REPORT OF THE DEPARTMENT OF THE ARMY REVIEW

OF THE

PRELIMINARY INVESTIGATIONS INTO THE MY LAI INCIDENT (U)

VOLUME II

TESTIMONY

BOOK 2

DICKENS	GRANGER	HILL, J.
DIONNE	HALLMAN	HOLTOM
DUKES	HANCE	JARRETT
GALLOWAY	HARRINGTON	JOHNSON, W.E.
GAMBLE	HERRIS	JONES, J.
GELLING	HETHERLY	JONES, L.
GETTYS	HILL, G.	

14 MARCH 1970

SUMMARY OF TESTIMONY

WITNESS: DICKENS, James A. CPT

DATE OF TESTIMONY: 28 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Junior Aide to General KOSTER.

1. KNOWLEDGE OF THE OPERATION.

a. About the mission.

As DICKENS understood the My Lai mission, it was merely a sweep of the area, and there was no specific target or known enemy concentration (pg. 5). There had been little activity in the 11th Brigade area, and the witness suspected that the brigade was granted an AO extension so that it could get some contact (pg. 5).

b. From the briefing.

Most of his knowledge about the operation came from reports he saw and heard about it, particularly the division briefing given by Captain ORELL (pgs. 5, 6, 8, 9). He recalled that 128 VC KIA were reported and that there was a disproportionate number of weapons captured (pg. 6). He felt that the brigade was overestimating its kills in order to improve their record which was far behind the other brigades in the division (pg. 6). He did not hear about the incident where HENDERSON had picked up two VC suspects who turned out to be PF's (pg. 7), nor did he know of KOSTER's countermand of the resweep order (pg. 8). The main concern of the staff on the 16th was the 2d NVA Division which the Americal Division was trying to surround in the Antenna Valley (pg. 6).

c. From asking about the confrontation.

Sometime after the briefing, but within a week of

it, a warrant officer, who was piloting the helicopter on which DICKENS was flying, asked him if he had heard about a warrant officer who threatened to turn his guns on American troops who were shooting civilians or firing indiscriminately (pgs. 7, 9, 10, 11). At this time they were on the ground at an LZ (pg. 9). DICKENS told the warrant officer that he knew nothing about it, and he then began asking questions of his friends at the division TOC and officers' club (pgs. 11, 12). He specifically asked Captain BARKSDALE and probably Captain ORELL (pg. 11). He was not certain that he asked Major BEASLEY, but he did not talk to the IG, SJA, or Chaplains (pgs. 11-13). He did not speak to Lieutenant Colonel HOLLADAY, Major WATKE, or aero-scout pilots about it, but did speak to nearly half a dozen pilots from the 123d Aviation Battalion (pgs. 12, 13). No one could give him any information, and he heard nothing about a large number of civilians being killed either indiscriminately or accidentally at My Lai or anywhere else (pgs. 12, 20, 21). When he found out nothing, he just dropped the informal inquiry he was making (pg. 12). He never pursued the matter through official channels (pg. 12). DICKENS was most likely temporary aide to General GALLOWAY at this time, and he could not recall being around KOSTER (pgs. 10, 13).

2. REPORTS OF INFORMATION.

The witness became KOSTER's senior aide around 1 May 1968 (pg. 18). At this time he handled a lot more paper-work for KOSTER than had Captain ROBERTS, the witness' predecessor (pgs. 15, 18). Even prior to this DICKENS had acted as an "assistant assistant chief of staff" (pg. 18). He never saw HENDERSON's report of 24 April or any of its inclosures including the VC propaganda (pgs. 15, 18), nor did he recall seeing any "Eyes Only" communications for the general (pgs. 16, 17). Normally, such communications would be given to KOSTER through the Chief of Staff (pgs. 14, 16). Had DICKENS seen such a thing, it would have been so unusual that he would have remembered it (pg. 17).

3. OTHER INFORMATION.

a. Killing of civilian on boat.

He recalled an incident after he had become KOSTER's senior aide in which an allegation was made that a helicopter pilot had indiscriminately killed a Vietnamese

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civilian with an M-79 round (pg. 21). The incident occurred somewhere near Hai An off "Cigar Island" (pg. 23). HOLLADAY was appointed investigating officer, but DICKENS did not know if formal orders were published (pg. 22). The written report said either that the incident did not occur or that its perpetrator could not be found, and no one was charged (pg. 22).

b. Rape incident.

He had heard of a rape incident involving the 198th Brigade in June of 1968 in which there was a formal investigation followed by a court martial (pg. 23).

c. Miscellaneous.

(1) He could remember no particular visit by HENDERSON to headquarters (pg. 24).

(2) On the morning he appeared before the Peers Committee the witness had non-substantive discussions about the My Lai incident with Colonel ADKINS and Captain ROBERTS (pgs. 3, 4).

(3) During the period he was assigned as KOSTER's junior aide he served as temporary aide to General GALLOWAY (pg. 3). This was about the time of the My Lai operation (pg. 10).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-34	TAN's letter to KHIEN, 11 Apr (trans) (Quang Ngai Prov.)	Witness had not seen before.	15
R-1	HENDERSON's Report	Witness had never seen report or inclosures before.	17-19

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(The hearing was reconvened at 1601 hours, 28 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 Captain James A. DICKENS.

(CPT DICKENS was called as a witness was sworn and testified as follows:)

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

A. James A. DICKENS, Captain, 3d Battalion, 37th Armor, 4th Armor Division, APO 09066.

IO: Captain DICKENS, have you had an opportunity to read the instructions?

A. Yes, I did.

Q. Do you understand them or do you have any questions?

A. I understand them and I have no questions.

Q. I'll introduce you now to Mr. MACCRATE, who is a civilian attorney. Mr. MACCRATE has volunteered his services to Secretary RESOR to assist me in this investigation and also to provide legal counsel for me and other members of the inquiry. On my right is Colonel ARMSTRONG, another colonel designated by the Chief of Staff as an assistant to this investigation. In addition to myself, Mr. MACCRATE and Colonel ARMSTRONG may address questions to you this afternoon. You should know that we have other groups like this that are taking testimony from other individuals. I, however, will have the task of assembling the final report, weighing the evidence and determining findings and recommendations. As a military officer, you are ordered not to discuss your testimony in this investigation with others, including other witnesses to the investigation, except in the performance of official duty, or as you may be required to do before a competent administrative, judicial or legislative body. Let me explain legislative. There is a possibility that you will be asked to appear before one of the

congressional committees. The one most likely, I would say, would be the investigative subcommittee of the House Armed Services Committee. If you are called, your testimony and appearance here in no way would preclude you from testifying before such a body. I do not believe you have been cited or cautioned by the military judge in the general court-martial case of the United States v. Calley. Is that correct?

A. That's correct.

Q. I would not expect that you would be. However, if such does become the case, your appearance here in no way changes either the effect of the applicability of such an order. Do you have any questions at this time?

A. No, sir.

Q. Captain DICKENS, would you indicate your duty assignment within the Americal Division? When you took such assignment? Did you have any changes of assignment? When did your service within the division terminate?

A. Yes, sir. I arrived in August 1967 with the 1st Squadron, 1st Calvary, from Fort Hood, Texas. At that time I was a platoon leader in B Troop. I remained a platoon leader until I was wounded and evacuated to the hospital. When I returned from the hospital, I became assistant S3 for the squadron. Approximately 2 January 1968 I became aide-de-camp for General RYDER, who was the ADC at the time. I remained his aide until his departure around the middle of March. The exact day I'm not sure, but it was somewhere around the 11th, I believe. At that time I became General KOSTER's junior aide working with him in the field sometimes. Most of the time I worked in the division headquarters with the chief of staff. A few weeks later his senior aide, Captain ROBERTS departed. I became General KOSTER's senior aide. At that time I assumed all the duties that the senior aide has with him.

Q. What date was that now?

A. Late April or early May, sir. It was the end of April or early May when I took over the duties as his senior aide.

Q. Did you serve as aide to General GALLOWAY for a time there while you were--

A. (Interposing) Sir, it was just a brief period of time, a few days. General GALLOWAY came in and I sort of escorted him around until we got an aide selected for him. It was more of an escort type duty and assistance rather than really being an aide.

Q. An interim aide.

A. Yes, sir. That's what it was. I also, when General KOSTER departed, was close to my departure at the time, several weeks. In the interim, General YOUNG was the division commander until General GETTYS arrived. General YOUNG's aide departed a couple of weeks before General YOUNG, so I escorted him around for a couple of weeks. When General GETTYS came, I had him for about 3 weeks until we got his aide, Captain THOMAS.

Q. For the record, you were quite a stop-gap aide.

A. Yes, sir. I probably had more generals to the mile than most.

Q. Since the time that the matter of this My Lai incident became a matter of public knowledge, about 4 or 5 months ago in September or October of last year, in the newspapers, radio and television and so on, have you had any conversation with anybody from the Americal Division concerning the incident, concerning the investigation, the reporting of it?

A. Except for the brief conversation I had with several people since I've been here in the last 24 hours, no, sir. I haven't really had an opportunity to even be with anybody that I knew from Americal since this became a matter of record.

Q. Who did you talk to here?

A. Well, Colonel ADKINS this morning and Captain ROBERTS.

Q. Could you have been talking about anything substantial?

A. No, sir. We weren't really discussing any details. It was just, did I happen to keep a log or anything like this, just generally telling the difficulty they were

having and that I would anticipate having in trying to recall things 2-years old. We were not discussing substantive matters about any reporting or handling of the case. No, sir, I have not discussed that with anyone.

Q. When did ROBERTS talk to you?

A. It was this morning, sir.

Q. When did you talk to Colonel ADKINS?

A. Also this morning, sir, when we were waiting out in the mezzanine.

Q. What hour this morning did you talk to ROBERTS for example?

A. About 1000 hours, sir. Between 1000 and 1130, I would say. About that time he departed. It was more of a reminiscing type conversation. Not a really substantive discussion.

Q. Well, we know that is very difficult to try to remember back 22 months, which is about the time differential between mid March and the present time, but we would like you to think as best you can and try to recall as best you can some of the events that transpired during that period.

A. Yes, sir.

Q. Were you familiar with the organization and activation of Task Force Barker?

A. Yes, sir.

Q. When do you recall that it was organized?

A. It was organized about midway during my term with General RYDER, which was about February, I would say. In that time frame. I can't remember the date.

Q. Do you remember its operational area?

A. Yes, sir.

Q. Where would you say that was in general?

A. (Turning to Exhibit MAP-1) If I might use a map, sir. Task Force Barker had its headquarters at Landing Zone Dottie and it's operational area varied with division commitments to encompass this area here and down as far as this river. Now, this area was increased and decreased periodically depending upon various commitments. Generally, from the mouth of the Song Tra Khuc. This area down to the river that ran just by Quang Ngai Province.

Q. Well, I know they operated down in there but if they did drop below that one line there--you see the 2d ARVN--they would have to have an AO extension would they not?

A. Yes, sir.

Q. That was part of the area of the 2d ARVN Division.

A. AO extensions were a matter of course.

Q. By looking at that same map, were you familiar with the operation of Task Force Barker in an AO extension which had been granted to them by the 2d ARVN Division and by Quang Ngai Province into the area of Son My or into the area which some people refer to as Pinkville, in about the middle of March?

A. Yes, sir.

Q. Would you describe what you know of the operation?

A. Yes, sir. I can't remember whether they were still using search and destroy. It had been changed to search and clear. It was that type of combat sweep, operation, that all the battalions conducted for the most part when there was no specific known target or enemy concentration to go at. As far as I know, there was no specific target or information about any known group of forces in that area. This was based on a report of snipers and this type of thing. Previously, there had been very little activity in the entire 11th Brigade area. Their contacts were small, few, and far between. Never any real major contact and it's only a guess on my part, but I would say the AO extension was allowed for them to move into some new area and gain some contact. My primary knowledge of the operation that took place, the one that this investigation is interested in, comes secondhand, through reports that I saw and heard. Particularly the division briefing and that the

day of contact in this area of Pinkville. I remember specifically the number 128 Viet Cong. I also remember, not the exact number, but the disproportionately small number of weapons. I didn't really question it. I thought it was a little bit high, with the contacts they'd had, and passed it off as somebody possibly padding it or estimating a little bit high, since they were running far behind the rest of the division as far as the record went. But as far as actually observing the contact, no, sir. Our interest at that time was further to the north, northwest of Tam Ky City and we spent most of our time, the day prior, and that morning in that area where the division was trying to surround the 2d NVA Division down around Antenna Valley. We didn't get down and spend a great deal of time. We did go down to Task Force Barker at LZ Dottie. We did not go over as far as Uptight or anyplace like this.

Q. You were flying with?

A. General RYDER, sir.

Q. General RYDER.

A. Yes, sir.

Q. On this day in mid March?

A. This was within the first 10 days in March. General RYDER, I think departed around the 11th. I have a little calendar that I kept. It was sort of an appointment calendar and I remember on the 8th we had a luncheon engagement with one of the brigades. I believe it was the 196th. I believe it was a farewell luncheon.

Q. Well, the operation we are talking about, the operation of 16 March.

A. The 16th. No, sir, I was not flying with General RYDER. He was gone then. It must have been General GALLOWAY that I was flying with.

Q. Colonel GALLOWAY had come in, yes. If I'm not mistaken he was getting himself oriented around the headquarters. He had only been in about a day at that time.

A. I can't remember the exact date, sir. I remember I have General RYDER's date marked as the departure date, 11

March in my calendar. Whether that is his actual date or it changed, I knew it was somewhere around the 9th or 10th because I took him to Danang to catch an airplane but I had been in the AO that day that the contact was reported at the division briefing. I had assumed that it was with General RYDER. So, if it was the 16th, it was not, sir. It could have been General KOSTER or it could have been Colonel GALLOWAY.

Q. Well, we know General KOSTER was in there. Now, let me explain the situation that took place with General KOSTER who departed early in the morning and maybe you can recall it. It had to do with Colonel HENDERSON, along about 0830, picking up two people who he thought were VC, who had been separated from a crowd of people. They had run away from a crowd of people on a road and one of the helicopter pilots isolated them with gun fire and hovered over them. Colonel HENDERSON stopped and picked them up. Subsequently they were flown back to LZ Dottie and General KOSTER was interested in flying them out and having them interrogated to find out about what VC unit they belonged to. When they were interrogated, they found out they weren't VC at all. They had been a couple of PF's who had been taken prisoner by the Viet Cong. Now, do you remember that situation?

A. No, sir, I do not. I'm not familiar with that at all.

Q. Now, are you sure you are not thinking back to some situation that might have taken place in the month of February, because Task Force Barker had two other operattions out in this area. One in early February and one along about the 23rd of February. I think they had a body count of 79 or something like that, they had one of the companies pretty well tied down and had to used tracks to get them out of the area of My Lai (4).

A. No, sir. I'm almost certain that I'm relating to the same incident that I heard at the division briefing. The reason that I am certain is because I remember hearing, I believe it was not our regular pilot but the one that flies right seat, mention something about one of their people threatening to turn his guns on some American infantry who weren't discriminate about who they were firing on. The way I got it was, "Did you hear anything about it, sir?" I hadn't and didn't know what he was talking about. I didn't even know which area it was but later when--

Q. (Interposing) Who was talking to you?

A. Sir, this was a warrant officer. A young warrant officer and it wasn't a regular pilot. We switched. We had a command pilot, an aircraft commander that was with the general all the time who flew his aircraft. They rotated the pilot, the right seat man almost every day. One of the pilots that normally flew other missions would rotate to the right seat. I have no idea what the man's name was. I wouldn't even know what he looked like, but I remember him asking, and I can't remember whether the colonel that I was with was with me at the time, but it was a question "Did you hear about it?"

Q. Were you down there fooling around with this aviation company or something?

A. No, sir, this was while we were in the helicopter. It was on the ground and we weren't using intercom. We were talking back and forth.

Q. I would like to find out who you were talking with and about what time of day this was. Do you remember picking up General DOLEMAN, a three-star general down at LZ Bronco, Duc Pho and subsequently bringing him to LZ Dottie?

A. No, sir.

Q. Do you recall when you were flying with General KOSTER a conversation between himself, and the TOC, and LZ Dottie, and the company commander of C/1/20 on the ground took place about returning to make a bodycount?

A. No, sir.

MR MACCRATE: Can you picture where you were on the ground? Whether it was at Chu Lai?

A. Yes, sir. It was at one of two places and I'm not sure which. Now, I'm not sure of the day. I'm quite sure a couple of days after the briefing. I'm relating primarily to my knowledge of the briefing I heard and this number 128, because I remember the number very specifically. I don't remember the date and I have no knowledge really of a report of anything at My Lai itself other than through the

briefing, and I can't remember the date of the briefing. My only point that I specifically remember is the number 128 and the fact that Captain ORELL was the briefer and a small number of weapons were reported.

IO: Now, this is in the evening staff briefing?

A. Yes, sir, the 1700 briefing. The entire division staff and the liaison officers attended.

Q. Did you hear this report before or after that the staff briefing?

A. After, sir.

Q. The statement by the warrant officer?

A. After this briefing. It was not at a time where it would have been heard firsthand by this individual. I think probably it was beer talk or something or it was going around or something like this.

Q. Are you sure it was at Dottie? Could it have been in the headquarters at Chu Lai or the aviation battalion? I would like to be able to fix this one fairly close if I could.

A. Sir, we were sitting in the helicopter on an LZ. You mean when this warrant officer asked me this question? Is this what you were talking about? Where was I when he asked me this question.

Q. Yes.

A. We were sitting on an LZ. The helicopter was not running.

Q. How many days after the 16th?

A. I can't say, sir. I have no idea but it was within a week, but as far as 2 or 3 or 4 days I couldn't say, sir.

Q. Who was flying then, do you know? You were sort of a junior aide to General KOSTER at that time.

A. At that time, sir, I was in a sort of a semi-limbo. I was kind of filling in at the time.

Q. Were you flying General GALLOWAY around to acquaint him with the area or anything?

A. I did when he first arrived, yes, sir. As far as what date we started, I don't even recall which date General GALLOWAY arrived at the division. For the first few days that he was there until we did get him an aide, and I can't even remember his aides name now, I was with him.

Q. Now, specifically I would like to know who you were with, where you were? I would like to know what was said by the helicopter pilot that was talking to you?

A. As far as who I was with, sir, I cannot remember the man's name. Usually, I never even knew the warrant officer's name.

Q. I'm talking about the officer, the general officer that you were with, or the circumstances with which this came out.

A. Sir, I can't say with any assurance who the officer was. I can make a reasonable guess, but if General GALLOWAY was in at this time, if he was in the division, then the chances of my being with him were greater than my being with General KOSTER.

Q. Did you ever fly in a helicopter with him at all up to the time you took over as the senior aide?

A. Yes, sir, I flew with him frequently. Sometimes Captain ROBERTS would be doing something else and I would go off with the general for a morning. As it came time for Captain ROBERTS to leave, I started flying with him rather regularly, just trying to learn his routine more than anything, But very infrequently I flew with General KOSTER after General RYDER left.

Q. What did the warrant officer that you were talking to have to say to you?

A. He asked me, and I'm quoting him, as best as I can remember, had I heard, what did I know about it, it was that type of question. "What is this about--I hear about some warrant officer threatened to fire, turn his gun," words to this effect, "on some American troops." It becomes difficult

whether I'm remembering what I read, but the words used, whether they were shooting civilians or whether they were not more careful about who they were shooting or something to this effect. I can't separate what I actually remember from anything I've read in the last months.

Q. Well, were not going to put words or thoughts in your mind.

A. But that was the gist of his question. It was a question to me.

Q. What was your response?

A. My response was I knew nothing of it, sir. I was not aware of it. It had no previous word or rumor or otherwise that anything of this nature had happened.

Q. Did you check this out with anybody?

A. Yes, sir. I didn't feel that it was my job to go running to anybody with a rumor and I asked various people. Friends I had in the TOC. I asked almost all of them, Captain MORELL, probably Captain BARKSDALE, the people that were working in the TOC. They didn't say anything to me about it. I asked casually officers at the officer's club if they had heard anything about it and no one did. I uncovered or was told by no one subsequent to that and I didn't make an official inquiry, no.

Q. Did you mention it to the chief of staff there at all?

A. No, sir, when I couldn't find any basis other than this one warrant officer's comment or question. No one in G3 or G2 operations had any knowledge of it at all I figured it was a rumor rather than a report.

Q. Did you know BEASLEY very well?

A. Major BEASLEY?

Q. Did you talk to him about it at all?

A. No, sir, we sat at our desks right next to each other back in his office. Sir, I really can't remember if I talked to him about it. Put it that way. I don't remember

talking to him. I may have asked if he heard anything. I can't remember specifically whether I talked to him, no, sir.

Q. Did you by chance get over and talk to the special staff, such as the IG or the SJA?

A. No, sir.

Q. Chaplains or anybody of this sort?

A. No, sir. Like I say most of the people in the division TOC and a few people at the officer's club. Mostly pilots and people from the aviation battalion, if they knew anything about it.

Q. What did they say?

A. Nothing, sir. Negative response.

Q. What aviation battalion are you talking about?

A. The 123d, sir.

Q. Well, we have more than a little information to indicate that this matter was not widespread but certainly general knowledge within the aero-scout company and also in Alpha Company of the 123d.

A. Well, I think it was Alpha Company that piloted our C&C helicopters and most of these pilots I knew. I knew as a result of flying our ships. I didn't know any of the aero-scouts but I asked a handful, maybe a half-dozen pilots that I knew if there was anything to it, and they said they didn't know anything about it.

Q. Did you talk to Colonel HOLLADAY or the battalion commander about it?

A. I talked to Colonel HOLLADAY almost every day at the mess, sir, and I can't specifically recall. As I said, the farthest thing from my mind was that anything like this could have or would have occurred. It was just a normal scuttlebutt type thing. I really thought that was all it was. A guy just asked me a question and when I found no basis for it on my own casual inquiry, I just sort of forgot about it. As far as actually pushing it in any official manner, no, sir. I never did that.

Q. Did this warrant officer indicate in his question to you or statement to you the fact that an aviator had reported this through his channels?

A. No, sir. His question dealt solely with the fact of what did I know of the rumor. It was solely asked what did I know about it. I think he was seeking information from me as an aide.

Q. Did you ever talk to the division chaplain at all or did he talk to you or anything on it?

A. Not regarding this, that I can remember.

Q. Did you know one way or another through fact or through rumor that the same warrant officer talked to the chaplain?

A. No, sir.

MR MACCRATE: When you flew with your various generals did you from time to time operate the radios?

A. That was my primary function in the helicopter, sir, to operate the radios.

Q. Do you have any recollection of operating the radios for General KOSTER?

A. Around this particular time, no, sir. I cannot really even recall any specific instance of my being with General KOSTER around this time. Like I say, when I flew with him it was a very spordiac basis up until 2 weeks prior to my taking over his as his senior aide. When I flew General RYDER, General GALLOWAY, General YOUNG briefly, General GETTYS briefly and General KOSTER full time, I would constantly operate the radios. When I operated the radios I always monitored the division command net. Normally, the general only had me on intercom unless he specifically requested we moniter one or another nets. We had a capability where we could moniter VHF or UHF and two FM radios. The FM being with the ground forces. One FM radio was always on the division command net. The other FM net was the one I used primarily for artillery clearances, contacting units that we were going to in order to let them know we were coming. Did they have contacts? Was there any firing? When I

wasn't using it for that purpose, normally, I would be monitoring the battalion level command net of the unit we were on our way to, or flying over at the time. A short answer to your question: I cannot specifically say that I remember operating the radios for General KOSTER in or around this time.

Q. Can you describe for us the arrangements within division headquarters, within the office of General KOSTER, for the handling of written material. If the general wanted to send a written communication, who would be the one to transcribe it?

A. Normally, he would go through the chief of staff, Colonel PARSON. The actually drafting of the letter quite frequently found it's way out to Major BEASLEY or myself when I was working as his junior aide. I guess I sort of had a duel role as junior aide and assistant assistant chief of staff. I did a large share of the assistant chief of staff's work as far as reading, coordinating and stamping correspondence that came through into the chief of staff and then into the general. That was the normal chain coming in, and the normal chain going out was usually the reverse.

Q. We had an indication that there was no shorthand capability in the division headquarters office, that any dictation really had to written out in longhand?

A. No, sir. I know one stenographer who was General RYDER's secretary, later General GALLOWAY's. VAN something, a specialist, and he could take shorthand.

Q. Did he ever take shorthand for General KOSTER?

A. I can't say that he did, sir. I know that he took shorthand for General YOUNG on occasion. General YOUNG's secretary or clerk could not take shorthand.

Q. Do you remember a specialist who usually typed for General KOSTER?

A. I do not recall his name.

Q. We understand his name is Specialist HERRIS. Does that sound right?

A. HERRIS, yes, sir. I cannot recall if he can take shorthand or not. He was probably the most accomplished general's secretary in the building. It would be merely an assumption on my part. I can't specifically recall. I think probably he could, because he was a very accomplished individual. This VAN, and I can't remember the last half of the VAN, I know for sure could take shorthand. HERRIS I couldn't say for sure.

Q. Did you then move papers on and off the general's desk or was that primarily handled by the chief of staff?

A. A little bit of both, sir. After I became General KOSTER's senior aide, more correspondence came through me than it did when Captain ROBERTS was his aide. I handled more. But, still, the proof reading and the coordinating and staffings came through the chief of staff command channel from the assistant chief of staff and the chief of staff.

Q. Along about this time when you were working with Major BEASLEY, do you recall having to do with the preparation of a letter to Colonel HENDERSON, a letter with an attached memorandum from the district chief of Son Tinh District to the province chief at Quang Ngai Province, and an addressee copy also to MACV, Quang Ngai Sector? This letter, from what we knew of it, directed Colonel HENDERSON to conduct an investigation to look into the allegations made in the district chief's letter.

A. No, sir. I have no knowledge of that.

Q. I have here Exhibit M-34, which is Lieutenant TAN's letter to the province chief. I would ask you if you have seen a paper such as this?

(The IO handed the witness Exhibit M-34.)

A. No, sir.

Q. You don't recall a letter, which could have been written in longhand, which came to you or to Major BEASLEY to get it typed for General KOSTER's signature, for Colonel HENDERSON, with a copy of this attached to it?

A. No sir. If I did, I'm sure I would have remembered it. I'm also probably sure that this wouldn't have

come through me, because I wouldn't have been handling this type of thing. But, I have no recollection of that.

MR MACCRATE: Did you often have communications received at headquarters that would come in double envelope with a notation on it, "eyes only"?

A. I have never had one come through me, sir, when I was in that capacity. I have seen "eyes only" correspondence. As far as who it was going to, it was all over the Army. I would send it out myself, now. But, no sir. Very rarely did that ever come into me, because it would usually be handled through other channels. I'm sure anything that would come from the ARVN side of things would be handled through the G5 probably to the general, or through command channels, advisors, or even the province chief, or Colonel TOAN would probably have given it, or Colonel KHIEN who we visited regularly. All the generals visited the various province headquarters as well as the 2d ARVN Headquarters.

Q. If an envelope came in by special courier, who we understand was going back to the brigade or battalion from headquarters, the courier would come in with a collection of material, and when that arrived, to whom would it be delivered?

A. Normally, to the assistant chief of staff, sir.

Q. To Major BEASLEY?

A. Yes, sir, or to that office.

Q. You were working side by side to him?

A. Yes, sir.

Q. If something came in which was to get special handling in this fashion, that said on it "eyes only", what would be the procedure there? Would you turn it over to Major BEASLEY and he would take it into the general?

A. No, sir. If it came in and I was the only one in the office, I would take directly to the chief of staff, since that was the flow. If Major BEASLEY was there, I would have given it to him. Major BEASLEY didn't as far as I know, except on rare occasions, ever deal directly with any of the general's. He went either through the chief of

staff or occasionally through the aides, but he would not take it into the general, no. It would go through the chief of staff. I'm almost certain. That is the way that I would have done it if I had been there.

Q. You have no recollection of receiving any such communication on behalf of General KOSTER?

A. No, sir.

Q. A double sealed envelope--

A. (Interposing) I wouldn't have known it was double sealed.

Q. Well, if you opened it and found an inner envelope that said "eyes only", this would be a rather unusual occurrence and would stick in your mind, had you been the one to handle such.

A. Yes, sir, I would not probably have opened it as it came through. If I had seen this thing, I would remember it I believe.

IO: I might say in all fairness, you may or may not because there are a lot of pieces of correspondence that go between people such as this, and I mention this, Bob, because we haven't discussed this at any time. But, you know, a lot of these efficiency reports, things that you would want to handle with the AG or something, and the brigade commander will send one on particularly, the battalion commander. He doesn't want all the people along the line to read this thing, so he would put it in for the commanding general, "eyes only" or something like that. This is not an infrequent happening. I think that you would agree with me on that.

COL ARMSTRONG: Yes, sir.

IO: I think the AG over here would agree with me on it.

RCDR: Very definitely, sir.

IO: I have here Exhibit R-1 which has been entered into the record. It is a report of investigation of 24 April

1968 to the commanding general of the Americal Division. I would ask you, if while you were in this capacity as the assistant to the assistant chief of staff, you saw a paper such as that. Just look at the first two pages.

A. No, sir.

Q. Now, let me refresh your memory just a little bit. Toward the end of April and the first part of May, General KOSTER took R&R. Do you remember that?

A. Yes, sir.

Q. You also probably remember that just about the time he returned, shortly thereafter, Captain ROBERTS left?

A. Yes, sir.

Q. Probably Lieutenant ROBERTS, then?

A. No, sir. He was a captain.

Q. You probably took over about that time?

A. Yes, sir, around the 1st of May.

Q. Maybe it could have been after 1 May. I would say that this was about roughly the end of the first week. Do you remember that paper being discussed by General KOSTER at that time, or before he departed, with the chief of staff, with Major BEASLEY, or with either of the ADC's?

A. No, sir. The only briefings that the aides were excluded from was the short black bag briefings. They had one in the morning and one in the afternoon. When I was the aide, normally I was in on most everything else, not as a participant, but just in the background. I have no knowledge of this.

Q. Well, I wish you'd turn one page, please, and take a look at the next page.

Q. This one page is the statement of 14 April.

A. Yes, sir.

Q. Have you ever seen that before, this group of papers?

A. No, sir.

Q. Now, turn one additional page, and the next two pages. I would ask you if you had seen this particular piece of paper? This is a piece of VC propaganda. I show you these individually because I know that there are indications that this statement was delivered to the Americal Division prior to the receipt of this report. You could have seen it as part of a report, or you could have seen it independently? The same is true of this piece of propaganda, which follows as attachment number 2.

A. Sir, I have seen pieces of propaganda that propound similar sentiments.

Q. Did you ever see this propaganda?

A. I never saw one that had the paragraph that is marked, anything about Quang Ngai. I probably wouldn't have recognized any of the other names at the time. But, I would have recognized Quang Ngai. I don't recall ever seeing a piece of propaganda that referred to that. I have seen propaganda that referred to American atrocities and particularly the treatment of the Vietnamese women, urging both the Vietnamese civilians and soldiers to do anything they could to eliminate the Americans. This last sentence, I've seen that one before, the three lines here. It, or something very much like it. As far as I having seen this particular one, I don't believe so, sir. If I did, I do not recall.

Q. This area you are here referred to as My Lai is really Son My Village. It has hamlets of Tu Cung, My Khe, Co Lay, and My Lai. Did you ever hear of any additional propaganda which was obtained from a transcript of a broadcast which was translated, though there may have been others. As a matter of fact, we've heard of other in forms of slogans to take revenge on the Americans, in terms of posters, armbands displayed on uniforms and such, to revenge what happened here at Son My. Did you ever hear anything like that?

A. No, sir. As I say, until recently, within the last few months, when this incident became public record, other than that question that was put to me by that warrant officer, I really had no knowledge that anything like this had allegedly taken place.

Q. Sometimes, you see, you really didn't know what you were listening to.

A. Yes, sir.

Q. Somebody might have said something about Tu Cung, and that could have been in Timbuktu as far as you know.

A. I would not recognize the name. It is possible that I could have seen this piece of paper here, and once I got past the first three or four paragraphs not even paid it much attention. But, I do not recall seeing it. I won't say that it's not possible. Of the names mentioned, only the name Quang Ngai would probably have meant anything to me at the time.

Q. Evidently, you were pretty friendly with the people around the headquarters?

A. Yes, sir.

Q. We know that there were more than a few people that had at least had a fleeting knowledge of the thing. Did you hear of any more talk around the headquarters, in the officer's mess, or in the general's mess, or in the staff mess, or among the enlisted personnel that may have alluded to some civilians in this area of Pinkville, Son My, being killed unnecessarily?

A. No, sir. Not even when I was seeking information about the questions that were asked me by this warrant officer, did I get any affirmative or positive response in regard to this.

Q. Did you talk to General GALLOWAY about it at any time?

A. No, sir.

Q. At this particular time, you're associating with a new officer, and it might not have pertained if you had continued working with General RYDER, with whom you probably had a high degree of rapport.

A. Yes, sir. Well, with General GALLOWAY, I never really got to where I was in an aide-general relationship with him.

Q. Obviously you were suspicious that something might have taken place?

A. Yes, sir.

Q. But, aside from that, did you ever have anything or hear anything that might have caused some suspicion in your mind?

A. No, sir. Nothing out of the ordinary. Civilians got killed frequently in Vietnam. My own unit, occasionally we had civilians get killed. I mean, one or two get caught in a crossfire or a fire fight. You normally accept that as one of the unfortunate things that happen, but as far as any report of civilians being killed either indiscriminately or accidentally in large numbers, no, sir. I have no recollection of anything like that.

Q. Well, do you have any recollection of any getting killed by artillery, gunships, or caught in a crossfire?

A. I can remember one incident where one Vietnamese was reported to have been killed indiscriminately by an American helicopter. An M-79 grenade was fired from the helicopter. That, I remember, created a pretty big investigation within the division as far as determining who had fired and what had happened and seeking out parties responsible.

Q. When did that happen?

A. I'm pretty sure this happened sir, when I was full-time aide for General KOSTER.

Q. Well, what kind of investigation was this?

A. I think the division aviation officer had the primary responsibility of the investigation. The report, and I remember this specifically, was that late in the afternoon, about the time that the helicopter normally returned back to the base at Chu Lai, an American individual wearing an orange helmet had fired an M-79 from a helicopter and hit a boat. It killed a Vietnamese male in that boat.

Q. (Interposing) Was anybody appointed as the investigating officer?

A. I think the division aviation officer was, sir. He was the one that was given the job.

Q. Who are we talking about? Are we talking about Colonel HOLLADAY?

A. I think he was still the division aviation officer at that time, yes, sir.

Q. I'd like you to try to pin this down as far as the approximate time it occurred.

A. To the best of my knowledge it happened when I was General KOSTER's senior aide, which would put it in May or June, that time frame.

Q. When did General KOSTER depart?

A. He departed in the middle of June, I believe. The only date that I can fix in my head is the 23rd. I can't remember whether that was the departure date or his reporting date. I remember that date. The 23rd was sometime shortly prior to his departure.

Q. Was it during the time he was there, or during the time you were the aide for General YOUNG?

A. I would say while he was there, sir.

Q. You don't know whether or not an order appointing an investigating officer was published?

A. No, sir. I don't recall seeing one. I do remember there being paper work concerning the incident staffed and circulated. But, as far as seeing an order appointing an investigating officer, no, sir. But, I remember reading a report of the incident. I remember seeing an account of what supposedly had taken place in writing. In a report form.

Q. What happened to that form?

A. As near as I can remember, sir, they never were able to determine who it was that had fired the round. I believe that was the result of the investigation, as near as I can remember. I never remember anyone being charged with anything. If they had been, I would have remembered it. But, as near as I can recall the results of the investigation, either the incident did not occur, or the individual who perpetrated it could not be identified.

Q. This is the first we heard of this one. I heard of another out to the west, I believe it was. I believe it was with the 198th Brigade, which had to do with some rapes and so forth which took place in the month of June.

A. Yes, sir. I'm familiar with that also.

Q. An investigating officer was appointed and a full-fledged investigation followed by a court-martial taking place. I remember that.

A. Yes, I remember that. This happened prior to General KOSTER's departure.

MR MACCRATE: Where was this boat? Was it one of these little round fishing boats off the coast?

A. Sir, I don't know what type boat it was. But, as well as I can remember it was in this general body of water. This is a tip of an island that goes up further to the north.

Q. South of Danang and north of Chu Lai.

A. Yes, sir. Most of the division helicopters were based down in this area here (indicating the upper left-hand corner of MAP-5.) The battalion we had was attached to us as an organic battalion. This is where the normal route of the helicopter returning would be, over this body of water, this area. We called it "Cigar Island." It went almost up to Hoi An. That is where this particular boat was. Somewhere in there, sir.

Q. Do you have any recollection of Colonel HENDERSON visiting Chu Lai in this time frame? It's been suggested to us that he was an infrequent visitor to Chu Lai. And, if such were the case, it might be that you would recall his visit to Chu Lai.

A. Sir, for the most part, all the brigade commanders were infrequent visitors to Chu Lai. The division commander moved to the brigade rather than the commanders coming in.

Q. Could you place in the month of April any visits of Colonel HENDERSON to division headquarters? Or, perhaps late in March or in May, in the time frame while you were senior aide to General KOSTER?

A. Sir, I can only say that he came to division headquarters. All the brigade commanders did at one time or another for conferences and otherwise, but I would be reaching too far, if I said yes. No, sir, I cannot remember specifically, or relate into this time frame any one particular visit.

Q. You mentioned this little diary of events that you kept. Is there anything in it that gives you any time sequences that might be helpful to us?

A. No, sir, I don't believe so. I didn't even bring it with me, because it was so insignificant. But, this is the type calendar it was, an identical format (demonstrating with a booklet type calendar.). I would normally use it as an appointment calendar because we frequently had long range appointments with, particularly, the Vietnamese. For the month of March, I had, with General RYDER's departure, several luncheons and this type of thing. But, as far as keeping a log of events, no, sir, I did not do that.

Q. Do you have any indication in your book for April as to who you were serving and where you were moving?

A. I'm afraid the month of April is somewhat blank, because I wasn't traveling, and not keeping up with the appointments for the general. That was Captain ROBERT's job at the time.

IO: Well, we're appreciative of your coming in, Captain DICKENS and giving us this information. Undoubtedly, you will do some additional thinking concerning this questioning which has gone on here this afternoon and the orientation of the questions. So, if you think of anything which comes to mind as a result of this, which will assist us in this inquiry, I should like very much to take advantage of that.

A. Yes, sir.

Q. Additionally, when you get back, I want you to check into that calendar to see if you do have anything that pertains here. Or, if you have any other documents, material, photos, or directives, or aerial photos, or anything of this nature, we'd like very much to take advantage of that.

A. Yes, sir.

Q. Now, I'll give you an opportunity to ask any question which you may want to ask, or if you would like, to enter a statement into the record.

A. Well, I have no questions, sir, merely an apology for my inability to pin these things down any finer than I have. I went over it when I received notification that I would come and was unable to really refine it any further than I have as far as dates go. This was 22 or 23 months. I'm a little foggy. I apologize for not being able to do any better.

Q. Well, I would like to caution you again to the effect that you have been ordered not to discuss your testimony here. That includes other people that have been or will be to this inquiry. So, the best I can give you would be to just not to talk to anybody about it.

A. Yes, sir.

(Americal Division General Orders 2224, dated 27 April 1968; 2401, dated 8 May 1968; 2965, dated 3 June 1968; and 3343, dated 22 June 1968, were received into evidence and marked as Exhibits M-77, M-78, M-79, and M-80, respectively. These orders effect the assumption of command by BG YOUNG, MG KOSTER, BG YOUNG again, and MG GETTYS, in that order.)

IO: The hearing will recess.

(The hearing recessed at 1715 hours, 28 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: DIONNE, Patrick H. LTC

DATE OF TESTIMONY: 16 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Information Officer, Americal Division

1. BACKGROUND INFORMATION.

The witness became the information officer in June 1967 for Task Force Oregon. He remained as the division information officer until 29 March 1968 when he was replaced by Major Gerald HILL who is presently assigned to the information office, Headquarters, Continental Army Command, Fort Monroe, Virginia (pg. 2-3). The witness is presently the information officer at West Point and as such first learned of the incident through Lieutenant Colonel HEATH, OCINFO (pg. 3). HEATH told him that KOSTER should not become involved in any questions by anyone except from an official source on this matter and the witness relayed this to General KOSTER the first week of September (pg.3). KOSTER also asked him for copies of the Americal Division Newsletter which he had mailed home to his wife. He furnished the ones that he had to General KOSTER (pg. 4). He described the set-up of the information office at the three brigades in the division (pg. 5). He stated that his shop consisted of three officers and six enlisted men (pg. 5). All of the information from the brigade offices came through his office at division headquarters (pg. 6). They were allowed to box the hometown news which were mailed through his office (pg. 6). These PIO Detachments were assigned to the brigades and were not directly under his control (pg. 6). He stated that the PIO element of the 11th Brigade was headed by Lieutenant John MOODY and Lieutenant Robert DUNN was the assistant IO (pgs. 7, 8).

He stated he had met HAEBERLE several times but he did not know him well and he did not know ROBERTS (pg.8). He stated that MOODY had been placed by Colonel HENDERSON on a few projects and that MOODY told him that DUNN could run the shop (pg.9). He discussed the 11th Brigade's handling of photographs and stated that the film was processed in the 45th PI Detachment (pg.17). Release of photographs went through the division information office although they were processed at the brigade level (pg.17). He stated that there was no rule concerning the PIO photographers carrying an individual camera with them, but he felt that if government equipment was used the photographer had to turn the material in (pg. 17). He felt that if any film was exposed which was important to the government, it should have been done on government equipment but if it was done on a privately owned camera it would be wrong to select pictures which should have been taken for the government (pgs. 17, 18). He was shown Exhibits P-14, P-68, and P-69 which he stated should have been called to the attention of the unit commander (pg. 19). Exhibit P-15 was described as a photograph of the wanton burning of buildings and property and he stated that it should have been called to the attention of the proper authorities (pg.20). Exhibit P-16 which showed at least two bodies, one of which was under burning material and he stated he thought that MOODY should have called his attention to the picture (pg.20). He was shown Exhibit P-70, a strip of photographs, and stated that he possibly had seen a few of them (pg.21). He stated that usually photographs were forwarded to his office with a caption identifying them (pg.21). The brigade could process its own black and white pictures (pg.22). The witness was shown Exhibits P-26 through P-42 which were color photographs and he stated that if someone saw the kind of activity that they depicted taking place, the person should have reported it (pg.22). He stated that the IO sections had either received civilian training or equivalent military training after completion of AIT (pg.23). He felt that the people assigned to him in December of 1967 were inexperienced but were considered qualified and had been awarded the MOS (pg. 23). He stated that for the most part the people from his office spent time traveling with newsmen and arranging to greet visitors (pgs. 23, 24). He agreed with the statement that the primary function of the section was to find and report favorable information that would meet MACV requirements for public release (pg. 32).

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2. HIS KNOWLEDGE OF THE INCIDENT ITSELF.

a. Task Force Barker.

The witness stated that the Koreans left that AO in December and that Task Force Barker took over the AO in the early part of February (pg. 10). He stated that on 14 March he was promoted to Lieutenant Colonel and that he and a reporter from The Washington Post, Lee LESCAZE, accompanied General YOUNG on a trip to the southern portion of the AO (pg. 10). The witness stated he had a photograph of himself, Colonel BARKER and General YOUNG taken on or about 15 March 1968 (pg. 10). Chaplain LEWIS was also present in the photograph (pg. 27). The witness stated he was not aware of the operation in the Son My area beforehand but he became aware of it after during the evening briefing on 17 March 1968 (pg. 11). Major HILL attended the briefing for him on 16 March. During the 17 March briefing he did not recall a mention of a tremendous increase in body count (pg. 12). He felt that he did not attend the meeting on 16 March because he felt he would have remembered a discussion about the number of people being killed (pg. 12).

b. Articles written about the incident.

The witness was shown Exhibit M-17, the 11th Brigade newspaper and Exhibit M-23, the Americal Division newsheet with the stories about the incident (pgs. 12, 13). He recalled the figure 128 and stated that the information was called into them from brigade (pg. 13). He felt that the brigade would have prepared the basic story which appeared in the Americal newsheet and that the fact that the stories were identical except for the first two paragraphs in Exhibit M-23 was probably because the brigade lifted the story from the Americal Division newspaper and placed it directly into their newsletter (pg. 14). The additional two paragraphs may have been developed in the division information office because of a check with the DTOC (pg. 15).

c. The Americal Division log.

The witness was shown Exhibit M-6, the Americal Division log for 16 March, and his attention was called to item #28 (pg. 16). He stated that he never saw the Daily Journal as such but would see the figures because they were posted on a large acetate board or they would check the

figures by telephone (pg. 16). He stated he did not recall the figure 128 being reported in the briefing room (pg. 16). He did not recall any discussion over the disparity between KIA and weapons captured (pg. 17). He described in detail where he would sit at the briefing which was between the IG and the Staff Judge Advocate in the second row (pg. 28). He did not recall the figures being given at the briefing (pg. 28).

3. INQUIRIES CONCERING THE ASSAULT.

The witness stated that he never heard of an investigation into what happened at Son My or My Lai on 16 March (pgs. 22, 23).

4. OTHER INFORMATION.

a. The witness stated that a packet containing approximately six cards which included the card entitled "Nine Rules", a card on the M-16, a card entitled "The Enemy in Your Hands", a code of conduct card, and an Americal Division card, and the Roger's Rangers card (pg. 7). He stated that his office had all of these cards which they boxed up and sent out via helicopter or truck for distribution in all units (pg. 7). He stated that some were distributed beforehand to the advance parties (pg. 7).

b. The witness stated that General KOSTER issued a letter about the abuse of civilian property sometime in January and that all commanders were required to bring it to the attention of their men (pg. 18). The letter was the result of a letter that came from MACV and from USARV. He thought the problem stemmed from an incident of things being thrown off vehicles and other abuse to people caused by division personnel as they passed through villages (pg. 18). He felt that it referred primarily to cans being thrown at civilians and vehicles being driven too close to their carts (pg. 19).

c. The witness discussed in detail a visit in the late summer of 1967 by Jonathan SCHELL, a writer for The New Yorker Magazine (pg. 24). He stated that SCHELL came in mid-August 1967 and was joined by his brother Orville (pg. 24). A reporter named Bill HALL who wrote for UPI also was present in the area during this time (pgs. 24, 25). The witness stated that according to Charlie BLACK who wrote for The

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Columbus Ledger-Inquirer, SCHELL and HALL had a fight but he felt that the matter had blown over (pg. 25). He stated that SCHELL in covering the activities of the 1st Cavalry Division in the Mo Duc-Duc Pho district had used erroneous figures stating that 99 percent of the area was destroyed (pg. 25). The reporter eventually wrote a book about this matter although he disagreed with Colonel WARE over the figures on the damage (pg. 26).

d. The witness stated that he knew Chaplain LEWIS and described him as "a very friendly guy" (pg. 27).

e. The witness discussed the report of a water torture which appeared in The Washington Post and was taken in the village of Khe Sanh as being an instance when his reporting team reported a violation of the rules and regulations to him and he in turn mentioned it to the chief of staff (pg. 30).

f. The witness did not know where the name for Task Force Barker as "Barker's bastards" originated. He stated that perhaps it was because the three companies making up the task force were from different battalions (pg. 16).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
D-1	MACV Directive 20-4	Wit was not familiar with the document.	33
M-2	MACV Card "Nine Rules"	Wit distributed the cards to the units.	7
M-3	MACV Card "The Enemy in Your Hands"	Wit distributed the cards to the units.	7
M-6	Americal log, 16 Mar 68	Wit had not seen the log.	19
M-8	III MAF Order 5820.1	Wit felt everyone, including PIO	
		people were to report war crimes.	33
M-23	Americal Memo Sheet, 17 Mar	Shown to witness.	13
M-17	11th Bde TRIDENT, 22 Mar	Articles on the incident.	13
P-14 -	Miscellaneous Scenes	Witness stated	
P-16, P-68,		they should have been shown to the	
P-69		commander.	19,20
P-26	Color photographs	Wit said photographer should	
thru P-42		have reported what he had seen.	22
P-70	Stripe of photographs	Witness had possibly seen some.	20, 21

(The hearing reconvened at 0943 hours, 16 January 1970.)

IO: The hearing will come to order.

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

The next witness is Lieutenant Colonel Patrick H. DIONNE.

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

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

WIT: Lieutenant Colonel Patrick H. DIONNE, Information Officer, United States Military Academy, West Point, New York, Infantry.

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

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

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

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

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

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

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

IO: Colonel DIONNE, besides myself here at the table there are other people who may address questions to you. On my left is Mr. MACCRATE, on my right is Mr. WALSH. These two gentlemen have volunteered their services to the Secretary of the Army to assist me in this investigation and also to provide legal counsel to me. Besides this particular group, there are others who are also taking testimony in this inquiry, but I will have the responsibility of weighing the evidence and making the findings and recommendations.

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

To the best of my knowledge you have not been cited in the general court-martial case of the United States v. Calley?

WIT: No, sir.

IO: I would only state here that, if by chance, you ever are cited, your appearance here would in no way change either the affect or applicability of that order. Do you have any questions on what we've indicated so far?

A. No, sir.

IO: Colonel DIONNE, would you indicate your duty assignment as of 16 March 1968?

A. I was the information officer of the Americal Division in Chu Lai, Vietnam.

Q. How long had you been in that job?

A. I became the information officer in June 1967, with Task Force Oregon which moved the first units in April 1967 under General ROSSON. The information officer at that time that went up with the unit was Major Francis YOUNG, left in June and I took over.

Q. How long after the middle of March 1968 did you remain in that capacity with the division?

A. I departed on 29 March 1968, about 13 days later.

Q. Who replaced you?

A. Major Gerald HILL, now Lieutenant Colonel.

Q. You know where he is located?

A. Yes, sir, he's at the information office, Headquarters, Continental Army Command, Fort Monroe, Virginia.

Q. Since the matter of the My Lai incident of 16 March 1968 became a matter of public knowledge in the latter part of September or October 1969, have you had any conversations with anybody from Task Force Barker, from the brigade or from the Americal Division concerning this incident or the investigative process related to it?

A. Do you mean before the incident became public?

Q. No, after.

A. Yes, sir, with General KOSTER. He's my superior at West Point now. Well, the conversation with General KOSTER was what I advised him when the matter became public. It first became public to me by way of OCINFO. Lieutenant Colonel HEATH called me on the telephone and said that there was an investigation in process that had been going on for a matter of weeks. This was the first week of September, and Colonel HEATH said that there were charges being brought up on a Lieutenant CALLEY at Fort Benning, that he was going to be retained beyond his discharge date. He had been a unit commander, I didn't know how he described it, in Company C, 20th Infantry and it might come back that there might be a question for General KOSTER. He asked me what I thought General KOSTER should do. I said, "Well if this is an investigation, he certainly shouldn't become involved with any quizzes by anyone except from an official source." I relayed that to General KOSTER and he said, "Fine we'll stick with that." I believe that's the first I heard of it, sir. There were several other conversations, because I am the information officer at West Point. There are frequent conversations between myself and Colonel HEATH. Then sometime early in November was the next time this really came up and I had notes and a message from OCINFO, a couple other pieces of

paper that were administrative sort of things. Then, Major Pat TRINKLE, Patrick Michael TRINKLE, we call him Mike up at West Point, had been a company commander. I knew him in Vietnam. He'd been the company commander of a unit that was part of Task Force Barker. I think he was first of the third, but I'm not sure.

Q. He came from A/3/1?

A. 3/1, right. Mike had gotten hit by a sniper or a stray round or something in the back and shoulder, and the night they brought him to the hospital I went up to see him. We had used his name quite a bit in our little daily news sheet. We put out a daily newsletter, the kind of newsletter that came to the Americal. And Mike's name, Pat TRINKLE--Mike TRINKLE, "Stonewall on the Hudson." This always stuck in my mind because of "Stonewall on the Hudson." When I heard he was hit, I went up to the hospital to see him. The first sergeant was up there and a couple of other people. This was about 10 March I believe.

Q. Did you have any subsequent conversation with Major TRINKLE or General KOSTER after this became a matter of public knowledge?

A. No, sir. The only thing we ever talked about, General KOSTER asked me at one point for copies of anything that I had that was published. The newsletter, copies unfortunately ran out some time in the middle of February. The ones that I had mailed home to my wife. At the end of the week I'd put a few in the mail, send them home to my wife and say, "This is what's going on." Sometime at the end of February is when I just stopped mailing them because I knew I was going home in about a month. At least those are the last ones I have any copies at home. I did furnish the ones that I had to him, and I had done a yearly round-up in January 1968. This was more for the chief of staff. The things that I had set as goals when I came in in June of 1967 with Task Force Oregon and I had a long shopping list that I wanted to get done, set up an IO shop and so forth. At the end of the year I said, well, this is what we succeeded in doing so far, and these are the things we still have to do, get the radio station up to date; try to get the TV van up here and provide some in-house television for command information, jack-up the photo lab which needed help at that point. Some of the IO stuff I guess it might best be described.

Q. Would you tell us your functions at that particular time? The reason I ask this question is the fact that although I understand well what the PIO functions are, I also know that the Americal Division was in the process of transition at that time from Task Force Oregon and a separate brigade kind of an organization to a standard ROAD organization. Looking back at the time period of March-April of 1968, give us a general idea of what your functions were at that time and how you carried them out?

A. Yes, sir. May I go back a little bit to the previous year? When I first went into Task Force Oregon, we had the 3d Brigade of the 25th which later, in August of 1967, was administratively changed to 3d Brigade of the 4th Division. I think you're aware of that, General. We had the 1st Brigade of the 101st Airborne Division. We had the 196th Light Infantry Brigade, they still had the "Light" as part of the name at that time. I believe those were the three brigades we started out with. The 1st Brigade of the 101st Airborne had been in country a long time and had a small IO shop of its own. Major Billy SPANGLER was the IO for the 101st Airborne. I had a Lieutenant ARMSTRONG about this time who was the IO for the 3/4. The 196th started out with a Captain RANDALL. Then Captain Fred MILTON came in as his replacement. So that in the fall of 1967 we had these three brigade IO shops. Now there were two spaces that were brigade spaces, and OCINFO, in the organization of the separate brigades, had added a public information detachment, FB team, which is a five-man detachment. So this gave the brigade two officers and three enlisted in addition to the brigade IO and one enlisted man. That gave them seven men, three officers and four enlisted men. This was pretty healthy for each of the brigades. They had three battalions and because of this organization, Task Force Oregon made the headquarters organization very small. We had nine people authorized. There were three officers and six enlisted. We didn't have everybody all the time. We had the enlisted people, but the officer problem was a little different. And the brigades were, I want to say, attached, instead of under operational control, I think they were attached to the headquarters, all various headquarters. Having been assigned 2 months at MACV before I went up to Americal, I was aware of the plan that this was going to become the Americal Division. This was General ROSSON's personal plan, personal idea. He wanted the Americal brought back to life. I knew about this before I went up there. I knew that when it hit this organization of nine people that somehow we were going to have to either beef up the internal one or beef up the brigade one depending on how it

worked out. We did not therefore, in fact, command the brigade public information detachment in the IO. They worked for the brigade commander, but all of their information came through my office at division headquarters, everything that they provided. By March of that year, we had the 11th Infantry Brigade, the 196th Brigade, and the 198th Brigade. All of them reported through me. There was no individual reporting with one exception, that was home-town news. They were allowed to box up the home-town news and mail them out through my office. We just didn't try to go through each one because it held them up. The home-town news release ones we just moved as rapidly as we could. We had at various times as many as five brigades in the division, so the organization of each one of the brigade IO shops was different. But the basic organization in the three brigades of the Americal was a seven man unit. They had their own photo lab, usually an old van of some kind. They all came over with their own truck van. The distance factor almost prohibited the little photo lab that I had at division headquarters, that signal supported us with, from supporting the brigade well enough to do the job right. So they were fairly autonomous from that point of view. Now I helped them out in getting paper. Somewhere the supply's had not gotten generated. The 198th Brigade came in October of 1967 and the 11th Brigade came in December 1967. They spent about a month for acclimation, small patrols, getting geared to find out what the lay of the ground was and so forth. They replaced on site the 3d Brigade of the 4th Division.

Q. Would it be reasonably accurate to state that with respect to the brigades, they ran their own somewhat independent PIO shop? Your responsibility with respect to them was to provide at least a modicum of special staff support and coordination from the division staff?

A. Yes, sir.

Q. I take it that if there were any task forces within the brigade, they would have run their PIO work directly back to the brigade headquarters?

A. To the brigade, yes, sir.

Q. These PIO detachments were strictly assigned to the brigades and not directly under your control?

A. That's correct, sir, they were assigned to the brigade.

Q. How well did you know the PIO element of the 11th Brigade?

A. I knew a Lieutenant John MOODY, who was the brigade information officer. I knew him quite well because he came in on the advance team before the brigade arrived in December. He arrived in November, and I made him a part of my office at the Americal Division at Chu Lai. He lived with us and worked with us. A copy of every regulation, every letter, everything that we had was furnished to him in a large packet; then the "Nine Rules" cards, and there were a series of about six cards that were furnished each enlisted man in the brigade. We had all of those at Americal, and we just boxed them up. There were about eight or nine boxes that we finally put in a helicopter, or trucked down for distribution in all the units. Some were distributed beforehand because the advance party that came in was a rather sizeable advance party and we had distribution to all of them. Although they did not have any particular orientation, they were waiting until the main party arrived.

Q. Do you handle the "Nine Rules" cards?

A. Yes, sir.

Q. You handled all those packet cards that were issued to the individuals?

A. That's right. Then we had the one on the M-16. We had the "Nine Rules" card, the "Enemy in Your Hands", the Roger's Rangers card, there was an Americal Division card, we had the Code of Conduct card. There was one that was quite a fold out card, it had considerable information.

Q. "Know your Enemy"?

A. "Know your Enemy," yes, sir, that was the other one. I believe that was most all of it. But we had quite a good supply of them, and of course we had anticipated these units coming in. You had to have an experience factor with 198th Brigade of how many of these it would take. Then the combat center, the Americal combat center from that point on, handled all of this. Because they came in as a group and we weren't putting them individually through the combat center, handled this through the IO shop.

Q. I'm a little surprised frankly that you did handle this because most generally the ones that I'm familiar with

handled it through the S1-G1 or the AG shop. How about Lieutenant DUNN, did you know him very well?

A. Yes, sir, Lieutenant Robert DUNN was the assistant IO. I don't know if I could rate him or anything like that, because I wasn't that close to him. I visited each of the brigade IO shops at least once a week, and more frequently when I could hitch a ride or perhaps get in with the general or one of the generals that might be flying down there that day. The 11th Brigade was located about 60 miles south of us, maybe a little less that that. Activity was fairly slow down there during the early days when they came in and we just let them operate. If they needed help we'd rush to it, but while they were getting acclimated I felt that if we just went down there trying to stir up some activity, this wasn't going to help them at all. Lieutenant MOODY had spent so much time in my office before they had even arrived that he was quite aware of all our policies. He knew the rules of engagement sort of thing, and what we could provide to the daily communique to USARV. So he was quite up to date. I had taken him to Danang to the press center up there, the III MAF press center. He had been to the press center down in Qui Nhon and so he knew his way around. He knew quite a few of the newsmen already. I knew Lieutenant DUNN.

Q. Do you know the name of the senior sergeant that was there?

A. No, sir, I don't recall. I knew him and I talked to him, a little short fellow.

Q. I think he was an E-6 if I'm not mistaken.

A. Yes, sir, that would be the right grade. He would be the brigade E-6, that's right. But I don't remember his name, sir.

Q. Did you ever know HAEBERLE or ROBERTS?

A. No, sir. I think I met HAEBERLE several times there, but it was a situation where I walked in, a major walking in where a lieutenant was in charge. The enlisted men sort of stayed out of the way while we had a little conference. It wasn't a situation where I knew them well. In any event the photographers or the photo writer team was gone most of the time. They sort of had a habitual relationship with a given battalion, so they were gone a good deal of the time.

Q. We've talked to several people from this detachment and I rather get a mixed feeling as to who was running the outfit whether from an IO point of view it was being run by Lieutenant DUNN, by Lieutenant MOODY, or whether the sergeant had a strong hand in it. It seems that MOODY was looking after other things. Maybe these cards were the things he was looking after. He was, it seems in my mind, somewhat detached or aloof from the PIO business. Do you get that sort of impression?

A. I got it, but late in the game. I got it because he told me that the brigade commander had put him on a couple of projects that had nothing to do with the information business at all. I asked him when did the IO shop come under the S1? This is what they sounded like, that kind of a project. But he said that it wasn't a problem and I asked Colonel HENDERSON if it was a problem. Actually I asked Colonel HENDERSON at a bad time, this was when General LIPSCOMB was leaving. I'll have to dig a little bit, but I think it would be the middle of March some time.

Q. Well that was the change of command ceremony.

A. Change of command, yes, sir, we were all there for the change of command ceremony. MOODY had said something to me on the phone that he had a project that he was working on. DUNN would know more about this than he did and I cracked to him, "What's this business about, are you working for S1?" And he said "No, this is not a problem. DUNN's pretty capable, he can take care of it." So I asked Colonel HENDERSON. I said, "Did you pull MOODY out of the IO shop?" He said, "No, I just have him doing a couple of things for me, that's all." I don't to this day know what the projects were and I don't know how extensive or how much time he put in on them. He was satisfied with the support he was getting and what they were doing for him so I thought at this point that it was none of my business to pursue that. I wasn't aware of any problem. We got a good daily report. We got the usual number of feature stories from them, and I saw no problem.

Q. Well, to be very frank, I didn't see that a great deal of supervision was going on. It seems like anybody was supervising anything they wanted to, somewhat of a unilateral operation. It didn't have a strong IO really pulling them together and making a team out of them.

A. I wasn't aware of it, sir.

Q. When did you first hear of Task Force Barker?

A. The Koreans left that AO in December, they left before Tet. We had our Tet a little early there because most of our fighting took place about the 2nd or 3rd of January through the 11th of January up in the Wheeler-Wallowa area. The 2d NVA Division--We really had quite a struggle up there. In the Duc Pho area it was a little quieter. They had some mortar rounds that came in and the 4th Brigade came up. They were taking over the AO about early February and Task Force Barker took over not long after that, the early part of February.

Q. Were you acquainted with Colonel BARKER?

A. Yes, sir, I have some slides, pictures. I was promoted on 14 March 1968 to Lieutenant Colonel, and knowing that my replacement was on site and Major HILL was already coming in, he was at the 198th Brigade, I took it on myself just to go around and see everybody one more time to see if there was anything in particular we could do. I had a reporter from The Washington Post around, just before that, Lee LESCAZE.

Q. LESCAZE or LACAZA?

A. LESCAZE, well L-E-S-C-A-Z-E, I thought, LESCAZE is how he always told me to pronounce it. I took Lee around with the commanding general one day and I think it was General YOUNG the second day. General YOUNG was the ADC. When we were with General YOUNG is when we made the southern trip I believe. I took a lot of color slides on my own camera. I have a picture of myself and Colonel BARKER and General YOUNG and the chaplain while we were making the rounds one day just after I had made lieutenant colonel. I'd say within 3 or 4 days of when I made lieutenant colonel.

Q. Do you still have those?

A. Yes, sir.

Q. I'd appreciate very much any photos you took down there that day.

A. Sir, I'll be glad to help.

Q. We'll reproduce them and return them to you. While we're on this point, do you know where Captain MOODY is stationed at the present time?

A. No, sir, I do not. I rather think he's out of the Army, sir.

Q. Do you recall what his first name was?

A. John.

Q. Were you aware of Task Force Barker's operation of 16 March 68 into the Son My area?

A. No, sir, not beforehand. I was aware of it after because I sat in on the afternoon briefings that were held by the G3. Every afternoon at 1700 in the DTOC we had a briefing of the days activities and some of the future operations. We never dealt very much in future operations at that particular meeting, because all of the staff was there. There were representatives from the Marine Corps and the Coast Guard Unit that was there, the Navy unit, some of the Air Force people that were at Chu Lai. There was quite a sizeable crowd 50 or 60 seats in this particular room. They dealt mainly with what had occurred and what might occur that might affect any of the operations of those people who were sitting in the commanders room. I think I didn't attend the night this was announced, I think Major HILL attended for me. The next night there was rather sizable activity. There was a trace on the map where the companies had gone and I sat in on it. Going back, I went back, I went back over my communique, but there had only been small body counts and I thought maybe it was a new area for us, because the Koreans had been in that area for a long time and had not really toured around much out in the outskirts. At least that's the evidence we had. Its hearsay, but this is the first I heard where they were. Now they had named the Operation Muscatine and were moving out of the AO.

Q. What did you hear about this operation into Son My? You say you didn't attend the night of the 16th, to your knowledge?

A. I don't believe I did.

Q. But you indicated that you attended the night of the 17th?

A. Yes, sir.

Q. Do you remember any of the discussion concerning the body count or the manuevers or anything about that?

A. No, sir. If there would have been anthing in particular I would have remembered it. If there had been something said about a tremendous increase in body count, or the number of people, or if there had been the action apparently reported to have happened, I would have remembered it.

Q. What made you so sure that you didn't attend the meeting of the 16th?

A. I don't know, general.

Q. You have a pretty good memory on that.

A. Well, because I would have caught it if something had been said about the number of people, a number of people. I've been reading the newspapers, I would have been aware of it. But I left Vietnam and I still wasn't aware that this thing ever had happened. It was unknown to me. The first I knew of it was on the first week of September, on the 5th of September of this year 1969 when Harry HEATH called me up. He asked me on the telephone, "Did you ever hear of Pinkville?" And I said, " Sure I've heard of Pinkville cause that's where we had a chopper go down." This was a 1st Cav chopper, I believe a "hook" that was bringing some people up for discharge, who were going to fly out of Danang, hitch-hiking a ride up on a hook. This was back in latter part of 1967 and the hook put down, thinking they had mechanical trouble....

Q. You mean somebody talked to you?

A. Well he asked me did I know where Pinkville was, and I said, "Sure I know Pinkville. Pinkville is where the chopper got shot up." I was explaining to him what it was. This was the nickname for the place that the troops used.

MR MACCRATE: Colonel DIONNE, we have been able to locate both the 11th Infantry Brigade news sheet called The Trident and The Americal News Sheet for this time. We noted that the story as it appeared in the 11th Infantry Brigade paper, is carried over virtually verbatim into The Americal News Sheet, but there's some very interesting additions made in The Americal News Sheet. There seems to have been a great focus in your shop on just what had happened the day before. Rather contrary to your recollection a moment ago, we find in the paragraph added, a focus on the fact that

this is the largest kill by the "Jungle Warriors" in one day since they became a part of the Americal Division. The great focus on this operation was added in your shop. If you will, please look in the first paragraph of Exhibit M-23 and then look at the story of the encounter as it appears in the brigade paper Exhibit M-17. See if that doesn't refresh your recollection as to what you heard at or about that time.

A. I do remember that 128 figure. I remember the 128 figure, I really do, because this was the big count. The whole of Operation Muscatine, I don't think, while I was there, ever got more than 350. I don't know the final total. Muscatine was terminated after I left, but I do remember that 128 figure. This report that is carried here is the report that we called in every morning about 0200 to USARV. The information officer there had a 24-hour man and this was our communique for the day.

Q. Where would the basic material be prepared?

A. It was called in to us. It was all telephone wire.

Q. You had a call from the brigade?

A. Yes, sir.

Q. What we find in the brigade paper, M-17, is the basic story called in to you?

A. Well the dates are quite different. It's March 22 on this particular one, while the Americal news sheet, your M-23, is March 17, the day after the incident's supposed to have occurred.

Q. Well, it's a verbatim story beginning with the third paragraph of The Americal News Sheet, so apparently someone had prepared the basic story by the 17th. Would that have been prepared by brigade or by your office?

A. By brigade, sir, in the sense that they gave us a narrative, a running narrative of all the days activities. I'm sure that in my own office, Lieutenant WOLFGANG was accepting these in over the telephone and I'm sure that Lieutenant WOLFGANG, with a little editorial judgment, and some checking with the DTOC to determine if this was one of the big days for the Task Force

and for Muscatine. I think it's a high day for Muscatine too.

Q. And then the lead paragraph on Exhibit M-23 was added by your shop?

A. Sir, it's written in news story form. We received reports from five agencies, the three brigades, support command, and the helicopter people and DIVARTY; anything that they had that day that was significant. Then the most outstanding part of the story was placed in lead fashion and if that was the narrative that came to us from the brigade IO, we used it verbatim. If it wasn't exactly editorially significant, in the sense that he had written it perhaps rather loosely, or if the telephone conversation was nothing more than a series of notes, he sat at the typewriter and retyped it for use in the sheet.

Q. Well, Colonel DIONNE, if you'll look at M-17, you'll see that starting in the first paragraph of the story is what becomes the third paragraph of your story in The Americal News Sheet M-23 and then it runs down paragraph by paragraph just verbatim of what appears in the brigade sheet. What has been added in the Americal sheet is an introductory paragraph and then there's a second paragraph added which relates to other parts of the news of the day, but so far as the operation into the My Lai Pinkville, area, you have added apparently an introduction in which you focus upon the extent of the kill of that day and point out that this is the record number. I ask you if that does not refresh your recollection of your knowledge at that time, of the extent of the reported KIA's for the day, and that this was a general focus of attention at that time at Chu Lai.

A. I remember the 128 figure. Let me go back a moment, if I may, Mr. MACCRATE. The material that starts in our third paragraph in M-23 and the first paragraph of M-17 could have been taken from our paper and put in directly into theirs, which they usually did. What I'm saying is that the focus story that you see on The Americal News Sheet was transferred to The Trident. This was done because if one went out that day, was flown to them on the chow vehicles that same day, and distributed within a day or so within the brigade headquarters.

Q. So that the story originated at the division and not at the brigade.

A. The story originated out in the field, going through the tactical operations center of the brigade, was passed to the IO at the brigade, who then by telephone passed it to my office, and we took it on the telephone. In a sense, perhaps, my man wrote the paragraph to start with for the third time and so forth. They then lifted that, if you will, and placed it in The Trident because it was the basic story for them also.

Q. So the possibility is that more of the story was actually developed at division, that after the telephonic report the actual writing and editing into your news sheet could have occurred at division level?

A. Yes, sir, because one thing that we always did on numbers was check with the DTOC, "Is this the number you have on the board?" We'd check through the DTOC on these numbers. That's why the 128 sticks in my mind, but it is not any more signifcant than the figure we had of nearly 200 in one evening up in the valley area.

Q. Well, you'll note that there are a number of figures that run through this article. One includes the report that as the "Warriors" moved through the marshes a mile west of My Lai they counted 69 enemy bodies killed by a battery of the 6th Battalion 11th Artillery. Then it points out that the battery was commanded by Captain GAMBLE. Now a figure such as that you would have checked at division TOC.

A. Yes, sir. It would have shown on the division TOC as killed by artillery, KBA.

Q. Then you come down in the next paragraph, a unit led by Second Lieutenant Thomas K. WILLINGHAM engaged an unknown number of enemy along the beach one-half mile south of the village. When contact was broken 30 Viet Cong lay dead. That similarly would be a figure checked by you at the DTOC?

A. That's right. I believe sir, about the same time that we were getting these reports, the operational reports are coming in. There was a report, combat report, daily combat report. It was an every 6 hours report that was prepared at the DTOC for III MAF, and this was one of the figures. There was a summary for the days activity and this is why we waited until 0200, because we could then get the day's activity summarized. Some of this material came from there. We used the general guidelines sent to us by MACV and USARV on what we should include in these and we were urged to use names of the unit commanders and their home towns.

This came out about halfway through my tour over there, and you'll notice that we used names quite frequently. We were urged to use the figures of enemy killed, detained, detainees, rice captured, weapons captured and so forth.

Q. Who dubbed the Task Force Barker, "Barker's Bastards"? Where did that originate?

A. I don't know. I really don't know.

Q. Was that a description you commanly used in the news sheet?

A. Yes, sir. We used various nicknames the units thought up for themselves. I think that's because the three companies that made up the task force were from three different battalions. I think this is the source of it as far as I was concerned.

IO: With respect to this 128, Colonel DIONNE, I have here the log of the Americal Division for the 16th, Exhibit M-6. If you'd look first at item 28, do you recall having seen that figure?

A. No, sir. I never saw the daily journal as such. These were posted on a large acetate board and if it was something they could discuss over the telephone, we'd just check by telephone. They'd say, okay, what figure do you have for thus and such unit and we'd read the figure that we got from the brigade IO. It was done by telephone when possible and so I didn't see these.

Q. Would you be familiar with the final wrapup for the day, the last item on page 9, number 94?

A. Possibly sir, if it was something reported.

Q. If you look down about the fifth line, you'll see that it starts with Operation Muscatine.

A. The operation summary was usually the kind of thing we would get in the night briefing, unless something significant happened after dark. There wouldn't have been really much change for me. I remember the 128, but I'm sorry I don't remember that being reported in the briefing room.

Q. Will you look at the other figures? Three individual weapons captured, two U.S. killed by hostile action, ten

wounded by hostile action?

A. Yes, sir.

Q. Do you recall any discussion, either in the briefing that night, or the following day or within the headquarters, concerning this disparity of 128 KIA to 3 weapons captured?

A. No, sir, I do not.

Q. Coming back again to the PIO detachment at the 11th brigade, what are the rules for handling photos?

A. The film, the processing and so forth, in the brigade was processed in the 45th PI Detachment. Any release of photos would come through my office, anything they wanted to release. The usual scrutiny was done by them on anything that might be classified, matters of propriety and so forth. Then we in turn would provide them to whomever would be on the release list. So they were processed at the brigade level.

Q. What's the rule on one of your PIO photographers carrying an individual camera along, what was the rule then?

A. Sir, I don't think there was a rule. I don't know that there is one in Vietnam today. If he was using government equipment he had to turn the material in. But if he had a personal camera with his own film in it, I had never stated a rule to anyone about that. At the early stage of the game we were using our own cameras, because there were no cameras up there and we were using 35mm black and white and turning it in for processing. It may have been an oversight on my part, because in the early stages we had one four-by-five speed graphic, probably the worst thing you could use in a helicopter. It was forever breaking down because of the dust. There were other cameras obtained as we went along, but this was at the early stages and it was difficult. Probably because of an experience factor, I had never had a problem, there was no rule as far as I know.

Q. Well, from a matter of pride, is it reasonable to assume that a PIO would go out and select pictures which he would take on one camera which he carried which belonged to the government, and then he would select other pictures which he would take on his own private camera?

A. No, sir, if he's going to expose pictures of anything that is important to the government, it ought to be done on government equipment, and anything that he got that was different on his own camera that might be important to us, he was certainly wrong.

Q. Now assuming that some of the black and white pictures came through, had indications on it that violations of division orders or violations of MACV orders or violations of the rules of land warfare. What would be the normal practice in handling those pictures?

A. Well it would be difficult. Unless you alleged, as in this case a large number of people, it would be difficult to identify from a given picture if a particular violation had occurred unless the caption itself identified that there was a large problem. Then there was a procedure that USARV had set up for us to provide those pictures to them, they then would do whatever was necessary. If I had received information about a photo of that nature, I would have turned it over to the CID there at Chu Lai.

Q. What was the division rule concerning the burning of houses or hootches?

A. There was a specific order out that it would not be done.

Q. And was this well understood within the division?

A. I don't know, it was understood at the headquarters. General KOSTER had issued a letter about abuse of civilian property sometime in January and commanders were required to bring this to the attention of all their personnel. I believe January is the right month. This resulted from a letter that came both from MACV and from USARV. He issued a extra letter along with it, his own letter that went with the other two. I think the problem stemmed from an incident of things being thrown off vehicles or something. Our assessment of the letter, and I say our, because the chief of staff showed it to me. The colonel must have showed me that because he said "Can you edit this in such a way that we can also apply this to people abusing civilians, abusing people as they go through villages?" I helped prepare a couple of the paragraphs in the sense of getting the words on paper. General KOSTER said, "I want every commander to bring this to the attention of his people." I heard this on more than one occasion. I believe

that was in January. The incidents that had generated the letter were apparently in the more built-up areas. I am going to say Bien Hoa, Saigon area perhaps, where cans and things were being thrown off vehicles and striking people that were walking on the roads, driving vehicles too close and scaring folks and knocking their property down and knocking their carts down and things like this. I think that's what encouraged it originally. That's what it sounded like.

Q. Well do you remember the specific point on burning hootches and so on, burning houses?

A. No, sir. I don't remember specifically. I'd have to read it to recall, to be brought back to mind, but there was a division directive to that fact.

Q. Do you recall that in the Task Force Oregon SOP it had statements concerning the protection of noncombatants, the handling of detainees and all of this kind of material.

A. Yes, sir. I do very well.

Q. And as I would understand it, this SOP was still in effect up until such time that the Americal SOP came out?

A. Yes, sir.

Q. Sometime later?

A. That's correct.

Q. I have here now three pictures which are entered as Exhibits P-14, P-68, P-69. I show you these and ask you if such photos came out to the PIO section, whether the PIO section should have the right to retain these photos unto themselves or should not they be called to the attention of the commander of the unit or at least to the operations staff of the unit.

A. These should be called to the attention of the commander.

Q. I show you here two more pictures which have been entered as Exhibits P-15 and P-16. Do you notice the picture P-16?

A. Yes, sir.

Q. And you perhaps noticed picture P-15? Would you consider that those pictures, one that shows the wanton burning of buildings and property, the number 15, should have been called to the attention of the proper authorities?

A. Yes, sir, I do.

Q. And number 16 which shows not only that, but also shows at least two bodies and also a pile of material being burned on top of one of the bodies. There's a possibility of a third body in that picture, if you look at number P-16. I now show you these to refresh your memory in the use of dual cameras, the photos which were not identical.

A. No, sir.

Q. But they're very closely akin to one another (Referring to color photo in Life magazine similar to black and white photo P-16.)

A. Yes, sir.

Q. So it becomes quite obvious that the individual who took the black and white also took the colored photo.

A. I never saw these, I would think that MOODY would have called my attention to it.

Q. That's exactly why I asked the question, "Who's running that outfit down there?" There's no question in your mind, however, from what you've indicated, that anytime that a picture would show up something that was an improper act, whether it's in violation of brigade, division, MACV or Army regulations, that those pictures should be called to the attention of the proper authorities.

A. Yes, sir.

Q. And not retained within the IO shop as your own personal property.

A. Exactly, sir.

MR MACCRATE: Colonel DIONNE, I show you Exhibit P-70 which is the strip of photographs, one of the black and white series taken apparently by Mr. HAEBERLE and ask you if on or about this time in March 1968 you saw any of these photographs of that series.

A. The type of photograph that I know that they had released, and I say a type because I don't remember what they were describing at the time, the type of thing that did come to us was of the troops walking through the rice paddies, the rice paddy scenes, the people borrowing a canteen of water from a well, or helicopters coming in, the medevac. This kind of picture I got frequently. But this one, the scene of a man apparently with a lighter in his hand or something. This man searching a hut here, a straw hut, that's possibly one that I've seen before, but I'm not sure. I had similar pictures come to me from the 198th. They had a very good photographer there who provided me with an awful lot of pictures from the 198th Brigade, many of them of a similar nature. But the ones of burning things, I didn't see these.

Q. I show you a similar strip from Mr. HAEBERLE, apparently black and white pictures taken by him on the operation that day and ask you if you recall seeing any of those. On the reverse side is what you've already examined.

A. No, sir, I don't remember any of these. I think that medevac picture, the two troopers sitting under a tree with a young Vietnamese lad in the middle.

Q. Do I understand that you would only see the individual photographs that were passed up from brigade with a recommendation for publication?

A. Yes, sir. They would prepare a caption identifying the photograph. If there was a story to go with it, if there were more information, if it were part of an operation and so forth, that would be attached to it also. They would come up twice a week. I'd get a packet from them and we'd go through each one of them for propriety, the clearance factor and if they were combat operations, if there was some question about the announcement of an operation that had not yet been announced, we would just hold the photos until the operation was announced, and it would all be released at once. They would indicate on them where they preferred for them to go, and of course the 11th Brigade had not long been out of Hawaii and many of their releases went back to Hawaii.

Q. Did they have their own developing and print shop?

A. Yes, sir.

Q. At the brigade?

A. Yes, sir, they had MTQN-7 or something. It was a van, a duece-and-a-half-type van. It was on the back of a truck. Once they had positioned the thing and sand bagged it, they just used it the way it was. I think that about the time I was leaving they were trying to build a little wooden building to get some air in the thing.

IO: That van, as I recall it, did not have capability for color photo, had only black and white.

A. No, sir. It had only black and white.

Q. I'll show you here the entire series of colored photos which were taken during this operation (Exhibits P-26 through P-42). You have had an opportunity to scan the black and white photos. You had an opportunity to scan the colored, and you notice there's a vast difference in the two. Can you give me any possible reason why anybody would not, for example, print in black and white the pictures which they had in color. Why the color would not also be made available to the local commander?

A. No, sir. It seems to me if this man saw this kind of activity he'd go back and verbally report it. It would seem like the rational thing to do, shooting all these kinds of pictures. The man with his intestines hanging out is not a very pretty picture and if you stand there and take a picture of it you'd at least report it to someone afterwards.

Q. Well, we have many of them that are not very pretty pictures.

A. No, sir. I don't know any rational reason why a man would not report it.

Q. Were you aware of the fact that when these pictures were taken he had along with him one of the reporters from the IO section?

A. No, sir. However, I will say generally that they usually travel in a team. The photographer and the information writer usually travel as a team.

Q. Did you ever hear in Headquarters, Americal Division that there was an investigation going on concerning what may

have happened at Son My or My Lai on 16 March?

A. No, sir, I did not.

Q. Did you ever hear any talk around what BARKER's outfit may have done? A large number of women and children that were killed perhaps showing up in their SITREP's and so forth?

A. No, sir.

Q. We understand from talking to several witnesses that at least some of the officers were aware that something unusual had taken place and there was also much loose talk among the enlisted personnel. Considerable talk, to the point where one could almost overhear it from the staff mess as to what was going on in the enlisted mess, what rumors were being passed about. Did you ever hear anything about this?

A. No, sir, I did not.

Q. What were your responsibilities with respect to the training and operation of these IO sections? Were you responsible for them in all and anything they did, other than providing just broad supervision?

A. No, sir, they came in trained. These people were trained in the States before they joined the public information detachment. They either had civilian training, or equivalent military training after taking basic and AIT. They would join the public information detachment or come into the information office. Most of my people came, the first series of replacements that I got, came in December 1967 and January 1968. They were a young, inexperienced crowd, but many of them had worked as civilians, done the civilian job in news media work and were considered qualified. They were awarded the MOS by the Army and they were sent to me as replacements. This held true for most all of the information school at Ben Harrison and had been trained in military writing and the matter of propriety and so forth. When you say the responsibility in training, there is another thing, the peculiarities of Vietnam. My office spent more time with newsmen coming in, visitors, and taking them to the areas, transportation, billeting, mess, and so forth. We spent more time at that, and my personal time was spent mostly with the general officers and briefings by the staff and that sort of thing

for the newsmen who came to the Americal. And when they didn't show up frequently enough I went out and got them and used to bring them back because we wanted as much attention about the activity that was going on there. So I was away part of the time, spent some time in Danang and not as much in Saigon, but Danang usually, at the press center, and would bring them back with me. The general would give them a briefing and we'd go from there. So the training and bringing these men up to date on the USARV and MACV policy of what was releasable and what was not releasable was really the area in which I got involved with the people that were working in the IO jobs. But we felt we had a pretty good stop-gap, as anything they sent to us was reviewed by us and then reviewed again in Danang. We released to Danang and that was the MACV clearing agency. We had to have the MACV clearance before anything could go out. But they prepared the envelopes and had everything prepared to mail, all set to go, MACV was the final releasing authority.

MR MACCRATE: Colonel DIONNE, do you remember a visit, in the late summer or fall of 1967, by a writer from the New Yorker Magazine, Jonathan SCHELL?

A. SCHELL, sir, remember him very well, more than well. Jonathan SCHELL came in mid-August 1967 and was later joined by his brother. Jonathan was the first one, Orville, his brother came in later. For about 2 weeks, I would say, it had been reported to me, to fly with the FACS, forward air controllers, Air Force people. Lieutenant Colonel Joe CAMP, who was the IO for the 395th squadron, I've forgotten the Air Force number for the unit, but there was an Air Force unit in Danang and he was the senior Air Force information officer there. He called me and said, "Could I put them up, we have an air FAC facility down at your place and they don't mind him if you don't mind." I said fine. I asked if he was MACV accredited and he said that he was. We picked him up at the airfield and I briefed him. The next morning they took him out on a flight, put him in the back of an O-2. He was there about 2 weeks and the latter part of the second week there was a little fracus up in the guest quarters. I also had a gentleman by the name of Bill HALL who wrote for UPI. You may remember him, he was an ex-special forces, tough little guy and he used to go out and spend a lot of time with the troops. He didn't fool around in the headquarters area, he was out with the troops. And I got Bill down there and put Bill out on Wheeler-Wallowa. Bill went up with the 2/12,

a 1st Cav Division unit that was at that time--their 3d Brigade was attached at that time. I'm sorry, this is just before the 3d Brigade came in. I'll have to recall what unit. It may have been the 101st Airborne he was with particularly. I don't know.

Bill in conversation with Jonathan apparently determined that he was some kind of a liberal peacenik or something like this and there were some names traded and Bill had him by the scuff of the neck and was going to heave him out through the side of the wall, and this is according to a third correspondent, Charlie BLACK, who was living with us at that time. Charlie writes for The Columbus Ledger-Inquirer, Columbus, Georgia. Charlie got between them, and anyway, the thing was quieted down, and Jonathan moved in with the FACs the next day. He had off and on spent some time living with the FACs in their particular buildings, this series of hootches. So I talked to Jonathan when Charlie told me about this and tried to find out and he said, "No, everything's all right. I got mouthy and he got mouthy and one thing and another." I figured they were satisfied with what the results of the argument was, I was going to stay out of it. Bill promptly went out into the boonies again after he made a report on telephone to UPI and the next indication I got is when he went down to 3d Brigade of the 4th Division. Colonel George WARE had a little activity going down there. So I said why don't you go down there and try to join a ground unit. Well he went down, but he wouldn't leave the compound. He was satisfied to stay within the compound. But he reported some figures to Colonel WARE that Colonel WARE got quite excited about, about the damage level down in the Mo Duc-Duc Pho District, and he was saying Quang Ngai. There's big areas of Quang Ngai that never had a shot fired in any area, I don't think. But the Mo Duc-Duc Pho District had been worked over rather heavily by the Marines at one time. Then the 1st Cav Division had been up there fighting with the 3d NVA Division and the war had progressed back and forth across this area a considerable length of time before Task Force Oregon had ever got there. There was damage, but he was using 99 percent destroyed and things like this. A lot of people were still living down there. So he questioned the validity of his figures and wouldn't allow him to use the figures. Well Jonathan came back to my place. Some of this may not be exactly the time date that it happened. Jonathan came back to the headquarters and, Colonel WARE had called me in the meantime, and I said, "What's the story?" He went into quite an impassioned thing about we're here to destroy the people; we're going to kill all the civilians, and so forth.

