no reason to question that he would have acted on the artillery incident either.

Q. But if there were no substantial number of casualties from artillery in fact, and therefore no artillery incident involved, do you have the same confidence that action would have been taken?

A. Sure, why not? These are professional commanders. You probably have a lot more background on it than I do, but this is why I don't think that this was considered to be any thing tremendously out of the ordinary, as compared with any other operation that we conducted in this area or anywhere else.

Q. We understand that in some locations it was common gossip about this operation. There was a reference, in fact, in the 11th Brigade, to the Pinkville incident, and this went on for a number of months after this operation. Did you hear any of this?

A. No, we talk about Pinkville quite a bit, but Pinkville is not only Pinkville but the whole area.

Q. We appreciate that, but reference to a Pinkville incident--

A. (Interposing) Like the Malmady incident, people talking about it in that manner?

Q. No such thing ever circulated around the 11th Brigade at any time?

A. Not from the point of view of this being an incident; from the point of view of the operation, sure, we often talked about the operation.

Q. Just another operation or did it have some distinctive quality in recollections of it?

A. Most of those in this area of the peninsula, especially these conducted up in here, were talking about it because it was highly VC territory; it was a free-fire zone, but, no, I have to say that, no. I get the idea that the implication is that people were talking about this thing as some kind of a cruel incident that happened, like Malmady. I would say to my knowledge, no.

IO: Was there any joking, joshing or otherwise concerning Task Force Barker or any of the battalions or the brigade to the effect that they were counting a lot of VC, a lot of women and children as VC casualties?

A. No joking about it, but they might have been in the body count. I think, reasonably, because women and children were at times participants in action, either by hand grenades or some other manner.

Q. You made an odd statement here this morning which may be coincidental. Maybe it's one of those things that came up, but you used the figures 124 and 128. We've heard certain testimony to the effect that, when this was reported, somebody made the statement or the analysis: 4 VC and 124 women and children.

A. No. The figure that I thought before this thing broke in the newspaper, the figure that I thought came out of that was 124. Sometimes there are people who will be macabre enough to talk this way. No, I suppose in a general way you do hear somebody is making civilian body counts and including them in. I would think the commander is hard put to know if this was Mr. and Mrs. CHUNG--they're both VC, which one, which one participated against troops or killed a man. There may be some people that talk about that to let off steam or something, 4 VC and 124 women and children. I don't think that responsible people would take it lightly. I don't know how to take Mr. MACCRATE's questioning on this thing. I do not think that either LEWIS or Ned CRESWELL got this information from any real direct source.

Q. Did you ever ask Chaplain CRESWELL where he got his information?

A. Initially I didn't ask him a thing about it because I thought this was Ned's usual way. He would get anything; he would get the number of men you had in service or something and rag you about this; this was his nature.

Q. But he persisted in this, I guess?

A. But when I would push him for answers, as far as I could determine these were things he was hearing from his people. But if it is being said that it was reported to me, that an individual shot people, and that I knew about this thing and did not come to Colonel HENDERSON, that is not true, categorically or any other way. I can say this. No report was made to me even under privileged communication, that this kind of thing had happened and this is the place I expected I would hear it, but it never happened. I admit I have to go back now after such a long time, and so many other things, hard, long operations. I am sorry, but I resent the implication that CRESWELL makes against me, apparently that he told anyone about this in a manner that he made them aware that he was serious. He certainly didn't do that to me, nor did Frank LEWIS. I have no knowledge about him coming to talk to me about this thing at all. Twice to my knowledge, he came into our area.

Q. And Colonel HENDERSON never asked your counsel or information from you about what you had heard about this operation from any of the participants?

A. As far as if you mean if I had heard of any atrocities being committed? No, the commander never asked me about this.

Q. He never asked you the kind of a question that some one who is investigating might ask of you?

A. I'd say no to the question as to if the colonel said, "We have this situation; what do we know about it?" We would talk often about what the morale of the troops was, or what was going on--this sort of thing.

Q. Did you ever by chance, Colonel HOFFMAN, mention to Colonel HENDERSON what Chaplain CRESWELL had mentioned to you?

A. No, sir, because initially I didn't believe it. I heard the reports from our own unit either in the TOC or on the fire bases and certainly didn't get any indication that this kind of stuff was going on. Now, if you're in the TOC or in the fire base, you can hear the radio and hear the command net, hear what is going on.

Q. Was it ever called to your attention any way that Colonel HENDERSON had been advised that 20 to 30 civilians had been killed?

A. I don't pick that out as an incident that stands out. The commands are involved in this sort of thing and it didn't stand out as anything unusual--tragic, but not unusual.

Q. When you were talking, you used the term tragic, and before you used it in about the same sense; did you have any idea of the magnitude of the number of civilians that may have been killed?

A. From the briefing, yes, but I thought, again, that I did not know this figure you gave me a little while ago of 69 by artillery. I thought in the preparatory fires that the majority of these people were killed in that, and war is tragic. The men who have to bear the responsibility for it are in this, but I thought this was a stressful incident. Here we had some more civilians involved but I thought the figure was higher than 60

from the briefing. But I thought this was due to the preparatory fires and that the majority of these deaths happened before the troops ever entered, before this CA was ever conducted and troops put down on the ground in the helicopters. I thought the majority of the deaths--this is why I didn't believe Ned CRESWELL, and he certainly didn't come on seriously, but this is why I thought; what are you saying, what is wrong?

MR MACCRATE: But you understand that there had been something more than 69 civilian casualties, noncombatant casualties?

A. Yes, I thought the figure was higher but I thought they had come from the artillery preparation, artillery and gunship both, in trying to get the LZ somewhat neutralized so they could go in there. I don't remember the 60 figure from the division report.

IO: This was reported from Task Force Barker. This wasn't the total figure. The total figure for the day was supposedly 128 broken down between two units and the gunships.

A. Well, I really thought that the majority of casualties were civilian or Viet Cong, were from the preparatory fire; wasn't only one LZ hot when they got in? I'm reaching back now, but I think only one LZ was hot when they got in. I have the impression that there was a lot more fire going on than what some of your testimony indicates. If I remember, and admittedly I am just looking back, one LZ was hot when they got in but they were receiving fire from the so called built-up areas, the village area, but maybe not.

MR MACCRATE: There was an initial transmission that it was cold and a transmission that it was hot, that there was some sporadic fire at the outset, but our information is that thereafter there was virtually no fire.

A. Well, I can't beat that if it's in the TOC reports, but not to be callous about it at all, but I thought the casualties were a result of preparatory fire, therefore I did not think that what I read in the newspaper was--

Q. (Interposing) Certainly anyone reading the 11th Brigade newspaper at the time would have thought it was a hotly contested operation, if that was the basis of one's information.

IO: You are familiar with the article that came out in the brigade newspaper and was subsequently briefed in the Americal Division newspaper?

A. I don't know whether I had my file copies of it or not, but I can only vaguely remember the fact that an article did appear in the mimeograph newspaper that the IO boys put out. Information was not based on IO at all but based on the commander's staff briefing held each evening just prior to the evening meal. Other information that I gathered from this was in the TOC, the radio--this kind of thing. It seems like a long time ago.

Q. What seems very difficult to understand is the fact that we generally know what information was made available to Colonel CRESWELL and Colonel LEWIS. I think what is difficult to understand is how this kind of information would die on the vine, information which I know, if it would have come to me as division commander or field force commander, I would have gone right through the roof. But nothing happened.

A. Are these people saying that Colonel HENDERSON knew about this?

Q. We're not referring to whether Colonel HENDERSON knew about it or not. I think I know what Colonel HENDERSON knew about it, but I'm talking about the information that was made available, reported to Chaplain CRESWELL, what information he had available to him in an official report.

A. He had it in an official report?

Q. Yes, I would say it was official if you have someone that would come to your office, for example, and indicate that he had something that he wanted to talk to you about. Would you not consider that as being an official report?

A. Unless he was talking to me in a privileged communication setup; then I would make a memo of record and had that information ever come to me, Colonel HENDERSON

received many memos from me, and probably would have had it directly. But Ned CRESWELL produced that kind of thing? I'm not trying to question Ned, but if Ned had this information, he's wrong in not making sure that he got a hearing for it. Had I got this information that he thinks he had, I would have gotten a hearing. I wouldn't have had any trouble getting a hearing from my own commander or I would have taken it some place else if I couldn't.

MR MACCRATE: Where would you have taken it, Chaplain HOFFMAN?

A. I would have taken it first to Colonel HENDERSON directly, but from there you could have--it would have been very simple; simply take it to General COOKSEY or any of the division commanders. General COOKSEY always was in that general area.

IO: I think at the time you have the wrong man in mind. ADC COOKSEY did not arrive until sometime subsequent to this time. The ADC at this time was General YOUNG.

A. Yes, there would have been no problem taking it to any responsible commander.

MR MACCRATE: Would you have thought of the IG for a matter of this sort?

A. No, I see no reason for having to use the IG in a situation like this. I would put this directly into a commander's hands. There's nothing wrong with using the IG, but I think we have a man who says I have this information and find out whether it's believable or whether it isn't. I don't think I'd have waited. I don't think I would have gone through an IG. I would have gone to the commander; first to my commander, and I've never had any trouble with the 11th Brigade commander, either General LIPSCOMB or Colonel HENDERSON, in moving in and out of conference with them. I did not have this, and I don't care what CRESWELL says he has or anything else. I think now he is embittered, perhaps is not a friend of the services, but he has to live with that. It is unfair if he had that information for him not to lay it out on the line, and let the men responsible, the commanders responsible, deal with it right there. Did CRESWELL give this to Frank LEWIS?

IO: Well we were of the impression, we know specifically that he did.

A. They're both weak sisters then, I'm sorry but he did not give this to--he gave a certain piece of information to him.

Q. I'm not saying that he gave this to--he gave a certain piece of information to him.

A. To my knowledge, he did not give it to my young brigade chaplain, COOPER, who would have been primarily working between Sue, which is west of that road, and Dottie and from the resupply area which is on the 198 area, south of Chu Lai.

Q. You mean your battalion chaplain?

A. Yes, COOPER, I believe you're bringing him in too.

Q. You had indicated that your young brigade chaplain and I just thought you meant your battalion chaplain, as I recall it was the chaplain of the 4/3.

A. That's right, he took over 4/3 for me. We got him as a replacement.

MR MACCRATE: Is Chaplain KISSINGER also knowledgeable in this time frame?

A. KISSINGER was battalion chaplain for 1/20, working primarily from south of Duc Pho Thunder and the areas to the south. Then KISSINGER went to Chu Lai. Now let me see--

Q. (Interposing) Chaplain SHANNON is another name.

A. SHANNON is the Catholic chaplain from 198 who was good enough to make himself available to us approximately every 10 days. He covered these other units, all of 198, and just about every 10 days. So we'd try to get him and hippity-hop him from fire base to fire base as much as we could. KISSINGER, I'm trying to remember if he was gone to Phu Bai or whether he was still down working on Thunder. I think he was still with us. He didn't go to Phu Bai until April.

Q. Task Force Barker was dissolved on 9 April. Does this help you fix the date?

A. Well he only had one company up there, and the distance was too great. I would do it myself or the 4/3 chaplain would come over and do the coverage himself. But I don't think KISSINGER went on out there.

IO: The fire base Thunder the're talking about, Mr. MACCRATE is roughly 20 kilometers south of where we were at Duc Pho.

A. If he had any information about it, it was never given to me. They had one company up there as every battalion does.

Q. Colonel HOFFMAN, before we recess I'd like to say if you have by any chance, any documents, memoranda, pictures, maps or otherwise which may shed some light on this investigation we'd be happy to receive them at any time. In addition, based upon our discussion with you here today perhaps we have jarred your memory a bit. If you recall any additional facts which would be pertinent to our investigation, primarily of the investigative aspects of the incident, we'd be happy to hear these. I would ask that you get in touch with this office. Before we terminate, I'd ask if you have any questions or if you would like to make a statement.

A. No, sir.

IO: The hearing will recess at this time.

(The hearing recessed at 1204 hours, 13 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: HOLBROOK, Richard J.

DATES OF TESTIMONY: 31 January 1970 and 7 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Assistant S2, 11th Infantry Brigade.

1. INFORMATION CONCERNING THE OPERATION COMING INTO THE BRIGADE TOC.

a. Witness' position in the brigade.

The witness stated that he was assistant S2 of the 11th Brigade and served as night duty officer in the TOC. Captain HENDERSON was the day duty officer (pg. 8). The witness noted that he signed off on the brigade log every evening at 2400 hours (pg. 12).

b. First report of the operation.

The witness recounted that at the first part of the 16 March operation the landing zones were cold and later the troops received sporadic fire (pg. 11). He recalled hearing a report of two Viet Cong killed and their weapons captured (pg. 11). He stated that he remained in the TOC until about 1000 hours on the morning of the 16th so that he could listen to the radio transmissions concerning the operation (pgs. 24, 25).

c. Log entries concerning the operation.

The witness asserted that he was familiar with the increasing totals of killed reported from Task Force Barker on 16 March, but only vaguely (pg. 12). He remembered the discrepancy between the body count and the weapons count,

(HOLBROOK)

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but did not recall the exact figures. He stated that this often happened when other Viet Cong, even women and children, would hide the weapons taken from their dead (pg. 13).

2. REPORTS CONCERNING THE OPERATION.

The witness recalled nothing about helicopter pilots reporting unnecessary killing, about a chaplain mentioning a report of unnecessary killing, or about a complaint about the Son Tinh District Chief of atrocious actions of US forces (pgs. 15, 16, 32).

3. KNOWLEDGE OF INVESTIGATION AND REPORTS.

a. Investigations.

The witness stated he knew of no formal investigation of the My Lai operation (pgs. 19, 24, 29). However, some questions were asked principally by Lieutenant Colonel BARKER who inquired about the kill ratio compared to the number of weapons captured (pg. 19). He recalled Colonel BLACKLEDGE and Major MCKNIGHT helping to prepare materials for Colonel HENDERSON in drawing up a report of the My Lai operation (pg. 30), however he did not recall Colonel HENDERSON asking too many questions about weapons (pgs. 23, 24).

b. Reports.

The witness recalled HENDERSON'S report (Exhibit R-5) or at least some portions of it. He did not recall seeing it in completed form, but after it was shown to him, he stated that he agreed with the conclusions it reached (pgs. 32, 33). The witness asserted that he had not seen the 13 April statement which was an inclosure to HENDERSON'S report (pg. 34). He stated that he was familiar with the Viet Cong propaganda inclosure (pgs. 36, 41). The witness averred that Major GAVIN asked him to made a statement, but did not tell him the purpose for which he wanted that statement (pgs. 34, 35). The witness said that he made no statement (pg. 34). The statement that he had been asked to make did not concern the 11 April letter from the Son Tinh District Chief to the Quang Ngai Province Chief (pg. 35). Although he could not be certain, the witness opined that the statement inclosed in HENDERSON'S report was made by SCHLEICHER (pgs. 35, 44). He believed that the statement was prepared in the S2 office, because of the green paper on which it was made (pg. 41). He noted that the S2 shop

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always used colored paper to indicate their file copy (pgs. 40, 43). The witness stated that he believed the main body of HENDERSON'S report was prepared in his office, or at his direction (pg. 42).

4. SOURCES OF VC PROPAGANDA.

The witness recalled picking up a propaganda leaflet alleging allied bombing of people on Highway 1, but he did not recall its specifically referring to the 16 March operation (pgs. 36, 37). He recounted the story of his hootch girl listening to his transistor radio and telling him that a certain program was a VC broadcast. The girl and the radio were taken to the MI detachment where the broadcast was transcribed and interpreted. This was delivered to Colonel BLACKLEDGE (pgs. 37, 38). He stated that this had not been put on tape and asserted that he had no knowledge of any other transcript of this same broadcast coming into the brigade headquarters (pgs. 38, 39). He did not know if this transcript had been reproduced in any manner (pg. 39).

5. OTHER INFORMATION.

a. ARVN operations in the area.

The witness recounted an ARVN sweep toward the coast, where they had stopped and refused to go any further (pg. 5).

b. Opinion of Captain MEDINA.

The witness opined that Captain MEDINA was "probably one of the most gentle men I know on earth" (pg. 46).



(The hearing reconvened at 1400 hours, 31 January 1970.)

IO: The hearing will come to order.

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

Sir, the next witness is Mr. Richard J. HOLBROOK.

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

Mr. HOLBROOK, for the record, will you please state your full name, occupation and residence?

A. Richard James HOLBROOK, student, 1408 Montclair Court, Orlando, Florida, 32806.

RCDR: Thank you.

IO: Mr. HOLBROOK, on my left is Mr. Robert MACCRATE. Mr. MACCRATE is a civilian lawyer who has volunteered his services to the Secretary of the Army to assist in the conduct of this investigation. He also provides legal counsel to me and other members of this investigation team.

