

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

Volume II  
TESTIMONY

BOOK 20

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

VOLUME II

TESTIMONY

BOOK 20

MADISON  
MICHENER  
PLACEK  
RUSHIN

SILYA  
TAYLOR  
WARNER  
WILLINGHAM

CABALLERO  
EBINGER  
LITTLE

14 MARCH 1970

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SUMMARY OF TESTIMONY

WITNESS: MADISON, Joe

DATE OF TESTIMONY: 27 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Machinegunner, Second Squad, First Platoon, B/4/3.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

The witness recalled a class on the treatment of PW's and noncombatants (pg. 6). He received the MACV card "Nine Rules" in Vietnam at the pay table (pgs. 5, 6). While MADISON was not issued the MACV card "The Enemy in Your Hands", he remembered receiving the information on the back of the card (pg. 6).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

Although he was told that the company was going on a search and destroy mission, he could not remember a briefing on the 15th (pg. 7). The CO probably briefed the platoon leaders who in turn passed the information on to the squad leaders (pg. 7). He heard a rumor that the area was predominantly VC, but he assumed that the civilians there would be handled in the usual manner which was to collect them and separate the VC from the main body (pgs. 8, 10). Nothing was said about the destruction of the village, food, or livestock; but it was MADISON's understanding that, since this was a search and destroy mission, the area was to be destroyed (pg. 9). On a normal operation they did not bother with the livestock and they either shipped out or burned foodstuffs depending upon the amount they found (pg.9).

(MADISON)

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3. COMBAT ASSAULT ON THE 16TH.

a. Initial actions.

As they landed at the LZ they received fire (pg.13). His platoon came in on the last lift (pgs. 12, 13). His helicopter nearly landed on a boobytrapped round (pgs. 26,, 27). Prior to leaving the LZ he heard the explosion which killed Lieutenant COCHRAN (pgs. 25, 26). A second explosion occurred soon afterwards (pg. 26). As they moved toward the bridge his squad followed the first squad (pg. 11). He did not remember a grenade being thrown at the column as it moved toward the bridge, and he could not bring to mind receiving any sniper fire (pg. 26). He did not recall friendly mortar fire coming in by the bridge (pg. 26). However, as he moved toward the bridge there was firing and he set up security for the rear element (pg. 13). Thus, he did not know what was happening at the bridge (pg. 13).

b. Actions in the village.

When the second squad crossed the bridge, the first squad was firing from a point outside the village (pgs. 14, 15). For a short time MADISON stayed in the rear and acted as bridge security (pgs. 14, 15). He did not know if there was any fire coming from the village because he was in the rear (pg. 14). He then rejoined the platoon which moved toward the village on line (pgs. 15, 16). MADISON fired at some Vietnamese behind the sand dunes, but he did not know if he hit anyone (pgs. 18, 19, 20). The platoon searched hootches as they moved forward (pgs. 15, 17). The procedure they used was to call "Lai Dai", which means "come here", and to take the hootch under fire if there was no response (pgs. 15, 18). The shooting stopped after awhile because there was no incoming fire (pgs. 20, 21). MADISON saw no dead bodies in the village, but allowed that the platoon's body count could have come from people being killed in the bunkers (pg. 30). However, he did not see any soldiers going into the bunkers (pgs. 30, 31). They burned the village (pg. 35).

c. Actions on the afternoon of the 16th.

After they left the village they went 1000 meters down the trail (pg. 21). As they moved they searched and

destroyed hootches and bunkers (pg. 21). C4 was used that day (pg. 22). He saw the resupply helicopter land in the village, but he did not know the nature of its cargo (pg. 22). The point team, which was using a woman to walk point, was attracted by U.S. boats bringing in sampans (pgs. 23, 27). While the people in these sampans were checked, MADISON acted as security (pg. 28). He did not remember anyone coming in to interrogate these people (pg. 28). He did not see what happened to the Vietnamese who were on the sampans (pg. 28). MADISON recalled nothing unusual happening in the laager site that night, and he heard no reports from the men concerning how many VC they had killed (pgs. 25, 33).

d. Actions on the 17th.

(1) In the morning.

As they moved out on the 17th, the woman they had captured the day before was used to walk point (pg. 33). She had a rope around her (pg. 33). His squad was in the rear (pg. 33). As they came toward the bridge he heard an explosion to his front (pg. 34). He then heard small arms fire (pg. 34). MADISON moved to the front because MILUS' machinegun had jammed (pg. 34). He could not tell if there was any incoming small arms fire (pg. 35). MADISON fired to give support to the maneuver elements (pg. 35). After he had fired for a while the troops moved out on line into the village (pg. 35). MADISON then set up security for the medevac helicopter (pg. 36). Two gunships made passes over the village (pgs. 37, 38). He did not know if this occurred before or after TAYLOR was medevac'd (pg. 37). After the gunships made their passes the company swept the village, but they did not find anything (pg. 45). There was no firing after the gunships made their passes (pg. 43).

(2) In the afternoon.

The company then moved down the trail, searching and burning as it went (pgs. 39, 40). They did not encounter any resistance that he could recall (pg. 40). The rope had been taken off the woman, and she moved freely with the unit (pg. 42). He did not recall many demolitions being used as they moved south (pg. 43). He did not see any bodies on the 17th, and he heard no stories about people

being killed inside bunkers (pgs. 45, 46). He could not bring to mind the company engaging two VC that afternoon (pg. 45). He recalled no conversations among the men about how many VC were killed that day (pg. 45).

e. Actions on the 18th.

As they came to a big village near the beach they stopped burning (pgs. 42, 53, 54). The inhabitants were sent to a collection point where they were treated by MEDCAP teams (pgs. 42, 46, 47). He did not see the people being treated because he was setting up security near the laager site (pg. 48). Two Vietnamese were used to clear the area of mines (pgs. 48, 49). When he returned he did not observe any Americans interrogating Vietnamese (pg. 48). He heard of no abnormal procedures being employed to question Vietnamese, heard nothing about mistreatment of Vietnamese, and heard nothing about fingers being cut off (pg. 49). He did not see a wounded Vietnamese woman brought into the laager area (pg. 51). That night they were hit by mortar fire, followed by small arms fire (pgs. 49, 50). MADISON returned the fire (pg. 50). A medevac helicopter, escorted by gunships, took out the casualties (pg. 51). "Puff" came in and sprayed the area (pg. 51). Nothing else happened that night that he could recall (pg. 51).

4. INQUIRIES AFTER THE ASSAULT.

MADISON knew of no investigation made of this operation and he was never questioned concerning it (pgs. 54, 55). He was never told not to discuss the operation (pg. 55). He heard no rumors about civilians being killed, tortured, or mistreated by anyone from the U.S. or Vietnamese military (pg. 55).

5. OTHER INFORMATION.

MADISON knew nothing about marijuana being used in the company (pg. 55).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-2	MACV Card "Nine Rules"	Witness was issued card.	5
M-3	MACV Card "The Enemy in Your Hands"	Witness had not seen card but had been instructed about information on back of the card.	6
P-13	Miscellaneous Scene	Wit recognized no one in the photo.	30
P-21	Miscellaneous Scene	Wit recognized no one in the photo.	30
P-22	Miscellaneous Scene	Wit recognized no one in the photo.	30
P-62	Miscellaneous Scene	Wit pointed out person who looked like SGT LITTLE.	30
P-66	Miscellaneous Scene	Wit identified man as Jimmy JENKINS.	53
P-67	Miscellaneous Scene	Wit did not recognize anyone in the photo.	53

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(The hearing reconvened at 1500 hours, 27 January 1970.)

COL WILSON: The hearing will come to order.

RCDR: The following named persons are present:  
COL WILSON, LTC NOLL, and MAJ THOMAS.

The next witness is Mr. Joe MADISON.

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

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

A. Joe MADISON, 2811 33rd Street, Tampa, Florida; shipping and receiving clerk.

COL WILSON: Mr. MADISON, the Peers Inquiry was directed jointly by the Secretary of the Army and the Chief of Staff of the Army for the purpose of determining facts and making recommendations concerning the My Lai (4) incident of 1968. In conducting his investigation, General PEERS determined that it was necessary to have a complete insight into the overall operations of B/4/3 on 16, 17, 18, and 19 March 1968. He therefore, appointed this board, referred to as Interview Team C, to question personnel of B/4/3 and prepare a complete description of the unit operations. You can expect General PEERS or other members of the board to come in at any time. They, of course, have the authority to question you.

Your testimony will be taken under oath. A verbatim transcript is being made and we will have a tape recording made of the testimony.

Although the general classification of the report will be confidential, it's possible that the testimony may become a matter of public record.

During this interview the board will follow a chronological sequence of questioning. The first questions will be concerning the training prior to leaving Hawaii or the training you got right after you arrived in Vietnam.

The next series of questions will be concerned with the briefing you received prior to the combat assault on the 16th of March. The next series of questions will be concerned with the operations which took place on 16, 17, 18, and 19 March. Then the final questions will be to inquire into any knowledge which you may have concerning previous investigations or inquiries.

This interview team is composed of three people. Mr. WALSH, who is a civilian attorney appointed by the Secretary of the Army to assist General PEERS, may be back in a few minutes. Colonel NOLL and myself are members of General PEERS' board, and Major THOMAS is the recorder. The three of us here have the authority to question you for General PEERS. We do not have the authority to make findings and recommendations. That's strictly the prerogative of General PEERS, and he of course is interested primarily in what investigations or inquiries were made and in finding out from an overall standpoint what the operations were. Do you have any questions on anything I've covered?

A. Not right at the moment.

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

A. Offhand I can't say, exactly.

Q. Well, were you a member of B/4/3?

A. Yes.

Q. Which platoon were you assigned to?

A. 1st Platoon.

Q. Do you know which squad?

A. I was a machinegunner. I think I was attached to the second squad.

Q. Attached to the second squad?

A. Sergeant RUSHIN.

Q. He was the squad leader of the second squad, or was he the platoon sergeant?

A. I'm not sure at the time, because we had lost about two platoon sergeants. I can't say--he was the second squad leader. He was the platoon sergeant once, but I don't know if it was then or before I left. I'm not sure.

Q. Who was the platoon sergeant at the time, do you recall?

A. It could have been Sergeant RUSHIN. I think Sergeant WYATT had gone with the 2d Platoon.

Q. Was this a machinegun squad or--

A. (Interposing) No, the machinegun squad was attached. We had two machineguns, one number 1 and one number 2 gun. Each machinegun was attached to a squad since we had the platoon down to two squads and a point team.

Q. In the 2d Platoon, then, you had two machineguns, one with each squad?

A. Right.

Q. Were these guns part of the platoon or were they part of the weapons platoon?

A. They were part of the platoon. They were part of the squad.

Q. There was a machinegun squad in the 2d. There were elements of the machinegun squad in the 1st Platoon?

A. Right.

Q. Who was the machinegun squad leader?

A. Sergeant CARDINES.

Q. He was the machinegun squad leader for the 1st Platoon of B Company?

A. Right.

Q. Now who was the gunner for your machinegun squad?

A. I was.

Q. You were the gunner?

A. I was on number 1 gun.

Q. And who was the gunner for the other squad?

A. MILUS.

Q. I shouldn't say other squad. MILUS was not the gunner for the other squad, was he? The two guns you had in the squad, did you call them gun section or how were they referred to, gun number 1 and gun number 2?

A. Well, you had two squads and you have what we call a weapons squad. We were the weapons squad, two machineguns. One machinegun went with each squad. So I had one number 1 gun in the second squad, and he had one number 2 gun in the first squad.

Q. You belonged to Sergeant CARDINES as far as your squad leader was concerned?

A. Right.

Q. Now, how did Sergeant CARDINES refer to your gun, do you recall, number 1 gun or number 2 gun?

A. Number 1 gun.

Q. Number 1 gun?

A. Right.

Q. Sometimes they'd break into sections, sometimes into fire teams, sometimes into numbers. I didn't know what the procedure was here. You just numbered your guns?

A. Right. One number 1 gun and one number 2 gun.

Q. Now, were you with the brigade when it was in Hawaii?

A. Yes, sir.

Q. Were you in the same assignment at that time or did you ever change jobs?

A. When I first got--I started off as a rifleman, then to grenadier, then over to the weapons squad as assistant machinegunner, then up to machinegunner.