He wrote a book about it. But because Colonel WARE had a specific complaint about the figure that he was attributing to Colonel WARE, I said,"I'm putting you back in the chopper, you're going down there and you're going to clear those figures with Colonel WARE before I'll allow you to leave here." So I put him back in the chopper and down he went, and Colonel WARE couldn't convince him that these were not figures that he could attribute to Colonel WARE. So they put him back in the chopper and sent him out. Well apparently he talked the chopper pilot into stopping at Quang Ngai City and grabbed a plane. His brother had arrived in the meantime, been here a couple of days, and the two of them created quite a little furrow around the headquarters when they went up to a little grass shack officers club and started talking to people. So I said, "Maybe we'd just better ask these two characters to leave." But I didn't have to ask them. They joined in Quang Ngai City and hopped a plane out of Saigon the very next day apparently. Sat it out in Paris and wrote the book, The Other Side. It's not very good reading.

Q. And this took place perhaps the fall of 1967?

A. August of 1967.

Q. When did you first read the serialized piece that appeared in the New Yorker Magazine?

A. It was mailed to me in Vietnam, one of the serials by a friend of mine in Washington, D.C.

Q. It was in the September rather the March 9, 1968 issue? Would you have got that before you--

A. No, sir, this was mailed to me by Don KITE. It was sent to Vietnam, one issue was sent to Vietnam and it finally caught up with me. I have both of them at home now and I bought the second one myself because I was back. I know it was mailed to Vietnam and I remember it was curious that it finally caught up with me. I guess the book has been out for at least 6 weeks or more. Someone in New York City, in the info shop there, one of the colonels that had worked at MACV when we were together at MACV, talking some other business, said, "Have you seen yourself in the book yet?" I said, "No, I haven't seen the book, I can't find it." Brentano's didn't carry it, which was my source.

Q. Did the book come out before you left Vietnam?

A. No, sir.

Q. That came after?

A. That was after, yes, sir. I was physically assigned here in Washington at that time.

Q. But certainly as a result of this experience with Mr. SCHELL in the fall of 1967, you were quite sensitized to the problem and the kind of attitude that there was?

A. Yes, sir. Well, we put this all on paper and sent it to MACV. A complete report of it went to MACV. My job at that point was not to decide who came into the area really, because if they were recommended to me by MACV or USARV, we weren't there to stop the visitors. At MACV, at that time, there were accreditation procedures in effect. If they wanted the newsman to come to our area, or if we could handle them, fine. There was no objection, they could go to any unit they wanted to in Vietnam.

Q. Colonel DIONNE, you indicated that you went, I believe, to LZ Dottie on 14 March?

A. Sir, I was promoted on 14 March. It was sometime in that time frame, after I was promoted, because I have a brand new leaf showing on my fatigues.

Q. And you were accompanied, you indicated, by the chaplain, was that the chaplain of the division?

A. Yes, sir. Chaplain LEWIS.

Q. And you saw quite a bit of Chaplain LEWIS at the division?

A. Yes, sir, off and on. He was a very friendly guy and as a matter of fact he used to take his walk around our little U circle down at the headquarters, and my office was located across the street from the G5 in the sense that there was a little parade ground in the middle.

Q. Right next to the courthouse?

A. Yes, sir, the courthouse came later, of course, but it was right next to the courthouse.

Q. At the briefings that you attended, where did you sit in the arrangement. Was there a customary place that you occupied?

A. Yes, sir. I always had the same seat. I was in the second row and in about the seventh seat from the right, IG on one side, and I want to say the JAG on the other side, but I don't know why.

Q. This is the same row that the chaplain sat in?

A. Yes, sir. He was down just another seat or so from me. He was toward the middle from me, I believe, then Colonel MORTIMER when he was the IG we used to walk over together because his office was next to mine. Colonel HEATHERLY came in as his replacement and HEATHERLY and, well HEATHERLY came in in late February or March, something like that, and I really didn't get to know him. I was leaving Vietnam and I'd been through a great number of people that I had met at MACV, went through two changes of personnel at Task Force Oregon because the people who were assigned to Task Force Oregon were mostly short timers.

Q. The G5 sat generally in front of you?

A. Yes, sir. The chief of staff was down in the first row and all the Gs were in the first row. Then the commanders were on each side of that, the middle seats were General KOSTER's seat and ADC, then the Gs, and then any commanders that were up at Chu Lai. Then special staff and then in the very back third row the assistant signal officer.

Q. You have mentioned that you do recall this figure of 128 KIA.

A. That's right.

Q. Do you have any recollection of that figure being mentioned at the briefing or at a briefing and hearing the comment passed along the sidelines at such a briefing, "128 KIA, 4 VC and 124 women and children."

A. No, sir. I think I would have remembered that.

MR WALSH: We've had some testimony from some people in the brigade, the 11th Brigade IO shop, that they concede their

duty and function to be to provide information favorable to the brigade for dissemination to the news media and it was not part of their duty to report information unfavorable to the brigade. Do you agree that that is--

A. (Interposing) Well I don't know what you identify as favorable or unfavorable, but we had to get it by the MACV clearance agency. In that sense, if it were unfavorable to the command as a whole, I don't think it would have been cleared, very frankly.

Q. Well let me put it another way then. You would agree that their function was to find and report information that would be cleared by MACV for release and publishing?

A. Yes, sir.

Q. Now, did you, in your function, have any responsibilities put on you to report either to the commanding general or to the chief of staff or anybody else, any unfavorable information, violation of regulations, crimes, other matters that might come to the attention of the reporting teams that were working with the units in the field?

A. I don't recall anything specifically, but if it would have come to me, I would have done it because of a staff officers work. I don't recall any specific injunctions to me that said do this, but certainly if there had been.

Q. (Interposing) I appreciate that. I'm speaking apart from your general responsibilities as an officer. I mean is it a function, as you understood it at all, of the information people, whose function it is to collect information, to pass on information of matters that need investigation or correction?

A. Yes, sir.

Q. Is that spelled out, do you know? Was it spelled out to you in either oral or written directives operation in your organization?

A. No, sir. I don't think so. I'm not aware of any if there were.

Q. Was there ever an occasion when violations of rules--

A. (Interposing) Let me go back if I may for just a moment. Excuse me for interrupting. Within the directives that were written, you're pointing it to me for information solely. Well you see I don't divorce information people from any other staff officer or any other soldier in the Army. They're no different. They have the same responsibility. So this is where I digress a bit because I think its important to say they are first soldiers and then they're doing their job as photographer, writer, typist or whatever he has to do. He may be a file clerk, he may be a driver, but he wears a uniform first and that's more important to me. So as a soldier if he knows of wrong doing, he's required to report wrong doing.

Q. Can you recall any instance or example during your period with Task Force Oregon or the Americal Division when one of your reporting teams in the field reported to you violations of rules and regulations, possible criminal actions that you then reported to higher authority?

A. Yes, sir. I was one of the people that reported a thing that several people heard about. This occurred up in the village of Khe Sanh where a man was supposedly tied up in, or held down in, a dying rooster or some damn position and given the water treatment, supposedly to make him talk. There was a reporter on the scene who took a picture of this. I'm not sure if these were PF or ARVN. ARVN soldiers with U.S. soldiers in this village detained a suspect and apparently were giving him the water treatment. This is just keep pouring water down his throat until he talks and it may have been Bill HALL, I'm not sure who the reporter was. He came back that night and reported it to me and I went over to G3 and I said this happened and they said they got the word on it already and its being investigated. I mentioned it to the chief of staff and he said he understood that it's being investigated right now.

Q. This involved Vietnamese personnel.

A. And U.S. personnel were present. The photograph that was taken, and published in The Washington Post, was a picture of some troops standing around while this man was being given the treatment.

Q. There were civilian reporters present?

A. That's correct.

Q. I'm speaking more of an instance where someone on the IO section observed something or learned of something, reported it to you and you reported it to a higher authority.

A. I had one report also from a Specialist Bob TOWLE. He came back from an operation with the 101st Airborne and indicated to me that there had been some mutilation of a body or somebody had kicked him after the man was dead, after the soldier had in some way disgraced the body, and I reported this. I passed it on to both the G3 and the chief of staff. I don't know if there was any action taken or if there was any way to investigate it. But this was back in the hills and I think the operation was Operation Benton. This was an area that they passed through. I don't know if they ever went back or if there was any investigation. I just don't know. But he just told me this thing and I said, "Bob, what did you see?" In all fairness to what may have occurred, TOWLE was a difficult man in the sense that we had other problems with him, but he did like to go out on operations and he'd been out a week or more. He came back and told me this and I asked if he had anything that we could put our hands on. No, but he said they kicked the body around or something. I just don't know how extensive it was, but I just passed it on.

Q. Did you pass it on to the IG?

A. I don't know, it would have been Colonel MORTIMER then and I don't know if I did or not. Very frankly I discounted this a little bit because Bob TOWLE was a problem child who wore his uniform like an animal. Personal hygiene wasn't always the greatest. It was just as well to get him out in the boonies. So we would get him out there, if he wanted to go. He became the subject of some disciplinary action for activities in the barracks. He had a couple of beers and wanted to fight everybody, and I discounted it quite a bit because of that.

Q. Did you ever give any instructions to your IO people when they came in, that they were in a unique position, that being their primary function being to collect information, that they were also in a unique position to report to you any violations of rules or regulations, criminal matters, and that they should make it a point to report that to you?

A. No, sir, not the last part, in the sense of violations or anything like this, because there wasn't any indication that there had been or were going to be any. I couldn't second guess that. However, I did have a in-briefing with each man that reported in, an orientation, just him and me sort of thing, where I wanted to find out what his strengths were, capabilities. He had responsibilities wherever he worked, and whomever he was dealing with, that there were certain things that, when I attached him to a battalion commander, he was following what that battalion commander wanted him to do. So we did have an orientation in the combat center as they came in to the division. These were general policies that were passed on. But specifically the words, I don't recall ever having said that.

Q. Is it fair to say that the primary if not exclusive function of the information section to the various units was to find and report favorable information that would meet the MACV requirements for release to the public?

A. Yes, sir, I think so.

Q. And were there any other functions with respect to the finding and reporting of information that the IO sections had?

A. You've lost me a little bit, sir, because I don't--

Q. (Interposing) Apart from the finding and reporting of information that would be suitable for release to the public--

A. (Interposing) Oh, yes, sir, I see what you mean. Well we had--

Q. (Interposing) Were there any other requirements placed on them for the selection and reporting of information?

A. Yes, sir, because we assisted news correspondents. This was one area in which they worked, the film teams that came in, both the military film teams, the DASSO teams, Department of the Army Special Signal Office Teams came in and there were six army teams, two Marine teams and three Air Force teams in the country. They did come over and shoot about 3 minute reels that they would provide to

the news services. Its done upstairs in the building. I almost always had one of those teams in my area, most of the time. The only thing we weren't able to help them out with was to let them be on site when there was a bombing raid in progress because we couldn't secure the ground farther. That was the only thing that they asked me to do that I could not do. But we helped the film teams, we helped the CBS, NBC, ABC teams that came. We had individual correspondents that lived with us, practically. We ran shotgun for them and so forth. So more than just a collection, there was an escort factor, get them to the right places at the right time, arranging transportation. That's essentially it.

IO: I have here Exhibit D-1 which is MACV Directive 20-4 entitled "Inspection and Investigation of War Crimes." Colonel DIONNE I'd ask you to look at paragraph 2 and I'd ask you to look at paragraph 5a. Were you familiar with the contents of this document specifically, these two paragraphs?

A. In a general way, yes, sir. But not this document, sir.

Q. I also have here the implementing directive from III MAF which has been entered into the record as Exhibit M-8. I'd ask if you are familiar with this document, specifically paragraphs 3 and 4? Would your interpretation of these two paragraphs and the two paragraphs which I cited in MACV 20-4, would you interpret them to mean that PIO personnel including photographic personnel will be excluded from reporting?

A. No, sir. I do not interpret that as any exclusion whatever of anyone.

Q. It says "all military personnel", and in the MACV document, in 5a on the second page it says that certain people including photographic people who are in unique positions are specifically pointed out as people that should report these?

A. Yes, sir.

Q. So in your judgment this more than highlights the point that not only all personnel, but these other individuals who are in these unique places must report.

A. Yes, sir.

IO: Colonel DIONNE, you've been quite helpful to us this morning. I would like to say that if what we have said here refreshes your memory in any sense, and I'm particularly concerned about any information that may have been available in that headquarters concerning anything which transpired at My Lai or Son Tinh--Son My Village on the 16th or sometime in March. If any of that comes to mind, I'd very much like to have that information, for the benefit of all concerned. Additionally, if you have materials, be they photographic, memoranda, letters, aerial photographs, map, or otherwise, which you feel would be of assistance to us in this investigation I'd like very much to have those. Particularly I'd like to get the pictures of the slides. We will return them immediately to you when we are finished with them.

WIT: This identifies people. We were at the LZ, I guess it's LZ Dottie, where Task Force Barker's headquarters was.

IO: If you can, maybe you have it with your photographic record, to indicate the date that the picture was taken. You indicated that you had just been promoted, that it was in about that period. It would be helpful to us to know the date that that picture was taken, even if it's an approximation. If you'll include that information with the photo or the slide when you send it down to us.

WIT: All right. Is there an address in particular I should use?

RCDR: I'll take care of that.

IO: We'll give you at this time, Colonel DIONNE, an opportunity to ask any questions which you may desire or if you would like to to make a statement to enter into the record.

WIT: No, sir, I don't have anything.

IO: This hearing will recess at this time.

(The hearing recessed at 1132 hours, 16 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: DUKES, Clarence

DATE OF TESTIMONY: 23 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: First Lieutenant, Order of Battle Officer, Americal Division.

1. BACKGROUND INFORMATION.

a. The duties of the witness.

The witness was the order of battle officer for the Americal Division for eight months preceding the incident and three months after the incident (pgs. 2, 3). He was responsible for the enemy order of battle which meant keeping track of the performance of the enemy (pg. 4).

b. His knowledge of the 48th Local Force Battalion.

The witness stated that the 48th Local Force Battalion was the most organized enemy unit in Quang Ngai Province, far about the level of the 38th. The commander was capable and had been a training officer prior to taking over the battalion. The men were well organized and kept on the move. They had limited arms, small mortars (pg. 5). He stated that during the Tet offensive they tried to capture the training area northeast of Quang Ngai and that two companies were decimated (pg. 5). After the Tet offensive he carried them as being northeast of the Quang Ngai City area, back in the mountainous region (pg. 13). He stated that this could have differed from Task Force Barker's information which located the 48th in the Pinkville area because he had regulations requiring confirmed contact before they could be placed in an area. He felt that the intelligence of the S2 of the 11th Brigade and Captain KOTOUC of Task Force Barker normally was sufficient (pg. 13). He

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felt that the estimated strength of the 48th Battalion on 16 March 1968 was 125 (pgs. 8, 14). This did not correlate with Exhibit M-63, the Order of Battle Summary, dated 13 June 1968, which had the battalion reduced to 80 men (pg. 14).

2. HIS KNOWLEDGE OF ACTIVITIES ON 16 MARCH.

a. The witness thought the operation was the result of a pincer movement which occurred two weeks previous to 16 March. In that movement two units ran across four or five local units, killing 70 to 80 and capturing 16 prisoners (pg. 5). From prisoner interrogation, they learned the majority of people had managed to slip away. This, he felt, was the reason the operation was organized, to see if they could contact the other forces in the area (pg. 5).

b. The witness stated that it was normal for VC soldiers to move out before dawn if they were in a populated area. He felt that as far as the civilian population went, the women and children would remain in town while the males moved out to their daily work (pg. 6).

c. The witness recalled a weapons count of three and a body count for that operation of 128 (pg. 7). This coupled with an earlier body count of 79 left him with a total body count of 217 and only three weapons (pgs. 6, 7). He stated he did not recall anybody asking for an explanation of this ratio but that he himself had brought it up as he briefed the G2 (pg. 7). He also felt that it was not illogical because the VC would take the weapon away when they could not drag the body from the scene (pg. 7). He questioned Lieutenant George THOMAS, the OB for the 11th Brigade, and was told that only three weapons were captured or found (pgs. 7, 8).

d. The witness stated that he did not recall any civilian casualties being reported from the operation (pg. 8). He also never heard of a pilot reporting the unnecessary killing of civilians (pg. 9). He never heard of a confrontation between the ground troops and aviation personnel (pg. 9).

e. He briefed the 123d Aviation Battalion four or five times (pg. 9). He would sketch the entire AO, going over the forces that were in the area and the type of weapons being used. He did not discuss operations. He would discuss previous operations and the resulting KIA (pg. 9). The witness did not recall a briefing in which the unit commander had to

get up and tell the men to keep quiet (pg. 10). The witness was not the only person to brief the 123d, for a Lieutenant COX went one time and Lieutenant ABRAMOVICH or Lieutenant THOMAS possibly went down, but he could not recall (pg. 15). He stated he never heard of "civil defendants" being referred to in a briefing and they would not normally be carried in a body count or in the INTSUM (pg. 15).

f. The witness did not know the division policy with respect to burning hootches, but felt that if a tunnel or bunker complex was in a village sometimes the hootches would be destroyed along with them (pg.10).

g. The witness did not recall discussing with Colonel TREXLER any activity concerning the My Lai (4) area (pgs. 10, 11). He did recall a G2 meeting in which it was mentioned as he briefed on the amount of people killed and the number of weapons captured (pg. 11). He never attended a briefing nor did he recall a discussion by Colonels BALMER, PARSON, or ANISTRANSKI on this matter (pg. 11).

h. The witness did not recall seeing a report from the 123d Aviation Battalion regarding the operation (pg. 15). He also did not see Exhibit M-30, Captain RODRIGUEZ's statement (pgs. 16, 17). Exhibit M-35, a Viet Cong propaganda leaflet, was not recalled by the witness (pg. 17).

2. OTHER INFORMATION.

Prior to his appearance before the board, the witness was contacted by Mr. Frank FROSCH, who had been the advisor in Quang Ngai (pg. 3). The witness stated he told FROSCH that he was not convinced that they had been in a fight with an organized enemy (pg. 4). FROSCH stated that he had heard no orders regarding shooting or not shooting people in the village, as he monitored the command net from Quang Ngai (pg. 12).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-30	Statement of RODRIGUEZ	Had not seen.	16
M-35	VC propaganda leaflet	Wit did not recall seeing it.	17
M-63	Order of Battle Summary, 13 June 1968	Discussed with the witness.	14
R-1	HENDERSON's Report and inclosures	Witness had not seen before.	16
MAP-1	Wall Map	Used to orient the witness.	6,10

(The hearing reconvened at 1714 hours, 23 January 1970.)

IO: The hearing will come to order.

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

Sir, the next witness is Mr. Clarence DUKES.

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

RCDR: Mr. DUKES, for the record, will you please state your full name, occupation and residence?

A. Clarence Edward DUKES, Textile Manager, Apt # 12, 201 North Lewis Street, La Grange, Georgia.

RCDR: Thank you.

IO: Mr. DUKES, have you had an opportunity to read the instructions?

A. Yes, sir.

Q. Do you understand them or have any questions concerning them?

A. No, sir.

Q. On my left is Mr. Robert MACCRATE. Mr. MACCRATE is a civilian lawyer and he has volunteered his services through the Secretary of the Army to assist me and the other members of this inquiry and this investigation and also to provide legal counsel. On my right are two Army colonels, Colonel FRANKLIN and Colonel ARMSTRONG. They've been designated by the Office of the Chief of Staff of the United States Army as assistants in this investigation. All these gentlemen may address questions to you this afternoon. We have other groups such as this that are likewise taking testimony from other individuals. It will be my responsibility however to pull together the report, to weigh the evidence, and determine the findings and recommendations.

For your information we are directing all military personnel that they not disclose or discuss their testimony in this investigation with others. In your capacity as a civilian we can not so direct, but I would request that you not discuss your testimony in this investigation with others particularly those who may appear before this investigation as witnesses, except as you may be requested or required to before competent administrative, judicial or legal legislative bodies. I mention legislative because there is the possibility that you might be called to appear before one of these Congressional committees. In this instance one that I would suspect to be most likely would be the investigative subcommittee of the House Armed Services Committee. In the event that did come about, your testimony here or appearance here will in no way preclude you from testifying before that body. I do not believe you've been cited or cautioned in the general court-martial case of the United States v. Calley?

A. No, sir.

Q. I would say to you that in the event you are, and at the moment I see no reason why you should be, your testimony here will in no way change either the applicability or the effect of such orders from that judge or any of the other judges having to do with any of the general courts-martial cases relating to the what is now commonly referred to as the My Lai (4) incident. Do you have any questions at this time?

A. No, sir.

Q. Fine. Mr. DUKES will you tell us what your duty assignment was in March of 1968?

A. Order of battle officer for the Americal Division, sir.

Q. Yes, and how long had you been in that capacity?

A. Almost 8 months.

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

A. Approximately 3 months.

Q. What was your grade then?

A. First lieutenant.

Q. Mr. DUKES since the My Lai (4) incident of 16 March 1968 became a matter of public knowledge, that is by radio, television, newsprint, and so on, at about September or October of last year, 1969, 4 or 5 months ago, have you had any conversations with anybody connected with the Americal Division concerning the incident or concerning the investigative process or the review of the investigation or reports?

A. This is concerned with Major APICI, I believe he is, sir?

Q. Yes, of this office?

A. Yes, sir.

Q. But you've had no discussions with other individuals?

A. Mr. Frank FROSCH, who was then as advisor in Quang Ngai, called me by phone one night, he just asked me some questions. He was the boy I went through service with.

Q. Yes?

A. He was an advisor at Quang Ngai.

Q. Yes, he was the G2 advisor, Quang Ngai Province. And what did he ask you and what did you tell him?

A. He was asking me who I thought was involved in the fight, if I remember who was involved with it. To my knowledge I still was not convinced and this is what I told him, of who was involved in the fight, who we were involved with when the action took place. It went around that conversation, what led up to the fight that had been going on since Tet and then when the fight came about.

Q. Who did you tell him was in the fight?

A. I told him that I never was convinced that we were in a fight with an enemy, an organized enemy.

Q. You never were convinced that you were in a fight?

A. Not with an army, organized unit, no, sir. Local force, possibly.

Q. Did you tell him which American units were involved?

A. No, sir.

Q. Did you know which American units were involved?

A. Task Force Barker, sir.

Q. Do you know what units comprise Task Force Barker?

A. 4/3 was part of it I believe, and I think 1/20.

Q. Yes. Would you describe what your duties were as the order of battle officer of the brigade?

A. I was responsible for enemy order of battle.

Q. Yes.

A. Keeping track of what the enemy did and things like that.

Q. Yes. Well you'd have had a pretty good knowledge and appreciation for the 48th Local Force Battalion in the area?

A. Yes, sir.

Q. Would you tell us what you knew about the 48th in brief?

A. The 48th Local Force Battalion I held to be the most organized enemy unit in Quang Ngai Province on a local force level, far above the level of the 38th, 83d as the name was changed to while I was there. The 48th had a very capable commander. He had been a training officer before he took over command of the battalion. His men were well-organized and the 48th moved and kept on moving. Normally when they were in an engagement they came out on the good side. Arms were limited, small mortars.

Q. Did you recall what happened to them during Tet?

A. Yes, sir. They took part in trying to capture the training area northeast of Quang Ngai.

Q. Yes.

A. And they were met and in my opinion, got slaughtered At least two companies of them were just decimated.

Q. Now that isn't too far from what we heard in Quang Ngai not too long ago. They did in fact overrun the training center, and then the ARVN forces, as I would understand it, counterattacked and killed something in excess of a 100. Do you recall the operation of Task Force Barker into this area on the 16th?

A. Yes, sir. To my thinking the operation itself was the result of something that happened about 2 weeks previous to that. Several local force companies or units got caught in a pincer movement sort by accident, I think. We had two units, one was moving north and one south and ran across about four or five local units. There were about 70-80 killed and around 16 prisoners I believe. About four or five local force units were identified. The majority of them, from prisoner interrogation, I believe, seemed to have slipped away, out of it, I thought that's why this operation was organized, to go back in that area to see if they could contact some of the other forces in there or to pick up the remainder of these units.

Q. Yes. I'd like to ask you one question about civilians in not only this area (Exhibit MAP-1), but any hamlet or any village, and particularly one well away from Highway 1. Would it be logical to assume that by 0700 hours in the morning that all people would have been cleared out of the village and gone to market? Perhaps some of them would be working in the fields but the village would be completely empty?

A. Not always, no. I would say that normally by sunrise if there were VC soldiers in a populated area they'd be moved out before dawn.

Q. Yes.

A. Normally they would do that.

Q. What about the civilian population?

A. I wouldn't definitely know, sir.

Q. But you do remember?

A. Your women and children would be around town. Most of your male population would have moved out to their daily work.

Q. Do you remember the staff briefing on the night of the 16th when the results of this operation came in? Did you have a hand in planning the evening briefings?

A. No, sir. This was planned by G3.

Q. Yes. But you would have been interested in these results I'm sure, because being the order of battle, a result of this magitude would change your evaluation as to the capabilities of such units. Based upon this do you remember the figures that came in?

A. The second week operation and the first operation that they had where they ran into these other units I think there were 79 or 80 that total count came to.

Q. Yes.

A. It was about 120.

Q. Yes.

A. The total body count.

Q. Do you remember the weapons count?

A. Three.

Q. Three. Was there much discussion on this?

A. For me, that left me dull. I mean it just left me flat that we had 128 body count and only 3 weapons captured.

Q. Yes. Did anybody ever ask for an explanation on 128 killed and only 3 weapons; anybody ever ask about that?

A. No, sir. I remember I brought that point up at one briefing when I briefed the G2.

Q. Yes.

A. But it wasn't illogical. The VC were known to rather take a weapon away than drag a soldier away because the weapon was more important, even though they did go to considerable expense to drag bodies away from the scenes. They would get a weapon if it were lying there. They would try to recapture that.

Q. But that was a long way from a normal ratio?

A. Right.

Q. Roughly 1 to 43?

A. Yes, sir.

Q. I would assume that somebody would question people about what happened to the weapons? Do you remember this happening at all?

A. In going over the results, I was coordinating with a Lieutenant George THOMAS who was the OB for the 11th Brigade. And I brought up this question about this body count and the weapons.

Q. What did he say?

A. He said that was the results, said that was all that was captured or found, just three, that what they could pin down was three.

Q. Yes. What did you estimate the strength of that 48th Local Force Battalion was at that time?

A. Around 125 I think it was we had it down for.

Q. Yes. Frankly I don't think that you were carrying it at 125. Most people were carrying it somewhere between 200 and 250, but even if you were carrying it at the maximum 250, if we kill 128 of them that's not going to leave many people to carry away weapons, is it?

A. No, sir.

Q. Of course, we know that they have burial parties and they have civilians to pick up weapons. But even so it does seem a little preposterous that you wouldn't get more weapons than three.

A. And the lack of documentation too. From my aspects, an order of battle officer, a prisoner sometimes over there isn't as important as a good document to identify them. A local infrastructure was identified as being a company of the 48th was identified in one of the battles, either the one where 79 or 80 were killed or this incident, but I can't remember that it was this incident in which it was identified.

Q. The remaining statistics on this operation I could show you by opening the logs of the Americal Division but it indicated that there were 128 VC KIA, there were 2 U.S. KIA, there were 11 U.S. WIA, and there was 3 weapons captured. Those basically are the statistics. Do you recall any civilian casualties ever being reported from this operation? I wish you'd think about that for just a minute now.

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

Q. You don't recall any of them?

A. No, sir.

Q. All right. When you were in this position and around G2 which generally has its ears to the ground about every thing that's going on, and particularly you junior officers in many cases you know more what is going on than many of the senior staff officers because of your acquaintances around. Did you ever hear of one of the pilots reporting what he would consider the unnecessary killing of civilians?

A. No, sir.

Q. Did you hear of a confrontation, perhaps, between some of the ground troops and some of the aviation elements?

A. No, sir.

Q. Did you ever brief the people over in the aviation battalion?

A. Yes, sir.

Q. What did you brief them on?

A. On the general situation in our entire AO. I conducted about four or five briefings, I believe, for the aviation battalion of the division, sketching our entire AO, going over the forces that were in the area and the type of weapons they had possibly.

Q. Did you also discuss operations or was there somebody else that did this?

A. No, sir. I didn't discuss operations.

Q. Do you remember ever briefing the 123d Aviation Battalion, perhaps the entire battalion, or perhaps just the aero-scout company and telling them about how many VC were killed in the Task Force Barker AO?

A. I went over this. When I briefed on the different aspects of the area, I would go into what had happened in previous operations and the KIA that would result.

Q. Do you recall on one occasion, in perhaps April, when you were briefing there that you came out with these figures of 128 killed in this operation and getting guffaws and laughs out of the aviation personnel saying "Yeah, 128, most of them were women and children," or something of this nature, to where the unit commander had to get up and tell them to keep quiet? I want you to think about that for a minute.

A. I don't remember any of those words or someone doing that. We normally have these briefings at mess time which was a relaxed period. I don't remember the words you mentioned.

Q. Do you remember this situation?

A. No.

Q. We know it took place.

A. Yes, sir.

Q. We're just trying to put together all of the people and the places and things.

A. I couldn't definitely say, sir, that they said that, and he had to get up and stop them.

Q. Do you know what the policy of the division was with respect to burning houses, hootches?

A. No, sir. I know when we went into villages which were known to be VC strongholds there would be a tunnel or bunker complex. In order to destroy this the hootches would be destroyed along with them.

Q. Yes.

A. But just setting fire to villages. I don't know the policy we had on that.

Q. Do you ever recall discussing this operation with your senior staff officer, in your case with Colonel TREXLER, about what may have happened down here (indicating the My Lai (4) area on Exhibit MAP-1) in the middle of March 1968? About the burning of villages, and about some other unusual activity taking place?

A. No, sir. I don't recall. I recall discussing it during a briefing in which the body count and the weapons ratio was discussed, but I don't remember recalling anything about--

Q. (Interposing) What else was said? Who was doing the talking in this? You said it was discussed. Who was discussing it?

A. Well, this was our G2 meeting which was held. Each commander just got up and discussed the different aspects for the G2 to bring him up to date on the situation.

Q. Yes. You're talking about the different staff sections?

A. Right, sir. When I was going over the briefing, I went over the operation, the amount killed, the number of weapons captured, and who was supposed to be involved. It was assumed at the time that we were either in contact with either C/16 or C/18 and elements of the 48th. It was the assumption that is who they were in contact with. According to order of battle proof it was never truly identified, in which case you have to have two or more bits of evidence to prove that you are in contact with a certain element.

Q. Did you ever hear any discussion from your G3, Colonel BALMER or Colonel PARSON or your G5 Colonel ANISTRANSKI?

A. No, sir. I never was in those high level briefings.

MR MACCRATE: When Mr. FROSCH spoke with you, did he indicate information that he had at province headquarters regarding this operation?

A. Yes, sir.

Q. What did he say?

A. He was talking about that they held the 48th to be in this general area with an understrength. At that time I don't believe the Americal Division held the 48th in this particular area. I believe we had them more to the west.

Q. Did Mr. FROSCH say anything else?

a. He discussed the talking over the radio, of commands being given. He asked me did I know of any such commands being given. I told him that I had none.

IO: What commands being given?

A. He was speaking in reference, I think, to some sort of order being given to shoot the people in the village, or not to do it. I told him to my knowledge, going in and out of the TOC all day, I had heard no reference to this. I would normally go to the TOC and stay and see how an operation was progressing.

MR MACCRATE: Did he indicate this was something he had heard at the time?

A. Yes, sir. Only it was something he said he had heard. He was monitoring on the Quang Ngai frequency--the operation that was going on, and said he could remember no transmission or action taking place.

Q. He could remember--

A. (Interposing) He could not remember any such orders or commands or requests being given as he was monitoring at Quang Ngai.

Q. What frequency would he have been on at Quang Ngai, do you know?

A. No, sir.

Q. Would it be the battalion or--

A. (Interposing) He was listening to the the command net I would imagine.

COL FRANKLIN: Your connection was more involved with the intelligence end of this. Did you have pretty good coordination with the 2d ARVN in Son Tinh District?

A. Actually no, sir.

Q. At this time did you carry the 48th Local Force Battalion in the My Lai area, Pinkville area?

A. I don't believe so, sir. I believe they withdrew after Tet and we carried them north, just a little northeast of the Quang Ngai City area, back in the mountainous region.

MR MACCRATE: Northeast or northwest?

A. I don't have a map to plot it on.

IO: Well, here it is over here (indicating MAP-4).

MR MACCRATE: Here's the larger map (indicating MAP-1), to your other side.

IO: Look over here (indicating MAP-1). See there: you're up at Chu Lai. Here's Quang Ngai down here (indicating).

A. I was thinking that when they came into this area that we just said that the 48th was back up in this mountainous region (indicating area north of Quang Nagi City) in between here and over this way that they moved.

COL FRANKLIN: We've had information that Task Force Barker thought that they had very good intelligence, and they had the 48th located in the Pinkville and My Lai area. Can you explain how this could be? You're the order of battle, and you carry them one place. How could Task Force Barker put them in another place without you hearing something about it? What do you think about this?

A. We had certain regulations we tried to follow in the order of battle shop. You had to have confirmed contact with a certain unit before we would place them in that area.

Q. What was your opinion of the S2 of the 11th Brigade and Captain KOTOUC of Task Force Barker as far as the intelligence that they generated, gathered, used in the 11th Brigade?

A. Normally it was sufficient.

Q. They were pretty good?

A. Yes, sir.

Q. You stated earlier that you were never convinced that Task Force Barker had run into an organized unit?

A. A military unit, yes sir.

Q. Why?

A. The evidence was not there. The lack of weapons count plus the lack of documentation of an organized military unit which we had previously found in almost all engagements.

Q. I've got an order of battle summary here dated 13 June 1969, put out by the Americal Division. They carried the 48th Battalion after the Quang Ngai City battle there, as being reduced to about 80 men. Does this jibe with what you had?

(The order of battle summary, dated 13 June 1969, was received into evidence and marked as Exhibit M-63.)

A. No, sir. I believe I was given the figure of 125 somewhere in there.

Q. Well, do you believe that the 48th had much combat effectiveness in March of the same year?

A. No, sir.

Q. After this order of battle summary they didn't even mention the 48th Battalion in this March battle. Would this be because you did not have your confirmation?

A. That's true.

Q. You wouldn't carry it?

A. Right.

Q. Would you expect that if Task Force Barker had good intelligence pinpointing a unit or force like the 48th Local Force Battalion that you would become aware of it?

A. Only if they coordinated it, sir.

Q. Do you recall getting after action reports from the 123d Aviation Battalion, getting them daily? They would come to the G2 air.

A. No, sir. I wasn't associated with the G2 air. I mean those reports would not come across my desk, no sir.

Q. Do you recall ever seeing a piece of paper from the 123d Aviation Battalion regarding this operation on 16 March? Do you recall seeing any such piece of paper?

A. No, sir.

Q. Who else gave these briefings to division units like the 123d Aviation Battalion? Like you gave?

A. It wasn't a normal occurrence. This was during my last half of year of duty. This was a request that we give the 123d some information on the different parts of the AO due to different people or new people being in that unit. They wanted us to bring them up to date on the situation. It wasn't a normal occurrence. It only happened three or four times.

Q. Were you the only officer that, during this period, went and briefed the 123d, did you say?

A. I believe a Lieutenant COX went once. He was in the order of battle section when he first joined. This was before January or February. He went down one time and briefed and I don't recall whether Lieutentant ABRAMOVICH or Lieutenand THOMAS went down or not.

Q. But normally it was you?

A. Yes, sir.

Q. We have some testimony by a member of the 123d attending one of these briefing that the enemy body count was given as 120 and some "civil defendants." Had this ever been done?

A. No, sir. I never heard it being done, no.

Q. Would you ever carry civil defendants in a body count or use that term?

A. No, sir. Nor in the daily INTSUM would it be that either.

Q. All right.

IO: Mr. DUKES, I have two pieces of information which I'll show independently. One is an inclosure to R-1. This is a two-page document. This has four pages. I wish you'd look at these two pages and tell me if you have ever seen this report before?

A. I can look at this one right now and say I've never seen it, because of the title, "American Devils" or whatever it is. No, sir.

IO: I have another document here which is a statement dated 14 April 1968 which has been entered into the record as Exhibit M-30. I would ask if you have ever seen this document. This is not very legible, the photo. Underneath is a true copy of it.

(The witness examines the document.)

A. Well, sir, I can't say that I've seen this report. It's in sort of the form and language of a normal sort of CI agent report. I mean it sounds in that language that we used to have.

Q. Well that's true. Do you remember seeing it before, because it talks about gathering 400 people together--

A. (Interposing) No sir, I don't remember it.

Q. It's talking about Son Tinh. Do you know where Son Tinh District is?

A. Over in the northeast, sort of.

Q. The chief of Son My Village?

A. No, sir.

Q. This information was reported to have been provided to division along about the middle of April.

A. A statement, if it was in the form of an agent report?

Q. In that form, I'm talking about, right there.

A. No, sir. I don't remember it.

Q. Do you recall ever having seen a report from the district chief of Son Tinh to Quang Ngai Province chief?

A. No, sir. I don't. I don't believe such information would actually come through my section unless it was concerned with some sort of enemy activity.

Q. Did you ever see any of the VC propaganda or notices which may have been put out by the Viet Cong?

A. Yes, sir. In captured documents.

Q. I have here Exhibit M-35. This is the Vietnamese notice or version. You will note that it has been issued by the Quang Ngai National Liberation Front Committee, dated 28 March 1968. Do you recall ever having seen a document that looked like that Vietnamese version?

(The witness examines the document.)

A. I remember seeing similar documents. I can't remember seeing this exact one.

Q. You might take a look at the English and see if you have seen anything that gets down to this kind of specifics?

(The witness does as directed.)

Q. Do you ever recall seeing anything like that?

A. I don't remember this particular example. I have seen instances of this in captured enemy propaganda, sir.

Q. That would come down and provide not just accusations but the specifics on various results of operations and so on?

A. They would just say in general about U.S. soldiers going through a certain village and killing so many people and so forth, like that.

Q. Yes. But anywhere near this order of magnitude?

A. No sir. Normally the complete translation of the document may go into that detail, but normally the people out of Saigon would translate the highlights for publication throughout our unit.

Q. Yes. You don't remember having seen this specific document though?

A. No, sir.

Q. That's fine. Did you ever hear any comments or any rumors or hearsay or anything else which would cause you to suspect that something unusual happened down there in Son My or My Lai along about the middle of March 1968? In talking to the officers or with the enlisted personnel, your own enlisted personnel?

A. I can't remember any detailed discussion of it from that standpoint, just that the fact there was a void of information concerning it.

Q. There was what?

A. Just a void of information concerning who was in the fight with us.

Q. Yes. But you didn't hear anything as far as suspicion or rumors, hearsay, comments?

A. I can't recall.

Q. Anything? Did you ever hear that an investigation was underway of something that may of happened down there by somebody from the Americal Division?

A. No, sir.

Q. Did you ever hear that the ARVN or the government of South Vietnam, province and so forth, may have been looking for something which took place there in about the middle of March?

A. At that time, no, sir.

Q. Okay.

MR MACCRATE: Did you ever hear at a later time?

A. Just what's been in the paper.

Q. Recently?

A. Yes, sir.

Q. All right.

IO: We appreciated you coming in this afternoon, Mr. DUKES. I'm sure from what you heard here that you will be doing some more thinking on this. Try to put some of those bits and pieces together. We have a great deal of it put together but there are lots that we still don't have put together. It would be very helpful for us if you remember anything that you did in your professional work as the order of battle officer that had to do with this incident or whether you heard anything to get in touch with us so that we can take advantage of that information. Moreover, if you have any documents, maps, photos, memoranda, letters, or anything which bear upon this subject or the investigation of it we would like to have those, too. I would give you this opportunity at this time to ask any question which you would like to ask or if you'd like to make a statement to enter into the record.

A. No, sir. I have no questions nor any statement.

IO: Fine. The hearing will recess at this time.

(The hearing recessed at 1756 hours, 23 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: GALLOWAY, James Vance, BG

DATE OF TESTIMONY: 13 December 1969

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Assistant Division Commander, Americal Division.

1. IMPRESSIONS OF GENERAL GALLOWAY ON BECOMING ADC OF THE AMERICAL DIVISION.

General GALLOWAY arrived at the division on the 15th or 16th of March (pg. 3) but did not "become operational" until ten days later (pg. 4). He did not begin to "intelligently" attend the morning and evening command briefing sessions until about two weeks after his arrival (pg. 24). He was impressed with the manner in which the division was operating for the following reasons: (1) the division was being commanded in an outstanding manner; (2) the staff appeared to be functioning quite well; and (3) operations were conducted with minimum casualties (pg. 19). At the time of his arrival and for sometime thereafter, the division was in the process of transition from a separate brigade to a road division (pg. 20), and a great deal of attention was being paid by the staff to the reorganization effort (pg. 21).

2. DIVISION POLICIES.

a. Policies relative to investigations and reports.

A report that 20 to 30 civilians had been killed would be sent to III MAF in an after action report, but not as a specific report (pg. 16). If word were received, that a large number of noncombatants had been killed unnecessarily, a "Flasher" report would have been sent to MACV (pg. 16). Any indication that there had been any sort

of incident such as My Lai would have been of significant importance to MACV (pg. 18). A VC propaganda statement alleging an atrocity which pinned down an area would merit discussion and, at least, a preliminary investigation (pg. 18), at the command level (pgs. 26, 27).

b. Policies relative to firing into populated areas.

Villages in VC controlled areas were not targets (pg. 22). There was no policy that one could, without question, fire on a village or individual (pg. 22). One could not fire into a populated center without provocation (pg. 22).

3. KNOWLEDGE OF DISCUSSIONS, REPORTS, AND INVESTIGATIONS WHICH STEMMED FROM THE OPERATION IN MY LAI ON 16 MARCH.

a. Discussions at the division command level concerning My Lai.

He could not recall any command discussions concerning the following:

(1) The body count to weapons ratio arising out of the My Lai operation (pg. 5).

(2) The body count to U.S. casualty ratio arising out of the My Lai operation (pg. 5).

(3) That an investigation of the My Lai operation was underway (pg. 6).

b. Knowledge of reports.

He was not aware of any of the following:

(1) A report by a village chief that a large number of noncombatants had been killed during the My Lai operation (pg. 8).

(2) THOMPSON's report that innocent civilians were being indiscriminately killed or that he had a confrontation with ground forces (pg. 9).

c. Knowledge of investigations.

He was not aware of any investigation concerning the My Lai incident (pgs. 14, 15), nor did he ever hear the results of any such investigation (pg. 10).

d. Knowledge of other matters.

He never heard any VC propaganda concerning the My Lai incident (pg. 9). He did not recall the psywar officer bringing out any information concerning it (pg. 14). He did not remember hearing that a warrant officer of the 123d Aviation Battalion had been guilty of some action that might require an investigation (pg. 28). He never heard Colonel HOLLADAY complain of initiating an investigation of which nothing had come (pg. 34). It was never brought to his attention that men of the 123d Aviation Battalion had been advised not to talk about the incident (pg. 34).

e. Number of investigations within the division.

Informal investigations were going on all the time within the division (pg. 15). Most of these involved allegations concerning the areas into which artillery had been fired (pg. 15). He recalled no major cases(pg. 15).

4. OTHER INFORMATION.

a. After action report requirements.

After action reports were normally submitted from battalion to brigade to the operations center (pg. 10). The report would list lessons learned, new positions and so on (pg. 10). It was not normal for an after action report to cover just one time period of a four or five day operation (pg. 11). The whole period from planning to conclusion would be included (pg. 11). Thus, the My Lai after action report, which covered just the period from 0730 to midnight on the 16th, was unusual (pg. 11). It was not abnormal for the report to be submitted by battalion, by-passing brigade (pgs. 11, 12).

b. Evaluation of Colonel HOLLADAY.

He felt that HOLLADAY did a "pretty fair job," but he had certain leadership weaknesses (pg. 30). At one point, there was a discipline problem in HOLLADAY's unit caused by enlisted allegations of an officer group dispensing

favoritism (pg. 31). To rectify this situation, he believed several officers and NCO's should have been fired (pg. 31). While HOLLADAY ultimately solved the problem, it took pressure to get him to act and he failed to relieve anyone (pg. 31). He did not recall any complaint that HOLLADAY or anyone else failed to stand behind members of the unit (pg. 33).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
D-1	MACV Reg 20-4	Wit was familiar with it.	17
D-6	MACV Dir 525-3	Wit had been briefed on it.	17
M-6	Americal Log	Wit questioned from log.	4
M-8	III MAF Order 5820.1	Wit could not recall reading it.	17
M-9	Americal letter, 24 March 1968	No special recollection of it.	24, 25, 26
R-1	HENDERSON's Report	Could not specifically remember it.	12, 13, 14
R-2	BARKER's Report	Wit could not recall seeing before.	9, 10

(The hearing reconvened at 0911 hours, 13 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 WILSON, COL MILLER, COL FRANKLIN, and MAJ LYNN.

The next witness is Brigadier General James V. GALLOWAY.

(BG GALLOWAY, 245-60-7143, Assistant Commandant, The Armor School, Fort Knox, Kentucky)

IO: General GALLOWAY, 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 the facts and making recommendations concerning:

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

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

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

Is there any question that you have concerning these two purposes?

A. No, sir.

Q. I have made available to me and have reviewed prior official statements obtained in other official investigations of the My Lai incident. Your testimony this morning will be taken under oath. A verbatim transcript will be prepared. A tape recording is also being made in addition to the verbatim notes being taken by the reporter. Although the general classification of the report will be confidential it is possible that testimony or parts of it will, at a later date, become a matter of public knowledge.

There are several people in this room at the present time. On my right is Mr. WEST, from the Office of the General Counsel. I have three other colonels that are here: Colonel MILLER from JAG; Colonel WILSON from the Inspector General; and I have Colonel FRANKLIN from the Office of the Deputy Chief of Staff for Military Operations. All of these individuals have been designated as assistants, and Mr. WEST is my deputy. The other three colonels here, and other officers as well, have been designated as assistants to help me in this investigation. Under certain circumstances they have been authorized to ask questions of the witness. I will be the only military type asking the questions. If you have any objections to their being present, I wish you would so state.

A. I have no objections.

Q. On my left is Mr. MACCRATE and on your left is Mr. WALSH. They have volunteered to serve as legal counsel to me and to other members of the investigating team, to assist me in arriving at findings and recommendations.

I want you to know that in the final analysis, however, it is me and only me that has the responsibility of weighing the evidence and making the findings, conclusions, and recommendations.

You are ordered at this time not to discuss your testimony in this investigation with others, including any other witness in the investigation, except in the performance of official duties or as you may be required to do before a competent judicial or administrative body. In addition, you are cautioned that if you are subject to

the order issued by the military judge in the general court-martial case of the United States v. Calley, your appearance in no way changes the applicability and/or effect of that order. Do you have any questions, General GALLOWAY, concerning what I have just said?

A. No, I think I understand.

Q. Colonel MILLER, do you have any additional legal guidance you would like to give General GALLOWAY?

COL MILLER: No, sir, I do not.

IO: General GALLOWAY, what was your duty assignment on 16 March 1968?

A. I had just arrived at division on the 15th at noon. I was a colonel promotable, and on the 16th I was initiated into a program of staff orientation, briefings, which lasted approximately 3 days. Subsequent to that, I was given, as I recall, a 7-day, area-unit orientation. I visited units and was given briefings at each unit. I was assigned as an assistant division commander, and because of my rank I was the support ADC.

Q. When you say support, General GALLOWAY, what did those support units include?

A. I was the rating officer for the aviation battalion commanders, the support commander, the engineer commander, the signal battalion commander, and the division artillery commander.

Q. It was part of your responsibility?

A. Yes, sir.

Q. And the aviation?

A. Yes, sir.

Q. Did you have any knowledge of the operation in the Son My area on 16 March 1968?

A. I attended the ops briefing the night I arrived. I spent the afternoon getting settled in quarters. Although I do not specifically remember the operation I am sure it was a part of that operation, so I knew there was a Task Force Barker. I knew it was operating in the general area that it was operating in, the area north of Quang Ngai City. As far as being able to remember or identify this specific operation, no.

Q. Did you visit the operation during the next 3 days?

A. As I recall, sir, I did not get out of the division headquarters for approximately 3 days, because I was being given staff briefings.

Q. Did you check on the application of artillery in this operation?

A. No, sir, because I did not really become operational until about 10 days after I arrived in the division.

Q. General GALLOWAY, I have here the log of the Americal Division for 16 March 1968. It has been entered into the record as Exhibit M-6. I show the final entry, which is the midnight wrap-up for that date, and ask that you review it.

A. I think it is 94. This information had been building up throughout the day to this total, so to speak, which resulted--

Q. (Interposing) Do you recall being briefed in the staff briefing on the evening of the 16th?

A. Sir, I cannot fairly say that I remember it specifically because I had just arrived. The name and everything else were new to me. However, it was the practice to give a complete operational briefing in the evening to the commanding general and the division staff. This was held in the briefing room in the evening contrary to the one which was held in the morning in the commanding general's office.

Q. The figures which are cited here, General GALLOWAY, are 128 VC KIA, 3 individual weapons captured, 2 U.S. KIA, 10 U.S. WIA. At that time or at any subsequent time, did these ratios become a matter of discussion?

A. The only thing I recall, sir, at this particular time, and I cannot pin down where I heard it--it may have been while I was being briefed by the G5 on the certain authority required to go into various areas--no-fire lines and these sort of things--as pertains to the actual coordination, province coordination. I did understand that there was an investigation of some kind going on, and it is my recollection that it was some gunship operation. Whether it was in that particular area I do not know. That is the only thing that I recall during this particular period, right after my arrival. I did not hear any more of this particular investigation, so it may or may not have been focused on the event here.

Q. At that time, in your judgment, the significance of the ratio may not have been quite apparent?

A. Well, to give you an idea of what I was before, I was Secretary, Joint Staff, MACV. Now, I read in this job a lot of things, but ratios, I agree, weren't really significant to me.

Q. Well, you see, the ratio of a 128 KIA to 3 weapons, this is quite unusual within Vietnam--

A. (Interposing) Based on subsequent experience, I would agree with you, sir.

Q. And the other indication is the 128 VC KIA to 2 U.S. KIA?

A. Well, that is not unusual.

Q. Not in itself unless you understand the circumstances of the operation--this part is true. But my question is whether, because of these wide ratios 40 to 1, 60 to 1, this matter became a topic of discussion?

A. General, I cannot specifically pin down any discussion period on this. As you know, weapons, ratios, and body counts and all this was a topic at this particular point in time because some questions of the press on accuracy of body count. But, as far as pinning down a specific discussion I cannot do that at this time, sir.

Q. Can you recall anything further, General GALLOWAY, concerning the investigation which you alluded to. Did you hear any more of this investigation?

A. No, sir, I did not. Now, as you undoubtedly know, there are really constant investigations being made of allegations or statements, that we went beyond a no-fire line, or things of this type, being made in every division in Vietnam. This specific thing that I heard and the reason I did not hear anything more about it, and the reason I cannot pin down where I heard it--it could have been mentioned in the briefing--mentioned in conversation. That is the reason I say that I think it came in my briefing by the G5 of the division.

Q. Did General KOSTER have periodic meetings with just his ADC's or with the key members of his staff--sit down and discuss matters within the organization?

A. The morning meeting, which generally took up the quick operation run down and the intelligence run down, had just certain members of his staff and the ADC's present. In the evening, of course, the complete division staff met in the briefing for a day's wrap-up and other pertinent information which might be important.

Q. Can you remember at any of these meetings--with the immediate members of his personal staff--discussing an investigation?

A. No, sir, I do not.

Q. You said it had to do something with a helicopter? Was there anything else to the impression which you gained about what it involved. Do you recall any of that?

A. No, sir. I mentioned I had the impression and as I said, I cannot specifically put my finger on it--in the investigation which was mentioned, I got the impression that it dealt with some gunship operations, and other than that, I did not hear of an investigation.

Q. As the ADC responsible for one artillery and two aviation battalions, and specifically in the case of aviation, an investigation having to do with something

involving people and commanders for whom you would normally be responsible--monitoring and supervising their activities--would it not appear logical that such should be called to your attention in greater depth?

A. I'd like to point out, sir, that I--

Q. (Interposing) I recognize the fact that you were brand new there, I understand that, but I am not just talking about a period of a day or two. I am covering, in fact, though I am introducing this subject at the beginning, I am talking about something that may have extended for the next 3 months.

A. When I finished my orientation, I was given the duty--not in writing, but because of my junior rank I fell heir to these units. I mentioned that I would become the rating officer, and certainly anything that happened in artillery or in aviation would have fallen under my purview, yes, sir.

Q. Was it ever called to your attention that members of the 123d Aviation Battalion were deeply involved in this operation?

A. No, sir, not specifically that they were involved in a specific operation. When I acquired the responsibility for the 123d Aviation, I was briefed by the aviation battalions, but this specific operation was not mentioned in that briefing. I was given the capability of the unit. I was given what they could do. I was given the capability of the attached support units, and we went from there, sir.

Q. Did you receive comparable briefings from the 174th at Duc Pho and 176th at Chu Lai?

A. No, sir, I did not receive comparable briefings. I got a briefing on what they had, and that was about the extent of my briefing, sir.

Q. Were you briefed by the battalion commander, Colonel HOLLADAY?

A. Yes, sir. He had the 123d Aviation and was division aviation officer.

Q. During this time, did you hear anything concerning information that may have been provided by a village chief from this locale--that area of the operation (pointing to map) which, General GALLOWAY, incidently is the area of operation--to the northeast of Quang Ngai City, generally in the area that is called Pinkville because of its color on the map. It is in the eastern part of Son Tinh District. Did you hear reports coming out of that area, reportedly given by either the hamlet or the village chief, that in the course of this operation large numbers of women and children, noncombatants, had been killed?

A. Nothing that I could identify, sir. These allegations are showing up in the division all the time--I am sure not just the Americal Division--but, as far as specifically focusing on that, I do not recall any particularly pointed information such as you described. It is not unusual that I should not be in this at this point, because at this point in time, which was different from later on during my tour in the division, I was not the contact with the Vietnamese.

Q. I am only talking about knowing how a division command group functions and there is an interchange of information.

A. That is correct.

Q. Key items of information are brought to the attention of the appropriate staff officers, and then they are in turn brought to the attention of the command group, and these things are discussed to arrive at logical conclusions and courses of action. That is why I am asking that at this time, even though you are, let us say, a neophyte as far as the operation of the division is concerned, whether these matters were called to the attention of the command group?

A. Sir, I cannot specifically pin it down. No, it could have been mentioned, but it was not a specific point to bring up to the command group because I cannot recall a specific mention of it.

Q. Let me recite a couple things that are allegations.

One is definitely an allegation and one is almost a report of a fact. One, in which is reported that one of the aero-scout pilots working in the area of My Lai (4) village on the 16th of March had reported large numbers, not just a few, but large numbers of women and children, innocent civilians, being killed indiscriminately and what he considered unnecessarily. He also reported a rather major confrontation between himself and elements on the ground in which they almost employed physical force, if not an exchange of firepower. Was this matter ever called to your attention?

A. I am not familiar with that at all.

Q. That is what the allegation was at that time. Recognizing that, I am asking if you were aware of this. Was there any information that you can recall that came in concerning 450 or 500 civilians having been killed in an area?

A. No, sir.

Q. Were you aware or was anything ever called to your attention about the VC having propaganda to the effect that American soldiers had slaughtered a large number of, murdered a large number of women, children, and old men in this general area of Son My, particularly in the village of Tu Cung and Co Lay?

A. I do not recall this at all.

Q. Did you ever hear the results of any investigation?

A. No, sir.

Q. Were you ever made privy to the operation reports which were submitted?

A. Only as a part of the briefing which we received staff wide.

Q. General GALLOWAY, I have here a document entitled "Combat Action Report" dated 28 March 1968, submitted by Task Force Barker. It has been entered into the record as Exhibit R-2. I would ask if you would scan this document and indicate to your knowledge whether you have ever seen it before?

A. General PEERS, I cannot state specifically that I have. However, it is a normal thing for the ADC to read these things, so I would assume that I read it. Now, specifically remembering this one, among those that came down about operations around the division AO, I cannot specifically state that I saw it, no, sir.

Q. There is nothing in there that calls your specific attention to the fact that you did see it. You would not certify that you did see and you had read that?

A. I do not see anything here that would specifically recall to my memory that I had, sir.

Q. Would you look toward the end and review the concluding discussions?

A. Yes, sir.

Q. To your knowledge, General GALLOWAY, at that time, I am talking about the middle of March of 1968, what were the procedures and the requirements for submitting after action reports?

A. The requirements were that this was handled over in the op center. I don't remember the time frame required. An after action report would be submitted on each operation listing lessons learned and new positions and so on. These would be submitted through command channels to the division and then would be used by the planners and others for future operation planning. But as far as exact wording I cannot recall, sir.

Q. And normally were these reports submitted by battalions or were they submitted by brigade?

A. Well, actually I have seen them in both forms. I guess it was an overall brigade operation, and the battalion made the report and the brigade after action report would be made. If it were a separate battalion operation then it would be a battalion normal submission through the brigade.

Q. If you had an operation that was going to last for 4 to 5 days by a battalion, would it be normal to pick just a segment of the time on which to submit an after action report?

A. No, sir. It would cover the whole period of the operation from the planning to the conclusion.

Q. Recognizing then, General GALLOWAY, that this operation started with the air assault at about 0730 in the morning of the 16th, and the operation continued for at least the next 3 days, in which time one company was extracted, the other two companies remaining in the operation area for maybe a fourth day or fifth day or some other period, would it not be unusual that we have an after action report that covers only a period from 0730 in the morning until midnight on the first day of the operation?

A. Well, it might appear unusual, sir. I don't have an answer for it.

Q. There may have been a reason for it?

A. Yes, sir.

Q. This is what I am seeking to find: why the focus on this particular situation or this day? This was submitted on the 28th of March. Why are we focusing on one day and not on the whole operation, which by this time had terminated at least a week ago?

A. Sir, I have no answer to that.

Q. Would it not be normal, also, for a report prepared by a battalion or by a task force within a brigade to have such reports submitted through brigade headquarters?

A. I think it would depend, sir, and I have seen this happen, particularly in the 196th Brigade, where you had had a particular combat assault. There would be other elements of the battalion operating in the general area, but this is a combat assault which takes it out of the ordinary ground operations that are going on. I have seen a specific combat assault report submitted primarily to teach--we weren't really too far along with combat assaults in those days--to bring out any lessons. I am not saying that that is the reason for this report at all. I am just saying that this is possible and I have seen them in other parts of the division. Now, also, I have seen as far as the 11th Cav is concerned, our cavalry squadron, where they have a troop becoming engaged, where this troop engagment does not involve the rest of the squadron, who had an AO and were operating in the AO.

I have seen an after action type report on that particular troop operation. But this is the only observation that I can make. Now, as far as specifically picking this one out, I have no basic comment on that at all.

Q. It could have well been the instance here?

A. I am not saying it was or was not. But I wanted to point out these other examples.

Q. This was a combat assault?

A. Yes, sir.

Q. It did have many interesting aspects to it in terms of coordination of the various combat elements of the command; but even so wouldn't it still appear normal that we should have some endorsement on this by the brigade?

A. I am not so sure that is right, sir. I can't recall, but I believe at one time, and I do not know the period of time, that Task Force Barker was working directly under division control. What the period of time was, I am not sure. I know it is Task Force Barker, 11th Infantry Brigade, but I do know, also, this was a distinctly separated area of operations for this task force although Task Force Barker was still supported by the brigade. Now, operationally, it strikes me in my memory that at one time, and as I say, I cannot remember the time, they might have been operating directly under division control.

Q. I believe from my knowledge, without checking it further, that you are correct. They may not have operated directly under division control, but they may have been under the operational control of another brigade further to the north or something of that nature. During this time, however, they were directly under the 11th Brigade. I also have here, General GALLOWAY, a report of investigation, dated 24 April 1968, submitted by the commander of the 11th Brigade. I show you this report and ask you if you have seen the report itself--just the report itself, the first page and one-half?

A. I can't say that I did not see this report, General PEERS, just reading through it. There would be no particular

reason to be specially interested in this report, other than just reading it, and I can't specifically state that I saw it or didn't see it, sir.

Q. Have you read the second page? Do you have any recollection that you can say positively that you saw this?

A. Sir, I cannot say that I positively saw it or did not see it.

Q. General GALLOWAY, this document was submitted with two inclosures. There is a possibility that at one time or another the inclosures may have been separated from it. I would like for you to look at the first inclosure which is a statement dated the 14th of April. Just one page, and I call your attention primarily to the second paragraph which provides the details. Had you ever seen such a statement either as part of this report or separately?

A. I do not recall seeing it, sir. Again, it has been quite a while ago.

Q. Yes, I recognize that, but also as I recall the figures in there, what are they--400 or 450?

A. Four hundred and fifty, sir.

Q. The other figure is 90. It would seem to me, General GALLOWAY, that if you would have seen those--I know that if I'd seen them I would have remembered them.

A. Yes, sir, I think I would certainly have, sir.

Q. You don't recall having seen that paper or any information comparable to that?

A. No, sir.

Q. I now refer you to the second inclosure. That is an English translation of what is reported to have been VC propaganda used in the area. Do you recall ever having seen that?

A. I don't recall this particular propaganda statement. I have seen a lot of them, sir, put out by the VC.

Q. I am referring specifically to the one statement which refers to our area of interest.

A. Yes, sir, I am looking at that.

Q. Right here in the document.

A. No, sir. We, as you know, had a psywar officer and those areas of pertinence usually--brought to the attention of the command group. I do not recall that this was.

Q. Was your G5 also your PSYOP officer, or was the PSYOP section also in your G5?

A. I think the psywar people worked under the G3, although the G5 was closely integrated into that, as I recall, sir. G5, as you know, was really the key individual as far as dealing with the civilians was concerned, and I think maybe he was psywar man. I can't remember how that worked.

Q. Some headquarters handled it differently. Some had the PSYOP all in the same area; some split it out.

A. If I remember it correctly, sir, we had a detachment with us there at Chu Lai, and I think they worked over in the ops center, but the G5 was almost a part of the whole arrangement in the operation. As I recall, that is the way it was organized.

Q. We can sort that out. That is not much of a problem really. We will have those officers here and find out who was responsible for what. During this time, now, I am interested in the months of March, April, May, and possibly into June, did you have any knowledge of any further investigation in depth concerning this incident?

A. No, sir, this incident questioned, I do not recall it as being a specific incident. Now, as I mentioned before, we had things being reported all the time and being investigated all the time. Nothing of any importance.

Q. How many did you have going on, would you say, at any given time? I mean where you have formal investigations being conducted.

A. I would not say that we had any that required a formal type of investigation. These were the type of investigation that you -- preliminary type investigation to see just where our aircraft happened to be or where this artillery prep happened to go. Then the results would be reported back. If it proved to be wrong, then certain action would be taken with regard to the personnel involved. Now, I do not recall any major cases. I am talking just about allegations that flow in all the time, the artillery shot here or there. To answer your specific question, no formal investigation until we had one major one in late June.

Q. I take it then, that you're answering my question in two areas; one intelligence and/ or information--that you had no specific knowledge, at least nothing that would focus your attention on that area?

A. That is correct, sir.

Q. Nor did you have any knowledge of an investigation which was under way?

A. That is correct, sir.

Q. When were you promoted to brigadier general?

A. First of August, sir.

Q. First of August, about roughly 6 months later?

A. Yes, sir, I was on leave at the time.

Q. So you were serving in your capacity of assistant division commander in a brigadier general slot in the grade of colonel at that time?

A. That is correct, sir.

Q. Now, having served in the theater as long as you had up until that time, and being where you were, to give you a hypothetical question, if you had a report that 20 to 30 civilians had been killed, would this have been reported to headquarters, MACV?

A. The after action report would go to III MAF, but as to a specific report, I do not know what channel it would go directly to MACV in -- from the division directly to MACV. Now, I am not totally conversant with the G5 channels. However, I think that all reports stemming out of the Americal would go to III MAF.

Q. Yes. Now, let me give you another hypothetical question. Assuming you had an allegation to the effect that large number of innocent women and children, noncombatants, had been killed unnecessarily, would this have been reported immediately to MACV?

A. Yes, sir. It would have gone as what we call--not a "blue bell," that is an American thing--but as a--I am sure it would have gone as a "flasher" report. I can recall being secretary of the joint staff and experiencing two or three of those where there has been an error made.

Q. Understand that at this time this is an allegation and not an established fact?

A. It would probably be investigated locally. I am not sure if it would have gone to MACV at this time if it were an allegation, but known facts recognized by the divison would probably have been investigated first, although III MAF may have been informed. Now, I am really saying that based on my subsequent overall experience within the division. This is the way it probably would have happened. And I might also add that if such an allegation came up and there was any vestige at all of proof, it would have been reported by the direct communication channel which the province people have with the CORDS people at MACV. They have their own communication system; they have direct communications.

Q. Would this necessarily pertain if the area in question was considered to be in long established VC-controlled area?

A. This I cannot answer, sir, whether this would pertain or not. I say this is another channel which would certainly be correct.

Q. Yes, this is correct. I am sorry to say that in a way you are correct, because they did at times use direct channels.

Their reporting channel, however, was still through III MAF, or through the field force commander.

A. This is correct.

Q. I am well familiar with this situation. I would like to have 20-4 (Exhibit D-1) and 525-3 (Exhibit D-6) and also the III MAF instruction (Exhibit M-8). General GALLOWAY, I show you MACV Directive 525-3 (Exhibit D-6) and ask if you are familiar with that document?

A. Yes, sir. As I recall, this was briefed to me by the G5 as a part of my briefings on the control regulations. It probably was in a file of material that they used to read to me when I came in.

Q. I also show you, MACV Regulation 20-4, dated 27 April 1967 (Exhibit D-1), and ask if you are familiar with that document? I direct your attention specifically to paragraph 5--

A. (Interposing) Yes, sir. I think that this came through in distribution, as I recall.

Q. I also show you III MAF implementing instructions (Exhibit M-8) of 20-4 and ask if you are familiar with this document?

A. Sir, I cannot specifically state that I read this, but I am sure it came down in distribution and along with this one, an implementing directive. I will say that I have seen it, but I cannot specifically recall reading it. But I will say that I have seen it because--

Q. (Interposing) I can understand that, because I would be in the same fix to be very honest with you. Would there be any doubt in your mind that if you received the report of an alleged atrocity, not just a single incident, but a rather massive unnecessary killing, would there have been any doubt in your mind that you should take immediate action to report this to higher headquarters?

A. You have to put a framework to this, General PEERS.

Q. Put your framework on it then.

A. For example, you get the VC propaganda sheet like this. These outlandish claims are made in their propaganda statements all the time. This one is slightly different in that it specifically pins down an area. I think that would require some merit and discussion and at least a primary investigation to see if, for once, they might have been telling the truth in their propaganda statements. Now, my experience as secretary to the joint staff of MACV, where I was, certainly not in detail, but I was privy to many of the reports that came in from the field, because I made staff distribution on them. I would say this, that any indication that there had been any sort of an incident such as the one this refers to is of significant importance to MACV. I recognize that, and I know that this would have been reported. Again, I won't say directly to MACV necessarily, but it would have depended on the circumstances. It would certainly have been reported to III MAF headquarters and possibly directly to MACV, because the significance of this sort of thing in Vietnam is considerable and the impact on the Vietnamese--

Q. (Interposing) Well, taken in isolation, the VC propaganda should not have elicited any particular attention or action if it stood by itself, if that was the only piece of information available.

A. That is correct, sir. They flooded the area with propaganda all the time. It was one of their major weapons in the area.

Q. But you see, this is some time subsequent to the incident, and there were other allegations of a rather serious nature that had been made. This is the context that I am putting this whole thing in. Even though you don't like to report something, and you are not sure of your facts, the fact that you are going to have to conduct an investigation to get into it--isn't that a reportable item?

A. It is, yes, sir.

Q. General GALLOWAY, I am going to ask you some questions, not hypothetical, but matters of opinion. Just think back and see what the situation was at that time. What is your evaluation as

to the operating efficiency and capability of the division headquarters and the division staff and the division itself at that time you arrived.

A. Frankly, sir, I was very impressed with the division. Of course, I had not been in basic contact with U.S. forces, primarily because the only time I got out of my office was when I accompanied the chief of staff up to the 1st Infantry Division one day--or one afternoon. As far as my having a feel for Vietnam troop operations, the units in Vietnam, it was almost negligible, other than for reading reports and talking to friends that would come in. When I arrived at the division, I, frankly, was impressed with the way they were operating. They were operating under the three separate brigade organization, pulled together by the division framework, and the division was being commanded in my opinion in an outstanding manner. Staff appeared to me to be functioning quite well. The operations being conducted were being successfully conducted with minimum casualties. As far as the separate brigade operations versus what we know as a ROAD division was concerned, that appeared to be well controlled. It certainly had a capability surpassing many divisions in Vietnam because of this organization. We had a great number of helicopters. We were able to give the battalion commanders two helicopters per day which enhanced their capability to command. No, sir, I was not in a position to criticize the operation at all from what I saw initially. Now, as I grew in experience--

Q. (Interposing) Now understand I am not asking for a criticism of the division--

A. (Interposing) I understand that, sir. In other words, what I am saying is, I am--in no way did I see any part of the division at that time when I arrived that I would have changed.

Q. Yes, how long had it been since you had seen a division headquarters in combat function?

A. World War II, sir.

Q. Did you see a division headquarters functioning in World War II?

A. Yes, sir. Not as a member of that headquarters, sir.

Q. Did you spend any time with division headquarters in South Vietnam--I mean any time, not just a happenstance visit as you indicated to the Big Red 1--where you went out, say with the division and had a pretty good feel for how that staff was functioning?

A. No, sir. As I mentioned, the only time that I was with the division prior to reporting into the Americal was the afternoon visit to the Big Red 1.

Q. As I understand the situation, General GALLOWAY, the Americal Division was in the process of transition from the separate brigade concept to a ROAD type division concept.

A. They had just initiated this, sir, though the actual ROAD directive had not been received. I might mention that one of the steps that had been taken was the consolidation of the noncommissioned officers promotion list. That was the first mission that I received from the division commander--to get the noncommissioned officers list on a division basis. I might add that I spent 2 weeks sitting as president of the board on this.

Q. At that particular time, were they not also trying to pull the special staff organization, such as the SJA, the IG, the AG sections, consolidate them--

A. (Interposing) The AG had been consolidated. As a matter of fact, most of the administrative sides had already been consolidated at division. There was still the support elements down at the brigade. One of the problems in the artillery area I might point out was that the brigade commander felt that the artillery was his. The division commander was saying, "Well, they are mine," and this is one of the problems that we had at this particular point. This, of course, was straightened out not too long after my arrival.

Q. But at that particular stage of transformation, I take it from what you have indicated, that you felt the staff was functioning quite well?

A. Yes, sir.

Q. Would it be fair to state that at that time, because of the reorganization, that a great deal of attention of parts of the staff, such as the chief of staff and other people, had to be directed to this reorganization effort.

A. That is correct, sir. I mentioned the artillery problem. This wasn't ultimately resolved until we actually received the ROAD orders to do it. We still had a small conflict here as to who actually controlled the artillery. We worked it out, I would say, 2 or 3 months after I arrived. There was an agreeable position as to control of artillery. The other thing was control of aviation. Now, that did not get really resolved as to who would basically control the aviation until, as I recall, around July--until we finally got an established set policy in this area. The support command: we had no particular problems in this area except that it was a matter of coordination of the elements still remaining at the brigade level and the support commander. I think we probably had less difficulty in this area than in any other. It is true that the brigade commanders always welcomed additional support, but they would like to control their own operational elements. This was a period where all of this was going on.

Q. One other question, General GALLOWAY. Within I Corps, and within the control of III MAF, specifically, was there any real distinction between considerations which were given to civilians in operations in VC-controlled areas as compared to areas under GVN control?

A. Well, of course, you have the set no-fire areas and then you have, upon approval of the Vietnamese province people, what is called a free-fire area. This area is considered by the Vietnamese to be VC-controlled area in certain cases. It is VC area. In the free-fire areas, operations can be run and fires can be put into those areas according to the regulations. At the same time, no commander is firing on any populated area particularly. Generally, it is the trails, interdiction of trails and things of this nature. But operations can be run into that. These are normally coordinated operations with the ARVN. At least, this was beginning back about this time with the 2d Division. In the joint operation which we had built up now to the point where we had synonymous areas of operation and the collocation of headquarters. Collocation on fire bases in that area brings in, of course, the province governments, and I am speaking now of only the free-fire areas, and they in turn work with

the civic action, the G5 operation, which handles refugees. Now, in the so-called friendly areas, these are closely controlled, and any firing done in that area must have the explicit approval of the province official controlling that particular area prior to its being accomplished. The movement of friendly forces in these areas is controlled and coordinated, so this is the difference in the type of area.

Q. Would you expect in VC-controlled areas to willy-nilly put harrassing fire on villages, hamlets for example?

A. No, sir. Those are not the targets at all. The targets of interdiction fires are the trails normally leading in from the mountains, where the regular forces are, in staging areas, or in their bivouac and are done to preclude two things. One is the movement of regular forces in the lower areas, the populated areas. Secondly, to preclude or to interdict, if possible, movement of supplies out of the coastal plains into the mountains. But, no, sir, I do not know of any policy or any feeling that you can, without question, fire on any village or any individual. The rules of engagement state that if you are fired upon you may return fire, but you are not to fire, without provocation, into a populated center, regardless.

Q. Did you have the feeling that the gunship pilot or soldier would give the same consideration to somebody coming out of a village during an operation in a VC-controlled area that he might give in GVN-controlled areas?

A. Sir, in my opinion, I have a high regard for the American soldier. I don't think that any man who is worthy of being called a soldier would arbitrarily go down and shoot somebody just for the sake of shooting somebody. This is just the way I feel about the American fighting man. I have never seen this happen, and it is hard for me to believe that it would happen. Now, I am not saying that it couldn't happen. I am not saying that at all, but, I have not seen it.

Q. Might it be fair to say that if it did happen, that there would be a reason for it--something that had built up that might result in something like that?

A. I can give you a case in point, not in my own unit area, but an aquaintance of mine who by chance had a newspaper reporter with him at the time, flying in his command helicopter. They were flying over a village. A man ran from the village. He had a AK-47 in his hands. He was killed, and the reporter asked why did he shoot him if he wasn't shooting at them. It was pointed out to the newspaper man that if he had reached this tree line that the chopper may not have flown much further. He had protection and he could have opened up at that point. That is just an example. But, the answer to it is, I don't think they would fire without some provocation.

Q. Well, in a VC area, and for that matter even in GVN-controlled area, if you are operating in an area where you know friendly forces are not operating, and you see someone with a weapon, I think it is quite normal to take them underfire. I can understand that situation quite well. But, I am not thinking so much about a situation like that as I am of a psychology that may have built up in people for a least a given period of time to cause them to take stronger repressive action than would be taken under a normal situation.

A. I don't think that you would have a psychology of a large group. I won't speak for individuals because I happen to be the senior investigating officer on a case subsequent in the Americal Division in which individuals were involved. With any unit--I might point out that the information in this particular incident was some 30 to 35 days in coming to light, and appropriate action was taken in this case, very stringent action. But, as far as your question, sir, I do not believe that a large unit psychology could be built up because of the turnover of personnel, new commanders coming in with fresh ideas, regardless of the impact upon a commander of a group of men from serious losses. For example, bobby traps and mines created havoc among our people for quite awhile, to the point that we finally gave up permitting the units to go into this particular area on the ground. We would either combat assault the men for a specific limited objective sweep action, or we would send in cavalry tracks. But yet, there was no basic psychology on this, because this was a weapon system of the VC, and it was understood that way.

Q. With the combination of the booby traps and having suffered large numbers of casualties from these booby traps, and recognizing that you might encounter a large force, in your

judgment, would a combination of these factors put right into a group of these individuals to take extremely strong repressive action. Let's put it this way, unusual action?

A. General, I can't believe it. I don't think the Army is built that way. Individual action I can see, but as far as having a large group of American soldiers all come up with the same reaction, personally it would be most difficult for me to believe.

Q. Well, it need not necessarily take a whole group, but we are talking in the neighborhood of quite a large number of people that may have been killed unnecessarily. This is the kind of thing that I am getting at. I am familiar with this psychosis that develops, fear that develops from these booby traps, and I know what it is because I had a comparable situation down where Colonel FRANKLIN and General BARNES were operating. General BARNES was not commanding then, but I remember well the reaction of the 173d Brigade to some of these areas where we were losing four, five, and six men a day. It was a horrendous situation within that brigade for sometime, and this is the kind of psychology, psychological reaction, that I am talking about. Well, I think we have gone into this enough.

MR MACCRATE: When did you begin attending the morning and evening briefing sessions on a regular basis?

A. If you mean intelligently, sir, probably about 2 weeks after I arrived. However, I was invited to attend actually starting the night that I arrived, although I had no real responsibility until I received my orientation.

Q. (Receiving Exhibit M-9 from recorder) General, I show you Exhibit M-9 which is a communication from the commanding general of the Americal Division, dated 24 March 1968, and would ask you if you have any recollection of a discussion concerning that communication at the time that it was being prepared or at the time it was distributed?

A. (After reviewing document) No, I would say that the coordination and the protection of built-up areas and the security of the people in them from promiscuous operations,

promiscuous fires, and so on, was a continuing sort of discussion. As I recall, it is because we are getting publications out of MACV, III MAF, all the time. There are province CORDS discussions about this in that area. As far as being able to state that I was involved in this specific discussion of this, I can't put my finger on it, sir. However, I am sure that it was discussed with the staff and I probably was present. But, I-- this was a continuing thing, and I wouldn't specifically quote this here on this piece of paper. But I am sure G5 was in on it, the chief of staff, probably the ADC's if they happened to be there at the time of discussion of this before it was published.

Q. But you have no recollections that about a week after you arrived there was a special mention of the need for sending out such communications, certain circumstances that were then being discussed at headquarters?

A. No, I would not say that I have a special recollection of it, no, sir. As I would point out, I had either just completed my orientation visits around to the units, about the time that this was dated, so, I could have or could not have been present. To specifically look at something like this, this would not be a normal thing to require a concentrated attendance really. This is something that would be discussed generally; opinions would be asked, but not necessarily a single meeting where everyone would be brought together and it would be discussed.

Q. Do you remember having seen the document before?

A. Yes, I think I have seen it. Just like everything else, it is like one of many along the same object that you see all the time. It is a division publication. I usually got all of them in the morning distribution and I would read them.

Q. But you have no special recollection of this particular document?

A. No. The only thing which is different, perhaps, from any other one that you would see is the recent emphasis on the NVA/VC objective of seizing control of hamlets, villages,

and towns, which calls specifically an action which we are going to emphasize on the other side an action of their own. I am trying to remember, there may have been--when did the Koreans have their fight? Was that much later, sir? During the seizure of that town on the coast by the NVA and they had to--

IO: (Interposing) I think that it must have been, General GALLOWAY, because they had been up to the north of this area and had not much before this situation took place, moved out their fire base. What do you call it? Mo Duc, I think--

A. (Interposing) No. They were at fire base Dottie, just north. Well, it wasn't Dottie; it was north of Dottie. The 2d ROK Marine Brigade had moved out just prior to my arrival. Well, I won't say specifically that I have seen it, but I will say that I probably have seen it because it is part of distribution. But I would place no special significance on it, and I would not have at the time. I will make that statement, sir.

MR MACCRATE: You referred to the fact that complaints were showing up all the time and had to be evaluated with respect to noncombatants being hit by artillery or presumably caught in the conflict in some way. What I was interested in ascertaining was when such complaints came in, how was the responsibility assigned at headquarters for their investigation and evaluation and report?

A. Well, I don't want you to misunderstand my statement regarding this. Some of these dealt not with people but with terrain, and where a report would come in that artillery fire was in this particular area when, really, that area was not to be fired upon by artillery; this is what I am saying. But no one was hurt. This is all together. Another type of report would be that a gunship fired in this area, and perhaps a person was wounded. More likely they weren't, but it was reported that a village was being strafed for example--this type of allegation. Another allegation

which would come in would be through VC-fed allegations just to create the normal harassments which they are so prone to do. Then, as a general rule, depending upon the circumstances, the commander of the particular element involved would make the investigation. In the case of artillery, the artillery commander would find in the logs the coordinates, the fire coordinates, for that particular period alleged and talk to the safety officer and so on, and determine that actually a gun did fire into this area or did not fire into this area. The same with the division aviation officer. This is the way the staff was used. Now, on a major incident, with which General PEERS is obviously familiar, an incident that happened in late June was a special investigation, an Article 32 investigation, conducted by the commander of the support command. I was the monitor on that.

Q. So far as these investigations that don't reach that level of seriousness, the preliminary investigations to which you referred, these would be handled through the command at--

A. (Interposing) Command levels, yes, sir.

Q. And you also referred to, I think you initially described it as having heard of an investigation of a gunship operation--

A. (Interposing) If you recall, sir, I said that it was my impression at the time this was mentioned, and I would not put my finger on where I heard this. It was my impression that it was a gunship type operation, but I cannot specifically say that that is what it was.

Q. If it were a gunship operation that was being investigated, by whom under this staff division of responsibility would the investigation be received?

A. It could have come under actually two people at this point in time. It could have been the division aviation officer who had been told to look into this and come back with a report to the commander, or it could have been a brigade commander who actually controlled certain gunship resources under his direct control. This was particularly true in cases of the 11th Brigade, sir.

Q. Who was the division aviation officer during this period?

A. During this particular period I recall, Colonel HOLLADAY, the commander of the 123d Aviation Battalion.

Q. Did you ever hear of any investigation of a warrant officer of an aviation battalion during this period of time, shortly after your arrival?

A. I do not recall, no, sir.

Q. You don't recall any charges having been made against a warrant officer for any activity? I am not saying that there was, but I am very interested to know whether you ever heard it suggested that the warrant officer, the member of the 123d Aviation Battalion, had been guilty of some action that might warrant investigation?

A. No, my memory does not serve me on that one, sir.

IO: General GALLOWAY, in your presence I would like to elaborate on one statement that I made to insure that it was not misinterpreted. A few minutes ago, I indicated that I was familiar with this psychosis, a fear psychosis which may develop because of mines and booby traps, and I related an area further to the south, in I Corps, where the 173d Brigade was receiving, and the ARVN units that were associated with them were receiving, a large number of casualties killed and wounded by various kind of booby traps, grenades, explosives up to 105 to 155, and in cases, 8-inch artillery rounds which had been used for booby trap purposes and mines. My point in bringing this out was only to indicate the fear psychosis or psychology that can be developed on mines; not to bring out the point that because of this they took repressive action and fired indiscriminately into civilians. That was not the purpose. The purpose was only to bring out the point that had to deal with the morale of the individual and the psychology of

the individual concerned. As a matter of fact, the situation that I am referring to I thought was handled extremely well. I did want to make that clarification so there would be no misunderstanding of it.

A. If you would permit me, sir, I might make a comment about the problem of mines in our area which reached a peak in May of 1968 in which 93 percent, if I remember well, of the division casualties could be attributed directly to mines and booby traps in--I will point it out to you on the map if I may (pointing to Exhibit MAP-1) in the area of the--actually from there to here back to the highway. We called it at that time the Batangan Operation or area of operation. As I say, it was May that that casualty figure--it is also the location of the 48th VC Battalion--they moved in and out of there with what we thought was alarming freedom. Also, they had a portion of the 107th Battalion which is an antitank and antiaircraft battalion.

Q. Were there any other major units that you can recall in that area?

A. The 38th Battalion operated south of the river, down in the eastern Mo Duc area.

Q. I believe there were also some local force, companies--

A. (Interposing) Yes, sir, there were small local force units. I was speaking only of the major forces in the area.

MR MACCRATE: General, I think that it would be helpful if we could have your opinion of Colonel HOLLADAY and the manner in which he discharged his responsibilities of command. In due course, I would assume sometime after the middle of March, you would have come to know him quite well, and to see him quite frequently. Was he reporting to you in that period of time?

A. Yes, sir. He reported to me up until--well, I say he reported to me, but it was a dual function. The operational aspects of his company he would report to the

operations ADC. He reported to me and tried to keep me up to date, primarily because I rated him. But he had a dual report requirement there.

IO: How was it, General GALLOWAY, that you rated Colonel HENDERSON?

A. I rated Colonel HENDERSON?

IO: That was the question--

MR MACCRATE: (Interposing) It was HOLLADAY.

IO: I am sorry, I thought it was HENDERSON.

A. The only point in time in my service that I would have been in a position to observe HENDERSON was in the task force operation at Quang Ngai City, in the mountains when his brigade was under my command and he was the deputy commander. This is the only time that I was ever associated with the 11th Brigade in an official, technical sense. I am speaking of command.

Q. Would you please repeat for my sake and the sake of the record your impression of Colonel HOLLADAY?

A. I had not given an impression of Colonel HOLLADAY yet, sir. Colonel HOLLADAY--it is certainly not very good to get into personalities--but Colonel HOLLADAY is not the best officer that I have ever known and he is not the worst. I think that he did a pretty fair job. He had certain leadership weaknesses. His unit at one point in time, because of certain regulations which he was imposing, had some problems with discipline--reaction concerning these regulations which had to be straightened out. This is my impression of Colonel HOLLADAY.

MR MACCRATE: Could you be any more specific about discipline problems or the regulations that were creating the discipline problems?

(The hearing recessed at 1052 hours, 13 December 1969)

(The hearing reconvened at 1055 hours, 13 December 1969.)

IO: The hearing will come to order.