On my right is Colonel ARMSTRONG, an Army Colonel, designated by General WESTMORELAND, the Army Chief of Staff, as an assistant in this investigation. Aside from myself this afternoon, either or both Mr. MACCRATE and Colonel ARMSTRONG may address questions to you. We have other groups such as this that are taking testimony from other individuals. I will have the responsibility of putting together a final report, of weighing the evidence and to determine the facts and make findings and recommendations. Have you had an opportunity to read the instructions (Exhibit M-57)?

A. Yes, sir, I have.

Q. Do you have any questions concerning them?

A. No, sir, I don't.

Q. Mr. HOLBROOK, would you indicate your duty assignment within the Americal Division where you were assigned, any reassignment you may have had, and finally when you terminated your service with the division?

A. I was assigned to the 11th Brigade and joined them at Schofield Barracks in August of 1967. I remained with the Brigade until deployed to Vietnam. Initially, I was assigned to the 6th Support Battalion as the S2. Later I was reassigned to the brigade headquarters as the assistant S2 in August of 1968.

Q. Who was the S2 at that time?

A. Major Richard BLACKLEDGE.

Q. He must have been promoted.

A. He was promoted in February of 1968. I went over with the brigade in December. I was with the advance party who initially went to LZ Carantan, about 5 miles east of Duc Pho.

Q. Yes. I know where Carantan is.

A. Down the coast. Then on the 24th of January, the brigade's mission was changed, adding another area of operation that required the brigade to form a task force. It was Lieutenant Colonel BARKER who was, prior to that time, brigade S3, who moved up. I was assigned as the S2/3 of the task force and we moved up into the Muscatine AO on the 24th of January. I only stayed with the task force for about 3 weeks, until a replacement came in for me. Prior to going up, prior to moving the task force up there, Colonel BARKER and I made several visits to adjacent units: the 196th and 198th Light Infantry Brigades, the Americal Division headquarters in Chu Lai, and the ROK Marine Brigade. The ROK Marine Brigade had been occupying the area, and we were to relieve them.

Now some of the things right here--I'd like to mention at the time I received some of this information it was classified top secret. I don't know what the classification

is of it now. But we got from the ROK Marines overlays showing all of their mines that they had planted, known booby traps, hazardous areas, and probable areas of enemy infiltration. To the best of my knowledge, there were only two copies of these. I had a copy that I burned and Colonel BARKER had a copy. He was killed, and I don't know what happened to his copy. But it showed the entire area of the Batangan Peninsula very heavily mined, and this proved true when our troops went out on an operation by the number of people we had injured, wounded by mines and booby traps. A lot of these were planted by the Koreans and they didn't mark all of them.

Q. (Interposing) Let me stop on this document for a minute. It may cause a little problem, at least to your way of thinking. We will have no problem of handling documents such as this, because today this information will have a different classification than it had at that time. Although we intend to submit our report as confidential, we obviously are not going to submit anything that is top secret or secret, for obvious reasons. Hence before we do submit anything, we will go through the natural clearing process. We already have many documents that we have to send to MACV and ask that they downgrade certain portions of them. We expect no problems, and I think it would be beneficial to us to have an appreciation as to the extensiveness of this Korean and Viet Cong mine laying. We will have no problems, I'm sure, in getting it cleared.

A. I just wanted to make it clear. The major advised me to make it clear, because at that time I received the information it was top secret. It might be for official use only now, I don't know.

Q. I'm not sure, frankly, even today because of the sensitivity of it vis-a-vis ourselves and our relations with the Koreans, it still may be confidential which may be advisable. I don't think it would have the tactical classification today that it had, lets say, almost 2 years ago. But in all events, we can get that straightened out.

A. I just wanted to make myself clear so I wouldn't be making an error.

Q. Good, I appreciate it very much.

A. I left the Task Force Barker, I believe, on the 2nd of February, and I went back to brigade and resumed my duties there as assistant S2 and TOC duty officer, working the night shift at the TOC. I stayed on in that capacity until the 22nd of June when I was transferred to MACV as an advisor.

There were several incidents that took place right around this time, and I can't remember specifically which one took place at what time. It's been 2 years ago. Now around this time we had two gun load incidents, ships carrying weapons and ammunition.

Q. That's what they call the trawlers?

A. The trawlers. One came into Pinkville and was spotted by Captain MICHLES company up on Uptight. They put a lot of artillery in on it, and it's believed it was sunk. Another one came in, it tried to land at Quang Ngai but there were Navy ships following it. It couldn't get in there. They were just off the coast of our operational area. I was duty officer and I dispatched helicopter gunships; they sank it. When the ship was burning, the captain of the ship grounded the vessel right at Carantan. As we started to dispatch a company down to secure the vessel, we were warned by the Navy that many trawlers of this type have a self-destruction mechanism aboard, usually with about 5000 pounds of TNT. We called off the company, and it blew. It did have a self-destruct mechanism aboard. We found several thousand rifles, AK-47's mostly, that were all busted up and twisted apart from the force of the explosion. All of this took place right about the same time, so I'm not quite sure what happened first. Also during this time Quang Ngai City was attacked by VC that came out of Pinkville down the major road over here (indicating Highway 521) right into Quang Ngai City. They attacked Quang Ngai City. They broke open the jailhouse and released all the prisoners. They had an instant draft. They took them all in their army and went back to Pinkville on the same route. Shortly after that, the 2d ARVN Division, within a day or two, started to go into Pinkville

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Q. II Corps.

A. We traveled. I was with the mobile advisory team. We had no home base so to speak. Our headquarters was in Saigon, but the only time I ever saw the headquarters was when I went down to pick up my records coming home.

Q. You left I Corps and went down to Di An for a 2-week training course, right?

A. Yes.

Q. What happened after you left Di An?

A. Then I went first, to Di An. That is near Binh Duong.

Q. Hoai An District in Binh Dinh Province.

A. And then I went back to Quang Ngai, working with the people there for a time.

Q. Did your whole MAT team move with you or just you moved up to Quang Ngai?

A. No, the whole team. I had a team of five.

Q. You were assigned to Binh Dinh Province. I can't quite understand how you got from Binh Dinh to Quang Ngai.

A. I don't know. We were just told to go and we went.

Q. Do you remember the 173d Airborne Brigade?

A. Yes, they were at Bong Son.

Q. LZ English?

A. At English.

Q. When were you in Hoai An? Do you remember your province senior advisor?

A. Yes, it was Colonel GREEN.

Q. He was the deputy. You had a civilian there who was a province advisor.

A. He was on a leave of absence during the time I was in Binh Dinh. I never met him.

Q. I don't remember a team being transferred from II Corps to I Corps. It conceivably could have happened, but frankly I don't remember it. I used to command a force in I Corps, II Corps and I kept pretty close track of these and I know where Hoai An is, I know where the headquarters is, and where the sector headquarters is and so on.

A. When I went into the program, it was pretty new.

Q. You entered the program when?

A. In June of 1968.

Q. Well, it wasn't quite new; it was about 6 months old at that time.

A. But they didn't have too many people in it at that time, and it probably resulted in more moves than it would be after it was fully manned.

Q. Well, it is true you were administered from Saigon, but you were also administered through CORDS in the particular corps zone.

A. Well, we were administered actually through Pleiku.

Q. From the advisory group there, USA II Corps?

A. I never went to Pleiku. I have never been there.

Q. Well, lets come back to the organization of Task Force Barker. You say you joined it when it was organized, and you stayed with it until about 15 February?

A. I think it was around the 2nd of February.

Q. About the 2nd of February. Well, you stayed with it a comparatively short time then?

A. Yes.

Q. Was Task Force Barker actually operating in the field?

A. Definitely.

Q. And what fire base were they working from at that time?

A. We had two fire bases, Uptight and Dottie. At Dottie we had the task force headquarters and there was an artillery unit there, a unit of 8 inch and 175. While I was with them, they kept one company at Uptight, one company operational and one company performing security around Dottie. They only had three companies.

Q. During that time under whom was BARKER operating? Was it operating under the 11th Brigade or under the 198th?

A. No, sir, it was operating under the 11th Brigade, General LIPSCOMB.

Q. When you went back to the S2 of the brigade, what were your functions there, aside from being the night duty officer? I take it as a night duty officer you more or less ran the TOC?

A. Yes, sir.

Q. Who was the day TOC officer?

A. Captain Jim HENDRICKS.

Q. HENDRICKS or HENDERSON?

A. HENDERSON, James.

Q. And what was your grade at that time?

A. I was a captain.

Q. Captain. And you stayed as the assistant S2 for how long?

A. Until I left.

Q. Which was when?

A. In June.

Q. In June. Now as far as Task Force Barker's operation, you were familiar with the fact, looking over at this map (Exhibit MAP-1) that their AO generally was north as shown on the map there, north of the Diem Diem River. The area to the south of that was the area AO or area of responsibility of the 2d ARVN Division. So in order to operate in what you refer to as Pinkville, that area, eastern Son Tinh or Son My Village it was necessary to obtain an AO extension.

A. Right.

Q. Which they obtained through the 2d ARVN Division and through Quang Ngai Province. Do you recall that Task Force Barker had operated into this area in the early part of February?

A. Yes, sir. They did.

Q. Generally in the area of Pinkville itself at that time?

A. Well, not where you have the orange outline; they were operating more in this area down here in this area (indicating). As far as I can recall, just north of the citadel. They were finding quite a bit along this river, along the Diem Diem River.

Q. We have information that in fact they did operate out in there. One was a combat assault in the early part of February out in the area generally called My Lai (1) which was not too conclusive or productive. They conducted another operation generally paralleling Highway 521 which was a

combined operation with the ARVN. This happened on the 23d of February. One unit, actually B/4/3, got pinned down pretty tightly and they had to extract them with fire support from the APC's to get them out of there. Do you remember those?

A. Lieutenant ELLIOT went in and got them.

Q. Those are the operations that preceded this operation on the 16th of March. The operation on the 16th of March, I would like to walk you through it. You were in the TOC down there. Even though you were the night duty officer, you perhaps heard about this concept and heard about the operation itself. This is a three-company operation based out of Dottie, one, actually two companies coming out of Uptight. But Alpha Company moved down into a blocking position down here early in the morning of the 16th, stopped in here on the night of the 15th, 16th and here on the 16th, just north of the Diem Diem River. On the morning of the 16th, C/1/20 combat assaulted into an LZ just to the west of My Lai (4), moved through the village towards the objective area generally just west of My Lai (1) or Pinkville. Subsequent to this air assault, B/4/3 air assaulted to the south. Then they moved up so that they combined into a laager area here, starting at about 3 or 3:30 in the afternoon with Charlie and Bravo Company in night defensive positions here. The following day, Charlie Company moved down through My Khe (3), My Khe (2), My Khe (1), down to My Khe (2) and subsequently back up into an area here where they night laagered, Bravo Company moved down across the bridge along the spit of land back up and laagered in the area about in here. The following day, Charlie Company moved up here and were extracted back to Dottie. Bravo Company moved up here and operated for another day or two. In the meantime, Alpha Company had withdrawn by foot back to LZ Uptight. Now does that ring a bell with you, the way the operation was conducted?

A. Right, it is all familiar.

Q. Now when this operation was under way, were you in the TOC? This operation kicked off with C/1/20 air assaulting into that LZ at 7:30 in the morning.

A. I would have been there.

Q. Yes.

A. My shift in the TOC was from 8 to 8.

Q. Recognizing that you may have gone off duty but knowing duty officers and how they function, if they get into a hot operation, they'll stay on. They'll get 2 hours sleep and will probably be back in the TOC or something. Would you pick up from there and indicate what you know about this operation as it progressed?

A. To begin with, we had the aero-scouts. They were an efficient group that went out looking for trouble. They flew low trying to draw fire and they got it. I believe you will find on that day they lost one. When MEDINA went in there, it was a cold LZ. In fact, all LZ's were cold. As it started to progress, they started receiving sporadic fire but they were finding quite a few booby traps along the way, booby-trap grenades.

Q. Charlie Company?

A. Well, Charlie Company wasn't experiencing too much. Bravo, MICHLES had some in here. He lost, I think, a couple of people. Now when they got up to the village, I don't know anything about that.

Q. Well, Charlie Company didn't get through what we refer to as My Lai (4) until about 12 o'clock. Do you recall that fairly early in the morning, C/1/20 turned in a casualty report first, of one VC KIA. Then the next thing they had 14 more VC KIA. Then about 8:20 they reported 69 VC KIA. Do you remember that?

A. I remember the first two and I believe they also reported some weapons captured.

Q. Yes, a couple of weapons captured, that is right.

A. I don't recall the number of them. I just am not completely sure. Now I'm sure that I probably signed off on the journal for that day.

Q. Well, we'll give you the journal.

A. If I could see that, it would certainly be of great help.

(Discussion off record.)

Q. We have here the logs of the 11th Brigade for this date which has been entered into the record as Exhibit M-46. Here is the log for the 16th which probably would refresh you somewhat.

(The witness reviewed M-46.)

A. Yes, I signed off on this.

Q. That would have been at night time?

A. The general closing, at 2400.

Q. That's what I mean, quitting time. Do you remember item number 48, the 123d Aviation, the Warlords capturing forty 60 millimeter mortar rounds up on top of Hill 85?

A. Those guys were good.

Q. If you notice item number 53, you see the total 69 VC KIA as a result of artillery fire. You also notice in item 55 some of the mines that you referred to and in item 58 you will notice that B/4/3 reported 12 VC KIA. You will notice in item 61 that an individual was hit in the foot by gunshot, dusted off to LZ Dottie and in item 63, Bravo reported 18 more VC KIA.

Well, you signed off in that log, so obviously you were familiar with it.

A. Yes, I wasn't familiar with it until I had a chance to look it over. Some of the dates and times and places were a little hazy.

Q. You undoubtedly remember that operation from the 11th Brigade point of view. You probably remember that was the largest operation the brigade had had up to date.

A. No, sir. It wasn't.

Q. Most successful. Maybe somebody has been misquoted. Can you tell me another operation before then, when the 11th Brigade or when any unit of the 11th Brigade had killed more than 128.

A. The initial sweep of the Batangan peninsula was when we first went up there in January. The initial operation when they went up in January, the initial sweep with Task Force Barker was 148 VC KIA.

Q. How many days?

A. I think three days.

Q. As far as a 1-day operation is concerned this was touted as being the best the 11th had conducted. Maybe you have a different interpretation, because I'm just repeating what people tell me.

A. I remember it now. I remember changing the board. We kept the board in our TOC as I'm sure all TOC's keep with grease pencils, KIA friendly and enemy, and I changed the board. I remember that quite clearly.

Q. Do you remember that in this operation Task Force Barker reported 128 VC KIA and 2 U.S. KIA, both in Bravo Company. The other one was the individual that had been shot in the foot that was dusted-off from C/1/20 and lifted back to Dottie. Also that throughout the day the total of three weapons had been captured. Do you remember that now?

A. I can't be sure about the number of weapons, but it seems correct.

Q. Here is the brigade newspaper (Exhibit M-17) that came out on the 22nd. I ask you to take a look at the pertinent items on pages 1 and 3.

(The witness did as instructed.)

A. I thought they reported more than three weapons; maybe not.

Q. With this small number of weapons as compared to

the comparatively large body count, was there any discussion that related to that that you can recall?

A. Well, there was some discussion, but it was explained concerning the large number of body count versus the number of weapons. On previous occasions, not only with Charlie Company but with the other companies that were out there, when they would run into contact and if they were able to shoot or kill the individual that they were shooting at, almost before he hit the ground somebody was there to grab the weapon and run and hide it. This was not an isolated incident; it was reported many times.

Q. With a large number of KIA, where you get 128 killed, that means you are going to have a large percentage of wounded people around.

A. Yes. But the people maintained and they reported several times that when they did contact the VC that was armed and were able to shoot him, in many cases women and children would grab the weapon and run and hide it, and they couldn't find it. In several cases they even saw the guy with the weapon and saw him fall, but when they got up to the individual the weapon was no longer there. I'm not saying that this is what happened with all these people. It would be 125 out of 128 that someone took the weapons and hid them, but I'm saying it is a possibility. I'm sure that you found in the course of your investigation that the My Lai area hadn't been entered by friendly troops for many years, by ARVN or anyone else. These people were definitely under the firm control of the Viet Cong, because they were the only government around.

Q. We do know, however, that Task Force Barker was in there at least twice before this operation.

A. Yes, but going into a place and walking right back out, how much control does that give you over the area?

Q. I know it doesn't give much, but they had been in there. Even so, my question still comes back to the point of killing a large number of enemy there and a very small weapons count. My question was, if there was any discussion about that?

A. My only answer could be that it possibly could be that other people took the weapons and hid them. If they did not, and I can't answer whether they did or not, then probably the people were not Viet Cong.

Q. But when you were with the people there at brigade in the TOC, was anybody talking about this or was anybody asking about it? Where are the weapons and so on? Did anybody from division during the day or when you were on the TOC that night, call down and say, "Where are the weapons that corresponded to these 128 KIA?"

A. Not to the best of my knowledge. They may have.

Q. Do you remember anything about the operation for the next 2 days that comes to mind you can tell us about? That would be the 17th and 18th.

A. I was just trying to think.

Q. The 17th was a Sunday. The 18th would be Monday.

A. I can remember the date because the 17th happened to be my birthday. If I recall correctly, they withdrew and had no further large reports of KIA. There might have been one or two but no large numbers.