Q. But you stayed with B Company all the time?

A. All the time.

Q. Did you stay with B Company the whole time you were in Vietnam?

A. The whole time I was there.

Q. This is Exhibit M-2 entitled "Nine Rules." Have you ever seen that? That's a facsimile of a card. Have you ever seen that card? That's the front page, there's another page on the back. It's a MACV card.

A. I've seen the symbol, but I don't recall seeing the card. I've seen the MACV symbol. Yes, I've seen this.

Q. Did you have one of these cards?

A. I'm pretty sure I did. I think they issued them to all of us along with--yes, they issued us one.

Q. Where?

A. Some company, I'm quite sure they did. Lieutenant MUNDY issued that little paper when we got our pay.

Q. Where was that? Was that in Hawaii or was that in Vietnam?

A. I think this was in Vietnam.

Q. You picked them up at the pay table?

A. Right, I'm pretty sure he gave us--he gave the card for the PX. I think we had one of those too, but I know he gave us one for the PX.

Q. It would be a good place to give them out, one way to be sure that everybody gets one. How about this one? This is Exhibit M-3 entitled "The Enemy In Your Hands." Have you ever seen that card?

A. I can't recall the card, but I recall the information on the back.

Q. You do recall the information. Where did you get that information, a class or something?

A. We was always taught that.

Q. This is how to handle POW's. Did you have a class on this?

A. Yes, sir.

Q. Did you have this after you got to Vietnam or before?

A. We had it before. How to handle POW's was all through training.

Q. How about civilian noncombatants, did they ever tell you anything about how to handle them?

A. They explained to us about what we would encounter, and they explained to us about how to handle them and what to do.

Q. I want to ask you now whatever you can recall, anything you can recall on the briefing prior to the combat assault which took place on the 16th. The briefing would have probably been given at the fire base on the 15th, at least we think it would, because of the time in the morning that you left there. Do you remember the briefing on this? Maybe it was given by a squad leader or platoon leader?

A. I can't recall the briefing on it.

Q. You can't?

A. I'm not sure what happened. The only thing I can remember, we was gathered up and I think we was to go on a search and destroy. I'm not sure.

Q. Well, now, search and destroy, was this different from your previous operations?

A. It would depend on what operation order came down. We had all kinds, search and clear, search and destroy.

Q. Well, search and destroy, did you run many search and destroy operations?

A. Not too many.

Q. This is a company operation, combat assault type. It took place the 16th of March, which would have been about 2, maybe 3 months after you got to Vietnam. Do you remember who briefed you? Do you know the operation we're talking about?

A. I think so.

Q. I think I can bring it to your mind. Do you remember Lieutenant COCHRAN?

A. Yes, sir.

Q. Do you remember him getting killed?

A. Yes, sir.

Q. That's the operation we're talking about. I was just trying to find out what you were told prior to the operation, what were you briefed, and who briefed you and so forth?

A. What normally happened, and I think this is what happened, on the fire base the CO would give it to the platoon leader. The platoon leaders would give it to the platoon sergeant, and the platoon sergeant would call the squad leaders in and give it to them. In turn, the squad leaders would brief the members of their team or squad. And I think CARDINES explained it to us, told us which squad he was going with.

Q. Well in line with that, do you normally go with the same squad all the time?

A. No, we were switched.

Q. What were you told? How long was the operation going to take place, what time was it going to start?

A. I didn't know what time it was going take place. I mean I didn't know how long it was going to last. All I knew was that we were pulling out the next morning and going to Pinkville.

Q. All right, you went down to Pinkville. Did this seem peculiar, was this different from other operations?

A. Well, Pinkville was our worst area of operations.

Q. So whenever they mentioned Pinkville and going in there, it's a little different from your normal operations, not quite the same as going out as you do from day to day?

A. Not exactly the same. When you go into Pinkville, you know that you're going to be on your P's and Q's from the time that you get there.

Q. In other words, Pinkville is a more dangerous area than the other areas over there from B Company's standpoint.

A. I would say so.

Q. So when people say you're going into Pinkville, you think about carrying a little more ammunition and being a little more careful where you step?

A. Yes, sir.

Q. Did anybody tell you what the enemy situation was down there?

A. I don't think so. We heard a rumor that it was predominantly VC. That's the only thing.

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Q. How about the destruction of villages, houses, hootches, and stuff like that. Was this covered in the briefing?

A. It wasn't covered in the briefing, but they said search and destroy. That covers this area, and search and destroy the enemy position.

Q. So it was your understanding that this area was to be destroyed?

A. Yes, sir.

Q. Did you have many search and destroy missions back in your normal area of operations? Not Pinkville, but back on the Batangan Peninsula and up in there?

A. Not too many.

Q. Now what about the disposition of foodstuff? Was anything said about that, what to do with food found in the area?

A. I don't know anything about food.

Q. He didn't say anything about it. How about livestock? Did anybody say anything about what to do with livestock?

A. No.

Q. No instructions?

A. I can't recall.

Q. What was the normal procedure for foodstuff found in these areas, these VC areas?

A. Well if it was livestock, we didn't bother with it. If it was rice or corn or something like that, normally if there was enough to bag up, we would bag it up and send it out to a chopper. If there was a lot there, we just burned it there.

Q. It depends on how much there was? Were there any special instructions given concerning the inhabitants of these areas which were any different from any other operation?

A. Normally you knew what to expect. When we got there we knew what to expect, whether it was just watching more for booby traps or where you're stepping and so forth, things of that nature.

Q. What about the people down there? Was anything said about what to do with them, or did you handle them as you did any other time?

A. We handled them as we did any other time.

Q. Collect them up?

A. Collect them up, get them together, and separate the kids from the others.

Q. And detain those that you think are VC?

A. Yes.

Q. What did you do with those, pass them up to the company commander or what?

A. Actually I wouldn't know what happened to them. All we did was gather them up. Then I take my gun, and I have to set up a security for the purpose of investigating the people.

Q. Do you remember what the other platoons of the company besides the 1st Platoon were supposed to do? Was anything mentioned in the briefing on that, 2d and 3d Platoons?

A. The only thing that I know is that we were supposed to cross this bridge and go down to the waterfront. The next morning we were supposed to meet--I guess we were supposed to meet the rest of them back up to the bridge.

Q. Okay. Were you told, before you went in there, where you were going to go into a laager position that night, the night you were out there on the beach? Or was this something that developed after you got out there? You knew you were going to stay out there, but I don't know whether you knew where the laager position was that you were going to stay in. Did you know that?

A. No, I don't recall. We were on the waterfront and they brought some Vietnamese in on sampans.

Q. You're getting ahead of me. Wait a minute now, we're still talking about the briefing. What was the planning on the squads after you made your landing? What were you told? Which squad was going to lead and which squad was going to follow?

A. The first squad led and second squad followed.

Q. You were with the second squad, so the second squad, I assume, had to have a rear security element. So MILUS, the other gun, was with the first squad. They led off. Now I guess you had your point element out beyond them.

A. Right.

Q. This was TAYLOR and HOOTON. Who was the other man?

A. TITTLE.

Q. TITTLE. Okay, those three. Anybody else, or was it just normally those three?

A. LONG.

Q. Who?

A. LONG, L-O-N-G.

Q. Is that right, there were four?

A. Right.

Q. Okay, and they were out in front?

A. I don't know if he was there that day, I'm not sure, but there usually was four of them. I'm not sure.

Q. This is basically what you were briefed on, this is what you were told. Is there anything else that you can recall that you were told before we go to what happened on the 16th? Were you told to take any additional equipment you don't normally take, any additional ammo or demolitions, explosives, or a regular combat load?

A. I carried more or less the normal combat load anyway.

Q. But you've got the machinegun now, and on the M-60 what does one bandoleer--how many rounds have you got there?

A. One hundred.

Q. One hundred rounds, okay. So how many rounds of ammunition were you carrying in your section of your gun team?

A. 900 rounds.

Q. Everybody is pretty well loaded down then with the M-60. Is that what you took this time, about the same amount?

A. This time I took the same amount.

Q. No more, no less?

A. No more, only the ammo bearers would carry an additional 100 rounds.

Q. Over what they normally carry?

A. Right.

Q. They did? You took a couple hundred more rounds that you normally carried?

A. Right.

Q. Okay, now, anything else you recall? You didn't take any extra rations or anything like that?

A. I can't recall taking any extra rations. Normally I probably wouldn't have taken it anyway.

Q. All right. Let's get to the day of the operation. Do you remember which helicopter you were in? Were you in the first or second lift? Had there been a group of helicopters going out before yours?

A. I think the 1st Platoon was the last lift.

Q. You were on the last lift in?

A. Right. I think MILUS was on the first lift and I came in on the second lift.

Q. So the 1st Platoon must have been split?

A. We went in together. One machinegun in front, that was up front, and the other machinegun in the back. So I believe the 1st Platoon was the last platoon that landed there.

Q. Do you recall any firing on the landing zone when you came in?

A. There was firing on the landing zone when we came in.

Q. Where was this firing, which direction?

A. Just before we landed, the artillery was shelling the area. The company split, and 2d Platoon was going opposite of us. I know they were receiving fire because the fire was coming over us. It was coming from that way. It was hard to tell where it was coming from.

Q. Let me show you what happened, what the plan was from the task force standpoint. This map here is 1:25,000 scale, and the area we're talking about is this Pinkville area.

(The witness was given an orientation on MAP-4 and the aerial photograph P-185.)

(MR WALSH entered the hearing.)

Q. Now when you came to the bridge that morning, what happened?

A. When we came to the bridge that morning, I don't know what happened. I heard fire so I had to secure the rear elements, and you never know what's going on until you get up there. Then, after the back element got up there, we had to set up security for the point team. The first squad was already in there.

Q. Into what?

A. Into--right across that bridge there should have been a little village there.

Q. You were in the second squad. When the firing started, did the second squad deploy off the road or did you move up the road?

A. We never moved up the road. We stayed on the trail and moved up until we could get them all out of the village.

Q. You stayed right on that trail?

A. Right.

Q. The whole squad moved up that trail. Did it move across the bridge?

A. It moved across the bridge.

Q. It moved across the bridge, and the first squad was already firing?

A. Right.

Q. Was there any firing coming down from the village?

A. I couldn't tell because I was at the rear.

Q. When you moved across the bridge, what happened then?

A. Well, when I moved across the bridge, Lieutenant WILLINGHAM told me to set up security and guard the bridge.

Q. In other words you faced back in the other direction?

A. Right.

Q. Lieutenant WILLINGHAM told you to do this?

A. Right.

Q. And did anything occur back in the direction you were facing?

A. Nothing occurred, so he called me back up and he left two men back there to guard the bridge, a grenadier and a rifleman.

Q. How long did you stay on the bridge, securing the bridge?

A. I couldn't tell you. It wasn't too long.

Q. Did you fire at all out in that direction?

A. Not up in that direction. When I pulled up with the rest of the units--

Q. (Interposing) When you went up with the rest of the unit, then what happened?

A. Hootches and things like that, we started searching them and yelling if anyone was in there and firing in there before we went in there. If we yelled and nobody said anything we'd fire in there and look around and destroy them.

Q. As I understand what you've explained, when you came up, when you started moving up the trail to cross the bridge, the first squad was firing into the village?

A. It was firing. I don't know--

Q. (Interposing) They hadn't gone into the village yet? They were on the outside firing in?

A. They were--I was on the bridge, so they would have to be going--they had to be down in the village.

Q. The village was that close?

A. Right.

Q. And the first squad was firing into the village. You were set up on the bridge, then you were pulled off, and then you started moving into the village. I'm trying to determine how this was done. If the first squad was moving into the village and you were moving into the village, searching and firing at the same time, how was your sector delineated for you so that you wouldn't fire on your own people?

A. When the first squad went into the village, the point squad and the first squad, they came across the bridge. They came into the village. They yielded this way because water is up this way, so they yielded that way. When we came in we just went this way, like that.

Q. I see. What distance are we--you stayed here?

A. When the firing first started I was back here, so I stayed up here.

Q. So you were on the west side of the bridge--

A. (Interposing) Right.

Q. When you set up?

A. Right. When I got the word to come in, I came down here. My squad, we went out this way and left two men back here to guard the bridge.