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

A. I shall continue on that sir. As I recall, the whole incident, not incident, but the period that I'm talking about, there was considerable unrest among the enlisted personnel of the battalion. This came to me primarily through noncommissioned officer contact--the sergeant major of the division. In talking with some of the people, it became obvious that there were problems in the aviation battalion. The first problem, of course, was their housing. It wasn't particularly good at that point in time. They had been put together as an aviation battalion and given a location and the housing would be improved. That was one point. The second point and probably more significant was there was a growing feeling among the enlisted personnel and quite a few of the noncommissioned officers in the battalion, that there was a "clique" at the top of the battalion, which certain members of this command "clique" so to speak--General PEERS certainly is familiar on how these sometimes grow--were not being fair to those below and showing favoritism in many areas. This was not--this situation was growing, and I will say that Colonel HOLLADAY did not have a grasp on that situation, and it took some counseling to get him to dig in and get to this situation and get it straightened out. Now, it was difficult to do because, really, in order to satisfy some of the complaints that were being discussed either rightfully or wrongfully as far as justification was concerned, which was growing in feeling in the unit, in my opinion, at the time, it would have meant probably firing two or three officers and two, three, or four NCO's. Colonel HOLLADAY did ultimately get this situation back to an even keel, but, as I say, we applied pressure for him to take this action, and he did not, to my recollection, relieve anyone. He did move some people as I recall, and the situation ultimately became agreeable again as far as the command structure was concerned.

MR MACCRATE: What were the several battalions involved? Do you recall?

A. Well, I would say that this was confined mainly to the 123d. I don't recall any of them being affected out on other aviation units. Of course, we did not have any other aviation battalions. We had attached aviation companies.

Q. The 123d--certain officers. Would you describe the "clique"? I think it becomes relevant to us to have some specification--names so that we can--

A. (Interposing) Sir, I wish I could give you the names, but I can't remember them.

Q. Do you ever remember meeting a Major WATKE?

A. WATKE?

Q. W-A-T-K-E.

A. I recall that name, I think.

IO: I think one of the first things that might be used to clarify what you are saying, General GALLOWAY, is to indicate about the time period you were speaking of.

A. Well, this was when I ultimately was told, really by General YOUNG, that I would be at the aviation battalion, and he had the other side of the coin. I had the support side and he had the other side of the coin, and this situation, let's see, it would probably be mid-April, May--early May, or sometime when things finally came into focus so far as I was concerned. Now, it appears to be a long time, but it is not all that easy to get a feel for the unit and so on, and I pointed out earlier in my testimony that I spent, I think it was approximately 2 weeks sitting upon a promotion board for senior noncommissioned officers. This was right after I arrived. This was a position given to me by the division commander, so all of this would, perhaps, delay what I had been doing.

Q. Do you have any recollection of--you said that the information come to you through senior noncoms?

A. It filtered up. General PEERS is quite familiar with this. You have the division sergeant major and other sergeants major as sounding boards. A problem which is directly impacted upon the enlisted ranks, you normally hear about it in this channel faster than you would through any other channels, and this is the primary--the sergeant major's program is not designed to spy on commanders, but it is designed to protect and to take care of, recommend, and advise on enlisted problems. So this is the channel that it would come up faster.

Q. Do you remember any complaints about failure to stand behind members of the unit? Anything of that kind, sir?

A. I don't remember it in the sense that your putting it. I do remember that there was a lack of support for the unit; and at the time this support added up to working hours, promotion, living conditions and perhaps some people were being required to work longer than other people. Things of this nature, but I don't recall any specifics. Now, there was a lot of interchange which you get rumorwise, but you can't really put your finger on it. That he doesn't like me so he isn't going to do anything for me, this sort of thing, but I didn't really approach it from the point of view of going in and commanding the unit. I did it from the point of view of counseling HOLLADAY, and I think all of the command elements got in on this picture.

Q. Did he at the same time indicate some difficulties that he might be having which he was perhaps advancing by ways of justification for the problems he was encountering? Do you remember anything coming from him by way of response?

A. You're testing my memory pretty well, sir.

Q. I appreciate that.

A. I would hesitate to answer that Mr. MACCRATE. I know that he had certain problems. Definitely maintenance problems and problems of working for this man and being rated by this man and I know that. He certainly had definite problems with the aviation elements of the brigades which he, in his division aviation officer hat,

had jurisdiction over, policy-wise and so on. But he would have difficulties in those areas with control and the necessary technical aviation side of it, but other that that, I would hesitate to go any further than that because my memory is not that certain.

Q. Do you have any recollection of Colonel HOLLADAY complaining at any time about an investigation that he may have initiated? That nothing seemed to be coming of it?

A. No, I certainly don't, sir. Something twinges at my memory, but I can't put my finger on it in this area. Not in that specific bit at all.

Q. You say "twinges" at your memory. That "twinges" at my curiosity.

A. I would hestitate to--with the "twinging" as I call it--I hestitate to make any definitive comment on it. I just can't recall the exact situation that you outlined. I might point out one other thing along with what was said before. The aviation supporting the 11th Brigade were physically stationed at the 11th Brigade area at Duc Pho, and this added to the situation which I mentioned before, the difficulties in coordination and general aviation supervision.

Q. The 176th was located at Chu Lai and 174 at Duc Pho?

A. I think that's right. They had good facilities. They had an airfield down there, and it was really a feasible way of putting up the assets because the area of operation was of considerable length and provided better responsiveness toward the aviation assets.

Q. May I "twinge" your memory just a bit more? Was it ever called to your attention by members of--especially the aero-scout unit of the 123d, that these men had been advised not to talk about the situation in My Lai (4)?

A. No, sir.

Q. Did you ever notice a degree of resentment on the part of these individuals within that unit or in the remainder

of the battalion? Did you ever notice any animosity of these people toward Task Force Barker or toward the 11th Brigade or toward anybody else in the Americal Division?

A. No, sir, I can't say that I have. Of course, I didn't have the every day contact with these people. I drew my plane crew from the 123d, and I cannot say I received indications from this group. Normally, after they have flown with you a while, they are pretty prone to pass on anything that they hear.

Q. They are part of your immediate family?

A. Yes, sir.

Q. Do you have any further questions, Mr. MACCRATE?

MR MACCRATE: No, sir.

IO: Mr. WEST?

MR WEST: No, sir.

IO: Mr. WALSH?

MR WALSH: No, sir.

IO: I would like to thank you very much, General GALLOWAY. As you know, we are going to go into every single aspect of this particular period of time having to do with the operation, having to do with the investigation of it, the reviews of the investigation or possible suppression of information. I will say to you, we recognize that we're asking you to recollect things, events impressions that occurred a year and a half ago, and we do not expect miracles in this regard. But I would ask you that if you can think of anything which you recall concerning activities, events, and things which took place about that time frame, mid-March of 1968 to about the first or mid-June of 1968, we would appreciate very much having you alert me or other members of this investigation team. Similarly, if you can think of any document, memorandum, paper, materials, or otherwise which might have a bearing upon the purposes of this investigation, we would like to have them. Closing, I would like to again tell you, General GALLOWAY, you should not directly discuss the My Lai incident, including subsequent investigations, with

any person connected with the incident in any way. This does not apply, of course, if you are required to discuss the case in another administrative, quasi-judicial, or judicial proceeding or as you may be required to do so in the performance of your official duties. General GALLOWAY, do you have any other statement which you would like to add to the record of this investigation?

A. I would like to make one statement, sir. When the My Lai incident broke to the press, frankly, I was quite shocked by the whole thing because I didn't believe it. To me it is still an alleged incident. The press is trying to convict on an alleged incident. The thing that surprised me most of all is that in 9 months that I spent in that division, total, almost 9 months--8 months and 7 or 8 days, this did not come up to somebody during that period. I mentioned earlier a case which took about 30 or 35 days to come up, but it came up, and I just can't visualize why this would not come out in some way, shape, or form and come to the surface, because, as you know, we were shifting people to provide for a more even rotation in some of the units, particularly in the 11th Brigade. We had on each fire base a chaplain who met once a week. We had rotation of companies on fire bases, so there was an opportunity during some period of time for this to come out with the chaplains. The IG was hitting the fire bases, visiting the units on a periodic basis, and I'm not even referring to the chain of command which, of course, is the basic area. So, to me, sir, it's a-- I just can't believe--it has nothing to do with what you're saying, but I'm just pointing out that it's very difficult to believe that this would not have surfaced in that division if, indeed, the alleged incident is true, because I know that the command group--speaking now of the commanding general, the operational ADC and myself as the supporting ADC. We covered every fire base and every activity in that division. I did a minimum of every 2 days and the operational ADC was, here and there, as the operation of the post. So, it is inconceivable to me that this would not have come up through some source.

Q. Thank you, General GALLOWAY. You have well cited the problem with which we are faced.

A. Yes, sir.

IO: We will recess at the present time and we will reconvene at 1135.

(The hearing recessed at 1115 hours, 13 December 1969.)

SUMMARY OF TESTIMONY

WITNESS: GAMBLE, Steven J., CPT

DATE OF TESTIMONY: 16 December 1969

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Commanding Officer, D Battery, 6th Battalion, 11th Artillery, located at LZ Uptight.

1. PRIOR TRAINING IN RULES OF LAND WARFARE.

Friendly troops were put on an operations chart which was kept by the fire direction officer who would update it (pg. 18). No-fire zones were put on the firing charts and to the best of his knowledge there were no restrictions on firing into the area of Pinkville (pg.19). A no-fire area would be circled. For example, there was a small village north of the Pinkville area which was marked as a no-fire village (pg. 19). The FDO would recognize a populated area from his operations map. In addition, all grids had to be cleared (pg. 19). If cleared by the ALO, the FDO would fire without question because the populated areas on his map could have been previously deserted or destroyed (pg. 20). If there were civilian casualties, whether it was in the no-fire zone, or even if the grid had been cleared previously, it would be regarded as an artillery incident (pg. 21).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

a. Briefing by the brigade commander.

On 15 March, GAMBLE attended a briefing at LZ Dottie given by the brigade commander for the My Lai operation. The company commanders were present (pg. 6). The brigade commander generally reviewed what would occur

the next day and mentioned that a Viet Cong unit was located in the area. He also stated that they wanted to get rid of them "once and for all" (pg. 6). Details of the operation were not discussed (pg. 7). He did not attend that part of the briefing given to the company commanders by the S3, the task force commander, and the intelligence officer. Instead, he conferred with the ALO, Captain VAZQUEZ (pg. 7).

b. Reconnaissance of the My Lai area.

After the briefing, he flew back with Lieutenant Colonel BARKER in the command and control helicopter to LZ Uptight. On the way, they flew in an oblique direction to the My Lai area (pg. 13). They went south of Uptight and north of My Lai (4). GAMBLE pointed in the area of grid lines 82 and 83 on MAP-1. He stated that they did not fly too far south (pg. 14). The ALO, looking out the right side of the helicopter, pointed out the area as they flew east (pg. 14). BARKER was seated in the far left end of the seat near his console (pg. 16). GAMBLE was seated on the right hand side canvas seat. Captain MICHLES was on the helicopter, but he could not remember MEDINA being present (pg. 15). He heard nothing on instructions concerning the village, because he did not have intercom earphones on and with the doors open they would have had to yell for him to hear them (pgs. 15,16).

c. Information copy of the operation's order.

After the briefing, he received a copy of the operation order so he would know the times that he had to fire. This was not normally filed and was transcribed into the computer's records when they computed the fire mission (pg. 8). They did not have a FADAC (pg. 9). They had a manual computer and the individual would work it out manually. No computer records were forwarded to battalion and normally, they were destroyed after six months (pg. 12). When the ALO identified the first smoke round, he would move it to the exact location where the task force commander wanted the prep (pg. 12). That location could be determined, if necessary, by calculating backwards on a replot method (pg. 12). The prep was not to go on the village or parts of it (pg. 11).

d. Functions of the artillery liaison officer regarding the artillery preparatory fire.

From the operational orders, the area where the prep is to be placed is plotted first and then firing data is computed from there (pg. 11). The first round consists of a smoke shell so that the ALO could identify the round. He would move it from there (pgs. 11, 12). Captain VAZQUEZ, the ALO, had pointed out the location from the helicopter as they flew the recon (pg. 17). The ALO also gave an hourly report of the location of the ground troops (pg. 27). These locations were kept on the operations map.

3. ASSAULT ON MY LAI.

GAMBLE recalled firing only one preparation in support of C/1/20 (pg. 27). He did not recall firing a preparation in support of B/4/3 (pg. 28). At about 1200 hours, 16 March 1968, he received word that 69 VC had been killed as of 0900 (pg. 27). He received this information either from the ALO or through ALO personnel who had remained back at Uptight (pg. 28).

4. INQUIRIES CONCERNING THE ASSAULT.

a. Discussion with Colonel YOUNG.

Approximately one month after My Lai, Colonel YOUNG, division artillery commander, visited GAMBLE's battery. YOUNG asked how things were going and GAMBLE replied that in the My Lai operation the battery,along with airstrikes, had been credited with 69 kills (pgs. 4,5). Colonel LUPER, the battalion commander, accompanied Colonel YOUNG. LUPER then stated, "We're not sure that those were all enemy". GAMBLE did not have a chance to question LUPER and he heard no further mention of the incident (pgs. 5, 24). He believed that LUPER's information was incorrect because there was no investigation conducted (pg. 5). GAMBLE did not refer to it again in the conversation. LUPER never questioned him with respect to the operation nor did he suggest that it was something not to be talked about (pg. 31). The next time GAMBLE was approached on this was by Colonel WILSON (pg. 30).

b. Artillery incidents.

During his command of the battery, there was only one investigation, which was not at LZ Uptight (pg. 18). All artillery incidents which were investigated, were distributed to all batteries on a "lessons learned" basis (pg. 18). Whenever civilians were killed, there would be a division artillery incident report (pg. 21). Normally, the report would begin with ARVN troops and go through American advisors, to the division, and then through channels to division artillery, who would begin an investigation (pg. 23). If someone saw rounds landing and injuring either U.S. personnel or civilians, a report would be made. This was usually seen by the forward observer on the ground (pg. 24). If there was an investigation of an artillery incident caused by his battery, there would be no way that he would not be interrogated (pg. 31). He did not believe the incident occurred, because he never heard anything about it, either from members of his battery or from members of the infantry who used his messhall (pg. 35).

5. OTHER INFORMATION.

a. The function of the forward observer.

Forward observers would normally keep him abreast of unit's moves and their possible need for artillery (pgs. 28, 29). Lieutenant ALAUX was the FO with Captain MEDINA. GAMBLE did not remember ALAUX calling back any information on casualties. ALAUX was not the observer that adjusted the mission for he came in with MEDINA and the company (pg. 29). ALAUX was assigned with Charlie battery but normally worked under the control of the ALO (pg. 33). He did not recall having any discussions with ALAUX after the incident (pg. 32).

b. Unit of the witness.

He was the battery commander from February 1968 to October 1968. At the time of the My Lai mission, his battery had four 105 calibre tubes (pg. 3).

c. Communication equipment of the unit.

On 16 March 1968, he had two VRC 46's as radios in the fire direction center and one VRC 46 with his search light (pg. 25). One of his radios monitored his battalion command net and the other monitored fire direction net 4 (pg. 25). He did not monitor the task force net because he was not attached to it but supported it (pg. 25), and his unit wanted him to maintain communications with them. All information regarding the task force would come over the fire direction net (pg. 26).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-1	Aerial photo	Pointed out area of artillery prep.	11
MAP-1	Wall map	Pointed out prep area in vicinity of grid lines 82 and 83.	15

(The hearing reconvened at 1540 hours, 16 December 1969.)

IO: The hearing will come to order.

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

The next witness is Captain Steven J. GAMBLE.

(CPT GAMBLE was called as a witness, was sworn, and testified as follows:)

Would you please state your full name, Social Security number, branch of service, organization and station?

A. Steven James GAMBLE, Captain, Artillery Career Course, Fort Sill, Oklahoma, U.S. Army.

RCDR: Thank you.

IO: Captain GAMBLE, 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 the facts and making recommendations and findings 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 it and to furnish information regarding this incident.

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

A. No, sir.

IO: I have had made available to me and have reviewed prior official statements obtained in other official investigations of the My Lai incident and that includes your testimony before Colonel WILSON in the IG investigation.

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

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

There are several people in this room who may ask you questions. On my immediate right is Mr. WEST, who is the Assistant General Counsel of the Army and also my deputy. The two officers in uniform are Colonel WILSON from the IG Office and Colonel FRANKLIN from the office of the Deputy Chief of Staff for Operations. They are serving as assistants to me and as such may ask questions in my behalf.

On my immediate left is Mr. MACCRATE and the second individual on my right is Mr. WALSH. They have volunteered to serve as legal counsel to the investigation team. They, too, may address questions to you.

I have the responsibility of weighing the evidence and making the findings and recommendations.

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

In addition, you are cautioned that if you are subject to the order issued by the military judge in the general court-martial case of the United States v. Calley, your appearance here in no way changes the applicability and the effect of that order.

Do you have any questions at this time?

A. No, sir.

Q. Captain GAMBLE, what was your duty assignment on the 16th of March 1968?

A. Sir, I was the commanding officer of Delta Battery, 6/11 Artillery.

Q. How long had you been in that capacity?

A. Since February of 1968, sir.

Q. Was that the time that you arrived in country?

A. Yes, sir. About a week after I arrived I took over the battery. I went through processing and finally arrived at the 6/11 Artillery Headquarters. I then took over Delta Battery which was a newly formed battery.

Q. Was this an organic battery or an ad hoc type of battery?

A. Ad hoc, sir.

Q. How many tubes did it have in it?

A. Four, sir.

Q. What caliber?

A. It was 105's, sir.

Q. How long did you remain in that capacity?

A. Until the end of October, sir.

Q. Delta Battery remained until October?

A. It remained after that, sir. I turned over my command at the end of October, sir.

Q. Through this time you retained command of the four-tube battery. Is that correct?

A. Right, sir. We subsequently went up to five tubes.

Q. Captain GAMBLE, prior to coming here and after the release in the news and the television of what we now refer to as the My Lai incident -- the release took place in about September -- have you talked to anybody about the situation in My Lai at that time?

A. No, sir. None except to Colonel WILSON, sir.

Q. Since the My Lai incident became a matter of public knowledge, you talked to no one?

A. No, sir. No one approached me.

Q. From the time that you returned home in October of 1968?

A. No, sir. I returned to the United States in January of 1969.

Q. From the time that you returned, aside from Colonel WILSON, have you talked to anybody else concerning the My Lai incident of 16 March?

A. No, sir.

Q. After the 16th of March and prior to your departure from Vietnam, did you talk to anybody about the My Lai incident of 16 March?

A. No, sir. The only one I ever made mention of anything to -- Approximately one month after that date of 16 March I received a command visit from the division artillery commander.

Q. Who was your division artillery commander?

A. Colonel YOUNG at that time, sir.

Q. Do you remember his first name?

A. No, sir. I do not remember his first name because he left almost immediately. About a week later he returned to CONUS. He approached me and asked me generally how things were going and I mentioned that we had participated in the My Lai operation and that we had been credited, along with the air strikes that had occurred as having a

body count of 69, to the best of my memory, sir, and he was accompanied by my battalion commander.

Q. Who was your battalion commander at that time?

A. Colonel LUPER, sir. When I mentioned this, Colonel LUPER, to the best of my recollection, said, "We're not sure that those were all enemy." That was all that was mentioned to me at the time that I was in country. That was all that was ever asked of me or that I know of.

Q. Was it the DIVARTY commander that made mention of this or was it Colonel LUPER?

A. It was Colonel LUPER, to the best of my knowledge, because Colonel YOUNG just asked me generally how things were going and what operations we had participated in.

Q. Was there any further discussion of that point?

A. No, sir. Sir, if I may break in--that was Colonel Mason YOUNG. There was no other discussion whatsoever.

Q. What did it mean to you?

A. Well, sir, at the time when Colonel LUPER had mentioned it I did not have a chance to question him, and afterward, he never made a mention of this at all. I heard nothing about it at all, sir. To me it meant that he must have had incorrect information, because there was no time when anything like this occurred. If there were civilian casualities the division artillery always conducted an investigation, and there was never any investigation initiated or I was never questioned, whatsoever.

Q. If it were known that five, ten, or twenty civilians may have been killed by artillery, would it have been normal, under those circumstances and in this combat environment, to have conducted an artillery incident investigation?

A. Yes, sir. In fact, any time, sir. Even if civilians are wounded and they required hospitalization there was a formal investigation conducted, sir.

Q. Do you know of any artillery incidents investigated or an investigation that was made here in this incident, or reported upon?

A. No, sir. None to the best of my knowledge, sir. We kept a file of all incidents, with the formal investigation report, right in the battery and we never received one, sir.

Q. But your battalion commander was aware of this?

A. Yes, sir. Like I said, sir, it was just a statement that he made to me as I was taking the colonel through the area, sir.

Q. We'll come back to that later.

What was your first knowledge of this operation?

A. Sir, approximately 24 hours before the operation occurred I went from LZ Uptight to LZ Dottie to attend the briefing that was being given by the brigade commander for the operation on the next day, which was to occur in the My Lai area.

Q. Were the company commanders present?

A. To the best of my knowledge, sir, they were present, sir. Yes, sir.

Q. What did the brigade commander have to tell them?

A. Sir, he generally reviewed what was going to occur the next day and he mentioned that it was a very important operation and the Viet Cong unit that was located in that area. They wanted to get rid of them once and for all and get them out of that area. He stressed this point, and he wanted to make sure that everybody and all the companies were up to snuff and everything went like clockwork during the operation.

Q. Was there any review of previous operations?

A. No, sir. Not to the best of my knowledge, sir.

Q. What specifically did he tell them that he wanted them to do?

A. While I was in the briefing they did not discuss any of the details of the operation. He just talked in generalities on the operation. To the best of my knowledge, sir--sir, I don't remember any details whatsoever. In other words, the tactics to be employed were not discussed at that time, sir.

Q. By the brigade commander?

A. Right, sir. To the best of my knowledge.

Q. What happened subsequent to the brigade commander talking to the command staff?

A. Sir, at that time, I conferred with the artillery liaison officer and then I returned to LZ Uptight from LZ Dottie.

Q. Who was your ALO there?

A. The artillery liaison officer, sir, was a Captain VAZQUEZ.

Q. Did you stay for the operational briefing given to the company commanders by the intelligence officer and by the S3 and the task force commander?

A. Sir, to the best of my knowledge I never remember attending that briefing. No, sir. I can't think of any one thing that occurred there so I can almost assuredly say I wasn't at that type of briefing.

Q. In your previous testimony you indicated that you had heard an S2 briefing.

A. Sir, it must have occurred in the same time frame as the brigade commander's. It may have been that the brigade commander came right in on the briefing itself and just gave his talk, but as far as the operation itself, I heard, intelligence-wise, that there was a Viet Cong force in there. I remember his saying that he did want to get rid of that force once and for all.

Q. How much of the 48th Local Force Battalion did they expect to encounter in the village of My Lai (4)?

A. Sir, I don't even remember hearing that estimate. I never heard any estimate on figures, sir, that I remember on the size of the force, sir. It was just mentioned as the 48th Local Force Battalion.

Q. It seems that you remembered a little more back in June than you remember at the present time, concerning what Colonel HENDERSON had to say and concerning what the S2 had to say.

A. I don't remember any intelligence estimate, sir, whatsoever.

Q. Was it your impression that when this air assault went into My Lai (4) that they were going to run into a first-class contact with the VC?

A. Sir, that is the impression I got, sir. I got the impression that this would be a good fight.

Q. What was given during the operational portion of the briefing?

A. I do remember, sir, that I received information that there would be an air assault in, and that I would fire an artillery preparation. I don't remember exactly any of the tactics that were to occur on the ground. I do remember that I was to fire an artillery preparation, which was of interest to me. Subsequent to the operational briefing or the briefing itself, I later received an information copy of the operations order, so that I would be sure of the times that I had to fire. That, normally, in the operations order is all that I referred to, sir.

Q. Would a copy of the operational order be in the files of your battery?

A. No, sir. We normally didn't file them, sir. We just kept them for the operation, sir, mainly to verify a time that we were to fire an artillery preparation and then we transcribed that information right on to our computer's records when we computed the fire mission. That's all we needed the operation order for, sir. The only ones that we might keep were any contingency operations.

Q. Did you have FADAC at that time?

A. No, sir. We did not have a FADAC. We got it shortly after that, sir, but I am almost positive that we did not have FADAC at that time.

Q. Where did your computer come in then?

A. Sir?

Q. Where did your computer come in then?

A. In the operation?

Q. Yes. You indicated you put it on computers. Did you have a computer there?

A. Yes, sir. We had a manual computer and that would be the individual that would work it out manually.

Q. Not an ADP? Automatic Data Processing FADAC of any kind?

A. No, sir. No. We did not have FADAC at that time.

Q. What did Colonel HENDERSON say concerning this 48th Local Force Battalion about this particular operation and in eliminating them for once and for all?

A. Well, sir, he mentioned that the 48th had given us problems, the battalion, problems anytime we worked in that area and he just wanted to make sure that all the company commanders and all the people understood that we were going in this time to finish them off once and for all.

Q. Did Task Force Barker normally publish an operational order for its operation?

A. I didn't receive that many, sir. I normally just did not receive one. I normally just received a call from the artillery liaison out there or possibly just a sheet extract saying I would fire an artillery preparation with the times.

Q. Did you receive an order which outlined specifically what the task was and the objective for each of the elements and including the assignment of firing the

prep for the units that were going in to conduct the air assault and what would normally be included in a combat operational order?

A. Yes, sir. To the best of my knowledge I did.

Q. Who would have made this?

A. It would have come out of the TOC, sir, at LZ Dottie. They were all published there at the task force headquarters, to the best of my knowledge.

Q. Was there any discussion then concerning the location of the LZ with respect to the village or the hamlet?

A. No, sir.

Q. What instructions were you given concerning the artillery prep?

A. Sir, I was to fire a short preparation. I can't exactly remember the time. I believe it was no more than 5 minutes and I was given the grid location. That was approximately 1600 the night before and that way it allowed me time to get this grid cleared and also the firing data worked up so that approximately 2 to 3 hours before the operation occurred we would be already to go.

Q. Working under Task Force Barker there, who cleared your fires? Did you clear them or did your ALO clear them at task force headquarters?

A. I went through the ALO with all of my grids unless it was a contact with the enemy type fire mission, and then it was automatically cleared as long as I got the initials of the company commander on the ground. Of course, this was not, and it went through normal channels, through the ALO.

Q. Who did he receive his clearance from?

A. I believe he called the district headquarters to receive his clearance, and of course he would get his own clearance as far as units operating in the area, so there would be no firing on the U.S. elements.

Q. When you plotted your prep in this instance, where did you find that it was plotted?

A. Sir, to the best of my knowledge we plotted to the west of one of the villages down there, sir.

IO: Give me the map.

(The recorder handed Exhibit P-1 to the IO.)

Captain GAMBLE, I have here an aerial photo of My Lai (4) and to orient you this direction is north (pointing). Here is My Lai (4) on the map. You will notice several identifying features; the shape of it is one; a road coming down to the south and another road coming out of the south center of the village; another road coming across the south edge and running down to Highway 521, and another road across the upper end of the village. Now to your recollection, where was that artillery prep to be placed?

A. Sir, the best I can remember, and I am really not positive, was somewhere in this area (pointing). I am really not positive, sir.

Q. When you returned to your headquarters you would plot this, would you not?

A. Yes, sir. We would plot it and automatically start getting clearance.

Q. You plot it on your map from your data or vice versa?

A. Yes, sir. The plot is made first and then the firing data is computed from there.

Q. Did you have any indication at that time that the artillery prep was going to go on the village or the hamlet, or on parts of it?

A. No, sir. To the best of my knowledge, no, sir. We computed data which would start the preparation and this was normally not the final location that we would fire, sir. In other words, we would initiate it with shell smoke so that the air observer, who was the artillery liaison officer,

would be able to identify the round and he would move it from there to the exact location where they desired the preparation, after conferring with the task force commander, and then we would fire for effect.

Q. That data would still be available, however, would it not? The area where the artillery was finally adjusted?

A. I don't believe so, sir. I believe those records are destroyed on a 6-month basis, sir.

Q. Do you recall how long you retained the record?

A. We retained them at battery level approximately 6 months. Yes, sir. It was 6 months. They were on a 6-month suspense and they would be destroyed.

Q. Were they destroyed or were they sent to battalion?

A. None of the regular computer records were forwarded to battalion at all, sir. The only thing we forwarded was daily operations reports, sir.

MR WEST: Would the computer records show where the fire for effect went in terms of coordinates and direction?

A. Sir, the location that could be determined by the fire for effect data would have to be refined by a replot method. In other words, getting out the inaccuracies caused by the trajectory for the altitude of the point and by working that back and forth you could determine within 50 meters exactly where the fire for effect point was. This would not be normally done unless the observer requested a replot.

Q. Would you go through that perhaps if you were investigating an artillery incident?

A. Yes, sir.

Q. It could be done?

A. Yes, sir.

IO: What happened after that, as far as you are concerned, in the issuance of orders, by Task Force Barker at

Fire Support Base Dottie?

A. That was all that I remember and that was all I was interested in, to get that grid. I flew back to LZ Uptight, sir. I flew back with the command and control helicopter.

Q. Whose command and control helicopter?

A. The task force commander, sir

Q. Colonel BARKER?

A. Yes, sir.

Q. Well. Did you accompany Colonel BARKER on a reconnaissance of this area?

A. As we flew back, yes, sir, we flew in an oblique, to the best of my knowledge, to the My Lai area.

Q. Which direction from it?

A. We went north of it, sir. We went south of LZ Uptight and north of My Lai (4), sir and the My Lai area.

Q. I point out one rather obvious terrain feature in this area, and that is Hill 85 to the south of My Lai (4). Do you see it there (pointing on MAP-1)?

A. Yes, sir.

Q. Does that refresh your memory as to any place where you may have been flying?

A. Sir, if I could point it out.

(The witness steps to the map and points out specific areas as he refers to them.)

We flew along this area here, sir, because I remember seeing the river here. (Witness points in the area of grid lines 82 and 83 on MAP-1.)

Q. Are you sure that's the river? Could it have been the Song Tra Khuc River to the south?

A. I don't believe so, sir. As we left LZ Dottie, sir, I don't remember that we flew too far south. We sort of went by this way and this was a very prominent hill mass and came around and approached LZ Uptight generally to the south and the west, sir.

Q. I'll say, Captain GAMBLE, that we have had other witnesses who were on this particular flight who have indicated that they stood off from the village approximately 2 kilometers, 1500 meters to 2 kilometers, but they were generally to the south of the area.

A. No, sir. I don't think so, sir. As I remember going along in the helicopter, we were heading from LZ Dottie to LZ Uptight.

Q. Was the purpose of this excursion to take you back to LZ Uptight or to go on reconnaissance?

A. Sir, they combined it. In other words, they were going to LZ Uptight, so they made a visual reconnaissance and they also took me back. I remember the artillery liaison officer looking out of the right side of the helicopter, so that would have put him looking south, sir.

Q. If he was flying east, I agree, but if he was flying west he could have been looking north, couldn't he?

A. We were flying east, sir. We only made one fly-by to the best of my knowledge, sir.

Q. At that time, what was said about the LZ?

A. Nothing was said to me, sir.

Q. What were you along for?

A. Sir, I wasn't really there on the reconnaissance. As I remember, the artillery liaison officer generally pointed out the area to me and I didn't have an intercom set on or anything, sir, so I acknowledged, "yes" and shook my head to him. Generally, sir, I was just there to get a ride back to LZ Uptight.

Q. What was said about the location of your artillery prep? Now, you're an artilleryman and you're going to

fire the prep. Yet, you're telling me, up to this point that you really don't know where the prep was going.

A. Sir, the artillery liaison officer pointed out a point to me in the area, generally where the location of the area was and pointed to it.

Q. Can you point on that map where he pointed to you that the artillery prep was going to go?

A. As I said before, sir, it was generally in this area, but I can't be positive, sir. (Witness points to an area of MAP-1 in the vicinity of grid lines 82 and 83.) I do not remember, sir.

Q. Did all of the other people in the helicopter have intercom head sets on?

A. No, sir. The artillery liaison officer I don't believe was on the intercom, sir.

Q. Were the company commanders on intercom?

A. I don't believe all the company commanders were with us and I can't even be sure that any of them were on that helicopter. I do remember Colonel BARKER being on the helicopter and also the artillery liaison officer.

Q. Do you remember Captain MEDINA being on the helicopter? Do you remember Captain MICHLES being on the helicopter?

A. I think Captain MICHLES was on there, sir. I can't be positive that Captain MEDINA was on there.

Q. What was said concerning the village itself? Did they give any indication to burn the huts, the hootches and to kill the livestock?

A. No, sir. I never heard anything to that effect.

Q. If instructions such as this were issued and you were on the helicopter or a discussion such as this ensued and you were on the helicopter, would you have heard it?

A. Unless it was over the intercom, sir, I would have heard it. I couldn't hear it over the intercom. If it was made in the open they would have had to just about yell to get over the noise of the helicopter.

Q. Did you have the doors closed or opened?

A. Open, sir.

Q. You're sure they were open?

A. I know the door on the right-hand side of the helicopter because the ALO was sitting in a squatted fashion at that door.

Q. Where were you with respect to him?

A. I was sitting on the canvas seat in the rear of the helicopter, sir.

Q. Where was Colonel BARKER?

A. He was sitting toward the left, sir, and in the far left portion of the same canvas seat, sir.

Q. The task force commander, according to your definition of the way you were flying, was sitting in a place where he couldn't see the objective area?

A. That's where he would have been sitting, sir. His console was on that side and his plug-in for the intercom was right on that side, sir. To the best of my knowledge that is where he was sitting, sir.

Q. I'm trying to figure out in my mind, Captain GAMBLE, what you learned going to fire support base Dottie and on this reconnaisance before you returned to LZ Uptight? At the moment I have a very small picture of your learning anything.

A. Sir, the preparations that we conducted in this area, many times I did not receive a reconnaissance. This was one of the few times that I actually flew over the area where we were going to fire a preparation. I normally just received the grids and the artillery liaison

officer, once he got that round of smoke out there, would adjust it exactly where he wanted the preparation at. In this instance, where I did fly over, he just generally pointed out the area and he gave me a grid that he would take the round of smoke from and adjust it on to the LZ.

Q. Well, the fact remains that you were on the reconnaissance. From previous testimony we have quite a few indications of what was said on the helicopter, but you are not indicating that you heard any of it.

A. You are referring to my previous testimony?

Q. No. I am talking about other individuals.

A. To the best of my knowledge, I didn't because really the only person I was concerned with on the helicopter was Captain VAZQUEZ, since he was the ALO, and I was actually working for the task force commander through him. I sort of paid attention to him as to anything he was going to tell me and I don't remember any other conversations, sir.

IO: Do you have any questions, Mr. MACCRATE?

MR MACCRATE: Not on this.

IO: Mr. WEST?

MR WEST: Under the circumstances, the way this mission was to be fired, during the operation with the ALO in the helicopter with Colonel BARKER, he could have adjusted the fire on the village just by sending back corrections, couldn't he, at the request of the task force commander?

A. Yes, sir, it would be possible. Like I said, sir, the normal SOP was to fire one round of smoke and adjust on the target.

MR WEST: That's all I have.

IO: Colonel WILSON?

COL WILSON: Do you remember, during the time that you commanded this battery, how many of this type of investigation that you had? Could you give us a general indication of how often they conducted an investigation on the firing of

civilian casualties and so forth?

A. We had one, sir, that did not occur at LZ Uptight. It occurred at a later time, where, during a night mission, some rounds inadvertently fell on a friendly position. But it was not at LZ Uptight, sir.

Q. These are not very frequent?

A. No, sir.

Q. It sounds like that, during the time that you were there, you had only that one investigation? Is that correct?

A. Right, sir. Not an artillery incident, sir. We had quite a stack of them because they were conducted at division artillery level. They were sent to all the batteries, sir.

IO: You got copies of all the investigations from within the division artillery?

A. Yes, sir. They were reproduced and sent to all the units within the division artillery. They included recommendations of how to prevent the incident in the future.

COL WILSON: It sounds like "lessons learned."

A. Right, sir. This is what it was. It was entitled "Artillery Incident" and there was a whole description of the incident, when it occurred. It did not mention units or anything like that. This was put out by the division artillery.

COL WILSON: That's all I have, sir.

COL FRANKLIN: GAMBLE, you kept a firing chart in the FDC, right?

A. Right, sir. We had two firing charts.

Q. And on these firing charts you plotted all the friendly units and where they were?

A. Friendly units were not put on the firing charts, sir. They were put on an operations chart. The fire direction officer who was on duty had a map right in front of him and he would keep updating these locations for the

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friendly positions, sir. They were not actually put on the firing chart, sir.

Q. You did put no-fire zones on your map, didn't you?

A. Yes, sir. Any that we had were put on the firing charts.

Q. How about this area that you see here in orange? Were there any restrictions on your map as to firing in there? (COL FRANKLIN points to MAP-1 in the area of Pinkville.)

A. No, sir. To the best of my knowledge there was none whatsoever.

Q. North of this area and say around one of these little towns? Say in a town populated area, would you have that some way marked on your map, so that if you got a grid to fire there you would know not to fire?

A. Yes, sir. We had one small village north along the ocean, sir, where we had it circled and that was a no-fire village.

Q. You had nothing on your map that would flash a warning light to that fire direction officer that there was a populated area and if he got a grid there he was going to be firing into a populated area and he had to take certain measures to check for things of that nature?

A. He just read from his operations map, plus all the grids had to be cleared. He would have to request a clearance on it.

Q. But he had a way of knowing if this grid was in where there was people?

A. Yes, sir. He could plot it right on that map that he had.

Q. If you got a grid where there was people and it was cleared by the ALO, regardless of whether there was people you would fire it? There was no regulations, for example, that you had that you would refuse to fire that mission and get a verification and go through some other channels?

A. No, sir. My fire direction officer would question all grids that came into a populated area. However, on many occasions that populated area which was indicated on the map, actually was not there at all. It had been destroyed years before.

Q. Was there any effort made in your artillery to reconstitute--for example, I know that some organizations try to find out where the people were and put them on the map. Was anything of this nature done in your battalion?

A. Yes, sir. That one village that I mentioned was an update of that type thing. I was given by my battalion commander the location of a village and he wanted me to circle it and make sure that no grids were ever fired in that location.

Q. Could this OP order that you got have been just an overlay giving you the grid and the sequence of fire and the time of fire and made out by your ALO rather than made out by the S3 in an OP order? Is that possible?

A. Yes, sir, it is possible.

Q. Did your ALO just frequently give you a piece of paper with the grid and any pertinent information like the time of fire and how long to fire? Was this a normal thing for VAZQUEZ to do?

A. Yes, sir. I have received them on occasion. On other occasions I didn't receive anything at all except a grid by radio that I was to fire.

Q. Who gave you this order? Was it CALHOUN or was it VAZQUEZ?

A. To the best of my knowledge it was Captain VAZQUEZ. I don't remember meeting Major CALHOUN that day.

Q. When you got an OP order, who normally gave it to you?

A. I normally got it through the ALO, sir, because he would come through the LZ with the OP order to give me a copy of it.

Q. If you had killed some civilians in this area,

even though the grid had been cleared, would that have been an artillery incident?

A. Yes, sir.

Q. No matter if the grid is cleared, if you killed civilians there would have to be a Division Artillery incident report as you remember?

A. Yes, sir. That is my knowledge. Any time there was an allegation they would conduct an artillery incident investigation, by Division Artillery.

Q. When Colonel HENDERSON spoke, did he ever make a statement that everybody in this area was a VC or a VC sympathizer?

A. I don't remember, sir. I had heard that statement made on several occasions. I can't think of the sources. I had heard that made in that area when I worked in that area, but I cannot say that Colonel HENDERSON made that statement.

Q. Were you a little less concerned or equally concerned in firing into this orange area than, let's say, firing into other areas (pointing to MAP-1)?

A. No, sir. I would not be more concerned in that area.

IO: Let's put this a different way. Let's say the area to the east of this would be a VC-controlled area and you had an artillery incident in there. Would you treat it the same way or in the same manner that you would treat it if it happened along Highway 1 in the no-fire zone?

A. Yes, sir. To the best of my knowledge they would all be considered the same. I know for artillerymen this was a big thing. We just didn't want any incidents. Any time, anywhere it occurred we were liable for a formal investigation, sir. I was never told that there was any area that I didn't have to worry about getting incidents in.

Q. You treated any civilian casualty, irrespective of where they were or friendly forces, as a cause for initiating an artillery incident report?

A. Yes, sir. To the best of my knowledge, that is

the way I considered it, sir, and I believe that is the way that everybody else considered it. They never told me anything to the contrary, sir.

COL FRANKLIN: That's what confuses me a little bit. You have a lot of double checks in the artillery and you don't want to fire into where there are people, right?

A. Right, sir.

Q. So you have got to have some kind of way to know where the people are. Did you know where the people were in this orange area or did you have it marked on a map anywhere?

A. We just had a 1:50,000 map of the area, sir.

Q. Did you have people marked in Pinkville and people marked in My Lai (4) and people marked anywhere on there, so when you got a grid that was in that area, cleared or not cleared, it would flash a warning light to your fire direction officer to double check?

A. No, sir. He double checked. If they fell into an area where there were hootches marked on the map, he would consider those suspect, but they were not specifically marked on a map or an overlay, sir.

Q. You got the report that 69 VC were killed by artillery?

A. To the best of my knowledge, sir, I received a report that the artillery and the air combined were credited with 69 enemy killed.

Q. Did you ever plot the grid where these 69 were reportedly killed and checked that against the grid that you fired or did you just take the figure?

A. No, sir. I never confirmed that grid. I don't remember if I ever saw a grid on it, sir, but I never checked it.

Q. Has your artillery ever been credited with that big a kill before?

A. No, sir.

Q. That was a pretty big thing in your battery?

A. Yes, sir. This is why, when I met the Division Artillery commander, I mentioned having participated in this.

Q. I've got just one final question on this operation. Who stayed back and defended Uptight?

A. I don't remember, sir.

Q. Every night, did you always have some infantry troops there?

A. Yes, sir. I never had to pull my own perimeter security.

Q. Did one platoon defend Uptight? Could they?

A. I'd say not really adequately, sir, but it could be done.

COL FRANKLIN: Thank you.

MR MACCRATE: Captain GAMBLE, you indicated that there had been one artillery incident investigated, that you could recall. How does such an investigation commence? How is it started? I understand that it is by the Division Artillery, but how does it get started?

A. Normally, sir, the majority of incidents that I saw in this general area, and you might say the whole province, were reports from the ARVN troops to our advisors, the American advisors, and they forwarded them to division. There was a report, for example, that ten civilians were killed the night before by artillery at such and such a grid, and that was forwarded up through channels by division artillery and they would send out an investigator to start the investigation, sir.

Q. But, the report would start with local Vietnamese sources?

A. Yes, sir. Either that, or someone visually seeing it. In other words, on an operation where rounds actually fell short through an error or something like that, and he reported it up through our own channels.

Q. Ordinarily it was someone down where the shells were landing rather than someone from your battery that was

making the report as to any casualties? You wouldn't be aware of what was happening or if it was hitting the target area?

A. Right, sir. I wouldn't normally know that. There were areas in this area of Uptight where we could actually see rounds landing, but normally, if an incident were to occur, it would be the forward observer on the ground who would see that the rounds had fallen short and injured some of the infantry, our own infantry that was out there, or that they had injured some Vietnamese civilians, or a report would be received that someone was injured or killed.

Q. If you knew that there had been an incident as a result of your firing, what was your obligation under any outstanding orders, as far as you were concerned? What was your SOP?

A. I would have to report it back to my battalion. If I knew that I had fired out and caused an incident, I would report it through my operations center to my battalion commander.

Q. In this case, didn't you have information that there was an incident, an artillery incident?

A. The only indication that I had, sir--like I stated previously, was my battalion commander telling me that they were not sure that all the kills were actually enemy kills.

Q. Now, you indicated that this was a whole month later?

A. It was a considerable period of time.

Q. Was this the first you had heard of anything of that sort?

A. Yes, sir, that was the only thing I ever heard about it. Up to the time when this whole My Lai incident broke in the newspapers, that is the only thing I had heard about it.

Q. You had never heard of the artillery being credited with 69 kills?

A. Yes, sir, but not an incident. This was actually enemy kills. This was not an incident.

Q. There was no question in your mind, up to the time that your battalion commander said that, that there were any civilians involved in that 69?

A. No, sir. None whatsoever, because I received no indication whatsoever that they were not enemy.

MR MACCRATE: I have nothing else at the moment.

IO: Captain GAMBLE, how many radios did you have in the battery?

A. The only radios that I had were two VRC-46's in the fire direction center and I had a searchlight that worked on the hill with me, who was artillery, and he had a VRC-46 on his own net. Those were the only radios that I had, sir.

Q. What stations did you have these turned on?

A. I was required to monitor my battalion command net on one, and on the other radio the fire direction net that I received all my fire missions over.

Q. Why did you monitor your battalion net?

A. If we received anything other than fire missions, sir--if we received some information from my battalion or possibly from the liaison officer that didn't concern a fire mission, we would receive it on that command net, sir.

Q. Were you attached to Task Force Barker?

A. Yes, sir. I was not attached, sir. I was direct support, to my knowledge. I was not required to monitor any of their nets, sir.

Q. If you received any command instructions and you were attached to Task Force Barker, wouldn't you receive your instructions from Task Force Barker, rather than your battalion.

A. Yes, sir. I was acting in a direct support role, but my battalion wanted me to maintain communications with them and I stayed on their command net. All the information

from the task force concerning fire missions would come over the fire direction net.

Q. You didn't have to stay tuned into this one frequency. You could always tune into your battalion net any time you wanted to. We're not talking about a crystal set with only one frequency. We're talking about a very sophisticated radio set.

A. Yes, sir, but I normally maintained it on the command net.

Q. That is certainly unusual. The situations that I would connect it with, we did not handle it that way.

A. I received 95 percent of my information, sir, through the artillery liaison officer and he was limited in radios. He was required to stay on the artillery battalion command net, sir, and he would normally pass on information to me through our command net concerning something about the task force that I might be required to do. This possibly was the reason, sir. It would seem odd, but he was limited in his radios.

Q. Who was the other "46" tuned into?

A. The fire direction net, sir. I believe at that time it was the FD 4, fire direction 4 net of our own battalion. That was so the observers could call in for fire missions, sir. All the observers on the ground monitored that net and they called their fire missions in over that net, sir.

Q. Did you have any direct communications with your ALO when he was flying with the task force commander and directing your artillery?

A. Yes, sir.

Q. If you only had two, one of them obviously had to be on that frequency, didn't it?

A. He would call in a fire mission just like a ground observer on the fire direction 4 net, so he was on the fire direction net, sir.

Q. You mean for your entire battalion, you have all your batteries working over the same net?

A. No, sir. There were four nets: FD 1, 2, 3, and 4. At that time, sir, I believe I was on FD 4 and that was for my battery and the observers that worked with my battery, sir.

Q. How did you keep track of how the ground forces were progressing that you were supporting?

A. I received the locations hourly from the artillery liaison officer. They had a grid system and at that time they would set up reference points and then give me the location from the reference points hourly and we kept them on our operations map.

Q. Did you monitor the battalion or the task force command net?

A. No, sir.

Q. Are you sure you didn't?

A. We did for a short time. It was sometime while I was on LZ Uptight, but this was not normal, sir. I was required to stay on those two nets -- the fire direction net and the command net, sir.

Q. Did you ever hear any of the traffic that went back and forth between the ground elements and My Lai (4) and the commander that was overhead in his helicopter for a time, or back to fire support base Dottie?

A. No, sir. To the best of my knowledge, I did not, sir.

Q. When was it first reported to you that up to about 9 o'clock in the morning, as a result of the artillery prep, that 69 VC had been killed?

A. I received the information, I believe, sir to the best of my knowledge around noon that day.

Q. As the artillery commander providing the support for this operation you fired the prep for C/1/20 and subsequent to that time you fired a prep for B/4/3, I would imagine. Is that correct? You also fired a prep for an air assault of theirs later that morning?

A. I am positive that we only fired one preparation. I am not really positive that we fired any more. I am positive that we fired one prep.

Q. Did you get an operational report or a SITREP at the end of the day as to the operation's result?

A. I believe, sir, that all the information that I obtained was from the artillery liaison officer. I am not really positive that it came from the artillery liaison officer himself, but it was relayed to me from or through the artillery liaison personnel, or some of it, I think, was received from the personnel that had stayed back on LZ Uptight and had communications with the ground element, sir.

Q. I am having a hard time fathoming the separation and the lack of information which your battery had of operations that they were supporting, in contrast to other operations that I knew in the highland and throughout the II Corps. They don't seem to go together, because it would appear to me that if you are going to provide the support, you have to know these people and how they function and what they are going to do and be informed of those situations.

A. Right, sir. If I may mention, sir, we received the locations, which was of prime importance, of the units as they moved hourly. The forward observers on the ground maintained contact with us, but because of a lack of radios that I had myself I couldn't monitor any of the other frequencies, sir.

Q. Even though you couldn't monitor them, Captain GAMBLE, there are other ways that information could be passed on to you so that you would be part of this infantry, artillery, and armor team that we keep talking about. If you are sitting off to the side and firing artillery and not knowing much about what is being accomplished by it, or if it is hitting the target, or whether it is killing any VC, or anything of this nature, doesn't it seem strange?

A. Well, sir, I had contact with the forward observers. They kept me abreast of about anything going on because they may need artillery, and they would give me a possible grid location. This was the way we kept up to

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date, by talking to the forward observers and their passing this information on to us of the areas to stand by in, and the areas that they might receive contact in.

Q. Did this FO that was with Captain MEDINA keep you abreast of the casualties?

A. I don't remember his calling any back, sir. I don't remember receiving any from their forward observer, sir. Of course, he was approaching the LZ when the mission was fired so he was not the actual observer that adjusted that mission.

Q. I understand that, but within and in accordance with all normal procedures, he was on the ground a minute or two after the prep had lifted. Isn't that a normal procedure?

A. Yes, sir.

Q. So, he should have been familiar with the results obtained from the prep, fairly soon. Wouldn't that be an accurate assumption?

A. Yes, sir.

Q. And to your recollection he did not provide you with any information?

A. No, sir. To the best of my knowledge, he did not, sir.

Q. On that day, whenever it was, when did you first get the word that your artillery killed 69 VC?

A. Sir, to the best of my knowledge, around noon I received word that artillery combined with the air that went into the My Lai area were credited with 69 VC killed.

Q. What kind of air are you referring to?

A. They referred to it as "air." In the operation there would have been both air strikes, tactical air strikes and helicopter gunships that worked in the area as a preparation.

Q. Did you ever hear that an investigation was being conducted of the situation in My Lai (4) which took place on 16 March?

A. While I was there, sir?

Q. Yes?

A. No, sir.

Q. You never heard it or were never informed and nobody ever came and took testimony from you? You signed no statement or heard any rumors or anything about an investigation being made of an incident which may have taken place?

A. No, sir. Not while I was in Vietnam, sir. Until I talked to Colonel WILSON, sir, I received no information regarding any investigation. I was never approached or questioned on this, sir.

Q. Did you ever receive any instructions that you were not to talk about the situation at My Lai (4)?

A. No, sir.

MR MACCRATE: When Colonel LUPER visited you in April with Colonel Mason YOUNG, you described the visit in answer to a question from Colonel WILSON last June and you said, "I mentioned that we had gotten 68 KIA's on preparation recently and the battalion commander commented they were not sure that they were enemy or not. That is the only thing that was mentioned about that." Then you went on and answered to a further question, "I kept my mouth shut after that. After I mentioned that and my battalion commander said that, I just didn't say anything." Now, when you say that you kept your mouth shut, are you saying that you never thereafter referred to the fact that there had been 68 or 69 KIA's as a result of that operation?

A. No, sir. What I meant there was the battalion commander -- When he mentioned that and the three of us were standing together, I didn't say anything after that in that conversation as I was never approached about anything concerning this after that.

Q. When you used the term, "I kept my mouth shut," that sounds like you sensed something that you weren't to talk about.

A. No, sir. I just didn't say anything in the conversation, sir.

Q. Did anyone, at any time suggest to you that this was something not to be talked about?

A. No, sir. He didn't tell me to talk or not to talk, sir.

Q. Assume as a result of the incident of the 16th of March that there was an investigation into the incident. Is there any way that you can imagine such an investigation being conducted without your being interrogated?

A. No, sir. There would be no way because my battery would be charged with the incident and they would have to talk to me.

Q. They would have to talk to you and nobody ever talked to you. Is that right?

A. No, sir. Normally they would send out an investigator from the S3 section of Division Artillery and he always talks to the battery commander and he would be in the FDC checking all the data. That never occurred, sir.

Q. Did Colonel LUPER ever question you with respect to this operation?

A. No, sir.

Q. He never indicated that he had any questions?

A. No, sir.

Q. And you have no recollection of his talking about this after the 16th of March other than the one conversation and observation when Colonel YOUNG was visiting?

A. No, sir. That is the only time.

MR MACCRATE: I have nothing further.

IO: Did you ever hear that approximately 20 or more civilians had been killed by artillery, gunships and cross-fire between friendly and enemy elements?

A. No, sir. I did not.

Q. Such a report was never called to your attention?

A. No, sir. It wasn't.

MR WALSH: You would have had a forward observer with Captain MEDINA?

A. Yes, sir.

Q. You testified that that was Lieutenant ALAUX?

A. Yes. Lieutenant ALAUX.

Q. How often did you see your forward observers? In other words, after an operation like that, would they come back to Uptight?

A. It would depend on who was to work out of LZ Uptight. They normally rotated the companies on really no set basis. I would normally see the observers, though. I would usually see them about once a week.

Q. Is it your testimony that you don't recall hearing any discussion of civilians killed during this operation?

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

Q. Do you recall having discussions with Lieutenant ALAUX about the operation?

A. No, sir. I don't remember talking to him about it at all.

Q. It was a pretty big operation?

A. Yes, sir. But as I remember, and I can't quite remember the date, the task force broke up sometime after that so the companies that formed the task force, along with the observers, were moved out of that general area and I stayed on at LZ Uptight.

MR WALSH: I have nothing further.

IO: One question about this FO, Lieutenant ALAUX?

A. ALAUX, sir.

Q. Was he assigned to you or was he assigned to the company?

A. He was not assigned to me. He worked with Charlie Battery, but he was not assigned to me, sir. Generally, when they form a task force they work under the control of the liaison officer so they can keep an eye on the forward observers. He was actually assigned on paper to Charlie Battery, 6/11 Artillery.

Q. He was an artillery officer?

A. Yes, sir. He was a second lieutenant at the time, I believe, sir.

COL FRANKLIN: Captain GAMBLE, in operations in this orange area, when you got a fire request, how would you clear that? (COL FRANKLIN points to the area in grid squares 82 and 83 of MAP 1.)

A. That would be cleared the same way as any other one, sir. I would request clearance through my artillery liaison section by calling them up and then they would call me back in 2 or 3 minutes and say I have the clearance, or not.

Q. Do you recall at any time having trouble getting clearances from or for Son Tinh? Were you ever refused a fire request here for political reasons?

A. I don't remember any, sir.

Q. It was easy to fire in that area?

A. Generally, the entire area was fairly easy to fire. We didn't receive a refusal on political grounds very often and I can't really state an instance when we did.

Q. You were refused to fire because of population considerations?

A. Right, sir.

Q. When Lieutenant ALAUX was the FO, I guess these people would try to get back and get mail and also personal things. Did they keep that up at Uptight with these guys trying to get on choppers and things to come back to Uptight?

A. No, sir. They didn't use Uptight as a base. They would normally have everything on their back. Anything else they had would possibly be at LZ Dottie, sir. They really could not plan on when they would be back to Uptight, sir.

Q. Normally when you fire a very successful mission, were there a lot of conversations back and discussions between the FO, liaison and the battery? Did you have this kind of thing? This being your biggest kill, weren't you curious and wasn't there a lot of excitement that you caught them in the open and the first round came right in on top of them, or didn't that sort of startle you? I think in your previous testimony you stated that you fired maybe 100 rounds, plus or minus 10 or 20. Wasn't that sort of startling that you could kill that many people with just firing that many rounds?

A. I never got into a conversation about it. No, sir.

Q. Weren't you curious?

A. I believe at the time I was, sir, but for some reason I never got into a conversation about it, and probably it was because that unit never came back to Uptight. I didn't see them after that. I really can't recall where they went from the operation. They may have gone back to LZ Dottie. I'm not sure. I stayed in the Uptight area and I never got into any discussion about it.

COL FRANKLIN: Thank you.

IO: Anyone else have any questions of Captain GAMBLE?

(No response.)

Captain GAMBLE, in terminating this particular part of the inquiry, I would like to again caution you that you should not directly discuss with others the My Lai (4)

incident, including the subsequent investigation or report with persons connected with the incident in any way. This does not apply, of course, if you are required to discuss the case in other administrative judicial or legislative proceedings as you may be required to do in official duties. Now, before we terminate this, I would like to ask you and to give you the opportunity to make any statement that you want which may enlighten the situation that occurred at My Lai (4) on 16 March which, in your judgment, will assist us in the purpose of this investigation.

A. I might say a couple of things, sir. In my own mind I personally don't think the incident occurred, because I never heard anything about it. I did not hear any talk going on between members of my battery. I had a very small battery and we were a pretty close-knit organization on that hill because we stayed there about 4 months. When the infantry came up there we ran our mess hall and they ate in our mess hall. We had a very good rapport with them and information got around pretty good on that little hill. Yet, sir, I never heard one thing about an incident occurring, as to the proportions or anything like I read. That's about all I can say about that, sir.

Q. Let me ask you a question regarding your statement. Did C/1/20 during the period after the 16th of March--was it stationed at any time on LZ Uptight?

A. I'm not positive that they came back. There is a possibility that they did not. Normally all the important information got around. There was never any problem about getting any news about the task force. Anything of this proposition would have come up, but yet we never heard anything about it or I didn't, sir.

Q. Do you have anything else to offer?

A. The only other thing is on the map here. The LZ on the area outlined in green is not the LZ where we were located. It wasn't there.

Q. Would you point out the location of the LZ?

A. We were located here, sir. The grid is 728850.

Q. Do you have anything else that you would like to bring up at this time?

A. No, sir.

IO: The hearing will recess until 0830 tomorrow morning.

(The hearing recessed at 1810 hours, 16 December 1969.)

SUMMARY OF TESTIMONY

WITNESS: GELLING, Lewis COL

DATE OF TESTIMONY: 19 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Commanding Officer, 196th Infantry Brigade, Americal Division.

1. STATEMENT ON THE DIVISION POLICY FOR TREATMENT OF NONCOMBATANTS.

The witness heard nothing of the incident or of any investigation (pg. 12). While the witness was G3, USARV, he worked under General YOUNG who was at that time anxious that they stress the importance of not engaging any civilians unless it was absolutely necessary (pg. 3). YOUNG's feelings were paramount in the Americal Division and General KOSTER emphasized his policies concerning the engagement of civilians to the witness (pg. 3). Firing upon civilian communities was restricted and subject to very careful analysis before it was done (pg. 3). General KOSTER would question even the necessity of destroying a home (pg. 3). General YOUNG stressed the importance of maintaining good relationships with the communities to the witness' battalion commanders when they were visited (pg. 3). He cited an example where YOUNG did not feel that the presence of ammunition and black pajamas in an individual shelter was enough to merit its destruction (pg. 4). The witness recalled reprimanding through his battalion commanders, company commanders who violated the division policy in that they burned a hootch (pg. 11). The witness stated that when General RYDER left the division, YOUNG took over as the ADC OPS (pg. 7). The witness would see KOSTER on an average of every two days (pg. 7) and felt that one of the ADC's or the commanding general would be flying over any action of significance that took place in the witness' AO (pg.9).

The witness would see Colonel HENDERSON only at commander's conferences which were not held very often (pg. 7).

2. WITNESS' OPINION ON THE STAFF AND THE OPERATIONS OF THE DIVISION.

The witness discussed the division from the aspect of the three separate brigades (pgs. 7, 8). He felt that the staff did as good a job as possible and assisted him on two occasions when he had to move north (pg. 8). The witness stated he could not give any explanations of why the event occurred, and felt that "some mental degeneration" was involved (pg. 10). He felt that probably the incident was not investigated because it was not known about (pg. 11). He stated that General YOUNG was a very sensitive person and the witness felt that YOUNG's concern for this particular type of incident would have led to an investigation (pg. 11)

(The hearing reconvened at 1204 hours, 19 January 1970.)

IO: The hearing will come to order.

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

Sir, the next witness is Colonel Lewis GELLING.

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

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

A. Colonel Louis GELLING,
I'm assigned to Headquarters, Combat Developements Command, Fort Belvior, Virginia.

IO: Colonel GELLING, have you had an opportunity to read the instructions?

A. Yes, sir.

Q. Do you have any questions on them?

A. No, sir. I don't.

Q. Besides me this morning at this investigation, we have on my left Mr. Robert MACCRATE, who is a civilian attorney who volunteered his services through the Secretary of the Army to assist me in this investigation and also to provide legal counsel to me. On my right is Colonel FRANKLIN who comes from ODCSOPS and he has been designated by the Office of the Chief of Staff as an assistant to me. We have other groups of individuals that are likewise taking testimony in this investigation. You should know, however, in the final analysis I will be responsible for putting together the report, weighing the evidence, making the findings and recommendations. Even though you have volunteered to come before this inquiry you are ordered not to discuss your testimony in this investigation with others,

including other witnesses to this investigation, except in the performance of official duty or as you may be required to do before a competent administrative, judicial, or legislative body. I use the term legislative because it is possible that you may be called before one of the committees of Congress. For example the investigative subcommittee of the House Armed Services Committee. You should know that individuals who have been cited by the military judge in the general court-martial case of the United States v. Calley have been cautioned that their appearance here would in no way affect either the applicability or effect of the order issued by the military judge. To the best of my knowledge you have not been cited by the military judge, is that correct?

A. Sir, to the best of my knowledge I have not.

Q. Fine. Colonel GELLING, will you cite your duty assignment with the Americal Division in 1968, and indicate when you joined the division, and when you departed the division?

A. Yes, sir. I joined the division on 1 November 1967 and remained with the division until 3 June 1968. During that time I was the commander of the 196th Infantry Brigade which was a part of the Americal Division.

Q. Yes. I understand, Colonel GELLING, that you wanted to make a statement for the record.

A. Yes, sir.

Q. We will give you this opportunity to make a statement and subsequent to that we'd like to address some questions to you.

A. Yes, sir. Specifically, sir, as I'm sure you're aware, my concern is primarily for the good name of my division commander during that period of time and the involvement of course which I know that he has. I would also like to cite to you what my feeling of the policies and so forth were at that time in the division.

This goes back a little ways to the fact that prior to that assignment I was G3 of United States Army Vietnam and I worked directly under General George H. YOUNG, better known as "Brig" YOUNG. General YOUNG had cited to me, even while I was G3, on several occasions, that he was very concerned for the way in which things were conducted. He was very anxious that we continually stress the importance of not engaging any civilian community or any civilians that it wasn't absolutely necessary to engage. From time to time he emphasized this at various meetings and so forth. Certainly his feeling was paramount in the Americal Division when I went there. During the first discussion with General KOSTER, he emphasized his policies concerning the engagement of civilians, civilian communities, and so forth. I realized very quickly the restrictions on firing on civilian communities, even though we had strong reason to suspect that there were enemy forces in the communities. It was very definitely frowned upon and, frowned upon is perhaps the wrong word, very definitely subject to very careful analysis before the decision was made to engage these communities or to engage civilian personnel at all. On numerous occasions during the time that I commanded the brigade, General KOSTER, when flying over actions that were in progress would question even the necessity of destroying a home or of doing any damage that wasn't absolutely essential. The division policies as stated by he and by General YOUNG, I'm sure, long before this incident occurred emphasized the importance of maintaining as good a relationship as we possibly could with civilian communities, and trying to build, in every way we possibly could, the friendship of these communities. I know that General YOUNG spoke to my battalion commanders as he visited them on several occasions in that regard. We were there to make friends not to make enemies. One of the ways that we could do this was by never engaging in indiscriminate firing or indiscriminate engagement of civilians. That's about the most emphasis that I can put on it, sir, and about all I can say as far as my statement is concerned.

Q. Yes. Well we have heard of his concern and this is one of the quandries that we're thrown into. Why, with such concern did such an incident take place? Why was it not properly reported and investigated? That's what we're trying to determine at the present moment.

I feel that in your command position within the division that you can be of some help to us to get a feel for what existed at that particular time. You've already covered one statement that I wanted, and that was the general policy on the treatment of noncombatants. Also, the policy on such matters as burning a home or a village or something of this nature. I wish you would be a little more explicit on what the policy of the division was with respect to burning a home or a settlement--dwellings, hootches, houses, hamlets, or something of this nature?

A. To the best of my knowledge, sir, no hamlet was ever burned--authorized to be burned. The basic nature of burning an individual shelter was that if we could in fact establish that it was being used by the Viet Cong or by the NVA, then we would, as a shelter and as a way-station or something of that nature. Now on one occasion, I remember that one of the battalion commanders was asked about this by General YOUNG, and he made remarks back that they found some ammunition in there, some packs of ammunition, and some black pajamas and a canteen. General YOUNG said, "Well, I just don't think this is quite enough. This doesn't seem to me to be quite enough in the way of evidence that you should burn the hut that might be serving as shelter to some poor family." So from then on, why we even became more strict in regard to quantities of ammunition that we expected to find there. If we didn't find 100 rounds of ammunition that looked like it was in usable shape and had been left there fairly recently, if we didn't find some web gear or something that was definitely identifiable as Chicom or North Vietnamese, the instructions were that they would not burn the houses. I very frequently, as an implementer of this policy, tried to follow up every hut that I saw burning at any time, even in engagements, to make sure that it hadn't been intentionally set fire. I think we were quite effective in implementing this policy. You probably know that in the Que Son Valley there were some real opportunities for expanding control purely and simply through friendship and protection. As a result of the division policies concerning even the destruction of rice fields and so forth, we were very, very careful to run vehicles, for instance, only over those areas that we generally had followed before unless there was a real mine threat and this sort of thing.

I can say, looking back on my experience in G3 at USARV, that I never realized that there would be as much emphasis on it at the higher levels, I think the emphasis was greater at the Americal Division than even the higher policies reflected.

Q. You've talked about the burning of houses and hootches and so forth. Now I take it that a lot of your orientation has been toward the west in the Que Song Valley area and so on? Now was there any distinction in the area of let's say the Batangan Peninsula or along the coastal strip? That beach, generally at that time was considered a VC area as compared to the area further west, along Highway 1. East and west of there was pretty well under GVN control at the time.

A. When I referred to Que Son sir, I didn't want to confuse that with Ky Son.

Q. Yes.

A. Actually it originates with the coastal plains and then narrows down until it gets to an area that is referred to as "Antenna Valley." The coastal area there was initially considered to be VC. During the time that I was there it more or less changed from one of VC to one of NVA operations. Instead of the isolated little groups or small company-size units, larger units attempted to move through the area and so forth. As you probably know, that entire area in there had been more or less dominated for about 25 years. This was the circumstance under which we were operating but the policy applied throughout the division area and it wasn't any different on the coastal plain than it was inland.

Q. Were any policies that--

A. (Interposing) We never made any effort to define a line that was any different.

Q. What was your relationship with Task Force Barker?

A. None, sir. Really, I don't even believe that I knew any more than the fact that it was in existence, as an economy of force effort, I think really.

Q. At one time, did they serve under your command?

A. No, sir.

Q. You were located further north? The 198 was immediately to the north of there?

A. The 198 would have been to the north of them, yes sir.

Q. Yes.

A. I had moved up to a place just to the north of Tien Phuoc in January, early January. Then I moved on up to just south of Danang, southwest of Danang, in about March.

Q. You were pretty well away from the area--

A. (Interposing) That's right.

Q. That we're concerned with, but we're concerned with generally Son Tinh District of Quang Ngai Province.

A. Yes, sir.

Q. What were your relations with Colonel YOUNG, General YOUNG?

A. Yes, sir. He was the assistant division commander there, and of course had been my boss as the deputy chief of staff for plans and operations. Of course he was more or less my boss although General RYDER was there as the senior ADC and was more or less in charge of combat operations.

Q. Well, when you moved north into the area of Danang, I forget what province that would be, probably Quang Nam wouldn't it?

A. Quang Nam, yes sir.

Q. Did you still come under the control of General YOUNG or did you see General KOSTER more often up there during that time?

A. No, General RYDER left the division and General YOUNG really took over as the ADC ops. Then I began to see a lot more of him than I had during that period when he was more or less in charge of the administration end of things.

Q. Yes.

A. I saw General KOSTER at least every 2 or 3 days. I would say that on an average I could honestly say that I saw him every 2 days.

Q. All right. During this time did you have any association and so forth with Colonel HENDERSON, other than maybe at a commander's conference or something of this nature?

A. No, sir. I knew him before. We'd been classmates at the Armed Forces Staff College. I didn't see him except at commander's conferences. Because of the great distances the division was spread over, I didn't see him very often because we didn't have commander's conferences very often. The ADCs and General KOSTER came around and passed out what they wanted done.

Q. From your knowledge of the division, and you were away from the division for quite a while, how did the division staff function at the Americal Division. Was it a good staff, or was it caught-up in the transition between the light infantry brigade concept of separate brigades functioning under a division headquarters and transitioning toward the ROAD division? How well did they function?

A. Sir, at that time, there really wasn't any active plan that was being worked on in the division to change to a ROAD division. It was an unusual division, of course, in its size and in its organization. Three separate, completely separate, and independent brigades with their own support and their own artillery and so forth. The division staff certainly impressed me throughout the period as being what I thought a division staff under similar circumstances should be. Since we had our own supply battalions or support

battalions and our own little piece of personnel capability and the other things that you look to division normally for support, the division was very effective in pushing advanced support units up to help out. The reaction of the division I thought was remarkable in most cases as far as the operational aspects were concerned, and the aviation support if one needed it. On two occasions, of course, I was detached from the division and sent one time to Danang and another time up to Camp Evans. The first instance we went with two battalions and the second instance the entire brigade. The speed with which they organized the aircraft and so forth left nothing to be desired in my opinion. The chief of staff and I were always on, as I say, the very best of terms and I couldn't have asked for more. As a matter of fact, my previous experience as a brigade commander in Korea was certainly no different as far as the support was concerned, and that was a noncombat situation.

Q. Let's come back for just a minute to talk about General KOSTER and General YOUNG. General YOUNG operated as the maneuver ADC or the operations ADC?

A. Operations ADC.

Q. Did he have the responsibility and authority to do things or did he as a matter of course have to check with General KOSTER first and operate in that sort of environment?

A. Well, I'm not really not too competent to answer that. I really don't know exactly what instructions General KOSTER gave to General YOUNG although I never had any indication that anybody was restricted in their operations. If General YOUNG felt a decision should be made, and he felt that it was within his authority, why he did on several occasions, make decisions about plans. I can remember execution of certain efforts that he had made changes in and certainly seemed to be supported by General KOSTER. I thought it a very good team effort frankly. General RYDER on a couple of occasions made a decision that after General KOSTER knew about it, made some changes in himself. Usually this was the case of General RYDER arriving and hearing a briefing and saying well you ought to do this or do that, and then General KOSTER would come along a couple hours later and say well I think you ought to do this and this. But never any indication at all of any dissention or an absence of authority.

Q. During the time you were up north in the area of Danang and so on, did you get the impression that General KOSTER was taking care of the northern area and that General YOUNG was focusing his attention on the southern area, let's see Quang Ngai and Son Tinh?

A. No, sir, I didn't. Frankly, I know that from time to time one of the ADCs would go down there and stay because of the distance. It was quite a bit easier to get up to where I was than it was to go down there, and frequently one of the ADCs would stay down there. General KOSTER would frequently mention that he had been to Duc Pho. That was the term he used of course for the brigade headquarters. I never had the impression that I wasn't getting as much attention as the other or vice-versa, that they weren't getting as much attention as I. General KOSTER and General YOUNG and General RYDER and then later Colonel GALLOWAY were constantly in the area. It was seldom that I had an action of any significance that at least one of the ADCs and sometimes General KOSTER was not also flying over me. Of course you have to keep in mind, as you know better than anyone in the world, but for the record, that the battalion commander usually operates at 500 to 750 feet and everybody else tries to give him at least 400 to 500 feet on up the levels to keep from getting in the way of other operations and in particular, the battalion's operation. So it's pretty hard to discern, by the time you get to the division commander's level, much of the fine detail that's going on except by listening on the radio. Of course you only get one side of the picture then.

Q. I know you were separated from this area and you were separated from division headquarters and so on, but some of the things that have concerned us here, recognizing that something most unusual did happen at My Lai on 16 March, we've been trying to fathom why it did happen. I understand all the division policies and so forth. I know at that time the division was operating under the SOP of the Task Force Oregon because the Americal SOP was in the process of being prepared, and that it wasn't published until around the middle of April. But recognizing the policies that existed within the division, which you indicated to us today and which you were operating under, why did such a thing as this happen?

A. Well, to this moment, sir, I have never really been able to bring myself to believe that it in fact did happen. Or that it happened that way, or in the magnitude, or in the circumstances; of course all I've read is what's been in the newspapers and publications there. As I say, until this moment, until you said this, I have just never brought myself to believe it could happen. I didn't think it could happen in any outfit and I certainly didn't think it could happen in the Americal Division, with the emphasis that was being placed on this kind of thing. Everybody knew that there was a tendency, when you got into a fight in a town, to shoot, and you didn't often worry about whether or not in that hut that you were receiving fire from there might be a woman or child. When you're being shot at you just have a tendency to be interested in returning the fire and trying to get it stopped. But to recognize at this moment, that a lot or even part of what I read in the papers might be true, sir, the only thing that I could say is there must be some mental degeneration involved somewhere. I can't imagine any American would ever do anything like this or that Americans would condone it for any length of time. One of the reasons I don't think I ever believed that it really happened that way was the length of time that went by before anything was ever brought out about it. It seemed to me that something like that would of been brought to the attention of the news media within a week. I'm talking about by the soldiers in the outfit. I mean in any company, anywhere, there's bound to be enough soldiers in it that know right from wrong and will adhere to the right. I can see why knowing what you know about, it must be an absolute dilemma. I certainly can't figure out the reason that something like this would occur with all the things that I've known through 29 years of service, and of the American man alone.

Q. I've certainly not indicated to you the magnitude of this.

A. No, sir, no, no. I say that it was anything like that.

Q. But I think in all fairness, in order to ask you the question, the first thing I'd have to do is tell you that something quite highly unusual did take place. One thing which is of concern, and you've noticed I've addressed myself several times to the burning of houses and villages and things in this category. Here we found repeated violations of the division policy so I would ask why this happened, why this

took place? Then recognizing we've asked you the one question, why did it happen, the next question that follows is why was it not properly investigated?

A. I think I could only speculate about why it happened, but I would say that the reason that it was not properly investigated was because it wasn't known, certainly in the magnitude or in any magnitude. I would say that because although we never even borderlined anything like this, sir, I have on occasions had reason to discipline, through a battalion commander, a company commander, verbally, reprimand him verbally, for violating what I interpreted the policy to be. This was in the case of burning a hootch.

Q. Well suppose, for example, even if we talk in terms of 10 or 11, or let's say we're talking about 20 or 30 civilians that were killed?

A. Well I can't even imagine one woman and one child defenseless, being killed, particularly with the emphasis--well I couldn't imagine it anyway. But with the number of times that General YOUNG--when I've sat and listened to him. He used to make the battalions more frequently than General KOSTER did, but the number of times he'd talked to battalion commanders before this incident ever occurred, January and February when we first went up there. Just his background concern for the fact that he felt that there might be some of this going on throughout the country, when he was the deputy chief of staff for plans and operations, and the number of times that he talked to the battalion commanders and said, "I just don't want to ever think that any woman or child or man even is killed here that is, in fact, completely innocent." Of course, General YOUNG is a very sensitive person and he was very concerned about women and children. To the best of my recollection I never saw a woman dead. We captured a lot of women prisoners, who were, in fact, armed with a hand grenade and this sort of thing. Small children carried mines and supported the military operations of the enemy in other ways. But I never saw a child and I don't believe I ever saw a woman that might be subject to some question because of course they all wore the same kind of clothes. You could easily be looking at a woman and not know that she was in fact a woman.

MR MACCRATE: Colonel GELLING, as I understand it, you would very seldom get to Chu Lai due to your mode of operation but I--

A. (Interposing) I would like to correct that, sir. We didn't have frequent commander's meetings, but I would say I was in Chu Lai at least once a week, probably a little bit more than that.

Q. I see, it may be then--

A. (Interposing) To talk to the staff or--

Q. (Interposing) Than my question may be more appropriate than I thought it might be. I wonder if at anytime during the course of the spring of 1968 you were ever aware that an investigation was being conducted with respect to any operation of the 11th Brigade?

A. No, sir. I was, frankly was not. I never even heard a rumor of an incident of any investigation that was occurring down in the 11th Brigade.

IO: Well Colonel GELLING, we very much appreciate your coming and giving us this information. We have been familiar with this but I think it is important to get your point of view, since you were one of the senior commanders within the division, and to your appreciation of the attitude of the command within the division for this sort of thing. Also I was interested in your appreciation as to the effectiveness of the division staff. If you'd like to enter anything further in the record we'll give you this opportunity, or if you'd like to address any questions to us, we'll attempt to answer them for you.

A. No, sir. I think that I've done, I hope in the best way I possibly can, what I morally felt I was obligated to do, and that's the reason I volunteered to come down here. I do appreciate your seeing me, sir.

IO: Well, we appreciate that. I'm sorry I had to take so much of your time. I know you have a full day and--

A. (Interposing) No, sir. We have it adjusted pretty well now. Thank you a lot, sir.

IO: This hearing will recess.

(The hearing recessed at 1238 hours, 19 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: GETTYS, Charles M. MG

DATE OF TESTIMONY: 2 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT: Division Commander, Americal Division, 23 June 1968 until 1 June 1969.

1. KNOWLEDGE OF THE MY LAI INVESTIGATION.

a. Original search for information.

The witness testified that his first knowledge of an investigation came when his chief of staff, Colonel DONALDSON, was informed by USARV or MACV of the allegations in April 1969 (pgs. 4, 8). Lieutenant Colonel WHITAKER from the USARV IG's office visited the division for some two or three days seeking documents and information (pg. 4). The witness recalled WHITAKER telling him that he had located a report, though the report was not shown to him (pg. 4). These were continuing requests for information from USARV (ps. 4, 5).

b. Locating of HENDERSON's report.

The witness recalled that in response to a call from Colonel HENDERSON about April 1969, DONALDSON instituted another search for documents and located a copy of a report at the 11th Brigade (pg. 6). The witness never saw this report (Exhibit R-1), nor any of its inclosures (pgs. 6, 7). The report found was a copy, but a search for the original at the witness' behest was fruitless (pg. 8). The witness was not familiar with another copy of HENDERSON's report (Exhibit R-5) found at 11th Brigade (pgs. 8-10).

c. Familiarity with other documents.

The witness stated that he had never seen a copy of the memorandum from the Son Tinh District Chief to Colonel TOAN (pg. 7). He had not seen the inclosures to HENDERSON's report from any other source (pg. 7). He added he had never seen a copy of a letter from KOSTER to HENDERSON directing an investigation of an allegation of the killing of civilians by U.S. troops (pg. 10).

2. HANDLING OF DOCUMENTS IN THE AMERICAL DIVISION.

a. Knowledge of General KOSTER's papers.

The witness had no knowledge of the disposition of General KOSTER's working papers (pg.2).

b. Receipt of papers.

The witness related that he received action papers from the chief of staff, deputy chief of staff, or directly from staff officers (pg.3).

c. Administration of the division files.

There was an apparent personality clash between Colonel PARSON and Major POWELL with the witness. However, he had no indication that the administration of his headquarters was lacking in any way (pgs. 12, 13).

3. OTHER INFORMATION.

a. Knowledge of a field safe.

The witness had no recollection of a field safe ever having been in his office (pg. 14).

b. Stenographers.

The witness stated that his first stenographer, VAN ABLE, was fairly capable, but his replacement, DEITER was "awfully stupid" (pgs. 13-16).

c. Opinion of Captain MEDINA.

Captain MEDINA was regarded an able briefer (pg. 16).

d. Knowledge of the incident.

The witness knew nothing of a report by aviation personnel of unnecessary killing of civilians in a Task Force Barker operation, nor of a confrontation between air and ground troops (pg. 16).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-36	Memo for DC, 2d ARVN Div, 12 Apr 68	Wit had never seen.	7
M-57	Instructions to witness	Read by witness.	1
R-1	HENDERSON's Report	Wit had never seen. Mentioned.	6, 9,10

(The hearing reconvened at 1617 hours, 2 February 1970.)

IO: The hearing will come to order.

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

The next witness is Major General GETTYS.

(MG GETTYS was called as a witness, was sworn, and testified as follows:)

State your full name, grade, Social Security account number, organization, and station, please.

A. Charles M. GETTYS, Major General, 226-09-2165.

RCDR: And your organization and station.

A. DSCPER, Department of the Army.

IO: General GETTYS, we have been making a practice of reading quite a bit of the instructions to the witnesses. In your case I prefer to have you read the instructions there and see if you have any questions concerning them.

(MG GETTYS reads instructions, Exhibit M-57.)

A. I have no questions on it.

Q. General GETTYS, aside from myself here this afternoon I have Mr. Robert MACCRATE who you probably recall is a civilian attorney who volunteered his services to Secretary RESOR and also provides legal counsel to me and the other members of the team.

I have here on my right Colonel ARMSTRONG who will not address questions to you this afternoon. Unless you object I would have him sit in in order to have him monitor the testimony.

Therefore, it will be only Mr. MACCRATE and I to address questions to you this afternoon. We, of course, have other groups like this taking testimony of some other individuals.

It will be, of course, my job to pull together the report, to weigh the evidence and to determine the findings and recommendations.

General GETTYS, will you indicate what your duty assignment was with the Americal Division when you joined the division and when you departed the division?

A. I joined the division on 23 June 1968, as commanding general. I departed the division 1 June 1969.

Q. Before you took over the division who was in command of the division?

A. Brigadier General YOUNG.

Q. And how long had he been acting as the division commander?

A. To the best of my knowledge, about 2 weeks, not much longer than that.

Q. We are interested, General GETTYS, in discussing with you the handling of papers in the office and whether or not certain papers were in your office or the office of the chief of staff or any others when you took over the division? Did you have any papers which were transferred to you which had required special handling in terms of papers marked "eyes only for the commanding general" of special papers of this particular category.

A. I did not.

Q. Do you by chance know what happened to the personal files of General KOSTER?

A. To my knowledge, he must have taken them with him.

Q. Here I am referring, General GETTYS, not to his personal letters or things of that category, but his personal official types of correspondence between him and G3 or brigade commanders or with the ARVN commanders and things of this particular category. These are papers of particular interest to the commanding general.

A. I didn't make an examination of them. I just assumed that they were closed out because of his desire before I arrived, and they started, as always, a new file for me.

Q. You didn't see any of these old papers that may have been retained in the headquarters?

A. No. I did not.

Q. Who handled your papers? Here I am going to have to get into various kinds. First, those that came in by the normal routing through the office of the chief of staff and came to you; then any special papers you may get in which were addressed personally to you; and then your personal papers which came in which were of an official nature, which may be distinguished from private papers.

A. There are only two or three different ways that I received papers. The chief of staff, on an important matter, would hand carry and bring into my office right through a little narrow passageway between his room and mine. I think the usual routine for the secretary of the general staff was to bring in a bundle of them and it usually happened when I wasn't there. My routine was to get an early briefing and get out. When I came back my in box was full of papers, to my dismay. I assume that the SGS brought them in, but it was seldom that anyone brought a paper in my office when I was sitting there, unless it was a very important matter.

Q. Which the chief of staff or somebody would want to call to your attention?

A. Another method would be dealing with the staff officers or the G2 or G3. Sometimes they would come in with an important message or important paper. They would personally hand carry this message in. The personal correspondence would be done by the stenographer, a male stenographer, who would type up personal letters and keep a personal file for me.

Q. I understand for a time you had an aide by the name of DICKENS who served with you until you had selected your own aide within the division?

A. Right. I took him over from, I believe, General GALLOWAY. He had been General RYDER's and then General KOSTER's. There was a period of about 2 or 3 weeks I think he was functioning as my aide.

Q. Coming down to April 1969, do you recall receiving an inquiry from USARV concerning what you might call the "My Lai Massacre" or the "Pinkville Massacre"?

A. Yes, I do and that was my first knowledge of any alleged massacre.

The sequence of events here, as I recall it, this was April 1969, is that the chief of staff, Colonel DONALDSON, was called and was informed that there had been some letters written and there were some allegations of a wholesale killing of civilians. Did we know anything about it or did we have any investigation on it? He walked into my office and told me this. I think this was after the 5 o'clock briefing. I said, "Let's check up and see." I can't remember precisely how much later, but the IG from USARV came up. He was a lieutenant colonel, I can't remember his name.

Q. Would the word WHITAKER?

A. That sounds like it. At any rate, he came to the CP and asked to see me. I talked to him. He said they had this inquiry originating from some letters and they wanted to know if we knew anything about it. I said, "No. This is my first knowledge of any such thing. You have free access to the staff, and turn the place upside down, if you will." I didn't see him any more. Although, I think he was there for 2 or 3 days, he didn't ask me any more questions, and I didn't pay any more attention to him.

Q. Did you then, from USARV, receive any additional request for records, reports of investigation or anything of this nature?

A. It was a continuing series of inquiries from USARV as to had we found anything or had we turned up anything in the file; any knowledge of this massacre.

My inquiries, and I made one every time I got a phone call, were replied to that they had received a report, but had not found a thing as yet.

Q. Before he departed, did Colonel WHITAKER indicate to you what he found or what Colonel DONALDSON--

A. (Interposing) He came in on a exit interview, as I recall, and he said that he had found a report. I don't know the precise way he found it, but it was not in the CP, as I recall. This report was a very short one, and he didn't offer to show it to me and I did not ask to read it. I assume if he wanted me to read it he would have given it to me.

Q. Did he mention this was a report of investigation or an after action report?

A. I don't think he mentioned it. He didn't say. At least if he did I didn't pick it up. But I think I would have picked up an investigation if he would have said that. I'm not sure. I think I would have been a little more curious about it.

Q. To your knowledge, General GETTYS, did your IG maintain records of what transpired while Colonel WHITAKER was there and the activities made by the division in trying to locate these records, reports, and documents?