Q. Do you recall hearing in the brigade TOC or any place around Duc Pho about one of the aviators reporting through the chain of command that some unnecessary killing of civilians took place in the My Lai area that day?

A. The first time I heard about any helicopter pilots reporting about any unnecessary killing was when I read it in the newspaper and Life magazine.

Q. At any place or any time did you hear about a confrontation between an Army aviation element and some of the ground forces to the point where one of the helicopters had its gun trained on friendly forces to try to protect some civilians?

A. No, as a matter of fact, I think it's from what I heard. Now that possibly could have happened, and I hadn't

heard about it. The Americal Division had these Warlords, an armed helicopter platoon with their own infantry mounted in slicks. These people had the entire division area to operate in. They were a unique unit, more or less an experimental unit, and they preferred to work with Task Force Barker more than with any other unit in the division. If there was any bad feelings between aviators, I don't think that would have been the case. They came down everyday, when division would release them from another mission. They preferred to work with Task Force Barker.

Q. Were you in pretty close contact with your chaplains there in the Duc Pho area?

A. I lived in the same tent with one of them.

Q. Which one was that?

A. Chaplain CHRISTIAN.

Q. CHRISTIAN?

A. Yes.

Q. Did he ever mention the fact that he had received information to the effect that some civilians may have been killed unnecessarily up there in the Son My area on the 16th?

A. No, he never did to me and I don't believe that he would have, had he knowledge of it. He would not have told me about it, being as it would have been privileged information.

Q. Well, did he ever ask you about it? If you had any information? You were living with him.

A. No, he didn't like to talk about the war at all. He would prefer talking about books or a game of chess or something like that. He just didn't want to talk about the war.

Q. You say his name was KURSTON (phonetically)?

A. Yes.

Q. It couldn't have been KISSINGER?

A. KISSINGER lived in the next tent and was a Catholic chaplain. KURSTON was a Protestant chaplain. Then, we had another one. He was not a chaplain, he was a lay-minister and he used to conduct daily services, nondenominational. He also lived in the same tent I lived in, and he never said anything like that.

Q. What was his name?

A. I can't recall it right now. He was assigned to the 11th Brigade as a brigade historian. Then he transferred to division in the office of the G5. I can't recall his name.

Q. What was his grade?

A. He was a major.

Q. Was he a PSYOP or civil affairs G5?

A. Neither one; well, in the civil affairs. I should know his name, but I just can't think of it right now. Now there are two people that I did not see on a list of people to appear before here who could probably give you a great deal of more detailed information about this period of time. One is a Master Sergeant JOHNSON. I don't know his first name.

Q. What was his position?

A. He was the operation Sergeant.

Q. Task Force Barker?

A. Yes, and Sergeant STEPHENS, sergeant first class, he was the intelligence NCO. Both of them stayed with Barker for the entire duration of task force. JOHNSON, I believe, is out now. I believe he retired.

Q. No, we have talked to both JOHNSON and STEPHENS some time ago.

A. Oh, you have? He ran the TOC during the day at Task Force Barker, at least while I was there. The task force

was formed with a minimum of personnel and we had no task force executive officer; had no S1; 2/3 was combined; did have a signal officer.

Q. So they later split that out, didn't they? You were replaced by Major CALHOUN?

A. Right.

Q. And Captain KOTOUC became the 2?

A. That was quite a bit later when KOTOUC came in the brigade. I think that was in April or May; I'm not sure.

Q. KOTOUC was S2 during this time?

A. They had to split the brigade up and form another battalion, actually. So it was more or less robbing Peter to pay Paul. It was that type of operation.

Q. You were there when they disbanded Task Force Barker?

A. I was in the brigade, brigade headquarters.

Q. Did you know what precipitated the deactivation of Barker?

A. Yes, sir, the 4th Battalion, the 4/21.

Q. The 4/21 came in to take its place.

A. You see, we formed in Schofield with three battalions. Each battalion had four companies, four rifle companies and they formed in 1967, August of 1967. But the 4/21 wasn't added until quite a bit later, and they were actually deployed when the rest went to Vietnam. We went over in December and the 4/21 came over in April. When the 4/21 came, Task Force Barker was deactivated. The companies went back to their parent battalions.

Q. What can you tell us about the investigation of what may have transpired at My Lai on the 16th and the 17th?

A. I don't know of any investigation on the 16th or 17th of My Lai.

Q. I'm not saying on the 16th, I'm saying what do you know of the investigation of anything that may have transpired at My Lai or Son My on the 16th or 17th? The investigation that transpired subsequent thereto, while you were right there in the headquarters.

A. Some questions were asked, but to the best of my knowledge no formal investigation was conducted while I was with the 11th Brigade.

Q. You say some questions were asked, what do you mean by that? Who asked the questions?

A. Well, one of the biggest askers of questions was Colonel BARKER, on the kill ratio versus the weapons captured; where were they, etc. He asked those questions. But a formal investigation to the best of my knowledge did not take place. It could have without me knowing about it, though it's not very likely.

Q. Were you familiar with any participation of Major MCKNIGHT or Colonel BLACKLEDGE or Colonel HENDERSON in an investigation?

A. Somewhere around that time Colonel HENDERSON got shot.

Q. Yes.

A. But I don't believe he was conducting an investigation. I think he was just viewing an operation flying in the command and control ship. Colonel BLACKLEDGE and Major MCKNIGHT were conducting an investigation. I don't know about it. I worked for Colonel BLACKLEDGE and I worked very closely with Major MCKNIGHT. I had complete access to all their files and papers and I knew some of the things on it. Of course, it's possible they could have conducted it.

MR MACCRATE: Mr. HOLBROOK, would you describe the arrangement of the TOC for us at Duc Pho?

A. Physical arrangement?

Q. Yes, the physical arrangement. Perhaps if you could sketch it.

A. Yes, I'll draw it for you.

(Witness did as instructed; sketch was not entered into evidence.)

It was rectangular, had a very heavy cover on top, of logs and sand bags and earth. It had two entrances, one here and one here (indicating). As you go in the entrance, there was a long two-sided table where the duty officers sat, the 2 and the 3. Well, let me take that back. It was planned to be that way, but we didn't have enough tables for two duty officers. On this table, it was a bench, somewhat more narrow than this and raised in the middle, we had telephones, field telephones, TA-312 down the line. I believe we had 18 telephones, and on either side we had radio relay remotes to all of the battalions and Task Force Barker.

Q. Now, could you place the location of the various individuals?

A. Well, this was the duty officers' positions, on either side of this table. He could reach all the phones and the radios. Down this side we had all of our radios that had contact with division and adjacent units. And we also had our crypto radios on here, our KYA's. This bank of radios was manned by one operator--

Q. (Interposing) Who was that?

A. LAVERI (phonetically); but we didn't always have the same man. Right over here was a small desk divided in half. On one side was a typist. On the other side was a representative of the provost marshal, MP representative. Next to that was our FSCC, our fire support coordination center. In the back of the room here, we had another desk with another duty officer that was only concerned with base security, physical security of that LZ.

Q. LZ Bronco?

A. Bronco, that's all he had. He had phones that were tied into all of the bunker complexes, phones and radios.

Behind this area was our military situation map. Back here along this wall was our intelligence map. In this corner of the room was our air liaison officer.

Q. Do you remember his name?

A. Well, Colonel MACFARLAND (sic) was the primary air liaison officer. He's an Air Force type.

Q. MACLACHLAN?

A. MACLACHLAN. And we had a Major SMITH who was our brigade aviation officer. He is a rotary wing pilot. Back in this area, we had a board with base defense overlays, and call signs, and frequencies, and things of that nature. That was basically the TOC.

Q. And where did your intelligence sergeant sit?

A. Outside of the TOC. This is the brigade headquarters complex.

Q. Now, are you drawing for us what existed in March and April of 1968?

A. Right.

Q. Or is this the plan as it was being developed? This was the one that was actually in operation at that time?

A. Right. That's the way it was at the time, with the TOC here (indicating). Immediately adjacent to it was the S3. Adjacent to that was the S2. Adjacent to that was the briefing tent, with the S1 and S5 down here, the CG's trailer up here and the XO's hootch up here. Of course around this, were various other living quarters, messhalls, and things of that nature.

IO: And where is Montezuma from this, the mountain in back of it?

A. That's right up here.

Q. Your helipad is down here then?

A. The helipad?

Q. Yes. No, your airfield must have been here.

A. The airfield runs this way. There was a pad, a temporary helipad back here (indicating).

Q. No, you had your airstrip; your helicopters didn't park on the airstrip. Some of them parked on this side, and some of these parked over here.

A. Over here next to the hospital, near the dispensary.

MR MACCRATE: Now, when Sergeant GERBERDING came into the TOC, where would he sit?

A. He wouldn't have a place to sit. He didn't work in there. He could come in and get information or pass on information and leave. He didn't have any business being in there. He had TOC access.

Q. What about Sergeant KIRKPATRICK?

A. KIRKPATRICK was the S3 operation sergeant, and GERBERDING was the S2 operation sergeant. In both cases, they didn't have any desk or any place to work in the TOC because they didn't belong there. They could go in there and get information. They had free access to the TOC but they had no specific function in there.

Q. But they both spent substantial time in the TOC?

A. I wouldn't say that. They both came in and out. Now in both cases, both people made it a practice of coming in in the morning and looking over the log, the journal, and finding out what happened during the night. And they might come in and out two or three times during the day. But they had no specific function.

Q. Do you recall who the typists were you had at this time?

A. That also varied. They came from Headquarters Company.

Q. Did you find any particular people you relied upon, that you found particularly helpful?

A. They came from Headquarters Company and like any Headquarters Company, you're pulling people from, you might not have the same one back twice.

Q. But one or two were quite good, who took shorthand?

A. Shorthand wasn't required.

Q. I realize it wasn't necessary. We realize that you did have a shorthand capability there, and I wonder if you remember these individuals?

A. Well, there was one. As far as knowing shorthand, I don't know. His name was DESILVO (phonetically). I don't know his first name.

IO: How would you describe him?

A. He was an Italian PFC from New York City.

Q. Did he have glasses?

A. No, he had very wavy hair.

Q. Dark?

A. Dark black hair, dark complexion, spoke with a very, very definite broken accent. He was pretty good, but I don't know about any shorthand capability. If he did, he kept them hidden. Like most PFC's, they don't volunteer too much.

MR MACCRATE: Did he from time to time help you out?

A. Well, in making the journal, we wrote it out and the typist's job was to type these from our handwritten copy. That was their only function.

Q. Now you indicated that although there was no formal investigation conducted after this operation that you remember various people asking questions. And you indicated

that you particularly remembered Colonel BARKER asking questions about KIA and weapons. Do you remember some of the questioning that Colonel HENDERSON did at that time?

A. No, if anything, General LIPSCOMB was asking more questions about weapons than Colonel HENDERSON, as far as I know.

Q. Do you realize that upon the 16th of March, General LIPSCOMB was no longer there?

A. He left the first of April.

Q. No, he left the 15th. The change of command was on the 15th of March. Do you remember the change of command ceremony?

A. Yes, I remember.

MR MACCRATE: So we are now in the time period after Colonel HENDERSON had taken command. Does that begin to bring some of this back now?

A. Like I say, there was some questions asked. If there was an investigation conducted, I'm not aware of it.

Q. I'm interested in this point, just getting the questions that were being raised and who was asking them?

A. Well, there always was a question about when you have so many bodies, "Where are the weapons?" It's just something that always came up, and it wasn't of particular notice to me. I didn't really notice it at that time, that closely, like sometimes we sink a trawler and capture 5,000 weapons and no bodies.

Q. Well, do you have any recollection of the time that you remained in the TOC on the morning of the 16th now that you have examined the log. You see as you look at the log that the action--

A. (Interposing) It was building.

Q. The action sort of tapered off after awhile.

A. I think I stayed there until about 10 o'clock, because it was looking interesting. It was starting to look interesting. The only place you can go and find out what's going on and hear all the conversation on all the radios is the TOC.

Q. You stayed around that morning until the activity sort of died down?

A. Sort of tapered off.

Q. Well, we've talked to a number of people who were in the TOC that morning. We have a pretty good idea of the transmissions that were coming in and what you would have heard and some of the questions that were being asked by the task force commander of the task force, by those on the radio, and at LZ Bronco. We have quite a bit of what went on. What we would like to have you put on your thinking cap about is just what went on at that time and what happened in the next succeeding days, because we have pretty good idea of these things too. You are in a position to make a very helpful contribution in just filling in some of the pieces here at this point. I think perhaps if you, having had a chance to look at the log and the newspaper of the brigade, can put yourself back into the the time frame, it might be worthwhile. We aren't going to be able to go on this afternoon. You might come back and pick up with us on Monday so that we could have a chance to really get the benefit of your refreshed recollection of these things.

A. Well, it's going to be extremely difficult for me to come back Monday. I'm going to college now and I have two mid-semester exams Monday.

Q. Another date can be arranged. The hearing will recess.

(The hearing recessed at 1515 hours, 31 January 1970.)

(The hearing reconvened at 1334 hours, 7 February 1970.)

MR MACCRATE: The hearing will come to order.

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

The hearing recalls Mr. Richard J. HOLBROOK.

(MR HOLBROOK was recalled as a witness, reminded that he was still under oath, and testified as follows:)

MR MACCRATE: I believe you read last week when you were with us the instructions (Exhibit M-57). Do you have any questions relating to them at this time?

A. No, sir, I don't.

Q. Well, we appreciate your coming back today to give us an opportunity to speak with you further about a number of things we spoke about last Saturday. You indicated at that time that you did have some materials that you'd brought back with you from South Vietnam and I wondered if you could indicate what those might be?

A. No, sir, I don't believe I said that. If I did I was in error. I said that I had access to some material and I had destroyed them by burning.

Q. And you were referring to what papers?

A. Maps and overlays.

Q. To maps and overlays with respect to mined areas?

A. Mined areas of the Batangan Peninsula area, yes, sir.

Q. Did you have any other materials that you disposed of in this way?

A. Not that I burned or destroyed directly. I had others that I turned over to other individuals.

Q. And when you refer to other individuals, were these in the brigade before you left?

A. They were, yes.

Q. You didn't bring back with you any material that you had referred to? I was unclear as to your reference, Mr. HOLBROOK.

A. I'm sorry if you misunderstood me. I did not bring back any materials from Vietnam, any photographs, or anything else that would be of any specific interest other than normal souvenir type items.

Q. Well, I just wanted to be sure that there was nothing that you felt would be helpful to us. You will recall that we were speaking together about the operation of 16 March 1968 in the Son Tinh, Son My Village area and you had indicated that following that operation you were aware that certain of the officers of the brigade had conducted some questioning of various individuals. I am interested in exploring with you your recollection as to who the individuals were who were doing this questioning and who were the individuals who were questioned? I believe you may have mentioned Colonel HENDERSON in this regard. What do you recall?

A. Well, one thing I remember; I was wrong on a specific question that you asked me last Saturday when you talked to me about whether or not there was an individual in the TOC or that had ever come into the TOC who had shorthand knowledge.

Q. Yes?

A. There was such an individual. I recalled it later when I thought it over. But he was involved most of the time; his duties were not assigned to the TOC.

Q. And who was the individual?

A. That I am sorry, I'm very poor on recalling names. I can't remember his name. I could describe him for you.

Q. Well, would you do that? I think it may be an individual that others have described and I'd like to be sure?

A. All right. Now his work at the time was mostly involved in working with the legal staff of the brigade in an investigation they were conducting, and I believe this young

man had some training as a legal secretary. He was a young man I would say 20, possibly 21 years old, of medium stature, maybe 5-9, 5-10, blond wavy hair, a very clean-cut looking individual, and he had a weird name, not a common name. But he did come into the TOC a couple of times and type up a report; that was not one of this regular duty assignments.

Q. He was not the clerk of the S3 air?

A. No, sir.

Q. Do you remember that clerk?

A. That was DESILVO (phonetically).

Q. Or FELIX? You remember a man by the name of FELIX?

A. Yes, sir, FELIX was a radio operator. He operated a radio in the TOC.

Q. In the TOC.

A. Yes.

Q. He also did some typing I understand?

A. Very poorly, he did, yes. But this same individual did a lot of personal correspondence for General LIPSCOMB.

Q. Do you recall him doing work for Colonel HENDERSON?

A. Not specifically. I know for a fact that he was doing work for General LIPSCOMB. He was doing work for the S3 and he was also working most of the time with the legal officer from division that was down on an investigation that was of a completely separate--

Q. (Interposing) What was that investigation?

A. A cook that was assigned to Headquarters Company killed four Vietnamese. One of the particular people that he killed was related to the local district chief.

Q. And it is in connection with that investigation that you remember this clerk? Now, coming back to my question to you, following the operation, you indicated that there had been some questioning and you recall Colonel HENDERSON himself conducting this questioning?