Q. So the two men that were on the bridge, you're not sure whether they were on the east or the west side of the bridge?

A. I'm not sure of that.

Q. But your squad moved up to the north and the first squad moved to the south. How much distance are we talking about between these squads?

A. Well, you have--I don't know how many men it was, but they are not too far apart. When we went in, we more or less came in on line this way, made a line, kind of a curved line. We wasn't too far apart.

Q. Well now, wasn't the village more or less along the trail?

A. It was. The trail runs right straight through that village.

Q. I see. Then the first squad really started moving south, or east of the trail which went through the village. They didn't follow the trail into the village then?

A. I don't guess they went up all the way into the trail. All I know is when I got in there I saw them over here, so I turned out this way.

Q. Now when you started searching these huts and the first squad is over there searching huts, where are you searching huts? Where is your squad searching huts?

A. Well, the second squad is searching huts. I'm sitting over here because I don't have to secure this bridge any more. I'm sitting here because the trail comes from this way, and this is the point where I'm sitting at in case anything comes down here.

Q. All right, you're securing that trail.

A. Yes, sir.

Q. And the second squad is searching?

A. Second squad, right, and first squad.

Q. And the first squad?

A. And the point elements.

Q. And the point. Now how--what area was the first squad searching, and what area was the the second squad searching, and what area was the point searching?

A. Well the point and the first squad was in the same area.

Q. In other words, they were together.

A. Right. The point squad was first, and the first squad was behind them. The second squad was behind like so. So they just searched this way.

Q. Was there any question in anybody's mind about which squad was supposed to search which hut?

A. No, I don't guess there was. I really couldn't tell you about searching hootches, though. I didn't have to search any.

Q. The procedures that were being used were to go into the hootch. What did they yell?

A. I think it was "lai day." They'd yell "lai day" and see if anybody was in there.

Q. What does that mean?

A. I guess it means come here.

Q. If there was no response, the hut was taken under fire and then it was searched?

A. Yes, sir.

Q. They they'd move on to the next hut. Was this always the procedure or was this done with this particular village?

A. It was normal procedure to go through a village and yell in a hootch for someone to come out. And if no one came out, if it looked suspicious for the man that had to search it, then he would recon the hootch by fire before he went in there.

Q. Was reconnaissance by fire being used as a technique in searching this village? When you moved up to the bridge, after the firing started over there, could you see any Vietnamese in the village?

A. Not--when I first got up there I could.

Q. You could?

A. I could. I saw--I don't know how many I saw, but like now you see 'em, now you don't.

Q. Where were these people mostly, around the hootches or were they--

A. (Interposing) The ones that I saw weren't around the hootches from where I was firing at, because behind these hootches there were trees and a sandbar up there. And you could see them moving up there.

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Q. Did they go behind this sandbar? Did they go up behind this sand dune or did they stay back on your side of it, the villagers, or were they just moving around up there on the top of it?

A. I don't know if it was the villagers or who it was back there, because we didn't exceed any farther than the village.

Q. Now, how long did this firing go on? How long did the search go on?

A. I'm not sure, I couldn't say.

MR WALSH: When you first got there, after you had been pulled off of bridge security and you moved up and set up just on the other side of the bridge, and you saw these people running in and out of the area there, could you see any of them get shot?

A. I can't say that I saw any of them get shot.

Q. Do you know whether they got shot? In other words, did you see bodies later when you moved down into the village?

A. I can't recall seeing any bodies. I think we captured about two men and one lady out of the village. I'm not sure, something like that.

Q. You captured them?

A. Right.

Q. We have some indications that quite a number of people were reported by Lieutenant WILLINGHAM being killed there. But you didn't see any of them get killed?

A. See, my position was strictly, mostly for security.

Q. I understand your position but you weren't very far away. I just want to know what you saw or heard or whatever. We're just trying to fit everything together.

A. You hear a lot. But as far as seeing, I didn't see too many because I wasn't looking around trying to find out what was going on back there, and was worrying about what was in front of me.

Q. But when you hear a lot of firing and everything is right in your own platoon, you're kind of curious to see what was going on a little better, aren't you?

A. You're kind of curious and you're going to fire too, but as far as knowing whether anyone was hit or anything--

Q. (Interposing) You couldn't see anybody?

A. No.

Q. Did you see any people up on top of that rise, the sand dune behind the village, getting hit up that way?

A. The only people I saw were running behind the side over there. That's what I was firing at.

Q. You couldn't see whether you hit anything or not?

A. Right.

Q. After you set up and you saw the people firing down that way, and you fired a little bit down that way, did there come a time when all the firing stopped?

A. That's right, there came a time when all the firing stopped.

Q. About how long after that, after you had come across the bridge and set up?

A. I couldn't say to be exact about the time.

Q. Was it a short time or a long time, or you just can't remember anything about it?

A. You figure they were firing when I was on the bridge and I got orders to get across, so they were firing for a pretty good time.

Q. When they stopped firing, did the lieutenant order them to stop firing?

A. I couldn't hear it.

Q. Did you get any orders to cease firing at any time?

A. From my position I didn't need no order to cease fire because I didn't see anything to fire at. I didn't fire but normally--evidently they must have been receiving fire, because as long as you're receiving fire they'll fire back. If you stop receiving fire, that's automatic to cease fire.

Q. All right, now, did you stay set up there, guarding that trail going to the north all day, or did you move out from that point at some time?

A. We went up and down the trail. After we left the village, we went down the trail.

Q. How far do you think?

A. I guess about 1,000 meters.

Q. That far down? This was on the first day after you came across, you went down maybe 1,000 meters. Was this searching hootches and burning them as you went down?

A. We were searching them.

Q. I didn't hear what your recollection was of the briefing, but some people have indicated that this was a search and destroy mission and you were doing your job. What I want to know is whether you can recall burning the hootches as you went down.

A. Yes, sir.

Q. Did the platoon do a thorough job? Did you get every hootch or was it just burning some of them?

A. If I'm not mistaken, I think we destroyed all the hootches and the bunkers if I'm not mistaken.

Q. Did you see any of the people going after the bunkers? You were on a machinegun, so you weren't searching the hootches.

A. Right.

Q. Did you see any of the other people blowing the bunkers?

A. You could hear. You could hear them blowing the bunkers because before they blow a bunker they always yell: "Fire in the hole!" Then everybody knows that they're being blown.

Q. Were they using grenades or were they using TNT or what were they using to blow the bunkers?

A. I think it was C4.

Q. Did you get the C4 flown in that day? Did a chopper bring it, the C4, or did you have that before you came out?

A. We always carried some. I don't know whether they brought any C4 out or not, but they brought another supply of ammo.

Q. Do you know where the chopper landed?

A. In the village.

Q. Right in the village where you were? They brought in ammo. You don't remember whether they brought in any TNT along with it?

A. No, I wouldn't know.

Q. Do you remember receiving any sniper fire, hostile fire, during that day?

A. I can't remember.

Q. You said something a minute ago about the people that you captured there. Was it three people?

A. I'm not for sure, but I think it was two men, and I'm positive of this one lady.

Q. Do you remember seeing where they were kept and who was guarding the people that were captured?

A. I don't know what happened to the men. When we were pulling out, I saw the men on the trail. And this woman, the point team used her to walk point.

Q. Do you remember seeing her during the day when you were searching the hootches?

A. Pardon.

Q. Do you remember seeing her during the day before you pulled out, had her walk the point?

A. No, I can't recall. All I know is when everything was blown and all the firing stopped, these were the people they had.

Q. Did you stay on the western side of that sand dune or whatever it was, the high piece of ground, all day, or did you go over to the ocean at all during the day?

A. When we left there we went down the trail. We didn't proceed farther than the village. We just destroyed the village and proceeded down the trail.

Q. You went down about 1,000 yards, and then came back again during the course of the day?

A. It was the next morning we came back.

Q. Well, now, let's go back a minute. Are you sure you went down about 1,000 yards? Is it possible that you stayed in the immediate area around the end of the bridge during the day, and then moved up north to your night position?

A. I'm not positive, but anyway we stayed in the village. When we left, we went down the trail.

Q. You stayed in the village for a pretty good long time during the day?

A. Well, you could say so. We stayed there long enough to get our resupply.

- Q. Do you remember having chow there?
- A. No, I don't remember having chow there.
- Q. Who was with you on machinegun when you set up?
- A. Jerry WARNER, and I don't know about the ammo bearer. He was new because he had just gotten in before we left Dottie.
- Q. Was MILUS on the other machinegun?
- A. Yes, sir.
- Q. JONES and REID were the rest of that team?
- A. STRACHAN and HARLOW, another new man that just came in.
- Q. What were their names again?
- A. STRACHAN, Leo STRACHAN.
- Q. S-T-R-O-N-G?
- A. You spell it a little bit funny.
- Q. S-T-R-A-C-H-A-N maybe?
- A. That's it.
- Q. And who was the other fellow?
- A. I'm not sure. He was a new man that just got in to the unit.
- Q. Was it Terry REID? How about somebody named JONES?
- A. I'm not sure, I don't think it was JONES. I think it was MERCER or one of the new men.
- Q. How about STEINBRECHER?
- A. I think STEINBRECHER had got hit earlier.

Q. Before this operation?

A. Yes, sir.

Q. During the day did you hear any reports or any talk among the men about how many of the VC they had gotten during the day?

A. No, I didn't.

Q. Did you see any bodies? Had anybody gotten shot during the day?

A. No, sir.

Q. Not one?

A. No.

LTC NOLL: One thing I didn't understand and I believe you told us. What group of helicopters were you in when you came into the LZ, the first group or the second group?

A. I think the 1st Platoon was the last lift, so I would be in one of the end choppers with the 1st Platoon.

Q. In other words the LZ was already secured by another group when you went down?

A. Yes, sir.

Q. Do you know what other platoon was in that last lift, part of another platoon?

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

Q. Did you know when Lieutenant COCHRAN stepped on a land mine?

A. I heard it. I don't know it, I heard it.

Q. Did you hear the explosion?

A. I heard the explosion. We had several explosions.

Q. Several?

A. Yes, sir.

Q. Two explosions or more than that?

A. It could have been two approximately. I know for sure two big ones.

Q. Did they both occur before you reached the bridge?

A. In fact they occurred before we got from the LZ.

Q. Before what?

A. Before we was leaving the LZ.

Q. Were they close together, the two large explosions?

A. They weren't too--I don't recall. They weren't too far apart.

Q. When you were moving along the route to the bridge, was there ever a grenade thrown at your column that didn't go off? Did anybody ever yell, "grenade," and you all hit the ground?

A. I can't recall. Maybe because more or less every time we hear a boom we automatically get down.

Q. Was there any sniper fire moving to the bridge?

A. I can't recall. We could have had because normally when we operated in Pinkville--when we were moving we were normally quite a distance apart in Pinkville. By the time you get a platoon stretched out there, it's quite a ways.

COL WILSON: Do you remember some mortar fire coming in, friendly, down there by the bridge?

A. I can't recall any mortar fire.

Q. Duds?

A. I remember this one dud was supposed to have been booby trapped because the chopper almost landed on it.

Q. That was an enemy round, correct?

A. It had to be because there was a booby trap in it.

MR WALSH: Do you remember finding any booby traps in that first village you searched that day?

A. No, that was the only booby trap they told me about, the one where the chopper was coming in.

Q. Do you remember anything about a booby trap made out of a couple of cartridges? They went off when somebody went in a hootch?

A. That was kind of common so they probably didn't say anything about it anyway.

COL WILSON: When you left the village, or after you say you moved 1,000 meters--would you look over to the map exhibit there, MAP-4. We're talking about 1,000 meters now. You see where the bridge is? We're talking about 1,000 meters. Show him approximately where that is now.

A. I'm not sure exactly how far.

Q. I just wanted to be sure, show you that, give you an idea about where that was.

After you moved down there, and you went back to a laager, set up your night defensive position, did anything occur in the meantime? You mentioned something earlier about some sampans.

A. As we were going down there something attracted the point team or first squad leader. Sampans, boats were bringing sampans.

Q. What boats? U.S. boats?

A. I believe it was.

Q. Was this while you were going south or was this after you cleared the village and were moving south? Is that when this was?

A. Right.

Q. Then what happened?

A. All I know they brought the people up there and as usual I set up security until they got them up.

Q. How many were there?

A. I couldn't say. There was a lot of sampans down there. I don't think they took all of the people that was in the sampans.