A. Well, I told the chief of staff to be sure that our people gave all the support that he needed. The IG was Colonel SWAIN and I told him to be sure and extend every courtesy and be sure he had all the help he needed. Wait a minute now, SWAIN had gone. SWAIN was there when I arrived, and I'm back now to the fellow who followed him.

MR MACCRATE: Colonel HOWARD perhaps?

A. I don't believe HOWARD was there in April--yes, he was. It was HOWARD. HOWARD was the IG at the time. That is right.

IO: I believe he was subsequently killed?

A. He was killed. Yes, after I left.

Q. What took place after this? Do you recall any of the succeeding events?

A. I know there was a continuous series of calls about these papers and check by the IG to see if anyone knew anything about this activity, but I never did get any readout about it. From April on I knew there was a continual check of trying to locate some information, either from people that might have been present or some sort of document.

Q. One of the documents--it was certainly one of the documents they would have been looking for in April was subsequently found. USARV was looking for a report of investigation and the answer seems to come up negative continuously. But do you recall a conversation or telephone call from Colonel HENDERSON to your chief of staff?

A. Right, yes, the chief of staff reported to me that he had a call from Colonel HENDERSON, that Colonel HENDERSON said there should be somewhere a copy of a report. Colonel DONALDSON instituted another search based on this call, and I believe he then called the 11th Brigade. The 11th Brigade found this report, whatever it was, and I believe transmitted it to the headquarters. Then it was given to this IG. That is my knowledge of what transpired there.

Q. Did you ever see the report?

A. Never saw it.

Q. I'll show you this document in a few minutes. After this document came up from the 11th Brigade where it was found, after Colonel HENDERSON had indicated to Colonel DONALDSON where it should be, do you know whether or not another search was instituted in the Americal Division to find the copies which should have been in the Americal Division?

A. I'm sure DONALDSON did this, because I was told that it was not the original. Somebody told me that, and I don't know whether it was DONALDSON or not. There was a frantic search in the headquarters.

Q. This is after you received the document back at headquarters?

A. Yes, as far as I can recall.

Q. I'd like to show you a report (referring to Exhibit R-1) which we have entered here. This, of course, is a photostatic copy. This is dated 24 April 1968, and has been entered into the record as Exhibit R-1. I'd like you only to look at the first page and a half, if you will please, General GETTYS.

(General GETTYS reads R-1 as directed.)

A. To the best of my knowledge, I never saw this document.

Q. That is very helpful. It would have been possible. You will notice it is addressed to the commanding general.

A. That is right.

Q. We know that copies at least were in the headquarters.

Now, if you will turn to the second attachment, not that one, just go one page beyond that, and I will ask you if you have seen that particular document in the headquarters? The reason I am separating it this way, General GETTYS, is the fact that this paper along with another one which I'll show you shortly were reported to come into the headquarters separately prior to the time this report came in.

A. Was this in the Vietnamese language?

A. Yes. This actually is a broadcast intercept in Vietnamese. The broadcast was translated and then put into English which you have here.

The first page may appear quite similar to some of the things you may have seen.

A. Of course, I read many documents that read like this.

Q. The second page, however, reads differently in as much as it addresses itself to the ARVN soldier. You will notice the second paragraph from the top becomes somewhat specific. Had you seen anything such as this, particularly the second paragraph from the top here (indicating)?

A. I have not seen that, no.

Q. I have here, General GETTYS, another exhibit. This is Exhibit M-36. One of the attachments is another memorandum which was made available to the division, the Vietnamese and the English copies. This is from the district chief of Son Tinh District to the province chief of Quang Ngai dated 11 April 1968. Also, a copy of it went to the 2d ARVN Division headquarters, and another copy to the MACV Quang Ngai Sector.

Q. I have not seen that either.

Q. These two were reported. We have quite a bit of evidence which indicates that they came in about the middle of April, prior to the time that the report which you see here dated 24 April was actually submitted. So, they could have been separate papers. Looking at this paper (Exhibit R-1), again, to the first inclosure. This is a statement which is an interpretation of what you have just read. Have you ever seen that piece of paper floating around headquarters by itself?

A. Never.

MR MACCRATE: When you told us the first that you heard of this, General GETTYS, you indicated that Colonel DONALDSON had received a call about there being some letters that had been written about a wholesale killing of civilians. I don't think you indicated from whom Colonel DONALDSON said the call came.

Q. I'm not sure whether it was USARV or MACV. I do recall sometime later, or it may have been this time, he got a call from Colonel HENDERSON. At least he told me he had a call from Colonel HENDERSON.

Q. This is what I was interested in placing whether this first call to which you refer came from Colonel HENDERSON or came from USARV or MACV?

A. I'm almost positive that the first came from USARV or MACV. I'm almost certain of that.

Q. You also indicated that after a copy of the report was found, and you learned that it was a carbon copy, that a frantic search ensued, a definite looking for the original?

A. Right.

Q. Do you know specifically where the search was directed at that time or did you get any report on that?

A. Let me explain, when I say frantic. The IG HOWARD told me that he had a carbon and had reason to believe that the original was somewhere around and should have been, and I told the chief of staff to get with it. Being division commander, that is why I assume it was frantic, because it should have been.

Q. I understand that you never had a chance to read the report, but I wonder if you may have seen what was in fact to be at the 11th Brigade at the time. We have recently brought back with us from Vietnam this document which is Exhibit R-5 and was found we understand, in the 11th Brigade. You will note that the report of two pages is followed then by a copy of the inclosures two of two pages and then by inclosure one of one page on a green sheet. Do you by chance ever recall seeing the document in that form in the division headquarters?

A. No, I don't. I confess that my confusion about this results in the fact that it seems to me that DONALDSON told me that HENDERSON was trying to get his hands on a copy of the report, and when they got the copy here, whatever it was, I thought that would suffice for it. Somehow or other I put this in mind with HENDERSON's requirement rather than the USARV or MACV requirement. Although, I realize the IG was there in an official capacity, that is about all I can say about that part of it.

Q. It's true that Colonel HENDERSON was anticipating giving testimony in Washington at or about this time. We do know that he was seeking a copy of what was in the files of the Americal Division. We are very interested in ascertaining just what was found at this particular time, because there is indication that we do not have at the present time a precise picture of what was found in May of 1969. That is why I inquire whether you saw or were lead to believe there, at division headquarters, was the carbon copy that had been found?

A. No, I was never lead to believe that. They never reported back to me that they had found anything at division headquarters.

Q. Did they indicate that the carbon copy had been brought from brigade to division?

A. I believe the chief of staff told me that.

IO: Did he say that, Charlie, or did he say he had a true copy?

A. He said that he had found a copy, but he did not say that it was a true copy.

MR MACCRATE: You note that Exhibit R-1 is a true copy.

A. Yes.

Q. Actually, it's not precisely a copy, but it is labeled a true copy. It is signed by the S2 of the 11th Brigade.

A. Right.

Q. So, that it is possible that the true copy made at brigade is what came to division?

A. This could have been. As I said, not having looked at the document. I didn't look that close.

IO: It's conceivable. There are many possibilities we can wind up with. As Mr. MACCRATE has indicated, General GETTYS, that copy was located in the files of the 11th Brigade while we were there. Obviously, this copy is the one that true copies were made from.

A. Yes.

Q. Now, whether this was sent through with the true copies and that was sent back to be placed in the files or exactly what transpired. These are the things we are trying to put together.

MR MACCRATE: We also have been told there were other documents with R-1.

A. Yes.

IO: I'd like to ask you one question now. Did you ever see a letter which General KOSTER addressed to Colonel HENDERSON along about 17 to 20 April 1968, along in that period in which he said that he had received an allegation from the then Colonel TOAN, Commander of the 2d ARVN Division, who had a letter from the district chief that the Americans out in that area of Son My had killed a large number of civilians and directed that he initiate an investigation on it. Ever see a letter of that?

A. No.

Q. We have fairly conclusive evidence that it did happen.

A. I haven't seen it.

Q. This letter indicates to you why we are interested in those files, see?

A. Of course.

Q. Now, may I ask you another question? When you took over, did you have any reason to have anybody check into the files of the division headquarters to find the status of them? Whether they were bad, good, or indifferent?

A. No, I had no reason to do it, nor did I do it. I had every right to believe or at least believed everything was in good order. I think as any commander would do, I looked around my desk to see if there was anything in the office and seeing none of that I made a pretty good assessment of the staff. I feel they were functioning well and didn't see any reason to search the files.

Q. For your information, we have some indications about this period that the files were not in too good a condition. I may say, we have not been able to find any of these papers in the Headquarters, Americal Division. We have been able to find very few papers concerning the incident. The logs, we have not been able to find those. As a consequence we are sort of at loggerheads at the present time. I'm very concerned because the implication here is the destruction of all of these files or the loss of these files could imply a coverup.

A. Right.

Q. I wonder whether you have any knowledge or insight into this?

A. I certainly don't have any insight into the document or anything like this. Shortly after I got there I was not particularly pleased with the chief of staff that was there and this was more personal rather than anything else. He was a very effective man, very smart, very intelligent, but our personalities sort of clashed. His assistant was a Major POWELL at that time, SGS. I wasn't particularly pleased at the way they were functioning. I had my mind made up that I was going to get another chief of staff, but at the time I still could not detect any--I did bring in Colonel TREADWELL

to be the chief of staff and Major HALLMAN to be the SGS--I still could not detect any failure of the staff to coordinate papers or to do what I thought to be proper with the administration.

Being new to Vietnam when I got there, I was concerned with getting on with the war and learning what the hell was going on. It could have been that the administration was bad, but it did not come to my attention in any way I can think of at the time I arrived there.

I only bring this point up about the chief of staff and POWELL because they handled the paperwork and everything else. They weren't there but about 2 or 3 months after I arrived at the most, I brought in what I considered to be my team.

Q. I believe Colonel TIXIER filled up the gap in between PARSON and TREADWELL?

A. I had TIXIER and Larry JONES, the artillery commander, alternating at that time and between the time that TREADWELL got on board. As far as the paper work is concerned, I can't recall of any deficiencies that occurred. I thought they were unusually good about meeting the requirements and deadlines. I am thinking of the operational reports and other reports that we were required to submit.

Q. The key papers that we are looking for are, as I have indicated, the letter of General KOSTER to Colonel HENDERSON, the report of 24 April. We know of another report which we suspect was also delivered to the Americal Division which we can find no trace of at the present time, anywhere. We know enough about it, that we can certainly describe it and indicate why it was prepared, but this is why I am asking. Do you know of any possible reason why the files and logs should not be intact?

A. I have no reason for that, no. There should be a record of every paper that came in there.

Q. At least if it were a piece of classified mail or paper, but even the logs themselves are not available.

A. I can think of no reason why they weren't. As a matter of fact, it's something of a surprise that they were all screwed-up. I was left with the impression that administratively we were filling the bill. After all of those visits, my administration and, of course, being under the operational control of III MAF my administrative requirements were all down at USARV. I looked forward to when General MILDREN would come up and I'd say, "How am I doing administratively?" and he would say, "okay." I had no reason to suspect that the record keeping documentation was bad.

MR MACCRATE: Might I inquire how you appraised Major POWELL? Had you any feedback on problems that there may have been in the way in which he had handled the position.

A. I felt and I forget what period of time I observed Major POWELL, but it was a short period of time, I felt that he was pretty much like the chief of staff at the time, both uptight, tense, and not my type of operator, a tendency to do the job at hand, right now, okay, and, "what's the next job," and not methodically approach it and get an overall perspective. Although, he was very conscientious and tried to do his work, he did not do it in a smooth manner that I was accustomed to having and later turned out under Major HALLMAN and Colonel TREADWELL. I don't think the staff under this system of POWELL and PARSON felt that they had the freedom that they later had to come into the CG or to the chief. I think there was a stiff formality about it, but it was not conducive to smooth operations. I must say again, I didn't see this reflected or detect it on any failure on the part of proper record keeping.

Q. Do you recall the name of your stenographer when you took over the position?

A. I should be able to have it, because he was a screwball that got into trouble in Hawaii. I can't remember his name. I think if given a list of folks I could pick his name out. As a matter of fact, he extended and stayed over there for a short period of time to get a job in Hawaii and got over there and goofed up a little bit, and they curtailed him.

Q. Had he been General KOSTER's steno?

A. He had been and I inherited him when I got there.

IO: What was his grade, do you remember?

A. He was an E-5, Spec 5.

Q. Could he take shorthand?

A. Fairly well.

Q. As I would understand it you got in another one who was an E-4?

A. He came from West Point and was a German boy and awfully stupid. He could write a letter, but I can't think of his name. I should be able to remember his name, because when my wife and I went on R&R we went to see him. He was having trouble over there. He was working at the R&R Center and it was a very plush job, but he got mixed-up and got fired.

MR MACCRATE: We'll have the list in just a few minutes. In the interim another little administrative matter. Do you recall whether there was a field safe in your office when you became the commanding general?

A. No, I'm almost certain there was not, because I have the room on my mind very well.

Q. We understand that you had a scrambler telephone installed in September?

A. Right, and that was right by my desk. That came in later. My desk was catty-cornered in this corner. The reason I think not, is because before this space was occupied, when I'd have my evening briefings, there was a couch here and the chair here (indicating). One of the ADC's use to sit right in that chair and I know he spilled coffee on my table over there, I remember that. I'm almost positive. For example, I didn't put anything in a safe. I had no requirement for a safe.

Q. Do you have any recollection of hearing that one had been there and recently removed?

A. I wouldn't have asked.

Q. If it had been volunteered?

A. If it would have been volunteered, I think I would have remembered it. I just didn't have any need for a safe. I just told those guys to take those papers in and to take them out.

Q. Could the man's name have been HERRIS?

A. No. It doesn't sound right.

Q. We apparently do not have an NCO roster.

A. I may be able to think of this guy's name.

IO: I think probably if you get away from here and get in touch with us, Charlie.

A. I can think of his name.

MR MACCRATE: Could it be VAN ABLE?

A. VAN ABLE. That's the boy, VAN ABLE.

IO: Is he the one with General KOSTER?

A. He was the one with General KOSTER, VAN ABLE. He extended to get this job in Hawaii at the R&R Center , got screwed-up, and he came back for a short while and then departed.

Now, the other fellow, the German who replaced him--

MR MACCRATE: DIETER?

A. DEITER, that's it.

IO: DEITER stayed with you?

A. DEITER was there when I left. I'm sure he was.

Q. I'm going to ask you whether by chance you heard any of these things. Did you ever hear anything around there about an aviator from the 123d Aviation Battalion reporting through the chain of command that he had observed some unnecessary killing of women and children down in this Task Force Barker area?

A. No. I think I would have remembered that.

Q. Did you ever hear of a confrontation and pretty much head-to-head between an aviation element with certain aircraft in it and a ground element in it to a point where the aviation unit had its machineguns turned on a ground unit?

A. No, never heard of that.

Q. Captain MEDINA joined your headquarters as a briefer.

A. Yes.

Q. Did you ever hear from him or any of your staff members about the discussion, the fact that he had killed a woman?

A. MEDINA, I believe when I got there, was a briefer, one of the G3 briefers and I was impressed with his briefing ability, but I never came in contact with him. I'd go in for the briefing, ask a few questions, come back and then we'd have the confidential briefing in the office.

Q. Did you ever have any reason at all while you were there to suspect that something unusual may have happened in this area around March 1968?

A. No, absolutely not. I just couldn't see why or if.

Q. Well, if you'd like, I'll try to answer any questions you have or if you would like to enter a statement into the record that is permissible.

A. I have nothing to say. I told you about my first knowledge of this and how it came about. I'll just reiterate

again, I could not imagine something like this happening and not knowing about it, really.

IO: I would like to advise you again about not discussing this, General GETTYS. One point is this matter of possible appearance before one of the congressional committees. This is possible. If it does come about, it will probably be the investigating subcommittee of the House Armed Services Committee. So, your appearance here would not prevent your appearance there or your testimony there in the slightest.

The hearing will be recessed at this time.

(The hearing was recessed at 1712 hours, 2 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: GRANGER, C.E. LTC

DATE OF TESTIMONY: 14 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT: G3 Americal Division, July 1967 - 20 December 1967.

1. FUNCTIONING OF THE STAFF.

a. Background.

Task Force Oregon was put together with persons from 38 other staffs (pg. 2). The quality of the personnel was "not what one would ask in a division" (pg. 3). Among the field grade officers in the G3 section there was only one major who had graduated from Leavenworth, and there were only two who had not been passed over for promotion to lieutenant colonel (pg. 3). Staff relationships were not established correctly in all instances because the officers had not trained together and because of unusual rank situations (pg. 2). It was not until the division's formal creation that personnel could be obtained on a regular-flow basis (pg. 3). While these conditions continued through the tenures of Generals ROSSON, KNOWLES, and KOSTER, the problems began to lessen as talented officers on brigade staffs gained enough experience to be brought up to the division level (pg. 4).

b. Organizational concept.

General WESTMORELAND envisioned the organization as allowing the brigades maximum operational independence (pg. 5). Even by the time GRANGER left, the ROAD Division

concept had not been fully implemented (pg. 13). Thus, the brigades did much of their own planning and the division commander would merely approve the plans (pg. 5). Brigades could conduct operations in their own AO without prior approval (pgs. 17, 18). As a result of this independence there was a lag between the time an incident occurred and the time division was notified about it (pg. 6). The special staff functioned according to the manual (pg. 9).

c. KOSTER's relationship with the staff.

KOSTER had a very close relationship with the brigade commanders and many things were decided without reference to the staff (pg. 7). However, GRANGER or his representative usually were present for these planning sessions in order to keep abreast of the planning and operation of the division (pg. 7). The G2 section had more trouble than the G3 because many times intelligence was evaluated at a lower level and not passed along to division, and documents took an excessive time to reach division (pg.8). The brigade commanders often times by-passed the staff and appealed directly to the division commander when one brigade's resources were allocated to another for a particular operation (pg. 10). The disputes about resources were especially severe in regard to aviation which had been put under central authority (pg. 11). KOSTER had a tendency to conceive the operations himself, and, thus, GRANGER did not do much planning for him (pg. 15).

d. Relationship of KOSTER to YOUNG and RYDER.

The staff was never told how it was expected to function with the assistant division commanders (pg. 14). In time it became fairly clear that General YOUNG would handle administration and logistics and General RYDER would concern himself with intelligence, plans, operations, and training (pg. 14). However, this slipped back and forth and the staff often had difficulty determining whose guidance to follow (pg. 14). RYDER had authority to make small changes and report them to KOSTER at the end of the day (pg. 15). At times this procedure prevented GRANGER from knowing what was going on (pg. 15).

2. OTHER INFORMATION.

a. GRANGER recommended Lieutenant Colonel BALMER to be his successor because he thought BALMER was the best of the officers available (pgs. 18, 19).

b. The witness felt that he had good access to KOSTER (pg. 19).

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

IO: The hearing will come to order.

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

Sir, the next witness is Lieutenant Colonel C. E. GRANGER, Jr.

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

Colonel GRANGER, sir, for the record, will you please state your full name, grade, Social Security number, organization, and station.

A. Clinton E. GRANGER, Jr., Lieutenant Colonel, Office of the Deputy Chief of Staff for Military Operations, Department of the Army, Pentagon.

RCDR: Thank you.

IO: Colonel GRANGER, would you indicate your duty assignment with the Americal Division and the organizations which preceded the Americal Division? When you joined it, and when you terminated your service?

A. Yes, sir. My association with the organization, initially Task Force Oregon, was as an infantry battalion commander in the 3d Brigade, 25th Division, which later became the 3d Brigade, 4th Division. At that time I commanded the 2/35 Infantry.

We first entered the operational area on 15 April 1967. I turned the battalion over to Colonel TILLER in June of the same year, went on 30 days leave in the United States, and returned in July to assume the duties of the G3 of Task Force Oregon. I remained as the G3 of the task force, and subsequently the G3 of the Americal Division on activation, until 20 December of 1967.

Q. Let the record show that prior to this testimony, I had notified Colonel GRANGER that I wanted him to testify to this investigation, to discuss the interfunctioning and the

interrelationship of the command element with the general staff, and with the special staff, and with the various senior command elements of the division. That is the basic purpose of Colonel GRANGER's appearance here today. Colonel GRANGER, would you indicate for us the functioning--I want to focus on General KOSTER and try to relate that back to the two previous commanders under whom you served. Would you indicate the relationship which existed between the command element and the general staff under General KOSTER.

A. Very well, sir. I must be a little historical in this, if I may. I'm sure that you have already received a great deal of testimony, but Task Force Oregon was put together from elements of practically every unit in Vietnam. The division headquarters, as I recall, represented some 38 other headquarters when we started counting noses, and I could be off on that. At any rate, the diversity of people was great.

The headquarters was put together in a short time, and functioned as a headquarters almost from its inception. There had been a planning staff, of which I was not a part, of which I was well aware, because much of the planning staff's work was passed to me subsequently. I would set up various SOP's, plans, the organizational headquarters, possible task organization of the task force, division level task force, and so on. However, the organization was put together in a very short time and began to function immediately. And this led to some problems within the staff. We had not had an opportunity to train together. Of course I did not join the division staff immediately. It was 3 months after the task force was activated that I joined the division staff. But even at that time there was still some shakedown process going on.

The staff relationships, which are a blend of personalities in any division staff, had not been established in some cases. Some of the rank differences caused changes. I can give you one example. The psychological operations officer for the division was senior to me. Normally the PSYOPs operates under the division G3. Since he was senior to me, PSYOPs was transferred out as a separate staff, functioning under the chief of staff. There was close relationship, but I couldn't rate him under the existing procedures. This was true in other staff sections. In the G2 section, there had

been problems which were still apparent. The officer that was initially assigned to the G2 had not organized the section to the satisfaction of General ROSSON. He had been replaced by Colonel DOLSON, who did reorganize the entire G2 shop, and it really wasn't completed until late November, and there were still staff changes that were in progress at that time.

In the G3 section, the quality of the personnel was not what one would ask in a division, to be perfectly honest. Among the field grade officers there was only one major in the entire section who graduated from Leavenworth, and of all of them there were only two who had not been passed over for promotion to lieutenant colonel. That would indicate that, in some cases not the highest caliber of people were being provided Task Force Oregon. This is an understandable thing when other units are giving up personnel. It did affect the operations and did affect them up through December, I know. And since the same people stayed on, I can assume that there was some impact after that.

The special staff relationships, I can recall nothing that would really be significant that would differ from pretty much text book solution. We stayed probably closer to tactical staff relationships than you would find in a division which had been functioning together for a long time, because it was the only basis on which we could put together relations. In time, personalities would have changed this, but there was a constant turnover of people. The problem was complicated by one other factor. As a task force, Oregon had no basis for requisitioning personnel. Consequently personnel we lost in the initial period, we had no basis for replacements outside of appeals to U.S. Army, Vietnam. These appeals were not always met. There were gaps that developed. It was not until the division was activated formally and had a basis for requisitioning that we began to get people on a regular flow through the pipeline. This in turn created some problems by having gaps within the staff.

In all honesty, since the personnel figures will reflect only Army, there were 18 Marine Corps officers provided by III MAF, who also functioned within the staff, in various capacities. Their prime purpose was to coordinate between the Army at the senior headquarters at Chu Lai and the many Marine elements in the area; two Marine air groups, the

Marine teams that were functioning with the Revolutionary Development people, there was quite a tie-in. However, they performed in other staff functions. My assistant G3 Air in the G3 shop was a Marine. This is a trifle unusual. I found it extremely valuable inasmuch as when the Air Force could not provide air support, I could lean on the two Marine air groups, that were handy there at Chu Lai and get immediate reaction. But these were some of the unusual things that occurred within the staff. Can I clarify any point for you?

Q. Well, now you're clear back to Oregon.

A. Yes, sir.

Q. I'd like to move on to the Americal Division with General KNOWLES and then into his replacement, General KOSTER.

A. All right, sir. These conditions existed through General ROSSON's period, through General KNOWLES' period, and into General KOSTER's period.

Q. Yes. To varying degrees.

A. Yes, sir. To a lessening extent as the personnel stabilized and we began to get people through the pipeline, and as we were able to select--as the units passed to Americal Division control we were able to control officers from the organic units, the new organic units. We had some talent that had served enough time in a brigade or lower unit going into the staff, so that you had experience and talent for the staff. This began to have its impact, beginning about the time I left, about mid-December. This is when the first of the officers were being brought in from the 1/1 Cav; from the 198th Brigade, which had been around for a little while at that point; and from the 196th, which of course was the senior, the old brigade of the division. None were brought in from the 11th at that point, of course. The 11th was just phasing in.

Q. How long was it that you served under General KOSTER as the division G3?

A. About two and a half months, sir.

Q. Two and a half months. Recognizing how a, let's say a ROAD division operates, was it your experience that you were functioning as the G3?

A. No, sir, to a lesser extent than one would expect. If I may, that's one thing I'd like to explain, sir.

Q. Well, that's what I'd like you to expand on. All right.

A. Task Force Oregon was created. It was created from three separate brigades, or at that time not the three that we ended up with in the Americal Division, but three brigades that were operating in separate functions. The charter for Task Force Oregon, which eventually became almost the charter for the Americal Division, was to retain an organization which had capability of splitting up a brigade as a separate brigade, although I've never received anything either verbally or in writing to that extent. It was transmitted to me by both General ROSSON and General KNOWLES that the desire of General WESTMORELAND was to keep the brigades capable of being separated from the division and sent off on separate missions to the maximum extent possible. Now the differences in organization were rather distinct. The separate infantry brigades had a different organization from the brigade which is normally organic to a ROAD division. They had their own engineer company, they had their own armored cavalry troop, they had some of their own aviation. There were rather distinct differences within their staff organization. But these are really small points in comparison to what the prime thing was, that they were accustomed to operating as an independent brigade, and to a very large extent, continued to attempt to operate as an independent brigade, with not treating themselves as a part of the division, but considering themselves as a separate entity. Under General ROSSON, this was of course the manner in which it was put together. It was still a task force. Under General KNOWLES we were beginning to go through something of a transition. But General KNOWLES still understood the charter to be to retain the separate identity. So he never did push the brigade commanders quite as far as you would with an organic brigade. Against the--a suggestion from the division G3 didn't accomplish with a brigade 3 what it would in a standard division, and the same relationships were true of the rest of the staff.

Q. Well then, would it be that the brigades did much of their own planning and that the division commander would go out, let's say, and approve their plans?

A. That's correct, sir.

Q. And they operated rather independently.

A. They did indeed, sir.

Q. Yes. Now, were you always kept informed? I'm talking only about this latter period now.

A. No, sir.

Q. As to exactly what the situation was and how the operations were, or were you trying to pick up the pieces?

A. I was trying to pick up the pieces. That's a good way to put it, sir. Shortly before I left, and I had talked to both General KOSTER and the chief of staff, at that time Colonel MUSSER, about the problem of retaining some flow of information. And to prove my point, I had gone through my journal from my tactical operations center to determine the time lag between an incident, whether it be an aircraft being fired on, or an engagement on the ground, or anything else of any significance, and I found that the average time was between an hour and an hour and a half, between when the incident occurred and the time the division was notified. To me this was an unacceptable time lag, because it prevented me from telling the division commander what the information was so that he could react to it. In time, I understand that some corrective measures were taken on this. But it's indicative of the fact that we were not as fully informed as we would have liked to have been.

Q. This was the lack of responsiveness on the part of the brigades then, to the desires of the division.

A. That's correct, sir.

Q. Back at the division headquarters itself, did you feel that you were functioning as the G3 in terms of doing the planning and presenting proposals for operations and so on, to the commanding general, or were those things held in the command building?

A. I wouldn't--to be accurate, I can't say exactly one or the other, yes, I did present proposals. I was given general guidance and came back with proposals for operations,

proposals for changes in operational areas. However, the relationship between General KOSTER and the brigade commander particularly was a very close and personal thing, and many of these things were decided without any reference to the staff. This was understandable if he chose to operate this way. Then I would cooperate as closely as I could with the brigade 3, so that we would have realistic boundaries when we would shift a brigade's boundary, for instance, so that the artillery and everyone else would be informed of what was going on.

Q. Well of course I would have to ask you that question as to whether or not--and this is quite logical too--either you had to be with the commanding general or you had to have a representative with him, or you had to have some mechanism established whereby you could get an immediate feedback on what transpired in order to keep abreast of the planning and the operation of the division.

A. Either I accompanied him or I had one of my officers accompany him. Well, there were a few exceptions, but this was the general rule.

Q. Yes. Now what about the other general staff sections? Some of them you could almost discount, the G1 and the G4 for example, the 1 being administrative, the other being logistics, but I'm thinking in terms of the G2 and the G5. Were they in about that same situation?

A. Yes, sir. If anything, the G2 had more difficulties than I did. And the G5 operated relatively independently.

Q. Who was the G2 at that time?

A. We actually had two, sir. The first was Colonel DOLSON.

Q. DOLSON?

A. D-O-L-S-O-N, yes, sir. A lieutenant colonel at the time I joined, promoted to full colonel, as I recall, in late August or early September, and remained on as a full colonel. And his replacement was Lieutenant Colonel OWENS, O-W-E-N-S, Garland OWENS.

Q. You weren't there when Colonel TREXLER came on board?

A. No, sir, I had known Colonel TREXLER at Fort Hood, and I greeted him when he arrived at Chu Lai in the 198th, but he had not joined the division staff at the time I departed.

Q. Can you explain for the benefit or--let me just stop right here. I've been very remiss. I have not introduced the other members of the group here. Mr. MACCRATE on my left; Mr. WALSH, the second individual down, are civilian lawyers, they have volunteered their services to Secretary RESOR to assist us and also to provide legal counsel; Mr. Bland WEST is an assistant general counsel; and on the far right, Colonel FRANKLIN, whom I think you know, from the Offfice of the Deputy Chief of Staff for Operations. All these individuals, of course when I get through talking, I'm sure they'll have some questions to address to you. But for their benefit, would you explain how you think the G2 was cut out to an even greater degree than yourself?

A. In many cases, sir, items that were introduced into the normal intelligence flow, either by, let's see, do we have a limited confidential, sir?

Q. I wouldn't--

A. (Interposing) Special intelligence.

Q. I would just say intelligence.

A. Very well, sir.

Q. For the record.

A. For the record, sir, the intelligence flow of normal intelligence entering into the system was slow, but it did not pass through the normal channels. The evaluation of the intelligence was made directly in many cases, from battalion to brigade to division commander, and there was no record at any of the lesser echelons that it was passed to division. In some cases, intelligence information, I'm thinking specifically of documents, took an excessive time to get from time of capture to the point where they could translate it at division, with facilities existing.

Q. That was because of the organization at the division rather than the command restriction.

A. Yes, sir, this was the organization.

Q. Right. Well, were there any comparable problems in the G5 area?

A. Not to my knowledge, sir, but I must admit that I am not as knowledgeable in the G5's problems as I might have been.

Q. Now, what are your observations with respect to the special staff?

A. Special staff functioning was pretty much according to Leavenworth, sir. As I indicated there was no chance to build up the personality relationship which you will find in a headquarters that has existed for a long time. Hence, when there was any question about who did what and what function, it was always referred to 101-5, FM 101-5, which is the bible for staff work, sir.

Q. Well, shifting off the problems at command and staff coordination, looking at the organization itself, as it was when you departed. Would you discuss some of the problems that you had in the organization as far as being able to operate with that kind of organization?

A. Yes, sir. The fundamental problem, and I alluded to it earlier, was that of the individual brigades believing that they were still to retain a separate identity and not be a real part of the division. In the final weeks before my departure, I fought to remove the engineer companies from the brigades and place them under the division engineer's control. I fought to remove the military police from the brigades and place them under the Provost Marshal's control so that we would have full utilization throughout the full division area rather than have them piecemealed out at the whims of the individual commander, feeling that the resources were limited and we'd get better use by having them all together. The engineers, I was unsuccessful. The military police, we did accomplish. The armored cavalry troops remained under brigade control.

If I can put it halfway in between, I did achieve some closer grasp of their operation, was able to pull them away from the brigades to use with another brigade on certain specific occasions, without too much conflict from the brigade commanders. I think that really points up the problem.

Q. If I'm not mistaken, however, you just cited a few of them when you're really talking about brigade slices, that which the brigades normally functioned with, as separate brigades. And I think I could add a little bit to it that would compound the problems, in terms of support commands.

A. Yes, sir, quite true.

Q. And I think another tremendous problem had to do with division artillery.

A. Yes, sir.

Q. As to who they were assigned to and to who they were responsive to.

A. You're quite correct, sir. Anything that the brigade owned outright, and the separate brigades did have their own artillery battalion. I would like to state that, the brigade commanders felt that they were their resources and they belonged to them. And there was a conflict between the brigade and the division as to who was actually going to control it. And it got to the point where you were going to take the resources away from the brigade, not just tell them how to use them specifically, but take them away and use them for another brigade, and very frequently, in fact almost as a matter of course, you find the brigade commander appealing to the division commander around the division staff, which is his perfect right within the way the command arrangements were set up. But it did make the whole system rather cumbersome.

Q. Yes, and did you not at this point of time, about the time you were terminating your service, have another problem which was created in the development of your aviation battalion?

A. Yes, sir. The separate brigades did have some aviation of their own, and the restructuring, of course,

brought the aviation under a central authority. I had achieved this to a fairly high degree before I left. And to be perfectly honest, it got to the point that I--in order to be able to mass enough aircraft for say a battalion-sized lift so that we would not have everything piecemeal to all of the brigades--I would get in a daily requirement from each of the brigades for aviation, and the aviation battalion commander and the division aviation officer appeared to be--they could not resolve it with the brigades. I made the resolution every night of who was going to get how many airplanes the next day. And it was appealed about 50 percent of the time. The chief of staff would back me, and we would go through a normal evening routine of arguing with the brigade commanders as to how many airplanes they were going to have the following day. By December the brigade commanders pretty well accepted the fact that division was going to have to control the aviation, but there was still a good deal of conflict.

Q. Who in division controlled the aviation?

A. I did, sir, personally in this case, because the aviation officer could not argue adequately with the brigade commanders.

Q. Yes. Well did you have the final decision, or did the--

A. (Interposing) As far as the staff went, sir, I did it for the chief of staff and division commander if the brigades were unwilling to accept it.

Q. I have been led to believe that during or at least the early part of 1968, that there was an evening session after the staff briefing at which the aviation officer presented his recommendations to the commanding general as to the allocation of aviation assets for the following day.

A. That may well have developed after my departure, sir.

Q. Yes.

A. As of the time I left, I was still working out the breakdown. I would advise the chief of staff, because

there was so much conflict as to what I was doing. But that was something I could generally resolve without having to bother everybody on.

Q. I think it is very important for me to get the benefit of, well, your experiences and your opinions, because I happen to know, of course, exactly what you did. Having served with a ROAD division; then having served as more or less an independent brigade in the southern part of Quang Ngai; and then having joined this organization, which is an ad hoc arrangement in the beginning with separate brigades. How would you compare the effectiveness of the--I'm just talking about the staff now--I'm not talking about the capabilities of the individual soldiers or battalions or anything--but the brigade headquarters to control and coordinate the activities of the brigade as compared to, let's say a conventional ROAD division?

A. The brigade doesn't have the resources to control to the same extent that a division would. I think I can cite an example, sir. When the 198th Brigade arrived in country, there was one ship which had sailed from San Francisco in September, which arrived in early December. Only by stripping communications equipment from the entire division, were we able to make the 198th operational. And not just communications. We had to set up artillery, communications, vehicles, there were a lot of things that were on that one ship. You can't do that in a brigade. You do not have the resources to shuffle to that degree. At a division, you can. You don't have the extra people to command things that come up. We could set up a jump CP, a tactical CP, away from Chu Lai using division resources. It stretched us. There's no question about that. But we could do it. And it was done in June, and--well late May and early June by General ROSSON, who had a tac CP that he put at Duc Pho, a small staff. A brigade doesn't have this capability when you give them a separate brigade with its augmentation, not and conduct 24 hour operations, which is of course, is a necessity.

Q. I think it was during the latter part of your tenure as the G3 that the division started pulling certain of the assets from the brigades to move toward the ROAD concept in terms of the JAG's, for example, bringing them in. Getting the AG section set up to function, to handle all the personnel within the division. So you were familiar with the transition?

A. Yes, sir. May I elaborate a little on that, sir?

Q. Yes.

A. The division had an average strength of American Army 27,000. Now this is a tremendously large organization. It stretched in an area 140 kilometers long and all the way from the sea to the Cambodian border. The area was extremely large. There were varied commands within it. The problems we faced were tremendous. Communications problems were some of the worst.

When we started to put it together and take 27,000 people and organize them, less the brigades that would depart eventually, into a division, we ran into a distinct problem with U.S. Army Vietnam. We did not have the spaces authorized by the U.S. Army Vietnam to put together a division headquarters in a conventional ROAD sense. The slice of the division staff that we normally would have had, that was in the brigade, was to remain in the brigade. I did a great deal of horse trading during the months of September and early October with the USARV staff on spaces to build the division up to the point where it could perform the functions of a ROAD divison staff, and still try to stay somewhere in the framework of keeping the brigade as a separate brigade, so it could be sealed off in accordance with the the initial guidance.

Finally this initial guidance began to take less and less effect. It had less impact on our thinking and apparently General WESTMORELAND accepted this. As we began to pull the resources in and place them under division control. But it was an evolutionary process from a task force to a ROAD division, and I did not see the completion of it by any means. We were still a very long way from reaching a normal division structure at the time I left. The problem, fundamentally, was one of spaces. If we had been authorized to go to full division headquarters strength, initially, it would have placed us tremendously over the average division, something like 4,000 people represented within the resources of the brigade.

Q. You were already considerably larger than any division I know of, because most of us were around of 17,000, 18,000, 19,000.

A. Well, sir, during this period we had five brigades.

Q. Yes.

A. Of course that in turn stretched our command and control facilities. That was another of the problems that we faced. Initially we had the 3d Brigade, 4th Division, initially the 3d Brigade, 25th Division actually, but we're speaking of the same brigade. And the 196th.

Q. Yes, but toward the end of your period you had got down to your three brigades which were the organic brigades eventually. I know there was the 196th, the 198th, and the 11th. I believe that's correct, isn't it?

A. Yes, sir, at the time I left we still had the 3d Brigade, 4th Division, 196th, 198th, 11th was arriving. We had the 3/1 Cavalry, and the 101st had just departed. The subsequent withdrawal of the additional units was after my departure, sir. That's why I cite this 27,000 figure. This is during my period.

Q. Now under General KOSTER, I believe you had two ADC's, did you not? General RYDER and General YOUNG?

A. Yes, sir, that's correct, sir.

Q. Can you explain the relationships between General KOSTER and General RYDER, and between General KOSTER and General YOUNG? What authorities and what responsibilities did they have?

A. Yes, sir, I'm summoning my thoughts. This is a difficult one to answer, because I don't believe the staff ever really knew what the relationships were. In time it became fairly clear that General YOUNG would handle administration and logistics while General RYDER would concern himself with plans, operation, and training, and with intelligence, although this slipped back and forth. The lines were not clearly drawn, and there was never any real statement as to how we were to function with the assistant division commanders. We had functioned without any assistant division commanders prior to that time, and the introduction of two additional general officers for awhile made it very difficult for the staff to operate. We were not sure whose guidance to follow

and it wasn't always constant while we were sorting out who was to do what. I can only go on hearsay as to what happened, which was the resolution of the problems after I left, but it was not resolved by the time I left.

Q. No, I only asked you about the time you were there, I think, Colonel GRANGER. But my question would be to that which existed between General KOSTER and General RYDER in particular, since General RYDER was performing in the capacity of the, let's say, the maneuver or the operational ADC. Did he have authority to make a judgment on his own, or was it one of these things of having all kinds of approval from the division commander before the title would be put into effect, so to speak?

A. On anything this big of course he would consult with General KOSTER. For minor changes of boundaries, either small attachment changes, directions on artillery support and so on, General RYDER would make a correction or changes on the ground at the time and then report to General KOSTER at the end of the day, as a rule. I would find out when my G3 representative came back, so there was sometimes a lag of a few hours, before anyone was aware of what had happened.

Q. We have heard that there was a tendency to centralize operations, let's say, in the command building. And as a G3 of the division with General KOSTER, could you comment on that?

A. Yes, sir, I think it's a fair statement. I cannot, of course, comment on the way anyone else reacted. I found that instead of planning for General KOSTER and presenting to him a finalized plan, that I was getting rather detailed guidance, and that he had in many cases, already conceived pretty much, a complete scheme for an operation without any prior consultations.

Q. Did you have any problems living within this situation?

A. Sir, he was my commander and I just supported him the best way I could.

Q. I think that as far as the organization is concerned, what you've indicated is that we did have the problems of this strange organization, of having separate brigades commanded by a division headquarters that really wasn't a division headquarters as yet. And then, being in the transition between that kind of an organization and to what you and I might call a conventional ROAD type organization. Would that be a fair brief statement of this?

A. Yes, sir.

Q. Mr. MACCRATE?

MR MACCRATE: Colonel GRANGER, you indicated that General KOSTER would have a special kind of relationship to his brigade commanders, because of this organizational structure, that he maintained very close contact with them. Then you indicated at the same time some question as to where the ADC's fitted into the picture, when they arrived on the scene. Was there something of the same problem, to the extent that you could observe it, in their relating to the brigades and their responsibilities in relation to the brigades?

A. Yes, I think that's a fair statement, sir. I'm sure they had problems, from what I observed. And those times I was accompanying an ADC, there was some reluctance to make a decision without consulting with General KOSTER on anything of any significance, in the initial period especially. This was understandable during--let's see, General RYDER was only there about a month before I departed, and General YOUNG about the same length of time. It was not too long a period, and they were still feeling their way as to what their responsibilities and duties would be. They were on strange terrain, operating with strange forces, against a strange enemy. I think it was an understandable reaction at that time, but it did exist.

Q. Well, is that quite--you must think about General RYDER just a little bit though, because he was a pretty much of an old hand in this business having been down in III Corps and spending most of the tour commanding an independent brigade. Then having been with the division, and then coming down to the Americal. It wasn't exactly strange to him.

A. Oh, no, sir. War was not strange to General RYDER at all. He had had an awful lot of experience, and so had General YOUNG. But the terrain was different. They were not familiar with the enemy in this particular area. They had not achieved a rapport with the local ARVN units. The 2d ARVN Division was in the middle of the Americal Division area. They had not achieved any close working relationship with the commander of the ROK Marine brigade. They had yet to learn some of the idiosyncrasies of operating within the Marine's area of operation.

The enemy was a little different than in some of the other areas. This was, to my experience, a much more hard-core area than anything I had seen before. And I was completing a 2-year tour in Vietnam at this time, which covered III Corps, II Corps, and the southern part of I Corps. They were certainly a far cry from General RYDER's experience on the Cambodian border, which I was present for in part, where if you saw someone, he was either yours or an enemy when you were well out on the border. This created some different problems. All of a sudden you had population centers and you had people that could not be identified, and you had all kinds of problems. I'm sure this created some difficulties for people coming into a strange operational area.

As far as the terrain, yes, there were decided differences in the terrain. We could make very effective use of our armor on the coastal plain. Of course it would have been impossible in the triple canopy jungle west of Pleiku where General RYDER had been before. They were able to use direct fire weapons with much greater success than we had, where the visibility was from here to the far side of the room in general. And this is the first time that I, as a battalion commander, been able to unpack my 106 recoilless rifles, and use them effectively. So there were some tactical differences that would have effected anyone's thinking, coming in as a stranger here.

MR WEST: This may be a little repetitious, but while General KOSTER was the division commander, could a battalion-sized or larger operation be undertaken without his prior personal approval?

A. Yes, sir, within the area of operation in cognizance of a brigade, a brigade would conduct its own operations in

advising division of a sweep to be conducted in a specific area, provided there was no coordination required in an adjacent brigade.

IO: Let me ask a question here first, before you finish this. What were the levels of command when those brigades joined? I know when the 11th came in, for example, they had a brigadier general in command. What about the 196th and 198th when they first joined?

A. All right, sir. The 196th came in commanded by General KNOWLES, then a brigadier.

Q. Yes.

A. He was relieved by another brigadier, the command finally passed to a colonel. The 198th came in under a full colonel, Colonel WARE. The 1st Brigade, 101st Airborne Division was commanded by a brigadier general, General MATHESON, who acted as the division commander in the interim after General KNOWLES was evacuated and before General KOSTER assumed command. The 3d Brigade, 1st Cavalry Division was commanded by a colonel.

Q. Well, doesn't that set up a different set of conditions then?

A. Yes, sir.

Q. Then when we get down to the 196th and the 198th and the 11th all being commanded by colonels.

A. No question, sir. We had general officers and general officer relationships here, which is almost like escalating it from a division to a corps level.

COL FRANKLIN: What about this, Colonel GRANGER? You described a situation where the premium or the key post is to my mind infantrymen. And right after you left to get a chief of staff and a G3 artillerymen. Do you have any idea of how this happened? Did you have anything to do with picking your successor?

A. Yes, sir. I recommended Colonel BALMER be my successor, as a matter of fact. This was two bases: (1) I had

examined the lieutenant colonels within the division and thought he was one of the better ones. I actually had four names, as I recall, to discuss with General KOSTER. The problem was again that we could not levy the brigades that were not a part of the Americal Division for personnel. I thought that Colonel BALMER was the best from the officers available.

Q. Did you know at that time you were getting an artillery chief of staff?

A. Yes, Colonel PARSON had reported for duty and had moved a desk into Colonel MUSSER's office so he could understudy him.

Q. I think you see my point. This is a real infantry war with all these infantry brigades. The problems are all infantry. What was your relationship with General KOSTER? Could you go in and see General KOSTER anytime and discuss problems or bring up, say in different brigades different things that were going perhaps not as well as they should or was it--you had three generals you were working for. Was your relationship--I'm talking about accessibility, ability to speak your mind with General KOSTER. Was it as free and easy as with the other two generals?

A. I think my accessibility to General KOSTER may have been greater than my accessibility to the ADC's. I felt no hesitancy about voicing an opinion.

IO: How long had you been down in the I Corps area at this time and operating there before you became G3?

A. About 3 months, sir.

Q. Three months. That was with General ROSSON and with General KNOWLES. So how long had you been G3 by the time General KOSTER arrived on the scene?

A. About two and a half months, sir.

Q. Two and a half months?

A. A little short of 3 months.

Q. Yes. So you were completing a 2 year tour, the last 6 months of which, generally speaking, you spent in I Field Force area?

A. In the last 8 months, sir.

Q. Eight months?

A. Because I was commanding a battalion in there earlier.

Q. Well, I'm including that when you went down to the--

A. (Interposing) That would have been December 20th, sir.

Q. You're pretty much an old hand in I Corps about this time.

A. As old as any Army people were, sir. I took the first battalion into Duc Pho, and that was 2 days after the initial Army launch went into Chu Lai.

Q. We went down to see where you took them into Duc Pho. Anybody else have any questions? Colonel GRANGER, we appreciate very much you taking this time off. You recognize the problem that we're faced with here, in investigating this situation and some of it does get down to the effectiveness of the division organization. It also gets down to a degree to the inner relationships of the various people, the commanding general with the chief of staff, with the ADC's, with the general staff, with the special staff, and then their relationships with the brigades and all this inner functioning. If you can think of anything that's germane to what we're doing here, to arrive at some findings and recommendations on this particular incident, we'd appreciate having your opinion and your thoughts on it. If you have any questions or if you'd like to make a statement for the record at this time, we'd be very happy to let you do so.

A. I'm trying very hard to think of something constructive, sir, that I haven't already said. We did have

problems. You're quite correct. We had problems that were created by the organization, the fact that we went initially from a task force with vague command relationships in a sense, to a division with an uncertain charter as to how the brigades were to be in relationship to the division itself, separate brigades or brigades that were organic in their relationship. We had problems in the turnover of units. There was always a little bit of uncertainty as to our relationship with the next higher headquarters, to the III Marine Amphibious Force.

IO: And USARV, I might say.

A. Yes, sir, and definitely the USARV, because I--

Q. (Interposing) I, for one in some cases, would not know who to report to.

A. We reported to both, as a general rule, sir. I think the SITREP is a good example. SITREP is a daily situation report. Instead of just sending it to the next higher headquarters, we sent in two directions so that no matter who wanted to know what was going on, we had it covered. It may sound a little ridiculous, but in some cases we were unable to ascertain or determine by checking with either headquarters who was going to give us the guidance on some things. We were able to turn it to our advantage in some cases.

As a matter of record, I might as well admit it. Anyone could figure it out anyway. We complained to USARV that we did not have adequate engineer support and complained to III MAF that we did not have adequate engineer support, while in effect the division had its own battalion, had three engineer companies, the equivalent of a battalion. USARV was kind enough to let us have the use of an engineer battalion in the southern part of the zone, a group in the II Corps area. But I think it points out the fact that some of these things were a little vague. In effect, we had six battalions of engineers working within the area. Now the degree of control that you can exercise over say, a Sea Bee battalion, even when it is in your area depends on your personal relationships. And I might go down and have dinner with a Sea Bee battalion commander in order to convince him he ought to go there and

work on the road in the 11th Brigade's area to help them build the area when they were coming in. It was not as clear as it sounds.

IO: I think you had another problem that you haven't touched upon, but you just started getting into it about the time you'd departed the division. But I'm sure that you had done a whole lot of prior planning on, and that is the infusion program.

A. Yes, sir.

Q. Which had drastic effects upon every organization.

A. No question, sir. We were starting--we had brought people in the 198th. The 196th, of course, was the old brigade and that was where the people came from initially. They had fewer problems. We let the 196th alone after pulling people from them to benefit division, not to benefit the infusion program. The 198th was the first of the brigades which was really tapped in order to stagger the departure dates of people within the brigade.

At the same time we wanted to bring some quality into the division staff and cover the losses there, because we had not been fed through the pipeline and division staff was getting smaller. Finally the 11th, the plans were very orderly to have an infusion program there, because at this point division was receiving replacements. The 11th was receiving replacements, and we had the capability to be more flexible, and now we can do it, so that now the brigades will not be hurt and would actually gain from some of the people. In the 198th particularly, who had been around a little length of time at that point, and at least could handle the basics. 196th we left alone to the maximum degree possible, since they already had staggered departure dates. The 198th and the 11th represented the two we worked with the most. Certainly this impacted on all operations.

Q. When you put all this together, you've got some real problems, haven't you?

A. Sir, this was an interesting one, but it was a difficult one to operate, no question about it. The school

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solutions did not fit in the situation. And regardless of the fact that everyone worked real hard to make things work, they didn't always come out the way they were planned.

IO: Well, we are investigating a situation that almost is beyond description, and I think that your giving us a little bit of the insight into the degree of effectiveness of this huge division structure which is almost twice the size of an ordinary division, and with a lesser capability than even the ordinary division would have, both contribute significantly.

And we're very appreciative that you did come in. I would caution you that you're not to talk to anybody about your appearance here and about your testimony, particularly to those who have appeared as witnesses here or who may appear as witnesses. And I should also tell you that aside from the group you see here, we have other groups that are likewise taking testimony. In this regard, as far as who you can talk to and who you cannot talk to, you can talk with others in terms of official duty, or if you're required to do so before a competent--let's say administrative body, a judicial body, or a legislative body. For example, it is conceivable, since you'll be on the roster of people that have been interviewed here, that you may be called before one of the congressional committees. More specifically the investigation subcommittee of the House Armed Services Committee, in which event, your testimony here or your appearance here would in no way preclude you testifying before such a body. Anybody have anything more? The hearing will recess at this time.

(The hearing recessed at 1525 hours, 14 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: HALLMAN, Rodney G.

DATE OF TESTIMONY: 2 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT: AG Section, Americal Division, 27 August 1968 - 10 September 1968, Assistant Chief of Staff, Americal Division, 10 September 1968 - 4 July 1969.

1. KNOWLEDGE OF THE OPERATION.

While HALLMAN had not seen HENDERSON's report of 24 April 1968 before, he had seen a document similar to the VC propaganda leaflet (pg. 34). He was not sure that the inclosure to HENDERSON's report was the same one he had seen (pg. 34). He heard no rumors, reports, or conversations alleging the unnecessary killing of women and children by Task Force Barker in the Son Tinh District (pgs. 36, 37). He heard nothing about a confrontation between air and ground personnel or a report of a captain shooting a woman (pgs. 37, 38).

2. KNOWLEDGE OF REPORTS ABOUT THE MY LAI INCIDENT.

a. HENDERSON's report.

He received no "eyes only" documents from Major POWELL, his predecessor, at the time he took over (pg. 16). The witness believed that such a document would have been in the chief of staff's safe for which HALLMAN was responsible (pg. 23). He did not remember receiving a written request to locate papers concerning an investigation of an operation by Task Force Barker, but stated that Colonel

DONALDSON, the chief of staff, received a phone call from Colonel HENDERSON about it (pgs. 23, 26). HENDERSON indicated it could be found in the 11th Brigade (pg. 26). HALLMAN was unable to find the report in his safe (pg. 24). He looked for the document by going through the subject contents (pg. 24). He did not look through the classified documents log in his search for the report because that log was in such bad shape (pg. 25). It was incomplete and did not contain all the confidential material (pg. 26). HALLMAN did not remember receiving any communication from the 11th Brigade in reference to the matter and he did not follow up on it (pg. 27). The report was delivered to DONALDSON, but the witness did not see it and did not know its contents (pg. 27). He did not know how thick it was (pg. 27). He could not recall how he was informed that DONALDSON had it (pg. 31). DONALDSON handled the document on a close hold basis (pg. 28). The witness did not know how the document was transmitted or what DONALDSON did with it (pgs. 28, 29, 31). A copy was not retained at headquarters (pg. 31). There was concern in division headquarters about the inability to find a copy of the report (pg. 30). He did not know how the report was transmitted to HENDERSON after it was found, and he saw no cover letter (pg. 39). He never heard any discussions or conversations relating to the contents of the report (pg. 40).

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3. OTHER INFORMATION.

a. Conversations about the incident.

HALLMAN has had no conversations with anyone from the Americal Division concerning the My Lai incident since the matter came to the public's attention (pg. 2).

b. HALLMAN's duties.

All correspondence that came into headquarters came into the administrative NCO who processed it and brought it to HALLMAN (pg. 6). HALLMAN sent the correspondence to the chief of staff and routed return mail to the appropriate staff section (pg. 6). Not all correspondence was logged (pgs. 6, 7).

c. Location of commanding general's papers.

The CG's steno kept a log of the general's daily correspondence and copies of the correspondence would be in that log (pg. 9). File copies of all the commanders meetings would be kept in the safe in the chief of staff's office (pg. 10). Copies of notes made by the general at a III MAF commanders conference were maintained in the chief of staff's files (pg. 10). Classified material was kept in the chief of staff's safe (pg. 12). There was no chronological file of daily correspondence (pgs. 13, 14). Classified reports of investigation would not be logged if they were retained at headquarters (pg. 14). The witness opined that the CG's secretary kept a copy of reports transmitted by the general (pg. 19). At the time the witness arrived the files were in very poor shape and nothing could be found (pgs. 11, 15). This was straightened out by the CG's personal stenographer, but the witness did not think anything was thrown away (pg. 11). At the time of the change of command from General GETTYS to General RAMSEY the papers were not relocated and they stayed where they had been previously (pg. 12). To his knowledge there was no small field safe in the commanding general's office (pgs. 16, 17). Later on there was a safe containing materials for the CG's secure telephone (pg. 17). He knew nothing about a field safe being removed prior to the time of his arrival (pg. 17).

d. Document inventory.

At the time Sergeant LOFTIS and Sergeant DROSDICK changed places there was an inventory(pg. 20). Although the witness was responsible for the papers, he did not go through them at the time of the inventory (pg. 20).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-36	Memo for DC, 2d ARVN Div, 12 Apr 68	Wit had not seen before.	36
O-7	Drawing of command building, Americal Div	Wit identified this as office set-up.	21
R-1	True copy of HENDERSON's report	Wit had not seen before.	34

(The hearing reconvened at 1430 hours, 2 February 1970.)

IO: The hearing will come to order.

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

The next witness is Major Rodney G. HALLMAN.

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

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

A. Rodney G. HALLMAN, Major, DCSPER Washington, D.C.

IO: Major HALLMAN, on my left is Mr. MACCRATE. He is a civilian attorney who has volunteered his services to the Secretary of the Army to assist us in the conduct of this inquiry. He also provides legal counsel for me and other members of the investigative team. On my right is Colonel ARMSTRONG designated by the Office of the Chief of Staff to be an assistant. Both Mr. MACCRATE and Colonel ARMSTRONG may ask questions of you this afternoon as well as myself. There are other groups such as this that are taking testimony from other individuals. It will be my job to get together the reports, weigh the evidence, and determine the findings and recommendations. Have you had an opportunity to read the instructions?

A. Yes, sir.

Q. Do you understand them or do you have any questions?

A. Yes, sir. I understand them.

Q. Major HALLMAN, would you indicate your duty assignments within the Americal Division, any changes of assignment you may have had, the approximate dates of such changes of assignments, and, of course, the time that you completed your service with the division?

A. Sir, I arrived at the Americal approximately 27 or 28 August 1968. I worked in the AG Section for approximately 2 weeks, and I moved up to be the assistant chief of staff at division headquarters. I departed the Americal 4 July 1969.

Q. You remained in that capacity from, basically then, the end of August 1968.

A. No, sir. About mid-September or the latter part of September.

Q. Who preceded you in that job?

A. Major Jamo POWELL.

Q. P-O-W-E-L-L.

A. Yes, sir.

Q. What's his first name?

A. Jamo, J-A-M-O.

Q. How long had he been in that job? Do you know?

A. I'm not sure, sir. I'd say approximately 4 or 5 months, but I'm not positive. We were only there a short period of time together.

Q. Who replaced you?

A. Major LEBEAU.

Q. LEBEAU?

A. LEBEAU.

Q. Now, we'll get around to some of the other people that you had working in there with you a little bit later. The so-called My Lai incident of 16 March 1968 became a matter of public knowledge about 4 or 5 months ago, the latter part of September or early October 1969 when it came out via the newspapers, magazines, radio, television, and so on. Now, since that time, have you had any discussion with anyone from the division or attached to the division concerning the incident itself?

A. No, sir, not anything other than what I read in the papers, just normally what you read in the papers.

Q. Concerning any of the investigations or the filing of reports or anything relating to it?

A. Only what I read in the papers.

Q. Now, you took over as the assistant chief of staff. I believe that's the title they used for you?

A. Yes, sir.

Q. Some people also call it the SGS?

A. Either one.

Q. Was there an inventory then conducted of the files?

A. Of the files? Only the classified documents. But I was not signed for the classified documents, sir.

Q. Who was?

A. We had a Sergeant SAIMONS working for me at that time.

Q. Sergeant SAIMONS. Now, what do you call his--

A. (Interposing) He was the administrative NCO, sir, for the division headquarters. He worked directly for me.

Q. When had he joined? Do you know?

A. I don't know, sir. He'd been there approximately 5 or 6 months. I'm not positive, because he only stayed for approximately 3 or 4 weeks or a month more, and then he transferred to MACV headquarters.

Q. Yes. Had there been or was there a Sergeant LOFTIS in the headquarters?

A. Yes, sir. He worked for me. He took Sergeant SAIMONS' place.

Q. He took SAIMONS' place?

A. Yes, sir.

Q. About when? Do you know?

A. Either the latter part of September or early October.

Q. How long did LOFTIS stay on?

A. He worked for me until he rotated which was probably January, I think. I'm not positive, sir.

Q. January?

A. January, yes, sir.

Q. 1969?

A. Yes, sir. The dates I'm not positive on, sir.

Q. Then who replaced him?

A. Sergeant DROSDICK.

Q. DROSDICK?

A. Yes, sir.

Q. D-R-O-S-D-I-C-K?

A. Yes, sir.

Q. What's his first name? Do you know?

A. William.

Q. William?

A. Yes, sir.

Q. Did he stay on until your services terminated?

A. Right, sir.

Q. Do you remember who preceded Sergeant SAIMONS?

A. No sir, I don't know. Preceded?

Q. Preceded SAIMONS?

A. No, sir.

MR MACCRATE: How did Sergeant SAIMONS spell his name? Do you recall?

A. I believe it's S-E-S-A-M-E-S (sic), I believe. I'm not positive.

Q. Let me hear that again?

A. S-E-A-S-E-A-M-S (sic), I believe, sir, but I'm not positive.

Q. SEASEAMS?

A. Well, he pronounced it SAIMONS.

Q. He had the extra S in there, huh?

A. I know it was a weird pronounciation as far as the spelling. I recall that.

IO: Is he still in the service?

A. To my knowledge he is, sir.

Q. What was his grade then?

A. E-7, sir.

Q. E-7. When you took over from Major POWELL, did he have any papers which were special papers, such as "eyes only" papers and so on which he called to your attention, that these are for the commanding general's only?

A. No, sir.

Q. Any personal papers?

A. Personal other than the normal routine?

Q. Personal papers of the commanding general?

A. No, sir, not to my knowledge.

Q. Or the ADC's, or the staff's, or anybody's?

A. Not to my knowledge. Somewhere in the latter part of September or early

Q. I think it would be helpful for us if you would explain your duties, how you functioned in there and what you did?

A. Yes, sir. All corresponsdence that came into the headquarters came into the admin NCO. He, in turn, processed them and brought them in to me. I, in turn, sent them either to the chief of staff or through the chief of staff to the appropriate ADC or the CG. Then after the chief of staff or the ADC's or the CG had seen the corresponsdence, it came back out, and I routed it back to the appropriate staff section.

Q. Now, papers coming into the headquarters, what happened to them? Were they logged in?

A. Well, certain items were logged in, efficiency reports. Not all corresponsdence were logged in, sir. Primarily efficiency reports, awards, and et cetera.

Q. They weren't logged in?

A. They were.

Q. They were logged, but the other papers that may have come from brigade commanders and things like this?

A. Something coming from a brigade commander?

Q. Yes.

A. Very possibly the brigade commander would carry it in to the chief of staff himself.

Q. Well, if he did then and the chief of staff was through with it, would it not come back to you?

A. Right, or it might go to the appropriate staff section that would be involved, sir.

Q. Somebody, or somewhere or another there would have to be some control here. They just don't go willy-nilly?

A. You don't log all correspondence, sir.

Q. Well, what do you log?

A. Well, you log efficiency reports, awards, or something like that, investigations even. But normal everyday correspondence, you do not log all correspondence.

Q. It seems to me you would have a hell of a job, frankly, if you don't mind my saying so, trying to log in all awards.

A. Well, they were--

Q. (Interposing) You get them in there literally by the hundreds--

A. (Interposing) Well, let me explain our system. The system was--you'd have a board number. Board number 58 might have 30, 40, or 50 awards, so it was one packet. It wouldn't be 58 separate awards, sir.

Q. But you would log those?

A. Right.

Q. If the commanding general sends a directive to one of the brigade commanders, would the outgoing--would there be a copy of that entered into the log?

A. Yes, sir. What do you mean by directive, sir?

Q. I mean a letter--

A. (Interposing) Letter, right. Or the general would also have a file copy of it, sir, in his files.

Q. Who keeps his files?

A. His steno.

Q. Well, now, tell me who the division commander's steno is? What was his name when you were there?

A. When I was there, sir?

Q. Yes?

A. A SP5 VAN ABLE. He was replaced by another SP4 DIETER, I believe his name was. He was there when I left, sir.

Q. Who preceded VAN ABLE?

A. I have no knowledge, sir. He had been there about 4 or 5 months when I arrived, sir.

Q. Was he a steno or was he just a clerk?

A. Well, he was a court reporter by trade, but he could take shorthand.

Q. He was able to handle shorthand?

A. Yes, sir.

Q. Now, where did he keep the general's files?

A. In the filing cabinet outside the general's office, sir.

Q. There was a safe outside of the general's office?

A. Filing cabinet, sir.

Q. Well now--

A. (Interposing) Are we talking about classified or unclassified?

Q. His personal papers. I'm not talking about his letters to his wife and things like that, you see?

A. I realize that, sir.

Q. I'm talking about letters to brigade commanders, receipts and correspondence with the Commanding General, 2d ARVN Division, and any letters he might write to General CUSHMAN or letters he might get from General ABRAMS and things of this category?

A. Well, you're talking about a letter that went to the 2d ARVN Division commander. The principal staff section that prepared the letter would keep the file or the file copy of it, sir.

Q. A letter that he got from the 2d ARVN commander?

A. Not that he got from his.

Q. Yes?

A. One that he prepared to--

Q. (Interposing) Well, if he signed it, didn't he keep a copy of it?

A. He would have a copy, but it wouldn't be the file copy of all the back copies which--

Q. (Interposing) I'm talking about all the action that goes through him as the commanding general. There must be a file that says what the commanding general does. I know what my files look like.

A. You're talking about logs for each day?

Q. Yes.

A. Well, the steno kept that, sir.

Q. You know that he kept it?

A. To my knowledge he kept a log of what the general did daily.

Q. And would copies of the correspondence be in there?

A. It should be, sir.

Q. You were not there when you had a change of general officers at any time in the command, were you?

A. Right, sir.

Q. What do you mean, right?

A. I was there, sir, when we had a change of command of general officers.

Q. From whom to whom?

A. General GETTYS to General RAMSEY, sir.

Q. And that took place when?

A. The 1st of June 1969, sir.

Q. Yes, at that time what happened to the files of the outgoing commanding general?

A. His personal files he took them with him, sir, to my knowledge. You're talking about official or personal?

Q. I'm not talking about his letters to his wife, his personal papers. I'm talking about correspondence. He had all kinds of correspondence which he normally will have, where he'll be writing to a province chief, or he'll be writing to General CUSHMAN, or he'll be getting letters from him, or he'll be making statements and so forth before commanders meetings, and all of this sort of thing?

A. Well, the file copies of all the commanders meetings would be held in the chief of staff's office in the safe.

Q. Well, I'm talking about what he might have in the safe, not at his own commanders meetings, but what he might have to say, for example, down at MACV to a briefing he may have had to put on down there?

A. Well, those were maintained in the chief of staff's files, say he went to a III MAF commanders conference.

Q. Yes?

A. Then copies of his notes of the commanders conference at III MAF were retained in the chief of staff's files.

Q. Did you ever have an opportunity when you were there as the assistant chief of staff to look over the files that were maintained by those secretaries?

A. Yes, sir.

Q. What kind of shape were they in?

A. When I first got there?

Q. Yes?

A. Pretty poor shape, sir.

Q. Would you explain that to me so I will know for sure what you mean?

A. Well, basically, the files weren't set up to where you could find anything in the file. It was just a mishmash of paper.

Q. This was in what month, September?

A. Right, sir, near or the latter part of September, sir, 1968.

Q. What happened to those files?

A. We straightened them out the best we could.

Q. Did you straighten them out or did--

A. (Interposing) The sergeant did.

Q. The sergeant who was the personal stenographer of the commanding general?

A. Right.

Q. What happened to any extraneous material he may have had?

A. As far as I know, he checked with anyone before he did away with any of it, but I don't think any of it was thrown away, sir. To my knowledge, it wasn't.

Q. Aside from that filing cabinet, did he keep his official papers in that cabinet outside of his door?

A. Not anything that was classified, sir.

Q. Well, suppose it was classified. What would he do with the paper?

A. It went to the chief of staff's safe, sir.

Q. Who kept the chief of staff's safe?

A. Sergeant LOFTIS. It was in my office, but Sergeant LOFTIS was signed for all classified, or Sergeant DROSDICK, was signed for all classified documents, sir.

Q. Who's DROSDICK?

A. He replaced Sergeant LOFTIS.

Q. And this is the one that SAIMONS preceded him?

A. Right, sir.

MR MACCRATE: At the time of the change of command from General GETTYS to General RAMSEY, what happened at that point to the file maintained by the commanding general's steno that you referred to as a log of the general, those things that just gave the daily work product of the general?

A. To my knowledge they stayed there, sir.

Q. So that those things that recorded what General GETTYS had done would remain with the steno who picked up for General RAMSEY?

A. Right, yes, sir.

Q. There was no attempt to collect the papers of the general officer and put them aside and say, "These are the papers for the period of General GETTYS' command"?

A. No, sir, not to my knowledge. You're talking about just during the period of command. These were semi-official, not personal?

Q. Not the personal, you keep getting over to the personal type, but I'm talking about the kind of things that General PEERS was speaking about, communications with, for example, General LAM or one of the province officers, district officers?

A. No, to my knowledge they were left in the safe of the filing cabinet for General RAMSEY, sir. The same steno who was there for General GETTYS remained, sir.

Q. You remember the system of filing that was followed?

A. Just the normal filing by subject content, basically.

Q. And all correspondence of the Commanding General, 2d ARVN Division, would be together?

A. Right, sir.

Q. And just by recipient to be filed.

IO: You sure you didn't file chronologically?

A. We maintained a log, sir, daily log of what the CG--

Q. (Interposing) I know what a log is.

A. Right, sir.

Q. But if you maintained it chronologically--

A. (Interposing) By month.

Q. And then just go down one, two, three, and so fourth, and then you have got a log right with it. Didn't they maintain it in that fashion?

A. Not to my knowledge, sir.

MR MACCRATE: My secretary maintains a complete file of every letter I write in chronological order.

A. By what?

Q. Just--

A. (Interposing) Daily, I mean by what?

Q. She does it daily. It's been going on for many, many years, and I thought this was quite common. Didn't the general with your experience have a file that just was a collection day by day of all his correspondence?

A. No, sir. Not a daily separate file, no, sir.

Q. Well, you could put tomorrow's on top of todays, but by the time you were through, you would have a collection in chronological order of all of his outgoing correspondence in a particular month?

A. It was in the folder. It wasn't bound together, and you didn't have a log of each by day and what the subject content was.

Q. But a carbon copy would be there for each thing you had written. That kind of material is what I'm speaking about. Would that be left in the possession of the steno at the time of the change of command?

A. Yes, sir. This stuff, to my knowledge, was not bound. It would just have been in a folder.

IO: What would be logged in by Sergeant LOFTIS? You have indicated efficiency reports and this, that, and the other. But did he log in anything other than that unless it was classified?

A. No, sir. All the classified, he would log that in.

Q. What did he log in that was classified? What did it have to do before he would log it?

A. Well, weekly summaries which were classified--oh, you're talking about what he would log other than classified, other than awards, and other than--

Q. (Interposing) Did he log, for example, confidential?

A. No, sir.

Q. Even if it was a report of investigation, he wouldn't log that?

A. A report of investigation, if it was a copy for the division, would be retained at the headquarters. We're talking about the things that would come in and go out of the headquarters.

Q. Maybe. I can't get it in or I can't get it out to be very honest with you. That's what I'm trying to find. I find, back at the period we're talking about, an absolute dearth of anything and--

A. (Interposing) What time frame, sir?

Q. I'm talking about March, April, May, and possibly June.

MR MACCRATE: Did you ever have occasion to look for papers shortly after you arrived back in that time frame?

A. No, sir.

Q. Would you have any impression that the files were in pretty bad shape?

A. Yes, sir. After I had been there about a month and got into the files.

IO: Once you got into them, did you have an inventory made to find out what you had?

A. No, sir. The sergeants went through what they had, sir.

Q. What did they do?

A. Like I say, put the files in order, sir, and inventory them the best they could.

Q. Well, supposing they had some material that they decided that they didn't need?

A. No, they'd check with me before they threw that away.

Q. What's that?

A. They would check with me prior to throwing anything away.

Q. Well, then, let me ask you, did you ever see some envelopes or an envelope that was marked, "Personal, eyes only," addressed to the commanding general, that was brought to you by LOFTIS?

A. No, sir. The only thing that we had that--

Q. (Interposing) Or SAIMONS?

A. No, sir. The only thing that we had in the safe that was personal, eyes only, was an IG investigation on an incident of racial tension, the only thing in the safe when I got there, sir, of that nature.

Q. Well, I get the idea that somebody cleaned these files out, and I want to try to figure out who did it and why, because we know these papers were delivered. We know that, but we can find no reference to them.

A. You're talking about March, April, May, and June. That was the only thing that had eyes only in the file when I got there.

MR MACCRATE: Did you actually look in this folder?

A. I asked someone what it was, and they told me to go ahead and look at it, and that's what it was, sir. It was a small investigation, something that the IG had investigated, sir.

Q. Do you recall the title of the file in which this was found?

A. This was an envelope just laying in the safe, sir. The reason that it was brought to my attention--if it had been down in the files itself I would more than likely unless I was specifically looking for something, I would never have found it.

Q. Was it in a section of the files that was in any way labeled to identify it?

A. No, sir. The best I can recall it was just laying in one of the drawers in the safe, sir. Well, I got there the last week of August. It was mid-September 1968 before I went to division headquarters.

Q. When you arrived, was there a small field safe in the office of the commanding general?

A. Not to my knowledge, sir. When I got there, the best I recall it, nothing was in there. Later on when they put the secure phone in, there was a safe that the phone sat on which contains all of your cards for your scrambler, the secure phone which was in the CG's office there.

Q. Had you ever heard that in the location of that secure phone there had previously been a field safe?

A. No, sir.

Q. Does that safe on which the secure phone rest have the cards for the secure--

A. (Interposing) It looks--

Q. (Interposing) Does it look like a field safe?

A. It looks identical to a field safe, sir. It's about 30 inches or 36 inches tall, probably about 30 inches tall. It looks like a safe to be what it is. The man who ran the secure phone had to have the combination to get into it and change the card, sir. It was a safe, but it was strictly--

IO: (Interposing) Well, that's part of the telephone security--

A. (Interposing) Right, sir.

Q. We're not talking about a field safe--

A. (Interposing) No, sir, that's--

Q. (Interposing) We know what a field safe looks like--

A. (Interposing) Yes, sir. This is the only thing that was in the office, sir.

MR MACCRATE: Had you ever heard about the field safe that had been in the office and recently removed prior to the time of your arrival?

A. No, sir.

Q. Who handled the inventory that was made in January 1969 or thereabouts? Do you remember an inventory being taken at that time of documents in the headquarters?

A. It would have been basically between Sergeant LOFTIS and Sergeant DROSDICK, I believe, sir, at that period of time.

IO: What I can't understand is the fact that we have NCO's totally in charge of all these papers up there and no officers really responsible?

A. Sir, our classified documents, NCO's were signed for them, sir. However, all the correspondence that came in either went into one of the ADC's or chief of staff or the CG. Then when they came back out, they went to one of the primary staff sections for actions, sir.

Q. What about the routing slip and so forth on them?

A. They came through me, sir.

Q. Did they have any--

A. (Interposing) I put the slip--pardon, sir?

Q. Did they have any internal routing slips for the command section?

A. Yes, sir.

Q. What happened to those? Once the document went out, what would happen to it?

A. It should have stayed on the document and went back as far as the file copy when it went back to the primary staff, sir.

Q. Well, suppose it didn't go to the primary staff. Suppose it went out of the headquarters.

A. Still, if it was prepared in the CG's office, he kept a file copy of it, sir. If it was prepared by a staff section, they retained the file copy of it.

Q. (Interposing) Even if the CG's office would also retain a copy of it?

A. Yes, sir.

Q. I don't understand why, because I would like to know who could tell what the commanding general ever did, if you'd have to look over the whole headquarters to find out who was doing what. He could have a letter prepared for him by the aviation battalion. If you have to go along and look through the headquarters to find out what a commanding general did, this seems like a wasted exercise. Just because somebody else prepared the correspondence is no reason why they shouldn't jerk off a second copy there in the general's office or in your office, one of the two?

A. Well, everything that was prepared by the chief I had a copy of, and it's very possible that the steno had a copy of everything that the general signed, but I kind of doubt it. The records that were sent out, if the general signed them, he would have them, sir. And letters that the steno typed, he would have a copy of. But a normal report that was sent forward to, say, III Corps, and the G3 prepared it, and the general signed it, the G3 would have the file copy of the master of it.

Q. The G3 would undoubtedly have a copy, but that part which the commanding general transmitted forward, his secretary would undoubtedly keep a copy of that.

A. It's very possible. I can't say that he definitely didn't keep all of them, but I know that things the general personally signed he had copies of or he prepared in his office.

Q. Suppose one of these noncoms had turned up with some missing documents, who would have been responsible?

A. I was. We're talking about secret documents?

Q. Classified documents or any that were logged in, let's say. If they were important enough to log in, they're important enough to keep track of?

A. Well, we would know where they were, because either myself or Sergeant LOFTIS or Sergeant DROSDICK moved all correspondence within the headquarters.

Q. Where is the permanent record of it?

A. The originating office would have a permanent record of it until it had been approved.

Q. You see, you always keep going back to the other offices. I don't care about those other offices, but I want you to understand what I'm interested in is when a paper arrived at your office, and your office is the one that is responsible for handling that. That's the point of interest that I'm interested in.

A. My office was responsible for handling it?

Q. Yes.

A. For all actions, sir?

Q. For processing it in the command section.

A. We would have a copy of it, sir.

Q. All right. That's what we're getting at. Now, if in the process of one of these inventories something turns up missing, who's responsible?

A. I would be responsible, because the NCO worked for me.

Q. But you know that an inventory took place, but you're not too familiar with it, huh?

A. An inventory took place when Sergeant LOFTIS and Sergeant DROSDICK changed places there.

Q. Yes, did you look at the papers at that time?

A. Right, they were in the safe, sir. I didn't go through all the documents, no, sir.

Q. You let them just go--how many papers did you keep in that safe?

A. Probably two and a half drawers or two drawers.

Q. Now, what other officers worked in that office with you?

A. The command section: myself, chief of staff, two ADC's, and the general, and the three aides. The office I worked in myself, I was the only officer, sir.

Q. Well, we know that from time to time there was some other officers sitting in there, maybe before you arrived. For example, General GETTYS aide worked in there for a little while.

A. Prior to my arrival, I don't know, sir.

Q. Now, who were the enlisted personnel that worked for you? How many besides SAIMONS and LOFTIS and this other man that you mentioned? How many other people were in that office?

A. All that worked in the headquarters were--Sergeant SAIMONS and Sergeant LOFTIS or Sergeant DROSDICK worked directly for me.

Q. How many other people were around?

A. The stenos, sir.

Q. Who had the stenos?

A. Both ADC's had stenos, sir. The chief of staff had a steno and the CG had a steno. You want all the people in the headquarters?

Q. Yes.

A. That physically worked in there. The rest of them were drivers that worked in the headquarters, and they were strictly drivers.

Q. Yes. I have here an exhibit which has been entered into the record as Exhibit 0-7. I will ask you to look at this drawing and see if this was the set up of the office when you were there as the assistant chief of staff?

(The IO handed Exhibit 0-7 to the witness.)

A. Yes, sir. That's the basic set up of the office, sir.

Q. Now, look at the people that are entered in there?

A. When I was there, it was another clerk in here (indicating).

Q. Yes.

A. Out from the chief of staff's office that worked for the ADC right here, sir.

Q. Yes, out from the chief of staff?

A. Yes, sir.

Q. For this ADC?

A. Yes, sir.

Q. What about this ADC, where was his clerk located?

A. Right here, sir. This is where the admin NCO was at, and then it would be the aide that worked for this ADC.

Q. In the same office then?

A. Yes, sir.

Q. And where was the commanding general? Was he up here in the same area with the aide?

A. Yes, sir.

Q. Yes.

MR MACCRATE: I think this is a counter?

A. Right, sir, it's not physically an office, sir. Beside the counter there's an opening here.

IO: Now, what we are trying to find in this headquarters are some papers that we know were delivered there

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supposedly in an "eyes only" envelope addressed to the commanding general, classified confidential. Now, when he got through with those, where would they normally have gone?

A. Well, if he wanted to keep them they'd normally go in the safe in the chief of staff's office if he kept them.

Q. There was another safe in the chief of staff's office?

A. No, sir. It was the chief of staff's safe.

Q. That aside from your safe then?

A. No, sir, my safe. When I refer to the chief of staff's office that was the safe that was used for the chief of staff's papers, my safe. It was physically one safe, sir.

Q. So everything one way or another would go in there?

A. Yes, sir. If it was confidential, it had to be locked up.

Q. In the spring of 1969, along in about April, did you received a request addressed to the headquarters to try to find certain papers concerning a report of investigation or papers relating to an operation of Task Force Barker into the Son My Village, the area which is referred to as Pinkville?

A. I don't recall receiving a written communication. I know that the chief of staff at that time received a phone call.

Q. Well, you remember a message being sent up from USARV, requesting that a search be made, that came in a message form?

A. To the best of my knowledge, it did, sir. Also, the chief of staff received a phone call about it.

Q. And who was the chief of staff at that time?

A. Then Colonel DONALDSON, now General DONALDSON.

Q. And were you told to look for anything?

A. At that time, to the best of my knowledge, sir, we looked for one. The IG, I believe it was, looked for an investigation. I could not find anything in my safe, and to my knowledge, the IG did not find anything in his files. This was the latter part of April 1969.

Q. Did you make at that time a personal search of the files?

A. Right, sir. I went through my files, sir.

Q. You went through it paper by paper?

A. Well, I didn't inventory each sheet, but I went through the subject contents.

Q. What else do you know about this search for these papers? You say you didn't find anything?

A. No, sir.

Q. Did you look on the log?

A. In the time frame that they were talking about, there were no logs to look on.

Q. Why is this, do you wonder?

A. I don't know, sir.

Q. How far back did the logs go?

A. When you're referring to logs, do you mean filing by year or physical log of each sheet?

Q. Physical log, where it says what the document is, and if you want to go right straight down, you indicate when it entered the headquarters, the date and the title of the document and the classification and any number and so forth that it may have had on it?

A. I think it would have been back in the latter part of September, sir.

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Q. What's that?

A. I believe it would have been the latter part of September 1968, the file or the log that we had, to the best of my knowledge, sir.

Q. Well, did you look for the other log?

A. When I came, sir?

Q. No. I mean at that time, did you try to find the logs and to see if there were any--

A. (Interposing) There were no logs when I arrived in the office other than--well, there was a log of classified documents only, sir.

Q. Back to when?

A. The exact date I couldn't tell you, sir. I'd say the early part of 1968. I'm not sure.

Q. Well, did you look in that log to see if there were any papers in there for March or April, along in about that time period of 1968, to see if it pertained to this subject matter?

A. No, sir. I went through what I had looking for it, but I didn't go back into those logs.

Q. Logically, that would be the normal place to look, wouldn't it? If you really wanted to pick up something in a hurry, you would just flip that log open and just take a quick check through it, and you'd have a pretty good idea what was in it.

A. You'd have to know the log to appreciate why I didn't look into it.

Q. Well, now, this is what you mean so poorly maintained?

A. Right, sir. I'd look through the files themselves.

IO: You have any more on this point, Mr. MACCRATE?

MR MACCRATE: With respect to the log of classified documents, did this include just top secret and secret, or did it also include confidential documents?

A. Just secret and some confidential, sir, not all of them.

Q. And it was this incompleteness that discouraged you from looking at it?

A. Right.

Q. You indicated that in addition to the inquiry that was being made by the IG that Colonel DONALDSON received a telephone call?

A. Right, sir.

Q. From whom did that call come?

A. I believe it was Colonel HENDERSON, sir.

Q. And what was the subject of the telephone call?

A. Reference looking for an investigation. I believe they call it Pinkville.

Q. Did he indicate where that could be found?

A. Well, to the best of my knowledge he said that it should be a copy in the 11th Brigade, sir. I wasn't privy to the telephone conversation. I know after the conversation I was told to look and see if I could find a copy of it, though.

Q. Had you already been looking for a copy before the telephone conversation?

A. Yes, sir.

Q. You don't recall that--

A. (Interposing) Well, we received a TWX from USARV, but I can't recall or correlate the two times. I know I looked for it one time, but I can't correlate the same time the message arrived and the phone call. I know they were both the latter part of April.

Q. But when you received the communication from Colonel HENDERSON and then Colonel DONALDSON received a telephone call, did he ask you to do something at that time?

A. No, sir. I believe he called 11th Brigade on it, sir.

Q. Did you have any communication with the 11th Brigade at that time?

A. No, not reference that.

Q. Did you do anything by way of followup thereafter?

A. No, he personally called someone at brigade. I'm not sure who he called at brigade. He was handling it himself.

Q. And you have no further knowledge or acquaintance with that aspect?

A. To the best of my knowledge, the report was delivered to him, and from there on I don't know what happened.

IO: Did you ever see it?

A. No, sir.

Q. Do you know how thick it is? This thick (indicating approximately 3 inches)? Or did anybody ever describe it to you?

A. It wasn't a thick document, probably like that, but I'm not positive how thick it was.

MR MACCRATE: How did it come from Duc Pho to Chu Lai?

A. I'm sure it would have been hand-carried, but I'm not sure who even took it in to Colonel DONALDSON, sir. I know it did not come through me.

Q. Well, after it was received when you were picking up papers at the end of the day, did you pick up anything relating to that?

A. No, sir.

Q. This was handled on a close-hold basis by the chief of staff?

A. Right, sir. He received it.

IO: How did he received it without it going through you?

A. Whoever had it must have hand-carried in to him, sir.

Q. What about the courier? Suppose the courier brought it up?

A. The courier would have come through us, sir. Anything the courier brought would have come through us. A lot of times the chief of staff would direct the brigade commander or someone to investigate something, and they'd bring it directly to him. I wouldn't see it until after, if I got to see it.

Q. We're not positive how it came up. We've had some indications that it was sent up by courier.

A. In April? Well, we're talking about May 1969.

MR MACCRATE: It would probably be the end of May.

A. Not to my knowledge, sir. If it would have been courier it would have come through us.

IO: Suppose it came through the courier, but it was marked, "Attention: Chief of Staff"?

A. If it was marked "Attention: Chief of Staff" and "personal"?

Q. I don't--

A. (Interposing) Well, if it was "Chief of Staff," "Personal," I would just send it on in to him. I wouldn't open it.

MR MACCRATE: But then what did he do with it at the end of the day? He didn't have any safe. The only place where he could store anything, as I understand it, was in your office.

A. Well, his in box was locked up at night, sir.

Q. And you locked up the in box?

A. Right, sir.

Q. Well, did you include that in what you locked up any time?

A. The specific report, I couldn't say that, sir. It could possibly have been in his in box, but I didn't go through his in box every night. It's possible that it could have been locked up, but if it had been locked up and he retained it, it would have been in the files.

Q. If he prepared a memorandum and transmitted what ever he obtained, would that memorandum have come to you?

A Yes, sir, if it was prepared on a memorandum.

Q. And if he sent it over, for example, to the IG for transmission, what kind of logging out from your office would it have received?

A. If he personally called the IG over to come pick it up and he personally handled it, I would never have seen it, sir.

Q. There would be no record of that in the chief of staff's office?

A. No, sir. But if the IG sent it out, he would have a copy, sir. You are talking about something that was handled personally, right?