A. I don't believe he did; I'm not aware of any investigation that went on, specifically.

Q. Any formal investigation?

A. Formal investigation, yes.

Q. I understood you to say that but--

A. (Interposing) I know that questions were asked.

Q. We have reason to believe that there was some informal questioning of people and I gathered that that was what you were referring to?

A. I believe that most of the questions were asked by Colonel FRANKLIN who came in as the brigade deputy when Colonel HENDERSON assumed command of the brigade.

Q. Well I think actually Colonel FRANKLIN arrived on the scene a little later than this.

A. Not too much later, sir.

Q. Because you will recall that Colonel BARKER was the executive officer of the brigade and went with Task Force Barker.

A. Colonel BARKER was not the executive officer of the brigade; Colonel BARKER was the S3.

Q. You are quite right. He was the S3 when he left, but then he came back as the executive officer of the brigade from the time of the dissolution of Task Force Barker on the 9th of April up until the time at the beginning of June when he assumed command of the 4/3.

A. All right.

Q. And his death followed 2 weeks after that.

A. I believe it was the 20th or 22nd.

Q. Well actually it was the 13th, but you are in the right time period.

A. I left on the 12th.

Q. So that it is in the earlier period before Colonel FRANKLIN would have been there and before Colonel BARKER returned to the brigade that we're speaking about?

A. Yes.

Q. So orienting yourself in that way--

A. (Interposing) In that interim period before Colonel Barker came back, Colonel BARKER did not want a desk job. He was a field type man. So for an interim period Colonel BLACKLEDGE was appointed more or less as an interim exec and also his primary duty was S2, before he left.

Q. Do you remember Colonel BLACKLEDGE assisting Colonel HENDERSON in such an investigation?

A. Yes, but I couldn't give you any specific details.

Q. Do you have any recollection of Major MCKNIGHT and his preparation of any materials for Colonel HENDERSON in this regard? Does that ring a bell?

A. Yes.

Q. What do you recall?

A. I know he was working on it, but what he wrote I have not seen, I've never read.

Q. You remember the brigade artillery officer, or actually he's attached artillery.

A. Well, which one?

Q. Colonel LUPER?

A. Colonel LUPER was the CO of the brigade artillery, yes. Of the 11th, they were organic.

Q. Do you recall Colonel LUPER participating in this?

A. Yes, sir. I do. For about the same time there was also some questioning about misfiring of artillery.

Q. Was there an artillery investigation going on at the time?

A. Yes, sir. There was. We had some misfires of artillery, and in Bronco base we had some people killed by artillery.

Q. In addition to the incident at Bronco Base do you remember Colonel LUPER doing any questioning or assisting Colonel HENDERSON in this respect in connection with the operation of Task Force Barker?

A. I can't swear to this, but I believe Colonel LUPER was working with General RYDER who was an assistant division commander for operations of the Americal.

Q. By this time General RYDER had departed. General RYDER left the Americal Division on the 10 March. The operation into which we're inquiring was, if you recall, not until a week after that.

A. Six days after?

Q. Yes.

A. There was some difficulty and I know Colonel LUPER was involved in it. But exactly what he was doing I could not say. It is very difficult to say what he was doing.

Q. Well you indicated to us the other day that you did have complete access to the S2 files.

A. I had.

Q. That you had a pretty good idea of the materials that were in there at any particular time. Do you at any time

recall seeing in preparation a report of an investigation with respect to a complaint made by a district chief to a province or to the province chief of Quang Ngai Province? Any recollection of hearing of such a complaint?

A. Only one, but it wasn't involving Son My or My Lai. It was Duc Pho.

Q. Well, Duc Pho is not Son Tinh District. Do you recall any complaint by the Son Tinh District chief?

A. No, I don't, sir.

Q. Mr. HOLBROOK, I'm going to show you Exhibit R-5 which has been found in the files of the S2 at the 11th Brigade and I'd like you to look at the first two pages and see if this refreshes your recollection as to anything that you heard back at this time in April 1968, with respect to an investigation (handing Exhibit R-5 to witness).

(The witness examined the exhibit.)

Can you identify, for us the initials at the top in the upper right-hand corner?

A. Richard K. BLACKLEDGE, S2, let's see, of the--

Q. (Interposing) The S2 of the brigade at that time?

A. Yes, sir.

Q. Do you have any recollection of that letter or the circumstances of that letter as you now see it and have had an opportunity to read it?

A. Yes, I have some recollection of it. I've never read this letter before.

Q. Well, before you look at the inclosures, and I do want to talk to you about the inclosures, but I'd like to get your recollection relating to the letter.

A. Well, I haven't read this as I said in this completed form. As I indicated earlier I knew that these investigations were going on, but I was not directly involved.

Q. I understand.

A. And I had no idea of knowing what another man was writing.

Q. But you were aware that it was going on. What did you know about who was participating in it?

A. Well, I knew that it was being conducted, yes. But also, now this I would like to explain to you very clearly, my thoughts about this area at the time, and maybe we can get on a little more even ground. This area was considered VC.

Q. Yes, and I think, Mr. HOLBROOK, we have a pretty good understanding of that kind of problem with respect to it and I think you also, last week, did rather fully describe for us the situation there which we have now heard about from many witnesses. We have spoken to over 300 witnesses and we have a very good insight into the intelligence situation in the area and the problems that had been encountered in the past and the kind of things that you referred to last week when you were with us. So that I think we, from that point of view, do understand the general background. What we're interested in is finding out the manner in which this particular report of investigation was put together and any information that you might have in that respect?

A. Well, I knew that it was being conducted. I didn't really feel that the people that were out there did anything wrong. That was my feeling and it's mine today.

Q. Then what you're saying is that you essentially agreed with the conclusions reached in the report?

A. Yes, sir. I did, I do.

Q. Well, do you recall with whom Colonel BLACKLEDGE worked in preparation of the report?

A. Well, of course, Sergeant GERBERDING, Major MCKNIGHT, Major CALHOUN, Colonel BARKER, Sergeant JOHNSON, Sergeant STEPHENS--

Q. (Interposing) Sergeant JOHNSON?

A. Yes, sir. He was the operations sergeant for Task Force Barker, and I can't recall again the man's name, he was the district advisor.

Q. The district advisor of Son Tinh District? That would have been perhaps Major GAVIN?

A. GAVIN, right.

Q. And you recall him coming to Duc Pho at this time?

A. No, I don't believe I ever saw him at Duc Pho.

Q. Well, how did you learn of his participation?

A. Well, I knew Major GAVIN and I knew that he was in the area and he was responsible for that area. For any operations or any artillery fire to be cleared it had to be cleared through his headquarters. I had been up to see him on a couple of occasions and I knew Major GAVIN, and I know what the procedure was. You cannot get political clearance for operations or fire without going through the MACV advisor.

Q. And we do understand for this particular area he was the MACV advisor to whom Task Force Barker did in fact turn.

A. Yes, sir.

Q. So we have been apprised of that fact. In connection with this report I'd like you to turn now if you will to the last page; it's a green sheet. I ask you if you ever recall seeing that statement of 14 April 1968 before?

(The witness examined the document as requested.)

A. To the best of my knowledge I have never seen this before.

Q. Do you have any recollection of speaking to Major GAVIN about this statement?

A. He asked me if I would make a statement; I did not. This statement was not made by me.

Q. Do you know by whom it was made?

A. No, I don't. I know I did not make this statement.

Q. You say that Major GAVIN did request you to make a statement in connection with this?

A. He asked if I would and I told him that I could not because I was no longer there. I had left there a month and a half before this incident took place and went back to Duc Pho. I did have information that came over the radio, yes; but specific information as to the people living there and the local area, I was not on the ground there. I was not there.

Q. Well, what was the information that you had that came in over the radio?

A. SITREP's, situation reports; a casualty figure; request for resupply.

Q. So you see that this statement is prepared, according to its first paragraph, in reference to a letter from the Son Tinh District chief to the Quang Ngai Province chief, subject: "Allied Forces Gathered People of Son My Village for Killing," and the letter was dated 11 April 1968. Now did Major GAVIN ever request you to make any statement with respect to that particular letter?

A. Not after that date, no. I didn't, not to the best of my recollection, see him after the first of April.

Q. What was he seeking of you prior to the first of April?

A. He'd ask me if I would make a statement about this and I told him that I was not there on the ground at the time the incident took place.

Q. For what did he want the statement, did he indicate?

A. No, he didn't, not specifically.

Q. Did he want a statement from you as to the intelligence situation in the Son Tinh District, or what was the nature of the information he was requesting?

A. The intelligence situation primarily.

Q. You remember who Major GAVIN's assistant was?

A. I only saw the man one time. I don't know his name. He was Spanish or Spanish descent, and I don't believe I ever heard his name mentioned.

Q. You know whether he was working with Major GAVIN in this particular respect?

A. I don't believe so.

Q. Mr. HOLBROOK, would you now turn to the preceding two pages? I'd like you to examine those pages of VC propaganda and ask you if you ever recall seeing them before?

(The witness examined the document as requested.)

A. I've seen similar propoganda, sir, but I wouldn't say they were the exact duplicates.

Q. Now that you have turned over to the second page, you'll see that the information becomes somewhat more specific, particularly in that paragraph at the top of the page.

A. I recall that one. And I have seen that before, yes.

Q. We are very interested to ascertain from what source this was provided and if you have any recollection of how this came into the headquarters of the brigade? Did you happen to pick it up?

A. Yes, this one at the top of the second page where, "they bombed the people and all the people will soon be against them." Yes, I picked up some of those leaflets and had them translated and that's basically what they said.

Q. Well, do you know where you picked up these leaflets?

A. Yes, on Highway 1.

Q. You recall picking up on Highway 1 a leaflet concerning the operation of 16 March 1968 in Son Tinh District, this information which is referred to in the paragraph at the top of page two?

A. Are you referring to this paragraph that says, "In the operation of 15 March 1968 in Son Tinh District the American enemies went crazy"?

Q. Yes.

A. No, sir. I did not pick any of those leaflets up. I did the one before that, I picked it up myself, that says, "It is there where the people will sentiment for them because they bomb people and all of the people will soon be against them."

Q. Well, in other words--

A. (Interposing) I picked that one up.

Q. You say you found some propaganda that had general charges of that sort?

A. Yes, sir.

Q. Now I'm directing your attention to something that specifies a particular area and date and the nature of what happened in some detail. Do you ever recall picking up propaganda with that content?

A. No, sir. I don't.

Q. Have you any explanation how Colonel BLACKLEDGE, whose assistant you were, obtained this particular piece of propaganda which you'll see is a translation of something in the nature of a radio broadcast?

A. Yeah, I do. How I recall it exactly and specifically, on that day I had been working and I was sleeping during the day. I was living in a tent and we had a Vietnamese girl that came in to clean up and do things like that.

I had told her that she could use my radio, to turn it on while she was shining shoes or while she was working. She picked up the radio and she said, "It's VC! It's VC!" So I called down; of course I don't understand Vietnamese and the broadcast was in Vietnamese. I called down to the 2 shop, got the driver to come and bring this girl with the radion still tuned to that station over to the 52d MI Detachment to one of their interpreters, and that's where that came from, sir.

Q. Well, do I understand that a tape was made of the radio broadcast and then subsequently translated?

A. No, sir, I don't believe so. It could have been. I know that she took the radio tuned to that station down to the MI to an interpreter. I don't believe a tape was made; I think the interpreter just translated it as it came over.

Q. Do you really have that expert translation capability that you got an instantaneous translation of such a broadcast?

A. Well, I didn't get it. I didn't go over with her.

Q. I understand, but you did know the interpreters there.

A. I knew the interpreters that were there, I knew they were competent and they were trained in intelligence. This cleaning girl said that the broadcast was VC. And it was, this broadcast.

Q. Well, did you have it transcribed and delivered to Colonel BLACKLEDGE?

A. Right, it was. It was sent over.

Q. From the MI detachment?

A. Right, he had operational control over the MI detachment as the S2, and it was sent back to him.

Q. Do you have any recollection of other copies of this broadcast coming into the brigade from other places?

A. I only know of this one and this was picked up on a straight little transistor radio.

Q. Well, we understand that the broadcast was monitored in various places.

A. Well, I'm sure it was.

Q. And that various copies were made and I wondered if you had any recollection of other copies of the broadcast coming into brigade headquarters?

A. Well, I can't give an answer on that really. I'll say in all probability it was because we had a radio monitoring unit at Montezuma up on top of the mountain, and I'm sure they monitored it and sent a copy in. But I couldn't say positively that they did or that they didn't.

Q. Do you have any recollection of a copy of this translation of VC propaganda being typed in the S2 shop?

A. A copy of it was not typed in the S2 shop. It may have been reproduced there but the translation of this information, this propaganda, was typed by the 52d MI and they brought a copy over. I saw that but if more copies were reproduced from there I don't know about it. I can't say for sure.

Q. Well, you didn't actually have reproduction capabilities at Duc Pho did you, except for just retyping something?

A. A mimeograph and Xerox, but I don't know if--

Q. (Interposing) I don't believe you had Xerox.

A. Well, we had one but it didn't work very well because of the power situation, the electrical power.

Q. But your recollection is that essentially this came from the 52d MI Detachment?

A. Right. Captain LABRIOLA is the one this girl went to or was sent to and got that information.

Q. I'd like you to look again at the last sheet there. Do you ever remember seeing copies of documents on green tissues as that is in the S2 shop?

A. Oh yes, all of our file copies were the green sheets.

Q. Are you quite sure of that? We've talked with several of the clerks in your S2 shop and their recollection was that green tissues were never used in the S2 shop.

A. They were.

Q. Your recollection is quite to the contrary?

A. Yes, we had two types of paper for our file that we used. We had one that was an off-red, almost a pink, and one that was green. We tried to standardize our filing system and we used green. We ran out of green paper and we couldn't get any more and we started using pink to identify as a file copy.

Q. When do you think you ran out of the green paper? I know that is terribly hard to recall.

A. I'll say it is.

Q. But I wonder if that isn't what the file clerks were referring to?

A. Well now we had a CONEX that was lost or swiped that had a bunch of our office material in it that we took over from Hawaii. I would say we probably ran out of the pink paper sometime in late January or early February.

Q. Well, if that were the case then, you say they ran out of the green or they ran out of the pink?

A. Of the green. Then we started using the pink and there was a standard procedure in the office. We didn't use any white onion skin for file; it's just easier to identify.

Q. Well, you'll note that--

A. (Interposing) This is all white onion skin; yes, I noticed that before.

Q. The original letter is white onion skin, the VC propaganda is white onion skin, and the file copy of the statement of 14 April is on green. We are at this time trying to put together where these various papers came from? You indicate that the--

A. (Interposing) I can answer that very easily. This was not prepared by the S2. If you will look up at the file symbol, 11th Brigade CO. This was not prepared by our office, so they used a different color. Now this was not their file copy. This was a copy that they sent to--I don't see the distribution on here--the 2, the 3, and probably the 1.

Q. You're just assuming that, aren't you?

A. Right, I don't know.

Q. Naturally we know this was on a close-hold basis and was not just distributed through all the shops of the brigade. It was a report of investigation and it was therefore handled in a different way from routine correspondence.

A. Right.

Q. But what I'm interested in is the origin of the inclosures, anything that you may be able to tell us in addition to what you've already said that you believe the two pages of VC propaganda came from the MI detachment. Now with respect to the green sheet, is there any way you can tell us where that might have been prepared?

A. I would say that this sheet, the green sheet, came out of the S2 office and was prepared in the S2 office.

Q. You believe this was prepared there?

A. Yes, sir. I do.

Q. In the S2 office? On what do you base that?

A. Well, first the color of the paper being off white, being a color other than white indicates that it was not prepared in the same office as the other two letters, and the first two pages of this letter was prepared by Colonel HENDERSON's offic

Q. Well, you'll recall that Colonel HENDERSON really didn't have an office and that he would turn to various offices in the brigade to help him in the preparation of papers.

A. He had an office.

Q. Well, he had an office, in that that he had a desk and a place where he worked, but so far as any supporting staff--

A. (Interposing) He did not, no.

Q. He did not. So that if he had something prepared he would be turning to a clerk in the 2 shop or--

A. (Interposing) He would have gotten this particular clerk that I was speaking about who would have typed it. I was telling you earlier they did have a--

Q. (Interposing) The blond, wavy-haired individual?

A. Right, had a shorthand capability, and he was a real good typist; almost never made an error.

Q. And you can't recall his name for us?

A. I wish I could. I wish I could, but I can't.

Q. I wish you could, too.

A. I'm sorry. I don't believe I ever knew him.

Q. Well in addition to your recollections as to that and as to the VC propaganda--

A. (Interposing) That I'm sure came from the 52d MI.

Q. Yes. Now we get down to the green sheet. Can you help us there?

A. That I'm sure came from the S2 shop. Because of the green sheet and some of the ways that it's written. It was written in a different format. The language is different.

Q. Well, as far as the language is concerned, Mr. HOLBROOK, we know it was not composed in the S2 shop.

A. Well, I don't know who composed it. It sure looks like something that come out of the S2 shop.

Q. But you actually yourself have no personal knowledge of its preparation?

A. I have no personal--no, sir.

Q. You never saw it being copied or have any recollection of hearing it discussed or anyone obtaining a copy of it?

A. Not this particular piece of paper, no.

Q. You will note that it is unsigned. Did you ever see a copy of that that was signed by anyone?

A. I may have. I saw a lot of pieces of paper. This is not a statement that I made. Well, apparently you're saying that I did.