Q. What did they do with the people? Did Lieutenant WILLINGHAM take over the people?

A. Lieutenant WILLINGHAM had them back there. I don't know what happened to them. I don't know whether he let them go or what he did.

Q. Did you see an interpreter come in about this time or later?

A. I'm not sure, but I think we had one. I'm not sure.

Q. Did you see anybody come in during this afternoon period, either Vietnamese or U.S., not part of the 1st Platoon; ARVN, National Police, interpreters, or MI?

A. I can't say for sure.

Q. When you left there and moved on back up to your laager position for that night, you don't recall what happened to those Vietnamese that came in on the sampans?

A. No.

Q. It wasn't part of these Vietnamese that the woman came from that was with the point? She came out of the village?

A. She came out of the village.

Q. You moved on back and set up your ambush and night defensive position. Do you recall that? Do you recall how far that was from the bridge?

A. I can't recall.

Q. Do you recall that there was another bridge on that river, a demolished bridge? Did you ever see that? It was north of the one you crossed on?

A. I can't say about that.

Q. You went into your night defensive position. Did you get a resupply of rations that night?

A. I suppose we did. I'm not sure. That's the part I'm not sure of.

Q. You would have remembered if you got a hot meal?

A. This was a hot meal.

Q. It was a hot meal, you know that? But you don't know whether they brought in some C-rations or not?

A. No.

Q. I am going to show you some photograph exhibits. I'd like for you to indicate if you know either the people or the place. This is P-18.

A. That's HUFFMAN.

Q. The soldier there is HUFFMAN. Do you recognize any of the Vietnamese, or that area?

A. I can't say.

Q. P-21?

A. No.

Q. P-22?

A. I don't recognize that.

Q. Do you recognize this man right here, P-13, third man?

A. No.

Q. Do you recognize anyone in this photograph, P-62?

A. I can't say for sure. I think that looks like Sergeant LITTLE. I don't know who this one is.

Q. Man on the left? Let me hit a couple of things that filtered back to the 11th Brigade on VC casualties. See if you recall any of these. From the 1st Platoon, 12 VC killed at 0955; 18 VC killed at 1025; 8 VC killed at 1420. A total of 38 VC killed by the 1st Platoon before 3 o'clock on the 16th. That's what was reported. Did you see any of those people?

A. No, sir, I didn't.

Q. Could these people have been down in bunkers?

A. It's a possibility. If nobody came out before we blew the bunkers, it's a possibility they could have been down in there.

Q. If they had been down there, who would have made this count?

A. I don't know.

Q. Did you see anybody go down in the bunkers?

A. Pardon.

Q. Did you see anybody going in the bunkers?

A. No, I didn't.

Q. Did you see anybody else going in the bunkers?

A. No.

MR WALSH: Do you think this is just a false report?

A. I don't know, I didn't see them so I can't say.

Q. I know, but you weren't that far away. You were sure closer than we are, and I just wondered what your opinion is, whether--we have a report here that 38 VC were killed, and you didn't see any bodies and you didn't see anybody get hit when they were shooting. So now we've got at least two possibilities; somebody called in a report without counting, or the bodies were someplace where you couldn't see them. I just wondered what your opinion is.

A. Your opinion's as good as mine.

Q. You just don't know anything about it.

A. I don't. I can't recall seeing any bodies.

Q. When you were up in the laager area that night, do you recall whether TAYLOR kept the woman with him that they had been using on point there that day? Do you remember seeing her at the laager area that night?

A. Right, she was there.

Q. Did you see or do you know whether anybody raped her during this period?

A. No, I don't.

Q. Never heard that?

A. I never heard that.

Q. Do you think it's possible or would it surprise you?

A. Personally, I don't think it would be possible. In a place like Pinkville at night, you wouldn't think of raping anyone.

Q. That's not a very romantic place?

A. No.

COL WILSON: These 38 casualties were reported almost in the same location, reported just about in the area where all this firing took place. It wasn't further down, wasn't way down in the area. All of them were right around in one place. Well now, were there any other Vietnamese in the laager area that night aside from the woman that was with the point group?

A. I'm not sure because I don't know what happened to those people that came in from the sampans.

Q. You don't recall if there were any more around there?

A. No, I don't remember. I know what I was doing now because the assistant gunner and gunner set up security for me while I cleaned my weapon. I was cleaning my gun.

Q. The assistant gunner and the gunner?

A. The assistant gunner and the ammo bearer.

Q. They were securing while you cleaned the gun?

A. Yes.

Q. What was your position on the perimeter that night? Were you given a certain sector of fire?

A. Right, you always have a certain sector of fire.

Q. Were you on the north or the south part of the perimeter, or west? I don't think you'd be firing out to the sea.

A. No, something like, I guess--I was overlapping fire with MILUS.

Q. Okay, crossfire with MILUS. Which direction were you facing, north or south? Do you recall? See your map over there. You would have been about right in there in that split of land. Do you remember the direction that your sector of fire covered?

A. This trail that comes here, and back over here, and back down here.

Q. Okay, your sector was out toward the west, north and west. What did you do, did you have watch on the gun all night?

A. We pulled an hour on, an hour off. I mean an hour on and 2 off. Three men in position.

Q. One on and 2 off. Is that normal? How come you didn't do 2 on and 4 off?

A. Not normally; it depends. That's the way we usually do it. But in Pinkville we probably had more than 50 percent alert and probably two on while one sleeps.

Q. Do you recall anything happening that night unusual?

A. No.

Q. When you started moving out the next morning, the point moved out. I guess they had that girl with them again. Do you remember if she had a rope on her?

A. She did have a rope on her.

Q. Did they always put a rope on the point--whoever is out in front of them on the point?

A. Not always, because that was about the first time that we ever used Vietnamese to walk point.

Q. And where was the rope tied around her?

A. Around the waist.

Q. Did your squad follow the point?

A. My squad brought up the rear.

Q. Again?

A. Again.

Q. When you moved out from the south back to the north on the 16th, did they ever alternate the lead squad or did you stay the second squad the whole time?

A. We alternated the next morning. We came back to the bridge.

Q. You mean on the 17th?

A. I mean on the 17th.

Q. I'm talking about after you spent the night up there on the beach. That next morning, were you still the--

A. (Interposing) I was in the rear until we got to the village.

Q. Okay, until you got back down to the village.

A. Right.

Q. Now what happened when you moved back toward the bridge?

A. When we got back toward the bridge I heard an explosion and firing, and I got the order to come to the front. The number 2 gun had jammed. So I came up front. And the M-79 round was falling, and a little bit of everything was falling around by then.

Q.. Where were they firing? What was the direction of fire?

A. They was firing in the direction that we had--they were going in the same village that we came through that morning.

Q. Same village. Now would you give me the order or sequence of this. Did this explosion occur first or did the firing occur first?

A. I think the explosion occurred first.

Q. Did the firing sound like it was our fire or was it fire coming in?

A. I couldn't tell because--

Q. (Interposing) When you moved up, you say the number 2 gun jammed?

A. Yes, sir.

Q. When you moved up to take its place, was there any fire coming in?

A. When I moved up to take his place I just started firing. I didn't think about it.

Q. But you couldn't tell whether you were receiving any fire?

A. I couldn't tell. My main objective was to give them some support so they could try to maneuver.

Q. All right. When you were firing, you were firing into the village?

A. What had been the village. We burned it down.

Q. Okay, you were firing into the village that you had burned the day before.

A. Right.

Q. Now where were you firing with relation to the troops? Were you all on line firing?

A. We were on line because we came up to the bridge like this.

Q. Nobody had started moving toward the village or anything?

A. Eventually they started moving toward it. I don't think anybody was moving toward it by the time I got there.

Q. All right. About this time, did a chopper come in and evacuate? There was a man wounded, TAYLOR was wounded, lost his foot. He was wounded by a mine or a booby trap?

A. I--personally I don't know. He said it was a mine.

Q. Did you see the area that he was wounded in? Did you see him?

A. I didn't see the area. The only thing I saw--I had to set up security for the chopper coming in.

Q. When you were brought forward when the number 2 gun was out, was that the purpose of your moving forward, to set up security for the chopper?

A. The purpose of me moving forward was to give fire support.

Q. Fire support, and then after that you were to secure the chopper?

A. Secure the area for the chopper.

Q. All right. Did you move to do that or did you stay in the same location?

A. I had to move from the back element up front to give them support of fire. From the position I was in, I had to move around to set up security for the chopper.

Q. But the chopper came in pretty close to where you were located--

A. (Interposing) Right.

Q. And took TAYLOR out. Did anybody go out with him?

A. I don't know.

Q. Was this a medical helicopter, a dustoff, or was it a slick, or was it a command and control ship?

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A. I'm not sure.

Q. Anybody get off of it?

A. If I'm not mistaken, it was probably a command chopper. I think someone got--I'm not sure, but I think someone got off because it seems like I can remember we had about two interpreters with us all day that day.

Q. And you don't know when they came in?

A. I couldn't say for sure.

Q. Were these Vietnamese interpreters?

A. They were.

Q. Were they in uniform?

A. They was in uniform.

Q. In ARVN Uniform?

A. Right.

Q. The chopper came in and evacuated TAYLOR. Now was the chopper escorted by gunships or did you see any gunships?

A. The gunships came in the area. They called the gunships.

Q. When was that, after the evacuation or before?

A. That one I'm not sure.

Q. Can't remember. Did the gunships make some firing passes?

A. Yes, they made firing passes.

Q. How many?

A. I don't know, it was a little too close for me.

Q. Where was the target? Was it that village again, or--

- A. (Interposing) The village again.
- Q. And were they flying down the coast of--
- A. (Interposing) They were flying down the trail, coming over, down the trail.
- Q. Right over the same trail you had walked?
- A. They was firing on the trail we were going down.
- Q. Firing into that village, and you don't know how many passes they made. What type of ordnance were they using? Was it rockets or machineguns?
- A. They were using rockets and miniguns.
- Q. Miniguns?
- A. Yes.
- Q. Two choppers or more?
- A. I think it was two.
- Q. Did you happen to see a bubble, LOH, around there?
- A. I can't say. I would say that I did.
- Q. You mentioned that you had a couple of interpreters. Do you feel they weren't with you that night?
- A. They could have been.
- Q. You think they could have been there that night?
- A. They could have been because it was very seldom that I got a chance to get back to around the platoon leader and so forth. They could have been there.
- Q. If they had come in that morning, before TAYLOR was hit, how would they have gotten in?

- A. I don't know.
- Q. But you think they were there at that time?
- A. I believe they were.
- Q. Or approximately the time they came in to evacuate TAYLOR?
- A. They would have had to be there then.
- Q. Why?
- A. All I know is I saw them the next day.
- Q. You don't remember exactly when.
- A. I don't remember when.
- Q. Now TAYLOR was evacuated, the gunships made their gun passes, an undetermined number, and then what happened?
- A. After that they went through searching and we kept going on down the trail.
- Q. B Company crossed the bridge? The rest of the company?
- A. I think so. And we went on down the trail burning villages.
- Q. So when B Company crossed the bridge, was this after--how long after the gunship runs?
- A. I couldn't exactly say but it couldn't have been too long, because we were supposed to meet there the next morning. We were supposed to meet and, I think, we were supposed to secure the bridge for the company to come across.
- Q. All right. The company moved south. Do you remember where your platoon was in the company, in the rear or the front?
- A. No, sir, I can't.

Q. You say as they moved south they were burning the villages. Was this direction for burning the village given to any particular unit or element? Was it a platoon responsibility or a squad responsibility, or was it just information passed out to burn the village?

A. Well, again, I wouldn't know.

Q. You didn't hear how this instruction was carried out?

A. Well, we hadn't heard anything, at least I hadn't heard anything since the day that they said we were going out on search and destroy.

Q. I see. In other words, nothing was passed down as far as you know about burning from the 1st Platoon's standpoint?

A. Not since the first day we went out.

Q. Well, the burning that went on down there, did that appear to be planned beforehand by B Company or was this as a result of the instructions to search and destroy? Was it the other two platoons that had come over the bridge that were doing this, or was it the 1st Platoon that was burning?