Q. We don't know. We see no reason why it should be handled personally. There is no reason in the world why this should have received such personal handling that you would be unaware of it.

A. No, I was aware that that report--we received a call, and I was aware the 11th Brigade was queried to find it. So we did not have a copy of it in division headquarters. To my knowledge, a copy of it came in.

Q. And wasn't this source of considerable concern at this time, that you didn't have a copy at the division

headquarters of a report received by the division commander?

A. Right, sir.

Q. And I would assume that there had been considerable discussion about the absence of such a report?

A. Well, there was a discussion of the absence of the report on Pinkville, yes, sir.

Q. And then when a copy was located that must have come as a matter of some interest to everyone. Here you were looking for something and couldn't find it. A telephone call comes in and says, "Look down at brigade," and there it is found, and a copy is brought up. When it was brought up, you were just not informed of it at all?

A. Not to my knowledge. A copy of it was brought up, sir.

Q. Well, how do you have knowledge of that?

A. Well, like you say, the interest that was mounted looking for one. If it had not been found, I'm sure someone else was--to my knowledge a copy was brought in.

Q. Well, all right, if you had that knowledge--

A. (Interposing) There was a copy brought to division headquarters, to my knowledge, yes, sir.

Q. (Interposing) How do you know a copy was brought in to divison headquarters?

A. I didn't physically have it.

Q. But someone must to have told you this. What I'm interested in finding out is what you were told and by whom?

A. It's trying to go through my mind. To the best of my knowledge it was sent up directly to the chief of staff from the 11th Brigade and the chief of staff had it, but I do not know what he did with it.

Q. He told you he had it?

A. We're talking about in May 1969. There was some type of investigation--now I don't know how much, or how large, or what it looked like--that came up from the 11th Brigade, reference Pinkville.

Q. Well, did Colonel DONALDSON tell you that?

A. To the best of my knowledge, he told me that there was a report on Pinkville. I don't know if it was the one that they were looking for, but it was the only one we could find.

Q. I can't understand why you can say with such assurance that you'd got a copy of the report from the 11th Brigade, and you can't say where you got that information.

A. The chief of staff received a copy from the 11th Brigade on the Pinkville incident.

Q. He told you that?

A. Or I saw it when he had it in the envelope. He didn't purposefully tell me, "This is that report, reference Pinkville."

Q. Did he indicate what he was going to do with it?

A. No, sir. All I know is he had a copy of the report. I don't know what he did with it, but I know I didn't get it, and to my knowledge, I don't think the NCO's got it or any instructions. It's very possible he could have instructed one of the NCO's to do something with it.

Q. Was any copy of it retained at your headquarters?

A. It was not retained in the chief of staff's office.

Q. Well, if it was not retained in the chief of staff's office, if it stayed in the headquarters building at all, it would have had to have been the commanding general or one of the ADC's.

A. Right, sir, if it stayed in the headquarters itself. But it could have been in the IG's files, because to the best of my knowledge--I may be wrong on this, but the query from USARV was from the IG side. I believe, sir, this is correct.

IO: You remember a Colonel WHITAKER coming up there?

A. Yes, sir.

Q. Did he come over and go over your files with you?

A. No, sir. He didn't come in and go through my files with me. No, sir. He went up and saw the IG. I know the IG spent all the time with him.

Q. How many days was he there? Do you know?

A. Three--two, or three, or four, or something like that. I'm not positive, sir.

Q. Subsequent or prior to his arrival that Colonel DONALDSON got this telephone call from Colonel HENDERSON which indicated a copy should be in the 11th Brigade?

A. I honestly can't recall, sir. I know it was in the same time frame, but I can't tell you whether it was prior or after, sir.

Q. Well, after Colonel DONALDSON finally got a copy up there in the headquarters, whether it went to the IG or not, he knew at that time what the report looked like?

A. He should have, sir.

Q. And he should have known who the report was addressed to, right?

A. Right, sir.

Q. Did somebody around the headquarters really start to look to see if they could find that document at that time, if they knew what it looked like and they knew the contents of the document, to see if they could find out where in the headquarters the file copies were located, or where the records were that logged these things in?

A. To my knowledge, they would look in the 3 shop, and the IG went through their files.

Q. Well, now, I'm talking about after they got the report out. I'm not talking about the look-see or the search

in response to USARV, but I'm talking about when this report came up. You said Colonel DONALDSON showed you an envelope or something. Now, after that time were you, for example, directed to look through your files to see if you had a copy of this particular report in your files?

A. No, because I had already went through them prior, sir.

Q. But you didn't really know what you were looking for up to that time?

A. Well, it was in reference to an investigation of Pinkville.

Q. Well, I would challenge anybody to associate Pinkville with the piece of paper I am going to show you in a minute?

A. That was it. I looked one time. I didn't look again, sir.

COL ARMSTRONG: Did the chief of staff show you or have this piece of paper in his hand? Did you by any chance say, "Give that to me, sir, so I can make a copy for our files"?

A. No, sir. It was an envelope. To the best of my knowledge, it was still in an envelope, sir.

Q. Well, if everybody had gone into a tizzy trying to find a copy of it before, and it was addressed to your headquarters, and you should have had a copy of it, I should think one of the first things your administrative people would want to do is make a copy for their files?

A. Right.

Q. This apparently didn't occur to anyone?

A. Well, I would have told them to make a copy of it, sir.

Q. You certainly didn't wrestle with the chief of staff and take it away from him so you could.

IO: I have here a paper entitled, "Report of Investigation," dated 24 April 1968, which has been entered into the

record as Exhibit R-1. I will show you that paper and ask, in looking through your files or in the headquarters while you were there, if you saw that piece of paper or any of the attachments? First, whether you saw that paper without the true copy, in its original form, before a true copy was made by Major COX?

(IO hands Exhibit R-1 to the witness.)

A. Not to my knowledge, sir.

Q. Look on then to the first inclosure which is a statement, dated 14 April. Have you seen that particular piece of paper, the one you just looked at?

A. Not to my knowledge, sir. I've seen this one, though, propaganda sheets G2 had.

Q. Well, I'd like for you to read on before you--

A. (Interposing) Oh, okay, wait a minute, okay.

Q. Have you seen this particular piece of paper?

A. I've seen something basically like this propaganda sheet. I wouldn't say it was this same sheet of paper.

Q. Did you have it in the headquarters?

A. No, where I saw it, it was a report to the G2 sent over on propaganda leaflets that they had found or had a file of. It had some of this same stuff in it. Now, I'm not positive this is the same sheet of paper, no, sir, but it had about the looting of people in Saigon, Binh Tay, and et cetera.

Q. Well, had you read it? In this specific instance the piece of paper that you saw, did it also focus on Son Tinh District?

A. It's possible. I can't be specific, sir.

Q. Well, we know, for example, that this particular piece of paper came into the headquarters by itself. It did not come in as part of this report at a later date, but initially it came in by itself in this form. I don't know whether this is the same one. That is why I'm asking whether you read it, to know whether or not this is the same one or not.

A. I couldn't specifically say it's the same one form the one that I saw. It had about the American devils or something to that effect with a propaganda sheet that the G2 submitted one time. He had a report of different propaganda that was used in the area, sir, but I couldn't say it would be this specific copy, sir.

Q. The G2 had it. Would he be the logical one to pick up VC propaganda?

A. Yes, sir. That's who had the report.

Q. What time was this that they sent it in?

A. I'm not sure, sir. It would be April or May 1969, somewhere in that time frame. But this wasn't one sheet of paper. It would have been within a report of different material, sir.

Q. Would that have been logged in?

A. This?

Q. No, the report from the G2?

A. No, sir. If it was confidential, it would have. I can't recall whether the report was confidential or not. It was just an information copy for the chief of staff. It wouldn't have been logged in.

Q. May or June?

A. Yes, sir.

Q. Well, although it's looked upon as VC propaganda--and in effect it is propaganda--it's not a leaflet. It is a broadcast intercept in Vietnamese which was subsequently translated and typed out in English. This is basically the form that was delivered to the headquarters down there. Of course, you recognize that the reports are on standard page instead of the legal-size pages?

A. Right, sir. This is all that I recall, sir.

Q. But this first page rings, huh?

A. Yes, sir.

Q. At the same time this particular item came into the headquarters, we have another document that came into the headquarters. The Vietnamese is on the last page; this action is the next to the last page. I would ask you to take a look at these two documents (pages) and see if you have seen either of them? This is entered into the record as Exhibit M-36, which is an attachment to it.

(Witness handed Exhibit M-36.)

A. This one doesn't ring a bell.

Q. You don't remember ever have seen them?

A. No, sir.

Q. In the files, Major HALLMAN, did you ever see a letter addressed to the Commanding Officer, 11th Brigade, signed by the commanding general, which tells him about the allegations from the district chief, that some people had been killed, and directing that he look into it, to investigate it?

A. No, sir.

Q. This would have been about the time period of, perhaps, a little bit after the middle of April?

A. No, sir.

Q. 1968? When you were in the headquarters, did you ever hear any discussion concerning either statements, or overhear a conversation, or rumors to the effect that something unusual had taken place at My Lai or Son My or in this area, Pinkville, along about the middle of April 1968?

A. No, sir.

Q. When you were the assistant chief of staff, did the Americal Division ever undergo an IG inspection?

A. No, sir. They had one, but it was before my time period, sir. They had an IG investigation a week after I left, sir.

Q. IG inspection?

A. Right, inspection, sir. They had had one prior to my arrival.

Q. Do you recall about what time it would have been?

A. It would have been in July 1969, sir. They had one in 1968. I don't recall what month it was, sir.

Q. Well, that's the one I'm interested in.

A. 1968?

Q. Yes?

A. No, sir.

Q. Well, when you came in, I understand that. But there are also these followup reports which you have to make out. You give time to take corrective action and so on, so you remember those coming back through from USARV, and from the IG coming to the commanding general and going down to USARV and saying, "These specific points, these are the corrective actions which have been taken." They normally give you about a 3 months time span to do it in. You came in in September, so if one had taken place in June or July you would have been still--

A. (Interposing) It's possible. I don't recall seeing it. The only thing I saw was the file copy, you know, as you always keep the previous one to bring up for the upcoming IG.

Q. When you were in the division, did you ever get any rumors, comments, or discussions concerning a report which a helicopter pilot had filed via his command channels to the effect that some women and children were unnecessarily killed down in this Son Tinh area by Task Force Barker?

A. No, sir.

Q. Did you ever hear of a confrontation between an aviation element, a helicopter unit, and one of the ground elements to the degree that one of the helicopters had its guns trained on U.S. personnel?

A. No, sir.

Q. Now, you were in the headquarters when Captain MEDINA was there, weren't you?

A. Right, sir. He worked in G3.

Q. Did you ever hear any discussion concerning Captain MEDINA and how he shot a woman?

A. No, sir.

Q. You never did?

A. No, sir.

Q. He never mentioned it to you?

A. No, sir. The only time I ever saw Captain MEDINA was sometimes he briefed the CG in the mornings. I believe he was on the night shift of the TOC, sir. That's the only time I ever saw the individual.

MR MACCRATE: Major HALLMAN, do you remember who was the liaison officer between the 11th Brigade and the Americal Division in the spring of 1969?

A. No, sir, I can't recall. It was a lieutenant, but I can't recall.

Q. Lieutenant BROWN?

A. It rings a bell, but I wouldn't say. Was he a Negro officer?

Q. Yes, I believe he is. Do you recall him delivering this report of investigation to Colonel DONALDSON?

A. It's very possible. I don't know, because Colonel DONALDSON was the prior 11th Brigade CO. The liaison officer would talk to him quite frequently about something, but I couldn't say that Lieutenant BROWN physically gave it to him.

Q. I'd like to show you the last page of Exhibit R-1, a copy of the letter from Colonel HENDERSON to the IG here in Washinton, D.C. You note that Colonel HENDERSON indicates that he has received from the Americal Division a copy of the report. Can you explain how that was forwarded to Colonel HENDERSON?

A. I would presume, sir, it was mailed.

Q. Well, was it processed by you?

A. No, sir. I didn't mail it. It's very possible that the envelope was handed to Sergeant DROSDICK, and he was told to mail it, but I did not mail it, sir.

Q. Well, there would be a covering letter presumably. There would be a covering letter, would there not?

A. Well, it's possible unless they handled it on an informal basis, because he received a phone call, yes, sir. It's very possible that it was on a handwritten letter. I do not recall ever seeing a letter on it, sir.

Q. You never remember seeing a covering letter forwarding that report to Colonel HENDERSON?

A. No, sir.

Q. Wouldn't it be highly unusual for the chief of staff to write a handwritten letter rather than have a steno type a letter? Wasn't that the customary way for sendinng things out of headquarters?

A. Yes, sir. I'm not saying that he didn't, sir.

Q. But the chief of staff would also turn over to you the file copy of any outgoing correspondence, wouldn't he?

A. Correspondence? His steno would file it.

Q. Right. And so far as you know, you never saw the letter forwarding a copy of the report to Colonel HENDERSON?

A. No, sir. I did not, sir.

IO: I might say it's conceivable that his personal steno would just go ahead and get it all prepared and type out the letter, put in an envelope, and have it ready to go, but he would retain a copy in his own files.

A. Personal?

Q. That's what I mean. DONALDSON should have a copy of this?

A. He would also, like General PEERS stated, have a personal file. It's very possible he had his steno or Sergeant DROSDICK mail it.

MR MACCRATE: Subsequent to the time that this report was found, you will see that prior to the 1st of June and while you remained for the next month and a half or more at the Americal Division, was the matter of this report of investigation ever referred to in your presence?

A. Basically, the only thing I ever heard them refer to was the Pinkville incident. No specifics were ever discussed on this, sir.

Q. But you did hear some discussion about the Pinkville incident after this report was found?

A. It was discussed that there--I know when the IG was up there when they were discussing investigating the Pinkville incident. That's basically all I ever heard of that, sir.

Q. My question is directed to the period following the finding of this report. You were around the headquarters, and there was the--

A. (Interposing) I can't recall any specific discussions about the incident, no, sir, not in my presence.

Q. You never saw the slightest interest on the part of anyone there to make any further search of headquarters to see if it could be found?

A. To my knowledge they had the G3 and the IG see if they could find any copies of it.

Q. But you were never asked to trouble yourself again?

A. Not after I looked once.

Q. Had you looked before you knew what was in the report?

A. Well, I didn't know what was in the report until after they found it.

Q. And no one ever gave you enough information so you could look again?

A. No, sir. There was an investigation reference atrocity incident with the Vietnamese civilian populace, and I went through my files, and I didn't find anything on it, sir. I was never told to look for it again.

Q. Did you keep a file on communications with the province chief of Quang Ngai Province?

A. I don't recall. There were maybe two or three items of correspondence, but I don't recall any volume about this period of time.

Q. You remember hearing in June 1969 from the province chief that U.S. Army representatives were coming to question him and inquiring what he ought to do about it?

A. No, sir.

Q. Nothing came into division headquarters concerning Army representatives who were going to see Colonel KHIEN?

A. I don't recall anything, sir. It's very possible it came in, but I don't recall.

MR MACCRATE: I have nothing further.

IO: Well, Major HALLMAN, we appreciate your coming in, and based upon this line of questioning which you had, you can see that we're trying not to leave any stone unturned.

A. I realize that.

Q. We want to find out specifically what transpired and where these papers went within the Americal Division. This is highly significant to us, because, among other things, we are to determine the sufficiency of any investigation, the adequacies of any reviews, and whether or not there's been any attempt to cover this up.

A. I realize that, sir.

Q. Now, as a consequence, it is of prime importance to us to know what happened to the copies of these documents that arrived at the Americal Division headquarters. If any of these answers do come to mind after you have departed or any time in the not too distance future, we'd like you to get in touch with us. In addition, if you know of any documents or

anything that would be of assistance to us, we would like very much to hear about those. I give you this opportunity to ask any questions you may like to ask or if you would like to enter a statement into the record.

A. No, other than it's very hard to recall all this over a period of a year.

Q. We understand that. We know we're going back--

A. (Interposing) If some of my answers were vague, it wasn't to try to elude you. That's the only thing I have to say, sir.

IO: I would again caution you to the fact that you're not to disclose your testimony to others, including individuals who may appear before this investigation, except perhaps before competent administrative, judicial, or legislative body. I think you know that it is possible that you may be called before one of the congressional committees, and more specifically, if you are called it will probably be before the investigating subcommittee of the House Armed Services Committee. Do you have anything further?

A. No, sir.

IO: The hearing will recess at this time.

(The hearing recessed at 1610 hours, 2 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: HANCE, Wilmer J.

DATE OF TESTIMONY: 29 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT: Aide to Brigadier General GALLOWAY from 25 March 1968 until 3 November 1968.

1. BACKGROUND INFORMATION.

The witness joined the 196th Light Infantry Brigade on 3 November 1967 and served as rifle platoon leader for three and one half months (pg. 2). He was in the hospital from 29 February until 23 March (pgs. 3, 13). The week of his discharge he was interviewed to be the aide for General, then Colonel, GALLOWAY (pg. 13). A week or two later he moved to the division headquarters area spending the first few weeks on crutches and beginning to function as the General's aide at the end of April (pg. 13). He returned to the United States on 3 November 1968 (pgs. 2, 3). As General GALLOWAY's aide he was aware of Task Force Barker and sat in on briefings which concerned its operations in the beginning of April (pg. 3). He accompanied General GALLOWAY to LZ Dottie and remembered Colonel BARKER when he was in the 11th Brigade headquarters.

2. HIS KNOWLEDGE OF THE INCIDENT AT MY LAI.

The witness first became aware of the body count in the division daily news letter and that was the only time he heard about it (pg. 4). He did not hear General GALLOWAY discuss any of the activities in that area (pg. 5). He did not recall a discussion between General GALLOWAY and Colonel LEWIS or the chief of staff concerning the unnecessary killing of noncombatants (pg. 6). He was not aware of an investigation being conducted by the division, of a complaint concerning the unnecessary killing of civilians, of a confrontation

between an aviation unit and ground elements, of reports from the village chief of Son My, or of a VC propaganda concerning the incident (pgs. 5-7).

3. OTHER INFORMATION.

a. The witness drew and explained a sketch of the Americal Division command building which was marked as Exhibit O-7 (pgs. 8, 9, 12).

b. The witness stated that he knew General KOSTER's clerk, named HERRIS, but did not recall his first name (pg. 7). He stated he may have that clerk's address and would check and send it to the committee (pg. 8).

c. The witness stated that either he or Specialist VANABLE handled the General's papers. Ordinarily he would clear the papers from the General's desk, taking any confidential material to Sergeant SAIMONS and Sergeant LOFTIS (pg. 10). This material was normally stored in Major BEASLEY's office in a safe (pg. 12).

d. The witness stated Major BEASLEY was replaced by Major POWELL who was replaced by Major HALLMAN. He did not recall the first names of either of the replacements (pg. 11).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
O-7	Sketch of the layout of the Generals' offices.	Wit drew and described the sketch.	8,9

(The hearing reconvened at 0945 hours, 29 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. Wilmer J. HANCE.

(MR HANCE was called, sworn, and testified as follows:)

RCDR: Mr. HANCE, for the record, will you please state your full name, occupation and residence?

A. Wilmer J. HANCE, computer programmer trainee of the Navy Department, 5021 Seminary Road, Alexandria, Virginia.

IO: Mr. HANCE, have you had an opportunity to read the instructions (Exhibit M-5)?

A. Yes, sir.

Q. Do you have any questions concerning them?

A. No, sir.

Q. On my left is Mr. MACCRATE. Mr. MACCRATE is an attorney from New York and he has volunteered his services to Secretary RESOR to assist us in the conduct of this investigation and also to provide legal counsel to me and other members of the inquiry team.

On my right, is Colonel ARMSTRONG, who has been designated by the Office of Chief of Staff to work with this investigation and is an assistant on this team. We have other groups comparable to this who are taking testimony from other individuals. It will be my task to assemble the report, to weigh the evidence and determine the findings and recommendations. For your information we are directing that military personnel appearing before this investigation not discuss their testimony with others. In your case, of course, since you have returned to civilian status, we cannot any longer direct or order that you not discuss your testimony, but we can request that you not discuss your testimony with others, including any others who may appear

or may have appeared before this inquiry as a witness, except of course, as you may be required or requested to do before a competent administrative, judicial or legislative body. I use those terms because there is a possibility that you may be requested to appear before one of the congressional committees. The one most likely would be the investigative subcommittee from the House Armed Services Committee. If you are so requested, your testimony and appearance here would in no way preclude your appearing before such a legislative body.

I don't think that you have been cited or cautioned by the military judge in the court-martial case of United States v. Calley, is that correct?

A. Yes, sir.

Q. The possibility to me would seem quite remote but in the event that you are so cautioned or cited, your appearance and your testimony here would in no way change either the effect or applicability of such an order. Now do you have any questions concerning the additional instructions which I have provided?

A. No, sir.

Q. Mr. HANCE, would you indicate your duty assignment within the Americal Division, indicating when you joined, any change of assignment you may have had and the approximate dates, and when you finally completed your tour with the division?

A. Yes, sir. I joined the Americal Division approximately November 3, 1967. I was assigned to the 196th Light Infantry Brigade in which I was a rifle platoon leader for approximately three and a half months. I was in the hospital for approximately one month, the hospital in the division area.

Q. For wounds?

A. Yes, sir. I became aide to Brigadier General GALLOWAY, approximately the last week of March. I was his aide for about 7 months up to November 3, 1968, at which time I returned to the United States.

Q. Until when, November?

A. November 3.

Q. The My Lai incident of 16 March 1968, as it is now commonly referred to, became a matter of public knowledge about 5 months ago, toward the end of September or early October, through radio, television, newspaper and so on. Since that time, have you had any discussion with anybody from the Americal Division or anyone who may have been associated with the incident about the incident itself, the reporting of the incident or any investigations of the incident?

A. No, sir. I haven't. Just talked this morning with some fellow officers who were there at the time but nothing was discussed on the incident, just the fact that we were all here.

Q. You had left the 196th in March. Of course you indicated you were in the hospital for a time. Was this toward the latter part of February and end of March?

A. Well, from February 29th until March 8th and from March 9th until approximately the last week in March.

Q. Yes. When were you interviewed for becoming the aide to General GALLOWAY?

A. It was somewhere around March 24th or 25th. I believe it was sometime in the last week of March.

Q. Now as the aide to General GALLOWAY or in your duty within the 196th, were you aware of Task Force Barker?

A. I was aware of Task Force Barker as General GALLOWAY's aide, not as a member of the 196th.

Q. Do you recall how you became acquainted with Task Force Barker?

A. Yes, sir. As General GALLOWAY's aide, I flew in the helicopter with him daily, and we visited the various commands. I sat in on the briefings that he attended on the operations of Task Force Barker, probably the beginning and sometime around the second week of April, approximately.

Q. Do you remember when Task Force Barker was dis-established?

A. No, sir. I don't.

Q. Well, the Task Force was disestablished on 9 April and companies which were assigned to the Task Force returned to their parent organizations. You had evidently been down with him. Had you been down to LZ Dottie with General GALLOWAY?

A. Yes, sir.

Q. Do you remember Colonel BARKER?

A. Yes, sir. I remember Colonel BARKER, but I think that at the time that I saw him, he was in the 11th Brigade headquarters. I'm not sure.

Q. Well, this is highly possible because after the Task Force was disestablished, he in turn became the executive officer of the brigade. Do you recall that?

A. Yes, sir.

Q. When you were briefed on the operation of Task Force Barker, were you briefed with General GALLOWAY? Were you briefed on the operation of the Task Force into this area which we have on this blown-up map here? Notice Quang Ngai City, down in the lower left-hand corner. To the northeast of it this general area of Son My Village and is the AO extention which they obtained from the ARVN to operate in this area, which we have outlined in orange there. Were you familiar with that?

A. No, sir. I was familiar with Task Force Barker but I can't remember any of the operations down in this area. However, I don't think I was in on this particular operation.

Q. Well, this was the biggest operation that the 11th Brigade had had up to that time. They had never had a body count that approached 100 and exceeded 100 somewhat. Maybe in reading the newspaper and so forth, you might recall the figures which came out in the division daily newsletter, which is 128 enemy KIA, two U.S. KIA, 11 U.S. WIA and 3 weapons captured. Now do those go together in any sense?

A. I believe I read the same newsletter but that is the only time I remember hearing about it.

Q. In the time that you were at Dottie, or any of these other fire bases in this area, or when you were down at Duc Pho, the headquarters of the 11th Brigade at LZ Bronco, did you hear or did General GALLOWAY discuss anything concerning activities in this area in March or anything concerning this area?

A. No, sir, not that I remember. When I visited LZ Dottie, it was at various times throughout the tour. Approximately once a week we made trips to various battalion fire bases. In regards to this particular incident, there is nothing I could remember. But I have flown over just about the entire division area with General GALLOWAY.

Q. Now at that particular time, General YOUNG was the ADC for maneuvers or operations, I think, and General GALLOWAY was responsible primarily for the support activities and logistic activities, is that correct?

A. Yes, sir.

Q. So I would assume a great portion of his time was spent at Chu Lai itself?

A. Yes, sir.

Q. Along the LOC's?

A. Yes, sir.

Q. While you were with General GALLOWAY, at any time during this period, did you ever hear of an investigation being conducted by the division?

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

Q. Did you hear anything concerning a complaint or an allegation, it could be put in either term, which had been made by one of the aviators to the effect there had been some unnecessary killing of civilians?

A. No, sir.

Q. Did you hear talking about a confrontation between an Army aviation unit and some of the ground elements?

A. No, sir.

Q. Did you go to church?

A. Yes, sir.

Q. You know the chaplain real well?

A. You mean when I was in Vietnam?

Q. In headquarters there with General GALLOWAY.

A. Sometimes I went to church, sometimes I didn't. I knew a later chaplain, I believe it was Colonel DONOVAN at this time, I don't know.

Q. The chaplain at that time was Colonel LEWIS. Do you remember Colonel LEWIS talking to General GALLOWAY or to the chief of staff or anybody else concerning possible unncessary killing of noncombatants?

A. No, sir. I don't.

Q. Did you ever hear of a report from one of the village chiefs, actually the village chief of Son My, to the district chief of Son Tinh? Son Tinh is the district which is immediately to the north of Quang Ngai City, east and west from it, located on the map approximately to the north of Quang Ngai City. Did you ever hear of such a report being filed?

A. No, sir.

Q. Was there any report from the district chief to the province chief?

A. No, sir.

Q. Did you ever hear of any VC propaganda which may have come out in broadcast form?

A. No, sir. I didn't.

Q. It could have come out in leaflet form and also there are indications there were slogans. In addition there may have been armbands or designations on the uniform, posters and all forms of propaganda which may have been focused on gaining revenge for something that may have happened in Tu Cung or in Son My or generally the area which we refer to as Pinkville?

A. No, sir, nothing that I can remember.

Q. At any time, did you ever hear of anything which may have transpired which you might say was a comment, statement, or rumor, or anything like that which would cause you to suspect that something unusual had happened?

A. No, sir.

Q. How close did you work with Major BEASLEY and in the chief of staff's office?

A. Well, sir, I was, when General GALLOWAY wasn't around, more or less under the control of Major BEASLEY who had control of all the headquarters office personnel. If ever he had any request for work to be done, I'd be one of the ones to do it. All of my personnel, all of General GALLOWAY's personnel, such as the driver and his secretary/stenographer, usually remained under the control of Major BEASLEY. Other than that, the administrative work would be nothing other than to see him during the day.

Q. You are talking about the secretary of General GALLOWAY. Did he have a stenographer that could take shorthand and so on?

A. Sir, I can't remember if he could take shorthand. If there was any dictation, he might work on it.

Q. He could take dictation though?

A. Yes, sir. Type it.

Q. Are you familiar with General KOSTER's clerk?

A. Yes, sir. I can't remember his name but I was familiar with all the personnel that worked in headquarters office at the time that I arrived.

Q. Would the name HERRIS come to mind?

A. Yes, sir.

Q. Do you remember his first name by chance?

A. No, sir. I don't, but I talked with him several times.

MR MACCRATE: Do you happen to have a list of the personnel in the office at that time?

A. I could remember them.

Q. Well, we are interested particularly in Mr. HERRIS' first name.

A. Oh, I'm sorry, I wouldn't know. I did have his address once upon a time in California. I might have his first name. I don't know if I still have his address or not.

Q. Would you check that when you get home?

A. Yes, sir.

IO: Well, if you do have his address, I wish you'd get his full name and so on. We'll ask Major LYNN to make sure he knows how to get in touch with you so you can provide him that information. Do you recall whether HERRIS was able to take dictation or not?

A. No, sir. I don't.

Q. Well, first, would you mind just sitting there and making a diagram for me about how the offices were organized and who was in what office and so forth; where the two ADC's were, when the commanding general was in the command building, where the chief of staff was and where Major BEASLEY's office was located, and also where the aides were located?

(The witness made a sketch which was later redrawn and received in evidence as Exhibit O-7.)

A. The front of the headquarters was right here and here, approximately right here, coming into the door, General GALLOWAY's office, something in this manner. General YOUNG's office was right next to General GALLOWAY's office. I was located in this general area right here.

Q. In that doorway.

A. Well, it was divided off at that time just a little bit. Major BEASLEY's office was over here. Colonel PARSON, who was chief of staff at that time, was in here. The stenographer or secretary typist for General YOUNG and Colonel PARSON were located in here, I believe, in this location.

Lieutenant WHITE, who was General YOUNG's aide was located in this location right here.

Q. Now where is the main street that turns in front of the building?

A. Right here, sir.

MR MACCRATE: Was there a side entrance over here?

A. Yes, sir, right here. There was a street going up this way.

Q. And the court house is right here?

A. Yes, sir. The sergeant major's house is right in here too.

IO: This can't be the front street if that's the gate, because the front street would be here, the big paved road and this would be that big parking area.

A. Well, it depends on what you mean by the main street, sir. The parking lot was right here and the street comes around this way.

MR MACCRATE: Where is the men's room in your diagram here?

A. My desk was right in here and the men's room was just around the corner, right in here.

Q. I know where you sat.

IO: When you came in this door, was there something blocking this off. Is this Major BEASLEY's office?

A. Yes, sir.

Q. Colonel PARSON, General KOSTER, General GALLOWAY, General YOUNG and then the aide was sort of in the middle like this and the clerical personnel?

A. Yes, sir.

Q. Okay. Now for General GALLOWAY, how were his papers handled? Who took care of the papers that were going in and out of his office?

A. It was either handled by me or Specialist VANABLE.

Q. Well, would you clear his desk in the evenings and lock up his papers?

A. Ordinarily, the papers that I handled were in his in box or out box. If there was any confidential material, that would be returned to the sergeant who handled the confidential material.

Q. What was his name?

A. Sir, in the beginning I can't remember, at the end it was Sergeant SAIMONS, he was an E-6.

Q. How do you spell his name?

A. S-A-I-M-O-N-S.

Q. He's an E-6?

A. Yes, sir.

Q. Staff sergeant.

A. And Sergeant LOFTIS, who also handled General GALLOWAY's typing. At various times, I believe they changed Specialist VANABLE towards the end of time, back to one of the other officers. Sergeant LOFTIS took over his place, this was sometime in 1968. I don't remember when.

Q. As the stenographer for General GALLOWAY?

A. I can't remember if he took shorthand. But any typing that was to be done or memos to be sent out to commanders, was either handled by Sergeant LOFTIS, or Specialist VANABLE. If there was a lot of work, at times Specialist HILL who was General YOUNG's and Colonel PARSON's typist or clerk.

Q. But as far as you know, the first one you can recall, his name is SAIMONS, E-6 SAIMONS who handled classified material?

A. I believe just before him, Sergeant LOFTIS handled it, and Sergeant LOFTIS was changed to a different function. Sergeant LOFTIS probably didn't get there until the summer, around June or July and before that, I can't remember who was in charge.

Q. Who did he work for directly, for Major BEASLEY?

A. Yes, sir. Well, at that time it could have been Major CAMPBELL, I'm sorry, Major POWELL who I believe replaced Major BEASLEY.

Q. When would that have been, do you know?

A. Sir, it was in December.

Q. It was at the end of the summer?

A. I presume, sir.

Q. CAPMBELL--do you remember his first name?

A. No, sir. I don't. Major POWELL replaced Major BEASLEY and Major CAMPBELL replaced Major POWELL.

Q. Do you remember the first names of either POWELL or CAMPBELL?

A. No, sir. I don't.

Q. Do you know where CAMPBELL had come from?

A. I believe he was in the Engineer Corps, but I can't remember. As a matter of fact, I happened to see him down stairs this morning.

Q. Major CAMPBELL?

A. Yes, sir. If I have his name right. So, no, I'm sorry. It is Major HALLMAN, H-A-L-L-M-A-N.

Q. So it was BEASLEY, POWELL, and HALLMAN, as far as you can recall but Major BEASLEY stayed there sometime in December?

A. Sir, I don't know when he left. He was there when I first got there.

Q. Now assuming you had some classified material in the evening when General GALLOWAY had departed and so on, how was that handled? Did you pick it up and carry it in or did somebody from the security section, which I assume this NCO was in charge of registration and logging of documents and security and so on?

A. I would pick it up and take it to him or Major BEASLEY or to Major BEASLEY's office and let Major BEASLEY know I was returning it, lots of time.

Q. Where was this material stored?

A. In Major BEASLEY's office.

Q. How many safes did they have in there, do you recall?

A. Sir, I know there was at least one. I don't recall if there was another or not.

Q. Did they keep the officer's material separate, one drawer for one officer and so on?

A. I don't believe so.

MR MACCRATE: Where in your digram, which I have resketched there, was Captain DICKENS? Maybe he was a lieutenant at that time.

A. Yes, sir. When I first got there Lieutenant DICKENS had been at that time, Colonel GALLOWAY's aide. Then Lieutenant DICKENS moved into Major BEASLEY's office which would be in here, and he was the junior aide to General KOSTER, waiting until Captain ROBERTS returned to the States. Then Lieutenant DICKENS replaced him as General KOSTER's aide.

Q. Where did General YOUNG's aide situate himself?

A. The latrine was more or less right here, being able to see General YOUNG's office which was right here. The latrine was right here, right in here was the stenographer. I believe Specialist HILL at that time and Lieutenant WHITE's desk was probably right here with the doorway to the chief of staff back this way.

IO: Well, we are very appreciative of you coming in Mr. HANCE. You should know that we are trying to put all these pieces together, so we know specifically what is happening in all of these places. This diagram (later Exhibit O-7) will be helpful to us to know where you sat with relation to where you worked, with relation to the general officers and the chief of staff and the assistant chief of staff.

Now based upon our line of questioning, you may have other things that could conceivably come to mind. If you do, we would appreciate it if you would get in touch with this office so we can take advantage of such. We are interested primarily in any information of the incident. We are interested in the reporting of the incident and any investigations relative to it. Additionally if you can think of any documents you have, may have, such as memoranda, directives, maps, photographs and so on which more or less focus on this, we would appreciate knowing about them too.

At this time we'll give you an opportunity to ask any questions which you may like to ask or if you would like to enter a statement into the record.

A. Sir, I'll just enter a statement into the record. I'm not sure on the dates I have given. I remember I got out of the hospital, the brigade support hospital for the 196th on approximately March 23rd. It was probably that week that I interviewed with General GALLOWAY. However, it was probably not until a week or two later that I moved to the division headquarters area and I was on crutches. I was kind of taking it easy for the first couple of weeks, and as his aide wasn't really functioning in full capacity until the last of April. I had no knowledge of the My Lai incident until the American public--everyone over here did.

Q. Well, we recognize very well that it is very difficult to remember what you did specifically on each day 2 years ago. We are not at all trying to hold you down to specific days and so on but it is important to know who filled these positions. We're familiar with when General GALLOWAY, then Colonel GALLOWAY joined the brigade took over the logistics ADC task from General YOUNG who then moved into General RIDER's slot to take over the new ADC.

(The hearing recessed at 1003 hours, 29 January 1970.)

(The sketch of the Americal Division command building provided by MR HANCE was redrawn following the recess and then received as Exhibit O-7.)

SUMMARY OF TESTIMONY

WITNESS: HARRINGTON, Wayne C. MAJ

DATE OF TESTIMONY: 3 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Headquarters Commandant, Americal Division from 28 July 1968 until 28 February 1969; S5, 11th Infantry Brigade, from 1 March 1969 until 11 May 1969; Commander, 1st Battalion of the 20th Infantry from 12 May 1969 until 11 July 1969.

1. KNOWLEDGE OF THE INCIDENT AND THE REPORT.

The witness could not recall seeing a field safe in the division commander's office (pg. 4). He knew nothing of an incident or an investigation (pgs. 5, 6). He had no knowledge of documents being destroyed prior to an IG inspection in mid-July 1968 (pgs. 6, 7). The witness stated that when he was S5 of the 11th Brigade, he never received a request for information concerning Task Force Barker or civilian casualties (pgs. 8, 9, 11, 12). He asserted that Colonel CROWE never requested any documents concerning Task Force Barker (pgs. 11, 12).

2. OTHER INFORMATION.

a. Persons spoken to about the incident.

The witness had spoken to a Major COX and a Major MELTON about the My Lai incident. Neither had any knowledge of the allegations (pg. 3). COX did mention that a sought after report had been found in his safe when he served as S2 of the brigade (pgs. 12, 13).

b. The witness' predecessors and successors.

The witness replaced a Colonel CHAPMAN as commanding officer of 1/20 (pg. 2). He followed a Major Charles BRYCE as Americal headquarters commandant (pg. 3), and a Major Russel COX as S5 at the 11th Brigade (pg. 3).

c. Personnel in the 11th Brigade staff.

In April and May 1969 Major HAYDEN served as S1, Major COX as S2, Major BOYTON as S3, the witness as S5, Colonel CROWE as XO, and Colonel TREADWELL as CO (pg. 10).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-57	Instructions to witness	Read by witness.	1
R-1	HENDERSON' Report	Wit could not recall.	11

(The hearing reconvened at 1005 hours, 3 February 1970.)

IO: The hearing will come to order.

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

Sir, the next witness is Major Wayne C. HARRINGTON.

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

Major HARRINGTON, for the record, would you please state your full name, grade, Social Security number, organization, and station.

A. Wayne C. HARRINGTON, Major, Office of the DCSOPS, Headquarters USAREUR, APO 09403.

IO: Major HARRINGTON, on my left is Mr. Robert MACCRATE. He is a civilian attorney who has volunteered his services to Secretary RESOR to assist in this inquiry. He also serves as legal counsel to me and other members of the inquiry team. On my right is Colonel ARMSTRONG, an Army colonel designated by General WESTMORELAND and his office as an assistant in this inquiry. Aside from myself, both Mr. MACCRATE and Colonel ARMSTRONG may address questions to you here this morning. I should tell you we have other groups such as this that are likewise taking testimony. When we finally wrap it up, it will be my job to put together a report, weigh the evidence, and to determine the findings and recommendations. Have you had an opportunity to read the instructions (Exhibit M-57)?

A. Yes, sir, I did.

Q. Do you understand them or do you have any questions?

A. Yes, sir. I understand them.

Q. Major HARRINGTON, would you indicate your duty assignment within the Americal Division, when you joined the division, any change of assignment that you may have had, and when you terminated your service?

A. Yes, sir. I arrived in Vietnam 21 July 1968 and I think I arrived at the Americal Division the 23rd or 24th. I'm not sure of the exact date. I took over as headquarters commandant 28 or 29 July. I'm not sure of the exact date. I remained the headquarters commandant until about 28 February 1969, at which time I went down to the 11th Brigade as the brigade S5 until 12 May 1969, at which time I became the commanding officer of the 1/20 until, I believe it was 11 July.

Q. And how long did you remain in command of that?

A. Two months, sir, lacking one day.

Q. Who did you replace? This was in 1969?

A. Yes, sir. I replaced a Colonel CHAPMAN. He was the battalion commander before me.

Q. Who was the headquarters commandant before you arrived in July 1968?

A. I'm trying to think of his name. He was an armor officer. He went up as the S3 of the 196th after that, I believe, when he left there, but I can't think of his name. I can picture him, but I can't think of his name offhand. BRYCE, Charles BRYCE.

Q. Major?

A. Yes, sir.

Q. And when you left in February, who relieved you?

A. Sir, I can't recall his name. He came up from one of the battalions of the 11th Brigade, I know that.

Q. What position had he had?

A. I believe he was XO of the 3/1.

Q. And that would be at the end of February?

A. Yes, sir.

Q. Who would have been the S5 of the 11th Brigade prior to your taking over the job?

A. Major Russel COX.

Q. Major Russel COX?

A. Yes, sir.

Q. And who succeeded you?

A. When I left to take over the battalion, nobody immediately. The next day or two I think they brought in another major who had just been assigned to the brigade. He was sort of working special projects for the S3, I think, on defense of the fire base at that time. He took over, but I don't recall his name.

Q. The so-called My Lai incident of 16 March 1968 became a matter of public knowledge in the latter part of September and October of last year through radio, television, and other media. Since that time have you had any conversations with anybody from the division or the brigade concerning what may have happened at My Lai, concerning the reporting of any such incident or the investigation of any such incident?

A. I just talked to Major MELTON. He was the adjutant of the brigade when I went down as the S5, and I talked to Major COX. I've know Major COX since way back in 1959, but nothing other than what I've talked to him this morning. Major MELTON didn't know anything, and it really surprised us when this thing came out, because we hadn't really heard anything about it prior to that time. In fact, it kind of surprised me.

Q. Now, going back to the time when you were headquarters commandant, do you remember a field safe being in the office of the commanding general.

A. Sir, I'm not positive. I've been in his office a couple of times. The only thing I can really remember in there was the secure communications system he had by his desk.

Q. Were you responsible for putting in that "secure"?

A. No, sir.

Q. Well I understand that, but I mean making way for it.

A. No, sir, I wasn't. The communications people did that, sir. The only thing that I know is it was put in there.

Q. We understand that where the secure communications is located is where the field safe had previously been located.

A. Sir, I'm not positive of it. I only remember going in General GETTYS' office about once or twice. I don't remember exactly where the field safe was.

Q. General GETTYS was in command all during the time you were there at the headquarters?

A. Yes, sir.

Q. You don't remember happening to pick up one of these field safes, or what you did with it, or trying to get it open or anything like that?

A. No, sir.

Q. When you were there in the headquarters and you were headquarters commandant, if you were like all other headquarters commandants you were probably sticking your nose in everybody's business, which you have to do in order to do your job. You have to know a little bit about everything that's going on. Did you ever hear of a report which was supposed to have come from a warrant officer, reporting through his own command channels, that down in this area of Son My, My Lai, Pinkville, that Task Force Barker may have killed unnecessarily some civilians that day, about the middle of March 1968?

A. No, sir, I did not. I went to the briefings at 5 o'clock every afternoon. Usually it just summed up the daily operations, and that's really about as close as I got to actual operations.

Q. I'm not talking about whether you heard if officially or not.

0342

A. I hadn't heard it unofficially either.

Q. Did you ever hear of a confrontation which took place between one of the aviation elements and one of the ground units, to the point where one element had machineguns trained on the other?

A. No, sir.

Q. Did you know Captain MEDINA?

A. No, sir.

Q. In the headquarters there?

A. Well, when I first heard his name, I thought I might have known him. When I saw his picture, I didn't recognize him. I might have seen him, but I don't recollect. As I say, when I first saw his name in the paper I thought I might have known him.

Q. Well, at that particular time he was one of the G3 briefers for headquarters of the Americal Division.

A. Maybe that's where I recognize the name. But when I saw him in the paper, maybe he had grown a little thicker or something. I remember a colored officer who used to brief, and I wouldn't even know his name. They changed off every so often, but I don't really recall him.

Q. You never heard anything about MEDINA, about him killing a woman or anything of this nature?

A. No, sir.

Q. Did you ever hear of an investigation being conducted on the U.S. side about anything that may have happened down in this area?

A. The only thing that I know is when I sat on a general court-martial. I think the people were out of the 1st Cav, where a SP5 was accused of murder and rape of a Vietnamese woman. There were two people accused, and I was challenged off pre-emptorily. That was a general court. I was a member of the board. And the second one, the first boy, I don't

recall his name, or the second one either, except I know on the second one I sat through the full court. I believe one of the units was in the night laager position when it happened. That's the only incident that I knew of where there was killing of civilians, alleged or anything of this nature.

Q. The first one you're talking about, did that take place some time in about August, the incident itself having taken place and being investigated in June, starting in June?

A. I don't remember the exact dates that the people were accused of, or the time frame of it. I do remember that the one SP5 was in the 1st of the 1st Cav. Exact location I don't know. It was the name of a village. That was all I recall.

Q. Do you know the name of the village?

A. No, sir. I just know they called it one of the village names.

Q. Did you ever hear of an investigation being made by the government of South Vietnam or by the ARVN on something that may have taken place here?

A. No, sir.

Q. Did you ever hear of any VC propaganda which may have been focused on this area in terms of broadcasts or leaflets or slogans, posters, anything of this nature?

A. No, sir, I don't.

Q. When you were the headquarters commandant, did you have an IG inspection about that time?

A. We had one just prior to my assuming the headquarters commandant's duties.

Q. That would have been in early or mid-July?

A. It was around the first part of July or the end of June.

Q. Had there been or do you know whether there had been a, you might say, a cleansing of the files at that time?

A. There was none to my knowledge.

Q. Well, I'm talking about papers being destroyed that weren't required, retiring other papers, documents?

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

Q. Did this ever happen during the time you were headquarters commandant, to your knowledge?

A. No, sir, other than things that were outdated, SOI's, things of this nature. That's about all I kept in my safe, my safe in my office.

Q. Where was your office located?

A. When I first came into Chu Lai, they had my office down on the parade grounds which is now the IG office. That used to be the old headquarters commandant's office. My office moved over across the street in headquarters company, between the division headquarters and the big generator shed, toward DIVARTY going north.

MR MACCRATE: I believe you became the brigade S5 at the end of February 1969?

A. Well, when I left the headquarters commandant's office I went on R&R to Taiwan. I came back about the 8th. I think it was the 9th or 10th that I actually became the brigade S5.

Q. After you became the brigade S5, do you ever recall receiving a request to search your files for some material that was being sought relating to Task Force Barker?

A. No, sir.

Q. This would be along around April or May 1969.

A. No, sir.

Q. You were at Duc Pho?

A. Yes, sir.

Q. In this time frame?

A. Yes, sir.

Q. You were the S5?

A. That's right.

Q. Do you have any recollection of talking with Major COX about a search that was going on to locate a report of investigation?

A. No, sir. I don't recollect it at all.

Q. No one ever spoke to you about this?

A. No, sir. The first I had heard of the My Lai incident was when it came out in the newspaper.

Q. You keep talking about the My Lai incident. Forget the My Lai incident. I'm talking about were you asked, back in this time frame, to look through your files to see what you could find relating to an investigation of Task Force Barker?

A. No, sir, I do not recall anyone ever asking me about Task Force Barker or a report.

Q. Do you have any recollection of being asked for what you had in your files relating to a report on civilian casualties in the Son My Village area or in the Pinkville area?

A. No, sir, I don't. The only report that I know that somebody was looking for was a couple of engineers had allegedly shot a couple of civilians in the rice paddies out there in connection with a mine incident which happened just north of Duc Pho. This is the only report I ever remember somebody looking for. This was only to pay the family a solatium, which they didn't claim through the Quang Ngai Province chief.

Q. Were you on R&R at any time during April and May 1969?

A. No, sir.

Q. You were at Duc Pho through that period?

A. When I came back from R&R I was at Duc Pho straight through except maybe for a couple of visits to division headquarters for a day or two to pick up the solatium money.

Q. During April and May 1969 was Colonel CROWE the executive officer of the brigade?

A. Yes, sir.

Q. And you have no recollection of Colonel CROWE asking you to examine your files to see if you can locate a report of investigation?

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

IO: Let me put it a little different way which may stick in your mind a little clearer. Colonel CROWE leaves no doubt in anybody's mind that he assembled the responsible people and told them that they were looking for some papers which were required by the Americal Division, but had been asked for by the IG of Headquarters, USARV. Now, does that ring a bell?

A. I remember the IG from USARV came up.

Q. Well, he didn't come up just to talk to you, you know.

A. Well he talked mostly to the people at the district headquarters, and I can't remember exactly what he had. Son My or Pinkville or My Lai, I don't connect that with what he came up for. I'm just trying to think exactly what he came up for.

MR MACCRATE: Prior to the time that I believe you were thinking of when the IG from MACV or USARV came to Son Tinh District and to Quang Ngai Province, did you not receive such an inquiry that came to the brigade after the IG from USARV had been up to Chu Lai? Does this begin to ring any bell?

A. I do remember a paper from the IG at USARV. I'm trying to think what it was in connection with. It sticks in my mind that it was something to do with the engineers, not the particular incident I'm talking about, but it doesn't joggle my mind exactly what it was. But it doesn't ring a bell with me that it was associated with Son My District or anything of this nature. It had to do something with the Duc Pho District, because I know the individual who came up, and I don't even know who it was. I believe it was a major from USARV had gone down and talked to the district people, I believe, at some length, the district chief and the district advisor in the Duc Pho District.

Q. In this particular matter, the representative of the USARV IG was Colonel WHITAKER. We have no indication that Colonel WHITAKER actually came down to Duc Pho, but Colonel HOWARD, then the IG of the division, we understand, did from time to time come down to Duc Pho.

A. As I say, I do not recollect it.

(IO withdrew from the hearing at 1030 hours.)

Q. Now, during this time frame of April and May 1969, the S1 was Major HAYDEN? Is that right?

A. Yes, sir. I think Major MELTON was S1--

Q. (Interposing) Until the end of March. He was replaced by Major HAYDEN. And the S2?

A. Was Major COX.

Q. And the S3?

A. Was Major BOYTON.

Q. And you were the S5?

A. Yes, sir.

Q. And Colonel CROWE was the executive officer, and Colonel TREADWELL was the commanding officer?

A. Yes, sir.

Q. I'd like to show you Exhibit R-1, which was obtained from the 11th Brigade during this period. You will see that it's a true copy, certified by Major COX, and ask you if this doesn't refresh your recollection about a search that was made in the files of the brigade along in April or May 1969?

A. I don't remember the report.

Q. Do you remember any questions being addressed to you by Colonel CROWE asking you to look in your files to see if you could locate such a report?

A. I don't recollect it to tell you the truth, I really don't.

Q. The curious aspect of this is that those who were serving with you at the time, some of them actually thought that this report had been found by you in the S5 office. We have since ascertained that that was not the case, but that it was found in the S2 office. But in the light of the testimony that we have already had from those serving with you, it is really quite unexpected that you have no recollection of the search for this document.

A. I just don't ever remember searching for any particular document or investigation.

Q. Colonel CROWE explained that it wasn't found at first, and he attributed this to the fact that he had been looking through you presumably in the S5 office rather than in the S2 office. And it was Major WHITE's recollection that it had been found in the S5 office, indicating an awareness that at least there were queries being made and that they thought a search was being made there.

A. I just don't remember them ever asking for this thing. I don't remember ever tearing the office apart looking for any report. That's why it kind of surprised me when you asked me if I had heard about a report and I hadn't.

COL ARMSTRONG: Major HARRINGTON, did you have an assistant?

A. Yes, I did, a lieutenant. You don't have a roster of the brigade do you? I don't know what his name was.

Q. What about an operations sergeant or chief NCO?

A. Yes, sir, I did. I had an NCO that worked there. I don't remember his name. Actually the lieutenant was the PSYOP officer of the brigade. I can picture both of them, but I can't remember their names offhand. I can't recall them ever asking for this particular report. I'm trying to recall when Colonel CROWE would have asked me. As I say, he could have asked me and it didn't strike me as knowing anything about it, and I said no, because Son My was out of our area. I would imagine, just speculating, my immediate reaction would have been, "That wasn't in our area."

Q. Well, it had been the area of the 11th Brigade.

A. Back at that time, right. But I just don't remember him asking me for this report. If he really remembers asking me, I don't remember it. I say he could have asked me, but I just don't remember looking for any particular report. I remember searching the files for the incident where the family had written to the province chief asking for solatium for their two sons because the engineers had a truck blown up and they were killed in the rice paddies, and I looked for a report on that but never found anything.

Q. When did you speak with Major COX about what has been called the My Lai incident? You indicated that you had had conversations with him.

A. I called him on the phone last night.

Q. You had not spoken with him prior to that time?

A. No, sir. He was still in Vietnam when I left. I went from Vietnam straight to Germany.

Q. Did he allude to the fact that he knew about such a report?

A. Yes, sir, he did. I do not recall ever being asked to look for it.

Q. What did he tell you about the report?

A. He said they were looking for a report and it was found in his safe. That's all.

Q. Do you remember Sergeant GERBERDING?

A. Sergeant GERBERDING.

Q. G-E-R-B-E-R-D-I-N-G. He was the intelligence sergeant who may have left just about the time you arrived. Do you remember Sergeant CAMELL?

A. Yes, sir.

Q. You have no recollection of Sergeant CAMELL or Major HAYDEN or Major COX or Major WHITE involved in a search for a report of investigation that Colonel HENDERSON had indicated could be found in brigade?

A. I don't remember it. I really don't. It seems like I should have if they had a great big search for it, but I don't remember any big search for a report. And as I say, on this IG thing, I don't remember what the IG came down for from USARV.

Q. Now, you became the battalion commander of the 1/20 in July 1969.

A. No, I left there in July 1969. I took over the battalion 12 May.

Q. 12 May? This maybe explains why you would not know about this search of brigade. You left brigade 12 or 11 of May.

A. 12 or 11 May, one of those 2 days. That's when I took over the 1/20.

Q. This is helpful to us in a sense, because your complete void of information here suggests that any inquiry of the brigade only came after you departed, and this may be the explanation that you have no recollection. Now, who took your place as the brigade S5?

A. I can't remember the major's name. He just came in and had just finished a career course, I remember, and he took over special projects. I think he was working on a defense of the fire base of all the 11th Brigade. They had a little operations center there up on top of the hill where they maintained communications with the bunkers around the fire base. Then when I unexpectedly went up to the battalion and took over,

he came down the next day or two and took over my job. But I don't remember what his name was. I know I talked to him several times, but I just don't remember his name.

Q. During the period that you were commanding officer of 1/20, did you at any time hear that a company was the subject of an investigation?

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

Q. Major HARRINGTON, we appreciate your coming in to see us. We have had indications that you might have some of the information that we are seeking, but we, in this search, have to establish some negatives as well as some affirmatives. And it appears to me that you have established some negatives for us as to what did not take place. And this has been helpful to us. If you have any questions that you would like to direct to us or any statement you would like to make for the record, we'd be happy if you did so at this time.

A. I have no particular questions. I'll just say if somebody had said something about this before, I don't recollect ever looking for any particular report with any big urgency on or anything like that. It just sort of struck me cold. You get asked a lot of questions for this and that and pieces of paper here and there, but I don't ever recollect this. First I ever even heard of this thing was when it was blasted in the papers. I'm as anxious as everybody else, I guess, to find out what did happen because having had the battalion for a while, I just don't find GI's doing that, that's all. I have a lot of confidence in the American soldiers to do a good job.

COL ARMSTRONG: You're reminded, Major HARRINGTON that you are not to discuss this with anybody except from an official standpoint, in front of an official body making an investigation. The fact that you appeared before this board is best kept under your hat, and don't discuss it with any witnesses we may have seen here.

(The hearing recessed at 1045 hours, 3 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: HERRIS, William P.

DATE OF TESTIMONY: 12 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Major General KOSTER's secretary.

1. KNOWLEDGE OF TASK FORCE BARKER AND THE OPERATION OF 16 MARCH 1968.

Mr. HERRIS vividly recalled the term "Task Force Barker." However, he could not relate Son My, Pinkville, or My Lai to a Task Force Barker operation (pgs. 7, 8). Task Force Barker was a "household word" around division headquarters because of its success. HERRIS heard no derogatory comments regarding the task force (pg. 26).

2. KNOWLEDGE OF INQUIRIES OR REPORTS.

HERRIS' job entailed an intimate knowledge of KOSTER's activities, e.g., every day he prepared a schedule of the general's activities (pgs. 3, 4). He recalled no investigation or report required as a result of an operation in the Son My area (pgs. 7, 8). However, he did recall a visit by Colonel TOAN with KOSTER in mid-April. It must have been an unscheduled visit because the general cancelled a planned trip to the field to meet with TOAN (pg. 8). TOAN was accompanied by another Vietnamese officer who the witness recalled might have been Lieutenant Colonel PHO (pgs. 8, 9). An American advisor whom HERRIS could not identify also was with TOAN (pgs. 9, 10). HERRIS did not relate TOAN's visit to a brief document addressed to the unit commander (pg. 10), nor did he recall ever preparing a document ordering HENDERSON to investigate propaganda

allegations (pgs. 22, 23). The witness related that he would not see an "eyes only" document (pg. 12). Regarding Colonel HENDERSON's 24 April 1968 report, HERRIS recalled talking with Colonel PARSON's secretary, HILL, about a letter with attached VC propaganda (pgs. 12, 13). He did not recall PARSON being involved with this documentation (pg. 13), nor did he connect KOSTER or Brigadier General YOUNG with any task related to the VC propaganda that the witness and HILL had discussed (pg. 14). HERRIS could not remember seeing any document concerning a helicopter pilot's complaints (pgs. 17, 18, 23). The witness never saw BARKER's purported report (pg. 23).

3. FILES AT DIVISION HEADQUARTERS.

The witness assisted in clearing out KOSTER's personal papers when the general left the command (pg. 15). However, he had no recollection of the disposition made of KOSTER's files maintained by Major BEASLEY, the assistant chief of staff (pg. 16). However, HERRIS maintained a "working file" which he turned over to PARSON when KOSTER left (pgs. 25, 26). Most files at headquarters were maintained by PARSON's secretary (pg. 27).

4. OTHER INFORMATION.

a. Since the My Lai (4) incident became a matter of public knowledge, HERRIS had had no conversations or other communications with anyone associated with the Americal Division regarding that topic (pgs. 2, 3).

b. The witness recalled HENDERSON visited the division headquarters while his leg was in a cast (pg. 20). This visit was in addition to the one made upon HENDERSON's assumption of command (pg. 20). He was sure that PARSON participated in this meeting (pg. 21).

c. The witness recalled that KOSTER and Lieutenant General DOLEMAN left the division headquarters on the morning of 17 March 1968 (pg. 22).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-30	Signed statement by CPT RODRIGUEZ, 14 Apr 68	Wit did not recall seeing.	13,14
M-31	Census Grievance Report, 18 Mar 68	Wit did not recall seeing.	14
M-35	VC propaganda leaflet dtd 28 Mar 68	Wit did not recall seeing.	13,14
M-36	G2, 2d ARVN Memo to TOAN with attached VC	Wit could not re-	11,12
	propaganda	M-36, preparing a copy of M-36, or	
		typing anything ordering an	
		investigation from KOSTER.	
R-5	A carbon copy of HENDERSON's 24 Apr 68	Wit recalled talk- ing with HILL about	12,13
	report	VC propaganda attached to a	
		letter.	

(The hearing reconvened at 0830 hours, 12 February 1970.)

IO: The hearing will come to order.

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

Sir, the next witness is Mr. William P. HERRIS.

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

Mr. HERRIS, for the record, would you please state your full name, occupation and residence.

A. William P. HERRIS, Jr., salesman for 3M Company; I live at 20105 East Eight Mile Road, St. Clair Shores, Michigan.

IO: Mr. HERRIS, on my left is Mr. Robert MACCRATE, who is a civilian attourney. Mr. MACCRATE has volunteered his services to Secretary RESOR to assist in the conduct of this investigation. He also provides legal counsel to me and other members of the inquiry team. On my extreme right is Mr. WALSH who is also a civilian attorney and he, comparable to Mr. MACCRATE, has volunteered his services to assist in the conduct of this investigation and assist in providing legal counsel. On my right is Colonel ARMSTRONG who has been designated by the Chief of Staff as an assistant in the conduct of this investigation. Besides myself this morning, any to these gentlemen seated at the table may address questions to you. We have other groups that are likewise taking testimony from other individuals. I have the task of insuring that the report is put together, the evidence is weighed and findings and recommendations are properly submitted. Have you had an opportunity to read the instructions?

A. Yes, sir, I have.

Q. Do you understand them or do you have any questions?

A. No, sir.

Q. Mr. HERRIS, would you indicate what your duty assignment was with the Americal Division. I know you go back a little ways to Task Force Oregon--when your service began, any change of

assignments you may have had within the assignment there, and when you terminated your service with the division.

A. I originated, when the task force was first formed, out of USARV in Saigon, I don't remember the exact date. There I was assigned to the G1 as a steno, assistant to Colonel WALBY who was then appointed the G1 by General--I can't remember his name now, who headed up the original task force.

Q. General ROSSON?

A. Yes.

Q. He remembers you.

A. I remember him, now that you mention his name. Then we activated and moved into Chu Lai where I stayed with the G1 for approximately 2 months until situated. At that time he moved me to the G2 to work with the FAC's on air control because there was a slot there which enabled me to get a promotion. I worked with the G2 for approximately 3 months. Then the chief of staff's secretary, Colonel POOL's secretary, was leaving the Army and he needed someone to replace him.

RCDR: Could you spell that, please?

A. P-O-O-L. Then I was requested to go to Colonel POOL with the purpose in mind of interviewing for a job as secretary to Colonel PARSON. I took his place. I was accepted for that job, started there in January, or December of 1967. I took a 30 day leave; I had extended my tour, and I came home and returned on the 6th of January 1968. At that time General KOSTER headed the division and his secretary was being relieved for some reason. I don't know, but I was told I was taking his place. 1 February I assumed the position of secretary to General KOSTER. I worked with General KOSTER through 3 June 1968 when he was appointed commandant at West Point and left Vietnam. I terminated my service on 6 July 1968. I left Vietnam and was discharged the 12th.

Q. This so-called My Lai incident of 16 March 1968 became a matter of public knowledge 4 or 5 months ago, toward the latter part of September, early part of October 1969. Since that time have you had any conversations with anyone from the headquarters of the Americal Division or from the division which may have had

to do with what may have transpired at My Lai or Son My, the reporting of it, the investigation of it, or anything related to it?

A. No, sir. None whatsoever.

Q. Have you received any telephone calls or communications?

A. No, sir.

Q. Specifically, forgetting about the other jobs, but specifically with respect to General KOSTER, would you outline for us what your duties were. How did you perform them?

A. I was responsible for General KOSTER's office, maintaining it. And also keeping his files, typing any personal letters that he had asked that I do for him, general work, helping arrange his schedule, helping aides, at that time Lieutenant DICKENS and--

Q. (Interposing) I think it was ROBERTS who proceded DICKENS.

A. Yes, Captain ROBERTS. Other than that just acting as a go-between for the aides and the general and the staff, arranging meetings, seeing that the general's schedule was in order.

Q. Do you take shorthand?

A. No, sir, I didn't at that time. General KOSTER liked to write out his own letters. I did take speed writing which enabled me to get the job with the chief of staff, but I never had to use shorthand for General KOSTER.

Q. I think Mr. MACCRATE has been working in this particular area and will get you to answer some questions.

MR MACCRATE: Mr. HERRIS, going back, if you will, to this period in the spring of 1968 and particluarly to the months of March and April 1968, would you, in the course of your daily work, know anything about where General KOSTER was going? What he did in the office, his visits there? To what extent did you get involved in sending word that he was going various places?

A. Every day I had to type a schedule for General KOSTER himself and for his aides and for the staff, keeping the chief of staff informed of where he was going to be, any appointments that he may have, what areas of the AO he planned on visiting. I had to call for his helicopter. I think every day I knew generally where he was going to be if he was going to be in the field or in the office, what part of the AO he was going to visit.

Q. You typed these schedules. At the end of the day, some of the things he had undoubtedly done, there had been changes in the course of the day. Would such changes be recorded on the schedule you had typed? Would you keep those sheets at the end of the day?

A. No, I wouldn't at all. Any changes that were submitted to the general's schedule always were handled through the TOC. They would in turn keep me posted or I could request information from them, but the schedules that I typed were kept by the TOC and the aides and the chief of staff.

Q. Do you know if there was any preservation of these as a file?

A. Not in our office, as far as I knew, unless there was a copy maintained in the TOC.

Q. You prepared this sheet and retained it during the day? What did you do with it?

A. Burned it.

Q. You mean you destroyed it?

A. Yes, sir.

Q. I've come to understand that there are two things that the word burning means in the military. To make a copy of that also is burning.

A. I destroyed it.

Q. But there would be another copy of this that had gone to the TOC?

A. Yes, sir. I made up the itinerary in four copies. I kept one, the general received one, the aide took one to the operations center, to the best of my knowledge, and the chief of staff had one.

Q. Do you know if either the general or the chief of staff preserved their copies?

A. I know the general didn't because I normally got that when he came back. The aide would give that to me, and I would just destroy it with the other things I had to destroy at the end of the day. Whether the chief of staff kept copies, I couldn't say. When I worked for the chief of staff we didn't keep copies at that time, of General ROSSON's schedules, but Colonel PARSON may have required his secretary to keep copies. If he did, I was unaware.

Q. Do you have any recollection of the operation of Task Force Barker and what was called the AO Muscatine, Muscatine AO?

A. The term is very familiar; it almost became a household word around headquarters at one time when I was there.

Q. Do you recall it was headed by Lieutenant Colonel BARKER?

A. Yes, sir.

Q. It was established out of units of the 11th Brigade, as sort of an ad hoc battalion. One company was taken from each of the three battalions, and it operated at LZ Dottie, from there, it had its headquarters. It was established in January 1968. Do you recall how long it continued?

A. I'd say about 10 weeks.

Q. That would be quite accurate. It was dissolved around 9 April 1968. At that time Colonel BARKER went back at XO of the 11th Brigade.

Do you recall who was the commanding officer of the 11th Brigade?

A. Not offhand, no, sir.

Q. Colonel HENDERSON?

A. Colonel HENDERSON was.

Q. And do you recall his S3, Major MCKNIGHT?

A. Yes, sir. I do.

Q. And his S2, Colonel BLACKLEDGE?

A. I don't think I ever had an opportunity to meet Colonel BLACKLEDGE. No, that name isn't familiar to me.

Q. Did you ever have an opportunity to meet the province advisors, Quang Ngai Province? Colonel TOAN was the 2d ARVN Division commander, and then you had an advisor to the 2d ARVN Division. There were two colonels during this period; they actually changed 1 April. There was a Colonel ULSAKER and a Colonel HUTTER. And HUTTER came in--

A. (Interposing) After Colonel ULSAKER.

Q. That is right. Then you had at the province level, do you recall Colonel KHIEN? Do you ever recall him coming to headquarters?

A. No, sir, I don't.

Q. How about his advisors, the civilian province senior advisor?

A. Yes, a real tall fellow.

Q. James MAY?

A. Right, Mr. MAY. He had been in Vietnam for a good long time.

Q. Do you remember him coming to headquarters?

A. Yes, very often. At least every 3 weeks he was there for some reason or another.

Q. Do you recall his deputy, who was a military man?

A. I believe it was a major.

Q. I think it would be a lieutenant colonel. His name was GUINN.

A. Lieutenant Colonel GUINN?

Q. Yes. Maybe you're thinking of the district advisor of Son Tinh District; both Son Tinh and Binh Son had advisors who were majors.

A. I think that's why I'm getting it confused. I can't recall their names though.

Q. Major WILLOUGHBY was in Binh Son and Major GAVIN--

A. (Interposing) I remember seeing Major GAVIN frequently.

Q. Major GAVIN was a frequent visitor to headquarters?

A. On an average, again, every 3 or 4 weeks. He'd be in the area, not necessarily to see General KOSTER, but for perhaps meetings with the G2 or G3.

Q. Now in connection with the operation of Task Force Barker, did it at any time come to your attention that some sort of an investigation was being conducted?

A. Not that I can recall, no, sir.

Q. It may be that you didn't recognize it as an investigation of Task Force Barker, but something relating to operations in the Muscatine AO, Son My Village, My Lai, Pinkville? Do you remember any reference to a Pinkville incident, or an investigation of an allegation with regard to killing of civilians in Son My Village, Tu Cung, Co Luy?

A. I never heard the terms Pinkville or My Lai used in reference to any operations that I can recall. Son My is familiar. I couldn't really tell you what operation it was connected with. I never associated the two of them together. Like operation of Task Force Barker, I couldn't associate those two together.

Q. What do you recall with respect to Son My at this time?

A. It seems to me at one period there was a heavy concentration of enemy forces in that area and they had to airlift a company or part of a battalion into that area to help clean it out. But I couldn't say if it was a part of Task Force Barker or not.

Q. Do you recall any of the follow up to that operation, any reports that were made with respect to it?

A. No, sir. Any reports that were done were done by the G2 and by the G3 and handled through the assistant chief of staff.

Q. In this case we have information that this particular investigation was something that came to the attention of General KOSTER, and what we are particularly interested in ascertaining is just in what manner it did come to his attention. That is where we think you may be helpful.

A. I would not be the one to bring it, or even have any contact with it. Major BEASLEY was assistant chief of staff to Colonel PARSON. He brought all of the documents, reports of any operations, to General KOSTER direct. They had a corridor that linked the three offices together, so actually they had free access without even my knowledge.

Q. On or about this time, actually later, in the middle of April 1968, this would be perhaps a short time before General KOSTER went on R&R to Hawaii, just to fix a date and time, do you recall Colonel TOAN coming to headquarters and meeting with General KOSTER?

A. Yes, sir, I do. Very vividly.

Q. What can you tell us about that?

A. I can remember it was a sudden type of meeting; it hadn't been planned for some time. The general had plans of going into the field that morning, but had to cancel them because of a meeting with Colonel TOAN in his office. This was just prior to him going on R&R.

Q. Do you recall anyone else who was there at the time?

A. Yes, sir, there was another Vietnamese Army officer. I don't remember his name. I can remember him in my mind, what he looked like, but I can't fix a name.

Q. Do you know whether he was someone who worked with Colonel TOAN?

A. Yes, sir.

Q. But you say you don't know the province chief of Colonel KHIEN?

A. No, sir, I don't.

Q. Do you happen to know a Lieutenant Colonel PHO?

A. Yes, sir. I do.

IO: Probably a major at that time.

A. I think he was. It seems to me that he traveled frequently with Colonel TOAN. Major PHO had called the office several times to make arrangements for Colonel TOAN coming to the headquarters.

Q. Do you think he might have been the one with Colonel TOAN that day?

A. Yes, I think he could have been.

Q. Do you recall if there were any members of the advisory team that accompanied Colonel TOAN?

A. One that I remember.

Q. Do you recall who that was?

A. No, sir, I can't.

Q. You do recall Colonel GUINN, who he was, the deputy to Mr. MAY?

A. Mr. MAY, right.

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

Q. Look at the top of the next page, the first paragraph, you'll see some more specific information. Does that ring any bell on your recollection?

A. No, sir, none whatsoever.

Q. If a paper came in to headquarters for "the eyes of the commanding general only," how would that customarily be delivered to General KOSTER?

A. By Major BEASLEY, the assistant chief of staff, or Colonel PARSON, the chief of staff. I wouldn't see it at all until General KOSTER was finished with it and he'd leave it on his desk and I'd return it to Major BEASLEY or Colonel PARSON.

Q. I'd like to show you Exhibit R-5 which is a carbon copy. If you saw such a document, it would presumably be a ribbon copy or a copy other than what you have before you, but of the same two-page letter dated 24 April. Do you recall seeing such a paper in headquarters?

A. I can't say. I could have seen it. I can't say whether I saw this exact paper or not. It doesn't ring a bell.

Q. Well, you haven't examined the second page. You see there that it's signed by the commanding officer of the 11th Brigade.

A. I still can't place it in my mind.

Q. It may have been received with or without inclosures, and you'll see that there are three pages attached which may have been the inclosures which you might have seen. The first two pages you will recognize are similar to the VC propaganda that you previously examined, but then the last sheet would be something that you had not seen before. Do you have any recollection of seeing such a paper?

A. I can vaguely remember now. HILL, he was the secretary of Colonel PARSON, and myself were talking about some sort of propaganda that was attached to a letter. Because it seemed so

ridiculous, we made comment on it. We didn't see very much of it come in, that's why we paid particular attention to this one, because propaganda literature, pamphlets and things like this never came into the headquarters. But I can remember one instance where we did make comments about some letter or something. It was attached to a document which, I didn't see the document, talking about something like this. It could have been attached to this report, then again, I can't say for sure if it was.

Q. Do you recall if this was at the time correspondence came into the office, or possibly other times you were gathering General KOSTER's papers together, later on?

A. If I had seen it, it would have been after General KOSTER had seen it. Very rarely did I see any classified material before the general had seen it unless Colonel PARSON or Major BEASLEY wouldn't have been in the office that day, and they asked me to make sure that the general saw some things. Other than that, which was rare if it happened, it would be after General KOSTER had seen it.

Q. Do you recall Colonel PARSONS doing anything with respect to this particular document?

A. No, sir, I don't.

IO: Would you turn that back to that piece of Viet Cong propaganda, back one page. Look at that second paragraph up there and see if you can recall whether or not that's where you heard the reference to Son My?

A. No, sir, I don't remember that being with the paper.

MR MACCRATE: I have here, Mr. HERRIS, Exhibit M-35 which is another piece of VC propaganda. If you look to the back you'll see that it's a three-page circular in Vietnamese and there's an English translation on top of it. Do you recall if this was the piece of VC propaganda that you and Mr. HILL discussed?

A. No, sir, I can't associate this.

Q. You'll note the reference in the first paragraph to the 3d Brigade of the 82d Division.

A. Yes, sir.

Q. Do you have any recollection of the document in that context with reference possibly an erroneous reference to that unit?

A. No, sir, I don't.

Q. I now show you Exhibit M-30 and ask you if you ever recall seeing this document? You'll find the original, with the signature of Angel M. RODRIGUEZ, assistant district advisor, Son Tinh, somewhat different. Turn to the second page, it's a true copy and is a little more readable. You'll recognize that that text is the same as what you previously read on the last page of Exhibit R-5, but you'll note in this instance it does bear the signature of Captain RODRIGUEZ. Does this strike any chord of recollection?

A. No, sir, I'm sorry it doesn't.

Q. Well, from any of these papers that you've now examined, do you recall any circumstances other than this possible conversation that you had with Specialist HILL about the VC propaganda, anything that you would recall General KOSTER doing, or Colonel PARSON, or possibly General YOUNG?

A. No, sir, I can't.

Q. You remained at the Americal Division headquarters until what date?

A. I believe I left on 6 July.

Q. You remained for approximately a month after General KOSTER's departure?

A. Yes, sir.

Q. During that period what were your duties?

A. I didn't really have any. Since a new commander was coming in, they made arrangements for another secretary to come in to replace me because I was short at that time. I would be leaving soon.

Q. Well, you recall, there was an interim period when General YOUNG was the acting CG?

that was maintained in the assistant chief of staff's safe, at this time Major BEASLEY. It was described to us as an accordian file. Do you have any recollection of such a file, placing papers into it and taking papers out of it?

A. I remember seeing the file, any papers that were to go into it though would be handled by Major BEASLEY, and he would maintain the file for General KOSTER.

Q. Do you have any recollection as to the dispostion of that folder at the time General KOSTER departed?

A. No, sir, none whatsoever. When I left, to my knowledge, it was still in the safe.

Q. Do you have any recollection of a problem with any of the drawers of the safe? This would be of Major BEASLEY's safe?

A. No, sir.

Q. We have been told that in some point in time, the second drawer in that safe stuck, and could not be opened. Do you have any recollection of talk among the headquarters personnel about a stuck file drawer and wonder what's in it, anything of this sort?

A. No, sir, none whatsoever.

Q. Did you from time to time go to the safe and place things in there at night?

A. Just the papers that were left in General KOSTER's in-box. I'd take the entire in-box and put in the safe, and then it would be locked.

Q. We had the safe described to us as containing four drawers and--

A. (Interposing) Right.

Q. It may not have been during this period. We haven't had it clearly fixed, and that's one thing we are trying to get fixed. The second drawer from the top as you come down is said to have been stuck.

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A. Yes, sir, I was on R&R at that time.

Q. I see. So you were on R&R for what dates?

A. June 3d, through the 10th, or the 4th through the 10th. I left the day after General KOSTER left.

Q. Did you assist in the cleaning out of General KOSTER's office, gathering of his papers, and packaging them for transmittal?

A. Yes, sir, I did.

Q. Could you describe generally the nature of the papers that you gathered at that time?

A. All the papers were personal letters that he had received form home, magazines, newspapers that his wife had sent him, pictures of his children, souvenirs that had been given to him by province chiefs and Vietnamese commanders.

Q. Now, did you retain for him in a file by your desk a chronological set of things that you typed for him?

A. Just personal letters.

Q. If you typed for him a communications to one of the unit commanders, what would be the disposition of copies that were kept at headquarters?

A. There would be one for the chief of staff, and depending the nature of it, it would go to the G2 or the G3, or perhaps the G1.

Q. Would you also keep a personal copy for the general, General KOSTER?

A. No, sir.

Q. You would keep nothing at your desk?

A. No, sir.

Q. We have had reference made to, not only to the file cabinet that you maintained, but to an envelope of General KOSTER's

A. I can remember now I believe that anyting I had to do with the safe it was in the bottom drawer, either the bottom or the third drawer.

Q. We understand that the bottom drawer, at least at some time, there was a flight helmet and a briefcase that belonged to the lieutenant who was in the office with Major BEASLEY.

A. That's possible. Excuse me, now I can remember putting his files in the top drawer, in the back behind. There were some things filed in the front, some documents, I believe. This is where he kept most of the documents that we were signed out with, and then I put his file cabinet, or his in-box behind that in the top drawer. But I can never remember any problems at all with the second drawer.

Q. Do you have any recollection what was in that?

A. There were copies of the TO&E for division.

Q. This was in the second drawer?

A. I believe it was the second drawer, and I remember an envelope, a manila envelope, a large manila envelope, but I can't remember if it was in the second drawer or in the first drawer.

Q. Did this have General KOSTER's name on it?

A. It seems to me it was marked personal papers for General KOSTER. I believe it was, it was a manila envelope.

Q. There's one further document about which I'd like to ask you. Do you ever recall seeing anything along the lines of a complaint of a helicopter pilot and a report upon this complaint? He was complaining about indiscriminate shooting at civilians by U.S. ground forces. There may have been in this report a reference to a possible confrontation between the helicopter crew and the ground forces. Do you ever have any recollection of seeing a report such as that? We understand it may also have included a reference to an alleged shooting of a woman by a captain?

A. I can remember an incident with a helicopter, or being related by a helicopter pilot. Just in conversation I may have picked this up, but I don't remember seeing any document stating that there was an incident.

Q. Do you remember the circumstance in which this came to your attention? Something that happened at headquarters, people coming in?

A. It could have been on conversation between Colonel, the chief of staff, Colonel PARSON and the G2 or G3. I can't specifically remember.

Q. Do you remember the division aviation officer? That's the commander of the 14th Aviation Brigade, I believe. Colonel HOLLADAY?

A. Colonel HOLLADAY, yes.

Q. Do you have any recollections of Colonel HOLLADAY with respect to such information?

A. No, sir.

Q. You don't associate him with it?

A. No, I don't.

Q. Do you associate any members of the 123d Aviation Battalion?

A. No, sir, I can't. Nothing at all, I can't bring that time back into my mind where I heard it, or if there was any reference made by any of the aviation officers to that effect.

IO: You say it may have been Colonel PARSON, and the G2 or G3. Those would be Colonel BALMER and Colonel TREXLER.

A. Colonel TREXLER, yes, that's it.

MR MACCRATE: Can you be more definite than that one way or the other?

A. No, sir, I can't.

IO: Let me go back and walk through this thing rather quickly. When was the first time you ever saw Colonel HENDERSON? He's the new brigade commander. When was the first time you saw him?

A. The day he arrived.

Q. The day he arrived. Well he had already been with the brigade as the executive officer, so the day he arrived in country?

A. To come and meet the general, yes, sir.

Q. He remained the executive officer until 15 March.

MR MACCRATE: Excuse me just a minute. The day he came in country would have been before you arrived at Chu Lai. Colonel HENDERSON had been in Vietnam in December of 1967, and I understood your date as going into headquarters perhaps as late as February of 1968.

A. I arrived in Vietnam in December 1966 and I believe we went to Chu Lai in March. I think we arrived in Chu Lai in March. I believe when we got there there were elements of the 25th Division there, the 3d of the 25th. It was sometime in that period, because at that time I was working for the G1 and I was familiar with all of the officers from the brigades. I had met Colonel HENDERSON when he arrived at Chu Lai.

IO: Well, he came in the brigade in December, and he remained on as the executive officer until the 15th of March. You undoubtedly knew that he replaced General LIPSCOMB as the brigade commander?

A. Yes, sir.

Q. Do you remember seeing him shortly after that? About 5 days later he came up to see the commanding general.

A. I do remember him being in the office distinctly. Why he was there, I can't be specific. I don't know.

Q. You think you saw him with the commanding general sometime though don't you?

A. Sometime in that period.

Q. After that time, just putting all of these in the proper time frame, about 10 days or 2 weeks after that did you see about a three-quarter letter come in from Colonel HENDERSON to the commanding general?

A. I can't remember for sure. No, sir. There could have been one, but I don't remember seeing it.

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MR MACCRATE: Do you remember seeing Colonel HENDERSON when he had his leg in a cast?

A. Yes, sir, I do. I remember seeing him with his leg in a cast. Perhaps I saw him once with his leg in a cast. I believe it was a result of a helicopter incident or something.

Q. Yes.

IO: Did he come to the headquarters then?

A. I can remember him coming to the headquarters while his leg was in a cast because a big fuss was made over it at that time.

Q. Did he see the commanding general then?

A. Yes, sir, he did. He did see him because General KOSTER went out to the jeep to meet him when he came in because he had his leg in a cast.

Q. Well we know it had to be in a certain period because he was wounded on the 21st and he kept his foot in a cast for about 14 days or so.

A. During this period he was there.

MR MACCRATE: Could this have been a further visit, or is this the visit that you recall as following his taking of command?

A. No, I believe this would have been an additional visit, in addition to seeing him after taking command of the brigade, yes, sir.

Q. Do you associate any other officers from the division

headquarters participating in these meetings with Colonel HENDERSON?

A. I believe Colonel PARSON was with them also.

Q. Do you have any recollection either of General YOUNG or Colonel ANISTRANSKI being there?

A. I can't say for sure. I can remember all of them, Colonel ANISTRANSKI, General YOUNG, General KOSTER, and Colonel HENDERSON, Colonel PARSON being at the headquarters at one time. I believe it was when Colonel HENDERSON had his foot in the cast and they met with General KOSTER, but it's very vague, very vague.

Q. Do you really recall this? I don't want to put any thoughts in your head, but I'm just trying to bring back who were the people around who might have been?

A. I can very vividly picture Colonel HENDERSON and General KOSTER and Colonel PARSON. Now there was one or two other people there and I can see them, but I can not put a face on them. I can remember Colonel ANISTRANSKI being in on one of these meetings once and I can't place him with one of these extra faces.

IO: Do you remember about what time of day it was?

A. Afternoon.

Q. Now let's go back just a little bit. We talked about Colonel HENDERSON first coming to the headquarters along about the 20th and then shortly thereafter, 10 days or so, you saw him in a cast. Now about 4 days prior to that time, on a Sunday morning, do you remember Colonel HOLLADAY? You indicated you knew Colonel HOLLADAY, the aviation officer.

A. Yes, sir.

Q. Do you recall a major coming into the headquarters and trying to see General KOSTER. Now you were probably there, but I know that General KOSTER wasn't there.

A. Colonel HOLLADAY and another aviation officer?

Q. Yes, a major by the name of WATKE. This would have

been on a Sunday morning, about 0800, on 17 March.

A. I don't remember, sir.

Q. Well, in fact General KOSTER wasn't there.

A. Wasn't there?

Q. Well, you probably remember that that night, the previous evening, he had a Lieutenant General with him by the name of DOLEMAN.

A. Oh, yes.

Q. He and General DOLEMAN departed early in the morning. I know these two officers came to the headquarters and found General KOSTER not there and they saw General YOUNG. Do you remember that situation ?

A. I can remember General DOLEMAN, and General KOSTER and General DOLEMAN leaving. I could have been at church that morning.

Q. Yes.

A. I went to church in the chapel there, I believe it was around that time.

Q. Well, I'll let you off on that account. I'm glad to hear you went to church, there weren't enough of us that did. You talked about seeing Colonel HENDERSON, then we talked about seeing him again with his leg in a cast. Although Mr. MACCRATE has shown you these letters we have fairly indicative evidence that General KOSTER did in fact, around the middle of April, maybe 10-12 days after you saw Colonel HENDERSON, send a note to Colonel HENDERSON. He attached to his letter a copy of the letter which you saw from the district chief, Lieutenant TAN, to the province chief that said that he had talked to Colonel TOAN about this. Colonel TOAN had given him this copy of this particular letter and he wanted Colonel HENDERSON to look into it, investigate it, and report to him. Now do you remember writing such a letter, taking General KOSTER's draft and finishing it up? We know for example that, or at least we have reasonably conclusive evidence or indicative evidence that such a letter did arrive at headquarters, 11th Brigade, over the signature of

General KOSTER, with this one attachment. That would probably have been a comparatively short piece of paper. It wouldn't have been long.

A. No, sir. I can't remember typing anything like that at all.

Q. Now, let's go back just one more step. Let's go back to when Colonel HENDERSON was there with his leg in a cast. Do you remember after they all got through talking about it, what I refered to as "wallowa-ing" about this whole situation and either that night or that afternoon, or any time shortly thereafter seeing about a three-quarter page document that said something with respect to the complaint of the helicopter pilot that this whole thing had been checked into and found not to be fact; that it was true that 20 or 30 civilians had been killed, that they had been killed by artillery and gunships; that his complaints and allegations had no foundation in fact? This should have been around the last couple days of March or up to about 5 or 6 April? Do you remember seeing that?

A. No, sir, I'm sorry, I can't.

Q. Now as a result of one paper that I mentioned to you where Lieutenant TAN's signature was attached, I'm quite sure that this one report which you saw, which Colonel HENDERSON signed off on, that that's the paper that resulted from this the one dated 24 April. Do you remember about a page and a half, a couple of attachments, VC propaganda, and an unsigned statement? Now after that time you indicated you hadn't seen that paper at all, no knowledge of it.

A. Right.

Q. After that time do you remember ever seeing--and here I'm talking maybe up to a month afterwards, sometime in mid, to the end of May or to the 20th of May, let's put it about there--did you see another paper that came in that was a 4 to 5 page document that was from Colonel HENDERSON now, or endorsed by Colonel HENDERSON, with about 4 or 5 pages with maybe 10-15-20, or 25 signed statements attached to it?