Q. No, I do not believe you did make it, Mr. HOLBROOK, but I am anxious to get your recollection of anything that you may have heard regarding the preparation of the statement.

A. You see a lot of this took place during the normal course of the day. Usually at that time I was sleeping.

Q. I understand you were the night duty officer in the TOC and so--

A. (Interposing) Right.

Q. If something were typed during the daytime--

A. (Interposing) I would have no knowledge.

Q. It would have been while you were asleep, of course. I understand that, but I gather that at this time you can't recall anything about the preparation of any part of Exhibit R-5 that you have before you?

A. Well, no, I can't specifically. I could make a pretty darn good guess of who made this statement.

Q. Well, I would be interested in your guess. I recognize that it's no more than a guess.

A. SCHLEICHER.

Q. Well, we've already spoken to him and I don't believe he is the author of it.

A. He's not? I would have said him. That's why I said "a guess;" it's hard to tell--

Q. (Interposing) I understand that.

A. You look at a piece of paper 2 years later it is a little difficult to--

Q. (Interposing) Do you ever recall seeing such a document anywhere in the S2 files?

A. Yeah.

Q. Where was it filed?

A. In the cabinet we had two security cabinets, file cabinets. One we normally kept operational papers in, things that were going on. The other one we used to store books, terrain studies, and things of that nature that were classified but not things that you were going to need from day to day, not things that you were working on at that particular time. And I saw some rough drafts of some of these statements, but I can't swear who wrote them.

Q. Do you think you saw in one of these safes a copy of this or this copy that you've been examining?

A. Not specifically, not identically, no, sir.

Q. Well, that of course was my question: whether you had ever seen that document in the S2 files or not?

A. No, I haven't. Not this specific document.

Q. Despite your general access to the files you have no recollection of seeing them?

A. I had general access to the files; I had the combination to the container. All of this stuff was kept in the container because that was the only place that we could keep it. There was a lot of different documents in the container, and to go into a filing cabinet and read everything that is in there is kind of hard to do.

Q. I understand that you didn't necessarily go through the file every day.

A. Well, I had access to it. It was there, I could get into it if I wanted to.

Q. But as to this particular document you have no recollection of seeing it before? Colonel BLACKLEDGE never spoke with you about it?

A. I may have seen it, but I didn't place any particular emphasis on it if I did see it. I may have spoken to him about it, I may not have. I cannot definitely say. I'm sorry that I can't give more specific answers. I tried to think about this and one of the main reasons that I'm interested in it is because MEDINA happens to be a friend of mine and I would do anything I could to help him.

Q. When did you become acquainted with Captain MEDINA?

A. In Hawaii. In 1967.

Q. Have you, since this matter became a subject of public discussion and in the regular news media, spoken with any members of the 11th Brigade or the Americal Division?

A. Not about this incident, no. Of course, I've spoken to some of the people, yes, but not about this incident.

Q. When were you last in communication with Captain MEDINA?

A. I haven't seen him since 12 June 1968. I haven't seen him since then.

Q. At the time you left the Americal Division?

A. That's the time I left the 11th Brigade, yes. I haven't seen him since then.

MR MACCRATE: Mr. HOLBROOK, if there's any statement you'd like to make for the record we would be happy to have you do so at this time.

A. Well there's no real statement I can make for the record except that in my own personal opinion nothing wrong went on in Son My or My Lai. If it happened, it would have happened with the knowledge of MEDINA. MEDINA, I'm sure you've talked to him, is probably one of the most gentle men I know on earth. He wouldn't hurt a soul unwillingly and I don't think anything wrong transpired. That's my opinion.

MR MACCRATE: Thank you, sir. We will recess at this time.

(The hearing recessed at 1431 hours, 7 February 1970.)

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SUMMARY OF TESTIMONY

WITNESS: HOLCK, Roy A. V. MAJ

DATE OF TESTIMONY: 30 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: S3 of 4/3 until May 1968 at which time he was transferred to the 196th.

1. KNOWLEDGE OF THE OPERATION.

HOLCK was not aware of an operation into Pinkville on 16 March (pg. 3). However, he saw it mentioned in the 22 March 1968 edition of the Trident (pg. 4). The witness discussed the disparity of the body count to weapons ratio with Captain MICHLES who told him that some civilians were killed on the operation (pgs. 5, 9). However, MICHLES did not describe the operation to HOLCK and HOLCK assumed that the civilians had just been "caught" in the area (pg. 5). No one else from B/4/3 mentioned the operation to him (pg. 6). HOLCK knew nothing about a verbal report from a helicopter pilot alleging the unnecessary killing of women and children (pg. 8). He never heard any VC propaganda concerning such an allegation (pg. 10).

2. OTHER INFORMATION.

a. Since the matter has come to the attention of the public the witness spoke to Sergeant KIRPATRICK about mutual friends who were involved (pg. 2). KIRPATRICK did not indicate any knowledge of the operation (pg. 2). They spoke about Captain MEDINA (pg. 2).

(HOLCK)

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b. HOLCK vaguely recalled GOZOULES stating that Task Force Barker had taken quite a bit of credit for killing some women and children (pg. 7). CALHOUN said something about GOZOULES shooting off his mouth (pgs. 12, 13). He knew there was some bad feeling (pg. 7). He did not know whether this situation was straightened out (pg. 8).

c. He heard no adverse reports about BARKER. (pg. 10).

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12/580

(HOLCK)



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(The hearing reconvened at 1500 hours, 30 January 1970.)

IO: The hearing will come to order.

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

The next witness is Major Roy A.V. HOLCK.

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

Major HOLCK, for the record, would you please state your full name, grade, Social Security number, organization, and station?

A. Roy A.V. HOLCK, major, Headquarters Company, 24th Division, Social Security number , Fort Riley, Kansas.

IO: Major HOLCK, on my right is Colonel ARMSTRONG, an Army colonel who has been designated by General WESTMORELAND, the Office of the Chief of Staff, as an assistant to me in this investigation. Aside from myself, this afternoon, he may also address questions to you. Have you had an opportunity to read the instructions?

A. Yes, sir.

Q. Do you have any questions concerning them?

A. No, sir.

Q. Major HOLCK, would you indicate your duty assignment within the Americal Division, indicating when you joined the division, any reassignments that you may have had, the approximate dates, and finally the termination of your service with the division?

A. All right, sir. I was with the 11th Brigade in Hawaii, and, of course, we moved to Vietnam and joined the division around November. I was with the advance party there.

Q. You were with the advance party of the brigade?

A. Yes, sir.

Q. Does that also include going over with the advance company, which is Captain MEDINA's company, C/1/20?

A. No, sir. The advance party of the brigade--this is prior to the brigade's moving to Vietnam. There was a group of us. I'd say about 12 officers that went over first.

Q. Directly into Duc Pho?

A. Yes, sir, and then the rest of the brigade followed later. I was in 4/3 at that time as the S3, and I remained the S3 of the battalion up until about May, at which time I was transferred to the 4/31, which is part of the 196th. I was the executive officer there and ended my tour with the 196th.

Q. Since this matter of the My Lai incident became a matter of public knowledge via radio, television, newspapers, and so on, in the latter part of September/October 1969, about 5 months ago, have you had any conversation with anybody from the division concerning the incident, the reporting of the incident or the investigation of it?

A. Yes, sir, with Sergeant Major KIRKPATRICK, who was in the 24th Division with me. He is the only one that I have discussed it with.

Q. May I ask what the subject of your conversation was with Sergeant Major KIRKPATRICK?

A. Well, the surprise of this thing having had occurred. That was the main thing, and discussed some of our mutual friends that we knew, one of which is Captain MEDINA.

Q. Did Sergeant Major KIRKPATRICK indicate any knowledge of the incident at all?

A. I don't really recall him saying he knew anything about it. Perhaps he had heard something about it.

Q. Can you recall basically what he told you or at least the impression that he gave you?

A. Well, he talked about knowing Captain MEDINA, that's for sure, and about having become aware of the battle that took

place that came out in the Stars and Stripes. That's the first time we even heard about My Lai, and things along that line. Nothing really specific, though.

Q. You were the S3 of the 4/3?

A. Yes, sir.

Q. For about 5 months?

A. About 5 or 6 months, yes, sir.

Q. Looking at this map here, which we use as Exhibit MAP-5, I believe this shows the boundary between Task Force Barker on the east of Highway 1, whereas, the 4th generally works in the northern part of Quang Ngai Province, to the west?

A. Yes, sir.

Q. Is that the way you recall it?

A. Yes, sir.

Q. You were well aware, then, of the existence of Task Force Barker and their operations to the east of you?

A. Yes, sir.

(MR MACCRATE entered the hearing.)

One of our companies, B/4/3, was attached to Task Force Barker.

Q. Were you aware of the operations at Task Force Barker, Major HOLCK, into this area which people referred to as Pinkville? They had operated there in February and--

A. (Interposing) Quite often, yes, sir.

Q. Were you aware of their operation in there on the 16th of March?

A. No, sir. In fact, the first time I became aware of this was when I read the Stars and Stripes about the large body count that they had in that area and--I mean concerning My Lai.

Q. Well, now, are you talking about the Stars and Stripes that came out while you were with 4/3?

A. Yes, sir.

Q. That would have been probably the week of the 22nd of March or along in about there. Did you also see it in the division news sheet or the brigade newspaper?

A. I believe I may have, but I don't recall it, but the thing that stuck in my mind was that the Stars and Stripes had quite a writeup on it.

Q. Give me the two news releases.

(RCDR did as requested.)

I have here, Major HOLCK, a copy of the Americal News Sheet 17 March. I ask you if this will refresh your memory?

(IO hands Exhibit M-23 to the witness.)

A. This may be it, yes, sir.

Q. And I have here another similar piece of news which came out in your brigade newspaper a few days later. This is entered into the record as Exhibit M-17, dated 22 March, a copy of the Trident.

(IO hands Exhibit M-17 to the witness.)

A. Yes, sir, I recall this. This is probably what I did read.

Q. You will notice the body count of 128.

A. Yes, sir.

Q. You will probably also notice the 2 U.S. KIA and 3 weapons captured. Now thinking back, I know that I am taking you back 22 months--

A. (Interposing) Yes, sir.

Q. Things don't always fit too easily, but some of you fellows have some miraculous memories. Sometimes you remember things you shouldn't remember, but I hope you remember this, as to whether or not there was any discussion concerning this disparity in the ratio of weapons captured to VC KIA?

A. When I first read about this, sir, as you point out, three weapons captured and so forth, I thought it was odd, and I do recall having a conversation with Captain MICHLES, who was the Bravo Company commander, and he did, in fact, mention that some civilians were killed. I didn't see anything unusual about it at that time. However, Captain MICHELS, he just mentioned it and the incident was dropped. Of course, he was killed several months later, but yes, I discussed part of this thing with him.

Q. Did you ever, as a 3, being interested in tactical operations even though you wouldn't want to stick your nose into other people's business, ever ask him to go over this operation? Did he ever describe this operation to you?

A. No, sir. This was done only in passing, as I recall. We were busily engaged in our own operations, and I guess he came by for some reason and stopped by our fire base. At that time we were on LZ Sue, which is to the west of Task Force Barker's area, of course.

Q. The 21st, that's evidently when he first rejoined the battalion?

A. That may have been time, and he mentioned--no, he wasn't with the battalion at that time because we were still on this side of the highway, but I do recall him mentioning that some civilians were killed in this one battle, and that's about it. We didn't discuss it any further. I can't recall when this took place, March, April.

Q. What was your impression when he said some civilians were killed? What did he mean by some civilians were killed?

A. I assumed that it was from the normal fight, civilians getting caught in the area.

Q. Any idea of the order of magnitude? Was that ever expressed? Was it one or two or was it quite a few?

A. He mentioned something about some civilians, but I don't recall him saying quite a few civilians.

Q. Did he say that this was with Bravo Company?

A. I don't even know if Bravo Company was a part of that exercise. All I recall is that he mentioned this to me. The reason why this comes out now is because of reading all this and when it took place.

Q. Well, to move ahead a little bit and we might come back again. Task Force Barker, this operation took place on the 16th and went on for Bravo Company, I think, for 4 days, and I think some of the others went out at the end of 3 days. On the 9th of April, Task Force Barker was disestablished, and it was shortly thereafter that your company rejoined your battalion. Now at that time, did you hear of any additional talk by members of B/4/3 from Captain MICHLES or any of the other people concerned, of what may have transpired there?

A. No, sir, not that I recall, except for his one comment about civilians having been killed there. That's about the only time I talked about it.

Q. Do you recall the name of your S5 at that time in the battalion?

A. I know what he looks like. I can picture him, but I can't seem to recall his name. There were two. We started off, I believe, with a lieutenant, and he left, and then a captain came in and took over as the S5. I can't recall his name.

Q. Do you remember a Captain GOUZOULES?

A. Yes, sir, that's the same man.

Q. I think you had an air operations officer, didn't you?

A. Yes, sir.

Q. Do you remember what his name was?

A. MCANAW.

Q. Of course, your battalion commander, I believe, was ADKINS?

A. ADKINS, yes, sir.

Q. Now, right about this period, do you remember GOUZOULES being declared almost persona non grata as far as LZ Dottie was concerned? He was told to stay away from Dottie?

A. No, sir, he was transferred up to the 196th, I believe. That's as far as I can recall.

Q. I'm talking about while Task Force Barker was still in operation and you were still operating out of fire base Sue to the northwest of here, and this situation was supposed to have arisen between Captain GOUZOULES and certain personnel down at fire base Dottie?

A. It's coming back slowly, sir. I recall something along that line. He got somebody angry at him down there. I don't know what the whole incident was about, but I do recall him being told in no uncertain terms not to come back, yes, sir.

Q. Do you recall the circumstances of what occasioned this?

A. Not really, sir. Vaguely I can remember him running into--had something going with--I don't recall who, Colonel Barker or the S3 down there. I don't know.

Q. Did you ever hear a story to the effect that he had lunch with some people at Binh Son District there, and in the course of the conversation one of the people from Task Force Barker was talking about people getting killed and this that and the other, and a statement was made supposedly by GOUZOULES which more or less implied that Task Force Barker had taken quite a bit of credit for killing some women and children?

A. That might have been it. Yes, sir, it's something along that line, but I'm not quite clear. I know he made some comments to somebody there, and I can't recall if it was Colonel BARKER or the S3 at that time. I know there was some bad feelings.

Q. And do you remember who the S3 was?

A. Major CALHOUN, but I don't really recall the whole background. He made some comment about, I guess, what you just mentioned, and it didn't go over too well.

Q. Did anybody ever tell you whether this situation ever got straightened out or not?

A. No, sir.

Q. While you were still with the 4/3, did you ever hear a report that one of the aviators flying with the 123d had submitted a report, a verbal report, accusing or alleging that in this area of eastern Son Tinh or Son My village, on the 16th, a unit had unnecessarily killed women and children?

A. No, sir, I did not.

Q. Nothing like that ever came to mind?

A. No, sir. I didn't even realize they had an investigation going on until it came out in the papers.

Q. Subsequent to the disestablishment of Task Force Barker, did you remain with the battalion, 4/3, when they moved over and occupied Fire Support Base Dottie?

A. Yes, sir, for about a month and a half, I imagine. I left there in May, about the middle of May, and I guess we moved there in April.

Q. It would appear to me that you should have been just about moving in some of your elements about the same time Task Force Barker was being disbanded?

A. Yes, sir.

Q. When you were in that area, did you hear of any women and children being killed or anything that might have been an unusual situation for you?

A. No, sir.

Q. Did you ever get to talk to Captain MEDINA again?

A. No, sir. He was with the 1/20, and, of course, they moved out of the area completely. I never saw him again.

Q. Well, that's true, but he himself did not remain with the company too long after that and eventually became a member of the G3 staff at Chu Lai.

A. I may have seen him there, but that's about it.

Q. Who replaced you as the S3 of the battalion?

A. MCANAW. He was my assistant when I was there.

Q. And he moved on up to become the S3?

A. Yes, sir.

IO: Mr. MACCRATE?

MR MACCRATE: When you had this conversation with Captain MICHLES that you mentioned, can you relate it in time or in context to anything that was going on at that time? Was he worrying about this? Was this in the context that an investigation was going on or anything of that sort?

A. No, sir. He didn't even mention that. As I recall, I was reading this or something, and I said, "Boy, what a great battle that was," and he casually mentioned that some civilians were killed in this battle and--

Q. (Interposing) Sort of playing down the success, was that the idea?

A. Something like that.

Q. You raised this 128 KIA, and he said, "Well, it wasn't all that good." Is that the idea?

A. Something along that line.

IO: Along in toward the end of May when you were, at that time, in the battalion, you probably had been notified that Colonel BARKER was going to move in and become the battalion commander. I think you were there then?