A. The whole company was burning.

Q. Now as you moved down south, did you encounter any more resistance?

A. Not that I can think of, because we went all the way to the water and turned around and came back.

Q. Did you run into many civilians in that area?

A. We ran into a lot of civilians down there.

Q. Down south?

A. That's back down this way.

Q. Yes.

A. We ran into a lot of civilians down there. If fact, something like an island sits off out in there. Civilians came out of there if I'm not mistaken.

Q. Now you moved back down from the bridge and you kept going south? I don't know, you were probably inland. You weren't along the sea, or were you?

A. This is the--

Q. (Interposing) That's the bridge right up there, over to the right a little bit. No, this is a little further down.

A. Well we came across the bridge and we came all the way down here. It looks like an island or something out in here.

Q. There's a couple of islands indicated down there in the channel of the river. You could be thinking of the next day where there's a big village up there, where the MEDCAP came in.

A. We came down here and turned around and went back up to Pinkville.

Q. So you remember that?

A. I remember that.

Q. But the area that you're talking about when you saw a number of civilians was on the way south?

A. Pardon.

Q. The area where you saw the number of civilians, or one area, was as you moved south? You were burning those villages down there?

A. Right. After we came back to the village where the bridge was, then we started receiving fire. So we left and we came all the way through here, almost--right out to the water.

Q. Right out to the water. And this is where you were burning the villages?

A. We stopped burning the villages someplace along in here.

Q. Why?

A. I don't know. I don't know why they stopped, but they didn't burn any out here.

MR WALSH: Are you thinking about an area where there was a big village and you collected together a lot of people, hundreds of people on the beach?

A. Maybe I'm going the wrong way, but I thought it was up here where we collected a lot of people, on the beach where we laagered that night and had a MEDCAP.

COL WILSON: You've got it right, but it sounds like there's a couple of things there that you might have mixed in on the time basis. You moved south and as you originally said you were burning villages going south. I think they still had the girl on the point. I'm not sure about that.

A. They turned her loose, untied her. She was still with the unit. They took the rope off her and let her walk on.

Q. You were going south, burning, and you hit the southern tip down there. Then you went back and you went into a laager position that night. Do you remember that?

A. Right.

Q. So point out about where that laager was. You went into a laager position still south of that bridge and actually somewhere right in there. Actually down there on that point, there could have been a helicopter coming down there, if you recall. Colonel BARKER could have been down there for a short period. Do you remember it was very hot that day. You had to move a long way.

A. It was hot. When we moved into that fire, it was even hotter.

MR WALSH: When you were moving down there, were you doing a lot of firing?

A. After the gunships came through the village down there, we--I can't recall any more fire after that, after we came through that village down there at the bridge.

Q. Some people were pretty upset over TAYLOR getting wounded, and they had quite a bit of firing that day while moving down there. You don't remember it that way?

A. I can't recall that after we passed through the village.

LTC NOLL: What about demolitions?

A. They blew those the first day we got there.

Q. How about further south?

A. There weren't too many blown down there.

MR WALSH: Did you run into many civilians down that way?

A. There was a lot of them down on the island.

COL WILSON: Are you talking about an island? Do you mean across the river? Were these people you contacted or were these people across the river?

A. We didn't contact them, they were--a sandbar was out in there and they were out there.

Q. What were they doing?

A. I don't know.

Q. Nobody from the company talked to them?

A. I don't know.

Q. They were some distance from you?

A. It was a great distance out there. I don't know exactly where it was.

Q. When you laagered that night, do you remember getting a hot meal?

A. We had a hot meal that night.

Q. Do you remember bringing in any supplies?

A. No, not that I can remember.

Q. Do you remember that day--you talked about earlier a couple of interpreters. Do you remember any other Vietnamese, or U.S. MI, or U.S. photographers, or anybody like that joining the company and going south with you?

A. I can't recall.

Q. Do you remember any of them coming in that night with the rations, with the hot chow, anybody strange coming in?

A. I wouldn't have seen them anyway.

Q. You weren't around where the helicopter came in?

A. Right.

Q. And up until this time you hadn't seen anybody except those two interpreters you referred to that wasn't in the platoon. You didn't see a guy running around with a MACV patch on and a camera, did you?

A. Not that I can recall.

Q. Did you have a camera?

A. Pardon.

Q. Did you carry a camera with you?

A. No, sir.

Q. Do you know of anybody that did?

A. Well, quite a few of them tried it, but you took a few pictures and couldn't get them developed.

Q. Who had a camera, do you know?

A. CARDINES had one. I had one in the beginning.

Q. Who had one on this operation?

A. I don't know who had one on this operation.

LTC NOLL: The gunships fired into the village. Then did the company line up and sweep through the village?

A. We swept through.

Q. Did you find anything?

A. No, not that I know of.

Q. Do you recall one platoon engaging two VC in the afternoon this day, moving south?

A. I can't recall.

Q. Do you recall searching for any mines?

A. The point team would run into those first.

MR WALSH: Let me ask you, did you hear any conversations that evening in the laager area among the men about how many VC were killed that day?

A. We never did talk too much about that in our platoon.

Q. Did you hear anything about the point team talking about how many people they killed that day?

A. No, I didn't.

Q. All day long, did you see any dead bodies?

A. No, I didn't.

Q. Did anybody tell you they had seen any?

A. You hear a lot. Every guy has a war story.

Q. What I'd like you to do is try as hard as you can to remember what anybody might have told you at that time.

A. I can't really say, because I wasn't paying any attention anyway. So if they would have told me, I've forgotten.

LTC NOLL: Do you know of anybody that went along behind the platoon and examined these bunkers that were blown up, looked for bodies inside?

A. Not that I know of.

Q. Did you hear any stories about a number of people killed inside the bunkers?

A. No, sir.

COL WILSON: In the laager position the night of the 17th with the company, and you moved out the next morning, do you remember if this day there were any ARVN with you or not? Do you remember seeing any interpreters?

A. I can't say. They would have been in the middle of the company anyway. Unless they had to pass by us, I never would have seen them.

Q. As you moved on up to the north, you got into an area where there were some pretty big villages. Do you remember that? Do you remember a fishpond up there, a big pond? It could have been dry?

A. I couldn't really say.

(The witness was given an orientation on aerial photograph P-185.)

Q. Do you remember coming up here into this village and rounding up a bunch of Vietnamese? Do you remember what you did? Did you go on sweeps or did you stay here?

A. We went through, collected all the people, and brought them back up to this village, back this way.

Q. Up to this village here? In other words, you kept on going this way?

A. Right.

Q. Do you remember whether you moved along the beach or whether you moved--

A. (Interposing) I was along the beach.

Q. And you just sent the villagers back?

A. Right, sent them back.

Q. Now did you stay out all day?

A. We stayed out there all day. After we got everybody back up there, we set up around there all day.

Q. And the villagers all went back here. What time did you go back?

A. We laagered down there someplace.

Q. You went back before dark?

A. Yes.

Q. By the time you got back, had the medical personnel already come in there?

A. I saw the choppers coming. I didn't know what was happening.

Q. You saw the choppers coming while you were out making the sweep?

A. Yes, sir.

Q. How many were there, do you recall?

A. I don't recall.

Q. What did they do, land out on the beach?

A. They landed up in here, that village up there. It was secure after we had gotten all the people up there. I don't know what happened up there.

Q. Okay, the choppers came in. Was the medical team there when you got back?

A. I never did get back up where all those people were.

Q. You never did? Where did you go?

A. We was down there setting up security and clearing out the laager position.

Q. The people were left back in that area, and then the company closed into the laager area for the night?

A. Yes, sir.

Q. When they came into the laager area, did you see any Vietnamese or interpreters or ARVN personnel with the company?

A. I think so.

Q. Did you see any MI personnel, military intelligence personnel? You might not recognize them except they would be strangers?

A. I can't say.

Q. When they came back into the laager area, when the company closed back in and the civilians were left back there, did you see any of the medical personnel that had been conducting the MEDCAP that night?

A. No, sir.

Q. When they came back into the laager area, B Company came back in there, did you observe the operations or procedures of the Vietnamese and interrogators?

A. Not that I know of.

Q. Did you see any Americans interrogating Vietnamese?

A. Not that I know of. We had two walking in front of us clearing the area.

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Q. You had them working for you?

A. Right, we had them walking in front of us.

Q. For mines?

A. Yes.

Q. But I mean on the basis of interrogating them, was anybody--did you see anybody interrogating the Vietnamese back there?

A. Not that I know of.

Q. MI personnel, Vietnamese, or other U.S. types interrogating?

A. I didn't see them.

Q. Did you hear of any mistreatment of Vietnamese suspects or Vietnamese in this area?

A. No.

Q. You didn't hear anything like this?

A. No.

Q. You didn't hear about any getting their fingers cut off or anything like that at any time during this operation?

A. No, sir.

Q. Did you hear about any abnormal procedures for questioning Vietnamese up here?

A. No, sir.

Q. Okay. You got back into the perimeter and set it up. What happened?

A. Well, in the laager position later that night we got hit. We got hit by mortar and so forth.

Q. What time that night did you get hit?

A. I couldn't say for sure. I was third guard, third or fourth guard. I was on guard when it happened.

Q. Were you awake when the mortar started firing?

A. Yes, sir.

Q. Did you see the muzzle blast?

A. I did.

Q. How far away was it?

A. I couldn't tell how far away it was. All I know is I saw it flash. WILLIAMS, he was there too. He saw it also. But I didn't realize it was the flash of mortars until they started dropping. They kept flashing and kept dropping down there. So I started to fire, return fire. I had started returning fire out there. I fired in my sector and I noticed the other sector wasn't firing. I fired all my ammo. In the meantime, I had gotten more ammo. During the time they was dropping they got MILUS because they was firing air assault and M-79 over into the area. But at first--

Q. (Interposing) How far was MILUS from you?

A. MILUS was about, I'd say 50 meters.

Q. When the mortar began to fire, was it preceded by small arms fire? Did you receive any small arms fire after you began firing?

A. I think we had small arms fire right after that. It seems about the time the first mortar exploded we were receiving small arms fire.

Q. Did Sergeant VANN fire countermortar fire?

A. I couldn't tell.

Q. Couldn't hear at all the 81?

A. I started--

Q. (Interposing) You started firing?

A. I couldn't hear anything.

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Q. During the day did you see any artillery fire coming in there? It would have been later in the afternoon?

A. The only artillery fire I seen was during the laager position that night.

Q. What about a Vietnamese woman who was wounded. Did you see a wounded Vietnamese woman brought into the laager area?

A. I didn't.

Q. Did you hear about one leg missing, a leg injured?

A. I'm not for sure, but I can't recall.

Q. Now when you got the mortar fire and MILUS was killed and the other people were wounded, did you get an evacuation chopper in there?

A. Yes.

Q. Were they escorted by gunships?

A. There were gunships. Gunships came in, and the med-evac chopper came in.

Q. They took out the casualties. Did the gunships stay there all night?

A. The gunships didn't stay there all night. We had what we called "Puff the Magic Dragon."

Q. He was in there most of the night? Was he firing all night?

A. He fired awhile.

Q. Intermittently. Did anything other than that happen during the night? I wonder where all these people were? I guess they were in the bunkers?

A. I don't know where they were.

Q. Did anything else happen that night?

A. Not that I can recall.

- Q. I want to see if I can get your fire team down. Your fire team was composed of whom?
- A. Jerry WARNER, and I don't know this other man.
- Q. Just you and WARNER and one other man?
- A. Just us, assistant gunner and ammo bearer.
- Q. STRACHAN and STEINBRECHER, it wasn't either one of them?
- A. No, sir. STRACHAN was on the number 2 gun with MILUS.
- Q. He was with MILUS? Who did MILUS have?
- A. MILUS had--
- Q. (Interposing) STRACHAN?
- A. A new man, I don't know who he was.
- Q. What about WARNER.
- A. That's Jerry WARNER, he was with me.
- Q. How about STEINBRECHER?
- A. STEINBRECHER had gotten wounded earlier, so he was in the hospital.
- Q. So STRACHAN was the only one you remember with MILUS that night?
- A. Yes.
- Q. MILUS had number 2?
- A. Number 2.
- Q. You had number 1.
- A. Yes, sir.
- Q. Did you know Terry REID?

A. Yes, sir.

Q. Where was he assigned, where was he working?

A. I can't recall. First he was a grenadier, then a rifleman. I don't know whether he came to the machinegun squad or the weapons squad or not. I think he was. I think he did go over to the number 2 gun, I'm not sure.