A. No, sir. I can't remember that at all.

Q. Now you talked about VC propaganda and there was one

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for General KOSTER, let's say to a brigade commander, or to a province chief, or to Colonel TOAN, or to anybody for that matter. There weren't any letters to his wife, I mean not the private kind of letters, personal letters, but not private, right?

A. Yes, sir.

Q. They're sort of official but they may not be classified. You indicated you just turned those over. Didn't you maintain a file at all in his safe there of papers and letters and so forth that you had written to him and were unclassified?

A. I'm trying to place how the letter was circulated through the headquarters. Copies of letter that I typed for the general were signed and turned over to the chief of staff, or the assistant chief of staff for distribution. Then I did receive copies back, after they had made their circulation through the headquarters.

Q. But what if he didn't want a lot of copies? No use to send copies of this stuff all over the headquarters.

A. No.

Q. You see, I'm not completely unfamiliar with how one of these people operates.

A. I understand that.

Q. So just type it, probably three copies, he would send one or two forward and you keep a copy in your own file, and that's it. So you're his personal secretary.

A. Yes, sir. I can remember several instances where that happened. He asked me to make one or two copies of a letter, send two forward and keep one. I can't recall any subject matter of the letters. I did keep a file. It wasn't very big, it was a small file. Then when General KOSTER left I turned the file over to the chief of staff.

Q. Turned it over to Colonel PARSON?

A. Yes, sir.

Q. That was a working file, wasn't it?

A. That was a working file, right, with all of his letters in it. He didn't ask me for the file when he left, that I can remember. It was still intact when I left.

Q. What do you mean, I'm not quite with you?

A. When General KOSTER left the division, he didn't request that I pull copies of certain letters.

Q. He didn't ask you?

A. No.

Q. When he had departed then, you turned the file over to Colonel PARSON, before you went on leave, or on R&R, or shortly thereafter when you returned and this new individual came in to work for General GETTYS?

A. Yes, sir.

MR WALSH: I'd just like to ask a question about your reference in your testimony to Task Force Barker being a household word at one time around the headquarters. Do you remember why that was?

A. Because it was being headed up by Colonel BARKER, one thing. Normally they have names unrelated with commanders for task forces, and as I can remember some of the initial operations they were quite successful, and Colonel BARKER's task force was being known as a very efficient operation. This is how I meant a household word on Colonel BARKER's task force.

Q. You didn't have any impressions that they scuttlebutt around the headquarters was derogatory, but the reverse?

A. No, it was the reverse; there wasn't any derogatory comments at all.

IO: Mr. HERRIS, we are extremely appreciative that you came in. We know that we have been trying to take you back approximately 2 years and this is not easy, to remember papers, people, places and things. I would ask you though, because some of these things are of critical importance to what we're doing, and we're trying not to leave a single stone unturned and I think you can see from the line of our questioning that we know quite a little bit of what's transpired. If any of these

places or things fit back into place for you I'd appreciate very much if you would give us a call. If it's of such magnitude, we may ask you to come back in. If not, we may be able to straighten it out over the phone or we may send somebody out to see you. We are particularly interested in these papers that we have been talking about, to pin down a little tighter as to when these papers were prepared and how they were handled and so on. We'd appreciate very much if you'd just think and let us know. Also if you can think of any other document that you have or anybody else has that might assist us in this, we'd appreciate knowing about them. If you have any questions you'd like to ask of us or have any statements you'd like to make, why we'll give you this opportunity to do so.

A. No, sir, nothing at all.

MR MACCRATE: I have one additional question I'd like to ask you, Mr. HERRIS. From what we've indicated to you on some of the papers we have not found other copies that should be in existence. We found the files at headquarters in poor shape and I wonder if you can give us any insight with respect to the files, as to where papers that one might expect to be in the file might have gone to. Were you aware of a filing problem at headquarters, that there were difficulties and criticism made of the way in which the files were maintained.

A. Yes, sir, I was. No one seemed to know for sure exactly who should keep what type of files. They were just for a good bit of time unorganized. Most all files were kept by chief of staff, by his secretary. Files that were kept by other secretaries to the generals were just more or less items that the general himself had requested us to do and keep copies of. Any personal correspondence, coming in to the general would be filed. Everything else was just routed to the chief of staff.

Q. But as far as anything of that character, when General KOSTER departed and you departed from that position, it was all delivered to Colonel PARSON?

A. Yes, sir. Major BEASLEY--I believe Major BEASLEY was the one that actually picked the files up. He said Colonel PARSON was going to take care of this.

IO: Well, was Major BEASLEY there then? If I'm not mistaken, Major BEASLEY had already departed. Do you remember a Major POWELL coming in?

A. I can briefly remember Major POWELL. I had completely forgotten about Major POWELL. I briefly remember him coming in, but Major BEASLEY was still there, when I was there.

Q. Quite a little period of overlap actually.

A. There was, there was.

Q. Yes.

A. I think Major BEASLEY went to the field, then after, when he left us.

Q. Was he quite a pack rat?

A. Major BEASLEY?

Q. Yes.

A. In what sense, sir?

Q. Well, a pack rat. Did he keep all his papers stacked in the corner or on top of his safe or someplace?

A. He had a desk always filled with papers. They could never seem to find a home for some reason.

Q. We thank you very much. I would like to caution you again on the instructions we issued. We cannot direct that you not discuss your testimony, but we would request that you not discuss your testimony with others, particularly with people that have or may appear before this inquiry. This will not preclude you, however, if by chance you are called before one of the congressional committees to testify, and more specifically I might forsee you called by the investigative subcommittee of the House Armed Services Committee. If they do ask you or direct you, your appearance here and your testimony here will in no way prevent or preclude you from testifying there.

A. Yes, sir.

IO: Fine. This hearing will recess at this time.

(The hearing recessed at 0956 hours, 12 February, 1970.

SUMMARY OF TESTIMONY

WITNESS: HETHERLY, James LTC

DATE OF TESTIMONY: 20 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Inspector General, Americal Division.

The witness did not recall the incident at issue or any indication of such an occurrence (pgs. 3, 4). He heard of no investigation or reports of investigation (pgs. 5, 6, 11). The witness could recall no discussion of any extraordinary occurrence during his tenure as IG (pg. 12). He never heard a report concerning maltreatment of civilians or prisoners during his tour with the Americal (pg. 15). Exhibits shown to the witness are indicated below.

EXHIBITS

EXHIBIT NUMBER	DFSCRIPTION	NOTES	PAGES
D-1	MACV Directive 20-4	Wit familiar with.	14
D-5	Americal Reg 525	Wit did not recall.	16
M-6	Americal log	Shown to witness.	10
M-8	III MAF Order 5820.1	Wit familiar with.	15
M-9	Americal letter 24 Mar 68	Wit did not recall.	16
R-1	HENDERSON's report	Wit had not seen it nor its in-	5,6
		closures. Mentioned.	10,11

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(The hearing reconvened at 0915 hours, 20 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 Lieutenant Colonel James H. HETHERLY.

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

Colonel HETHERLY, for the record, would you please state your full name, grade, Social Security number, organization, and station?

A. James HETHERLY, Lieutenant Colonel, Headquarters, 14th Armored Cav, Fulda, Germany, APO New York 09146.

IO: Colonel HETHERLY, have you had an opportunity to read the instructions we have provided to you?

A. Yes, sir.

Q. Do you understand them, or do you have any questions?

A. Yes, sir, I understand them, and I have no questions.

Q. Fine. I should tell you that aside from myself here this morning on my left is Mr. Robert MACCRATE who is a civilian lawyer. Mr. MACCRATE has volunteered his services to the Secretary of the Army to assist me in this investigation and also to provide legal counsel to me and to the members of the investigation team. On my right is Colonel ARMSTRONG who has been designated by the Office of the Chief of Staff to assist me in the process of this investigation. Either of these gentlemen may address questions to you this morning. You should know that aside from this particular group, we have some other people that are taking testimony from other witnesses. In the final analysis, I will be responsible for putting together the final report, reviewing the evidence and making the findings

and recommendations. As a military officer, you are directed not to discuss your testimony in this investigation with others, including other witnesses for this investigation except as may be necessary in the performance of official duty, or as you may be required to do so before a competent judicial, legislative, or administrative body. You will note that I used the term legislative. I use this because there is a possibility that you will be called before one of the congressional committees. Primarily, I think it would be the investigations subcommittee of the House Armed Services Committee. In which event, anything which you have received here would not preclude you from testifying there. To the best of my knowledge, you have not been cited by the military judge in the general court-martial case of the United States v. Calley, is that correct?

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A. That is correct, sir, I have not.

Q. If by chance you are so cited, your appearance here will in no way change the effect of that particular order, or the applicability of that order. And the same, of course would be true in any of the other courts-martial cases which may arise out of the My Lai incident, such as those which have been charged against Sergeant MITCHELL and so on.

Do you have any questions at this time?

A. No, sir, I do not.

Q. Colonel HETHERLY, would you indicate what your duty assignment was with the Americal Division in 1968?

A. Sir, I was the Division IG.

Q. When did you take over that function?

A. On 15 January 1968.

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

A. Until 12 May 1968.

Q. And, where did you go from there?

A. I went to MACV, further assigned as the deputy senior advisor of the Capital Military District of Saigon.

Q. Since the My Lai incident of 16 March 1968 has become a matter of public knowledge through newspapers, radio, television, and the like, which took place in the latter part of September early October 1969, have you had any conversations with anybody from the division or from the brigade or from Quang Ngai Province concerning what transpired at My Lai on the 16th, or concerning any of the investigations of what may have transpired at My Lai on the 16th?

A. No, sir. I have not.

Q. When did you first become aware of Task Force Barker's operation into Son My, which took place on 16 March 1968?

A. Sir, I became aware that a Task Force Barker had been organized to operate in that general area. However, the specific area in question, not being closely involved with tactical situations as the IG, I was not aware that Task Force Barker specifically operated in this area. So a specific date I'm unable to give you at this time.

Q. Did you make it a practice of attending the daily briefings?

A. Yes, sir.

Q. I have here the log of the Americal Division for 16 March 1968, which we understand the contents of this log in brief were presented at the evening staff briefing. I will call to your attention two items. One item, number 28 on page 3. This has been entered into the record as Exhibit M-6. The other item is number 94 on page 9. You'll notice at the bottom of the page, the fifth line from the top starts out on operation Muscatine.

A. Yes, sir.

Q. Do you recall these figures having been briefed at the staff briefing, specifically the figures that are important are the 128 VC KIA, 3 individual weapons captured, 2 U.S. killed by hostile action and 10 U.S. wounded by hostile action.

A. No, sir, I do not specifically remember these figures.

Q. Do you remember a figure 69 killed by artillery fire

being briefed, which is item 28?

A. Again the specific number 69, no, sir. I do not.

Q. Well, do you remember that up to this time that this was the largest operation, certainly with the greatest results or the most successful operation that the 11th Brigade had conducted since they arrived in country?

A. Sir, I recall that during this period of time that the 11th had not been decisively engaged or not attained a large body count but again to refer to this specific 69 or the 128, sir, I do not recall those specific figures.

Q. Do you remember any discussion in the staff briefing concerning the disparity in the weapons versus the number of enemy KIA, 3 weapons captured as compares to 128 enemy KIA?

A. Sir, having served 30 months in Vietnam, I think there was some question in the minds of commanders and officers concerned where there was a large body count and a very few weapons captured. I spent most of my time with ARVN. I know, as advisors, you look at this where there are a large number of enemy killed and a very few weapons captured. The disparity on this particular incident, no, sir, I do not recall it. I do not recall it being discussed.

Q. Do you remember the division commander or the assistant division commander saying, "Well, let's check on this," or words to that effect?

A. No, sir. I do not.

Q. Now you were sitting right along with a group of individuals from the special staff in the briefings. I would understand the arrangement with the general staff generally to the front and you people spread around behind with still another row of lesser-lights behind that. Do you remember any discussions along in about that time somebody said, "Yeah, 128 VC all right, 4 VC and 124 women and children"?

A. No, sir, I do not remember such a comment.

Q. Were you ever aware that one of the pilots in the 123d Aviation Battalion had reported that there was indiscriminate killing of women and children in the area that day?

A. No, sir. I was not aware of this. I feel that in my job as the inspector general, had I heard this, I would have been compelled by my job and my duty to my commander to go tell him that and suggest that my office conduct an investigaion of such, to at least request permission to conduct an investigation.

Q. Were you ever aware that the 11th Brigade had been ordered to conduct an investigation?

A. No, sir.

Q. As inspector general would you not expect that you would have been notified? Even though it was an investigation of an operational situation?

A. It would seem logical to me that I would have been notified that there had been an investigation directed. However, it would appear to me also that it would have not been of necessity unless it was an IG connected investigation. If it were a command directed investigation from CG Americal Division to CG 11th Brigade, then I see a possibliity that I would not have been told.

Q. If it had to do with the possible unnecessary killing of civilians, would that have changed the complexion?

A. I feel, sir, that this is command prerogative to detail who he might see fit to conduct the investigation. If the commander saw fit to direct the commander of the 11th Brigade to conduct the investigation, then possibly the inspector general of the division would not have become involved.

Q. Were you aware that an oral report of the investigation was delivered to the commanding general?

A. No, sir.

Q. I have here Exhibit R-1, which is a report of investigation to the Commanding General, Americal Division, dated 24 April and I ask you to review the contents of the

first two pages of this exhibit. Were you ever made aware of the contents of this document?

A. No, sir.

Q. I'd ask you to turn to the first inclosure on the following page. Have you ever seen this statement or anything comparable to it?

A. No, sir.

Q. From your knowledge of MACV directives concerning the reporting and investigation of war crimes, should this have elicited a report to higher headquarters?

A. Most definitely, sir.

Q. Do you know of any report being forwarded to higher headquarters?

A. No, sir. I do not.

Q. I'll call your attention to the next inclosure. This is a bit of Viet Cong propaganda as it is so indicated in the basic document. You'll notice that it's directed primarily at the ARVN soldier. The first page I would say is rather standard Viet Cong dialectic, but at the top of the second page in the second paragraph, you will note that it does get down to specifics. Did you ever see that piece of propaganda or anything comparable to it?

A. I have never seen this specific piece of propaganda. I have seen VC or NVA propaganda which tended to go along these lines on several occasions. This specific one, I do not recall having seen.

Q. Do you recall having seen many of them that cited the unit, a date, and the area, and so on without going off in the broad vein?

A. No, sir. The ones that I saw were more general, based at the Americal soldier in general as being a war monger and this sort of thing.

Q. We would understand that this report was dated 24 April but was probably not reviewed in division until sometime around 8 to 10 May. Do you recall around about that period issuing an order appointing an investigating officer?

A. May I check some orders? (Witness refers to some personal records contained in his briefcase.) I departed the Americal Division to the best of my knowledge on 10 May to my new assignment in MACV. I do not recall having issued an order to appoint an investigating officer.

Q. Now as a matter of opinion, Colonel HETHERLY, as the inspector general, if the division commander had said this investigation doesn't suffice, totally unsatisfactory; now I want a formal investigation conducted. How would this have been done?

A. If he had given me those instructions--

Q. (Interposing) I'm not saying he gave you those instructions. If he said that he wanted a formal investigation conducted, in your judgment, your professional judgment as an inspector general, which you have obviously served in for some time, what should have happened?

A. The investigation should have been initiated immediately by the inspector general. I feel, had he issued these orders considering the seriousness of the allegation, I would have conducted it myself based upon his guidance as a formal investigation should be conducted and would have set about conducting the investigation to the best of my ability. I really don't know what else you're looking for, sir.

Q. No, that answers my question. As the inspector general, if the word had come to you, you would have recognized it as a proper job for the inspector general and of such magnitude that you would have probably conducted it yourself.

A. Yes, sir.

Q. Along with the appropriate assistance.

A. Yes, sir. A division IG section in wartime is very, very slim. I had only one assistant who spent much of

his time on investigations. Both of us tried to handle the walk-in traffic on regular complaints, so I think that I would have conducted this one myself because of the magnitude of the allegations.

Q. Who was your assistant? Had he come from the 11th Brigade when the brigade arrived in Vietnam?

A. Sir, I cannot recall his name at this time.

Q. Major COMEAU, does that ring a bell?

A. No, sir.

MR MACCRATE: Major SAFERSTEIN?

A. No, sir.

Q. Major PARNELL?

A. PARNELL, yes, sir. Now, to the best of my knowledge, PARNELL came directly from the states.

IO: I got the JAG and the IG mixed up. COMEAU was in the Staff Judge Advocate Office.

A. Yes, sir, I recall.

Q. C-O-M-E-A-U.

A. Yes, sir. He was, I believe, at that time the acting division JAG officer about that time. Also my replacement was there about the time that you are interested in, toward May, in that May time frame. Colonel JONES, I believe that was his name. Colonel JONES came in.

MR MACCRATE: Do you recall Colonel JONES first name?

A. No, sir, I do not. He was a colored officer. I do not recall his first name.

IO: Let me ask you another rather technical question concerning reports. Let's assume that one of the aviators might have seen what he considers a major atrocity as I asked

you before, indiscriminate killing of women and children. If he, having lived close to the chaplain and gone to the chaplain or to a chaplain and reported it, how should this be handled from the chaplain's point of view?

A. Well, sir, it's been my experience in the past that some information given to chaplains is privileged and--

Q. (Interposing) I understand that but let's work further on this and say it's not a privilege and this came and indicated that this thing was bothering him. He wanted to report it.

A. The chaplain being a special staff officer to the CG, I would think had this man come to the chaplain and told him of such a happening, it would appear logical to me for the chaplain to go at least to someone in the headquarters building, and ADC, chief or staff, or the general and relate to them what he was told. Of course, sir, this is my own personal feelings on what I would have done with the information had it been given to me as a chaplain.

Q. That's why I'm asking you because you are familiar with reporting an investigative procedure. So this is the reason I'm really asking you a matter of opinion. Now suppose this information has not come to let's say the division chaplain but has come to a chaplain of a subordinate command, whether it be a brigade or whether it be one of the divisional support units.

A. Well, again I personally feel that a chaplain must have loyalty to his commander and if I were the chaplain and it came to my attention, I would go to my commander and say I have heard this. It seems serious to me, and it's been bothering me ever since I was told. It's bothering the individual who told me, and I want to report it to you. And possibly he would go to his next senior chaplain and report it.

Q. Would it appear logical to you that such a statement, whether you know it's true or not, that such should remain within chaplain circles?

A. No, sir. I wouldn't think it would be normal. I think he must look at the seriousness or the magnitude of the

allegation or rumor or whatever. But it is of significant magnitude so it would appear to me that you couldn't just keep it to yourself, that you would be obligated to make it known.

Q. Do you know where Colonel JONES is now?

A. No, sir. I do not.

Q. Were you ever queried by anybody from the 11th Brigade on how to conduct an investigation or how to handle it and so forth, by either Colonel HENDERSON or Colonel BARKER?

A. Not to the best of my knowledge, sir. We had acting IGs in the brigades that handled routine investigations.

Q. Who was the acting IG of the 11th Brigade, do you know?

A. He was the brigade S1.

(LTG PEERS left the hearing room at this time.)

MR MACCRATE: Colonel HETHERLY, were you, at any time in your 4 months as the IG of Americal Division, asked to review any reports of investigation coming up from any of the brigades?

A. In my capacity as the division inspector general, it was my responsibility to review all investigations that were made by the acting IGs at the brigade. I was not, to the best of my knowledge, asked to review any command directed or command conducted investigations from any of the brigades.

Q. If a report of investigation of the character of R-1, that is before you, was received at the Americal Division by the commanding general what processing would you expect it to receive? To whom would it in normal course be referred and where would you expect it finally to be lodged in the division files?

A. That's a very difficult question. Had the investigation been directed by the CG of the 11th Brigade or through command channels, it would appear logical that the investigation

would have been returned to the individual directing the investigation, i.e., the commanding general. The commanding general upon receipt and review of this investigation then at his own discretion could have it reviewed by any number of individuals. An investigation of this particular type happening it would seem logical to me to have the 3 look at it to check the accuracy of the chronological listing of events and the area. A review by the 3 in light of these things would be appropriate. It might be reviewed by other individuals, the G1, the JAG, or the IG for completeness and proper format and proper construction of the investigaion, to see it was proper. Where it would eventually come to rest in a file somewhere, sir, I have no idea. It could end up in the general's personal files on down to include the inspector general's. I'm just guessing at a hypothetical case now. I have no way of knowing. It's just my idea of where it might end up and the way it might be processed. I don't know; it would be up to the commanding general.

Q. If you had been charged with making such an investigation, as General PEERS previously postured to you, would you have considered it in the circumstances appropriate to address yourself to the S5?

A. Yes, sir. This is another individual which I omitted in my previous discussion who would definitely have an interest.

Q. Do you have any recollection during the month of March or April or a portion of May that you were there in 1968 of anyone at Chu Lai discussing any aspect of an investigation that had been requested or was being made concerned about anything in the 11th Brigade and it's examination, anything that would suggest there was in process the kind of thing that you see reflected there in Exhibit R-1?

A. No, sir. I do not because when this all came out, was made public, I recall complete ignorance of the incident when it was first made public knowledge. I did not recall any investigation of this incident or any hint that there was one going on.

Q. As you search your mind today with the benefit of examining R-1, looking at the log of the Americal Division

you have here, can you recall any conversations with General KOSTER or with General YOUNG, with Colonel PARSON or with the G1, the G2, the G3, the G5, with Chaplain LEWIS, or anyone else at the command in Chu Lai that now with the benefit of hindsight you can in any way possibly relate to any extraordinary incident in March 1968?

A. No, sir, I cannot.

Q. General PEERS asked you right at the outset of his questioning whether from the time that it came to public attention in the fall of 1969 to this time whether you had discussed the matter or been approached by anyone associated with the division to inquire about it. I would like to extend the question back to cover the period March 1969 to September, October of 1969. This matter was the subject of an IG and later a CID investigation as I'm sure you're now aware, during that period of time, and I wondered if at any time during that period, inquiry was made of you respecting the files of the Americal Division or anything that you might know about this matter.

A. No, sir.

Q. We have quite frankly run into this difficulty. R-1 is a carbon copy of the report which was found at brigade. We have to this time been unable to locate a copy of this report at the Americal Division. We would welcome any suggestion you might have. All concerned would welcome a suggestion as to where else we might search for such a document.

A. Other than those staff sections that I mentioned before, sir, I wouldn't even know where to suggest. Of course, this is making the assumption it was never forwarded or anything of this nature. I have no idea where the original might be, sir, if it could not be located in the Americal Division.

(LTG PEERS entered the hearing room.)

IO: Did you ever have destruction of files or retirement of the files while you were there?

A. My answer to that, sir, would have to be yes. I make this statement because when I got there I was not satisfied

with the filing system that I found in the IG office. I arranged the files according to regulations and retired or destroyed those files which should have been retired or destroyed prior to that. However, this destruction, retirement, rearrangment of files was in January, at the latest February, after my arrival there. I am not aware of any destruction or retirement of files after I once arranged them as I saw fit and got it going, operating the way I wanted it to operate.

Q. We were very hopeful of finding a lot of reports and records when we went to the Americal Division, but we found that we were quite disappointed in the sense that we could find directives establishing policies, SOPs and things of this category, and all the files that one would expect to find in a headquarters such as your logs and things of this particular category of reports and so forth that they were few and far between.

A. Yes, sir.

Q. Which would indicate that sometime in the interim there must have been some purging of the files one way or another and perhaps a very valid reason, perhaps the volume of the files, perhaps a specified retirement date, or perhaps an IG inspection which could have caused such action.

A. I had just established and scheduled normal inspections of the units of the Americal Division. I was conducting preinspections in preparation for the USARV inspection. However, I was not there long enough to see them carry it through. One thing that I feel might have a bearing on the files and the systems and the procedures that were used, the Americal was a rather unique division in that it had all separate brigades. At the time I joined the division the brigades still had their medical support, their logistic support, their administrative support, and they were just in the process of pulling this up into the division to make a standard division as we know it. The support command was just being organized so possibly this might have some bearing on the amount of files that you were able to find when you got to the Americal Division. It was not organizationally a normal division when I joined it.

Q. Did you find this from a point of view of the special staff? I can see how the operational staff, talking primarily about the 2 and the 3, how this might have functioned quite smoothly.

A. Yes, sir.

Q. But I'm thinking in terms of the 1 and the 4 and the special staff members such as yourself. Did you find this environment difficult to live with at that time?

A. Well, sir, I wouldn't say difficult to live with. I would say if was more difficult than a normal division and possibly a little more effort, a little more coordination, was necessary to make it work.

Q. I don't think I put that very well. Perhaps the question should have been was it a very efficient organization?

A. In my particular area as the inspector general, I felt that it was. I feel that the logistical field possibly was the one that was hampered the most.

Q. I have here a document which has been entered into our record as Exhibit D-1. It's MACV Directive 20-4, dated 27 April 1967. I would ask if you were familiar with this document. Specifically I would call your attention to paragraph 2 on the first page; then on the second page paragraph 5a, b, c, and d. I don't think it's necessary to read all of d; I think that d(1) is all that is necessary.

A. Yes, sir.

Q. Are you familiar with this?

A. Yes, sir.

Q. I also have another document which has been entered into the record as M-8. This is dated 3 June 1967, Headquarters, III MAF. This is the implementing instruction from III MAF for 20-4. Are you familiar with this document?

A. Yes, sir, I feel that I am.

Q. We have acquainted you with Exhibit R-1, report of investigation dated 24 April 1968. Again as a matter of professional judgment and opinion, within the procedures established by 20-4 and by the III MAF directive, should this incident or allegation have been reported to higher headquarters?

A. Yes, sir.

Q. Even at this late time, this is 24 April, the incident was 16 March?

A. Yes, sir.

Q. Can you say or give us your impression of what the policy was within the division concerning the treatment of noncombatants, providing safety and security to noncombatants, the handling of prisoners of war, and all things generally related to the rules of land warfare and the Geneva Convention?

A. I will say that during my short stay at the Americal Division no mistreatment of prisoners came to my attention. I did not, during my stay there as the inspector general, investigate a mistreatment of war prisoners. I do feel that the PSYWAR program helped, that is, before going into an LZ of going in with loudspeaker missions, leaflet drops advising the innocent civilians that they were coming in, in order that they might move out and protect themselves, take the action which would safeguard them to the best of our ability. I do know that those things were being done as this is just from hearing discussions that did not directly involve me but sitting in on staff meetings and this sort of thing.

Q. Well, indirectly it involves you though.

A. Yes.

Q. Did you find the command within the division and the staff were really pressing this point of providing protection of the noncombatants and making certain that none of them were injured and things of this category?

A. Yes, sir. I do. I feel it was.

Q. Do you have any feel how this was getting down through the chain of command?

A. No, sir. I do not. It is difficult to assume that it was or assume that it was not. I know that the G5 during my stay there was a very effective staff officer. He being the PSYWAR officer, I was always under the impression that he did a real outstanding job. But to say that without fail or fault this all got to the bottom, to the man at troop and company and platoon level would be making an assumption on my part.

Q. I have here another document which has been entered into the record as Exhibit D-5, entitled, "Combat Operation Rules of Engagement," and ironically dated 16 March 1968 from headquarters of the Americal Division. It is my understanding however, that this particular piece of paper had been out for information and coordination with all of the brigades prior to issuance of this paper, so that the contents of it were understood. I would ask you if you recall seeing that and what hand you had in the preparation of this document?

A. No, sir. I do not recall having seen this. To the best of my knowledge, I had no duties or no hand in the preparation.

Q. This document subsequently, of course, became part of the Americal Division SOP which was published about 8 weeks later. That's around about 15 April. I have here another document which has been entered into the record as Exhibit M-9, entitled, "The Safeguarding of Noncombatants," dated 24 March 1968, from headquarters of the Americal Division.

A. I do not recall either one of these papers, sir. I was in the midst of weeks of inspection at this time, quite possible that I would not have seen them. I don't feel that my office would have had a great deal to do with either one of them as far as preparation is concerned. They might have come through for a coordination chop, however, I do not recall them.

Q. Do you recall anything that may have prompted the issuance of this command memorandum signed by General KOSTER?

A. Sir, I think at this particular time throughout Vietnam there was a great amount of command emphasis put on this type subject, rules of engagement, safeguarding of non-combatants. I feel that primarily this grew out of Tet, sir. There was a great amount of concern about this time on the safeguarding of civilians, the proper means whereby we could at least attempt to reduce the number that were injured from the war. Primarily I feel this is command interest from the top based on Tet.

Q. Well, what you say is correct at this particular time period for about 3 months after Tet.

A. And then we had another great surge of it after May.

Q. Do you ever recall any discussions or rumors or anything which may have said or been said or brought about by anybody, officer or enlisted man, in the headquarters of the Americal Division which tied itself into something unusual happening in My Lai (4), the Pinkville area, Son My, Tu Cung, Co Luy, during this particular period?

A. No, sir. I do not. As I stated once before while you were absent, my first appraisal of this thing was when it was made public, and I thought that it was strange that I, a member of the Americal Division even though we were separated by some distance from Duc Pho and the 11th Brigade, that at least I didn't hear something about it. And this was my first knowledge of it when it first came out. So I cannot recall, sir, any rumors or anyone saying anything which would have brought this to my attention. Even after reading the after action report or the investigation, still there is nothing in there, sir, that rings a bell, that I had heard about when I was there.

Q. Well, I think it goes without saying then, nobody reported anything such as this to you during the course of your investigation or your inspection, I should say, throughout the division. Or nobody reported such happenings to you in an official complaint to you as the inspector general.

A. No, sir, they did not.

MR MACCRATE: I just have one final question, Colonel HETHERLY. You referred to the high regard in which you held Colonel ANISTRANSKI, the G5, and I would like to inquire if at any time just by chance you had any opportunity to observe relations between Colonel ANISTRANSKI and the S5 of the 11th Brigade, Captain KESHEL. I understand that Captain KESHEL every other week in the course of his duties made a trip to Chu Lai. It had to do with getting funds for solatium payments among other purposes and so I gather that he was a rather recurring figure there. I wonder if you were privy or had an opportunity to observe anything about that relationship between the G5 and the S5 that you might share with us.

A. No, sir. I did not. I was very, very busy at the time between the investigations on the M-16 rifle and the preparation for all the inspections. I wasn't there too much, sir, and I did not have an opportunity to observe the S5 from the 11th.

IO: Colonel HETHERLY, as you can well imagine, we're trying to get into this just as far as we possibly can and not leave a single stone unturned. I'm sure that this morning we have told you many things which on the one hand perhaps you didn't ever know before and on the other hand there might be something that we have brought out that might possibly fit into place on something that you've heard or something that you've seen. So as a consequence we would ask that you continue to think about this. If anything does come to mind which would assist us in this investigation, we'd like very much for you to get in touch with us. In the same sense, if you have any documents or know of any documents, memoranda, directives, maps, aerial photos, photos, anything that would be of material assistance to us, we'd like to have it or like to have information from you concerning its whereabouts.

A. Yes, sir.

Q. At this time, I'll give you an opportunity to ask any questions which you may like to ask or if you'd like to enter a statement into the record.

A. No, sir, I do not have any questions and do not desire to enter a statement.

IO: The hearing will recess at this time.

(The hearing recessed at 1030 hours, 20 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: HILL, Gerald D., Jr. LTC

DATE OF TESTIMONY: 22 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Assistant Americal Division Information Officer (became the Division Information Officer on 1 April 1968).

The witness was not present at the 16 March briefing (pg. 4), and heard no discussion concerning a weapon-KIA ratio discrepancy (pg. 5). He thought that the photographers at the Duc Pho PIO Detachment were "shabby looking" but that MOODY seemed capable (pg. 6). He had seen the SCHELL article in the New Yorker magazine, but he never heard of any unnecessary killing or any investigation (pg. 7). He stated that the photographs were printed at brigade level and forwarded to division with appropriate captions (pg.8). They would try to avoid blood and gore and any photographs showing atrocities would be turned into the S2 or the S3 for evaluation (pg. 9). He stated that the usual story was phoned in from brigade to the division IO, where it was assembled, rewritten, and published the next day in the Americal News Sheet (pg. 10). Colonel DIONNE would have proofread anything printed on 17 March 1968. The witness did not recall an SOP dealing with the use of cameras (pg. 11).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-23	The Americal News Sheet, dated 17 March 1968	Wit was shown a copy of the paper.	10

0416

(The hearing reconvened at 1403 hours, 22 January 1970.)

IO: The hearing will come to order.

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

Sir, the next witness is Lieutenant Colonel Gerald D. HILL, Jr.

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

Colonel HILL, for the record, will you state your full name, grade, Social Security number, organization, and station.

A. Gerald D. HILL, Jr., Lieutenant Colonel, I work with the Community Relations Division, Office of Information, Headquarters CONARC, Fort Monroe.

IO: Community Relations?

A. Yes, sir.

Q. Colonel HILL, have you had an opportunity to read the instructions (Exhibit M-57)?

A. Yes, sir. I have.

Q. Do you understand them or have any questions?

A. I understand and have no questions, thank you.

Q. On my left, Colonel HILL, is Mr. Robert MACCRATE, who is a civilian attorney. He has volunteered his services to the Secretary of the Army to assist in this inquiry and also to provide legal counsel to me and to other members of the investigating team. On my right is Colonel ARMSTRONG, an Army colonel who has been designated by the Office of the Chief of Staff as an assistant to the investigation team. Either of these gentlemen may address questions to you this afternoon. Aside from this particular body, we have

other teams who are taking testimony from individual persons. In the final analysis, however, I will be responsible for pulling the report together, weighing the evidence, and making the findings and recommendations.

As a military cfficer you are directed not to discuss your testimony in this investigation with others, including other individuals who may appear as witnesses before this investigation, except as you may be required to do so in the performance of official duty or as may be necessary before a competent administrative, judicial, or legislative body.

With respect to the legislative body, I might explain that. This could include one of the congressional committees, and more specifically it could include the investigating subcommittee of the House Armed Services Committee.

To my knowledge, you have not been cautioned or cited by the military judge in the general court-martial case of the United States v. Calley. Is that correct?

A. That's correct, sir.

Q. I think the chances would be remote that you would be called, but in the event you are called for this one or for any of the other general court-martial cases which may relate to the My Lai incident, your appearance here would in no way change either the applicability or the effect of those orders. In a similar sense, your presence here would in no way prevent you from appearing and testifying before any of these legislative, judicial, or administrative bodies.

Do you have any questions at this time?

A. No, sir. I haven't.

Q. Colonel HILL, would you indicate what your duty assignment was with the Americal Division, when you joined, and how long you served?

A. I went to Vietnam with the 198th Brigade, I

believe in October 1967. I served with them until about mid-March of 1968, at which time I went to the Americal Division for the first 15 days or so as the assistant information officer. My predecessor, Colonel DIONNE, left about the 1st of April, and I became the Americal information officer.

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

A. Until October, sir, of that year.

Q. From the time the My Lai incident became a matter of public knowledge, which took place sometime about 5 months ago, let's say the latter part of September or first part of October, have you had any discussions with anybody from Task Force Barker, from the 11th Brigade, or from the Americal Division concerning this incident or any of the investigation or reviews or reports concerning it?

A. I have been called by Colonel DIONNE. He told me that it was possible that I would appear before you, sir, before this investigation. I was contacted by someone from one of the news services--I don't remember whether it was NBC or CBS--asking me if I knew of anything about the My Lai incident. I told him no, I did not. That's the extent of the conversation on that.

Q. Yes, fine. You left the 198th then along about the middle of March?

A. Yes, sir.

Q. And went up and served in an overlap for about 2 weeks, then before you took over. Is that about right?

A. Yes, sir.

Q. Do you recall Task Force Barker?

A. Yes, sir.

Q. Do you remember when it was organized?

A. I'm not real sure, General. I believe possibly

January or February.

Q. Yes. Do you recall its general operational area as being, you might say, to the east then out generally in the Batangan Peninsula area.

A. Yes, sir.

Q. Were you familiar with the AO extension which they obtained to conduct this operation into the eastern portion of Son Tinh District which you see portrayed on the map (indicating Exhibit MAP-1)? You will note Quang Ngai City just to the southeast, southwest corner just across the river.

A. Yes. I see it, yes.

Q. And Son Tinh District. And that line pretty well defines the Diem Diem River, there.

A. Right, sir.

Q. That is the boundary, as we understood it, between Task Force Barker and the 2d ARVN Division.

A. Yes, sir.

Q. Do you recall being present, shortly after you joined the division, in the TOC when this matter was briefed at the Americal Division the first day of the operation? They went in on the 16th.

A. Of March?

Q. Of March.

A. No, sir. I don't recall being in the TOC. No, sir.

Q. Well, maybe I can give you--

A. (Interposing) Sir, during this 2-week period, in the TOC there was only limited seating. At this time I was still a replacement type, and Colonel DIONNE still went to the TOC briefing every day. It's very possible that the first 2 weeks I didn't go but maybe once or twice.

Q. All right. But just to refresh your memory just a bit, the figures that came out of this operation the first day, which was the 16th, were 128 VC KIA, 2 U.S. killed by hostile action, 3 individual weapons captured, and 11 U.S. wounded. Now do those figures sort of ring a bell for you? One other thing about this, too, which I think is important at this time, is the fact that the 11th Brigade had not been in country too long prior to this. They came in in December, but they didn't really start operating until sometime in perhaps late January. So this is the largest, you might say, kill or best operation result which they'd attained since being in country.

A. I cannot say that I remember that specifically, no, or the event.

Q. My question was whether or not you heard any discussion going on concerning this discrepancy in the number of weapons which were captured as compared to the VC KIA, a ratio of approximately 43 to 1.

A, No, sir. I don't remember this.

Q. Did you get down to the 11th Brigade and the other brigades very often?

A. Approximately once or twice a month I would get out to one of the brigades, sometimes down to the fire bases themselves. I traveled at times with correspondents and traveled other times with General KOSTER, and later with General GETTYS.

Q. Your PIO detachment at Duc Pho, did you get down to talk to them very often?

A. Maybe once a month, sir, not too often.

Q. You must have seen them there fairly soon after you arrived up there so that you could get acquainted with all the--

A. (Interposing) Yes, sir, within a month's time I was down there.

Q. What was your impression of those people?

A. As I remember it, they had several photographers

who were rather shabby looking. Their working conditions weren't the best. They seemed to be very crowded. If I'm not mistaken, I believe Lieutenant MOODY was the IO at that time. He seemed capable. The information they submitted to division to go forward, photographs and this sort of thing, was satisfactory. It wasn't always the best but compared favorably with the rest of the brigades. He seemed to have his people out in the field with the troops very much of the time. It looked like he was running a good shop.

Q. We've heard that about this time Lieutenant MOODY was trying to get out of that position and to get back with Special Forces.

A. Yes, sir. He was. I think sometime later he did succeed and went down somewhere in the II Corps zone, if I'm not mistaken, with Special Forces.

Q. We've also been under the impression that he really didn't like the IO business, one of the reasons he was trying to get back with Special Forces. And that as a consequence he was often given special tasks by the brigade commander which took him away from the IO shop, which in effect pulled away the control. He had a couple other lieutenants there, had some sergeants, this, that, and the other, but nobody with a firm rein on that group. That's the impression I get.

A. I don't remember having that impression, General, from the material that we received from them.

Q. When you went down there on your first trip, if you can remember, did they talk about their photographer, one individual, being on this big operation of theirs?

A. No, sir.

(Witness is shown a copy of the March 9, 1968 issue of New Yorker magazine.)

Q. Are you familiar with this article that came out in the New Yorker written on Quang Ngai?

A. When did that come out, sir?

MR MACCRATE: The first issue is 9 March 1968. The second issue was 16 March 1968.

IO: Both 1968?

MR MACCRATE: 1968. Botl. running into many, many pages.

A. This is the one written by, I believe it was two brothers, is that it?

Q. Jonathan SCHELL.

A. SCHELL, yes, sir. I read the article. I read it in April or May of that year while I was in Vietnam. I read it with particular interest because it made reference to Colonel DIONNE, my predecessor. That's about the only thing I really remember about it.

IO: Did you ever hear any discussions at all within the staff, or over at the bar, or any place around the headquarters concerning possible unnecessary killing of some women and children in Son My?

A. No, sir. I did not.

Q. Did you ever hear of an aviator of one of the aviation battalions reporting what he thought was some unnecessary killing in about the middle of March?

A. No, sir.

Q. Were you ever aware that something that had happened in the area of Task Force Barker was being investigated?

A. No, sir.

Q. Did you have quite a bit of business with the chaplains?

A. The chaplains?

Q. Yes. Colonel LEWIS.

A. Not a great deal, no, sir. A lot of business?

Q. I'm not really saying business, but I mean--

A. (Interposing) Conversation?

Q. Conversation, that's right. I mean talking to him in the bar, and before you had dinner in the evening and this sort of thing.

A. No, sir, just normal, the day's work, playing horse, this sort of thing.

Q. Did he ever mention anything to you at all?

A. No, sir.

Q. Did you know Major CRESWELL?

A. What was his job there?

Q. He was the DIVARTY chaplain.

A. Jack?

Q. I don't know his first name.

A. CRESWELL. The name is familiar, sir. I can't say for sure. I knew his face--if I saw his face, possibly.

Q. Did you ever hear any rumors or any idle gossip or comments or anything of that sort that stuck in the back of your mind and would cause you to be suspicious of something which may have occurred?

A. No, sir.

MR MACCRATE: Would you describe for us the procedures that you established for the control of photographs within the division?

A. Well photographs were taken at brigade level. They were normally printed either at brigade level shop. Some of them their makeshift labs there. I believe the 11th had that sort of arrangement. A photograph which they wanted published or which they wanted distribution made on, they would print the number of copies depending on where they wanted them sent. They would then be sent to division with proper captions on them indicating where they would be sent. Here they would be screened. If there was nothing wrong with

the photograph, if it was a good photograph, it was sent out.

Q. What criteria did you use to determine whether it was or was not a good photograph?

A. Well, primarily, would it give any information to the enemy? Was it in good taste? Blood, and gore, and this sort of thing we tried to stay away from.

Q. Did you have any procedure for the handling of pictures that might come to your attention which might not, according to your criteria, be appropriate for publication, but which contained unusual information in them? For example, an atrocity being committed or some burning of hootches or other things that might be in violation of division regulations. Did you give your personnel any instructions in that?

A. Well, if we received any photographs of this nature, it would have been turned over to the S2 or the S3 for his evaluation of them. I cannot remember ever seeing any types of photographs of this nature. If they were taken and if they were printed at brigade level, there was no control that I had over them at the division level as to what they did with them. This was strictly up to the brigade commander and his IO. The people in these PI detachments at brigade level belonged to the brigade commander and not to the division commander. Now this was changed, I believe, in August or September of that year when they did come under the division IO, a paper-type change. They still remained in the brigade areas, however. They worked for the brigade commander, sir, not the division IO.

Q. How about newsstories prepared for your Americal Division News Sheets, stories of operations?

A. The daily News Sheets that we prepared?

Q. Yes.

A. This information was received from the division TOC by one of my people. There was a call to Danang press center and also to USARV, sometimes in the wee hours of the morning, each morning for the previous day. This was then typed, mimeographed, and so forth at division area, at division headquarters, and then circulated within the division.

Q. I'd like to show you, Colonel HILL, Exhibit M-23, which is a copy of The Americal News Sheet, Sunday, 17 March 1968. You will note that the principal news item is of an operation of Task Force Barker on the preceding day. I would be interested in anything you can recall as to how that particular story was put together. I realize that it would be just about the time of your arrival as the assistant PIO at the Americal Division.

A. As well as I remember, sir, this was probably phoned in from brigade IO to the division IO along with a report from each of the other brigades, 198th and 196th. It was there assembled and very possibly changed or rewritten into one big format as we have it here. Figures, facts, and this sort of thing were then checked with the TOC for accuracy. And then it was published in this the next day.

Q. Do you know if you personally had anything to do with this particular account and its verification?

A, I don't remember. I feel sure I didn't, however, because Colonel DIONNE was still there as the IO, and he was the one that proofed the things each day.

IO: Did you say approved or proofed?

A. Proofread it, sir.

Q. Proofread it?

A. Yes, sir.

Q. Did you have an SOP at that time, thinking back in March? Was there an SOP for the functioning of the division IO shop?

A. There was a division SOP, sir.

Q. Did this likewise apply to the functioning of the PIO detachments with the brigades?

A. I feel sure it was, General, but I cannot say for sure. I know I had received it in the 198th Brigade. As an information officer for them I feel sure I had received a copy of the division SOP and information SOP.

Q. Do you recall anything in there that it covered concerning the use of cameras? To cite a specific instance if an individual had his own private camera as an IO photographer and if he took his camera along did that indicate who the film or the picture would belong to under those circumstances?

A. No, sir. I don't recall whether it was in there or not. Under actual practice, General, the cameras that were issued to the IO people were few and far between. Most of those people working in the IO shop had their own cameras. The film we normally did get through regular supply channels for the cameras. In our own brigade, any pictures that were taken belonged to the Army and belonged to the brigade. I can't say for sure about the other two brigades.

Q. That is if they were taken on an operation or something of this nature. I don't think you precluded one of your cameramen for example, going downtown in Binh Son or someplace and taking some pictures for his own personal use.

A. No, sir. On an operation, sir, the pictures would come back in, or at brigade when I was at brigade, they would come back into the information office. We had no developing potential or ability there, and they were all taken to division so that we could get proofs, contact prints, made and then decided which ones we wanted. And then we ordered them. So everything from our brigade went straight to the division signal shop.

Q. This included those that were taken by the use of an individual's private camera?

A. Yes, sir, if they were taken for IO business, yes, sir.

Q. Would this include color film?

A. The division signal had no capability for color film, as I recall. Everything was black and white.

Q. This is a long time back, Colonel HILL, and obviously you were on the fringes of this, perhaps, even at division headquarters. You might have been completely dis-

associated from it, but if sometime in the future you think of anything you heard, whether it be rumor, comment, or anything else that you can think of that may reflect back on this situation, or reporting of any incident which may have occurred in My Lai, Son My Village, Tu Cung, Co Luy, or Son Tinh District, I'd appreciate very much if you'd get back in touch with this group so we can take advantage of that information. And if you can think of any material such as this PIO SOP which you might possibly have a copy of--

A. (Interposing) I believe I do have a copy, sir.

Q. And this SOP would reflect back to that time?

A. I believe it will, sir. I can check it. It's at Fort Monroe.

Q. I wish you'd do that and let me know just as quickly as you can. Major LYNN will, if you'd call him and just let him know, I'd like very much to be able to see that SOP. And if you have any other pictures, or aerial photos, or maps, or memoranda, or anything that would pertain to a situation in this particular area about the middle of March, and particularly the reporting and the review of it, we'd be most appreciative to have a look at it.

A. May I say one thing, General? The staff at division headquarters was very good in keeping me informed on things of this nature. And I feel sure if it had been common knowledge, or even semi-common knowledge, or there was a possibility that an incident of this type had occurred, which would have apparently had press interest, I feel sure that someone would have said something to me. Now I don't know what you found out talking to the others. If this was common knowledge within the division, or had been talked about, or even if anyone knew about it, but based on how serious incident reports and things of this nature were handled within the division, I would normally get information.

Q. Let me ask you another question which might bear upon this, which has to do with policy within the division.

Whether it was written, or whether it was stated, or implied, what was the policy of the division concerning talking about operations and this, that, and the other things, about talking about rumors or this sort of thing: "Let's not be talking about this, let's not have any rumors flying around this outfit. Let's get in out, and so forth?" You see?

A. As well as I remember, they were rather open on this sort of thing. I had easy access to the chief of staff's office and also to General KOSTER's and General GETTYS' when he was there. And if there were rumors going around and things of this nature then I always checked normally with the chief of staff. And I was always told, as far as I know.

Q. If you heard?

A. Yes, sir.

Q. Well, you know, for example, that there were units within the Chu Lai area which practically everybody in the unit knew a great deal about the whole thing and discussed it rather freely. And we also understand that it was at least somewhat common knowledge among some of the enlisted personnel, who did more than a little talking about it around the division headquarters, mess, and so on. And we also know that there were some officers that knew something about it.

A. Well, I missed out on this one, General.

MR MACCRATE: Do you recall, Colonel HILL, when you were apprised of the fact that General KOSTER was going to move to West Point?

A. It must have been sometime in May or June? He was there, I think, about 9 months, if I'm not mistaken, before he left. He came in October.

Q. Did you have much advance warning?

A. Not a great deal, no sir, a couple days, 3 or 4 days.

IO: That's as far as it being publicized through the IO and so on?

A. It was. I remember, sir.

Q. But you don't know when he received the word.

A. No, sir.

Q. Well, we'll give you this opportunity to ask any questions you may have. Or if you'd like to enter a statement into the record--

A. (Interposing) No, sir, I have no questions. I can't think of anything else to say.

IO: The hearing will recess at this time.

(The hearing recessed at 1440 hours, 22 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: HILL, John W.

DATE OF TESTIMONY: 6 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Secretary for Colonel PARSON.

1. FILING SYSTEM.

There was one big cabinet which contained the correspondence of Colonel PARSON and Major BEASLEY (pg.6). There was a security safe in BEASLEY's office which was the regular file (pg. 6). The witness kept a file of PARSON's personal papers and some of PARSON's inspection reports (pg. 6). The filing system was revised after Sergeant RITCHIE left (pg. 39). Until this time the filing system was not very good (pg. 39). HILL helped HERRIS destroy classified documents (pgs. 40-42). Sergeants SAIMONS and LOFTIS handled the certificates of destruction (pg.42).

2. KNOWLEDGE OF THE MY LAI OPERATION.

The witness maintained PARSON's "war map" (pg. 8). He obtained enemy KIA reports and the coordinates of the KIA positions from the TOC and plotted them on the map (pg. 8). He recalled plotting the Task Force Barker operation, but he did not remember its exact dates (pg.9). He thought that there were 109 casualties on this operation (pg. 9). He did not remember the tactical plan and he could not bring to mind any discussion of the disparity in the body count to weapons count ratio (pgs. 10, 11).

3. KNOWLEDGE OF RUMORS ABOUT THE MY LAI OPERATION.

He did not remember hearing that an investigation was being conducted of Task Force Barker's operation (pg. 11). However, he recalled that Lieutenant Colonel HOLLADAY requested to see General KOSTER and that there was a "flap" about an operation (pg. 12). The witness thought it involved "a sticky situation", but he did not know what was happening (pg. 12). HOLLADAY seemed quite upset (pg. 12). The witness got to know HOLLADAY from his frequent visits to headquarters at this time (pg. 12). HILL recollected HOLLADAY bringing a warrant officer with him and the two of them trying to see General KOSTER (pgs. 13, 22, 24). The name "THOMPSON" meant nothing to HILL (pg. 13). He doubted that the person with HOLLADAY was a major (pgs. 13, 14). HOLLADAY also visited General YOUNG, but not with the warrant officer (pgs. 13, 24). The witness thought this took place around the time of Specialist HERRIS' R&R which was sometime in March or April (pg. 14). PARSON flew to Quang Ngai more than usual after this, and HOLLADAY frequently accompanied him (pg. 14). HILL did not recall anything unusual happening on a Sunday morning (pgs. 15, 25). He did not remember any directives, reports, or paper work as a result of these meetings (pg. 15). He did not remember any gossip about these meetings (pg. 16). HILL believed that the warrant officer wanted to make a complaint, but he did not know the respondent of the complaint or its subject (pgs. 16, 17). He recalled arranging a number of meetings between PARSON and Mr. MAY which were attended by Colonel HENDERSON and Lieutenant Colonel GUINN (pgs. 20, 21, 25). PARSON also went to Quang Ngai to see Colonel TOAN (pgs.21,22). HILL did not recall ARVN officers coming to Americal headquarters (pg. 25). These meetings occurred about the same time HOLLADAY and the warrant officer tried to see KOSTER (pg. 22). All HILL knew about the meetings was that someone in a civilian capacity was upset about something and PARSON was going to see them (pg. 29). There was an unusual volume of communication with Quang Ngai (pg. 29). Most of this communication was with GUINN (pg. 30). HILL recalled an investigation involving the aviation battalion, but he saw no paperwork concerning it, and he did not remember an investigating officer being appointed regarding it (pgs. 26, 27). He did not recall what it concerned (pg. 27). This was about the time YOUNG was acting CG and KOSTER was on R&R (pg. 27).

4. KNOWLEDGE OF REPORTS CONCERNING THE OPERATION.

HILL never saw a short report prepared by the commanding officer of the 11th Brigade regarding a confrontation between a pilot and ground forces (pg.17). He opined that such a report would have been hand-carried and would not have received normal routing (pg. 17). BEASLEY would have received it if it was sent via a liaison man or courier (pgs. 17, 18). He did not see any report from the commanding officer of the 11th Brigade to the CG of the Americal Division relative to a complaint made by the Son My Village chief (pg. 18). However, he heard talk concerning a report from a village chief or district chief about something that had gone awry (pgs. 18, 19). He saw no paperwork concerning this (pg. 19). HILL knew of no report that had been received by Colonel GUINN from a Census Grievance Committee (pg. 20). The witness never saw HENDERSON's 24 April report or its inclosures (pgs. 31-34). He never saw the VC propaganda leaflet (Exhibit M-35) (pg. 32). HILL did not remember HERRIS telling him about an envelope arriving for the personal attention of the CG, nor did he recall HERRIS discussing a report of investigation on which HERRIS had been asked to act by the general (pgs. 34, 35). However, HERRIS did mention having to type a confidential directive for KOSTER (pg. 35).

5. OTHER INFORMATION.

a. HILL's duties.

The witness sat outside PARSON's office, answered the phone, greeted visitors, kept PARSON's appointments, did PARSON's typing and filing, and handled PARSON's correspondence (pg. 3). The witness described the arrangement of his office and listed the personnel who worked in it (pgs. 3-6). HILL did not assist PARSON or BEASLEY in cleaning out their drawers at the time they left (pgs. 27, 38).

b. Assessment of HERRIS.

Specialist HERRIS was an efficient individual who kept a good file for General KOSTER (pg. 7). HERRIS maintained

KOSTER's personal correspondence and directives in a file cabinet behind his desk (pgs. 7, 29). He remained KOSTER's secretary until KOSTER departed (pg. 7). There was a drawer in BEASLEY's safe reserved for KOSTER's papers (pg. 36). HILL helped HERRIS organize KOSTER's correspondence at the time KOSTER left in June (pg. 38).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-34	TAN's letter to KHIEN, 11 Apr 68 (trans) (Quang Ngai Prov)	Wit did not recall seeing before.	28
M-35	VC propaganda leaflet	Wit did not recall seeing before.	32
R-1	True copy of HENDERSON's report	Wit did not recall seeing before.	31

(The hearing reconvened at 1305 hours, 6 February 1970.)

MR MACCRATE: The hearing will come to order.

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

Sir, the next witness is Mr. John W. HILL.

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

Mr. HILL, for the record will you please state your full name, occupation, and residence?

A. My full name is John Wallace HILL; my occupation is a construction worker; my residence is Denver, Colorado. Do you want the street?

RCDR: Please.

A. 550 South Fairfax, Apartment 11.

RCDR: Thank you.

COL ARMSTRONG: Mr. HILL, have you read and do you understand our instructions given to you outside?

A. Yes.

Q. Do you have any questions about them?

A. No, sir.

Q. Would you please explain to us the following information: the date that you arrived in the Americal Division, the date you departed the Americal Division, and the assignments that you had while you were there?

A. I left the States on 31 December, New Year's Eve, and I arrived in country on the 2nd and arrived in the Americal Division approximately the second week of January.

Q. 1968?

A. 1968, sir. I was first assigned to the 23d Admin

Company, in the PS department. I worked in the 1049, personal actions, section. And I worked there until after the Tet Offensive, which was the first part of February. It was approximately the 14th that I went to work for the chief of staff, Colonel Nels PARSON. I worked as his secretary in the headshed there, and, of course, I performed duties for Brigadier General YOUNG and Brigadier General RYDER who was there at the time, and later General KOSTER. Not to the extent that I was their secretary, but to the extent that I did handle some of their paperwork. Primarily, I was the secretary for the chief of staff, Colonel PARSON. I worked at this position up until the time that I rotated back, approximately 2 weeks before I left country, and I left country 7 October.

Q. 7 October?

A. Yes, sir.

Q. Since September or October of 1969, that is last fall, when the My Lai or the Pinkville incident hit the newspapers and the news media, have you discussed with anyone the details of this, of anything that you might have known about it, with anybody from the Americal Division, or really anyone?

A. Outside of close friends, and I didn't discuss deeply--I said that I was there in the Americal Division at the time, but I didn't discuss it in any detail.

Q. Then you haven't discussed it with any former Americal Division people?

A. No, I didn't discuss any details. I talked of course back here, but....

Q. Would you please be sure when we're talking that we talk loud enough and more or less in the direction of the reporter over there so he can get it down. You've been in that position before, so you understand.

A. Yes, sir.

Q. On my left is Mr. MACCRATE, who is a civilian attorney who has volunteered his services to the Secretary of the Army to assist General PEERS and provide legal counsel and guidance to General PEERS in this interrogation and inquiry. I've been provided to General PEERS as an assistant to him from the Office of the Chief of Staff. Now,

Mr. MACCRATE has followed very closely the part of the inquiry that you will be most helpful with, and he will probably conduct most of the interrogation. I will perhaps ask questions. At any time General PEERS may come in and sit down. Please feel free to smoke or if you'd like a cup of coffee, why we can get one for you. Would you like some?

A. Yes, please.

MR MACCRATE: Could you describe for us, Mr. HILL, your duties for Colonel PARSON in March and April 1968?

A. Yes, sir. I worked at the desk immediately outside his door as his secretary. I handled almost all the correspondence that went in his office, and it went through myself or through at that time Major BEASLEY, who was assistant chief of staff. But at one time or another I usually saw most of the paperwork that went in. I answered phone, greeted visitors, placed phone calls, and performed general secretarial duties. I kept his appointments, did his typing and filing, worked on his OER's and whatever correspondence that came into his office.

Q. At that time who else sat in the room with you in the center of the headquarters building?

A. Lieutenant WHITE. Lieutenant WHITE at that time was Brigadier General YOUNG's aide. We both had the outer office. Colonel PARSON had an office, and across the way was Brigadier General YOUNG's, so we both sat in his outer office. He sat at the desk to my immediate left.

Q. And then you had beyond Colonel PARSON's office the office of General KOSTER. Outside of his office, there were desks there, were there not?

A. Yes, sir.

Q. Who at this time, in March and April 1968, sat there?

A. Specialist HERRIS was the secretary out there. He was a Specialist Fifth Class and he handled--

Q. (Interposing) Can you give us the first name of Specialist Fifth Class HERRIS?

A. Bill, William HERRIS.

Q. William HERRIS?

A. Yes, sir.

Q. Do you happen to know what's become of him since that time?

A. No, sir, I don't. I know he was from Cleveland, and he was living with his mother in Cleveland. He left in June, I believe it was. The last that I heard from him was that he was attending Bowling Green University. I think he wrote two letters back over to me from the States and said that he was thinking about getting married and going to Bowling Green.

Q. This would have been in June 1968?

A. Yes, sir, when he left.

Q. Had he had any college before that time?

A. Not to my knowledge.

Q. So he might still be at Bowling Green, assuming his plans matured?

A. Yes, sir. I'm quite sure he probably would be if he had been there a semester or a year.

Q. Did he spell his HERRIS with two R's and one S?

A. Yes, sir, I believe it was as I recall.

Q. Do you recall a middle initial?

A. Just a minute. I used to call him by his first initials. No, sir. I don't. I'm sorry.

Q. You probably have at home, however, an address at which he formerly could have been reached at least?

A. Yes, sir. I believe I do. He wrote me when he got back and asked me if I would order some China for him. He was getting married, and he did have a return address. I answered his letter. I think I may very well have it in my possession.

Q. We may ask you to check that for us. Might the middle initial be P?

A. It might very well be. I think they used to call him WP. Yes, sir. I believe it might be.

Q. We do have the name of a W. P. HERRIS, but we did not have the Cleveland-Bowling Green possibility.

A. He lived with his mother, I know that, in Cleveland. I think his father was deceased or divorced. If it will help, there was another desk in that outer office.

Q. Yes, and who occupied that?

A. Captain ROBERTS.

Q. Then in due course Captain ROBERTS was replaced by possibly Lieutenant, or subsequently at least, Captain DICKENS?

A. Yes, sir. He was a first lieutenant when he took over the desk and was very quickly promoted to captain. I don't recall what time Captain ROBERTS left. I don't remember. I can't remember what time of year it was that he left or what month, but between the two of them, they were the aide from the time I was there until the time I left. I think Captain DICKENS was still there when I left.

Q. The security NCO was Sergeant RITCHIE?

A. Yes, sir, Staff Sergeant RITCHIE. His first name was James, I believe it was.

Q. James RITCHIE. And how did he spell RITCHIE?

A. R-I-T-C-H-I-E is how I think he spelled his name.

Q. Do you recall the middle initial?

A. No, sir. I don't. We had an assortment of names for him, but I don't recall his middle initial.

Q. Do you know if he is still in the service?

A. As far as I know, I think he is. I think he was

a career enlisted man.

Q. Do you know where he went from that assignment when he was relieved in June 1968 by Sergeant SAIMONS?

A. I can't say for sure. It runs in my mind that his wife was a WAC. I think they were trying to get an assignment together in Germany. Just offhand I think that's where he was going, Germany. But he was the NCOIC at the time I started there and up until he was replaced by Sergeant SAIMONS. He worked in the front part of the building. Between Sergeant RITCHIE and myself, I think we probably saw almost all of the paperwork that went into Colonel PARSON's office, because he worked very closely with Major BEASLEY, who had an office adjoining Colonel PARSON.

Q. Major BEASLEY?

A. BEASLEY. If it wasn't routed through that way, then it was routed through my desk. But usually I knew what was there, because as a secretary it's pretty much your job to know what's on the chief's desk at that time.

Q. Did you maintain a file cabinet and papers for Colonel PARSON at that time?

A. Not for himself per se, except for his personal papers. We had a facsimile of a file. It wasn't very up-to-date. In fact, when Sergeant RITCHIE left, we revamped it, but we kept the chief of staff's correspondence file in the front office, and Sergeant RITCHIE was the one responsible for filing most of this if I didn't. If it came back in through Major BEASLEY's office, then it was filed. But we had one big cabinet; this contained the chief of staff's correspondence and that of the assistant chief of staff, which was Major BEASLEY. In Major BEASLEY's office we had the security safe, but this was just the regular file. I didn't keep one by my desk other than personal papers and some of the inspection reports that Colonel PARSON wrote up when he inspected places.

Q. What do you recall as to the files maintained by Specialist HERRIS for General KOSTER?

A. He maintained a pretty good set of files, I know that. He was rather a STRAC individual. He--

Q. (Interposing) A rather what individual?

A. STRAC.

COL ARMSTRONG: STRAC, meaning Strategic Army Corps.

A. He was very efficient. He'd been at this job for quite awhile. After you get there, you know what to send out and what to keep. He had a pretty good set of files that he kept back by his desk. Most of it contained personal correspondence and directives he would keep in there as General KOSTER would send them out. He usually kept a pretty good file back there. It was filed separately in a different file from what was filed in Colonel PARSON's.

MR MACCRATE: Did Specialist HERRIS remain as General KOSTER's secretary right up to the time that General KOSTER departed?

A. Yes, sir. He did.

Q. And Specialist VAN ABLE succeeded to that desk, did he?

A. Eventually, yes, sir.

Q. But you were there for a time in between?

A. I was there. Yes, sir. In fact, I was there everyday but one from the time I started in the middle of February until approximately 2 weeks before I rotated, when my replacement came in. I never seemed to get away anymore than a day, and that's just 7 days a week. I had an R&R that I took in Hong Kong, a week and a half after Robert KENNEDY was assassinated, so this would be June.

Q. One more bit of placing people in the headquarters. When General YOUNG became the acting division commander early in June 1968, did he continue to occupy the room that he had occupied or did he move into the commanding general's room?

A. No, sir. He occupied the same room except when they had the normal morning and evening briefing. This was held in the CG's office due to the fact that they had a more extensive map area on the wall, and they had more room to seat the people that would normally be at these briefings, which included the G-staff, aviation, and so forth at the briefings. But for the normal course of events, he maintained his own office.

Q. You were obviously in a location in headquarters where a great deal of the ebb and flow of business went across your desk.

A. Yes, sir. We didn't have a steno pool per se, but when one clerk would become swamped or have something heavy to do, why it would be passed around. Outside of personal correspondence and OER's coming through the particular individual's office he worked for, the work was distributed. At any time I might have been typing for General KOSTER, General YOUNG, or Colonel PARSON, and the same way with HERRIS and VAN ABLE. It was just actually a kind of steno pool, although you were responsible for one individual.

Q. At the time were you aware of the Muscatine AO and Task Force Barker?

A. Yes, sir. I knew of them.

Q. Did you hear from time to time of their operations and what they were up to?

A. Yes, sir. I knew pretty well. Colonel PARSON had devised a plan whereby he had maps on his wall. I would receive notes from TOC. G3 would call over about the particular context, and they would give me a figure and say six KIA, which would be six enemy killed, or six KHA, whatever the case may be, and they would give me the coordinates. As soon as I got this, I would then go to the map. It had plexiglass over the front, and I would plot these points from the context. During these operations, I had a pretty good idea of what was going on. G3 would outline a particular area where this operation was, and I would plot on the map these contacts. I would make up a little slip on the information I got from the TOC, and I would tack that on the side so when Colonel PARSON was out, he could come back in and quickly, before the briefings at night, have some idea of what had transpired during the day without having to call everybody over and do it on his map again.

Q. Do you recall the operation of Task Force Barker in the middle of March 1968 into Son My Village area at the eastern end of Son Tinh District?

A. I recall that there was a Task Force Barker.

Q. Do you recall a particular operation in March 1968

and anything significant about the report that was received on that operation during the day as you went about posting the incoming returns? Does this happen to come back to you as a particularly large body count?

A. May I have a minute here? I remember that; and I don't remember the specific date, but I remember that it was along in this time. The reason I remember this is because I knew it was approximately a month or so before the Kham Duc incident that I did plot on the map. This number sticks in my mind, and I've seen it in the papers before here, but I did plot on the map 109 casualties, at one time. There were, of course, maybe 10 or 12 of these spot reports a day that I'd get from the G3. As they would receive them, they'd relay them to me. But I do remember rather large casualties on occasion, yes, sir. At various times I think some of them involved the 1st Cavalry and others were down in the Task Force Barker area. I know they were south. I had a split map, so when I reached a certain level, I had to go to another map. I do remember that quite a few of them were placed on the other map.

Q. Well, you'll recall that the operation of Task Force Barker was actually down in the southern AO of the Americal Division.

A. Yes, sir.

Q. You may recall that Task Force Barker had to get an AO extension in order to go down south of the Diem Diem River? Does that ring a bell?

A. I don't recall this per se. As I said there were several operations that I had a limited knowledge about due to the fact that I had had to extend the AO sometimes.

Q. Well, this map (Exhibit MAP-1) behind you is a blowup of the area just north of Quang Ngai City, which is in the lower left-hand corner. You have in the center of the map Son Tinh District. Out to the east end of the map you have the Batangan Peninsula and the area which was called by the name of Pinkville simply because it was pink-colored on the map. Do you ever remember plotting an operation down in that area on the chief of staff's map? Perhaps you could look at this one (Exhibit MAP-5), Mr. HILL, it would be more familiar to you.

MR MACCRATE: There you see a smaller scale.

A. At this time yes, sir, I did plot around--I don't remember specifically, but I do know I did have quite a few around Quang Ngai, because we seemed to have a rather large amount of activity around that area.

Q. In this particular operation, you had two companies of Task Force Barker, C/1/20 and B/4/3, in two air assaults going into the area. C/1/20 moving in a northeasterly direction and B/4/3 moving in a northerly direction and reaching a common objective, the first day just to the west of Pinkville or My Lai (1). And then A/3/1, which was the third component company of the task force, went into a blocking position just north of the Diem Diem River. Does this sound like an operation that you have any recollection of today?

A. Not the specifics of it, sir.

Q. Do you recall an operation from that area which was reportedly the largest operation the 11th Brigade had had since it entered Vietnam, reporting 128 VC KIA, 2 U.S. KIA, 11 U.S. wounded, and 3 weapons captured?

A. I would receive KHA for the American individuals. No, sir. I don't recall that specifically, but I'm quite certain that if it came through that I did plot it. I mean everything that happened--and as I say, I can't recall specifically, because I had 10 or 12 of them during the course of a day sometimes and sometimes only 3.

Q. You have no recollection of a particularly significant action of Task Force Barker at this time and any discussions going on around headquarters about it?

A. Yes, sir. I do remember some discussions that you pick up piece by piece. But I do remember various discussions about the success at that time, or the apparent success of the 11th Brigade down there at the time.

Q. Do you remember any discussion of the disparity in enemy KIA and weapons captured?

A. No, sir, I don't.

Q. Any questioning that may have gone on by the staff

at the time the figures were received?

A. I don't recall any discussion as to the ratio between weapons captured and the KIA report. It wasn't altogether unusual for us to receive a report of a few KIA's and a large weapons cache or vice versa. Sometimes they captured maybe one or two automatic weapons and had a rather sizable body count, as they called it at the time, or sizable KIA report.

Q. But you have no special recollection of a discussion of the disparity in body count and weapons captured coming out of this operation, that questions were raised regarding how that could be?

A. I talked to Colonel PARSON quite a bit. I would brief him when he would come in, sometimes on these. And I vaguely remember three instances that we did discuss large body counts in particular areas. It was sometime after I started to work there. We had just initiated this plan of plotting these contacts, because at the time I had no overall picture, and Colonel PARSON from time to time would point out the different operations that were going on, who was moving into what areas and what specifically they were looking for. Then we would sometimes rehash what had happened as to what we thought would happen. I vaguely remember two or three unusually high body counts. I would say three-digit was unusually high, because this was not too long after the Tet Offensive they had initiated.

Q. Could you relate any of these recollections to Task Force Barker?

A. I couldn't honestly say that I could, sir.

Q. Do you recall at or about this time hearing about any investigation that was being conducted of an operation of Task Force Barker?

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

Q. Do you ever recall hearing about a complaint that a warrant officer had made, who was a pilot, an aero-scout that had participated in an operation with Task Force Barker, who came back and reported that there had been indiscriminate killing of civilians? Or perhaps you heard his report that a captain had shot a woman or of a confrontation

between the pilot, and his crew, and American forces on the ground?

A. I remember one time that there seemed to be quite a flap. I remember that one of the pilots did request to see General KOSTER, and there seemed to be quite a flap concerning an operation. I don't know the specifics of it at all. I remember because when they reach proportions like that, it sent everybody scurrying, and whispering, and wondering what was happening.

Q. What can you recall of that? Can you place it in time?

A. It involved Colonel HOLLADAY at the time.

Q. He was the aviation officer?

A. Yes, sir, Lieutenant Colonel HOLLADAY. I remember that he made several appearances in the chief's office. They did travel to the Quang Ngai area several times together. It wasn't particularly unusual for Colonel HOLLADAY to travel with the chief, but Colonel PARSON didn't make it a practice to be out of the office very much.

(IO entered the hearing room at this point.)

Q. You do recall an aviator wanting to see General KOSTER?

A. Yes, sir. I do. I don't recall the particular time for this, but I do remember that there was what we called a flap, but it seemed to be a rather sticky situation. I didn't know what was happening, but I did know that--

Q. (Interposing) Did the aviator come over to headquarters with Colonel HOLLADAY, or was Colonel HOLLADAY trying to make an appointment for him with General KOSTER, or what is the first you recall of this coming into headquarters?

A. I got to know Colonel HOLLADAY pretty well from the outer office, talking with him. He was quite upset at this particular time, and I couldn't honestly say whether he was trying to set up an appointment with General KOSTER, because it didn't really particularly concern him. But I know that he was talking with Colonel PARSON quite frequently, and this was, I would say, more than he ordinarily would do.

I know that a warrant officer did come over with him, and I can't remember the individual's name. But I know that a warrant officer did come over with him, and he did have a meeting with General KOSTER. As to what it came to, I don't know.

Q. Did they also speak with General YOUNG at that time?

A. Yes, sir. I'm pretty sure they did, because Colonel HOLLADAY was--as I said, my desk was in such a position that I saw people going in and out both doors, and he was meeting quite frequently with General YOUNG, who was the ADC in charge of maneuvers. But I don't remember any particular case concerning a warrant officer with Colonel HOLLADAY and General YOUNG.

Q. Well, in this particular situation that you recall, you indicated that Colonel HOLLADAY was several times in headquarters speaking about it?

A. He was several times in the headquarters building and quite of few of the times he didn't seem to be quite as jovial as he usually was. I knew it was something rather upsetting, and I didn't know what it particularly involved. I do know that he did have a young man with him.

Q. Would you know the individual's name?

A. No, sir. I wouldn't.

Q. Would the name THOMPSON mean anything to you, Warrant Officer THOMPSON?

A. No, sir.

IO: Are you sure it was a warrant officer. Could he have been a major?

A. No, sir. I don't think he was. I'm pretty sure it wasn't a major. The reason I say that was because he was a rather young man, as I remember this particular individual.

Q. Could he have been a young major?

A. No, sir, I don't think he was a major. I'm pretty

sure that he was on one of the crews and either an AC or a pilot, this individual.

IO: Mr. MACCRATE did you get the time of this down?

MR MACCRATE: No. Mr. HILL, are you able, by relating it to any events, to place it in time for us?

A. May I have a moment here?

Q. Yes, indeed. You can take as much time as you need.

A. As I recollect, sir, this was sometime around the time that Specialist HERRIS took his R&R, which was sometime in March or April, because he had left the office short-handed. He left VAN ABLE and I short-handed at the time. We were trying to cover all three desks, the two of us. This particular incident, I think, was sometime during this time span. I didn't know the particulars, what was happening. It wasn't altogether unusual on a rather large operation for Colonel HOLLADAY to be in the office, being in charge of the aviation. I can't specifically put it down. As I remember, it was sometime around HERRIS' R&R.

Q. Then you say you recall in this connection, Colonel PARSON flying down to Quang Ngai several times?

A. As I recall, it seems he was gone more than usual. As I said, he didn't make it a point. I mean, he tried to get to different fire bases and around. As I recall he made what seemed to me at the time an unusual number of trips to Quang Ngai. But as I said, I don't have the specific dates on that. I just know that at one point he did travel more than he did at other times. I know Colonel HOLLADAY quite often went with him, so again it wasn't really anything unusual.

IO: Do you recall this one time you're talking about when these people with Colonel HOLLADAY went in to see General YOUNG? Could this have been on a Sunday morning?

A. Yes, sir, it very possibly--

Q. (Interposing) Just think now. Sunday mornings, generally speaking, in most divisions are a little bit different because they try to adjust schedules so the people can get to church early, at least we did in my division. I

would assume there were some churchgoers in the headquarters of the Americal?

A. Yes, sir. There were.

Q. So we tried to get things arranged so that we could get our meeting over, so people could be in church by 0730 or 0800 on Sundays. Do you remember something like this place at about 0800 or 0830 Sunday morning?

A. No, sir, I don't remember anything specifically on a Sunday morning. I know at that particular time Sunday mornings did prove to be quite active. But I know that Colonel PARSON always went to church, except on a few occasions that he didn't go to church due to tactical reasons. But I don't remember any specific time or anything unusual happening on a Sunday morning.

Q. We have here pictures of two individuals. See if you can recognize either of those as the individual that accompanied Colonel HOLLADAY.

A. No, sir, I don't recognize either one of these individuals.

Q. Let the record show that we were showing him pictures of Warrant Officer THOMPSON and Major WATKE.

(Photographs were taken by PEERS Committee for identification purposes only and not entered as exhibits.)

MR MACCRATE: As a result of these meetings, did any papers emanate, were any memoranda prepared, anything that came into your possession or which you saw prepared by either General KOSTER, General YOUNG, or Colonel PARSON, concerning the pilot that Colonel HOLLADAY had brought to headquarters?

A. No, sir. I don't recall any directives, or paperwork, or reports, or anything.

Q. What did you hear about this flap? There must have been some gossip around the headquarters as to what it was all about.

A. Most of the information we ever got about anything in particular came from the aides. And I know that when we did have a flap, Captain ROBERTS was usually rather excited about it. I don't remember there being anything in the way of gossip about this. I knew that Colonel HOLLADAY didn't want to see General KOSTER about this, and I'm quite certain that Colonel PARSON was in with him. But I don't remember any gossip, and I don't remember any particulars if I did see any.

Q. You don't remember anything being said at the time as to why they were there and what had happened?

A. No, sir. I don't. I don't remember anything that seemed to be particularly unusual. You know, what I mean is that if there had been unusual gossip, I'm sure it probably would have been spread around in the headshed at least, and I--

Q. (Interposing) But it is a little unusual to have the aviation officer bring up a warrant officer who wants to talk to the commanding general, isn't it?

A. Well, yes, sir. I'd be inclined to agree with you.

Q. I would think a group of you assisting the staff that way would be very interested onlookers to something of that sort.

A. Well, I may have known at one time, but I can't recall it now, sir. I don't seem to recall anything surrounding it other than I do recall Colonel HOLLADAY being rather upset at the time, upset so that he was not his usual jolly self.

Q. Well, did the warrant officer want to make a complaint, as you understood it?

A. As I understood, yes, sir.

Q. Do you know against whom?

A. No, sir, I don't.

Q. Or about what?

A. No, sir, I don't.

IO: When did you go on R&R, Mr. HILL?

A. I went to Hong Kong sometime in June.

Q. In June. So you were there all through March, April, and May then?

A. Yes, sir. I was there 7 days a week, maybe I'd have an afternoon off in the week sometimes, but other than that I was there all the time from approximately the middle of February until I did go on R&R. Then I was there after that R&R until I took another R&R which I took just before I went home. But my replacement was in, and this was the latter part of September.

MR MACCRATE: Well, at or about this time, did you ever see a short report prepared by the 11th Brigade, an officer in the 11th Brigade, possibly the commanding officer, regarding a confrontation between a pilot and ground forces?

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

Q. If a report came in from Commanding Officer, 11th Brigade, to the Commanding General, Americal Division, how would that be routed within your office?

A. I rather imagine from experience from other incidents, it would be hand-carried by either an individual from the 11th Brigade or some other individual. It usually wasn't the regular routing through baskets and so forth if it was of significant proportions. Now we had other incidents that the fewer people having seen the better, so they would hand-carry it.

Q. They would be hand-carried directly to the individual to whom addressed or would they be left with you if they were for Colonel PARSON?

A. They would be probably left with Major BEASLEY most often. There wasn't a lot of material that came in like this, but what did was usually handed to Major BEASLEY if it

was sent in by a liaison man or by a courier.

Q. Did you at anytime see a report of investigation from the Commanding Officer, 11th Brigade, submitted to the Commanding General, Americal Division, relating to an operation of Task Force Barker and a complaint that had been made by a village chief down in Son My Village?

A. I vaguely remember that--not seeing a report, but I remember talk about a meeting with the village chief, and it was approximately at this time. I can't remember who the colonel was at Quang Ngai. He was the G5 representative down there, I believe was his title. I don't know what his exact title was.

Q. Colonel ANISTRANSKI?

A. Colonel ANISTRANSKI was the G5. They had another lieutenant colonel in Quang Ngai.

Q. Could it be Colonel GUINN?

A. Colonel GUINN I believe was working with I think General TOAN?

Q. TOAN?

A. TOAN. And Colonel GUINN, I think was --

Q. (Interposing) There was another colonel who was actually working with Colonel TOAN. Would it be Colonel HUTTER?

A. Colonel HUTTER. I knew of Colonel HUTTER. He was a full colonel.

Q. Colonel ULSAKER was the advisor to the 2d ARVN Division, and around April 1968, he was replaced by Colonel HUTTER. Then the advisor or deputy advisor for the province was Colonel GUINN, or Lieutenant Colonel GUINN. He was the deputy advisor to the province. The province advisor was James MAY, a civilian.

A. Yes, sir. I met Mr. MAY.

Q. Does this begin to fill in the people involved?

A. Yes, sir. I remember Mr. MAY did come into the Chu Lai command building there. I remember he came in, and I know that there was some concern. I can't give you a specific date, but there was some arrangements they were making to meet with a village chief or some Vietnamese civilian.

Q. Could it have been the province chief?

A. Yes, sir, it could have been. That's usually who Mr. MAY worked through.

IO: Colonel KHIEN?

A. Pardon me?

Q. Colonel KHIEN, does that name ring?

A. No, sir.

MR MACCRATE: K-H-I-E-N?

A. I'm sorry on Vietnamese names, but.

IO: Let me ask just a couple things here. Was the talk that was going around there something to the effect that they had a report from a village chief or a district chief?

A. Yes, sir, there was some talk. I don't know; I couldn't say a complaint, but there was something that had gone awry that --

Q. (Interposing) Did you ever see a piece of paper concerning that?

A. Not that I recall, sir. I may have.

Q. Did HERRIS ever talk to you about having a piece of paper, or writing a directive, or a memo for General KOSTER based upon that particular paper?

A. I can't recall, sir. If --

Q. (Interposing) Have you ever heard the term static

census grievance before, or census grievance?

A. No, sir.

Q. You didn't hear that a report had been received from Colonel GUINN from a Census Grievance Committee?

A. Not to my knowledge, I didn't know of a report.

Q. Was there any discussion concerning some Viet Cong propaganda about that time which may have been focused on Son My Village, or Tu Cung, or Co Luy?

A. I vaguely remember --

Q. (Interposing) Do you recall the words Tu Cung or Co Luy in any attempt by anybody to find these placed on the map?

A. No, sir, I don't remember. It may very well have --

Q. (Interposing) I may now be just shooting in the dark, but I know enough about this that I know what they should have been doing. To your recollection there was some discussion concerning a letter, or a memo, or something from either a village chief, or a district chief, or something?

A. To my recollection I know that there was quite a bit of communication between Quang Ngai and the headshed, the command building, up there.

Q. What kind of communication?

A. I know that I placed several calls to Colonel GUINN. In fact, I contacted Mr. MAY one time--more than one time, but I remember trying to arrange a meeting in Quang Ngai. I would call and try to arrange a time that this meeting could be held, and then I would call as soon as Colonel PARSON left, --

Q. (Interposing) Is this for General KOSTER or General YOUNG?

A. No, sir. The ones I remember were with Colonel PARSON, the chief of staff, and he wanted to meet with Mr. MAY. I remember I had a certain amount of trouble contacting

Mr. MAY on two or three occasions. I don't remember any specific appointment for General YOUNG. As I said, quite often he flew around the AO, and I didn't know where he was going, if by appointment.

Q. When Mr. MAY arrived, who did he talk to?

A. He talked to Colonel PARSON, and I don't recall if he talked to General KOSTER. But I'm sure he probably did; but I don't recall that. I know he did go into Colonel PARSON's office.

Q. Did Colonel GUINN ever come up there with him?

A. Yes, sir. Colonel GUINN was accompanying him. I remember meeting Colonel GUINN and him going into the chief of staff's office.

Q. Did you ever hear the name of Major GAVIN? Did he ever come in with him?

A. Not that I know of, sir.

Q. How about a Captain RODRIGUEZ, Angel RODRIGUEZ.

A. I don't remember Mr. RODRIGUEZ coming in. I've heard that name someplace, but I'm sorry. I don't remember.

Q. How often do you think Colonel PARSON went down to Quang Ngai? When you say Quang Ngai are you talking about Quang Ngai City or going into the province of Quang Ngai someplace?

A. Usually Quang Ngai City when I'm talking about Quang Ngai. Because if he had gone someplace else why wouldn't he have called it by the fire base or whatever he was going to go see? When it was Quang Ngai, it was usually meaning Quang Ngai City.

Q. What if he was going to 2d ARVN Division headquarters? Where would he be going? Would he be going to Quang Ngai City, then, too?

A. Yes, sir. He'd be going down to meet at Quang Ngai City, because I know on occasions he did meet with Colonel

TOAN. I believe he was a colonel at this time, and he was subsequently promoted to general. These were usually arranged through the liaison officer. I called the liaison officer we had there, sir. The Army personnel we had working with the 2d ARVN Division would arrange these meetings as to protocol and that.

MR MACCRATE: Do you remember any communication from General LAM in this connection?

A. No, sir, I don't. I knew of General LAM, but I don't remember any verbal or written communication.

IO: Now, you've discussed two situations here. You discussed one about somebody going to see General YOUNG, Colonel HOLLADAY and a warrant officer, and to General KOSTER.

A. As I remember, they were trying to see General KOSTER. I don't recall an appointment with General YOUNG. I don't recall that. It may have transpired, because Colonel HOLLADAY did quite often see General YOUNG. But I don't remember that he had this individual with him.

Q. Now, this other situation that you're discussing down in Quang Ngai and the people coming in and arranging and so forth, was that at the same time or was there some intervening time?

A. I would say approximately the same time, but I don't mean by the same day. I mean it had--

Q. (Interposing) Well, I'm talking about a month or two separation.

A. To my knowledge there was. Now, I don't think it would be a month or 2. It may have been within a month, but I don't think it would be 2 months, because that would make it--

Q. (Interposing) Let me remind you of something. For a period in there General KOSTER was on R&R. Remember?

A. Yes, sir, because I remember General YOUNG took over as the acting CG.

Q. This was a period of about from 28 April until about 8 May that he was gone. Remember that?

A. I remember that he went on R&R and I remember--

Q. (Interposing) Another situation developed in here too. Just about the time General KOSTER got back from R&R all hell broke loose out in Kham Duc. Do you remember that?

A. Yes, sir, I do.

Q. Now, is the time you're talking about with these people down in Quang Ngai? Is this before or--

A. (Interposing) Before.

Q. Before that?

A. Yes, sir.

Q. Then that would put it back into the month of April sometime?

A. Thereabouts, yes.

Q. In other words, before General KOSTER departed?

A. Yes, sir. I'm sure it was, because I know it was before the Kham Duc incident.

Q. You never made any comparable arrangements for General YOUNG to go down and to see them?

A. No, sir. Most of those were handled through his aides. His aides handled most of those, and I didn't make specific arrangements for General Young. He would have Lieutenant WHITE do that.

Q. Being around the headquarters like you were, knowing what's going on there, knowing what's generally going on with the staff officers, and knowing what's going on with the enlisted personnel within the headquarters--we knew under a certain situation that there was more than a little talking going on concerning a report that a warrant officer in the 123d

Battalion, actually the aero-scout company, had submitted to his company commander, which indicated that there was an excessive number of women and children that were killed. There was also some discussion about a major confrontation between some aviation units and a unit on the ground to the point where machineguns were trained on other forces. Now, do you remember that conversation going around in the headquarters, around with the enlisted personnel?