A. I think so, yes, sir. I heard he was coming.

Q. Was there any discussion at all within the headquarters or within any of the troops at all that you can recall?

A. You mean about Colonel BARKER coming up there?

Q. That's right.

A. We were all kind of looking forward to him coming. He was quite well liked throughout the brigade, and we were glad when we found out that he was coming. Of course, I left before he came, but we were quite happy that he was coming.

Q. You didn't hear any adverse comments of any kind?

A. Not about Colonel BARKER, no, sir. He was quite well liked.

Q. During the time you were operating in this area, I imagine you had operations out to the east and the Batangan Peninsula out of LZ Dottie?

A. Yes, sir.

Q. Did you ever hear of any VC propaganda of any kind, whether it would be a broadcast kind of propaganda or whether it would be in leaflet form or arm bands or tags on uniforms or slogans or posters, which would indicate that the VC would take revenge or get action taken against the Americans for what they may have done here?

A. No, sir, not that I recall. Unfortunately we were too isolated from the Vietnamese civilians at that time, being on a fire base. I don't recall seeing or hearing any propaganda of that type.

Q. Instead of My Lai, which seem to stick in the American mind, did you ever hear anything discussed concerning Son My?

A. Son My? I just can't recall, sir, whether I did or not at the time. We were busy engaged in our own operations. I don't recall anything like that. Now, GOUZOULES--no, I believe he was gone at that time. I just can't recall, no, sir.

Q. I'll just show you one bit of information in broadcast form. This is two pages of it here. This is Exhibit R-1, an inclosure to it. I would like for you to take a look at this and just let me know whether or not you have seen this or anything like it or heard anything like it.

(IO hands the Exhibit R-1 to the witness.)

A. I'm not familiar with this. I haven't seen it before, sir, but there are words in there--we had some propaganda. I guess S2 has received--

Q. (Interposing) Well, particularly the first page. This is rather typical, I would say, broad accusation, but the second page, it does change and it focuses itself on the ARVN soldier, and it is directed at him as the action agency, and then it highlights this operation on the 15th, which may be according their lunar calendar which would be correct, but as we know it, it is on the 16th?

A. I don't recall seeing that thing.

Q. I take it, then, Major HOLCK, you had not seen anything, had not heard anything or any comments or any statements--

A. (Interposing) Except from Captain MICHLES, sir. Nothing was really discussed about the thing, and, of course, this incident between Captain GOUZOULES and somebody down in Task Force Barker, either in the "3" or the commander, Colonel BARKER.

Q. Did you at the time tie that together with what MICHLES had mentioned to you?

A. No, sir, not at that time. As I said, I didn't even realize that they had this investigation while I was with the brigade.

MR MACCRATE: Do you recall speaking to Major CALHOUN at that time about this, trying to smooth things over or open relations between GOUZOULES and CALHOUN?

A. Yeah, well, after bringing this GOUZOULES thing up, yes, sir, I do recall discussing with Major CALHOUN that he said

something like GOUZOULES was talking about things he didn't know about, shooting his mouth off, in other words, and he didn't want to see that guy on his fire base, and that's about it.

IO: Well, did you find out from GOUZOULES what they had been talking about?

A. I talked to GOUZOULES, I'm sure, along these lines, but never in detail. He mentioned something about suspecting that quite a few civilians were killed and he did make that comment, and this is what started the incident between those two.

Q. Did you get the impression that CALHOUN or BARKER and those people over on Dottie were a little sensitive about this?

A. Not particularly. I think any commander would be angered by someone making comments about his troops being undisciplined and shooting wildly, if that's it, but they didn't seem particularly sensitive about it.

Q. That's quite a sharp accusation, though, to tell an individual from within the same division and a sister outfit, so to speak, that we don't want to see you around here again. You keep off Dottie. That's not a very happy situation.

A. Well, there's several reasons why. GOUZOULES never got along with CALHOUN down there, and he always talked a heck of a lot, and this is what I thought was the cause of the main problem between the two. Then, of course, when he mentioned these civilians had been killed, that did it as far as they were concerned, that is with CALHOUN or Colonel BARKER. I do recall him telling him not to visit their base.

Q. Did you talk to MCANAW about this?

A. I don't know if I did, sir.

Q. Did you talk to Colonel ADKINS about it?

A. No, not that I recall.

MR MACCRATE: Do you remember talking to Colonel ANISTRANSKI about it?

A. Who, sir?

Q. Colonel ANISTRANSKI, who was the G5 of the division

A. No, sir.

Q. Did Colonel ANISTRANSKI come down to see you some time about this time, or maybe a little bit after this, concerning another incident having to do with the volunteer information program and some equipment that you had picked up?

A. He may have, sir. We had a program going like that, but GOUZOULES was running it when he was with the 4/3. I don't recall if he came down or not, sir. I'm not even familiar with the name.

Q. Major HOLCK, it seems to me, now, that some of this has come to mind, and with this line of questioning which we have been pursuing this afternoon, in time some additional thoughts may come to mind, too, and if they do we would like very much to be able to take advantage of that, in which event we would like for you to get in touch with this office so that we will let you have an opportunity to make this a matter of record. In addition, if you can think of any documents of any kind which might be helpful to us, documents or photos or anything of this sort, we would appreciate knowing about those.

A. Yes, sir.

Q. I will give you this opportunity to ask any questions you may like at the hearing here or, if you would like, to make a statement for the record?

A. No, sir, I have no questions or statements. Just for my own curiosity, when did all this investigation start, right after the incident?

Q. Shortly thereafter there was an investigation of a form. Of course, you understand, this is the very purpose that this particular investigation is being conducted. We're here to determine the adequacy of any investigation which may

have been made to determine if the review of such investigation was satisfactory or sufficient and also to determine if, anywhere by the people involved in the operation or any place within the chain of command, there had been any attempt to suppress information of the incident or, you might say, to cover it up, and this is exactly what we're trying to do. That's the reason why we're coming around and talking to people even outside of the unit, to find out the interrelationship between the units, to find out what was being discussed, what were the sensitive points.

A. I'm sure many of us were quite surprised to even hear that there was an investigation conducted over there right after this incident.

Q. Do you have anything else?

A. No, sir.

IO: The hearing will recess at this time.

(The hearing recessed at 1540 hours, 30 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: HONDA, Gilbert S. Jr. CW4

DATE OF TESTIMONY: 2 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

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

1. DUTIES OF THE WITNESS.

a. Pilot of C&C ship.

The witness stated that in Hawaii he was selected to fly General LIPSCOMB's ship and, thus, went to Vietnam assigned to the aviation section of the 11th Brigade (pgs. 2, 3). He noted that when the brigade did not have a ship available, the brigade commander flew in a ship from the 174th Aviation Company (pg. 3).

b. Operations officer of the brigade aviation section.

One of the witness' duties was to insure that pilots completed mission reports and to see that pertinent information from these reports was forwarded to brigade S2. Information to the intelligence section was called in, not written (pgs. 16, 17).

2. INCIDENTS RECALLED IN THE SON MY AREA.

a. Woman observed.

The witness stated that sometime in mid-March as

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he was flying a mission, his attention was called to a woman on the ground who had been killed and spread-eagled on the ground (pgs. 5, 6). His doorgunner told him that an 11th Brigade armpatch was stuck in her body (pgs. 7,13,31).

b. Man observed in ditch.

The witness related an incident in which a man was observed, lying in a ditch who appeared to be wounded, but alive. A tear gas grenade was dropped near him, and although he turned his head away, he made no effort to escape its effects. The witness piloted his aircraft in small circles above the man and called for ground troops to pick him up. A soldier, apparently from B/4/3, came to the ditch, shot, and bayoneted the man (pgs. 7-9). The witness called Captain MICHLES and complained of the action, since he had endangered his craft and crew so that a prisoner could be taken. MICHLES replied sardonically, "Sorry about that" (pgs. 9, 10). No official report was made of this incident (pg. 31).

c. Suspects seen and engaged.

The witness recounted observing a group of five to seven military-age males and attempting to herd them away from a house and bunker towards which they were evading. The attempt was unsuccessful (pgs. 13, 14).

d. Attempt to explode mortar rounds.

The witness told of an attempt to explode some mortar rounds on Hill 85 with fire from his ship. However, since his craft was low on fuel, he was forced to leave the area (pgs. 14, 15).

3. KNOWLEGE OF THE INCIDENT.

The witness asserted that he had heard no rumors or reports of anything out of the ordinary having occurred (pgs. 28, 29). He added that he had seen no stacks of bodies, nor any number of freshly dug graves in the Son My area (pg. 31).

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4. OTHER INFORMATION.

The witness said that Sergeant Major WALSH, an artillery officer, and Major MCKNIGHT often flew with HENDERSON. Colonel BLACKLEDGE flew occasionally (pg. 21).



(The hearing reconvened at 0935 hours, 2 February 1970.)

IO: The hearing will come to order.

RCDR: The following persons are present: LTG PEERS, MR MACCRATE, MR WALSH, COL ARMSTRONG, LTC PATTERSON, and MAJ COOP.

Sir, the next witness is Mr. Gilbert S. HONDA, Jr.

(CW4 HONDA, was called as a witness, was sworn, and testified as follows:)

Mr. HONDA, for the record will you please state your full name, grade, Social Security number, organization and station?

A. Gilbert S. HONDA, Jr., CW4, 367th Aviation Detachment, Schofield Barracks, Hawaii.

RCDR: Your Social Security number, sir?

A.

RCDR: Thank you.

IO: Mr. HONDA, seated on my left is Mr. Robert MACCRATE. Mr. MACCRATE is a civilian lawyer who has volunteered his services to Secretary of the Army RESOR to assist us in this investigation and also to provide legal counsel to me and to other members of the investigation team. The next individual is Mr. WALSH who is in the same capacity as Mr. MACCRATE and who is working with Mr. MACCRATE to assist us. On my immediate right is Colonel ARMSTRONG and further is Lieutenant Colonel PATTERSON. These individuals have been designated by General WESTMORELAND, the Chief of Staff, as assistants in this investigation. Aside from myself any of these individuals may address questions to you this morning.

A. Yes, sir.

Q. We have other groups that are taking testimony from other people. It will be my job in the final analysis to put together the report, to weigh the evidence, and to determine

the findings and the recommendations. Have you had an opportunity to read the instructions (Exhibit M-57)?

A. Yes, sir.

Q. Do you understand them or have any questions concerning them?

A. I understand them and I have no questions, sir.

Q. Mr. HONDA, would you indicate what your duty assignment was within the Americal Division, any reassignments you may have had and the approximate time, and also when your services were terminated in South Vietnam?

A. I went there with the brigade, sir. I left there 24 November, I think, and rotated back to Hawaii. While I was there, I was selected as the pilot for General LIPSCOMB and subsequently Colonel HENDERSON. I did fly Charlie-Charlie most of the time. That's command control. We also had OH-23's. We reconned the area around the perimeter and went on missions further in, for searching to find anything that we could report back to S2. In essence that was my job.

Q. Yes. Well, I'm happy to hear about your being pilot for General LIPSCOMB and Colonel HENDERSON. Did you rotate with Mr. COONEY?

A. No, sir. Mr. COONEY left before I did, I think. For a while when our aircraft couldn't come up the 174th took over the job.

Q. Yes.

A. I'd have to go over with one of the pilots and I forget how it came up that the 174th took over the aircraft as command and control.

Q. Yes.

A. I believe after the incident where Colonel HENDERSON was injured Mr. COONEY came back to brigade aviation section.

Q. Well, we understand that you at one time had two aircraft, one was sort of an "old dog" that you would not use for a command and control ship. So that left you only one. If that one was down, you'd have to rely upon the 174th for the C&C.

A. Yes, sir.

Q. With respect to the day of the 16th, were you flying that day, by chance?

A. Sir, I was flying. I don't know if I was flying Charlie-Charlie, a slick. I do know I flew two aircraft, the OH-23 and the Huey. Like you mentioned, sir, I didn't know if it was the "dog" we had that we put into the mission or if it did go on the slick mission, or if we had the other aircraft up, I cannot recall.

Q. Well, I'm sure you would recall this if I'd just review some of the things that the C&C ship did that day, which I think can fairly well pin down whether or not you were flying with Mr. COONEY, who was piloting the aircraft, that day.

A. Normally I did not fly with Mr. COONEY because Mr. COONEY was the 174th pilot for the brigade commander when he took the aircraft.

Q. So you wouldn't go from the flight detachment over to the 174th? They then would provide both the pilot and the copilot, right?

A. Right, sir. I don't know how it came about. Mr. COONEY got the assignment and for a while the 174th had the command and control ship.

Q. Well, just let me walk through this very briefly. I think there are a couple of instances. If these come to mind, then you may have been on it. If they don't, I would say that you probably were not aboard. Looking at this map of the operation (indicating Exhibit MAP-4), you are familiar with the area called Pinkville?

A. Yes, sir.

Q. This is of course a blowup of it. The operation was scheduled with C/1/20 going into My Lai (4), to the west of it, move through My Lai (4), come up to this area, and laager that night. B/4/3 went in south of My Lai (1), combat assaulted here, then moved north, and Charlie and Bravo joined here. Now, a couple of the incidents; one, the C&C ship was supposed to arrive in here just about the time that the artillery prep was going on to the west of the village. Then there were two combat assaults, two lifts into the west of the village. Shortly after the units were on the ground, at about 8 to 8:15 in the morning, just to the north of the village, up in here, the gunships had killed a couple of VC who were lying out in the rice paddy with weapons. The gunship departed, and Colonel HENDERSON in his Charlie-Charlie, at a comparatively low level, circled the area. They put smoke down to mark the location of these individuals. They had troops move out from the village, actually a platoon, to pick up the weapons. They did this. Then after flying around down here and seeing large numbers of people moving down the road, two of them right about this point here broke--three of them actually in the beginning--took off and ran away from the people. One of the H-23's that was there, using its guns, separated these two from the crowds of people and pinned them down in the field. The Charlie-Charlie landed somewhere down in here and picked up the two individuals, flew around for a little while with the two individuals in the ship, observed the combat assault over in this area, and then flew back to LZ Dottie. You recall that?

A. No, sir.

Q. I think, basically this one point, if you had been aboard, either as the pilot or the copilot, you would have probably remembered picking up these two people in the C&C ship.

A. We do it quite often, sir. Picking up people, and this is why I don't recall this particular incident. Sir, may I ask a question? Was this the action Captain TRINKLE was wounded in?

Q. No. Captain TRINKLE was wounded in the operation that preceded this by about 3 weeks. The operation

that he was wounded in took place on 23 February, generally in this same area. This one followed on 16 March. Before I go on, I just want to put down a couple of points. You said you arrived with the 11th Brigade, this is you deployed with them in December 1967? You then DEROS'd in November 1968, and you remained in the flight detachment all during that year?

A. Yes, sir.

Q. This so called My Lai incident of 16 March 1968 became a matter of public knowledge in the latter part of September or early part of October of last year, which is to say 4 to 5 months ago. Since that time have you had any discussions with anybody from the division or from the brigade concerning the incident, the reporting to the incident, or the investigation of the incident?

A. No, sir. I did get one telephone call after the initial news release was out on Lee RIDENHOUR blowing the whistle. The incident came out in the papers. I got one telephone call that night from a reporter in CONUS. Nothing was said and I gave him no information.

Q. We had Mr. RIDENHOUR in here a few days ago and he told us about a flight in which he was with you as a door-gunner, and it's for this reason that we have asked you to come on in. The essence of this story had to do with one; a woman that was spread eagled along side the road to the east of My Lai (4); secondly, an action that took place north of the Diem Diem River in which you had located an individual lying in the grass, and a third incident concerning your return trip where you had located some military-age males out in the open and the action that ensued there. You recall this incident I'm talking about?

A. Yes, sir, all three. He wasn't lying in the grass; he was lying in a ditch.

Q. Well let's start off first with, do you remember the day you were flying that?

A. I don't remember, sir. I flew every day of the 16th, 17th, 18th, 19th, 20th, all the way through in different

aircraft. Apparently this was in an OH-23G. We used the 23's with a doorgunner on each side.

Q. Yes.

A. Apparently we were called up to support the ground troops and their movements.

Q. Does your record indicate what time of day you were flying?

A. No, sir.

Q. Well, first using this map (Exhibit MAP-4)--I would also like to give you a photo (Exhibit P-1) of what is referred to as My Lai (4). If I may I will just try to orient you on this so that you will be familiar with it. Here shown on the map is My Lai (4), now to tie this in with the aerial photo you can see the shape of the hamlet.

A. Yes, sir.

Q. You can see the road leading out from it to the south. You can also see the irrigation ditch which runs along the side of it. You will notice it looks like a road; it actually is not a road. It may be an old road, an old irrigation ditch, that shows up very plainly. You can also see this road over here leading out to the south. This is Highway 521, which is this main road. Here's Hill 85 of which you can see the northern extremities of it here. This is the old river bed which you can see meandering around. This map is a scale of about 1/2 inch equals 80 meters, so this village is roughly 400 to 480 meters across. Now using this map, any way you'd like to describe it, would you please indicate about where you first located this woman and anything about that particular situation?