Q. You never did know the interpreter from B Company, a man named PHU, Sergeant PHU, is that right? I showed you a couple of pictures of him and you didn't identify them. He used to be up around fire base Dottie a lot.

A. Vietnamese?

Q. Yes.

A. The name rings a bell.

Q. Let me show you a couple more pictures that might--this is photo P-66, do you recognize anybody in there?

A. I'm not sure, this guy looks like Jimmy JENKINS.

Q. It's not. You don't recognize either one of these people here, these Vietnamese? Here's a different angle (P-67).

A. I don't recognize them.

Q. What's the normal procedure for a body count? Has somebody got to see the body, or is it an estimate?

A. Well, I think the first body count we got when we was over there was by chopper.

Q. Is that right, by chopper?

A. That's the way this was done because we didn't get out there ourselves.

Q. I can't blame you. Was this out in Pinkville?

A. This was--I guess it was in our area of operations.

Q. The day that you went back up, when you moved

from the laager area on the 18th to the village up there in the north by the fishpond where you got all the people rounded up for the MEDCAP, you said you stopped burning villages. Is this the place where you stopped?

A. We stopped going south. Going back north we didn't burn anything either.

Q. You stopped going south. Why, do you know?

A. I don't know.

Q. Did you change your operations any after that time? Was there any difference in your operations after this operation was over in tactics or procedures?

A. No, not too much. After that we went back to Colonel ADKINS. Right after that, we went back over. His operation was completely different from Colonel BARKER altogether.

Q. Is that right? How was that?

A. Well, I guess by being a task force we'd more or less CA in and stay about 5 days, and go up to a fire base, and back out in the field again. But with Colonel ADKINS we stayed out in the--

Q. (Interposing) You stayed out in the area?

A. Yes.

Q. Didn't ever go back to the fire base?

A. You got back very seldom.

Q. You mean you just stayed out there and walked around all the time, never did get back to a bunker? It was better to be with BARKER then, back there with your old battalion.

A. I think so.

Q. Do you have any knowledge of any investigation or inquiry being made after this operation?

A. No, sir.

Q. Nobody ever questioned that you know of, asked about the operation? You were never questioned?

A. No.

Q. Did you ever hear any rumors about C Company or B Company killing civilians?

A. No, sir.

Q. Were you ever told not to discuss this operation by anybody?

A. No, sir.

Q. Do you know of any time during this operation that there was any torturing or maltreatment by U.S. or Vietnamese military against the Vietnamese population of this area?

A. No, sir.

Q. I'm talking primarily about interrogations.

A. No, sir, I would not know anything about interrogations.

Q. No mistreatment?

A. Not that I've seen.

Q. This woman that was with the point group, was she fed?

A. Yes, sir.

Q. Did you hear any time during this operation about any rapes occurring out there?

A. No, sir.

Q. Do you know of any problem with marijuana in the company?

A. No, sir.

Q. If you go back home and you find that you've got anything that might assist us, like a photograph, or a letter, or a tape recording, or something that might help us in this investigation, we'd like to hear from you and make arrangements to get it. I don't know if you have anything like that or not, but if you do you might find something in your baggage or goods that you haven't unpacked. Major THOMAS will give you his number before you leave. You can call us if you run across something that might be of assistance. We're primarily interested in this area in this time period of 4 or 5 days. You might find a photograph or something, you can't tell. Do you have any further testimony or any statements to make that might assist us?

A. No. That's about all I can think of, that I was sure of.

Q. Mr. MADISON, I request that you not discuss your testimony in this investigation with others including other witnesses before the investigation except as you may be required to do so before competent legislative, administrative, or judicial body. Any questions on that?

A. No.

COL WILSON: The hearing will be recessed.

(The hearing recessed at 1700 hours, 27 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: MICHENER, Morris G.

DATE OF TESTIMONY: 22 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Rifleman, First Platoon, B/4/3.

1. BACKGROUND INFORMATION.

The witness joined Bravo Company when it was stationed in Hawaii in April of 1967 (pg. 2). He was with the unit the entire time except for a short TDY period in June 1968 (pg. 3).

2. PRIOR TRAINING IN RULES OF LAND WARFARE.

The witness did not recall any specific training in handling of PWs prior to leaving Hawaii (pg. 3). He stated that they had general training on treatment of prisoners and on the Geneva Conventions (pg. 3). In Vietnam, they had general in-country training and a review of the Geneva Conventions in platoon-size classes (pg. 4). The class was given by someone from outside of the company (pg. 4). The witness had seen Exhibit M-2, "Nine Rules", and stated that he was given one of the cards at either the in-country training or when they left Hawaii (pgs. 4, 5). The witness had seen Exhibit M-3 "The Enemy in Your Hands", and had been issued one of those cards (pg. 5). He stated they had one class on the cards in which the cards were explained (pg. 5). They were also instructed that if they captured any Vietnamese they were to report them to the platoon leader, who would handle them (pg. 6). If a Vietnamese was fleeing, they were to shout, "Dung Lai" three

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times and if he did not stop, they were to fire over his head. If the people still did not stop, they were to shoot to wound (pg. 6). The witness did not recall this training being repeated in the company but stated that it had been given in Hawaii as well as in Vietnam (pg. 6). He stated they were told to report any mistreatment of civilians to their squad leader, but that it was lax (pg. 7). He did not recall any training regarding the obedience of illegal orders though there were discussions on it outside the classroom and remembered the platoon leader, Lieutenant SPRAGGINS, being asked about it. He did not know if they ever received an answer (pg. 7).

3. PREOPERATIONAL PLANS AND BRIEFINGS.

a. Briefing by Sergeant LIAS.

The witness recalled a briefing being given by Sergeant LIAS on the evening of 15 March. The squad was called together and told they would combat assault by helicopter into an area known as Pinkville (pg. 8). The landing zone was pointed out to them on a map and they were told that after landing they were to deploy and await further orders from the company commander (pg. 8). They were to sweep the area and look for VC and VC sympathizers (pg. 8). There were no instructions given to the squad concerning destruction of hootches, the burning of the villages, or the destroying of food and animals (pg. 10). They were told to check any tunnels they found, which was usually done by Specialist GARDINAS (pg. 10). They were to gather up the individuals, collect them into one area, and search the hootches (pg. 10). The witness stated that he thought this was a normal sweep-type operation (pg. 11). They were warned about mines and booby traps, and expected to encounter some VC in the area (pg. 11). They were also told that it was a company-size operation and they were informed where the various platoons would be located (pg. 12). His platoon was to move to a little island and search the hootches while the rest of the company stayed on the mainland across the bridge (pg. 12). The area was broadcast into before they went in, so they felt that anyone left would be VC or VC sympathizers (pg. 64). The witness felt that it was a normal operation but said it might have been a search and destroy (pg. 68). He said they had not conducted any search and destroy operations prior to this and he distinguished this type of operation from a search and clear (pgs. 68, 69).

b. Briefing by Lieutenant WILLINGHAM.

The witness stated that Lieutenant WILLINGHAM was their platoon leader having taken over the platoon shortly before the operation (pg. 17). He said that WILLINGHAM called them all together after their squad briefing and reiterated what Sergeant LIAS had told them (pg. 17). He stated that normally the CP would be in the middle of the column with one squad ahead of them and two squads behind (pg. 18). WILLINGHAM may have also mentioned the fact that the area had been broadcasted to (pg. 64).

c. Order of march for the platoon.

The witness stated they had a three man point squad which was always the point regardless of the order of march (pg. 15). They were to move in a single file to the bridge and the first squad would be last in the order of march (pg. 15). The second and third squads would be ahead of him (pg. 15). They would be accompanied by an FO from the mortar platoon. A minesweeper would normally be with the point (pg. 16). He stated that Specialist TAYLOR normally carried the minesweeper and that the point was also composed of Specialist HOOTON and Specialist TITTLE (pg. 16).

4. ASSAULT ACTIVITIES.

a. Activities on 16 March.

(1) Landing and initial movement.

The witness stated that the whole company was loaded at LZ Uptight (pg. 18). He was on the second lift (pgs. 90, 96). The aircraft went in to the landing zone over the sea and the doorgunners began firing when they came over the coastline and continued until the helicopter touched down (pg. 19). On the final approach, they fired for approximately one minute towards the front (pg. 20). He did not recall circling the landing zone but he said they made a straight approach landing (pg. 24). His helicopter was on the right-hand side of the V formation (pg. 20). The aircraft landed in a cornfield facing north, and he jumped out of the right-hand door and ran past the aircraft (pgs. 18, 19). They were located approximately 200

yards at the most from the trail that leads to the bridge (pg. 20). He recalled a few houses on the trail and said they moved approximately 100 yards down the trail to a rice paddy. He recalled a demolished large pink building which they passed when the trail made a turn to the right (pgs. 21, 22). He stated that his platoon was firing cover fire when they left the aircraft. They were told to fire to their front as they ran towards a little hedgerow which was located to their right (pg. 22). They then grouped up and spread along the trail where they waited approximately one-half hour during which they heard explosions (pg. 22). He heard the explosions to his left rear before they got to the pagoda and they stopped their slow movement and watched out for snipers (pg. 24). The two explosions were just a few moments apart (pg. 25). When they moved down the trail towards the bridge he did not recall passing a road that led off to the left with a gate in front of it (pg. 23).

(2) Activities at the bridge.

The witness stated it took them approximately an hour and a half to move down the trail to the bridge (pg. 25). The point squad was sent across with the mine-sweeper and then the platoon moved across the bridge. The witness did not recall any resistance at the bridge (pg. 25). He did not recall any casualties in the area and stated that he was pulling rear security. He stated when he crossed the bridge, they set up and they began searching the hootches (pg. 27). The area north and south of the bridge for about 300 to 400 meters was searched (pg. 28). Each squad was assigned an area by the squad leader and they put down their equipment and began searching (pg. 28). The witness and Private First Class WILLIAMS guarded the equipment and were later joined by Private First Class WARNER (pg. 28). He described the disposition of the squad as follows: the machinegun crew consisting of MADISON and WARNER went together (pg. 29); FERNANDEZ and GARCIA were another team (pg. 30); generally, HOOTON and TITTLE went together along with TAYLOR who was on the point team (pg. 30); Sergeant LIAS and a Specialist LITTLE stayed together (pg. 30); JONES and REID usually went off together (pg. 31); and HALL and HOLMES from the second squad usually paired together (pg. 31). The witness stated they were looking for booby traps, mines, and tunnel entrances but they did not find any (pg. 32). He

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stated there was one hootch about 50 meters from the end of the bridge but there were no hootches immediately at the end of the bridge (pg. 32). He described the trail which ran north and south as entering the village from the north, making a left, and running for 50 meters, and then running to the south (pg. 33). He stated there were a number of hootches at the turn but he did not go up that far (pg.33). He said that he did not see any inhabitants in the area although the hootches looked lived in (pg. 33). He did not recall an 81 mm mortar crossing the bridge and setting up to the left (pgs. 33, 34). He felt that it stayed on the other side (pg. 33). The platoon was spread out as they approached the bridge and he was not in a position to know what went on up front because the trail turned and the area was overgrown with brush (pg. 34). He felt that perhaps there were one or two rounds of sniper fire but he was not sure (pg. 34). He did not think the rest of the company came across the bridge. He recalled the platoon sergeant sending the second squad straight up the road to where it curved to the right, and the first squad set up on the left (pg. 35). He stated that they had lunch by the bridge and he approximated the time as being 1030 hours (pg. 35).

(3) Movement of the unit after searching the village.

The witness stated the platoon regrouped and moved to the north (pg. 36). He stated as they moved past the bridge they saw some civilians over on the beach and a helicopter was called in from which an interpreter came and questioned the people (pg. 36). At that spot, chow was flown into them and they set up their night defensive position (pg. 36). They set up on the ocean side of a bridge from which they could see hootches across from them and lights during the night (pg. 37). He stated they were set up in the middle of sand dunes, forming "a platoon ambush" (pgs. 37, 38). They were to guard the area to the north and an element from the company was left to guard the bridge (pg. 38). He stated he remembered seeing the fishing traps and a demolished bridge in this area (pg.39). In discussing the people on the beach, he said that he recalled an interpreter along with others getting off the helicopter (pg. 40). He said there was a captain or a lieutenant with them but he did not remember any particular articles of clothing on the officer (pgs. 40, 41). The

people on the beach were questioned for 30 to 45 minutes and the majority were released. A few were taken off in the helicopter (pg. 41). They did not take the people to their night defensive position, which they tried to conceal from the people by moving north and then under darkness moving back again (pg. 41). Before finally getting into the night defensive position they burned some hootches which appeared to be abandoned (pgs. 43, 44). This was because of orders that were passed down the line and these were the first hootches that were burned that day (pg. 44). He recalled in an earlier period, TAYLOR had found a booby trap by the bridge (pgs. 44, 45). He recalled no incidents in the movement to the night defensive position (pg. 45).