A. I can't specifically remember any of the conversation, and I don't know whether it would be gossip. I do remember there was quite a bit of concern about this particular warrant officer and his meeting with General KOSTER. As I remember Specialist HERRIS and myself were close enough together at our desks that when a flap did occur like this was, it did cause quite a bit of activity in that part of the office--

Q. (Interposing) Are you sure that this warrant officer ever did come in the headquarters or that this was just talking, a lot of talking about a warrant officer?

A. To my recollection, he did come in, sir. As I recall it, he did come in, and I can't specifically say who else he saw. I know there was talk that he did want an audience with the CG, who at the time was General KOSTER. I don't remember an audience with General YOUNG.

Q. Did you hear anything else around that time that might have aroused your curiosity about some odd goings-on?

A. As I said earlier, other than the fact that Colonel HOLLADAY frequented the command building more than usual around this time, no. I don't remember any conversation or gossip that involved this. I know that Colonel HOLLADAY did make what seemed to me an unusual number of appearances there, and this would be like two or three a day or so. He spent an unusual amount of time there, but I don't remember any gossip.

MR MACCRATE: Mr. HILL, do you actually remember seeing Colonel HOLLADAY and the individual accompanying him go in to see General KOSTER or is your recollection that Colonel HOLLADAY was trying to arrange a meeting?

A. My recollection is that he was trying to arrange

a meeting. I can't actually say that I saw him go into the office. I remember him in the company of a younger individual that was one of his pilots at this time.

IO: Let me build this up just a little bit further, assuming that something might have happened Sunday morning, and assuming that Colonel HOLLADAY called in, and you might have been about the only one around the headquarters about this time--called in and said, "I want to talk to General KOSTER," and you said something to the effect that: "Well, General KOSTER isn't here right now. As a matter of fact, he's already departed the headquarters, but General YOUNG is here, and you can talk to him if you like." Do you remember anything like that?

A. Just a moment. I remember Colonel HOLLADAY--I can't remember that it was a Sunday morning. I can't remember that.

MR MACCRATE: In connection with this episode that you've recalled of the various people from Quang Ngai coming to the headquarters and Colonel PARSON going down to Quang Ngai, do you recall at or about that time any communications with Colonel HENDERSON of the 11th Brigade in relation to this particular matter?

A. As I recollect, sir, Colonel HENDERSON, I think, met at the headshed with Mr. MAY, as I recollect that he was in on it. But then he flew up; as I recollect that he did come in at the same time Mr. MAY did. I recollect.

Q. Did any of the Vietnamese come to headquarters or were there any meetings with the Vietnamese down in Quang Ngai?

A. I don't remember any Vietnamese coming into the headquarters. The only Vietnamese I remember ever being in the headquarters were military personnel.

Q. Do you recall hearing about this time of an incident involving soldiers in a truck on Highway 1 shooting a civilian and an officer giving chase and identifying the soldiers involved? Subsequently there was considerable excitement, an investigation involving Vietnamese civilians.

A. No, sir, I don't remember any particular incident like that. I doubt that I would have heard about it. It was probably handled through The Judge Advocate's Office I would imagine. They had a liaison between there and the headshed, and I don't think I would have heard about it or seen any paperwork on it.

Q. If an investigating officer were appointed, that order or directive might come out of headquarters. Do you ever remember seeing an order or directive appointing an investigating officer for any purpose?

A. I remember seeing an order for an investigating officer, but this was a particular rape incident that I was thinking of.

Q. When was that?

A. I don't recall.

Q. Did it involve some nurses?

A. It involved Vietnamese women; I don't know whether they were nurses or not. I can't remember. I know that there was--

Q. (Interposing) Was there a prisoner of war also involved in it?

A. Yes, sir. A prisoner of war was shot during this particular rape case.

Q. Do you remember an investigating officer being appointed for that?

A. Yes, sir, because I did a lot of the confidential typing on this particular report, and I had access to the testimonies of the report, the statements on it.

Q. Do you have any recollection of any other investigations of that sort being carried on?

A. I have recollection of an investigation concerning the aviation battalion, because I know it involved Colonel

HOLLADAY and not having the officer appointed or anything. But I remember an investigation, and I don't remember seeing any paperwork appointing an investigating officer or team.

IO: What was the allegation against the aviation battalion?

A. Unfortunately, I don't remember. I remember that there was an investigation, and this is just what I picked up in the office. I don't remember seeing any paperwork on it, not that I can recall.

Q. What time was that, about?

A. I recall, it was about the time of General YOUNG taking over as acting CG. As I recall this particular time, I know Colonel HOLLADAY was in to see him quite frequently while he was the CG, because he was using his own office at the time.

Q. Was that while General KOSTER was on R&R, or was that in the interim period between General KOSTER and General GETTYS' arrival?

A. As I recall, it was while General KOSTER was still there. As I recall.

Q. It would be when he was on his R&R then?

A. Yes, sir, around that time. I remember that there was some talk. This is just primarily what I picked up from Lieutenant WHITE around the office. I don't remember seeing any paperwork on it, sir.

Q. Could this business of Colonel PARSON going down to Quang Ngai and so on, could this have been in connection with that rape incident?

A. No, sir, I don't believe it was.

Q. You don't think so? Don't think it was that late?

A. No, sir.

Q. That rape incident took place in June, and by the

time they'd got through investigating it, I don't believe it was brought to trial before sometime in late July or August.

A. No, sir. I don't remember him making unusual trips in connection with that. I don't remember. Because I remember he handed me the paperwork, and it was in my strictest confidence, this particular paperwork, concerning the statements on the rape case. As I recall he spent most of the time around the office at that time, other than he called up and made inspection trips. He did make it a practice to visit a few of the different places every week. I don't recall any unusual amount of travel.

Q. Also, not so long after this there was one helicopter that went down to the west of Highway 1, which Warrant Officer LLOYD was involved in, in which he was broken up quite badly. Do you recall that one?

A. I don't recall it as involving Warrant Officer LLOYD. I don't recall that. We didn't have too many helicopter crashes, and usually they caused quite a bit of concern when they did. The one I remember most is, of course, the one involving Colonel BARKER. That was of major proportions.

Q. There were several others. Major WATKE also, who commanded the aero-scouts, was involved in an airplane accident not too long after this incident, which would have been probably in the time frame of April, early May, then he departed.

MR MACCRATE: Mr. HILL, I'm going to show you Exhibit M-34, and ask you if at or about the time that you saw the province advisors in the headquarters conferring with people there, you saw anything of this sort of letter. You see an English translation is with it from the district chief of Son Tinh District to the province chief of Quang Ngai Province. Were you asked to prepare, or did you see prepared, a directive by the commanding general with respect to that?

A. No, sir. I don't remember seeing that.

IO: Mr. HILL, did HERRIS ever talk to you about preparing such a memorandum?

A. Yes, sir. HERRIS quite often talked with me, and if something unusual came up, why I quite often saw it. I

know that he did file memorandums and directives which he had typed up for General KOSTER.

Q. Where did he file them?

A. He had a file cabinet behind his desk where he filed them. He tried to keep all the directives and memorandums and this sort of correspondence which came out of General KOSTER's office to be typed up.

Q. Where's HERRIS now?

A. The last I knew, sir, he was attending Bowling Green University. That's the last I knew.

MR. MACCRATE: We've discussed this with Mr. HILL. We have a line on him, sir.

A. I think he lived on the north side of Cleveland, if that helps.

IO: Fine. While this was all going on, did you ever hear some talk which we've had reported to us that the province chief of Quang Ngai and the officials down there were quite upset?

A. Yes, sir.

Q. You had heard that?

A. Yes, sir. I know that part of the comment that was going on between Quang Ngai and the command building was that somebody in a civilian capacity was quite upset down there. So it was part of the operation that Colonel PARSON was going down there and that various people from there were coming up to see him. I don't remember the details, and I don't remember particularly what it involved. But I do know that there was at this time an unusual--why I say unusual, I think we had considerable amount of communication with Quang Ngai, and it was rather unusual that I'd place two or three calls a day down there to their office. Usually it was Lieutenant Colonel GUINN that I talked to.

Q. Did you ever talk about a letter or statement from Captain RODRIGUEZ?

A. I'm sorry, but Captain RODRIGUEZ--it rings a bell. There's something concerning Captain RODRIGUEZ, but I don't recall whether it was statement or a communication, you know, what type of communication, whether it was personal--

Q. (Interposing) Did you hear anybody say something, "Well, the village chief says that, but RODRIGUEZ has checked with the district chief, and he doesn't feel that way at all"?

A. No, sir, I don't remember hearing that. As I say, I do remember that there was a considerable amount of concern with the Vietnamese civilians in this area of the Quang Ngai area, because it was all funneled through our contact down at Quang Ngai.

Q. Who was your contact?

A. Well, as I said, most of the time I would place a call and try to get Colonel GUINN.

Q. And he had another chap working for him too, Colonel GUINN. He had another individual, also a lieutenant colonel, by the name of GREEN. Do you remember him?

A. No, sir, I don't.

Q. Looking at the organization (Exhibit M-27), you see, Mr. MAY being here and GUINN being here (indicating). There were two main subdivisions, this being the military, this being the civilian side of the house. So Mr. MAY was here. Colonel GUINN was here. Colonel GUINN was also running the military side of affairs, but his assistant on the military side was Colonel GREEN. There was actually another military officer running this side, but this is the civilian side having to do with revolutionary development, pacification, all that sort of business.

A. I remember mostly placing calls to Colonel GUINN.

MR MACCRATE: Do you remember a Lieutenant FROSCH, F-R-O-S-C-H?

A. No, sir, I don't.

Q. He was another assistant to Colonel GUINN.

A. Quite often I would talk with Colonel GUINN's office, trying to talk with Colonel GUINN, but usually if I couldn't contact Colonel GUINN, I'd leave a message for him to return the call, because Colonel PARSON usually wanted to talk directly with him.

Q. I'd like to show you this sheet of paper, which is part of Exhibit R-1, a statement dated 14 April 1968, and ask you if you ever recall seeing a statement such as that.

A. Just this one page?

Q. Yes, just that one page. Do you ever remember seeing a statement like that?

A. Not to my knowledge.

Q. Let me show you another copy of the statement with the signature of Captain Angel RODRIGUEZ on it (Exhibit M-30). It's a little difficult to read, but if you'll look underneath, you see a true copy of it that's a little more legible. You'll note that it's the same text of statement you just examined but with the signature of Captain RODRIGUEZ, the assistant district advisor of Son Tinh District. Is that anything you recall having seen before?

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

Q. I'd like to show you another document, but before I do, do you remember seeing from time to time pieces of VC propaganda in the headquarters building?

A. From time to time there was what I call propaganda.

Q. Do you remember any in connection with this upset between Quang Ngai Province and headquarters?

A. As I recall, there was some mention of it. I don't know by whom, but there was some mention of a G5 problem. I know Colonel ANISTRANSKI had some information. It

was in the Quang Ngai area, the VC propaganda, but I don't know what it was.

Q. Do you recall Colonel ANISTRANSKI being a part of these meetings with Mr. MAY and Colonel GUINN?

A. Yes, sir. He was usually--as I recall it, he was almost always called in. They came up to the command building to see Colonel ANISTRANSKI. I remember calling him across the street.

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Q. Do you have any specific recollection of the propaganda that was referred to in this connection?

A. No, sir. I don't.

Q. I'll show you a two-page document from Exhibit R-1. I just ask you to look at those two pages and ask you if you ever recall seeing anything like that.

A. No, sir. I don't remember seeing this.

Q. Did you look at the second page?

A. Yes, sir, I did.

Q. Nothing with respect to that rings a bell of familiarity?

(IO leaves the hearing room at this time.)

A. No, sir.

Q. I'd like to show you another piece of VC propaganda and ask if you ever recall seeing something comparable to this, Exhibit M-35.

A. One page?

Q. No, this goes on for several pages. I don't know, as you go on, as it gets into a great deal of detail, that it would necessarily bring any recollection to you, but if you go over to the last page, you will see some dates and reference to places that might, if you have seen the document before,

strike a responsive chord.

A. No, sir. I don't recognize this.

Q. Do you know where the 3d Brigade, 82d Airborne, was in the spring of 1968?

A. Pardon me.

Q. The 3d Brigade, 82d Airborne, that is referred to on the first page of M-35, at the end of the first paragraph?

A. What was the question on that, sir?

Q. Do you know where the 3d Brigade, 82d Airborne, was at that time?

A. Well, as far as I know, there was no 3d Brigade, 82d Airborne.

Q. You don't remember--

COL ARMSTRONG: (Interposing) U.S. Army division, 82d Airborne Division?

A. 82d Airborne Division?

Q. Yes, 3d Brigade.

A. As far as I know, I don't know where they were.

MR MACCRATE: Well, this is something that you were not aware of. You don't remember any discussion of this document in reference to the listing here of the 3d Brigade, 82d Airborne?

A. No, sir.

Q. Another witness indicated that the reason he remembered the document is because of that reference, and I just wondered if it was anything that had been raised in your presence or which you were aware of. Now, if you'd go back to Exhibit R-1, I'm going to ask you to look at the first two pages of the exhibit and ask you if you ever recall seeing that report of investigation addressed to the Commanding General, Americal Division?

A. Just one page?

Q. No, there are two pages to it, and I'd like you to read both pages and see if you have any recollection of having seen this report before?

A. No, sir. I don't remember this report.

Q. You don't remember this report? Do you ever remember hearing that such a report had been received at headquarters?

A. I remember, as I recollect, it was Captain MEDINA. I recollect him talking with Colonel PARSON. I remember that I had quite a time contacting him. I do remember him. I don't know the particular time. I don't remember having seen this report.

Q. Are you thinking of Colonel PARSON speaking with Captain MEDINA prior to the time that he came to the G3 at the division? He became, as you will recall, a night duty officer at the TOC and was a briefing officer in the Americal Division during the summer of 1968. Prior to his coming to the division, he may very well have been interviewed by the chief of staff.

A. That may very well have been the conversation, sir. I do remember Captain MEDINA. But I don't remember seeing this report.

Q. You will note that the report refers to the Son Tinh District Chief, and his evaluation of the allegations, and to Colonel TOAN, and to the fact that the message was given to Colonel TOAN's headquarters to Colonel HENDERSON. Does this in any way relate to anything that you heard at that time about information that was circulating in the headquarters of the Americal Division? Did you see any papers at that time that would seem to relate to these allegations?

A. Not that I can recall, sir. I'm sorry.

Q. Do you ever remember Specialist HERRIS telling you about an envelope arriving for the commanding general from the 11th Brigade--for the personal attention of the commanding general--and thereafter his saying that there had been a report of investigation that he was asked to do something with.

A. I vaguely remember around this time Specialist HERRIS upset about having to type something concerning these documents he had received. I just vaguely recall that he was upset, because he was getting ready to go. I believe he had either just returned or was getting ready to go on R&R. There was some particular reason--

Q. (Interposing) What upset him about it? Was it the awful volume or just something difficult to do?

A. Well, it wasn't an awful volume, but I know there was something that he had received, and he was grumbling that it wasn't his typing. He'd had to do it several times to get it right, because he didn't have his mind on it. It would've had to be about this time. As it ran in my mind, it was about a directive he was typing, but concerning what, specifically, I don't know. I know that he got so upset that he was asked to do the typing on this. It was something that was of a confidential nature. But I don't specifically remember him receiving anything that was for General KOSTER's personal attention. I don't remember any specific things.

Q. Do you have any recollection of seeing a report such as this on Colonel PARSON's desk that he had been given by General KOSTER?

A. I remember at times that General KOSTER would walk into Colonel PARSON's office and hand him information that would come back out through my desk. But I don't remember anything on this report.

Q. Do you have any recollection of a file that was maintained either by yourself, Colonel PARSON, by HERRIS, or the commanding general in which reports of this kind would be filed? Where would you expect something of this sort to be filed in the headquarters?

A. Of this particular nature?

Q. Yes.

A. It would be filed in the outer file. We had a drawer for correspondence, incoming to the commanding general. But confidential material, of course, would be filed in that.

Q. I didn't understand your answer. Would you run through that again for me?

A. If it was a confidential material, it wouldn't have been filed in HERRIS' file because it wasn't a security file. And it wouldn't have been filed in the one right by Sergeant RITCHIE's desk. It would have been filed in the appropriate security file we had back there.

Q. And where would it go in the security file?

A. I would imagine it would probably be filed under "Reports of Investigation," because there are numerous reports of investigations. It isn't anything unique. It would go to file by subject. But it wouldn't have been filed in either one of the outer files.

Q. Was there a drawer in the assistant chief of staff's safe or the chief of staff's safe in the assistant chief of staff's office that was reserved for papers of the commanding general?

A. Yes, sir.

Q. Did Colonel PARSON also have such a drawer in the safe?

A. I don't know if he had a drawer or part of a drawer, but there was--

Q. (Interposing) You went to a drawer from time to time?

A. All confidential and secret documents that we filed, I didn't file personally. Sergeant RITCHIE was actually in charge of it, or Major BEASLEY. I would give it to them and they would file it. I didn't have the authority to actually go in and work with the classified material.

Q. But if you had something such as that report of investigation that Colonel PARSON asked you to file, you would then have taken it to Sergeant RITCHIE for filing?

A. Sergeant RITCHIE, and if he wasn't there I would have given it to Major BEASLEY to put in the security safe we had there.

Q. Were you familiar with Colonel PARSON's files?

A. Yes, sir.

Q. And at the time that he left the Americal Division, did you help in cleaning up his papers, and sorting them out, and packaging them, and sending on the way, such as he was taking with him?

A. No, sir. I didn't, because he left approximately the same time I did, or that is, I had my replacement, which was his secretary, and he had already replaced me. I moved over to work with Brigadier General YOUNG and at that time Brigadier General GALLOWAY.

Q. Well, you remained until September and Colonel PARSON left in June, did he not?

A. No, sir. He didn't leave in June. I think it was Colonel TREADWELL that replaced him.

COL ARMSTRONG: TIXIER?

A. TIXIER. I remember he was a Medal of Honor winner.

MR MACCRATE: Well, no, that was Colonel TREADWELL. But the schedule--I had him leaving a little early, and you had him leaving a little late. It would appear that Colonel PARSON left on the 23d of August, and Colonel TIXIER served from that time as acting chief of staff until 3 October, and then Colonel TREADWELL took over from Colonel TIXIER. I gather that that would be just about the time you were leaving?

A. Yes, sir. See, there was this time lapse in there that I had changed positions to where I was working for Brigadier General COOKSEY at that time.

Q. Who took General YOUNG's place?

A. Yes, sir, and Brigadier General GALLOWAY, who had been promoted, was still there. We had one clerk who worked with two ADC's. One worked for the chief of staff. One worked for the CG. I had a replacement that I broke in and who took over just about the time Colonel PARSON was leaving and worked through the acting chief of staff who was Colonel TIXIER and on then to Colonel TREADWELL. I didn't see him, because I left about that time. But I went on a second R&R just about the time Colonel PARSON left. As a matter of fact,

I think it was the same day. But I didn't help him packaging up any of his files.

Q. Or clean out his desk or anything?

A. No, sir. To my knowledge the only file that he kept in his desk, to my knowledge, was that of an OER file. I had the master sheet of OER's, and I had made him a file so he could keep track of his OER's as they were due in and due out.

Q. Do you have any recollection of helping put together and package the papers of Major BEASLEY when he left on or about 1 June?

A. No, sir. I don't remember my helping him package anything up that he took out of the office.

Q. You'll recall that he went to the battalion, and was out in the field, and was coming in and out. He left a lot of papers behind that had to be gathered up and delivered for him. Do you have any recollection of that episode?

A. Yes, sir. I have a recollection that he did periodically come back in and retrieve what personal stuff he had left. He quite frequently asked me to give him back the lamp he had given me and personal items like this, but I don't remember him taking any paperwork or my gathering any paperwork for him to take.

Q. Did you by any chance help Specialist HERRIS at the time General KOSTER left in June?

A. Yes, sir. That was more than a one-man job. We all helped on that.

Q. Do you recall what was done with the papers at that time?

A. Yes, sir. We tried to assemble the correspondence that HERRIS had in his file in such a manner that they would be accessible to General GETTYS when he came in. That is, HERRIS kept a pretty good file system, so there wasn't much of a problem, but we tried to revamp it to the point that General GETTYS, if he needed to, could look at previous correspondence that had gone out of there. If he wanted a reference, we could get it for him without any trouble.

Q. Do you remember a file in there relating to Quang Ngai Province? Was it the kind of file system that it was divided by areas, or by perhaps something from the Quang Ngai advisory team, or something of that nature?

A. To my knowledge, it wasn't arranged by areas, no, sir. Most of it was arranged by memorandums and directives of this nature. So it very well could have been that if a memorandum had gone out it would be under memorandums and if a directive had gone out it would be under directives.

Q. What was the system for maintaining records so far as directives of the chief of staff or of the commanding general was concerned?

A. Up until the point of Sergeant RITCHIE's departure, it wasn't a very good system. And as Sergeant SAIMONS came in and Sergeant LOFTIS, they both arrived not too far apart, we did revamp the file system. That is, we took out every piece of paper and put it back in its proper place according to the AR we had.

Q. When did this file revamping begin, as you recall?

A. It began about the time Sergeant LOFTIS got there, because he really didn't have a job when he got there as we had personnel changes in the office. For example, he worked as the CG's steno for awhile and then was replaced by VAN ABLE. Then he was moved back to work for the ADC's and so forth. But Sergeant LOFTIS was instrumental in revamping the files. I would say at the time period that this was shortly after his arrival, which I believe was some time in June. I believe it was because HERRIS was about ready to depart.

Q. We have talked both with Sergeant SAIMONS and Sergeant LOFTIS, so that we do have a bit of a picture, and we also caught the flavor from them that the files around headquarters were less than satisfactory in the time frame with which we are partially concerned at this time.

A. Yes, sir. Quite frankly, they were miserable. They had--and I say this, the individual I replaced was a Marine, still left from Task Force Oregon Marine Augmentation. I replaced him, and he had absolutely no file system for the chief of staff's correspondence. It was a few papers in his file and a few in the front. So there was a very poor filing system. We tried to revamp it to the point where we could

keep it all in one cabinet. That's why I'd say that personally what I filed for the chief of staff was usually directives that he put out, and reports of inspections, and things of this nature.

Q. What kind of screening went on at the time of this file revamping in the summer of 1968 before documents were disposed of? What was the system of review as you observed it?

A. Well, we just had to literally take everything out of the files and relabel them, as I say, according to the AR that covered filing. I can't remember the number on it, but the filing AR. Then we took all the information we had and tried to file it accordingly. We put the labeling on the side as to where it could come under this. When I first got there, one of my first jobs was to take the chief of staff all this garbage correspondence and try to sort it out into some sort of filing system. But it proved to be rather infeasible, so Sergeant RITCHIE took the files I had and placed them in the file cabinet back by his desk. But there wasn't an adequate filing system.

Q. Do you know of the practice followed with respect to the destruction of documents at that time?

A. Yes, sir.

Q. What was that?

A. sYou're talking about unclassified documents?

Q. Yes, or something less than secret documents, since there would be no log of confidential documents, I understand. Although quite frankly, we've recently been to Chu Lai, and we have been unable to find even the logs for that period. It is quite shocking to go back to this period in the spring of 1968 and see what is not in Chu Lai.

A. That's because of the destruction of the documents. Specialist HERRIS, and myself, and I can't recall if VAN ABLE was in on it--he may have been sometime. I know HERRIS and myself would burn classified documents. He was authorized to dispose of them. We had an incinerator out back. You may very well have seen that. This is how we disposed of the documents. They were all burned.

Q. Who examined them before destruction?

A. You're talking about when we revamped?

Q. Yes.

A. I would say that Sergeant LOFTIS and probably Major POWELL would be the two. I don't remember examining any myself. I remember typing up new folders and trying to arrange this, but I don't remember examining any that would be disposed of.

Q. Do you know if Specialist HERRIS or Specialist VAN ABLE were involved in checking the documents out or were you just the burning part of it?

A. To my knowledge, they weren't involved in checking them out. It was just our duty to go out back and dispose of them.

COL ARMSTRONG: RITCHIE would just say to you, "Take that burn bag out and burn it"? Is that about the way you say you got involved?

A. Yes.

MR MACCRATE: You say RITCHIE; this took place after RITCHIE's departure, the burning?

A. Up until that time, yes, Sergeant RITCHIE would--either he would burn it--of course, we had to have the two people out there. Usually he would burn it.

COL ARMSTRONG: All right. Then after him SAIMONS, wasn't it?

A. Yes, sir, and Specialist HERRIS. We had an order cut on who could--

Q. (Interposing) Right. This was the way it was done, from your viewpoint? Somebody said, "Here's the burn bag; take it out and burn it," or, "Here's a stack of documents; take them out and burn them." You said, "We're going out and burn them."

A. Yes, sir, to my knowledge, that's my viewpoint, the way I saw it. I don't know who reviewed it. I know that it probably went through Major POWELL or Major BEASLEY, depending on what time it was. I'm sure it did.

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MR MACCRATE: We have already had an explanation. There was an error in the original typing of the true copy.

COL ARMSTRONG: I see.

MR MACCRATE: Exhibit R-1 is a true copy, and Exhibit R-5 is the file carbon copy of the report of investigation taken from the 11th Brigade.

A. Well, there's a discrepancy between the two.

Q. There are several respects in which preparing the true copy the 11th Brigade was not accurate to what was in their file.

A. All right. I didn't understand. I thought you meant there was not a heading.

Q. Forget that. We have pointed out these deficiencies to those who prepared the true copy. Well, we appreciate, Mr. HILL, your coming all the way from Denver to fill us in on some of the things you heard and saw back in the spring of 1968. If, as a result of the questions that we've directed to you today and some of these materials that we've shown to you, any other things come back to mind and you begin to focus upon some more of the details relating to these reports, and investigations, and the review of the investigations that preceded at that time, we would appreciate your getting in touch with us and letting us know about it. Now do you have any questions that you would like to put to us at this time or any statement you'd like to make for the record?

A. No, sir.

Q. Military witnesses who appear before our inquiry are directed not to speak about their testimony. We request civilian witnesses to respect the confidentiality of this inquiry as we are attempting to explore the facts surrounding the reviews, and investigation, and the reporting of what's described as the My Lai incident. And in this way to permit us to, insofar as possible, to get people's recollection unaffected by conversation, we would ask you to keep in confidence what we have reviewed with you today and not to talk particularly to other witnesses who have been or may come before our inquiry. It is possible that you will be asked to testify before some other official body, either an

administrative, judicial, or legislative committee. In that event, of course, our request would not extend that you in any way withhold from them anything that you may krow about these circumstances. We'll recess at this time.

(The hearing recessed at 1520 hours, 6 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: HOLTOM, Stanley E. LTC

DATE OF TESTIMONY: 24 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Division Psychological Operations Officer, Americal Division.

1. BACKGROUND INFORMATION.

The witness, as the division psychological operations officer, was part of the G5 staff section in the Americal Division, working for Colonel ANISTRANSKI (pg. 2). He had arrived in country on 5 January, was assigned to the job on 7 January and remained in that capacity for the rest of his tour which ended in September (pg. 2). He was responsible primarily for the coordination of all the propaganda effort which was supporting the ground troops of the division (pg. 3). He had a secondary responsibility of coordinating with local Vietnamese authorities operations in support of the Vietnamese (pg. 3). In this "civilian mission" he would work through the province advisory groups in Quang Ngai and Son Tinh for they had the control of the armed propaganda team, and the movie vans (pgs. 3, 4). Colonel DUNBAR was his liaison at III MAF PSYWAR (pg. 4). The witness ran the PSYOP G5, and ANISTRANSKI ran civil affairs (pg. 11). He operated in a completely different building from the G5 shop (pg. 11). He felt that during this period he was "left out in the cold" in that he was not fully informed of the G5 operations (pgs. 13, 14). It was later in the year that the policy changed and that his office was brought in to receive briefings on forthcoming operations (pg. 14).

2. DIVISION POLICY ON THE NOTIFICATION TO THE CIVILIAN POPULATION OF A VILLAGE.

The witness stated that there existed a policy of

notifying via leaflets or loudspeakers the inhabitants of a village which was going to be air assaulted (pg. 6). He stated that there were a few occasions when for security reasons the village would not be notified in advance but generally the area would be saturated with the information (pgs. 6, 7). He did not recall specifically whether there was any PSYOP of the operation into the My Lai area (pg. 7).

3. NOTIFICATION OF THE CIVILIAN POPULATION ALONG THE COAST.

The people that lived in the coastal strip had been repeatedly warned through leaflet and aerial broadcast propaganda to move out (pg. 4). This was done through a series of broadcasts and leaflets telling the people that if they remained they would be considered VC or VC sympathizers and that conduct of military operations might well cause harm to them (pg. 5). There was specific propaganda directed against the 48th Battalion (pg. 5).

4. HIS KNOWLEDGE OF THE OPERATION.

The witness attended every evening briefing but did not recall specifically the body count - weapons captured ratio (pg. 8). He did not hear any discussion at the briefing about it (pg. 8). He did not recall ANISTRANSKI mentioning the incident, although it was normal for them to receive a briefing when ANISTRANSKI returned from the General's office each morning (pg. 9). The witness had no knowledge of any members of the body count being civilians, nor did he hear any comments regarding pilots seeing bodies or seeing a confrontation between air and ground elements (pg. 10).

5. HIS KNOWLEDGE OF ENEMY PROPAGANDA.

The witness stated that enemy propaganda would normally be picked up and kept at the unit level. He stated that towards the end of the tour, there was a better exchange of material than there was in the beginning (pg. 10). The witness did not recall seeing Exhibit M-35, a notice from the Quang Ngai National Liberation Front Committee, dated 28 March 1968 (pgs. 10, 11).

6. HIS KNOWLEDGE OF ANY INVESTIGATIONS.

The witness did not know that the Americal Division was conducting an investigation into the activities in My Lai (4) on 16 March (pg. 12). He heard no rumors or statements which

caused him to be suspicious that something had taken place (pg. 12).

7. OTHER INFORMATION.

a. The witness stated that he had compiled in the Americal Division library all propaganda which they produced and that copies of every leaflet should be contained there (pg. 6). He stated that he had some leaflets in Europe which he would send to the committee (pg. 5).

b. The witness stated that he knew Captain KESHEL and felt that KESHEL did not get along with ANISTRANSKI (pg. 13). KESHEL controlled all of the PSYOP operations in the 11th Brigade and Lieutenant WADSWORTH who was KESHEL's assistant, was primarily oriented to the civil affairs aspect of the operations (pg. 14).

c. The witness knew Captain GOUZOULES, the S5 of the 4/3 because he was being considered for the job of an assistant in the G5 office (pg. 13). He could not recall GOUZOULES picking up any information which was adverse to the American operation (pg. 13). He did not hear any criticism about GOUZOULES coming from Colonel BARKER and Major CALHOUN or Colonel HENDERSON (pgs. 14, 15).

d. The witness stated he did not get along with Colonel ANISTRANSKI (pg. 14). He recalled some differences between ANISTRANSKI and Mr. MAY and Colonel GUINN (pgs. 15, 16).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-6	Americal Division Log, 16 Mar 68	Item 94 pointed out to witness.	7
M-35	VC propaganda leaflet	Witness did not recall seeing it.	10
M-51	PSYOPS Journal, 1-20 March	Wit recognized.	16
R-1	Inclosure to HENDERSON's Report.	Wit had not seen.	10
R-20	POLWAR Activity Report 31 March 1968	Wit recognized.	16
MAP-1	Wall map	Used to orient the witness.	4

0190

(The hearing reconvened at 0900 hours, 24 January 1970.)

IO: The hearing will come to order.

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

The next witness is Lieutenant Colonel Stanley E. HOLTOM.

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

Colonel HOLTOM, for the record would you please state your full name, grade, Social Security number, organization, and station.

A. Stanley Edgar HOLTOM, Lieutenant Colonel, Headquarters, 3d Infantry Division, APO 09036, Wurzberg, Germany.

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

A. Yes, sir.

Q. Do you understand them or do you have any questions?

A. No, sir.

Q. Colonel HOLTOM, on my left is Mr. MACCRATE. Mr. MACCRATE is a civilian lawyer who volunteered his services to Secretary RESOR to assist in this investigation and also to provide legal counsel for me and other members of the inquiry team. On my right is Colonel ARMSTRONG who has been designated by General WESTMORELAND as an assistant in this investigation. Either of these gentlemen may address questions to you this morning. We also have other groups such as this that are taking testimony from other witnesses. I, however, will be responsible for putting together the report, weighing the evidence, and making the findings and recommendations. As a military officer, you are directed not to discuss your testimony here with others, including any

witnesses who may appear before this inquiry group, except as you may be required to do so in the performance of official duty or before a competent administrative, judicial, or legislative body. In the term legislative, I would include any of the congressional committees. The one most likely would be the investigation subcommittee of the House Armed Services Committee. Your appearance here would in no way preclude you testifying before that body, or any such legislative body.

I do not know, nor do I have any indication, that you have been cited or cautioned by the military judge in the general court-martial case of the United States v. Calley. Is that correct?

A. That is correct.

Q. I think it unlikely that you will be so cited, but in the event you are, either in that court-martial case or any other general court-martial case which may develop out of the My Lai incident, your appearance here would in no way change either the effect or applicability of that order. Do you have any questions at this time?

A. No, sir.

Q. Colonel HOLTOM, what was your duty assignment in March of 1968?

A. I was the division psychological operations officer, sir, part of the G5 staff section in the Americal Division.

Q. Who did you work for directly?

A. The G5 at that time was Colonel ANISTRANSKI, in effect my immediate superior.

Q. How long had you been in that capacity?

A. I arrived in country on 5 January, sir, and I was assigned the job at that time. I believe the actual orders assigning me were 7 January.

Q. How long did you remain in that capacity?

A. I stayed there the whole year of my tour until I departed the last day of September.

Q. The My Lai incident of 16 March 1968 became a matter of public knowledge about 4, 5 months ago in September, October 1969 through radio, television, and newspapers and so on. Have you had any conversations with any people from the headquarters of the Americal Division concerning that incident or concerning the reporting of any such incident?

A. Nobody from the headquarters of the division. In fact, the only conversation I've had with anybody is some of the people I saw yesterday when they were appearing here as witnesses, just by talking -- well, saying its interesting to see you here, that type of thing. Nothing as far as specific details that they or I knew anything about the incident.

Q. But there was nothing substantive about the incident or what you heard?

A. No, sir.

Q. Would you describe briefly your responsibilities as a psychological warfare officer with the Americal Division?

A. I was responsible for the coordination of all the propaganda effort that was directed primarily in support of our ground troops. This included leaflets, aerial broadcasts, coordination of Ground Propaganda Teams, to include movies, liaison with the Armed Propaganda Teams that we used in the Vietnamese for the conduct of psychological warfare broadcasts throughout the local area, and this was the primary responsibility. There was also a secondary responsibility from the point of view of coordinating with the local Vietnamese authorities, and directly through our advisory authorities, for the conduct of psychological operations in support of the Vietnamese, shall we say, civilian mission as opposed to our military mission. For instilling in the people a sense of urgency and responsibility and loyalty to their country. This type of psychological warfare is a completely different aspect as opposed to the military side of it. So, I feel it was a two pronged type of mission but primarily in support of our ground operations and a secondary mission to support the Vietnamese effort.

Q. In the latter instance, would you work through the province advisory groups in Quang Ngai and Son Tinh?

A. Yes, sir. This is my source of access into these people. In other words, they had the control of many of the media we wished to use, for example the APT, Armed Propaganda Team, the movie vans, and things like this. And my direct liaison was down through Quang Ngai and to Son Tinh Province.

Q. Who did you look to as the psychological warfare officer in I Corp?

A. III MAF PSYWAR officer, who at the time was Colonel DUNBAR, my liaison. He was succeeded, I believe, in about June or July by Colonel CHASE. And he was the man who I went to from the point of view of policy guidance, this type of thing.

Q. Now, if I may say, another inclusive part of your responsibilities undoubtedly was the review and analysis of VC or NVA propaganda?

A. Yes, sir.

Q. One thing we've heard, Colonel HOLTOM, and I wish you to discuss this a little bit. This is from the Vietnamese side, and you should know that we've talked to more than a few Vietnamese, high level and low level. But the Vietnamese have indicated that they have repeatedly through their PSYOP effort told the people along generally the coastal strip for example, I would point to this map (Exhibit MAP-1) and say in this general area which you see, its not quite this way, but the people in what might be referred to as the VC controlled area. They indicated that they had repeatedly told those people to move out of the area and to move into the areas under government control to the point that they woud think that anybody who remained there would automatically be a VC or a VC suspect. Now can you elaborate on that please?

A. Yes, sir. I think that's generally speaking, a very fair statement, sir. I know specifically that the development of propaganda, both in leaflet and aerial broadcast form, for dissemination in that area and in other areas within the Americal AO purportedly and repeatedly telling these people that this was the time to move out. That there was an opportunity for them to begin a new life under the Vietnamese government. We went into a lot of detail, I know, in some of the leaflets that were put out offering them or showing to them the opportunities that would be available to them if they did voluntarily move out of the area.

I seem to remember that there was a series of leaflets and a series of aerial broadcasts in that area that told the people, I can't think of the exact wording, but it was much to the effect that those people who were left in the area would be considered as VC or VC sympathizers. And that conduct of military operations might well cause harm to them. I also remember they directed some specific propaganda against the 48th battalion which was a unit that was targeted by our intelligence people in that area, trying to point out to them the futility of the fight because they had been engaged on and off for quite an extensive period of time, pointing out that the force and the fire power that was available to the allied force would eventually get them. This type of approach, that now was the time to give up and receive medical treatment, receive food, receive care, this type of thing while the opportunity still existed. This was an extensive propaganda conducted in this area along these lines.

Q. I've had some acquaintance with some of these PSYOP officers and I find that a great number of them are very proud of their products, maintained files on them. I would wonder if you're that kind of a PSYOP officer.

A. I think I left most of my files there. I did have very extensive files. I had most of them right in the Americal headquarters. When I left, I may have taken back with me some examples, but I don't have a complete dossier of propaganda that was developed.

Q. Would you have these with you?

A. No, sir, I have nothing with me.

Q. Where would they be located?

A. Sir, if I have them, they're with my material that I have back in Europe right now. I believe, very honestly, I haven't looked through that material for quite some time.

Q. I'd appreciate it, Colonel HOLTOM, if you would look through what you have. We have certain samples of propaganda. We've heard more about this propaganda than we've been able to discover. I think it would be helpful if you could -- if you do have any of this, to let us have it. We will have it duplicated and returned to you.

A. I had the Americal Division -- and I know you were over there a few weeks ago -- I had in the Americal Division quite an extensive, in fact a library of everything that was produced and I left that right there. And I wouldn't have thought that within a year that would have been removed. Copies of every leaflet that we ever made.

Q. We were able to pick up some, but I must say it was very skimpy and what I've seen is rather innocuous. I personally did not go over and look into the files, but what I've seen doesn't really impress me.

A. We had quite a bit of extensive, not only generalized propaganda which I think has very limited effect, but what I consider the more detailed specific type of approach where you isolate factual information.

Q. I'd be interested in particular in any that you have directed specifically against the 48th Local Force Battalion.

A. I can remember that so very well, sir, I can almost remember the number of the leaflet that was assigned to it. There was designed, I know somewhere around the middle of 1968, there were two or three of them, sir. It wasn't just one. It was a series of propaganda as you know sir, its an accumulative type of thing. You don't hit with one particular item. And I know there was extensive propaganda conducted and specifically identified at the 48th.

Q. Another thing that we had heard, and as a matter of fact it's a matter of directive, is that whenever possible, when a unit is going to conduct an air assault into a specific village, or something of this nature, or was going to make an assault on a village, that the inhabitants would be notified either by leaflets, or by loud speakers, or both, or by means possible to protect the noncombatants. Was this carried on forcefully within the division?

A. Sir, this was, generally speaking a policy and the reason I say generally speaking, sir, is that I believe, there on a couple of occasions where, possibly for security reasons or otherwise, we did not go in ahead of time. And I think there's always the possibility of weighing how much you compromise your mission when you do this type of thing. But, generally speaking,

it was the policy, maybe not as much as a day before or two days before, sir, but a period of time before that we did saturate the areas with this type of information.

Q. Even right when the operation was going on --

A. (Interposing) Oh, yes, sir.

Q. It's conceivable to get the forces lined up and provide warning to the people?

A. This was done once the mission was kicked off and the operations was actually being conducted. Then of course, we were able to go in. And in many cases we developed, sort of a progressive type of thing, warning the people. I can remember some of the leaflets that we used to -- that were developed and disseminated, and broadcast showing -- outlining to them the effect of the bombing, of the fire power, and generally appeal to them: "Why do you continue to suffer under this?" In other words, you've seen now what this is, they're not idle warning type of things. We still offer you the opportunity to come out or to surrender. This is what we're really trying to get the people to do, if they were hardcore VC, to come out and surrender.

Q. Now, this operation into this area, Colonel HOLTOM, was planned for the morning of the 16th. To kick off a 3, 4, 5 day operation. Do you recall specifically whether any of the PSYOP directly in support of this operation were called for?

A. No, sir, I do not. And I would be very remiss if I told you anything, sir, without going back to actually check the records, but if I ever had those records --

Q. (Interposing) You don't recall any such request?

A. No, sir, I do not, and I certainly do not know what propaganda if any was disseminated at that time, sir.

Q. I have here, Colonel HOLTOM, the log of the Americal Division for the 16th of March 1968. Its been entered into the record as Exhibit M-6. I would call your attention to item number 94 which is the final entry on this day, which is basically the same data which was presented at the briefing, the evening staff briefing on the 16th. If you will notice down at the fifth

line, it starts out with operation Muscatine. I would ask if you recall these figures being briefed?

A. Sir, I don't recall specifically, but I was at, I believe, almost every evening briefing, sir. And, I'm sure if they were read, if that's the way they were actually given, then I certainly heard it. Of course I do recognize now the operation Muscatine, although I was trying to rack my brain as to what the name of the operation was -- that was connected at this particular date, and we did conduct extensive PSYOP in support of Muscatine. In fact, in the after action reports that I wrote, I believe as part of the USARV 6 month report and also part of the III MAF requirement, which I believe was on a quarterly basis, I know but we did identify and isolate PSYOP support given in -- for operation Muscatine as one specific operation. But as far as the actual figures are concerned, I heard every one of those evening briefings, and I don't have any reason to believe that I didn't hear this at that particular time.

Q. This is somewhat unusual. I'll call your attention to a few of the figures here. There is an enemy body count of 128, there were also two U.S. KIA, a total of 11 U.S. WIA and three weapons captured. Do you recall any discussions in the briefing concerning this disparity or discrepancy between the number of weapons captured and the number of VC KIA?

A. No, sir, I don't. In fact, I remember the briefings. Generally speaking, sir, the briefings were not forums for discussion as such. In other words, the presentation was made and then I was not party to any discussion on this particular fact after the briefing or any time subsequent to that.

Q. We would understand that in the briefing there were some comments that went on within the staff at the time. Something to the effect, "Yes, 128, 4 VC and 124 women and children," and a few comments like that. Did you hear anything like that, that you recall?

A. Sir, I certainly don't recall it and I don't know -- the way the briefings were set up my position was at the back row, at the end type thing -- and I certainly was not party or I did not hear, certainly, any discussion to that effect. If it was conducted, whether by the other staff members or anybody else who was in that room -- that particular briefing room, used

to hold as I'm sure you're aware, sir, pretty close to 35 to 40 something people -- and I don't remember any specific discussion concerning those figures, sir.

Q. Did Colonel ANISTRANSKI ever talk to you about this discrepancy? Or did he ever talk to you about having received a report that there was some unnecessary killing of civilians in this area?

A. No, sir. My work in PSYOP, and this of course was within the time frame, this was comparatively soon after I arrived. I soon found that I was -- the direction was pretty much left to myself. There weren't too many people in the division who would have a great knowledge or had a great deal of impact on the PSYOP program. I found that in my case, and I don't know about my predecessor, that the PSYOP development was left to the PSYOP officer himself with very little, at that time, direction as to which approach would be taken. I don't remember Colonel ANISTRANSKI mentioning this as a particular incident. What used to be part of our briefings also, sir, on the 0800 morning briefing or 0730, or whatever it might be -- after Colonel ANISTRANSKI returned from the CG's office where he had his update briefing in the morning he would -- I would go in there and he would give us the rundown on what the details of the last 24 hours or 12 hours as it may be, what may have been. But if it were given, it was only given just as a reiteration of facts that were addressed to the facts of these disproportionate numbers, as appear so obvious now.

Q. Well, forget about the 128 and just come down to the point of perhaps some indiscriminate or unnecessary killing of women and children or noncombatants.

A. Sir, I've never heard -- in my time there, I never heard that referral made as to why the body count was so high, that out of these 128 VC, shall we say maybe a 100 of them were women and children. I certainly don't have any knowledge of that or had heard it mentioned to me.

Q. Had you heard any comments to the effect that one of the aviators had reported seeing bodies or reported a confrontation between air elements and ground elements?

A. No, sir.

Q. I have here, Colonel HOLTOM, two pieces of propaganda reportedly used by the VC. This first one is an inclosure to Exhibit R-1. I would ask you to look at this document. It consists of two pages. That's all I would like you to look at and tell me whether or not you have seen this document.

A. No, sir. In fact, I don't believe I saw a piece of Vietnamese propaganda that was written that well the whole time I was -- I mean was written that gramatically correct.

Q. We understand, Colonel HOLTOM, that this could well have been broadcast, and received, and then translated to be published in a report in this form.

A. I don't recollect seeing this before.

Q. If it had come into division, in your capacity as a PSYOP officer, would you have expected to have received a copy of this?

A. Yes, sir. I had a requirement out to all of the subordinate PSYOP officers, in fact, many of these requirements stating that they would -- any enemy propaganda that was found in the area would be passed up. And I think toward the end of my tour, certainly the second 6 months, we had far better rapport, far better exchange of this stuff than what we did the first 3 months or 6 months when I got there. This was an establishment of relationships, shall we say, between myself, some other people and things like that. I'm sure that initially, sir, there was not a great deal of this stuff being transmitted up to division. Of course a lot of this stuff was picked up and probably kept down at the unit level and never did get up to division. Although there again, sitting right in the Americal Division in the files I know I left there, there was every piece of enemy propaganda that we had picked up. It was all tabbed with the dates and what we had done about it once we had received it.

Q. I have here another exhibit which is number M-35. This is not necessarily propaganda. It is a notice by the Quang Ngai National Liberation Front Committee dated 28 March 1968. Here is the Vietnamese version and on top of it is the English translation. Would you look at this and see whether or not you have seen such a proclamation. I don't think its necessary for you to read all of it.

A. No, I don't, I certainly don't recall it, and I would tend to think that if I had read something like that the mere details and the specifics contained therein would have had certainly an impact that I would have remembered -- as far as remember seeing anything as detailed as that in any of the propaganda. Most of the stuff that I ever had come in was more general stuff exhorting people to resist the Americans and so on. This is a very detailed piece of information. One thing I think might also have come across my mind, but I hadn't seen this and I'm not quite sure of my dates, but I see they still got these American troops belonging to the 3d Brigade of the 82d. I don't believe 3d of the 82d was in country at that time.

Q. The 3d of the 82d was there.

A. Again, sir, I certainly don't recall seeing this. And I would think if I had of seen something like this, the mere specifics, and the details, and the names that were identified in here would have led me to believe that I should have remembered it and done something about verifying or seeing what the story was about. So, I don't believe I've seen that before.

Q. Did you ever hear of any discussion between Captain KESHEL, who I believe was the S5 of the 11th Brigade, and Colonel ANISTRANSKI which would indicate that the people at Quang Ngai Province and Son Tinh District were pretty mad at the Americans for something that took place down there?

A. No, sir. I know that Captain KESHEL had a lot of conversations with Colonel ANISTRANSKI because he spent quite a bit of time over at his office. The way we were physically set up, my office was apart form the G5 section.

Q. You were not in the same building?

A. No, sir. I was in a completely different building, sir. And Captain KESHEL was at that time, I believe, assigned as the S5 of brigade, and he also had the S5 responsibility for the brigade. And so, generally speaking, what would happen is that when KESHEL came into the area he would come over to my office to discuss this aspect of it, and then he'd go over to the G5 shop and discuss with Colonel ANISTRANSKI, I presume, his other business that he had.

Q. You pretty well ran the PSYOP, G5 and Colonel ANISTRANSKI ran the civil affairs?

A. That is very true, sir.

Q. Did you ever hear that something that went on down here in mid-March was being investigated within the Americal Division?

A. No, sir. I had no idea that there was an investigation going on. I certainly was never called or asked about any information that I had.

Q. Did you ever hear any rumors, or statements, or comments by anybody that would cause you to be suspicious that perhaps something took place?

A. No, sir. Of course I've been trying, ever since I had this notification, to try and recollect some specifics, or anything that I may have heard that could be of help to you. And I really in all honesty cannot say, sir, other than the normal talk that goes on among troops in that type of environment, but as far as anything specific, or anything concerning an investigation, or anything connected with the name My Lai, or a Pinkville investigation, sir, I certainly--a stranger to me and I certainly have no information that I can pass on to you that I think would be substantial in nature.

MR MACCRATE: Colonel HOLTOM, what was the general talk among troops that you recall?

A. Well I seem to remember, sir, for example, that the same information that General PEERS just showed me, for example in that log, would be published in the division daily news sheet. For example that we had--and of course we were coming to the briefings or something such as this or if you read the news sheet, you say, "Oh, we had another good day yesterday," or "The body count was up high," or something like that. This type of talk. I think its quite common of course among troops in the field.

Q. Do you remember any criticism of the body count? Speculation as to how solid they were.

A. Well, sir, of course, the question of body count has always been one of our big problems, as you are well aware since

this thing started. And I always looked at body counts from a personnel point of view with somewhat of a jaundiced eye, knowing how some of these things can get amplified and grown out of proportion. I always thought its good publicity or it made people look good necessarily, but I didn't really put a heck of a lot of weight in some of the information I saw in the news sheets or that type of thing. One thing that always concerned me, of course, and I'll admit very readily that it didn't when I saw these figures, but always did later on as I developed into the job: whenever we had a large body count when we had very few weapons, this was always one thing that worried me a little bit. Whatever happened to the weapons type of thing, either that or the body count was very overrated and--

Q. (Interposing) Were you aware of any friction between Captain KESHEL and Colonel ANISTRANSKI?

A. Oh, they didn't get along. It was very common knowledge. Their personalities were diametrically opposed. And they certainly wouldn't have been the greatest of friends if it hadn't have been for the fact that their military duties required them to be in constant touch with each other.

Q. Do you remember who was the S5 of the 4/3?

A. Yes, sir, Captain GOUZOULES. The reason I know it so well is because he was going to come up and be my assistant at division towards the end of his and my tour. That's how he actually extended, I think for 6 months. And then he went up and he went to become the S5 of the 196th Brigade.

Q. Do you have any recollection of an occasion in the spring of 1968 when Captain GOUZOULES had picked up some information locally which was adverse to American operation? He made some comments about this, and it caused a bit of flap, and there were apparently some discussions with some of the personnel involved in the operation. Some of the officers involved in the operation and Colonel ANISTRANSKI may have either gone down to the 11th Brigade or gone down to the 4/3 and had some conversations regarding this. Does this ring any bell with you?

A. No, sir. If I can -- I know it might seem that I should know something, but in all honesty, sir, I was the man who was left out in the cold in that G5 shop during this period

of time. And again I have certainly no--nothing that I can pinpoint to say that Colonel ANISTRANSKI and myself did or did not get along. We got along from a professional point of view, but I felt that many times there were things that were operating that I should know about, that I wasn't fully informed about, and we did have a couple of discussions to this effect.

Significantly after we changed the G5, which I think is about the middle of the year, I believe Colonel MCCARTHY came in first. Well, Colonel MCCARTHY was a man who had no background in this particular business, and then Colonel ROBINSON. And even when we changed our division commander, and I think it's just coincidental it happened at that time, that I was brought more into the complete operation. From that time on I used to receive briefings of forthcoming operations from the G3 plans officer and this type of thing. But that type of situation didn't exist, I would say, up until or certainly for the first 6 months of my tour there, sir. So I was never aware of where Colonel ANISTRANSKI went, or when he went, or why he went down to these various places. I know he did make frequent visits out to both Quang Ngai, Son Tinh, and out to these areas.

Q. Did you have any measured contact with Captain WADSWORTH the assistant--

A. (Interposing) Captain WADSWORTH, yes, sir. He was a lieutenant then. He came in as Captain KESHEL's assistant. He was primarily oriented, however, to the civil affairs aspect of it as opposed to the psychological operations aspect. He was not trained and did not have experience, and generally, as far as the 11th Brigade was concerned, all of the PSYOP was conducted and controlled by Captain KESHEL. So about the whole time I was there--I believe Captain KESHEL may have left a week or so before I did, a couple of weeks maybe before I did. And during that whole period of time he was actually conducting the PSYOP program in the brigade. Lieutenant WADSWORTH did come into it occasionally, but it was only sort of almost as a courier or messenger type thing and not from the point of view of developing propaganda or talking about what programs or what propaganda should be disseminated in there.

Q. When you were considering Captain GOUZOULES as your assistant, do you remember any criticism about him coming from Colonel BARKER, Major CALHOUN or from Colonel HENDERSON?

A. No, sir. Colonel BARKER, I only spoke to one time, and certainly Captain GOUZOULES's name was never mentioned at that time. This is when Colonel BARKER was XO of the 11th Brigade, just before he went out and took over the battalion, and I'm certain that no comment was made concerning this thing then. I might also mention that at that time, sir, he was not being considered for my assistant. It was some time later.

Q. Yes, I understand that.

A. As far as Colonel HENDERSON was concerned, certainly no comments were made to me by him. I did have some conversations with Colonel HENDERSON concerning PSYOP and what he wanted to do and so on, but certainly there was no adverse comment made concerning Captain GOUZOULES. In fact, I'm trying to remember at the time that I asked for Captain GOUZOULES to come up to division whether it was Colonel HENDERSON or not at the brigade. But I think he said "yes" I could have him providing they got an adequate replacement.

Q. Do you recall any conversations with Major CALHOUN who was the XO--

A. (Interposing) No, I don't even recognize that gentleman's name.

Q. He was the S3 and executive officer of Task Force Barker.

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

Q. Do you have any recollection of a complaint made by the province chief of Quang Ngai Province, Colonel KHIEN to Colonel TOAN, the commanding general of the 2d ARVN Division, that was unfavorable to the Americal Division, in some way critical, and it created a little flap, and Colonel ANISTRANSKI was involved in some problems of relations possibly involving Colonel GUINN, and Mr. MAY down at province advisory team? Does this ring a bell?

A. Strictly hearsay, sir, and I did hear that there was a difference of opinion with--since you mention Colonel GUINN's name, his name was mentioned. And Mr. MAY, I remember there was--Colonel ANISTRANSKI did say he was going off down

there one time to--I forget what his wording was-- to smoke the peace pipe or something as that, to see what the problem was, or something. I can't remember his actual words. But he indicated to me that maybe there was some dissention that he was going down to try and square away so that--

Q. (Interposing) Any indication of the nature of the problem?

A. No, sir. I was not taken into the confidence of Colonel ANISTRANSKI in those matters. He worked very much as a loner. You might say it that way.

IO: I have three documents that I would like to have entered into the record. One is the monthly PSYOP report for the period of 01 to 31 March, 1968 from the Americal Division to CG, III MAF.

RCDR: This document is entered in to the record and marked Exhibit R-19.

IO: I have another document dated 31 March 1968, subject: Report of POLWAR Activity addressed to the Commanding General, 2d Infantry Division, ARVN, attention: G5 Advisors, Quang Ngai, RVN from Headquarters Americal Division.

RCDR: This report was entered into the record and was marked as Exhibit R-20.

IO: I have another extract which has already been entered into the record as Exhibit M-51. I would like to refer these documents to you, Colonel HOLTOM, to see if you recognize these documents.

A. Yes, sir. This is the routine report sent in every month. I drafted the message.

Q. This exhibit, I believe, will show--not that one,but the one you were referring to--will back up your previous testimony which indicated your working relationship with the GVN and the ARVN, so that your--

A. (Interposing) Yes, sir, this was something that they had

requested sometime as a result of a meeting which was--this meeting was held sometime back in--I guess it was 1967. And they had requested that we send to them every 2 weeks a narrative or a summary of propaganda that was disseminated under these various headings, enemy, civilian population and so on. This was a periodic report, and I believe I submitted this. In fact, though I don't see my name on it, I recognize it very readily as--this is a report that I sent every 2 weeks down to the 2d Division.

Q. The next Exhibit M-51 is the layout. This document came from Headquarters, III MAF. But I believe, looking at where the leaflet drops were made in the right column, the subject or the theme is more or less fairly well indicative of the effort being made to get the people out of the area.

A. I recognize those leaflet numbers and broadcasts. Generally its pretty short. In this particular case also there were--this is nothing more than a result of requests that we had called for--dissemination in this particular area, and I--this information I'm sure is readily obtainable by those records in the Americal Division right now because we have day by day listings there of every leaflet and every broadcast that was in fact disseminated in that area. I have no reason to believe that this was not properly done. I certainly recognize the leaflet numbers and the tape numbers that we got there.

Q. Fine. I used these just to illustrate the points which I think you have raised previously in your testimony. Colonel ARMSTRONG, do you have any questions?

COL ARMSTRONG: No, sir, I do not.

IO: One of the points which would be helpful is to find out if from at your level at division, you knew or had a hand in the coordination of the PSYOP effort in support of Task Force Barker, to integrate the PSYOP operation and the civil affairs operation into the overall tactical operation?

A. I believe I'd be honest in saying that this--at that particular time I was--PSYOP was--if I can try and get the impression across to you, sir, that PSYOP was like the bastard child at that time. They were left out in the cold, and this was one thing that I was very concerned about when I first got there. This sort of thing was almost done as--sort of because

they had to do it type thing, rather than they thought it could achieve some significant purpose. It took about 6 months to finally make this changeover within the division. And as I say, by about my last 6 months I felt we were really getting some significant results.

But I am pretty certain, sir, when I say that the conduct of any of these operations prior to about June of 1968, there was no liaison, no coordianted effort made to insure that these things were progressive or planned prior to an operation, or in conjunction with an operation. This type of thing was merely a follow-up. All periodic type distribution in an area was just as a matter of routine. I certainly had no knowledge for example, that there was going to be an operation conducted at a certain time and that we wanted to disseminate propaganda to lead up to it.

This type of dissemination, sir, these are what we call our standard leaflets, 77242 and everyone of these tapes was a prerecorded tape that did just amplify the theme that is in this title: Surrender to the Just Cause of the GVN. That same tape could have been used in Son Tinh, or Binh Son, or anywhere else, because it didn't talk about citizens of Son Tinh District or something like that.

As we developed our propaganda and as we, I think, got better in this program towards the end of my tour over there, then I think the propaganda became far more specific and I think far more appropriate. This type of dissemination, sir, was, I think, just a routine type of dissemination that was made in that area as part of our overall program without reference to the fact there was or was not going to be an operation conducted.

Q. It would have been completely divorced from the operation?

A. Yes, sir.

Q. It could have been run from Saigon from what you're telling me, until you bring down to really focusing upon themes and media for specific locales and specific purposes.

A. That's exactly what's wrong with that PSYOP program over there.

Q. Colonel HOLTOM, you've been quite helpful to us this morning, and we appreciate very much you coming in from Europe to testify here. It is conceivable that, based upon what we've talked about here this morning, you may have other thoughts come to mind. If you do, we'd appreciate very much you getting in touch with us. In addition we would like to have those samples of the propaganda which you may have. I would also go beyond that to say any other material that you might have in terms of orders, or PSYOP SOP's, or anything of that nature, which in your judgment would be of assistance to us in this inquiry. I'll give you an opportunity to ask any questions that you would like to or, if you care to, to enter a statement into the record.

A. As far as the information is concerned, do you happen to have the copies of the reports that were submitted to both USARV and MAF? I believe the USARV report was the operational report of lesson learned, psychological operations annex, and the III MAF report was, I believe at that time, a quarterly report of PSYOP activities. These were quite detailed reports, and they included examples or certainly the listings of all the propaganda that we had distributed during that previous quarter.

Q. Was it in the quarterly report or your biannual report?

A. Sir, these were quarterly reports and the--

Q. (Interposing) The quarterly report of lessons learned?

A. Yes, sir.

Q. QRLL's?

A. That would be the title of the USARV report and there was a separate one that I used to make the III MAF in slightly different time frame. In other words, I think the USARV was March, June and so on, and I think the III MAF one was a February, April type thing. But it was also a quarterly report, and these were quite detailed reports that we used to make to the PSYOP annex. They did contain a terrific amount of information and ever since I saw that name Muscatine again, back in here this morning, I know there was

quite an elaborate write up concerning what propaganda was in fact disseminated in support of that operation.

Q. We have some of the quarterly reports. We picked up everything we could from the Americal Division. We picked up everything we could from III MAF, and from MACV, and USARV, so it is conceivable at the moment we have not focused uopn that particular aspect of it. We'll take a look at it and see what we do have.

A. I know there was a filing cabinet back there in the PSYOP shop that I left that had just about the whole year of 1968 in total, completely, the examples of all the propaganda, and so on.

Q. We were quite disappointed, very frankly, in the Americal Division in the sense that so much of these old records had been either retired or destroyed, and as a consequence--we did quite a bit of good, but we didn't do as much good as we could have done. Do you have anything else?

A. No, sir.

(A letter, subject: "Report of the Allied Operation of 16 March 1968," from MR LUYEN, Son My Village chief, to the Son Tinh District chief, dated 22 March 1968, which had been found in Son Tinh District files on 5 January 1970, was received into evidence and marked as Exhibit M-49.)

IO: The hearing will recess.

(The hearing recessed at 1000 hours, 24 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: JARRETT, Clarence H.

DATE OF TESTIMONY: 26 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Second Lieutenant, Project Officer, G5, Americal Division.

The witness stated that he worked for Colonel ANISTRANSKI and that his job was coordination between division level and S5's (pg. 3). His contact at the 11th Brigade was Captain KESHEL; at the 29th Civil Affairs Company were Captain WATSON, Lieutenant ANDERSON, and Lieutenant FARLESS; and at 4/3, Task Force Barker, was Captain Gouzoules (pg. 4). He was not familiar with the 16 March operation of Task Force Barker, or with the results of that operation (pg. 5). He did not attend the TOC briefings and knew nothing of any aviator's reports (pg. 7). He did not see any of the VC propaganda connected with the incident (pgs. 7, 8). He did not hear of the reports made to the Son Tinh District Chief (pg. 9), and did not know that the incident was being investigated, although he would have handled any close-hold reports on the investigation if they came in (pg. 11). He did not know of any complaints by Chaplain LEWIS (pg. 12)and did not hear any rumors on the operation (pgs. 16, 21). He was not aware of any letter sent to ANISTRANSKI by Colonel TOAN (pg. 19).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-23	Americal News Sheet, 17 Mar 68	Wit did not recall reading it.	17
M-35	VC propaganda leaflet, 28 Mar 68	Wit had not seen it before.	9
R-1	HENDERSON's report with inclosures.	Wit had not seen it before.	7

0514

(The hearing reconvened at 1545 hours, 26 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. Clarence H. JARRETT.

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

Mr. JARRETT, for the record, would you please state your full name, occupation, and residence.

A. Sir, my name is Clarence H. JARRETT, at the present time I'm a student, and I live in Orlando, Florida.

IO: Mr. JARRETT, have you had an opportunity to read the instructions (Exhibit M-57)?

A. Yes, sir, I have.

Q. Do you understand them or have any questions concerning them?

A. No questions.

Q. On my left is Mr. MACCRATE, who is civilian attorney. He has volunteered his services to the Secretary of the Army to assist in this investigation and also to provide legal counsel to me and other members of this investigation team. On my right is Colonel ARMSTRONG, who has been designated by General WESTMORELAND's office as an assistant in this inquiry. Either Mr. MACCRATE or Colonel ARMSTRONG as well as myself may address questions to you this afternoon. We have other groups such as this that are taking testimony from other individuals. When we finally finish, it will be my task to assemble a report, weigh the evidence, and to determine the findings and recommendations. For your information, I'm directing military personnel who appear before this inquiry not to discuss their testimony with others. You, being a civilian, I cannot

so direct, but I would request that you not discuss your testimony in this investigation with others, including other witnesses before this investigation, except as may be necessary in the appearance before a competent judicial, administrative, or legislative body. I use this term legislative because there is a possibility that you may be requested to appear before one of the Congressional committees. Specifically, it is possible that you might be asked to appear before the investigation subcommittee of the House Armed Services Committee. In which event, your testimony here would in no way preclude you appearing and testifying before such a body. To my knowledge you have not been cited or cautioned by the military judge in the general court-martial case of the United States v. Calley. Is that correct?

A. Yes, sir.

Q. Offhand, I see no reason why you should be so cited, but if you are so cited or cautioned, the testimony here would in no way affect or change the applicability or effect of any order which may be given by the military judge in that case or in any of the other general court-martial cases which may develop from the My Lai incident. Do you have any questions at this time?

A. No, sir.

Q. Mr. JARRETT, would you indicate your duty assignment with the Americal Division, when you took the assignment and departed the assignment, and what other assignment you may have had within the division, and also your grade, please, at that time.

A. Yes, sir. I was a second lieutenant when I joined the 1st Squadron, 1st Cavalry, 1st Armored Division at Fort Hood, Texas in August 1967. I was assigned there as the S5 of the squadron. We went to Vietnam in August and at that time it was Task Force Oregon. We joined the task force which later became the Americal Division. On 1 March 1968, or the latter week of February, I was transferred to the Americal Division G5 as the project officer. I served there until I came home in August 1968.

Q. Approximately another 6 months, then?

A. Four and a half, something like that.

Q. All right, fine. We're looking into the investigation and the review and the reporting of the so-called My Lai incident of 16 March 1968. The incident itself became a matter of public knowledge 4 to 5 months ago in later September, early October 1969. Since that time have you had any discussions with any of the people from headquarters of the Americal Division or from the Americal Division concerning the incident or concerning any of the reports or reviews or investigations of it?

A. I ate lunch with Captain GOUZOULES. He was in here prior to myself. He's the only person I talked to that had any connections.

Q. Yes, and what did you talk about with Captain GOUZOULES?

A. Just about people we knew at the time and in no way that I know connected with this incident.

Q. Did you talk to any others?

A. No, sir. That's the only person.

Q. All right, fine. Now, you indicated that you joined the Americal Division headquarters in the G5 section in either late February or early March.

A. Yes, sir.

Q. And your job was that of a project officer.

A. Yes, sir.

Q. Would you describe your function for us?

A. Well, I mainly made coordination between division level and battalion, brigade level S5's. I was out in the field quite a bit and making liaison between them, different units. I didn't get down to the 11th Brigade as much as I should have. They were new and they weren't that well organized at the time. I went to Duc Pho several times. I never

got in the My Lai area personally. Quang Ngai is the closest I ever got to My Lai.

Q. Who did you work with in the 11th Brigade?

A. Well, there was a Captain KESHEL who was the S5, and he had a lieutenant. I can't remember his name, a first lieutenant that worked under him. And then there was a Captain WATSON who was with the 4th Platoon from 29th CA Company, and he was also at Duc Pho. He was quite active in that field.

Q. Did you work with any of the battalions under the 11th Brigade such as the 4/3, the 3/1, the 1/20 and later the 4/21?

A. Captain GOUZOULES was in the office quite a few times. He made frequent calls in the G5 office, but I never got out to see him.

Q. Did you ever visit Task Force Barker at LZ Dottie?

A. No, sir. I never did.

Q. You indicated that you went to Quang Ngai City periodically. Who did you talk to there?

A. It was a Lieutenant ANDERSON. He was with the 29th Civil Affairs Company at Quang Ngai, and I believe it was Lieutenant FARLESS who was down there for a little while. He was with the 29th also at Quang Ngai.

Q. Where did the 29th work? Was it a whole company or just a detachment?

A. It's a company based in Danang and they have different platoons all over I Corps. They had one platoon based down in Duc Pho which just stayed in the immediate area.

Q. In Duc Pho?

A. Yes, sir. They had one other platoon or detachment of a platoon which consisted of about three or four men that were in Quang Ngai City and worked in that area.

Q. Who headed that?

A. I believe it was Lieutenant ANDERSON.

Q. ANDERSON.

A. Yes, sir. He was with AIS prior to going over there.

Q. Yes.

A. As far as working, they worked with people assigned at the province headquarters. They had several refugee teams. I don't remember who handled those, but I made quite a few contacts with them.

Q. Were you aware of the existence of a Task Force Barker?

A. Yes.

Q. Were you familiar with their operation into this area of Son Tinh Province called Son My Village on 16 March?

A. No, sir. The only thing I knew about it was when the ROK Marines moved out, they basically moved in. I know it was a rough area that they were working in, but I didn't know anything about any operations that they were performing at the time. I knew the general vicinity they were working in.

Q. Do you remember the results of the operation they conducted, the one on the 16th. According to the logs which we have available to us, Task Force Barker that day reported 128 enemy KIA, 2 U.S. KIA, 11 U.S. WIA, and 3 enemy weapons captured. Do you remember those statistics?

A. No, sir. I don't recall anything that large in body count. Colonel ANISTRANSKI, who I worked for, was in

the TOC every night and went to all the briefings, and what he told me is what I got from the rest of the division. Now really, it could have very well happened. I never would have known about it right then. I tried to keep up with the 1/1 Cav as well as I could because that was my home unit.

Q. Did Colonel ANISTRANSKI have meetings of his officer section heads to explain to them the results of the briefing?

A. Yes, sir. At least once a day, normally twice.

Q. Did they have another staff briefing for junior officers and so on?

A. No, sir. They were all together.

Q. Well, but there wasn't another staff briefing of lesser-lights in the TOC to keep everybody in the headquarters really abreast.

A. I never went to one in the TOC. They may have had one just among the G3, G2, personnel. Colonel ANISTRANSKI went to every briefing and came back and briefed us.

Q. Were you ever aware that one of the aviators who participated in an operation in this area had reported through his channels as having a difficult time with some American forces down there on about 15 or 16 March?

A. No, sir.

Q. Did you hear an aviator reporting anything?

A. No, sir. We had a few minor incidents. I know one where a grenade landed in one of the Vietnamese boats and injured or killed at least one little girl and injured another. This was locally, just off the coast.

Q. Yes. But you don't recall any report by one of the pilots to the effect he saw quite a few civilians killed down in this area?

A. No.

Q. Did you ever, in your capacity as a project officer, did you ever see any VC propaganda?

A. Yes, sir. I read quite a bit of it or had it interpreted for me.

Q. This is a translation of some VC propaganda which was broadcast and recorded and then typed out. This consists of two pages, and I would ask if you have ever seen this piece of propaganda (Exhibit R-1)?

(The witness received and reviewed the document.)

A. With the exception of the second page, I've seen it in several different pieces of propaganda.

Q. You've seen this sort of broad sweeping kind of thing that shows up in the first page.

A. Just prior to and right after the Tet offensive of 1968 there was a lot of this going around.

Q. Yes.

A. And I've seen the same thing on the second page describing the casualties the Americans took in the Tet offensive, but I haven't read this particular paragraph.

Q. You haven't seen anything like that which is more or less an allegation of what American forces did?

A. I've never seen anything documented this well, as far as anything we've done.

Q. To your knowledge, then, you haven't seen that piece of paper or heard anything such as that? Did you ever hear of any propaganda coming out of there which indicated that the VC wanted to take revenge for something that might have happened there? They might have been using arm bands or things to put on their jackets, slogans, posters, and things like this?

A. No, sir, not in the way of revenge so much. We picked up quite a bit of propaganda. There was a district

chief's headquarters just outside of Chu Lai, and I can remember the districts chief's name but I can't remember the name of the headquarters. It was Dai-Uy DUC who was the district chief. They had a very serious attack and it resulted in a lot of enemy killed. I can't remember the exact number but it was quite a few. A lot of propaganda come out about this and from their propaganda it was a victory for them. And there was a good bit of this circulating around that area. But I've never seen anything quite like this.

Q. Yes, fine. Did you ever hear of a notice or a proclamation issued by the Quang Ngai National Liberation Front Committee?

A. No, sir.

Q. Never heard of it?

A. No, sir. The only thing in the way of a proclamation was the day the Tet offensive broke out in the local area, I picked up a couple of leaflets declaring that the Saigon government had been overthrown, and the People's Liberation Front had taken control of the country. But this was more or less general; it wasn't narrowed down to any one province.

Q. Was this National Liberation Front Committee of Quang Ngai a pretty strong outfit?

A. I really am not that familiar with it.

Q. Well, how did they sound? Were they pretty active as far as Quang Ngai is concerned?

A. They were putting out a lot of propaganda.

Q. At least they were doing a lot of talking?

A. Yes.

Q. Or advertising?

A. And they had the facilities to print material which is something.

Q. I have here a copy of this proclamation, which was issued on 28 March. We have it entered into the record as Exhibit M-35. Now, that's the Vietnamese version. I'd like you to take a look at that before you look at the translation to see if you've seen anything that was made up in this kind of format. You'll notice it's three or four pages long.

A. I don't recall ever seeing anything this lengthy. It was usually just the one page.

Q. All right. Well, now I'd ask you to turn to the front page and just take a quick glance at this. It's not necessary to read this, but just see if you've seen anything that was made up such as this.

A. No, sir. I don't recall ever reading this.

Q. All right, fine. Did you ever hear of a report from a village in Son Tinh District to the Son Tinh District chief outlining the fact that some civilians had been killed?

A. I never heard of any, sir.

Q. Did you hear of any complaints or something to the effect that the people in Quang Ngai Province were quite upset about something that took place down here?

A. No, sir. I never did directly.

Q. How close were you to Colonel ANISTRANSKI?

A. I felt like we were fairly close, as far as a lieutenant colonel and a first lieutenant can be.

Q. Did you ever feel that he was confiding in you as far as relations of your G5 section with province, and with the districts, and with the various units.

A. I thought that he would. Yes, sir.

Q. Yes.

A. In that type work you're not exactly the most popular person around a division area like the Americal

Division. I mean they were all fighters. I'd been trained that way myself, but you find yourself in a different job all of a sudden and you try to do your best. You step on a few toes occasionally.

Q. Did you find that people in the Americal Division were or were not receptive to civil affairs and PSYOPS, and this kind of activity?

A. They were very receptive, but the military objective was the most important objective.

Q. Yes, well, isn't PSYOPS part of the military objective?

A. Yes, sir.

Q. PSYOPS and civil affairs.

A. Yes, sir.

Q. I think what you're telling me really is the fact that they leaned much stronger to the purely operational side than they did toward what we might refer to as the other side of the war.

A. Yes, sir. Of course, you have to consider the way that area was at that time, also.

Q. How was it?

A. Pretty hostile.

Q. Did you ever hear of a report which may have been rendered to one of the chaplains indicating that something had happened in My Lai (4) on about 16 March?

A. No, sir.

Q. Or that some civilians had been killed there?

A. I heard none of that, sir.

Q. Were you ever aware that this thing was under investigation by the Americal Divison or by the 11th Brigade?

A. No, I wasn't aware of it, sir.

Q. Or by ARVN or GVN authorities?

A. No, sir.

Q. Did you ever see such a report, a report of investigation in the G5 section?

A. No, sir. I never saw it. To my knowledge I read everything that came in the G5 section through the distribution center.

Q. Suppose it came in for close handling so to speak. Would you have seen it?

A. I should have. Yes, sir. I feel sure I would have.

Q. If it had come to Colonel ANISTRANSKI, you think you'd have seen it then.

A. Yes, sir.

Q. Did you hear any discussion within the officers or the enlisted personnel concerning anything unusual happening?

A. No, sir.

Q. Did you know Captain MEDINA when he joined the G3 staff?

A. No, sir. I didn't.

Q. When did you depart?

A. I departed in August. First part of August 1968.

Q. You're not familiar with him when he came up and became an action officer in the G3 shop of the Americal Division?

A. No, sir.

MR MACCRATE: Do you have any recollection, Mr. JARRETT, of Colonel ANISTRANSKI telling you about going to town to talk

to Colonel HENDERSON long around March or April 1968 about a problem that Chaplain LEWIS had raised with him?

A. No, sir. I don't recall it. Chaplain LEWIS and Colonel ANISTRANSKI were pretty good friends. They were in there, in the office, all the time. I never heard any conversation to that extent.

Q. Think hard about this. See if you can put some pieces together for us. Chaplain LEWIS had received some report from someone about some unnecessary killing of civilians and he spoke to Colonel ANISTRANSKI about this. Colonel ANISTRANSKI indicated he was going to look into it. Did you ever hear anything like that?

A. No, sir. I didn't.

Q. You have no recollection of Colonel ANISTRANSKI telling you that he was going down to speak with Colonel HENDERSON at Duc Pho?

A. He went down there quite often, but I don't remember any reason.

Q. Do you ever remember him talking about lending some G5 support to something in which Task Force Barker was engaged?

A. No, sir. I don't recall that directly. It may have happened in the office, but I don't recall it.

Q. Well, you said just now and you said once in answer to General PEERS you, "didn't recall directly." Is that just a manner of expression or are you differentiating between something you had personal knowledge of and something you heard only by being passed along to you, because we're interested in either kind of information?

A. No, sir. I meant by that that I didn't hear anything or I don't know anything by it. It's been 2 years and I just don't recall or remember that.

Q. Well, we understand that, but we are very anxious to try and get any little bits and pieces that you might contribute to this.

A. I don't recall if it was during Task Force Barker or not, but I know one time Captain GOUZOULES had some men that were collecting some turned in ammunition that had been found around the area. And there was an incident where there was an explosion and four of his men were killed and several boys were injured, I believe. I know Colonel ANISTRANSKI went to that personally and he tried to soothe things over as well as they could. It was quite a bad scene. And that's the only thing. I don't know if that was part of Task Force Barker or not. It was in that area, but I don't know if Barker was still in effect at the time.

Q. Do you remember about when that occurred?

A. I couldn't swear to it. No, sir. I don't. It was somewhere along in within about 3 months of this time, I know that.

Q. Are you referring to Captain GOUZOULES?

A. GOUZOULES, yes, sir. He was the S5.

Q. You were referring to the incident when about 25 Vietnamese were killed and 14 wounded in an ammunition explosion?

A. I don't know the exact number, sir. It was a path that we used over there, everybody was using it, on turning in ammunition that was found. There was a little reward paid and everything.

Q. Yes.

A. Well, these people responded to it real well, and there was a man out collecting it and somehow they had a trailer load of ammunition the way I understand it. Something caused a certain item to go off. Several people were injured, sir.

Q. One of the things related to what they referred to as a Volunteer Informant Program, VIP.

A. Right, sir.

Q. When Chaplain LEWIS used to come around the G5 shop, did he have any particular line of problem that he kept raising? Were you conscious that he had one thing on his mind more than another?

A. No, sir.

Q. Did he seem to make it his special thing to talk about protection of civilians?

A. Well, the chaplain was interested in that, but I don't think he was any more so than any one else working in that field.

Q. Was he at the time, making special complaints about this kind of thing to Colonel ANISTRANSKI?

A. No, sir. I don't believe so.

Q. If he did make such a complaint to Colonel ANISTRANSKI, this would be something that would be individually treated and given some attention, would it not?

A. Yes, sir. I imagine so.

IO: Well, to put things in their proper perspective, you wouldn't always know what Chaplain LEWIS and Colonel ANISTRANSKI were talking about. I would imagine that they talked a great deal together during the meals, during the little sessions in the evening before dinner, and so on, which some of this could be informal and at the same time could be formal discussion.

A. Yes, sir.

Q. How well did you know Captain KESHEL?

A. Not very well, sir. I worked with him and talked to him on the phone a lot. And I went down and stayed with him several different times.

Q. How did he and Colonel ANISTRANSKI get along?

A. Well, I think he was a little bit afraid of Colonel ANISTRANSKI and Colonel ANISTRANSKI stayed on him,

because we didn't really get what we wanted out of Captain KESHEL.

Q. What do you mean, "You didn't get what you wanted?" What was his shortcoming?

A. Well, they just couldn't get things done. He might have been a fine man, but he had people working for him and we had reports we had to make to our higher up on what happened daily and such, and we'd never get what we wanted out of him in anyway that I know of. I mean I got disgusted. I even had to get the reports in on time, and make them up, and gather the data; and a lot of times I had to go down there personally and just find out what was going on. This happened a number of times. The colonel occasionally would call him up and give him a hard time about it and things would be okay for a few days, but then we'd be right back where we started from.

Q. Did anybody ever discuss this with the brigade commander?

A. I don't know whether Colonel ANISTRANSKI did or not, sir.

Q. Yes. Quite obviously that wouldn't have been your place, would it?

A. No, sir. I had to watch what I said. He was a captain; I was a first lieutenant.

MR MACCRATE: Well, Captain KESHEL came to division from time to time, didn't he?

A. Yes, sir. He did.

Q. Wasn't there a regular mission once a week, that either he or his assistant WADSWORTH would come to Chu Lai to pick up funds for solatium payments?

A. Yes, sir, but those were picked up from the G1 office.

Q. Well, but at the time they came, didn't one or the other of them stay overnight?

A. Yes, sir. They did. But there were several instances where they wouldn't even come around our office if they could help. A lot of times Lieutenant WADSWORTH, especially, would slip in the back door and give me his reports and slip out before he was noticed. And there was a reason for it, I'm sure. Colonel ANISTRANSKI was a very outspoken person.

Q. Do you have any recollections of any particular confrontation between Captain KESHEL and Colonel ANISTRANSKI in your presence?

A. No, sir. I don't think it was anything that serious, but I guess he was just staying on him to do his job. I don't think there was ever any real problem.

Q. Do you have any recollection of Captain KESHEL coming into the office, one of these days when he was up there to make his pickup at G1, and saying he had a special problem he wanted to take up with Colonel ANISTRANSKI?

A. I don't recall any particular problem, sir. I'm not saying it couldn't have happened. A couple times, I know at least a few times he wanted to talk to the colonel about one thing or another and I didn't know what it happened to be. Now, I don't know which instances. I can't tell you any dates that might help you on that, even.

Q. Do you have any recollection of him saying that he had something that he thought ought to be investigated. Colonel ANISTRANSKI telling him that it was already being taken care of, that he had it under control. Do you have any recollection of anything like that?

A. I don't recall anything like that, sir.

Q. Were you aware of any talk around Chu Lai at this time, in the spring of 1968, about anything unusual having gone on between the 123d aero-scouts and Task Force Barker?

A. No, sir. I'm not aware of anything.

Q. We get the impression from some who've talked to us that there was some talk around the base at that time. And we get the impression that there were some rumors floating about.

I recognize that one hears rumors. You always try to evaluate them and put them into the proper perspective. Were you conscious of any talk critical of Task Force Barker and its operations?

A. No, sir. Like I say, if I had heard any I would probably have just put them aside as gossip and forgotten about them, because I don't recall anything that stands out at all.

Q. Do you remember Colonel ANISTRANSKI coming back and briefing you with respect to Task Force Barker's operations, indicating anything about them?

A. He gave us a daily briefing as to who was doing what in the whole division AO. I don't recall any single incident from any units right now. I followed my unit quite closely and I can't recall any data on anything. One incident that happened right outside Tam Ky, there was a large body count, but I couldn't tell you the date of that even.

Q. Well, it happens that on 16 March 1968, Task Force Barker had its biggest reported operation that the 11th Brigade had had and reported 128 VC KIA. Does that ring any bell as to anything brought back by Colonel ANISTRANSKI for his briefings?

A. No, sir. It doesn't. The general said a few minutes ago that something like two or three weapons and a body count like that. That would seem a little strange possibly, but I don't recall the incident even.

Q. No recollection of that being brought back to you by Colonel ANISTRANSKI?

A. No, sir.

IO: Do you remember Colonel ANISTRANSKI saying something when they broadcast this 128 that somebody said, "Yeah, 4 VC and 124 women and children"?

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

Q. I have here, Mr. JARRETT, The Americal News Sheet for 17 March. This has been entered into the record as Exhibit M-23. I would ask if you remember reading this news item

when it appeared in your division newssheet?

A. I don't remember reading it right off, but I know I have read it, because I read it most every day.

Q. You'll notice in here that it gives a pretty good account of the number killed and so on. You don't recall this particular item?

A. No, sir. It doesn't stand out in my mind. The way it's broken down here, though, I don't see any place where it was all totaled up. It looks like a series of separate incidents more or less.

Q. Right in the first paragraph it says 128 Viet Cong dead.

A. Yes, sir. I see that now.

Q. The largest body count reported by the 11th Brigade for a 24-hour period since they took control of Operation Muscatine. So, as far as the 11th Brigade was concerned, it was quite a signal day.

COL ARMSTRONG: Do you remember when General LIPSCOMB changed command and left?

A. Was he the man who replaced Colonel HENDERSON?

Q. No, Colonel HENDERSON replaced General LIPSCOMB.

A. Yes, sir, I remember the change of command ceremony. Colonel ANISTRANSKI--

Q. (Interposing) When Colonel HENDERSON took over?

A Yes, sir.

Q. Does this focus your attention to anything particularly, because of comments, maybe this would improve S5 operation? The S5 operation down there would get a little bit less emphasis on S5, more on operations. Any of this sort of thing come out of that?

A. No, sir. I don't recall anything like that.

Q. You don't tie the change of command to any particular thing at all?

A. No, sir.

MR MACCRATE: Do you have any recollection of Colonel ANISTRANSKI getting a letter written or forwarded by Colonel TOAN, the commanding general of the 2d ARVN Division, something that was critical of the Americal Division?

A. No, sir. I don't recall that letter. I know he knew General TOAN.

Q. You have no recollection of this coming in and of his taking it to the chief of staff?

A. No, sir.

Q. Well, I have the impression that just about everything that came into the shop you had a look at, but I guess that--

A. (Interposing) I was speaking of distribution more or less as well. I thought I was very informed, and I still do, of what went on in that office. But there could have very well been something that came in that I didn't see.

Q. You have no recollection of hearing anything about the ARVN's criticism of the operation of the Americal Division?

A. I don't remember anything that stands out in my mind. Then too, I was going out with the units in the field, so I was probably out of the office a couple of days a week at least.