A. I'm not real certain, sir. I think it was between objective one and objective two that we noted the woman sprawled. As we came over, he said that she was cut open with the brigade patch on her, shoulder patch on her.

Q. Was it on her or--

A. (Interposing) I actually didn't see it, sir. He called my attention to it but we were flying low level at the time, like we normally do with the 23's, and one of the gunners spotted her, and I couldn't divert my attention right then and there. I remember the incident happening. I didn't see the incident. She was already dead.

Q. Did you hover over her or anything?

A. Just one little turn back and kept going, sir.

Q. Well, Mr. RIDENHOUR seemed to think this took place over in this general area, here to the east of the village and just north of Hill 85, in about here.

A. I cannot pinpoint it sir. All I know is there was a road leading north and south and one running east and west. The same thing with the military-age males. I couldn't pinpoint that to you either right now, but they were military-age males. They all ran into a particular house.

Q. A house or a hootch?

A. The sides were built pretty strong. The roof was caved in and everything else, but they could get refuge in there. I think one or two of them went into a bunker next to the house.

Q. Now that was on your return trip?

A. That was on the return trip. Yes, sir. And actually going out to the support mission, we saw this one male lying in the ditch.

Q. What were you doing at the time?

A. We were covering the movement of the ground forces. They wanted us ahead of them to scan for them.

Q. Where were they going, do you remember?

A. In this particular incident I thought they were going back towards Uptight.

Q. Yes, that's what we understand.

A. And we spotted them.

Q. Before we get too far ahead, were these troops north of the river when you saw them, north of the Diem Diem River?

A. Yes, sir. Because they had crossed the river and come through this one village that was in this area here. I think it was on the northern side of this village here, when we spotted this one particular man.

Q. And you were actually reconning for the outfit to pick up any possible ambushes or anything?

A. Yes, sir.

Q. How close to the trail was this individual?

A. From the actual trail they were using, I'd say from 75 to 100 yards.

Q. Was it east or west of the trail?

A. I believe it was on the west. Yes, sir.

Q. Well, now go ahead and describe the action you took on it, and what you saw.

A. Okay. He was male; he was in the ditch. We didn't know if he was wounded, hurt, or anything, but he was lying in the ditch. He wasn't dead, because he did move. We flew and circled him and dropped a tear gas grenade almost on him, right next to him. This is the way we knew he was really alive, because he moved his head. I think it was from left to right away from the tear gas. But he didn't crawl away. When we spotted him we also spotted two other people hit the trench line.

Q. A trench line?

A. Well, these were hedgerows, sir.

Q. Hedgerows, yes.

A. And this was the only one that we could pinpoint. The other ones disappeared into some holes there. We stayed over him, hovered over him and called back and asked the ground troops to investigate and check this person. He didn't run, he didn't balk, or anything else. He just lay there. We asked for assistance and they finally sent someone up there. Anyhow the first trooper that got up to him finally found him, shot him, and bayoneted him.

Q. Did the individual make any effort to evade at that time?

A. No, sir.

Q. And how close were you Mr. HONDA? Were you hovering at the time?

A. Just about, sir, we were making tight circles right around him, so that the ground soldier could find him.

Q. Was there just one soldier out there?

A. It was just the first one that got there.

Q. The point man then?

A. In this case, yes, sir. It would have been the point man.

Q. You think that he purposely shot him?

A. I don't know why, sir. After that happened I did tell Captain MICHLES that I didn't think it was kosher. We were sticking our necks out hovering over the man for about 20 minutes in tight circles, sticking our necks out to be shot down. I was under the impression that possibly, if he was VC, he could be of assistance. This is why we stayed there. There weren't too many males for you to a--

Q. (Interposing) We understand from listening to Mr. RIDENHOUR that your conversation with whomever you were talking to was a pretty heated conversation. That you were pretty worked-up over this thing?

A. I was, sir.

Q. Was it Captain MICHLES you were talking to, or was it somebody else?

A. I'm almost sure it was Captain MICHLES.

Q. Could it have been Captain RIGGS?

A. I don't believe so. I don't know Captain RIGGS that close. I did know Captain MICHLES. It sounded like his voice. It could have been someone else but I thought it was Captain MICHLES. During this incident I told him that he would never get another prisoner from me, and the answer came back on the radio, "Sorry about that".

Q. Was there any attempt to say that the individual had had a grenade on him or anything of that nature?

A. Yes, sir.

Q. The company commander and the lead platoon leader?

A. Yes, sir, there was conversation on the radio later on that implied that he did have weapons or grenades or something on him.

Q. Can you fix this as far as the date is concerned, that this action took place?

A. No, sir. The only thing that would help me is perhaps the flight plan, sir.

Q. Yes. Well, it is like so many other things, flight plans are temporary records and they are destroyed after a given period of time.

A. I flew the 23 on the 16th, the 17th, the 18th, the 19th, the 20th. It just keeps on, sir. Sometimes, like the 16th, I flew both the Huey and the 23. Exactly where we went I can't say, sir, from my records.

Q. From what you've indicated these troops had been moving up from the river through the village and were heading back toward Uptight in the area about where you've indicated, is that it?

A. That is it, sir.

Q. Would you cite the coordinates of that as being approximately 725810 or 820 or along in there?

A. First of all, sir, I don't know if this is the village. It could have been some other village up north. All I know it was in the northwest corner of the village. I think this is the village. If this is the village it would be 723-814.

Q. Just north of the village then?

A. Yes, sir.

Q. The troops were moving up on that trail back toward Uptight?

A. Yes, sir. I know they had to cross the river, because we took them across the river and picked them up from there and kept moving with them towards the north.

Q. Yes. Did they have any trouble crossing the Diem Diem at that location?

A. Not to my knowledge, sir.

Q. Was it low level, did they wade it, or was there a bridge there?

A. If I remember correctly, there was a foot bridge. There was a part of a large bridge and then a foot bridge to get across the water.

Q. Did you notice whether or not they were carrying mortars or anything with them?

A. No I do not. They were just strung out. We had them on both sides.

Q. Yes. You were in front of them?

A. Covering both the front and left, both sides.

Q. What made you think it was Captain MICHLES?

A. Well, I knew him, sir, back in Hawaii before we deployed. It sounded like his voice. There was no names either way, and I don't even know if we used call signs that particular day. If I called 6 or if I called someone else-- I had been with Captain MICHLES previously.

Q. You just assumed that it was Captain MICHLES?

A. I just assumed it was by the sound of his voice.

Q. Had you talked to him on the radio before?

A. Yes, sir.

Q. Had you ever talked to Captain TRINKLE or Captain RIGGS or Captain MEDINA?

A. If I did, I wouldn't know it, sir. We used call signs and all that was said was 6 Alpha or anything else. No names were given and I couldn't recognize anyone else's voice. Lets put it that way. I didn't know them well enough.

Q. Well, the call sign they were using at that time was Coyote. In the case of Captain MICHLES, he would have been Coyote Bravo 6. You remember using any of these? Alpha would be Coyote Alpha 6.

A. I think up at that point we were just using Bravo 6 and Alpha 6 or what ever number it was.

Q. You worked with it off an SOI?

A. Supposedly, we didn't have an SOI. Normally we got our briefing and we just wrote down the people that we were supporting, their call sign. We didn't take SOI's with us in the 23.

Q. I can understand that. You just took along that part which was necessary for your operation, as a security measure?

A. Yes, sir.

Q. Now, would you describe the operation with the one individual that you caught out in the field who jumped up and down, waved, and finally took off his shirt and everything else and stood there? Then there in that same locale you picked up 10 or so other military-age males?

A. I'm confused a little bit. I don't recall right now the one individual jumping up and waving his shirt. I do recall the one in the ditch. I do recall one of my gunners calling my attention to the fact that there was a woman spreadeagled and cut open and that there was a brigade patch on her. On the way coming back I think there were about five or seven young males, if this is the particular incident.

Q. Well, you describe this incident? What happened?

A. We were on the way back and flew over this particular area and they just balked. They just ran. Being at low level, we could spot that they were males and they were of military age. We circled back and tried to stop them. They wouldn't stop; they kept going into the house and into the bunker. Now, how do we try to stop them? We try to fire in front of them with machineguns, to cut them off between the house where they want to go, put fire in front of them to stop them. But we can't stay there and hover. At least I didn't do it with my people because this is the way you get shot down, by hovering. We made the pass, and as we were coming around, they just kept running. I don't think they hit anyone. They could have, but they went into the tunnels there and that was it.

Q. According to Mr. RIDENHOUR, after you had gone up from this area and gone up to the area north of the Diem Diem River up in this area, you came back, flying through here. This action took place generally out in this area, to the east of the village.

A. Sir, I can't even tell you if this is a village.

Q. All right. But you do recall the incident?

A. Yes, sir.

Q. I don't have his exact words, but I think I can almost state precisely what Mr. RIDENHOUR said. When they were talking about the one man and also talking about these other men, as far as taking any action was concerned against the one individual in particular you said, "No, let's not take him under fire. These people here have already suffered enough." You remember making a statement like that?

A. One individual? No I don't, sir.

Q. Well, you're an old hand at this flying business. Now you remember anything else that happened on this trip which is germane to what we're looking into?

A. No, sir. The only other one would be going back up to the hill where Mr. LACKEY and Mr. LEVY received .50 caliber fire and mortar fire. Mr. LACKEY and Mr. LEVY were pilots too, sir. They were flying 23's also. I think we did go back and try to shoot up some of the mortar rounds and the ammo that was there.

Q. Could that have been on Hill 85, to the south of there?

A. Yes, sir. It looked like an old implacement, a fortress, or something like that.

Q. Well, this is the site that, if you will remember during this operation that took place on the 16th, the aer scout had gone into the top of Hill 85 and had picked up a total of 40 mortar rounds. The H-23 located it and after due course of time the ground element was inserted, and they were the ones that moved them out.

A. That's the incident, sir.

Q. We are led to believe that one of the reasons that you didn't spend too much time in this last exercise is the fact that you were getting low on fuel?

A. Yes, sir. That is the reason why we were coming back initially. To go back and refuel.

Q. Yes. Did you come up again later in the day, do you recall?

A. No, I don't recall, sir. If we did, it was just to help move this element further back, closer to Uptight.

Q. Well, do you remember them closing into Uptight, then?

A. I don't even recall if it was the same day, sir. We've had to escort so many troops back into Uptight that I can't recall if this was the same day or not.

MR WALSH: How much Huey time did you fly on the 16th according to your records, Mr. HONDA?

A. Four and three-tenths hours, sir.

Q. And how much 23 time?

A. About 2 hours, sir.

Q. That was a pretty full day of flying then, wasn't it?

A. Yes, sir. This is what makes it hard to recall what's happening. You go from one role to another role. It could be that part of the morning could have been the "dog" slick for the insertion, back up with Charlie-Charlie and back down for recon.

Q. During this period Major SMITH was absent from brigade aviation?

A. I don't recall, sir.

Q. He indicated to us that he was. Who was running the brigade aviation detachment while Major SMITH was gone?

A. If Major SMITH was gone, it was Lieutenant HOLLIS.

Q. What was your function, other than pilot, in the aviation detachment? Did you have any additional responsibility?

A. Operations, sir.

Q. What kind of written reports were required to be forwarded to division aviation officer from your aviation section?

A. We had an after mission report. Anything that was of any significance, we'd call it down to the brigade S2. Major SMITH was right there, and he normally, if we had anything significant or special, would pass it on.

Q. Being the operations officer, then, the primary responsibility for sending in written reports would be your responsibility I assume?

A. The pilot's, sir.

Q. Pardon me?

A. The pilot's, sir. They come in and write up an after mission report, if there was something of significance, and I'd make sure that we called it in to S2.

Q. You called them in?

A. We called them in, sir.

Q. You called them in? You didn't send anything in in writing, either to division or down to brigade?

A. No, sir.

Q. Did you maintain any of these after mission reports in a file there in your operations section?

A. There should have been, sir.

Q. Did you?

A. Yes, sir.

Q. Was it a standard form, or what kind of a form was it?

A. It's a standard form that had date of mission, type of aircraft, pilots, times, et cetera, broken down. Half of it was the S2 report. The mission was in the top half.

Q. Was this OPREP 5?

A. No, sir. The OPREP 5 was too big. This was just one that we had mimeographed.

Q. Mimeographed and locally developed?

A. Yes, sir. The mission was the first half and what ever we found intelligence-wise in the second half.

Q. Do you know Mr. COONEY very well?

A. I knew him, but not very well, sir. He belonged to the 174th.

Q. Yes, but his being the C&C pilot when you weren't, did you kind of keep track that the 174th was doing a pretty good job as C&C for your brigade commander. Was there any type of relationship between you and COONEY?

A. No, sir.

Q. Do you know who flew with Mr. COONEY?

A. No, I don't.

Q. You didn't know his crew?

A. No, sir. If I remember correctly I don't think any particular person flew with Mr. COONEY. I mean Mr. COONEY was the one that would have to be on the aircraft with the commander.

Q. Yes. But I'm talking more of the enlisted crew. I'm sure that once you had the ship straightened up for the brigade commander, you just didn't switch ships all the time or that the 174th would either?

A. Offhand I can't recall the crew chief's name.

Q. Can you see them, in your mind, can you recognize them? If I were to show you a roster of names--

A. (Interposing) I might be able to pick out his name.

Q. I'd like very much to do that after the general's through here, to see if you can identify these crew members. Did you know who usually rode with the brigade commander when he went out flying?

A. No, sir.

Q. The 16th was the day after Colonel HENDERSON took over from General LIPSCOMB. On the 15th General LIPSCOMB departed. The change of command ceremony was in the morning. The 16th was the first full day of command for Colonel HENDERSON as the brigade commander.

A. It's been sso long it's hard for me to recall.

Q. You remember the change of command and seeing General LIPSCOMB off?

A. No, I don't.

MR MACCRATE: You remember ADCOCK becoming the RTO for the C&C ship?

A. No, sir.

Q. You remember an ADCOCK who used to drive for Colonel HENDERSON, at one time?

LTC PATTERSON: He was an E-5.

IO: About 5-10.

MR WALSH: Rather sharp looking.

LTC PATTERSON: A hard striper.

MR MACCRATE: To bring back this time frame we understand that when Colonel HENDERSON took over the command that ADCOCK was then moved in as his RTO and flew on the Charlie-Charlie.

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A. Right, sir. Okay, I recall the instance. If this is ADCOCK, the RTO did go with the aircraft for I don't know how long, initially, for a while. I think he was phased out slowly. It wasn't necessary to have him in there.

Q. Did you fly Charlie-Charlie during the time that he was the RTO?

A. If this is ADCOCK, yes, I did. We did have an RTO with a radio in there.

Q. Would you remember his introduction into the job, his starting to do it?

A. An insinuation in the sense that he was going to make sure that "the old man" didn't get hurt, or something of this nature.

Q. Well, you think pretty early in the game of his being on the command and control ship you were flying for Colonel HENDERSON?

A. If I remember correctly, this was after Colonel HENDERSON got hurt that ADCOCK came on board.

Q. That would not fit in with our information as we have gathered it to this time. We understand that Colonel HENDERSON was shot in the leg around 23 March. Does that fit into place? He apparently was wounded and went around a few days without any special attention to it. Then after a while, he had his foot put into a cast.

A. Sir, excuse me, ADCOCK is not the one I recall. It's the brigade commander after Colonel HENDERSON who had an RTO go with him. I don't recall an RTO going with Colonel HENDERSON. Colonel HENDERSON only had his artillery advisor with him in the back.

Q. Colonel LUPER?

A. Colonel LUPER did go some times, but someone else. I can't recall offhand, but it normally was the artillery commander.

IO: But who ran the console in the C&C ship?

A. Colonel HENDERSON did, himself.

Q. He could hardly run the console as I understand the seating arrangements. With this being the aircraft and with a seat here and your bench across here and your console sitting in the middle and somebody else sitting here and a couple more seats on the side so that you had generally five people sitting across here with somebody seated here and somebody seated here. Isn't that the general makeup of your C&C ship?

A. We have the one big console in the front and center, sir. Normally what they used were the Fox Mike radios. All they had to do was turn a switch.

Q. Well, it's not quite that simple on a console, just turn a switch. You've got to get them tuned in and so on.

A. Who else was in there was S2 and S1, and we turned the console on in the--

Q. (Interposing) Yes, you had to warm up the console. I know how this all happens. You've got a little switch down here where you flip it on and you wait about 5 seconds for your communication warm up. Still you get a console in here and somebody sitting over in this door or someplace and you can't go willy-nilly with just anybody running the console. You must have somebody fly with you on a regular basis to run the console. A general officer normally lets his aide run it, but a brigade commander has no aide. General LIPSCOMB, now probably did use his aide to run the console.

A. Yes, sir, he did. I can't recall it was staff or--

MR WALSH: (Interposing) Having flown Colonel HENDERSON a little bit in the C&C, you must have given some consideration as to how many people you'd carry in that ship, in order to determine the amount of fuel you'd take on board?