(4) Activities during the night.

The witness stated that they dug into the sandy terrain on the western perimeter of the defensive position and looked to the west across the river (pgs. 46, 47). They worked in two hour shifts. The witness felt that he was on from 2200 to 2400 hours that night and 0400 to 0600 hours the next morning. The only event that he noticed was the lights across the river in a village (pgs. 46, 47). He said it is possible that he heard firing across the river but he was not sure (pg. 46).

b. Activities on 17 March.

(1) Initial movement.

The squad woke up, ate breakfast, and began the movement towards the bridge (pg. 48). They moved in a column and moved slowly (pg. 48). They used the same order as the previous day with the witness bringing up the rear. When the first of the column got to the bridge, he heard an explosion and the word was passed back that Specialist TAYLOR had stepped on a mine (pg. 48). He estimated that this was at approximately 0900 hours, thinking that they moved rather slowly (pgs. 48, 49). He was located about 100 to 150 meters from the end of the bridge (pg. 48). He saw a medevac chopper come in and evacuate TAYLOR approximately one half hour after the explosion (pg. 49). He did not see the chopper land because of trees (pg. 50). He stated that people were upset about TAYLOR (pg. 53), and stated that possibly people were looking for revenge for what happened to him (pg. 60). He stated the point team, who all were very

close to TAYLOR, were very upset (pg. 67). After TAYLOR was evacuated gunships were called in. They came in from the north and sprayed the entire area, making three passes (pg. 50). He stated there were two gunships and they fired in the area southeast of the bridge (pg. 51). He stated that on the first pass they were shooting over the men in the platoon and a round landed between WILLIAMS' legs (pg. 51). He did not recall any rockets being fired and stated that it was doorgunners firing on the first pass (pg. 51). Although the witness felt that TAYLOR was medevac'd at approximately 0945 hours, when he was told that the log indicated that it was 0810 hours when TAYLOR tripped the mine, he agreed that it was possible and said that the gunships came in 10 to 15 minutes after the medevac, making it about 0900 hours (pg. 52). After the helicopters sprayed the area the rest of the company moved across the bridge and moved south of the bridge down a little peninsula on a search and destroy mission (pg. 53). He stated that after TAYLOR was evacuated they were ordered to search and burn the hootches (pg. 53). He heard the lead elements firing (pg. 54). He described the order of march as the second or third platoons moving on the ocean side of the beach in a southerly direction, with another platoon moving on the edge of the beach and the first platoon moving down the middle (pg. 54). His platoon was on a path with the first squad in the lead (pg. 54). He stated that as they moved, he was carrying the mine detector which TAYLOR had had (pgs. 54, 55). While he was still in the rear, the unit had captured two Vietnamese males, one of whom was in his 20's and the other was old (pg. 55). These people were placed in front of him as human mine detectors and the witness stated that he moved 30 to 40 feet behind them down the trail (pgs. 55, 56). The people were considered as VC suspects and were used until they arrived at the first village at which time they were sent to the rear (pgs. 61, 98).

(2) Activities as they moved.

The witness stated that as each hootch was searched it was destroyed and burned (pg. 56). This continued all the way south through each village (pgs. 56, 57). They gathered up the people as they went through (pg. 57). He stated that soldiers were dropping grenades into the bunkers but he did not see any civilians killed (pg. 58). He did not

hear anything about people being killed in the village but he did hear that people were killed as grenades were dropped into the bunkers (pg. 58). He did hear of an incident when the machinegunners were spraying a village in which MADISON fired at a naked woman (pg. 59). When they arrived at the end of the peninsula they rested for approximately one half hour and then started back north (pg. 60). They moved all the way back up to the bridge using the same path and searched for anything they might have missed (pg. 61). They set up at approximately 1600 hours before they got to the bridge, in the area of the first village they had encountered that day (pg. 61). He described their receiving sniper fire while they were in chow line (pg. 61).

(3) The use of demolitions on bunkers.

The witness stated they used so much TNT blowing up bunkers they had to call for a resupply of it (pg. 63). He stated that no one was concerned that people might be down in the bunkers which struck him as unusual, but he felt that no one other than VC or VC sympathizers were supposed to be in the area (pgs. 63, 64). They would normally use TNT with a stick of C4 wrapped around it. A fuse was put in it and a blasting cap (pg. 64). The materials were spread throughout every man in the platoon but it was the point team that did the demolition work (pg. 65). The witness did not know if people would check to see if people were in bunkers and he never heard of such a thing happening (pg. 65). The witness stated that if anyone came out of a bunker he would be shot (pg. 67). Most of the bunkers were in the hootches (pg. 69). Because the witness, for a certain period, was carrying the mine detector and clearing a path, he was ahead of the demolition work which took place behind him (pg. 69). The witness stated that he was told 85 people had been killed during the day and he felt that "someone had apparently got down into the bunkers and counted" (pg. 73). This is because he saw no bodies (pg. 74). The witness stated he could hear no enemy fire during this time that the explosions went on behind him (pg. 98). He distinguished between the sound of an AK-47 and an M-16 (pg. 99). He first heard of people being killed when he was at the bridge, before they moved south (pg. 99). This was after the first platoon had sprayed the area and the gunships had fired into it (pg. 99). He stated that the 85 people who were killed were killed either by that initial firing or by the demolitions thrown into the bunkers (pg. 99).

(4) Treatment of civilians.

The witness stated that the people they rounded up in the village on their march to the south were collected in one place (pg. 58). He did not see any soldiers raping any of the females (pg. 59). The civilians were gathered into groups which were left behind and he did not know what happened to them after he left (pg.60).

(5) Activities during the night.

The witness stated that he felt there were a few civilian detainees in the area at the night defensive position (pg. 70). He vaguely remembered a woman being medevac'd with a shoulder wound but he did not recall any specifics about the incident (pg. 110). He recalled that during the night they heard firing in an area and it was rumored that someone tried to break through the Charlie Company perimeter (pg. 100). They did not fire back to that area because they thought they would hit their own people (pg. 75). He did not recall any flares being used that night while he was on guard (pg. 75).

c. Activities on 18 March.

(1) Initial movement.

The next morning as they passed the bridge the witness did not recall any activity taking place (pg. 75). The witness stated that most of the day was spent collecting people and sending them back to the beach area (pg. 76). He was not down on the beach with the people but he vaguely remembered a MEDCAP team coming in (pg. 77). He stated that the activities of the platoon consisted generally in searching the hootches looking for mines, booby traps, and food caches. He stated that some VC suspects were found in the group on the beach after interrogation (pg. 78). He stated that when they began their movement and moved south he did not see any bodies but felt that this was because the bodies were gathered up and buried while they were in the south (pg. 90). He did not see any Vietnamese doing this but recalled passing a graveyard that had some fresh graves in it (pg. 90).

(2) Activities during the night.

The witness stated that they set up their night defensive position in the Ky Xuyen (1) area (pg.78). The first platoon was set up facing to the northeast, the second platoon was facing north and the third platoon was facing west (pg. 78). There was nothing on the water because there were boats out in the area patrolling (pg. 78). The witness stated that he came off of guard at 0200 hours on the next morning and as he was walking back, he heard what he thought were shots (pg. 78). He stated that he turned and went in back of a sand dune which was four feet high and started returning fire in the direction of where he saw what he thought were gun flashes (pg. 79). He stated he then began hearing explosives all around him and that the rounds walked through the middle of the perimeter directly in a line. The first one hit a fox hole in which there was one of the machinegunners (pg. 79). The second one hit 200 yards behind him. There was a total of six rounds that came in. MADISON and the witness fired towards the spot 150 yards away from them (pg. 79). Someone reported seeing troops coming through a sniper scope and everyone around the perimeter began to fire (pg. 79). They fired for three or four minutes and then stopped and called in a medevac to medevac the dead and wounded (pg.79). He stated that Lieutenant WILLINGHAM came to him and asked him to go 20 yards outside of the perimeter, pull the pin on a trip flare and throw it into the air (pg. 79). The witness told WILLINGHAM that "a man could get killed doing that" but WILLINGHAM gave him a direct order to do it and so he did (pg. 79). This was done to mark out a position for the artillery which came in with about ten rounds (pg.79). They also called in Spooky who fired around the entire area for approximately one half hour (pg. 79). The unit then dug in, expecting a major attack in the next hour (pg. 79).

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d. Activities on 19 March.

(1) Investigation of the site of the mortar fire.

The witness stated that the next morning Captain MICHLES came to his position because he was the only one who had seen the muzzle flash from the mortar (pg. 102). He pointed the area out to MICHLES and was then

sent down with the squad to investigate (pg. 102). They had two prisoners with them who were used as mine detectors. The witness did not know where these prisoners came from (pgs. 80, 102). They reached a spot where they saw "Ho Chi Minh slick" footprints in the sand. The prints were deep indicating that equipment was being carried by the people (pg. 80). They saw where the mortar had been set in the ground (pgs. 80, 81). Sergeant LIAS accompanied the first squad on this mission and began to beat one of the Vietnamese with his rifle butt (pgs. 82, 102). MICHENER stated that LIAS put a couple of bruises on the suspect and a bump on his back (pg. 82). He said that the Vietnamese had put his head down so that he could not be hit there and LIAS hit him across the back until he was restrained, possibly by Sergeant WYATT (pg. 82). Lieutenant WILLINGHAM may have been there but the witness could not clearly recall (pg. 82). They searched the area and saw that the tracks went into hootches which were deserted (pg. 83). They took the two prisoners back to the company's CP where there was a group of seven or eight prisoners (pg. 83). The first platoon went back to a certain area where the Vietnamese were to show them a tunnel entrance. MICHLES accompanied them (pg. 83). The witness stated that as they went one prisoner escaped (pg. 83). They then tried to find him, but could not. He then went to another area where he saw that the prisoners were sent back one by one, being told that they would be killed, and the people in the rear would fire a shot into the air (pg. 83). One of the prisoners yelled out and the witness felt that this indicated to the others what was going on (pg. 83).

(2) Torture of prisoners.

During the afternoon the witness went down to visit some friends in another platoon and he observed a Vietnamese interpreter along with some U.S. Army interpreters questioning suspects (pg. 83). He felt the American was an E-6 but he did not recognize him. They were torturing one suspect by hooking wires from a field telephone to various parts of his body, and then cranking it. He stated that the witness would scream when this would happen (pg. 84). A Vietnamese interpreter took one of the prisoners, knocked him down, started to kick him in the small of the back, and the man "shit all over himself" (pgs. 84, 102). The witness felt that these VC suspects had come from the group of people they had gathered up the day before (pg. 84). After seeing this, the witness went back to his platoon's position

for the rest of the day until they were extracted later in the afternoon (pgs. 85, 102). He did not know what happened to the rest of the prisoners (pg. 103). The witness stated they were extracted at approximately 1500 hours and went back to either Uptight or Dottie (pg. 86).

5. INVESTIGATIONS CONCERNING THE ASSAULT.

The witness was not questioned upon his return regarding the mistreatment of civilians or any atrocities (pg. 86). He thought that he recalled someone else saying that there was someone around asking questions (pg. 86). He felt that word of burning the hootches had returned to the unit because while they were on the operation they were told by Captain MICHLES to stop burning hootches (pgs. 86, 87). The witness stated he did not make any statement and did not recall MICHLES indicating that an investigation was under way and that they should not speak of it. The rumor that was circulating through the company seemed to indicate that the investigation was connected with the fact that they had suddenly stopped burning hootches (pg. 88).