Q. Did you ever call at the district headquarters?

A. Yes, sir. Which district?

Q. Well, Son Tinh District.

A. No, sir. I never went to Son Tinh. I don't believe there was a road out to that one.

Q. It's right on Highway 1.

A. I thought it--Son Tinh?

Q. Son Tinh District. The unit right down there, and it's only a few clicks north of Quang Ngai City on Highway 1.

A. Well, I never went there. I went to Binh Son and Ly Tinh, which was up by Americal Division, and then down toward Duc Pho and then district headquarters up by LZ Baldy where the 196th was, when I left.

Q. Well, you sometimes visited down in Quang Ngai City?

A. Yes, sir.

Q. And with whom would you meet there?

A. As I told the general a minute ago, a Lieutenant ANDERSON, who was a refugee officer at the time. He was with the 29th Civil Affairs Company in charge of controlling refugees. And I can't remember, I think his name was FARLESS; they worked together.

Q. But you didn't have any similar contact at Son Tinh District?

A. No, sir. I don't know of any American troops at Son Tinh as far as civil affairs is concerned. It would have just been a battalion S5.

Q. Do you know William SITTIG? S-I-T-T-I-G.

A. No, sir.

Q. Or Major GAVIN, Captain RODRIQUEZ?

A. Captain RODRIQUEZ, I met him. I don't know; the name sounds familiar. Civilians in that area.

Q. The civilian was Mr. SITTIG.

A. I don't recall meeting him. I knew there were several civilians working out of Quang Ngai. I didn't know half of them.

IO: I think you were asked this before, but I'd just like to reaffirm it in my mind. Did you ever hear any comments or statements or rumors or anything that may have caused you to have been suspicious that something unusual may have occurred in My Lai (4) on 16 March 1968?

A. No, sir. I don't recall anything. When all this broke loose I didn't believe it then; I don't today. I just don't think it could have happened in that great a force without us knowing about it being that close.

Q. Well, Mr. JARRETT, you've been quite helpful for us. We appreciate very much your coming in. If you do remember anything as a result of your discussion here today, and bits and pieces start falling into place, we'd appreciate very much for you to get in touch with this office so we can take advantage of that information. Additionally, if you have or know of any documents, maps, photos, aerial photos, or anything else which in your judgment would be helpful to us to accomplish our mission in this inquiry, we'd very much appreciate being informed about those. At this time I'll give you an opportunity to ask any questions that you may like to ask, or if you'd like to enter a statement into the record.

A. I can't think of any statement other than what I just said. It may be very narrow minded of me, but I can't see how something like that could happen without hearing something about it. Something more concrete than somebody at Task Force Barker really tearing them up down there or, like you say, three weapons captured and 120 some odd killed. Well, I never heard of anything more than that, and it seems like I would have.

IO: The hearing will recess at this time.

(The hearing recessed at 1630 hours, 26 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: JOHNSON, Wayne E. CPT

DATE OF TESTIMONY: 16 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Liaison Officer of Americal Division to the 2d ARVN Division.

1. DUTIES AND RESPONSIBILITIES OF THE WITNESS.

a. Primary liaison duties.

The witness stated that his primary duty was to clear targets with the 2d ARVN Division for the Americal DIVARTY. Further, he had an "additional duty" of division liaison to the 2d ARVN Division and province headquarters. In that function he cleared areas of operation with the Vietnamese and their American advisors (pg. 3). The witness usually coordinated visits between the commanders of the two divisions, although he was not present at their meetings (pg. 4). He noted that he had very little contact with the 11th Brigade or with Task Force Barker (pg. 5).

b. Coordination with the advisory unit.

When he worked with Son Tinh, he worked with Major GAVIN, Lieutenant DAWKINS, and a sergeant (pgs. 5, 6). He visited the Son Tinh advisory personnel once or twice a week, but could not recall any dealing with Captain RODRIGUEZ, GAVIN's deputy (pgs. 19, 20).

c. Informative duties of the witness.

The witness admitted that it was his responsibility to inform the Americal of 2d ARVN Division action and he would provide the ARVN's with similar information if requested (pg. 23). The witness stated that the ARVN's were always interested in the U.S. activities (pgs. 28, 29). Within an ARVN TAOR, he reported Americal action to the 2d ARVN Division chief of staff, Colonel DONG, as a matter of course (pg. 23).

0540

d. Courier type activities.

The witness asserted he was an uninformed courier, except for G2 activities (pg. 24). He did recall Major EARLE being more interested about U.S. operations during the period following 16 March 1968 (pg. 25). In inquiring he discovered that the Task Force Barker operation had failed to destroy the organizational entity of the 48th Battalion. That is, no identifiable leadership personnel were among the high body count (pg. 26). Colonel TREXLER had given the witness this information (pg. 26).

2. KNOWLEDGE OF VC ACTIVITY.

The witness stated that the 48th Local Force Battalion operated on the Batangan Peninsula and he could not recall them withdrawing to the mountains (pg. 6). His knowledge of its exact location on the peninsula was usually one week out of date (pg. 6).

3. KNOWLEDGE OF THE 16 MARCH OPERATION.

The witness recalled acquiring an AO extension for Task Force Barker (pg. 10), and vaguely remembered a combined operation in February (pg. 11). He recalled another AO extension for 16 March for which he had made arrangements (pg. 11). It was to last for a week to ten days (pg. 12). He added that he noticed smoke in the area during the operation (pgs. 12, 13).

4. THE WITNESS' RECALL OF ACTIVITY RESULTING FROM THE 16 MARCH OPERATION.

He remembered that the kill ratio was high and that there was unpleasant surprise in the body count, weapons count

ratio (pgs. 13, 14). He did not remember hearing Colonel TOAN questioning Colonel ULSAKER about this (pg. 14). He knew nothing of the 69 kills reported due to artillery (pg. 14). He stated that he was unfamiliar with the propaganda inclosure to HENDERSON's report (Exhibit R-1) (pg. 14), or anything similar to it (pg. 15). He did not recall the letter concerning Son My from the district chief to the Son Tinh province chief (pg. 15). Nor did he remember a report to the census grievance chief (pg. 16). He had no knowledge of Captain RODRIGUEZ' statement concerning the incident under investigation (pg. 16). The witness asserted he had no knowledge of any investigation concerning an incident in the Son My area (pgs. 18, 19).

5. ARTILLERY LIAISON PROCEDURE.

The witness testified that before artillery fire could be placed in the district, clearance had to be received from district headquarters (pg. 7). The clearance was perfunctory in areas not under government control or in areas where no friendly troops were on the ground (pg. 8). The witness stated that he knew of no targets which were cancelled because of the presence of civilians (pg. 9). The witness asserted that he utilized the same rules concerning keeping abreast of populated areas in VC territory as he did in friendly territory (pg. 32). He did note that the information he had to work with was frequently out of date (pg. 32). He added that if the Americal wanted clearance to fire into an ARVN AO, permission would be obtained from both district and ARVN sources (pg. 34).

6. INCREASED LIAISON BETWEEN AMERICAL UNITS IN MID-APRIL.

The witness related that due to a proposed increase in joint operations there were many visits of Americal Division command elements and 11th Infantry Brigade command elements with personnel of the 2d ARVN Division (pgs. 17,18). He was not present for any of these meetings, but was told the purpose of them by Lieutenant Colonel BALMER and Colonel PARSON (pgs. 21, 22). The witness added that Colonel GUINN attended some of these meetings (pg. 22).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-30	Statement of RODRIGUEZ	Wit did not recall.	16
M-31	Census Grievance Report, 18 Mar 68	Wit did not recall.	16
M-32	TOAN's directive to investigate	Wit recalled vaguely.	25
M-34	TAN's letter to KHIEN, 11 Apr (trans) (Quang Ngai Prov)	Wit did not recall.	15
M-36	Memo for DC, 2d ARVN Div, 12 Apr 68	Wit vaguely recalled.	24
M-57	Instructions to witness	Read by witness.	1
M-66	DIVARTY Field SOP, 1 Dec 67	Mentioned.	23,32
		Referred to the witness.	33
R-1	HENDERSON's Report	Wit did not recall propaganda inclosure.	14
MAP-1	Wall map	Utilized.	8,9

(The hearing reconvened at 0847 hours, 16 February 1970.)

IO: The hearing will come to order.

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

Sir, the next witness is Captain Wayne E. JOHNSON.

(CPT JOHNSON was called as a witness, was sworn and testified as follows:)

Captain JOHNSON, for the record, please state your full name, Social Security number, organization, and station.

A. Sir, I'm Captain Wayne E. JOHNSON, Headquarters Battery, 75th Artillery Group, Fort Ord, California.

IO: Captain JOHNSON, on my left is Mr. Robert MACCRATE who is a civilian attorney. He has volunteered his services to Secretary RESOR to assist in this investigation and also to provide legal counsel to me and other members of the investigation team. Colonel ARMSTRONG, on my right, has also been appointed by the Chief of Staff, United States Army, General WESTMORELAND, to assist in this investigation. Besides myself, either of these gentlemen may address questions to you this morning.

We have other groups such as this that are taking testimony from other individuals. It is my responsibility to see that a report is put together, that the evidence is weighed, and to determine the findings and recommendations.

Have you had an opportunity to read the instructions (Exhibit M-57)?

A. Yes, sir. I have.

Q. Do you understand them or do you have any questions concerning them?

A. They're quite clear, sir.

Q. Captain JOHNSON, would you indicate your duty assignment with the Americal Division, when you joined the division, what changes of assignment you may have had within the division, and when you finally terminated your service with division?

A. I was assigned to Headquarters Battery, 3d Battalion, 16th Artillery when the unit deployed and was attached to Task Force Oregon in May 1967. I stayed with the 3/16 until September 1967 when I went to Headquarters Battery, Americal DIVARTY and was assigned as fire support duty officer or duty officer in the fire support center. In December of 1967, I was assigned to the Americal Division as liaison officer of the Americal Division to the 2d ARVN Division in Quang Ngai. I take that back. It was November when I was assigned. I was there until the end of April 1968, at which time I rotated back to the United States.

Q. Fine. Who replaced you as the liaison officer of the 2d ARVN Division?

A. Captain COGGESHALL.

Q. Can you spell his name?

A. C-O-G-G-I-S-H-A-L-L(sic).

Q. Do you know his first name?

A. No, sir. I don't. He was assigned to the 3/18 and attached to DIVARTY for duty as the liaison officer.

MR MACCRATE: Can you give us the date in the end of April?

A. It would have been around the 29th or 30th that he came down. I actually left the 2d ARVN Division area on 2 or 3 May. So there was about 5 days that we worked together.

IO: Would you describe your functions with respect to the 2d ARVN Division and also your functions with the other ARVN or GVN agencies which may have been in the Quang Ngai area?

A. Yes, sir. My primary duty was as the Americal DIVARTY liaison officer to the 2d ARVN Division in which I cleared targets. I was primarily involved with artillery fire clearances. An additional function was to be division liaison to the 2d ARVN Division and province headquarters. In this function I cleared areas of operation with the Vietnamese and our advisors, both at division and at sector. I did work with some of the subsectors, primarily with respect to artillery clearances and artillery support, but this actually was a minor facet of the job. I didn't get as much contact with subsectors as I did with the--

Q. (Interposing) Referring to the district or the subsectors.

A. Yes, sir.

Q. Son Tinh for example?

A. Son Tinh--well, the military side of his job or the district advisor's job wasn't as subsector advisor. I think of the military function of sector and subsector, rather than as province administrator.

Q. With respect to your function with division as separated from responsibilities with respect to artillery what did you do other than clearing AO's for example?

A. I coordinated visits. When Colonel TOAN was the commanding officer of the 2d ARVN Division and wanted to talk to someone in Americal, he would come through me.

Q. Or vice versa? Would they also contact you from division if somebody from division wanted to see General TOAN?

A. Well, again this was on occasion. Primarily when the phone lines were out. I had a hot line to the Americal TOC and the FSCC and they would come through my--

Q. (Interposing) If General KOSTER or General YOUNG visited the area, though, you would undoubtedly be informed so that you could be present when they visited the area.

CONFIDENTIAL

A. I had very little to do with the 11th Brigade. I visited them a few times. Task Force Barker, my primary contact with them was for artillery support by the artillery units stationed at LZ Dottie. I didn't get a great deal of contact with Task Force Barker.

Q. We would understand that the 11th Brigade did not have a permanant liaison officer in Quang Ngai, but they did have people that visited there quite frequently.

A. Yes, sir.

Q. They were in constant touch with you?

A. Yes, sir.

Q. Did you at times, pick up pieces of information from them that you in turn sent to division?

A. I got them to the district at Son Tinh, the district headquarters.

Q. Do you remember the people there that you talked to?

A. Of course, I traded information frequently with Major GAVIN, not as often as I would have liked to. The 11th Brigade representatives were a Sergeant--

Q. (Interposing) We'll come back to the sergeant. Did you know the other people there that worked with Major GAVIN such as Captain RODRIGUEZ?

A. Sir, the name doesn't ring a bell.

Q. How about Lieutenant DAWKINS?

A. Lieutenant DAWKINS, yes.

Q. He was in intelligence I believe.

A. Yes, sir.

Q. How about Mr. SITTIG. He mostly worked out in the district itself, off Highway 1, and stayed at night up in the subsector headquarters.

A. His name doesn't ring a bell either, sir.

Q. Go ahead with the sergeant please.

A. Well, we didn't normally discuss a great deal of intelligence information. What we talked about was normally information immediately affecting Son Tinh, the district of Son Tinh, or wider information about the province.

Q. Did you have any discussion concerning the location of the 48th Local Force Battalion along about the early part of March, for example?

A. Sir, the 48th was on the Batangan Peninsula almost as long as I was there. It was posted normally at different locations. Elements of it would be posted at various locations along the peninsula. Normally, I considered that intelligence to be at least a week old.

Q. Let me refresh your memory about this time. I think, as you say, it's a fair statement that they operated in around the Batangan Peninsula. You recall, since you were there, that the 48th Local Force Battalion did have an immediate victory during Tet, when they seized the training center across the Song Tra Khuc, but you also recall that they got rocked by the 2d ARVN Division. They had over 100 killed up there, and consequently they were in pretty bad shape. It was about this time they withdrew from the Batangan Peninsula and moved into the mountains to the west to re-equip, refurbish, and retrain. Do you remember that?

A. No, sir. I do not.

Q. Well, one of the discussions we've had was the fact that some people carried them in one place and some people carried them in another. When they returned to this area exactly where did they go? Do you recall? I don't think you really specified what you did in respect to that sergeant up there who was an liaison officer, artillery liaison officer, from Task Force Barker. I think that is the one you were talking about at Son Tinh.

A. Yes, sir. We made arrangements for mutual fire support and kept them updated with the movement of U. S. and Vietnamese artillery. We also made arrangements for communications procedures. He would call me if he couldn't get his people and I would call him if I couldn't get mine. I did work with the artillery unit at Dottie, B/3/18.

Q. That was the composite unit, 175 and 8-inch?

A. 175 and 155.

Q. What did they have mostly up there? Also had M-109 carriages? Were they using 175's or were they using 8-inch?

A. Well, they had 8-inch and 175 guns both on the M-1 and M-107 carriages. They had two 155 howitizers from the 3/16.

Q. What did they have: two, two, and two? Two 155's, two 8-inchers, two 175's?

A. Yes, sir. The 155's provided illumination. You might call it final fire support for Quang Ngai and Son Tinh as well as Task Force Barker elements.

Q. So you just worked with the liaison sergeant there in terms of coordination of artillery fire?

A. Yes, sir.

Q. I want to ask you two things before we get into some other things. First, on that coordination of artillery fire; the rule that was laid down was that before he could place any fire in that area you had to have clearance from district?

A. Yes, sir.

Q. And I think that was done. The unusual thing however that I find is the fact that district clearance was rather perfunctory in that they were interested only in whether or not ARVN or RF/PF troops were in the area. Once they started

talking about VC-controlled areas, if there were no ARVN or RF, PF or any PRU units of this nature in the area, it was an automatic go.

A. Yes, sir, within limitations. This area, just to consider only Son Tinh District. The area from around Highway 1 from these low hill ranges to the west, just to the other side of the railroad, was considered friendly controlled. Practically anyplace else, if there wasn't a PF or GVN unit on the ground it was considered unfriendly territory.

(The witness indicated on Exhibit MAP-1.)

Q. I understand that. I know where the line is drawn, just to the east of the citadel when you're dealing with Son Tinh. What was the general attitude of the American elements in dealing with this, knowing that this was the case in firing, for example, into an inhabited area?

A. My feelings were, sir, the Americans on the hill felt that whatever people were out there were enemy. If there was a target worth shooting at, it shouldn't be cancelled because of the presence of civilians. The district people didn't hold too many civilians to be in the area. It didn't hold a large population. They'd come in and go out. The population would ebb and flow, the numbers of people. There was a fairly continuous change in the population of a given hamlet or village.

Q. Well, it wasn't up to him really to give the counts. The counts came from the district chief or his representative.

A. Yes, sir.

Q. Once that was obtained I can understand you appreciation there as far as the district people are concerned. But about the application at the unit level, say, the Task Force Barker level, or the 4/3 Battalion level? Did they make recognition of the fact that perhaps they may be firing into a populated area, or did they not consider this?

CONFIDENTIAL

Do you recall making arrangements for this operation? This operation now that we are talking about is the operation which started on or about 16 March and carried through about 20 March.

A. This arrangement looks very familiar. To the best of my knowledge and I just can't make it any more definite, this was validly cleared or cleared according to the procedures that we had, in that the boundaries along the 70 grid line is accurate. I maintained it on my map for the duration of the operation.

Q. You will recall that Task Force Barker operated in there twice prior to this time. Once in the early part of February. I think the operation was on 3 February, and another on 23 February. The latter one also involved the employment of some ARVN units.

A. Yes, sir.

Q. Finally part of Bravo Company had to be extracted by APC's in the area of My Lai (4). Do you recall that operation?

A. I recall the multiple operations. The fact that Vietnamese forces used I believe were elements of the 4th Regiment. I can't be positive about that. The extraction by APC doesn't ring a bell.

Q. Do you remember any attitude on the part of Americans that the ARVN's had let them down on the operation because they failed to fill a gap or to move in aggressively and as a consequence, they felt the enemy had evaded them?

A. This was a fairly common feeling, sir. It could be said for this operation and of others also, particularly west of the railroad. The 11th Brigade, while I was there, tried to include the Vietnamese in their plans. The basic feeling was, or as it was apparent to me as I interpreted it was that the value of the joint operations was more of a mutual training, and training the Vietnamese in helping to increase their participation, than in the operational success of the operation.

CONFIDENTIAL

A. For a period of time.

Q. How long a period of time was it cleared for and when was it cleared?

A. It was cleared before the operation started. I couldn't swear to this but I think it was probably 1 or 2 days in advance.

Q. For how long of a period did they obtain the extention? A week? 10 days? 2 weeks?

A. Probably a week or 10 days. A short period of time.

Q. Well, after that, when did you next hear about it?

A. I don't remember hearing about it, sir, aside from the fact that the Task Force Barker had returned to its own AO.

Q. Let me remind you of a couple of things that you can conceivably remember. Do you remember that on 15 March Colonel HENDERSON assumed command of the 11th Brigade from General LIPSCOMB?

A. Yes, sir.

Q. On the day of the operation, Colonel HENDERSON came to Headquarters, 2d ARVN Division, some time around about 1100 to pay a courtesy call on the division commander. Do you recall that? Did you make the arrangements?

A. I very likely did, sir. I very likely met him at the helipad. I don't specifically remember his being there on that date.

Q. We have considerable evidence in testimony that would indicate that he did do that. Now another thing about this operation which you certainly should have seen is the fact that there should have been an inordinate amount of smoke coming from that particular area both on the 16th and on the 17th.

A. Yes, sir.

Q. Do you recall that?

A. I remember seeing smoke in the area and knowing that Task Force Barker was in the area. I accepted this. I assumed that I knew what was happening.

Q. You say your next information was when Task Force Barker had evacuated the AO?

A. Yes, sir.

Q. They returned the responsibility back to the ARVN. Do you recall what date that took place on?

A. Sir, I just don't remember. Again it wasn't a long time.

Q. Well, since you were the liaison officer, you must have had operational data which you provided to the headquarters of the 2d ARVN Division and also to province headquarters and possibly even district headquarters. Do you recall the results of that operation? The first day in particular?

A. No, sir. I don't know how much my recollection is based on the newspaper accounts, but I have a vague recollection that the body count was high and that the U.S. casulties were low. That is as close as I can come.

Q. Well, the figures that came out on the first day, which were reported to the Americal Division, which are a matter of record, which were published in various newspapers, Stars and Stripes and also the division newspaper and in the brigade paper were 128 VC KIA, 2 U.S. KIA, 11 U.S. WIA and 3 weapons captured. Does that refresh your memory?

(MR WALSH entered the hearing.)

A. It sounds reasonable, sir, but as a specific figure--

Q. (Interposing) I'm thinking primarily about the 128 VC KIA versus the 3 weapons captured, as to whether or not this didn't evoke some discussion down in the 2d ARVN by the division commander or by--at that time I believe, Colonel ULSAKER was ready to leave and Colonel HUTTER was coming in about 1 April. Isn't that about the time frame?

A. Yes, sir.

Q. Do you remember any conversation on that?

A. Yes, sir, there was some surprise. It was an unpleasant kind of surprise but that's all that I can--

Q. (Interposing) Do you know if he asked any questions about it? I'm not just saying idle gossip but whether Colonel TOAN asked any questions of Colonel ULSAKER? If he could verify this or anything?

A. Not to my knowledge, sir.

Q. Your being an artilleryman, there was one incident in here that was undoubtedly called to your attention. That is the fact that the artillery on LZ Uptight during the course of its prep and so forth was reported to have killed 69. Do you recall that?

A. No, sir.

Q. Now coming down to the period after the operation, coming down to almost a month after it, the time frame is about 10 through 20 April.

I have here an attachment as an inclosure to Exhibit R-1. This is reported to be a transcript from a VC broadcast which was taken down in Vietnamese and transcribed to English. I would ask if you would review that document, two pages of it, and then tell me whether or not you had seen it, and what you had to do with that piece of paper.

A. I don't recall reading this, sir. I did take information from the agency and from sector to Americal G2, Colonel TREXLER, on occasion, that they wanted to get to the Americal G2. I didn't always read it, particularly if it was sealed. If a message came through me, I didn't see it in any of the envelope.

Q. We know this particular piece did get to the Americal Division by various means. We also know that it got to the 11th Brigade. You don't recall this document, though, or anything closely related to it?

CONFIDENTIAL

A. Yes, sir. My understanding was that the Americal Division was going to be working much more closely with the 2d ARVN Division than it had in the past. Joint operations were going to be conducted much more frequently than in the past. This was my understanding of the reason for the increase in the visits and coordination.

Q. Who was doing the coordination?

A. For Americal, either Colonel PARSON or General KOSTER--not Colonel PARSON--General KOSTER or General GALLOWAY.

Q. Yes. What about General YOUNG?

A. General YOUNG, yes, sir.

Q. You mentioned Colonel PARSON. He was making quite a few trips down there. Who was he seeing?

A. He was seeing Colonel TOAN primarily, sir.

Q. What was he talking about?

A. Well, I didn't get into their conversation, sir. I would make the arrangements, make the appointments, but their meetings were private.

Q. How many times do you recall that you made such arrangements along about this period?

A. Probably three to four a week, sir, either by General KOSTER or by Colonel PARSON. By one of the division command elements, and probably one or two visits a week to the 4th Regiment by 11th Brigade personnel.

MR MACCRATE: Who were the 11th Brigade personnel?

A. The commander's name?

Q. Colonel HENDERSON?

A. Colonel HENDERSON and his S3 came down with him on several occasions, and on occasion he came down himself.

Q. Major MCKNIGHT?

A. The name rings a bell, sir, but I couldn't swear to it.

Q. Well, Major MCKNIGHT was the S3.

IO: Do you recall when Task Force Barker went out of existence?

A. Not the specific date.

Q. Well, just so we don't get any confusion in here, Task Force Barker was disestablished on 9 April, so there undoubtedly was some discussion before then. Those had been cut off by the period we're talking about. While you were in this capacity, did you hear any discussions concerning an investigation of something which may have transpired in My Lai (4) or, just listen to these words now and see if any of these ring a bell with you; Son My Village, Tu Cung Hamlet, Co Luy Hamlet, or Pinkville. Did you hear that an investigation was being conducted or was to be conducted by the U.S. or by ARVN?

A. No, sir.

Q. You know I find this somewhat amazing this morning that, here you're the liaison officer down there and you're sitting in the middle of all this information and all these activities going on, Captain JOHNSON, and you know not one bit about it.

A. I would like to help. I'd like to have known.

Q. I just think it's amazing that you didn't know; and if you didn't know, the thing that would concern me, why you didn't know? After all, you're the division representative in that area. All these things that I've shown you were in the process of being passed around between province and 2d ARVN Division, between the district and province, and the within the advisory element, and to the Americal Division and the 11th Brigade. All these things are happening, aside from the documents and things I talked about. You were carrying on liaison, but you didn't know. My question is, I wonder why you didn't know?

A. I have no explanation.

Q. Could it be that people didn't want you to know?

A. Well, it's possible.

Q. You see, if you don't know these things, when you are in this position, then either you just didn't pick it up or people didn't want you to know.

A. I feel that I kept my ear to the ground. I feel that I searched for information. How effective my searching was, I don't know. It's quite possible that the commanders felt that by personal contact they would find out the facts without spreading the information further than it need be. But again, I really don't know.

MR MACCRATE: Captain JOHNSON, I'd like to just retrace a few of these steps to see if we can come a little closer to the situation as it existed at that time. I would understand that you did make frequent stops at the headquarters at Son Tinh.

A. Probably once a week, possibly twice a week. When there was an action coming up, I would make special trips.

Q. And how would you get to Son Tinh.

A. I drove.

Q. You drove out Highway 1 from the MACV compound?

A. Right, sir, and then go up on the hill.

Q. And when you made such a visit, how long would you be there?

A. Anywhere from 10 to 40 minutes. It really depended on how many of the advisory team were there, how many people were there, and who was there.

Q. Whom would you see when you made one of these visits?

A. Major GAVIN, the artillery liaison people, and on occasion, his XO, Lieutenant DAWKINS. I remember talking to Lieutenant DAWKINS.

Q. His deputy wasn't Lieutenant DAWKINS.

A. No, I'll take that back. Lieutenant DAWKINS. Those were normally the two that I--

Q. (Interposing) Well, when Major GAVIN wasn't there, with whom would you speak?

A. Generally with Lieutenant DAWKINS or he had an operations sergeant, an E-6.

Q. Sergeant CRADDOCK?

A. I believe so. Well, it sounds reasonable. I couldn't relate that specific name to the post, but it sounds familiar, the name sounds familiar.

Q. But if Major GAVIN had a deputy, when he wasn't there, wouldn't you deal with his deputy?

A. Yes, sir, except that normally I'd go in fairly early in the morning, well 0830 or 0900, by the time the roads were open. And usually when Major GAVIN was out, the only one left in the office was Lieutenant DAWKINS or the operations sergeant.

Q. Well, you know that Major GAVIN was away for periods of time.

A. Yes, sir.

Q. And he was on R&R, and otherwise absent from Son Tinh District. When he was absent, he had a deputy, and you didn't deal with that deputy?

A. I believe he was introduced to me, sir, and outside of that, I couldn't say. I don't remember working with anyone but those four people, the two artillery liaison people, Major GAVIN, and Lieutenant DAWKINS.

IO: You must remember this other individual, though, because of his name, for example. You saw a paper by him this morning, and he has quite a broad Spanish accent. You certainly must remember him because of the accent that he has. In fact you have to pay particular attention to him when you listen to him.

A. I just can't honestly say that he stands out in my memory, sir.

MR MACCRATE: It is curious. You seem to have a clear recollection of everyone around, but to someone listening to you, Captain JOHNSON, you seem to be walking around Captain RODRIGUEZ and staying away from him. He's the man who was the man in charge up at Son Tinh District headquarters when Major GAVIN was not there. We know that Major GAVIN was not there from time to time. He was away from Son Tinh. And here you are going out once or twice a week, and I just don't understand your not seeing this man that everyone else knew was there? They lived in the same room together, DAWKINS, RODRIGUEZ, and GAVIN. They just had one place to stay. Yet you come through loud and clear GAVIN and DAWKINS, but you don't seem to know anything about Captain RODRIGUEZ.

A. Well, I just don't recall having a great deal of contact with him.

Q. Let me ask you about these meetings that you say came with some frequency during the month of April, and that you had Colonel PARSON, Colonel GALLOWAY, General YOUNG, General KOSTER. You indicated that you did know the subject matter of some of the meetings, that it had to do with greater participation by ARVN in joint operations. What were you told, and by whom were you told about these things?

A. I'll address the first part. I got most of my information about what the Americal policy would be in this time frame from Colonel BALMER and a little from Colonel PARSON.

Q. Remember what Colonel PARSON told you?

A. Really, about all I can remember is the idea that the Americal Division would be working more with the 2d ARVN Division, working more closely with them in kind of a general comment.

Q. Did it have any relation to some antagonism in the past or some problem that had arisen between Americal and 2d ARVN Division in the past, trying to overcome those?

A. I don't recall that it was put in those specific terms. From what I remember, the idea was an effort to improve the Vietnamese forces along with other units more or less on a widespread scale, as part of a wider policy. As to being tied to a specific clash between the 2d ARVN Division and the Americal Division or a specific problem between the two, I don't remember that being talked about.

Q. Do you recall that Colonel GUINN attended any of these meetings that you helped set up for Colonel PARSON?

A. Yes, sir. In fact I believe Colonel PARSON went to province. I believe I remember taking him across town to province and that he met with Mr. MAY and Colonel GUINN and the province chief. I couldn't give you a specific date and I couldn't even swear to the precise circumstance. But I remember taking Colonel PARSON across town sometime in late March or early April.

Q. How do you fix it as being in late March or early April?

A. I was getting short, sir.

Q. This was shortly before you departed?

A. Yes, sir. I believe one of the topics in the discussion was that Colonel PARSON brought up the fact that I was getting short and he didn't know who my replacement would be.

Q. Now, let me ask you about that. Do you recall how long before you departed you learned who your replacement would be?

A. Sir, about a week.

Q. A week before 2 or 3 May?

A. Yes, sir. And I learned about 2 days before he came up that it would actually be Captain COGGESHALL.

Q. According to the Americal Division Artillery Field SOP, (Exhibit M-66) one of your responsibilities was keeping the ARVN commanders informed of disposition and activities of US forces. In connection with carrying out that responsibility, do you recall being asked to obtain any information with respect to the operations of Task Force Barker and specifically with respect to the operation on 16 to 18 March 1968, this operation into the Son My village area?

A. This is the kind of request that I received frequently, fairly frequently. I didn't normally go into company-level operations.

Q. This would be Task Force Barker operations.

A. Whenever the Americal units would go into the 2d ARVN Division TAOR, I did try to keep the commanders informed. I didn't always know before the fact what the company-sized elements were doing or specifically where they would be.

Q. As to the results of any operation, would you report that? If someone on the Vietnamese side wanted that information, who would come to you and ask you for it?

A. Within the 2d ARVN Division TAOR, when Americal units conducted an operation, I would automatically get the information and give it to the chief of staff of the 2d Division.

Q. Colonel DONG?

A. Colonel DONG.

MR MACCRATE: When there were some Vietnamese documents at the 2d ARVN Division headquarters and you were asked to pass them along to the Americal Division, where would they be translated?

A. So far as I know, the normal procedure was for the advisory team or the 2d ARVN Division interpreters to translate them in Quang Ngai. I don't remember seeing a great many of the original Vietnamese documents accompanying the transcript or accompanying the translations.

Q. Would you just be handed the translations?

A. Well, I would have someone pick up a stack of documents or an envelope, a large manila envelope of documents. I didn't receive a briefing on the documents themselves, if that's what you--

Q. (Interposing) Well, you would go around to various functions, as you call them, and pick up material?

A. Yes, sir.

Q. Now, would you just get an envelope without any knowledge of what was in the envelope? Were you just acting as a messenger? Or were you an informed courier?

A. For G2, from the G2 and the G2 advisor, I would get overall briefings of the situations.

(COL FRANKLIN enters the hearing.)

If Major EARLE wanted some specific item brought out, emphasized, he'd let me know and I'd transfer that on to Colonel TREXLER.

Q. I'd like to show you Exhibit M-36, which is a memorandum from the G2 of the 2d ARVN Division to the CG of the 2d ARVN Division, Colonel TOAN, and ask you if you ever recall Major PHO or Major EARLE giving you any such document as that, or having ever seen such document? Just that first page, the English translation of the Vietnamese.

Do you remember Major EARLE speaking about such an inquiry from the 2d ARVN Division? I'd like you to think hard about that. Major EARLE has a recollection of these things.

A. I don't remember it specifically.

Q. Do you have some general recollection?

A. Sir, I've got more of a vague feeling than a specific memory. A feeling that I've heard that something happened in this general area, that the Vietnamese wanted to find out about.

Q. Let me see if I can help you with another document. Hold onto that, and here's Exhibit M-32. Now this is what has been described as a postal message from Colonel TOAN, signed for him by Lieutenant Colonel DONG, the chief of staff, dated 15 April 1968. See if this fits into some of your recollection. Now do you remember anyone up at the Americal Division or over at the province team, Mr. MAY, or Colonel GUINN, or Major EARLE, or Colonel PARSON, any of these people being asked for some information as a result of such communication?

A. I couldn't honestly swear to it, but I think that as we've been talking that I do remember Major EARLE asking about U.S. activities in the area. He seemed more concerned than he had on other occasions, when we were on other operations. But so far as this--

Q. (Interposing) He wanted you to get information for him? You as the liaison with Division?

A. Yes, sir. He wanted me to talk to Americal and find out for him, and what I found out was basically what was on the intelligence summary with some minor additions--

Q. (Interposing) From whom did you get this information?

A. From Colonel TREXLER. Basically that's all I could honestly say about--

Q. (Interposing) Well, what were the minor additions to the intelligence summary?

A. Something to the effect that Barker hadn't gotten as much reaction as they had expected. They were disappointed that their objective unit had gotten away from them, and it hadn't been destroyed as an operational entity, and again that's--

MR MACCRATE: (Interposing) Do you recall where this information came from? That's very interesting, because you recall that the report of the operation that you would have initially picked up would have been in the intelligence summary 128 VC KIA, which would suggest a highly successful contact and a great deal accomplished.

A. Right, sir.

Q. But you subsequently got information that that had not in fact transpired, that they had not really had that kind of encounter.

A. Again it's so fuzzy. My memory of the occasion is so fuzzy. I had the feeling that it was more disappointment that the organizational entity hadn't been destroyed. I kind of hesitate to say the command and operation elements had escaped, because that ties it down too closely.

Q. You were carrying the battalion at a strength of what number at that time?

A. Probably 150 to 170.

Q. They had been seriously depleted after Tet. They were down to a strength in that order, perhaps, 128 VC KIA wouldn't have left much behind. To be disappointed at that point strikes one as rather bizarre.

A. Normally when there was a body count as high as this, at least some of the higher ranking people in the structure can be identified and Americal--or Colonel TREXLER gave me the impression that there hadn't been any identifiable leadership.

Q. You got the impression they had done some digging as to what they had and had not gotten and weren't particularly pleased with the results?

A. Well, they weren't as pleased as they would have been if there had been command elements for instance.

Q. And you can't remember anything about what you got for Major EARLE, what he was doing with this information?

A. No, sir.

IO: Let me ask you something about this incident you're talking about. How did you get copies of the INTSUM?

A. I would go up to the Americal probably three times a week or more frequently, and pick up copies of the INTSUM from G2, the SITREP from G3, and take them back down and distribute them. I tried to read all of the intelligence summaries.

Q. Who did you provide these to?

A. The operations advisor. There were two of them. And then I gave another copy to the sector advisory team.

Q. Who did you normally give that to?

A. The sector operations officer. And that was also a major and I have a picture of him, I don't remember his name.

MR MACCRATE: Major HACKING?

A. Major HACKING, Australian accent.

IO: Did you normally attend the staff briefings each morning at the 2d ARVN Division?

A. Yes, sir.

Q. About this time do you remember that after the briefing broke up there was a meeting between more than a few people in attendance and you probably were there. Major EARLE, and probably the operations advisor Colonel GUINN was out that day, and they were discussing a report which Colonel GUINN had received.

A. I don't remember a meeting of that nature. I very seldom took part in the discussions that followed the briefing.

Q. What was your grade at that time?

A. I was a captain, sir.

MR MACCRATE: Do you remember hearing about a letter from the village chief about this operation of Task Force Barker, or perhaps maybe you didn't put the two together, but about this time, relating to what had gone on in his village of Son My?

A. I don't remember one, sir.

Q. A complaint that he had put in that caused a little flap with Colonel GUINN and Major EARLE?

A. I don't remember hearing one, sir.

IO: Did you hear or did you get the feeling which was well known in headquarters of the Americal Division that Vietnamese in Quang Ngai City were pretty unhappy with what the Americans had done? Now you're the head man around that area for the division.

A. I couldn't say that I got the impression or the feeling that they were unhappy. They wanted to know what had happened. They wanted to be informed of what had happened and this was just about the time that General KOSTER Colonel PARSON and General YOUNG started coming down much more frequently. Colonel GALLOWAY was down--

Q. (Interposing) What did they ask? You said they wanted to know what happened? What did they ask? What were some of the questions? How was it put to you?

A. Let me brush away some of the fuzz. Where the units were operating--they wanted to know further in advance where they were going to be operating. I don't recall any question as to the specifics of the small unit moves, small unit tactics or the specifics of what had happened on this operation.

I got the impression that the specifics had been covered in command briefings or in the command visits. Not that the specifics had been covered but whatever specifics were discussed on past activities had been discussed during the command briefings or the command visits.

Q. It seems to me you're circling all around these things, Captain JOHNSON. Just from the documents that have been shown you the Vietnamese knew that there had been a major unusual action that took place there. They were well aware of it, which is indicated by these papers. We have this, the feeling they had down there. All this coming and going for you to be able to put yourself outside of that and not knowing anything about what was going on seems miraculous to me, because it's pretty well established that at least certain people within the Vietnamese circles were quite unhappy.

A. I don't know of--

Q. (Interposing) Also I think there have been some indications that you've brought out this morning, that you haven't explained fully, that would indicate that you knew a whole lot more about it than you told us here this morning.

A. If I can answer any questions, I will.

Q. The question is a very simple one, we want you to tell us what went on.

A. In the My Lai incident?

MR MACCRATE: It was not called the My Lai incident at that time.

A. Well, all right. In this case I didn't know what had happened.

IO: We're not even suggesting that you did know what happened, but we do know that the ARVN was part of it. The ARVN and the province people were quite unhappy, and they had quite a bit of information. They were seeking information as to what went on. They were in fact investigating, and they had asked the Americans to investigate. So all these things had been going on, you see, and you're right in the middle of it.

A. Again if I did know what was happening, sir, I'd talk about it. I'd tell you about it.

MR MACCRATE: What can you recall about Major MCKNIGHT's visits over to 2d ARVN?

A. Normally he would come with an NCO or an assistant and he would go in with either Colonel GUINN or Major HACKING, to the province headquarters.

Q. Do you remember who the NCO was?

A. No, sir. I couldn't even remember what he looks like. I wouldn't recognize his picture if I saw it.

Q. Well, what were Major MCKNIGHT's concerns? Do you recall that?

A. I was under the impression that they were planning operations, planning joint activities with the Vietnamese, making mutual defense arrangements in the case of the 11th Brigade elements and RF/PF outposts. Beyond that I don't know.

Q. Was any information sought by you from Major MCKNIGHT or from Colonel HENDERSON in connection with the operations of Task Force Barker in response to the questions that had been put to you by Major EARLE?

A. No, sir. If I remember, that was just about the time that Colonel HENDERSON and possibly Major MCKNIGHT came down to talk to the 2d ARVN Division advisors and to Colonel TOAN, primarily to Colonel TOAN and Colonel ULSAKER.

Q. This was before Colonel ULSAKER left and Colonel HUTTER took his place?

A. I have this feeling and that's all I can say it is.

Q. This would suggest that it was in the period before 1 April?

A. I don't know.

Q. In connection with the visits of Colonel PARSON, do you recall that anyone came over from the 11th Brigade for any of those visits?

A. Not that I remember, sir. I have the impression, the feeling, that Colonel PARSON usually traveled pretty much alone in the helicopter.

Q. But he would he coming down from Chu Lai?

A. Yes, sir.

Q. My question was whether in connection with these visits you told us about, you have any recollection of someone coming over from Bronco.

A. There were one or two occasions when 11th Brigade people came down at the same time as Colonel PARSON or Colonel GALLOWAY or General YOUNG. There were a couple occasions when the two elements met in Quang Ngai, one or two, and I wish I could give you a time.

Q. Who would be the people from the 11th Brigade?

A. Generally, Major MCKNIGHT the S3, and the commander.

Q. Did Colonel BLACKLEDGE ever come over?

A. Yes, sir.

Q. Do you remember Colonel BLACKLEDGE?

A. I remember the name and I remember talking to him, but I couldn't tie his name to his face.

Q. Do you remember talking to him on a particular occasion or just that you talked with Colonel BLACKLEDGE sometime?

A. Well, I talked to him. I thought rather highly of him. He seemed to be an articulate, sensible person and he stands out for this.

Q. In the Americal Division Artillery field SOP, which has been marked as Exhibit M-66, there's a reference to standards for fire direction centers. It says, with respect to maps, that builtup areas, villages, and hamlets will be marked or outlined to be readily recognizable based on the latest data. These maps will be updated to represent actual conditions by frequent checks with the district and by aerial reconniassance. From what you said earlier, I gather that this was not applicable in VC-controlled areas, as you understood it.

A. We used, so for as I was concerned, using the district chief as my principle source of information. I believe about on a weekly basis I was given a updated overlay of areas which were considered to be populated.

Q. Would you concern yourself with what the ARVN, the district chief regarded as free-fire areas? Was there any intent to update information or actually provide any information in those areas?

A. Well, I can't even really say that it was established there was a population. Normally the populated area was considered to be the area near to the highway and the railroad. There was also a populated area south of the Song Tra Khuc and here in this area.

Q. Down in Co Lay (2) and Co Lay (3)?

A. Yes, sir, which we didn't fire into unless there were Americans on the ground and we also had district confirmation. But the markings on the map were considered to be outdated and not valid so far as current population.

Q. Well, did you regard Co Lay (2) and Co Lay (3) as VC territory?

A. Semi-VC, sir. It was right across the river from a junk base and there were people living there. Their activities during the day were not questionable, but we didn't go as far as I know, no one went in at night.

IO: Are you sure of what you're talking about. I think you're just grasping at something and I just can't visualize that that was the case. I think you're all mixed up, very frankly. Now if you're talking about My Khe (2) and An Loc (2) I could understand this. But for you to just arbitrarily pull out of the blue Co Lay (2) and Co Lay (3), I just can't believe you know what you're talking about.

A. This is my recollection, sir.

Q. Well, it's certainly not very good, I think, because you're the first one that ever put that out there to be sort of a semi-friendly territory.

A. Well, as a populated area, as semi-friendly, yes, sir.

Q. Skip across that Song Kinh Giang, that river that runs from Pinkville on down to the Song Tra Khuc. If you will remember, there was an outpost on the top of Nui Ngang.

A. Yes, sir.

Q. The mountain there and there was an outpost, sometimes was and sometimes wasn't, depending on whether the VC had overrun it on the top of Hill 85 up there.

A. Yes, sir.

MR MACCRATE: I'd like you to take a look at Appendix 4 of the artillery SOP, paragraph 3a, "Missions against known or suspected VC targets and hamlets and/or villages occupied by noncombatants," and so on. Take a look at that. It runs on pages A-4-1 and A-4-2 of M-66. And I'd like to hear what effort was made to bring that to the attention of the artillery battalion. Do you ever recall having those provisions brought to your attention?

A. Yes, sir.

Q. Do you ever recall out in VC territory those rules being followed?

A. In general, yes, sir. We tried to follow these rules.

Q. From your description of what you understood to be the controlling rules at the beginning of your testimony it didn't seem to me to accord with anything that appears in the SOP at that point. That's why I asked you.

A. The villages on the map were considered to be--some of them moved and some of them hadn't moved. There wasn't a great deal of concern about the hamlets, about the villages.

Q. Did you really leave it up to the districts in this respect to have the liaison--

A. (Interposing) Yes, sir.

Q. And you had very little to do with the liaison.

A. Son Tinh District had its own liaison. What normally happened was that if the district wanted a target fired, their liaison would call Americal or their liaison would call the artillery unit; the 6/11 would call Americal. Americal would call me and I would clear with the 2d ARVN Division. If 2d ARVN Division or any of the advisors in division requested fire, I would ask Americal for fire support and go directly to the subsector for clearance.

Q. But where clearance was sought by the American forces, was there double clearance, clearance with district and clearance with you, with the 2d ARVN?

A. Yes, sir. I would talk to the Vietnamese at 2d ARVN Division and primarily in Son Tinh District. This was where almost all of the firing outside of the Americal area of operations was done, in this area. I would go to the Vietnamese at division and the Vietnamese would relay the fire request through their channels and I'd call the Son Tinh District headquarters on my radio and we would obtain two clearances.

IO: Well, you're talking about U.S. fires within the ARVN area?

A. Yes, sir.

Q. But fires in the U.S. AOs, they'd go direct to district?

A. Yes, sir.

Q. Without reference to ARVN, is that correct?

A. Without reference to the province. Supposedly all the fires were cleared by the district chief or his representative. And I believe that in all of the districts this was done. The American advisor would talk to the Vietnamese duty officer or the district chief.

Q. I believe that you'd indicated you had some photos or some documents that might be of assistance to us. May we have an opportunity to look at these photos, please?

A. Yes, sir. Of what use they'd be, I don't know. (The photos in the following discussion were determined to have no bearing on the investigation and have not been entered as exhibits.) That is the citadel looking northeast toward the operational area.

MR MACCRATE: What would be the date of this?

A. That would be sometime during the winter.

IO: Who's the individual in this picture? Do you know?

A. Colonel BALMER and I believe Colonel GALLOWAY, sir, I'm not positive. No, this is Colonel BALMER and his replacement.

Q. BAXLEY? Colonel BAXLEY?

A. Colonel BAXLEY, the name rings a bell, sir. This would have been just about sometime during the week before I left.

Q. What is the occasion of the ceremony here?

A. This is an award to Brigadier General RYDER, sir.

Q. That took place some time before then.

A. Yes, sir.

Q. He departed there.

A. Yes, sir, December or November.

Q. When he left the division?

A. Yes, sir. There are a number of principals. That's Son Tinh District, Highway 1. That is at the ship, the helicopter pad.

Q. The Tropo Pad?

A. Yes, sir. That's Major HAWKINS and one of the other sector advisors.

Q. What's the purpose of this formation here?

A. This is a part of that same parade.

Q. Same formation for General RYDER?

MR MACCRATE: I'm a little preplexed with the dates. That appears to have been developed in May, and then there's another that appears to have been developed in April?

A. Now, this one would have been at one of the Friday morning ceremonies. Friday morning or Monday morning.

IO: Doesn't look like General RYDER, though.

A. No, sir, that's one of the ceremonies, the weekly command reveille.

Q. We'd like to borrow these pictures from you to have additional photos made and we'll return these to you in the very near future. Would you like to make a list of these?

Do you have any other documents, pictures, directives, maps, reports, or anything of this nature which may be of assistance to us?

A. No, sir, I don't. I wish I did.

Q. Now I'm sure this morning that we have given you quite a bit of information which may tend to bring some of these things back to mind. If you do have any recollection of some of these events, I'd like very much to have you get in touch with us so we can take advantage of whatever information you may have. Major LYNN can handle that and tell you how to get in touch with us. Before you leave I would like to remind you that you have been directed not to discuss your testimony with others including other individuals who may have appeared here as witnesses or may appear before us as witnesses. It is conceivable that you may be requested to appear before one of the congressional committees. The most likely one is the investigative subcommittee of the House Armed Services Committee. In which event, if you are requested or directed to testify there, your presence here and your testimony here would in no way preclude you from appearing there and testifying before them, before that body or any such comparable legislative body. Do you have any questions at this time?

A. No, sir.

Q. Would you care to enter a statement into the record?

A. No, sir.

IO: The hearing will recess at this time.

(The hearing recessed at 1058 hours, 16 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: JONES, John T., COL

DATE OF TESTIMONY: 19 December 1969

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: SJA of Americal Division.

1. SUCCESSION OF STAFF JUDGE ADVOCATES OF THE AMERICAL DIVISION.

Colonel JONES had been the SJA of Task Force Oregon when it became the Americal Division. He remained in that position until 2 April 1968 (pgs. 2,3). He was replaced by Lieutenant Colonel Melville A. WILSON after an interim period of a few days when Major Robert F. COMEAU acted as the Judge Advocate (pg. 3). Major COMEAU had served as the Judge Advocate of the 11th Infantry Brigade in Hawaii, had come with the brigade to Vietnam but had been immediately pulled up to division upon his arrival there (pg. 3).

2. PRIOR CONVERSATIONS CONCERNING MY LAI.

Colonel JONES told his interrogators that he had recently spoken to Major COMEAU, General KOSTER, and Colonel DIONNE, the division PIO about the incident at My Lai (pg. 4).

3. KNOWLEDGE OF THE INCIDENT AT MY LAI.

a. Personal knowledge of the incident.

The witness stated that he had absolutely no knowledge from rumors or official sources of the My Lai incident (pg. 4). He added that he did not recall the report of 20 to 25 civilian deaths, and felt that he would

have known about it had it been reported (pg. 6). He also noted that he attended the division staff briefings and would have recalled a report of civilian deaths there because of the possible claims which might arise (pg. 11). He remembered no such report (pg. 11).

b. Knowledge of investigations of the My Lai incident.

The witness stated that he knew of no written reports or oral reports made as a result of an inquiry into the My Lai incident.

4. INVESTIGATIONS.

a. Command investigations.

The witness stated that had there been an investigation conducted to determine the facts behind the My Lai incident, it could have been done in command channels UP AR 15-6. This would have required someone to be placed on orders as an investigating officer (pgs. 5,6).

b. War crimes investigations.

He noted that had the investigation been directed as a war crimes investigation, the SJA would have had the primary responsibility for it. It would have been conducted in accord with the MACV directive concerning the investigations of war crimes (pg. 5). The witness recounted two such investigations in the Americal, one of which resulted in a general court-martial and the other of which resulted in two persons being relieved from military intelligence duties (pg. 9).

c. Artillery incident investigations.

If there was a report of misdirected artillery fire or of civilian deaths due to artillery fire there would be an investigation conducted by someone from outside the battalion incurring the report (pg. 7). These would often be initiated by a village or province chief reporting civilian deaths to the local Americal advisor (pg. 6). Such reports could result in disciplinary action (pg. 6).

d. Claims investigations.

Any time solatium payments were made, the SJA was

to be notified because of the possible claims arising out of the same action (pg. 7). Information on possible civilian claims came from many sources, including division briefings, military police reports, reports from advisors, and reports that might filter up from the units (pg. 10).

e. Investigations into Viet Cong controlled territory.

The witness stated that in cases involving Vietnamese civilians and U.S. forces, an investigation was directed whether or not the incidents occurred in Viet Cong controlled areas (pg. 7). However, he noted the difficulties encountered in attempting to investigate there and added that, perhaps, subconsciously, more diligence was exercised when the aggrieved party was not in a VC area (pgs. 7,8). There was no instruction or internal distinction made between incidents in friendly areas or VC areas (pg. 8).

(The hearing reconvened at 1440 hours, 19 December 1969.)

IO: The hearing will come to order.

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

Sir, the next witness is Colonel John T. JONES.

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

Colonel JONES, will you please state your full name, grade, Social Security number, branch of service, organization, and station?

A. John T. JONES, Colonel, JAGC, I'm assigned to the U.S. Army Judiciary, Washington, D.C.

IO: Colonel JONES, before we begin the questioning, I'll ask Colonel MILLER of the Office of the Judge Advocate General to advise you concerning certain matters.

COL MILLER: Colonel, this investigation was directed jointly by the Secretary of the Army and the Chief of Staff, United States Army, for the purpose of determining facts and making findings and recommendations concerning two general 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 about 16 March 1968, and

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

The investigation is not being conducted to investigate all of the facts and all of the circumstances of what transpired in My Lai. It is directed to those specific purposes which I just mentioned.

General PEERS and the rest of us have had available to us and have reviewed prior official statements obtained in other official investigations and made by various witnesses who have appeared here.

Your testimony here today will be taken under oath. A verbatim transcript will be prepared. In addition to the reporter, we also have a tape recorder taking the oral testimony.

The general classification of the report is confidential, but it is possible that all or parts of the testimony may become matters of public knowledge at a later time.

As you see there are several people here. General PEERS is the IO. He has the sole responsibility for weighing the evidence and making the findings and recommendations in the case. However, the rest of us are here to help in various capacities. On General PEERS' immediate left is Mr. MACCRATE, a civilian attorney who has been made available by the Secretary of the Army as a civilian advisor, and Mr. WEST, who is deputy to General PEERS, and who is assigned to the Office of General Counsel, Department of the Army, and, of course, myself. Any one of us may at some time ask you questions today.

Before we proceed, I want to mention one thing with respect to discussion of what you have to say here. You are ordered not to discuss your testimony that you give here today with others, including other witnesses for the investigation, except as you are required so to do in the performance of your official duty or as you may be required to do before a competent judicial, legislative, or administrative body. Are you now under the order of the military judge in the general court-martial case of the United States v. Calley?

A. No, sir.

Q. In the event you should come under that order your appearance here in no way affects that order, of course.

IO: Colonel JONES, what was your duty assignment on the 16 March 1968?

A. I was the staff judge advocate of the Americal Division.

Q. How long had you been in that capacity?

A. I had been in that capacity since April of 1967 when the original Task Force Oregon was formed. I arrived in

Vietnam the day before it was organized. I organized the SJA section and moved to Chu Lai with Task Force Oregon in April of 1967, and remained in that capacity when we became the Americal Division until my departure on 2 April 1968.

Q. The 2nd of April?

A. Yes, sir.

Q. Who replaced you, Colonel JONES, as the SJA?

A. A Lieutenant Colonel Melville WILSON, USARV SJA section, but I believe there was an interim period of a few days or maybe about a week or two when Major Robert COMEAU was the acting SJA.

Q. Major COMEAU, I understand, served in the JA section from about the time the 11th Brigade arrived in country?

A. Yes, sir. I believe it was the first week in December of 1967. He was the SJA of the 11th Brigade in Hawaii for about 18 months. When they arrived in Vietnam to join the division, we had planned for and initiated a consolidation of the legal offices from the different brigades into the SJA office of the division headquarters. He came up immediately to the SJA office in Chu Lai.

Q. Considering this event which we are investigating, would it be a good assumption that Major COMEAU would perhaps, within the SJA section, be the most knowledgeable?

A. Well, yes, sir. He and I both. He probably--possibly more so than I, because he was there after I left.

Q. Subsequent to the time the My Lai incident broke in the U.S. press in September and October, have you had any conversations with anybody concerning this incident?

A. Yes, sir, I have.

Q. Can you recall whom you have talked to about it?

A. Yes, sir, I've spoken to Major COMEAU about it. This incident was first mentioned to me in August of this past year in the Office of the Judge Advocate General. I didn't recognize any of the facts or the meaning of the incident, and there was a report in that office at that time and I read it. That was the first time I realized that it had occurred when I was still in the Americal Division. I have spoken to General KOSTER on this matter about 2 or 3 weeks ago. And many other people, knowing that I was the staff judge advocate of the Americal Division at about that time, have asked me if I was there, and I generally brush them off. Well, I'd say I don't know anything about it.

Q. As far as people who were associated with the division, the ones that you know you had talked to are Major COMEAU and General KOSTER, is that correct?

A. Yes, sir, and one more, a Colonel DIONNE, Pat DIONNE. I believe he is General KOSTER's PIO. I spoke to him very briefly one afternoon, and he was seeking some information. I think just some dates. I don't even remember now exactly what it was he wanted, and he suggested that I call General KOSTER. I told him that I had intended to call him the previous week and I couldn't reach him, and I called him then immediately.

Q. What was your purpose of initiating a call to General KOSTER?

A. I just wanted to see if there were any questions that he might have, anything I could refresh his recollection on--on any of our court-martial activities at that time. I know he had so many things on his mind that I knew he might have trouble to recollect certain incidents, that they would be hazy. I just wanted to make myself available if I could give him any assistance.

Q. With respect to the My Lai incident itself, of 16 March 1968, did you have any knowledge whatsoever of an inquiry or investigation into it?

A. No, sir, I did not. I didn't even have the knowledge of the vaguest rumor or anything of that nature,

and we usually get rumors fast in our office. There wasn't the slightest information or rumor on anything that might have occurred.

Q. You know of no written reports or oral reports that were made as a result of an inquiry or an investigation?

A. No, sir, I do not, except that Major COMEAU mentioned to me, I believe he said Colonel CAMPBELL, the 11th Brigade commander, made a report. I'm not sure if it was oral, or in writing, or possibly both. The only information I have on that was from reading the papers and from what Major COMEAU mentioned to me.

Q. If this had gotten to the point where a formal investigation was directed by the Americal Division, what was the customary procedure of the division?

A. Well, sir, this would have come under the war crimes directive of MACV, I believe, and the SJA would have been primarily responsible for the war crimes investigation. I believe the directive provided for the provost marshal's office to actually furnish the primary investigator or at least a primary assistant on the matter. We did have, I believe, two other war crimes investigations, as I understand.

Q. If this did not take the name of a war crime or atrocity investigation, but of an operational situation involving, let's say, the killing of civilians, take a small group, or a specific number, let's say 20 or 25, and it had been indicated we want a formal investigation, under those circumstances what would have been the routine?

A. The division would normally appoint someone to conduct the investigation under AR 15-6.

Q. Yes.

A. Appoint probably a lieutenant colonel or--well, that many, 20 or 25, it would have been a lieutenant colonel or a full colonel. We didn't have very many full colonels in the division. It just might have been a lieutenant colonel, possibly a brigade exec or a staff officer, to perform the investigation. This would have been more of a command channel than a legal investigation.

Q. Would there have been orders cut appointing an investigating officer and designating specifically what he was to investigate?

A. Yes, sir, that was normally the case, sir.

Q. I take it from your discussions, Colonel JONES, that you had no knowledge of anything going on, any inquiries, investigations, reports, reviews, or otherwise?

A. That's correct. I had no knowledge or even any inkling, and with 20 or 25 civilians, if that had been mentioned, I'm sure I would have known it. For example, for the related claims actions there would have been. Also for the artillery incidents where artillery rounds were fired into a village or something, killing civilians. An investigation was initiated immediately. And in certain cases disciplinary action was taken whenever warranted, and that was the occasion with one death, two deaths, or something like that. But with 20 or 25, I'm certain I would have known about it.

Q. From a legal point of view, if these 25 had been killed in the course of an engagement with the Viet Cong, would this have made any difference as far as a requirement for an investigation?

A. Well, sir, if it were in the course of an engagement, actually where there were artillery and air strikes and all on the village and civilians were killed--I don't recall any actual incident anywhere near that magnitude before where it arose, so I don't have any experience factor on that. There were civilians killed in crossfires and artillery fires and things like that, but they were--I don't remember any assaults of that nature. We killed at times with the H&I fires. Occasionally they would transpose a number in the fire direction center that would cause a round to go astray, and there would be some report, often through G5 channels. Or the district chief or the village chief would go to his advisor, and he would get a report that would cause an investigation to be made.

Q. That was automatic though, wasn't it?

A. Yes, sir.

Q. Even the receiving of a report, call it an automatic investigation, as I would recall, if it happened to be done by artillery, I believe you would normally have it assigned to the artillery to--

A. (Interposing) Yes, sir. They normally ran someone into the battalion that was not in the battalion involved. I'm not sure about that on all of those artillery incidents though, or in an assault where maybe one civilian had been killed in crossfire or running out of a village or something like that, that they always had a formal investigation with orders cut. I just can't say that they always did that.

Q. Was it customary, however, for your G5 to contact the family and arrange for solatium?

A. Yes, sir. The G5 made the solatium payments, and we set that up between the G5 and the SJA to handle that. And also we would take the investigations, and, because of the possibility of claims arising later on, we would ask for a claims investigation.

Q. Do you have any questions, Mr. MACCRATE?

MR MACCRATE: Colonel JONES, did you have any different policy with respect to related claims activities depending upon the location of the particular incident? Would it make a difference if it were in what might be described as VC-controlled territory?

A. Yes, sir. I recall one incident, and I don't know all of the facts. It's hazy in my mind. But I recall one incident that occurred of a possible assault by a serviceman, one of our soldiers, from a squad I believe. And we worked very closely with the CID and the provost marshal's office on that. It may have been a squad or what they call an LRRP, a long range patrol, that had been inserted, but it was in the midst of VC territory. We tried to get an investigator in there for 2 or 3 weeks. It was so controlled by the enemy that they said it would take almost a battalion operation to get back in there if you wanted an investigation.

Q. But as far as attempting the investigation, you made the same attempt whether it was situated in VC-controlled

territory or under RVN control.

A. Well, I guess you could say we made the same attempt, but it actually would take a different attempt sometimes to get within the VC territory.

Q. What I was trying to explore was whether you had a different attitude towards reports of incidents that might occur in VC-controlled areas from areas that were not VC-controlled?

A. Well, I think we were probably more diligent in the non-VC-controlled area, at least subconsciously.

Q. Were there any instructions to disregard--

A. (Interposing) No, sir.

Q. Incidents in the VC-controlled area?

A. No, sir. None whatsoever.

Q. Did you have any internal policy in that respect?

A. No, sir. We made no distinction. Actually, if we could investigate an incident that occurred in VC-controlled territory, we would. But that one incident that I mentioned where we waited to try to get the team inserted, or tried to get back in there, is the only one I can recall offhand where it was such a controlled area that we couldn't.

Q. When did that occur?

A. I think that was in January or February.

Q. 1968?

A. Yes, sir. I think--it wasn't a death case. I think it was an assault, possibly an indecent assault.

Q. Did it involve personnel of Task Force Barker?

A. No, sir, I don't believe so. I'm not sure. It may have been one of his units that was attached to the Americal Division. I just don't have enough recollection.

Q. Do you recollect any investigations of misconduct on the part of Task Force Barker?

A. No, sir, I do not. Now I recall, I'm sure, that last incident did not involve Task Force Barker because it occurred up in the mountains, and Task Force Barker was out by the sea.

Q. Finally, you referred to two other war crimes investigations. Could you fix those in time and in location?

A. Yes, sir. They occurred in Chu Lai in August or September, I believe, in 1967. They involved assaults on prisoners in our PW cage in Chu Lai, and we tried one of the men by general court-martial. He was convicted and given 20 years. And the other two involved a lieutenant and a sergeant, and they were supposedly striking prisoners to try to get them to talk with a stick or something.

Q. Again related to the PW cage in--

A. (Interposing) Yes, sir, the PW cage. The evidence was quite conflicting on that, and there was no real injury, a few welts maybe. There was some disciplinary action taken down in the brigade or the unit, and I believe they were relieved of their military intelligence duties.

IO: Do you have any questions, Mr. WEST?

MR WEST: No, sir.

IO: Colonel MILLER?

COL MILLER: Yes, sir. Did you sometimes pay claims to people who were in VC-controlled areas?

A. No, sir.

Q. I wonder if in those cases where you thought they were out there and they couldn't get--

A. (Interposing) Oh! In VC-controlled area.

Q. Yes, sir. Would you make a determination, for example, that a particular person may not be a VC sympathizer but an innocent civilian who was killed?

A. Yes, sir. We would pay some claims. It's pretty hard to draw a line up there in VC-controlled territory, and the lines sometimes went back and forth, but the province chief or the district chief would certify for us if the people were VC or VC sympathizers. If the claims were in a combat situation, if I remember correctly, the rule was that we investigated but we didn't pay that. We reported back to MACV. It was the RVN government that made those claims; we did not pay those.

Q. That brings me into my next question, which has to do with the routine of gathering of information. Did you normally get your reports or claims from the district or the province, or were they submitted directly to the division through the units?

A. We got them from almost every direction. Quite a number would come through the province and district chiefs' letters that they would translate for us. People who were asking to be reimbursed for injuries that occurred at a certain time because a group of soldiers had come in and killed animals or injured them with a truck. We also, in the briefings everyday, would make notes of any incidents that looked like civilians had been injured, and then I would contact the units to ask them to make the required investigations. One other source, we checked closely with the provost marshal, with their blotters, to see if they had any incidents that would involve claims.

Q. What about the division log? It might report civilians killed or injured in an operation. Did you take note of that in any way?

A. I don't believe we went and checked the G3 log. We relied on the briefings, the PM reports, and I think the reports that would filter up from the units and the advisors.

IO: But you did attend the staff briefing?

A. Yes, sir.

Q. If a report that 20 or 25 civilians had been killed was made, it would certainly have perked up your ears, I imagine.

A. Yes, sir.

COL MILLER: Would you get interested in that without knowing any more about it, if they said we had 25 or 30 civilians killed today?

A. We would have inquired into that to find out what the facts and circumstances were.

Q. Do you remember hearing any such report?

A. No, sir.

Q. That's all I have, sir.

IO: Colonel JONES, if anything should come to your mind while this investigation is under way, if you recall any events which transpired during this period which in your judgment would have a bearing upon this investigation, we would appreciate you getting in touch with this hearing again.

A. Yes, sir, I certainly will.

IO: This hearing will recess until 1530.

(The hearing recessed at 1508 hours, 19 December 1969.)

SUMMARY OF TESTIMONY

WITNESS: JONES, Lawrence M. COL

DATE OF TESTIMONY: 24 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT: Commanding Officer, Division Artillery, Americal Division (31 March 1968 - 18 March 1969).

The witness had spoken with Lieutenant Colonel Godfrey CROWE, former commander of the 4/21, since the incident was in the press. CROWE told him that an investigation run by the 11th Brigade was inconclusive, because the Vietnamese authorities indicated that nothing had happened (pg. 3). The witness had also spoken with Chaplain CRESWELL about the incident, and had been told that THOMPSON had reported the incident to CRESWELL, who had mentioned it to Chaplain LEWIS, but not to the witness (pg. 5). Colonel Jack TREADWELL, former chief of staff of the Americal Division, told the witness that Colonel HENDERSON requested a copy of his report which was found in the 11th Brigade S2 safe and sent to HENDERSON (pgs. 5, 6). TREADWELL had commanded the 11th Brigade in April 1969 (pg. 6). Neither THOMPSON, who was the witness' pilot frequently, nor CRESWELL ever told the witness about the incident (pg. 8). The witness was read GAMBLE's testimony, which indicated that Colonel YOUNG, the prior DIVARTY commander, had been informed that the 69 KIA by artillery may not have been enemy (pgs. 8-10). The witness did not recall any question over GAMBLE's battery and a large body count (pg. 10). He knew of no investigation, other than one dealing with an atrocity in June (pg. 11). The witness had been told in the fall of 1968 while MEDINA was working in the G3 section, of an investigation that had been conducted which determined that MEDINA had shot a woman who had moved suddenly (pgs. 12, 13).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-66 thru M-75	Documents dealing with DIVARTY	Entered into evidence as exhibits Wit stated that they were in effect all year.	11,12

(The hearing reconvened at 1205 hours, 24 January 1970.)

IO: The hearing will come to order.

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

Sir, the next witness is Colonel Lawrence JONES.

(COL JONES reported to the IO, was sworn, and testified as follows:)

RCDR: Colonel JONES, will you please state for the record your full name, grade, organization, and station?

WIT: Lawrence M. JONES Junior, Colonel, 579-52-8749, Headquarters, 1st Armored Division, Fort Hood, Texas.

IO: I think, for the record, Colonel JONES we would want to indicate that your position is that of an ADC.

A. Yes, sir.

Q. Have you had an opportunity to read the instructions?

A. Yes, sir, I have.

Q. Do you have any questions on them?

A. No, sir.

Q. There are a couple other things that I would like to tell you about. On my left is Mr. Robert MACCRATE. Mr. MACCRATE is a civilian attorney. He has volunteered his services to Secretary RESOR to assist us in this inquiry and also to provide legal counsel to me and other members of the team. On my right is Colonel ARMSTRONG, who has been designated by the Office of the Chief of Staff as an assistant in this investigation. Either Mr. MACCRATE or Colonel ARMSTRONG may address questions to you this morning. We have other groups such as this that are likewise taking testimony. I, of course, will have the responsibility of putting together a report, weighing the evidence and making findings and recommendations.

As an Army officer, you are ordered not to discuss your testimony in this investigation with others, including the witnesses who may appear before this investigation, except as you may be required to do in the performance of your official duty or as may be necessary before a competent administrative, judicial, or legislative body. I mentioned the legislative body because there is a possibility you may be asked to appear as a witness before one of the congressional committees. It is conceivable that the investigative subcommittee of the House Armed Services Committee may ask you to testify. If you are requested to appear there, your appearance or your testimony here would not preclude you from testifying before such a body. I do not think you have been cautioned or cited by the military judge in the general court-martial case of the United States v. Calley.

A. No, sir. I have not.

Q. Nor do I see any reason that you should be, but in the event you are, your appearance here would in no way change the effect of the applicability of such an order, including those of other judges who may be connected with other general courts-martial cases relating to the My Lai incident.

A. No, sir. I understand.

Q. Do you have any questions now?

A. No, sir.

Q. Colonel JONES, would indicate what your duty assignment was in the Americal Division?

A. Commanding Officer, Division Artillery, sir.

Q. When did you take over that assignment?

A. I assumed command on 31 March 1968, and I left on 18 March 1969, sir.

Q. So, you stayed in country for one year, roughly?

A. Yes, sir.

Q. You remained at DIVARTY for that entire period?

A. Yes, sir.

Q. Since the My Lai (4) incident became a matter of public knowledge about 4 or 5 months ago by means of the radio, television, newspaper, magazines, et cetera, have you had any discussion with anybody from the Americal Division concerning the incident itself, or concerning the reports of the incident of the investigation itself?

A. Yes, sir. I have.

Q. Would you indicate who those people are?

A. Yes, sir. In September I talked to Lieutenant Colonel Godfrey CROWE who came to my office on another matter. To congratulate me on my promotion, that was his purpose. I brought up the subject of the My Lai (4) incident, the fact that I was astounded that this had come to the surface so long afterwards and that I had never heard anything of it while I was in Vietnam. He told me at that time that they had run an investigation of the 11th Brigade while he was there. I don't remember sir, if he was the battalion commander at the time, or that he was on the brigade staff. It had been inconclusive. The Vietnamese authorities who had been contacted had indicated that nothing had happened out there. Now, I don't recall what he said about the U.S. people that had been interviewed, but I think he must have told me that they hadn't found anyone that would admit to having been there. I also talked to--

Q. (Interposing) Let's stay with CROWE. What was his job?

A. He had the 4th of the 21st Infantry, as the commander, sir.

Q. The 4th of the 21st?

A. Yes, sir.

Q. When did he take over the 4th?

A. He must have taken it over from Jim ARMSTRONG, sir.

Q. From ARMSTRONG?

A. Yes, sir.

Q. This is the 4th of the 21st that came, if I'm not mistaken, about March, about the time that you came?

A. Yes sir. About 3 weeks after I got there. April.

Q. Was he commanding it then?

A. No, sir. ARMSTRONG commanded it.

Q. When did CROWE take it over?

A. CROWE took it over 6 months later, sir.

Q. What was CROWE's job before?

A. I think he was there for a short period, sir, as the brigade S3, or as the brigade XO. I don't recall if the investigation of which he spoke preceded him at the time he took command of the battalion, or whether it was subsequent to the time he commanded. I think it must have been before.

Q. Do you know where he is?

A. Yes, sir. He is here in the building.

Q. CROWE?

A. Yes sir.

Q. C-R-O-W-E?

A. Yes, sir.

Q. Please proceed.

A. All right, sir. Chaplain CRESWELL who was my chaplain in Division Artillery. When I got home, I tried to get in touch with CRESWELL. We had been good friends, and I wanted to find out how he was and what he was doing. I found out that he had moved from Dayton, which was the place I knew he was going when he came home sometime in December. I was talking to another chaplain about where CRESWELL was and the fact that I had not located him. So I wrote a letter

to his old address in Dayton, and asked them to forward the letter, and the next thing was that I got a phone call in December.

Q. 1969?

A. Yes, sir. Then we talked. "What were you doing," and catching up with the news. He said, "You're the second Army guy I talked to this week." So, I asked him about this and he mentioned that he had been questioned about the My Lai incident.

Q. Did he say who had questioned him?

A. No, sir. I don't remember who. At the time, I don't recall whether he had come in here or whether someone had talked to him on the phone and invited him to appear, or what it was. But, he said that he had reported that THOMPSON had reported the incident to him, and he in turn had reported to Chaplain LEWIS, the division chaplain. I said, "Well, why didn't you ever tell me about it?" He said that he just didn't know why he hadn't. Then he hooked on the remark, "Aren't you glad I didn't?" I told him, "No, I wasn't". I thought I might have pursued it had it been reported. I might have pursued it up the line. That was the substance of my conversation with CRESWELL.

Q. How much detail did he go into about the discussion with THOMPSON?

A. Not at all sir. Just that the events had been reported to him, the events that had taken place, that THOMPSON had reported it to CRESWELL, and CRESWELL had reported to LEWIS. But he did not tell me the circumstances at all about what THOMPSON had told him or what he had told LEWIS. Then, Colonel TREADWELL, Jack TREADWELL, who was the chief of staff of the Americal, came to Fort Hood in December from 4th Army on a staff visit. TREADWELL and I discussed the incident, and TREADWELL said that he had gotten a letter from Colonel HENDERSON when he, TREADWELL, was the brigade commander. Now, sir, I'm not sure about that. TREADWELL was still the chief of staff at the time that he got the letter from HENDERSON. HENDERSON asked him to forward to him the report the investigation that had been run when HENDERSON was there. HENDERSON told him that the investigation could be found in the S2 safe of the 11th Brigade.

So TREADWELL said he read that investigation at that time. Then he sent it out someplace. I don't recall where he said he sent it to. He sent it to the division or the Department of the Army, or somebody. My guess would be that he sent it to HENDERSON.

Q. Now, when did he say that he sent that thing? Was that back in mid year, or something?

A. Yes, sir. I think so, but I can't remember. I know TREADWELL assumed command of the 11th Brigade about April 1969. However, I can't remember if it was before that time, when he was still the chief of staff, or whether it was after that when he was the CO of the 11th Brigade.

Q. Did somebody take the brigade over between HENDERSON and TREADWELL?

A. Yes, sir.

Q. Who was that?

A. John DONALDSON, sir.

Q. DONALDSON had it, then TREADWELL?

A. Yes, sir.

Q. And who has it now?

A. HOFFMAN, sir.

Q. One of the questions I have written down here was that I wanted to ask you if CRESWELL did in fact did come to you and tell you what he had heard.

Q. No, sir. He did not. I just cannot understand it, sir. I had breakfast with CRESWELL almost every morning, and we talked about a million different things that went on in the command, and that just never surfaced.

Q. Well, we know generally what was told to CRESWELL, not in specific terms, but we know the events that were related to him by this pilot who was concerned over what he had seen. What he had indicated was correct. He did go to LEWIS to have it investigated through chaplain's channels. Now, my question would be to you, who, in fact, did CRESWELL work for?

A. He worked for me, sir.

Q. Would you not have expected in the case of an allegation of this severity, which I am not going to get into details with you, but it had to do with the unnecessary killing of more than a few women and children and perhaps some old men, that this should not have been reported to you as the DIVARTY commander?

A. Yes, sir. It should have been. It should have been reported to me, and it wasn't. As far as I know it wasn't even reported to my XO. I have not discussed the fact with my XO to see if he knew anything about it. He is here in Washington if you want to talk to him, sir.

Q. We would like to have his name.

A. Lieutenant Colonel Raymond PHILOPENA. That's P-H-I-L-O-P-E-N-A.

Q. Did you ever, by one means or another, aside from CRESWELL, hear of a very distraught aviator who submitted a report of what he saw about that time?

A. No, sir. I didn't. At the time I took over DIVARTY I had two pilots who were flying for DIVARTY from the aero-scout platoon of the aviation battalion. One of them was Mr. THOMPSON. The other one--I'm sorry, I can't remember his name. He was known as "Little Joe," but I can't remember "Little Joe's" last name. And, I did get the word later on that Mr. THOMPSON was unhappy flying for the aero-scouts. He had been shot at so frequently, he was anxious to quit flying for the aero-scouts and was anxious to come back to something a little less hair-raising. He then came back and flew with the Division Artillery aviation section. I had never been given the indication that he was unhappy with flying for the Warlords because of anything that he had seen or an incident such as My Lai, but that the problem was also that fact of getting shot at.

Q. Did he fly you periodically?

A. Yes, sir. Quite frequently.

Q. He never mentioned that to you?

A. No, sir.

Q. We understand that he was wounded subsequently and moved out of the theater?

A. No, sir. I don't think he was wounded. I think he was in an aircraft accident.

Q. Oh, yes. That's what it was.

A. I think he went down fairly close to Chu Lai during a check ride. There were two or three of them evacuated about the same time, and I think he was the one that had his back injured and was moved home.

Q. When you took over the DIVARTY from Colonel YOUNG, did you make a tour of the fire bases to see what the artillery looks like?

A. Yes, sir.

Q. Do you recall going to LZ Uptight?

A. Yes, sir.

Q. Was anything said to you then about the artillery support of Task Force Barker or the results of this ad hoc service battery, so to speak?

A. No, sir. We had formed an ad hoc battery, as you say. YOUNG had formed ad hoc batteries, and we got to be a support battalion, battery support battalion, and all three of them were working extremely well. All three were formed in the same fashion. We took the best guncrews from batteries and formed them up. Then we put a very fine captain in charge and he did a first class job with that battery.

Q. That's to support the additional battalion?

A. Yes, sir.

Q. Did that pertain to your brigade?

A. Yes, sir.

Q. I'd like to read you something that comes up in the testimony of Captain GAMBLE. This was supposed to have taken place with Colonel YOUNG, but there is a possibility that there is a slight carryover into your period:

"Q. Who was your division artillery commander?

"A. Colonel YOUNG at that time, sir.

"Q. Do you remember his first name?

"A. No sir. I do not remember his first name because he left almost immediately. About a week later he returned to CONUS. He approached me and asked me generally how things were going and I mentioned that we had participated in the My Lai operation and that we had been credited along with the air strikes that had occurred, as having a body count of 69, to the best of my memory sir, and he was accompanied by my battalion commander.

"Q. Who was the battalion commander at that time?

"A. Colonel LUPER, sir. When I mentioned this, Colonel LUPER, to the best of my recollection said, 'We're not sure that those were all enemy.' That was all that was mentioned to me all the time I was in country. That was all that was ever asked of me or that I know of."

Mr. MACCRATE asked Colonel LUPER, and this is actually in Captain GAMBLE's testimony after we had talked to Colonel LUPER, Mr. MACCRATE asked:

"Q. When Colonel LUPER visited you in April with Colonel Mason YOUNG, you described the visit in answer to a question from Colonel WILSON last June and you said, 'I mentioned that we had gotten 68 KIA's on preparation recently and the battalion commander commented that they were not sure that they were enemy or not. That is the only thing that was mentioned about that."

Then they went on to a further question. Captain GAMBLE was quoted as answering:

"I kept my mouth shut after that. After I mentioned that and my battalion commander said that, I just didn't say anything."

Mr. MACCRATE then asked:

> "Q. Now, when you say that you kept your mouth shut, are you saying that you never thereafter referred to the fact that there had been 68 or 69 KIA's after the operation?
>
> "A. No, sir. What I meant there was the battalion commander. When he mentioned that and the three of us were standing together, I didn't say anything after that in that conversation as I was never approached about anything concerning this after that.
>
> "Q. When you used the term, 'Kept my mouth shut,' that sounds like you sensed something that you weren't to talk about.
>
> "A. No, sir. I just didn't say anything in the conversation, sir."

Do you ever remember a situation such as that ever coming up, Colonel JONES, where there was a question placed upon whether or not all of these were reported to be killed by artillery were, in fact, VC?

A. No, sir. I don't remember. I remember going with LUPER to visit GAMBLE, and being shown around his battery. I also went with Jim YOUNG to see that battery. He and I had about a 10 day overlap, sir.

Q. I understand that.

A. But, I don't remember any description or question where there was a large body count by that battery. I don't remember anything being said by LUPER along such a line that might have been an incident where we killed large numbers of non-VC. I just don't remember any such exchange as that, sir.

Q. Were you ever aware that there was an investigation being carried on by the division?

A. No, sir. Well, I think I should amplify that a little bit. We had another atrocity in the Americal Division in early June. General RHOADES who was support command commander, was running the investigation for General YOUNG

who was the acting division commander between General KOSTER and General GETTYS. I saw all these people tripping in and out of General YOUNG's office, and asked the obvious question, what was this all about? I was told that there had been a major incident and it was being investigated, and that I should make sure that I found out nothing about it because I would certainly be sitting on a general court. So, thereafter, I made it a point when I saw any activity of this nature going on, that I didn't ask a lot of questions. That was none of my business, because I knew I'd be sitting on a court. So, if this one would have been going on, sir, I very likely would have avoided finding out about that investigation.

Q. Yes, but you weren't even aware that it was in progress?

A. No, sir. I wasn't.

Q. Did Colonel HENDERSON ever mention such a thing to you, or General YOUNG, or General KOSTER?

A. No, sir.

Q. I have here, Colonel JONES, some extracts from the Americal Division Artillery SOP's. Have we entered this in the record?

RCDR: No, sir.

IO: I would like to have these entered into the record and made an exhibit.

RCDR: This extract will be entered into the record and marked as Exhibit M-66.

This is a letter from Headquarters, Americal Division, dated 5 February 1968, subject: Gunnery Checklist. It is entered into the record and marked as Exhibit M-67.

This is a letter, Headquarters, Division Artillery, dated 12 October 1967, subject: Artillery Items for Command Emphasis. It is entered into the record and marked as Exhibit M-68.

A message from the CG, Americal Division, dated 2 December 1967, subject: Reporting. It is entered into the record as Exhibit M-69.

A letter from Task Force Oregon, dated 7 May 1967, subject: Investigation of Artillery Incidents. It is entered into the record as Exhibit M-70.

A message from CG, Task Force Oregon, dated July, 1967, subject: Reporting and Investigations or Erratic Artillery Rounds. It is entered into the record and marked as Exhibit M-71.

A message, dated July 1967, subject: Double Check Procedure for Artillery Units, and signed by Colonel Mason YOUNG, artillery commander. It is entered into the record and marked as Exhibit M-72.

A message, subject: Orientation and Training in Artillery Techniques, dated May 1967, and signed by Colonel Mason J. YOUNG, Junior, artillery commander. It is entered into the record and marked as Exhibit M-73.

An extract of the 6th Battalion, 11th Artillery, SOP, dated 18 November 1967. It is entered into the record as Exhibit M-74.

A memorandum for record dated 17 January 1970, subject: Task Force Oregon, Americal Division Artillery Reports of Artillery Incidents, April 1967 to February 1968, signed by Jerome K. WALSH, Junior. It is entered into the record and marked as Exhibit M-75.

IO: I show you this, Colonel JONES, recognizing this is not the entire document. There are other extracts from the document which we have taken from this for other purposes. I would ask you if this is the document that remained in force during the period when you had taken over, recognizing of course, that there may have been subsequent date changes.

A. Yes, sir. We modified them throughout the year, but this was in effect when I got there, sir.

Q. Can you think of anything at all, Colonel JONES, that you may have heard from side comments, or a statement of any kind or rumor that may have caused you to suspect that something took place in the Song My area in the middle of March that had been quite unheard of?

A. Yes, sir, there was one thing. MEDINA who was an impressive captain, and I mentioned how impressive he was one time when he was working the G3 section. I don't recall

who it was that I mentioned it to. At that time, someone told me that MEDINA had shot a woman one time when he was out with his company, and that this had been investigated. They determined that this woman had made a sudden move that had startled him, and he turned around and shot her. That was the only thing that I ever heard of during the time that I was in Vietnam about either MEDINA, or his company, in any incident around that area.

Q. What time was that, do you remember?

A. When I mentioned about MEDINA and the conversation?

Q. Yes, that's right.

Q. No, sir. I don't. I just would guess in the fall of 1968.

Q. The fall of 1968?

A. Yes, sir. That would be my guess.

Q. Do you remember who you were talking to?

A. No sir, I don't. It could have been Colonel BEERS, who was then the Division G1. No, sir. I just don't remember who the conversation was with, but I do remember the discussion about MEDINA at the time.

Q. Well, I'm happy that you remembered that one.

MR MACCRATE: I would like to come back just a moment to your conversations with Colonel CROWE. Can you indicate what part he personally played in the investigation by the 11th Brigade?

A. No, sir. I think he must have been the Brigade XO at the time. When the report was submitted, he read through it. That's all I can imagine, sir. But, he didn't say what part he played in it.

IO: Well, Colonel JONES, you have been helpful to us, and I am sorry that we had to call you in. I would ask that you continue to think about this, and if you do recall any instances that may fit into this jigsaw puzzle--we are getting quite a few of the pieces, I must say--but, if any of it does come back, and specifically, for example, if you can

recall who made this comment to you, it may be helpful to us. We would like you to get in touch with us so we can have the benefit of that information. In addition, if by chance you have any documents, which may be of assistance to us, and this investigation, we would like to take advantage of those. We did obtain from Colonel YOUNG a copy of the SOP. We have from him copies of the messages and directives which were in force. We have also a copy of all the artillery incident reports, the summary of them. I understand it was required that these three documents be kept in all the units?

A. Yes, sir.

Q. Which has been very helpful, and that is the basis of what we have here. But, if you can think of anything above and beyond this that would be of assistance, memos, directives photos, maps, aerial photos, or anything of this sort. I would be very happy to have these. In addition, at this time if you have any questions, I would be very happy to answer them. Or, if you would like, we would give you an opportunity to enter a statement in to the record.

A. Sir, I do have one question. Have you had an opportunity to talk with the forward observer of C/1/20?

Q. Yes.

A. Well sir, that is the only thing that I--

Q. (Interposing) Well, we not only talked to him, but also have talked with the other FO with Bravo Company. The forward observer for Charlie Company, I would say it is a French name, or French-Canadian, his name is ALAUX, A-L-A-U-X.

A. Oh, yes, sir. I remember him.

IO: The hearing will recess at this time.

(The hearing recessed 1240 hours, 24 January 1970.)