A. Yes, sir.

Q. How many people did you carry?

A. Normally we had five. If we had to, we could squeeze in seven depending upon where we were taking off from, since there was danger.

Q. Who was the usual five?

A. I know the last colonel had his staff with him, but I'm not sure who Colonel HENDERSON had with him, now. I don't know if it was staff or not.

IO: Well, think back to Colonel HENDERSON, now, just take a few of the people that would normally go with him as the brigade commander. You remember his command sergeant major, WALSH?

A. He did go with him. Yes, sir.

Q. And he'd probably have either the artillery commander or the senior representative from the artillery, wouldn't he?

A. And once in a while when we had the air strikes, we'd have the air liaison officer.

Q. MACLACHLAN?

A. MACLACHLAN, and there was another major I think.

Q. Yes.

A. I can't remember his name offhand.

IO: (speaking to the recorder) Do we have a picture of ADCOCK here?

RCDR: Yes, sir, I will have to call for one.

MR MACCRATE: Remember the S3 of the brigade at this time?

A. I can't recall his name. If I saw it, I could probably pick it out, sir.

Q. Major MCKNIGHT?

A. Major MCKNIGHT, yes, sir. He went up quite often. The staff went up quite often.

Q. Colonel BLACKLEDGE?

A. BLACKLEDGE went up later, I believe, sir, with the colonel that took over the brigade from Colonel HENDERSON. BLACKLEDGE went up a little more often then. BLACKLEDGE, S2?

Q. S2, that's right. Colonel TREADWELL took over from Colonel HENDERSON did he not, or was it Colonel DONALDSON?

A. DONALDSON.

Q. Colonel DONALDSON, yes.

A. Yes, that's right.

Q. And you had left before Colonel TREADWELL came in?

IO: Look at your log there, what did you fly on the 16th? As I remember you were flying H-23 and you also flew a Huey.

A. Yes, sir. I've got a total of four and three-tenths hours in a Huey on the 16th, plus 2 hours in a 23.

Q. All right. When you were flying that Huey do you remember picking up a wounded individual, somebody that had been shot in the foot, a colored soldier, to the south side of the village here, somewhere along in here, and evacuating him back to Chu Lai?

A. I don't recall, sir. I don't remember.

Q. Do you recall picking up some people from in about this area and flying them over to Bravo Company in about this area, or to pick up Captain KOTOUC and fly him down? You remember doing this, flying him over there?

A. I don't know if this is the day, but I remember taking someone into these areas in here. I don't know what he was doing unless it was just to pick him up and take him in there. The only reason I know of it is because it was in the Pinkville area. That's why I can recall it. I had to take him in. Whoever it was I was supposed to contact couldn't make it because he had to cross the river. So I had to wait a little while. Then later on I brought him back. I had to pick him up on the sand side of the beach.

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Q. That's what I wanted to know. Before doing this do you recall picking up the S2 of Task Force Barker, Captain KOTOUC?

A. I don't know if it was KOTOUC, sir, but it was someone that I did pick up.

Q. Do you recall having then go down to Quang Ngai, fly to Quang Ngai, and from Quang Ngai City, landing at Son Tinh, and picking up some National Policemen and some ARVN soldiers?

A. What I remember, I landed in the 23, I believe. I know I did make a landing there. I don't know when and why. I don't even know what kind of helicopter I had, sir.

Q. Well, probably if you were going to pick up people you wouldn't be flying around in the H-23, to move people around?

A. Right, sir.

Q. So I think it would be logical to assume that you were probably flying, at that time, in your Huey. We do know somebody picked up these people at Son Tinh and whether they came back to Dottie or not I'm not sure. But the indication is that they flew from Dottie, picked up these people at Son Tinh and then dropped them off here (indicating point on map). Subsequently they picked up, again, Captain KOTOUC and his interpreter and another interpreter and the same policemen and flew them over to some place on the sand spit here. They just dropped off those people and flew Captain KOTOUC and his interpreter back to LZ Dottie.

(No response.)

MR WALSH: What do your records show with respect to what kind of aircraft you were flying on the 17th?

A. On the 17th, sir, let's see OH-23 for one and three-tenths hours and the UH-1B for 2 hours.

Q. Now would that be the C&C ship? Or can you recall?

A. No, sir.

Q. There is some indication that on the 17th the executive officer of B Company, Captain MICHLES' company, together with a second lieutenant replacement, first reported in to Colonel BARKER at LZ Dottie and then were taken, the executive officer believes, in the C&C ship, out to join Captain MICHLES just across the bridge, where you indicated having to wait while they crossed the bridge, which is also consistent with what we have. Do you know if you were dropping off at least two officers, the executive officer plus a second lieutenant who had just reported into the company in the morning of that day?

A. I do not. No, sir.

Q. Do you remember taking a photographer out to join Captain MICHLES at any time?

A. No.

Q. Well, what can you recall with respect to the troops crossing the bridge and having to wait until they got across it? Was it that bridge that we have indicated on the map as being just to the southeast of Pinkville?

A. I don't know if it was a bridge. I thought he was going across by boat or something, sir. It was my understanding that he was trying to get to the rendezvous point, and he couldn't be there immediately.

Q. And you were waiting in the air, were you?

A. I was waiting for smoke from the ground, sir. I knew where to come in, sir.

Q. Oh, I see. Do you recall sitting down on the beach or very near it?

A. I recall going on this side (indicating inland side) to drop somebody off, going back and waiting on Uptight until I got a call to come back and pick up a person. It would be on this side (indicating the seaward side) of the beach. The other side of the area, where I dropped off.

Q. And you don't recall who the individual was?

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A. No, sir.

Q. Was it more than one, do you recall?

A. I think it was one.

Q. You think it was one.

A. I'm sorry, sir, there was so many missions.

Q. Do you ever recall working down that spit of land toward the south with a 23? With Captain MICHLES' company?

A. No, sir.

IO: I show you a picture of Mr. ADCOCK, then Specialist ADCOCK, and granted he's grown quite a bit more hair than he had at that time, but if you blocked in the face you might recall this individual?

A. No light, sir, I can't remember him.

LTC PATTERSON: I'd like to just try to help you recall, Mr. HONDA, if you flew for this mission this morning, maybe giving you a couple more things that might stand out, from the technical sense, as an aviator. It was a pretty good size lift, nine slicks. I'm assuming that you didn't fly in it, but in a slick support of a lift, at brigade level?

A. We did on several occasions, sir.

Q. Well we have reason to believe that there were nine slicks involved in vee's of three initially coming out of Dottie and landing north of the LZ the general indicated. Two lifts into that LZ. Then a second LZ. And there was an incident that happened at the second LZ which was a little unusual. The artillery didn't get shut-off in time and the slicks had to make a go around. From a pilots point of view it would have been a kind of gaggle, loaded and pulling off from a short final, getting turned around. However they did get turned around, and they did put two lifts into that second LZ. The second LZ was a pretty dry area here to the southwest, we believe, of Pinkville. Your turn out from your go around would have put you generally over the southern edge of Pinkville, loaded at a relatively low altitude, and you would be trying to gain air speed and altitude in a hurry. Some people feel, that were aboard that day, that at that altitude the ships

were proceeding south generally over the coast line of the China Sea, southward, and had to turn back around to get inbound. Dolphin Lead.

A. Right, Dolphin, the 174th probably had the lead aircraft.

Q. You recall flying in this formation, doing all these things?

A. Sir, there was another time that we had to make another go around. To me, it was up in this area here (indicating area on map to the north). We took in slicks. Well we joined the Dolphins. If someone could just say, "Well, you were doing this, you were flying this aircraft," then I could go back and try to reconstruct things. I can't ever place myself, in UH-1B flights that had been going up to Chu Lai and back.

Q. I understand. But if you were flying in support of them then the chances of your participating in other events that the general has mentioned would have been more likely in as much as you would have been in the area and operating in the area? The dustoff requirement which we spoke of earlier and the pick up of these other folks. Hill 85 should have been some concern from a technical sense also? It would have required a doglegged final as far as landing west of My Lai. Or at least some concern in flying so close to that hill inbound into My Lai.

A. Well, I don't believe I can recall going in like that, sir.

Q. You can't recall.

Mr. HONDA, I'd like to show you a photograph Exhibit P-11, which is a photograph showing a medical evacuation. Is there any way that you can help us identify that aircraft, or its unit of assignment, or any members of the crew?

A. No, sir. If we had the front of the aircraft, it would have been Primo head, if it was our aircraft. A Primo decal.

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Q. Or if it were a 174th aircraft it would have had some other insigna on it?

A. It would've had Dolphins, crossed Dolphins.

Q. Or most other units had their own identification?

A. Yes, sir.

Q. Exhibit P-12 is taken of the same scene a little bit later on. Will you help us identify any member of the crew or the aircraft unit of assignment?

A. Again, no, sir.

Q. You see the patch on the crew chief's shoulder?

A. I see the patch, but I can't make it out, sir.

Q. Was it a usual custom for aircraft who were working for the 11th Brigade, to carry their small doors as well as their big doors?

A. Yes it was, sir. I think it was. Both the 174th and the 11th Brigade.

Q. How about other units in the 14th Aviation Battalion?

A. I don't recall, sir, I don't know.

Q. The 71st?

A. I a--

Q. (Interposing) Did you know Mr. RIGGS?

A. Yes, he asked about doors one time, because his crew chief was ragging about someone stole his doors. That is why I say they had the doors. And we had to close the doors when we were shuttling in supplies and things of this nature. I know we had to close the doors if we had any type of mail and the little doors had to be on in order to close the doors.

IO: I'd like to come back again Mr. HONDA, to this time when you picked up some people or you flew some people into the area of Pinkville. You remember, can you possibly remember what time of day that was? Was it noon time, early in the morning, or very late in the afternoon?

(HONDA)

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A. The one time I took them in I'm quite sure I was in a 23 because I sat on top. I did not lead, because I sat there and waited for them to call me so I could go and pick them up.

Q. How many people were you moving?

A. This was just one person.

Q. Well, I'm talking about the 16th when you'd thought you'd flown some people in to one spot and subsequently moved in and picked up a group and flew them over to the beach area. You remember landing right on the beach one time where they had a group of people to be interrogated? Just about where you see what's called My Khe (4) there.

A. I think I went into this area here, and the pick up was on this side. Because the circumstances surrounding it as to why and whom, it was just another mission.

Q. Now as I indicated before, you had been in this aviation business a long time, and you fellows live sort of close together. Did you hear of a report which one of the aviators was supposed to have made concerning some unnecessary killing on the 16th, unnecessary killing of civilians or non-combatants?

A. No, sir, I did not.

Q. You never heard of any rumors at all, any statements or casual conversation, anything of this nature that a warrant officer had reported through his chain of command about some unnecessary killing in the My Lai (4) area, or My Lai or Pinkville area on the 16th? Did you ever hear of a very close confrontation that took place between some aviation personnel and some ground personnel which became quite heated to the extent that the individual concerned had in fact trained the guns of the helicopter on the U.S. ground troops, and had also notified his gunships that if there was any firing down there against him to take the people under fire?

A. No, sir, I did not. If this was within our brigade aviation section I'm quite sure I would have heard it. But if it was the 174th, even though we were located physically there, there was very little cross dealings.

Q. Well, this actually was a pilot out of the 123d at Chu Lai. But still you pilots are always fairly close to one another even though you belong to different units. Working together sometimes or joining each on the same kind of mission such as this day. The lift, for example, had aircraft from at least two and perhaps three units. Did you hear anything, coming back to the inference that RIDENHOUR had that you knew that something unusual took place there, but you knew that these people had suffered considerably and let's not add to it. Did you ever have any rumors or anything which caused you to suspect that something unusual had happened in this area by Task Force Barker?

A. No, sir. I was probably low on fuel. I just wanted to get out before we couldn't make it back. Nothing would indicate for me to make a comment like that, except for that one individual that was lying on the side in that ditch.

LTC PATTERSON: Mr. RIDENHOUR was your gunner?

A. He was one of my doorgunners, yes, sir.

Q. He never mentioned anything to you about it?

A. Negative, sir. It was a complete shock to me.

IO: What was a complete shock to you?

A. The My Lai case.

Q. Yes, when it first came to light.

A. When it came out in the papers, sir, seeing his name in there and his picture.

Q. When you finished an operation such as this one, did you file an after action report or did you report to the head of your flight detachment on what you had done and what you had observed?

A. Yes, sir, it was something out of the ordinary. If it's any kills or any time we're fired upon or every time we pick up weapons or things of this nature there is a report going in.

Q. Well what about this one incident where you had pinned this one individual down and this man came over and shot him?

A. No, sir, I did not file any report. The ground troops would've done it.

Q. Well, you knew, of course, that this was in violation of the rules of land warfare?

A. I don't know why he shot him. I don't know if he had a weapon under him or if he had a grenade or anything, sir. The commander was aware, he was on the ground. He was right there with them.

Q. But you were pretty incensed on this particular thing from what I can gather, from what you said, and from what Mr. RIDENHOUR had to say? You weren't at all happy about this?

A. I wasn't sir, because we had stuck our necks out for 30 minutes--20 to 30 minutes, and then something like this happens. What I thought may have been of value is gone. Besides I've got two doorgunners with me and another ship flying chase to me that looked like we were doing something that could've been well utilized if he were VC. I'm asking the rest of the crew to hang out their necks with me until we get troops up there, and when it did happen, it hit me the wrong way.

Q. Well, I understand that, I think that is damn commendable if you don't mind my saying so. But what I don't understand is if you felt that way, why you didn't talk to Major SMITH about it? I think it was Major SMITH who was your flight detachment commander wasn't he?

A. Yes, sir.

Q. Did you mention this to Major SMITH, the fact that you weren't so damn happy about this busting your tail up there for 30 minutes and then finally these guys come up and exterminate this individual?

A. Not for the record, no, sir. I may have over a beer or two later on some other day but not on that particular day, not after that mission.

Q. Well, just to help us for the future, because we're quite obviously in the course of this investigation, we're running into various things, this is one element of it and that has to do with reporting. We are not only responsible for reporting the good aspects, we're also responsible for reporting those things that are out of order, that we see, for the command to investigate. Would it be your feeling that these should be included in instructions so that you know specifically what to report?

A. Well, I just thought there was a captain on the ground that supposedly knew what he was doing. I think we had one incident previously when Lieutenant HOLLARD was trying to direct the ground troops into capturing a couple of VC or suspected VC. There were words sent back and forth. "Don't tell me how to run my troops! You're in the air! You fly and I'll work my troops," or something of this nature. I just never tried to interfere with the ground commander, under the contention that I thought maybe if I said something it probably wouldn't have done any good. It was bad enough as it was.

IO: Well we appreciated very much having you in this morning, Mr. HONDA. I do want you to think primarily about this flight that you made in the morning. We understand that not only was this body spreadeagled, but we also understand that the patch of the brigade was not just displayed on the body but more or less shoved up into the crotch of the body.

A. If it was, I did not know about it. I did not see the patch. I was told there was a brigade patch.

Q. Well, with respect to that incident, with respect to the company or the unit on the trail to the north and with respect to seeing these people on the ground after that, I wish you'd think about that somewhat. This may have been completely out of your mind, but now that it has been recalled to your attention, if you can remember any more details we would like very much to have them. In addition, if you know of any documents, photos, aerial photos, or anything which would be of assistance to us we'd like very much to have those. There is one thing that I'd like to ask you which I had not done before. That is when you were flying over this area, out in here, which you must have done from time to time, did you see a lot of fresh digging and graves and so forth out in that area?

A. No, sir. Another thing that amazes me is the fact the account in the paper said there were hundreds of people, people piled up, and I didn't see any of that. I didn't see any bodies lying all over the place except for that one that they pointed out. I didn't see any mass piles of bodies. I didn't notice it here. I noted fresh diggings at other places at other times but not at Pinkville.

Q. We are somewhat curious at why this body happened to be where it was, because it certainly was not in the area of the operation. It could have been purposely put there, along with the location of the patch on the body.

A. It wasn't my immediate thought that anyone, referring to the troops, had done this. I thought it was VC propaganda, was the first thing that came to my mind, when the boys told me about it.

Q. Why did you think that?

A. I didn't think the Americans would treat people like this and do this. They could have killed her for a good reason surely, but not to take a patch and stick it on a person. Because this would only infuriate the VC. I can't see anybody in the Americal Division doing it, or the brigade.

Q. Right. But the thought did come to mind that this was all laid out and so forth, that this was VC propaganda?

A. And this would incite the people against us, the troops in the area.

Q. At this time I give you an opportunity to ask any questions that you might like to ask or if you like, to enter a statement into the record.

A. Only that I'm sorry that I can't pinpoint the times I was actually flying what aircraft, sir.

IO: We know we're taking you back 22 months. We well appreciate your problem. I would like to again remind you that you're not to discuss your testimony here with others including any of the other witnesses. You may conceivably be called before one of the congressional committees. The one most probable would be the investigation subcommittee of the House Armed Services Committee. If you are called there, what you've told us here in testimony and your appearance here would in no way preclude you from testifying before that legislative body.

The hearing will recess at this time.

(The hearing recessed at 1100 hours, 2 February 1970.)