6. OTHER INFORMATION.

a. The witness stated that everyone in the unit thought about what they had done and what everyone else had done. He thought most of the people were a little ashamed of themselves and he stated that he was ashamed for even being part of the group (pg. 74).

b. The witness did not take any photographs on the operation because his camera had been lost. He stated that a great many people carried cameras and he thought that someone had taken pictures (pg. 94). He could not definitely name anyone that did but said that "90% of the men" had cameras (pg. 107).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-2	MACV card "Nine Rules"	Wit was issued a copy in Vietnam.	4,5
M-3	MACV card "The Enemy in Your Hands"	Wit was issued a copy.	5
M-14	Task Force Barker log, 16 Mar 68	Wit told about 12 VC being killed. He did not recall.	25
M-25	Roster, B/4/3	Shown to witness to refresh his memory on SGT MASHBURN's name.	29
P-18	Miscellaneous Scene	Wit did not recognize but stated it looked like a graveyard.	91
P-20	Miscellaneous Scene	Wit identified SP4 LINKOUS.	92
P-21	Miscellaneous Scene	Wit identified as one of the interpreters.	92,103
P-22	Miscellaneous Scene	Wit identified as an old Vietnamese.	92
P-23	Miscellaneous Scene	Wit identified as MICHLES and MERCH to his right.	92
P-62	Miscellaneous Scene	Wit identified CARDINES.	93
P-147	Miscellaneous Scene	Wit identified as a Vietnamese who stayed with him prior to the operation.	104
P-168	Aerial photo, Son My village	Used to orient the witness.	19

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-185	Strip photo of coastal area	Wit remembered seeing the demolished bridge and fish traps.	39
P-186	P-1 as annotated by the witness.	The witness marked the following:	
		1-The landing zone.	24
		2-Area searched by first platoon.	28
		3-The movement from the bridge to the laager site.	39
		4-Location of 15-20 Vietnamese on beach	43
		5-Location of the night laager position.	46
		6-Location of TAYLOR being wounded.	50
		7-Location of two gunships making a firing pass.	52
		8-Route of march moving south.	56
		9-Location of the night laager on 17 March.	61
		10-Movement north on 18 March.	77
		11-Location of the night laager on 18 March.	84

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SUMMARY OF RECALL TESTIMONY

WITNESS: MICHENER, Morris G.

DATE OF TESTIMONY: 6 March 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Rifleman, First Platoon, B/4/3.

1. IDENTIFICATION OF VIETNAMESE SOLDIERS FROM PHOTOGRAPHS.

The witness was shown Exhibits P-232, P-235 and P-236. He identified Exhibit P-235 as someone who looked familiar, but could not recall where he had seen the subject (pg.108). This was a photograph of Sergeant MINH (pg. 109).

2. HIS RECOLLECTION OF ACTIVITIES ON 18 MARCH.

a. Civilian casualties on 18 March.

The witness was questioned on a statement that he made in previous testimony indicating that while at the bridge he heard that several people while running out of hootches were killed by machinegun fire and automatic weapons fire (pg. 109). He stated he could not see this happen although it was 100 meters away, because of the trees (pg. 109). He described the event as occurring near the point where the trail turned to the right as it went south (pg. 110). From where he was standing, he could see five or six hootches in the northern part of the village but he could not recall seeing the rest of it (pg. 110). He stated that someone standing on the west end of the bridge would be able to see the hootches through the trees but would not have a clear view (pg. 111). He said the vegetation was not dense as it grew along the riverbank but there was a

(MICHENER)

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clump of small palm trees which blocked the view from the east end of the bridge (pg. 111). The trail went into the village from the north near the bridge, went east over toward the middle of the island, and then zigzagged to the south. The platoon CP was set up where the trail curved south (pg. 112). He recalled that Sergeant LIAS called him up to the CP and from there he had a good view of the village (pg. 112). He recalled the ridge that rose in the area towards the beach but could not remember whether there were any bunkers on that ridge (pgs. 113, 114). Although he heard the figure of 85 being killed, he could not remember who told him nor did he remember when he was told (pg. 114). Because he never saw any bodies, he presumed the people were in the bunkers (pg. 114). When he moved south, he went along the right edge of the village, although one squad did go through the center (pg. 115). He stated that he went by the river near the northwestern corner of the village (pg. 115). He did not see any civilians moving before the firing or after it was over (pg. 116).

b. Sounds of firing.

The witness stated that he and WILLIAMS were at the bridge with M-16's (pg. 113). He stated that when he was called back to the CP, he saw a machinegun which was facing north for security (pg. 112). He stated that he thought that this belonged to MILUS and that MADISON's gun was firing to the south, but he was not sure of the location of either gun (pg. 113). He could not recall if he could identify a machinegun as being the one that he heard firing (pg. 113). He stated the guns were firing to the south where the trail went down the peninsula (pg. 110). After they heard the firing in the village, he and WILLIAMS began target practice at ducks on the river (pg. 121). They fired four or five rounds apiece, and Sergeant RUSHIN came over and asked what they were shooting at and made them stop (pg. 121). The witness could not recall whether there was intermittent fire after the "mad minute" (pg. 122). He agreed to a description that there was "a big volume of small arms fire" followed by explosions and demolitions (pg. 123).

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c. Location of platoon personnel.

The witness did not recall if Specialist LINKOUS was the squad leader of the other squad that day (pg.117). He did not recall seeing Larry HOLMES during the day but saw him later in the evening (pg. 118). He did not recall whether he saw Jimmy JENKINS that day (pg. 119). He saw Lieutenant WILLINGHAM at the platoon CP once or twice during the period from 0900 to 1100 hours (pg. 119). He stated that WILLINGHAM was moving around and was in and out of the CP constantly (pg. 120). He did not recall whether he saw FERNANDEZ or not, but felt he probably did, as FERNANDEZ was WILLINGHAM's RTO (pg. 120). He stated he saw Sergeant RUSHIN when RUSHIN came over to him and WILLIAMS at the bridge (pg. 120). The witness felt that he probably saw everyone in the platoon at one time or another during the day or even during that period of time right after the fire, because they just kept running back and forth (pg. 119).



(The hearing was reconvened at 0958 hours,  
22 January 1970.)

COL WILSON: The hearing will come to order.

RCDR: The following named persons are present: MR  
WALSH, COL WILSON, LTC NOLL, and MAJ THOMAS.

The first witness will be Mr. Morris Gene  
MICHENER.

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

Please state your full name, occupation, and  
residence.

A. My name is Morris Gene MICHENER. I am a sales  
clerk for Montgomery Ward in Charleston, West Virginia. My  
address is 809 1/2 Woodward Drive, Charleston.

COL WILSON: Before we start, I'd like to cover a couple of  
matters. The Peers Inquiry was directed jointly by the  
Secretary of the Army and the Chief of Staff of the Army  
for the purpose of determining certain facts and making  
recommendations concerning the My Lai incident of 16 March  
1968.

In conducting this investigation, General PEERS  
determined it was necessary to have a complete insight into  
the overall ground and air operation in the Son My Village  
area during the period of 16 to 19 March 1968. He, there-  
fore, appointed this board, referred to as Interview Team  
C to question personnel of B/4/3 and prepare a complete  
description of the unit operations.

You may expect General PEERS or other members of  
the board to question you.

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

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

During this interview the board will follow a chronological sequence of questions. The first series of questions will be concerned with the training just prior to or after arrival in the Republic of Vietnam. And the second series will inquire into the briefings prior to the combat assault which was conducted on 16 March. And the third series will concern the operations of 16, 17, 18 and possibly 19 March. The final questions will concern any knowledge you have of prior investigations or inquiries which were made of this particular operation.

This interview team consists of three people. Mr. WALSH, on my right, who is a team civilian attorney and has volunteered his services to the Secretary of the Army to assist General PEERS, Lieutenant Colonel NOLL, on my left, is also a member of the board. We do not have any authority to make findings or recommend anything to the Secretary of the Army. This is strictly the responsibility of General PEERS. We merely assist him, and if there is any question in your mind, if any other member of the board walks in here and asks you question, if there is any question in your mind as to whether they have that authority or not, ask me and I'll tell you. But the three of us sitting here do have the authority to question you.

What was your assignment on 16 March 1968?

A. I was an infantry rifleman of the 1st Platoon of B Company.

COL WILSON: How long were you on this particular assignment?

A. I first joined the company when it was stationed in Hawaii, in April of 1967.

Q. Did you stay in that assignment until you left Vietnam?

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A. Yes, sir.

Q. You were with the unit the entire time?

A. Yes, sir. Except for one period of time when I was acting as prisoner escort to escort a prisoner to the Long Binh stockade.

Q. That was a U.S. prisoner, is that correct?

A. Yes, sir. That was TDY.

Q. Do you remember the approximate period?

A. Not right offhand, sir. I can't remember. I think it was in June, I believe.

Q. How long?

A. Eighteen days.

Q. Prior to leaving Hawaii, do you recall any specific training on how to handle PW's?

A. No, sir.

Q. How about noncombatants?

A. No, sir. We had general training on that, the general training that the Army gives on how to treat prisoners. That is not to torture them, just process them through as fast as we could.

Q. The Geneva Convention?

A. Yes, sir. We had training on that.

Q. When you had training on the Geneva Convention did you have to initial any document that you had taken that training?

A. Right offhand I can't remember. I don't think I did.

Q. How about when you got to Vietnam? Was there anything specific that you can recall on handling prisoners of war, noncombatants? Procedure?

A. We just had our general in-country training and then we had a review on the Geneva Convention.

Q. Did you have a review?

A. Yes, sir. It was just platoon-sized classes and they reviewed the training we had in Hawaii.

Q. Who gave you this? Was this somebody in your company or outside of the company?

A. Somebody from outside of the company, sir.

Q. Was it a classroom-type thing?

A. Yes, sir.

Q. Do you remember where it was?

A. No, sir. I can't.

Q. Was this right after you got there?

A. Yes, sir.

Q. Did you ever see any wallet-sized cards that were passed out? The MACV red insignia on it?

A. No, sir.

Q. You never saw anything like that? Do you remember getting any MACV document or cards in Hawaii before you departed?

A. (The witness gave no response.)

Q. I show you Exhibit M-2 which is entitled "Nine Rules." It is a facsimile of the wallet-sized card published by MACV. Have you ever seen that card?

A. Yes, sir.

Q. Did you have one of those cards?

A. Yes, sir. I did. I remember now they did give us one of these.

Q. Do you remember whether you got it in Vietnam?

A. I believe they passed these out at in-country training or whenever we left Hawaii. I remember having the card now.

Q. You think they passed them out after you got in your in-country training?

A. Yes.

Q. How about Exhibit M-3 entitled "The Enemy in Your Hands," have you ever seen that card?

A. Yes, sir. I have.

Q. Were you given one of those cards?

A. Yes, sir.

Q. Were these cards by any chance highlighted in the training or used as a training aid, or do you remember classes being built around this card, or were they just passed out?

A. We had one class on these cards. They had a large training aid and they explained it line-by-line. I think the class was the second day after we got into the country in our in-country training. They did pass these cards out then.

Q. Did you keep yours?

A. No, sir.

Q. You don't have it now?

A. No, sir.

Q. You notice this card has some Vietnamese-English translations on it?

A. Yes, sir.

Q. Were you told what to do in case you encountered problems with Vietnamese on combat operations?

A. They told us when we captured Vietnamese to process them through as fast as we can, just report them to our platoon leader. They said they would handle it from there.

Q. Suppose you are on a combat situation and Vietnamese start running, what are you supposed to do?

A. We would shout "dung lai" which means halt. We were told to say it three times and if they didn't stop we were to open fire. To fire over their heads first and then if they didn't stop to shoot to kill--to wound them.

Q. Tell them to stop?

A. Yell "dung lai" three times and if they didn't stop, to fire over their heads, and then if they didn't stop, to stop them.

Q. Was this training given to you down at the combat center when you came in?

A. Yes, sir.

Q. Was it ever repeated in the company as to procedure?

A. Not that I remember, no, sir.

Q. Was this training also given in Hawaii?

A. Yes, sir.

LTC NOLL: After the tour of duty, did you ever stop to reflect or decide whether the training you received in reference to handling prisoners, noncombatants was adequate, as far as you personally were concerned?

A. Yes, sir. As far as I was concerned, I knew what to do if I should ever capture anyone. It was clear in my mind what my duties were.

MR WALSH: Did you receive any training, either in Hawaii or after you got to Vietnam, on your responsibilities to report to anybody if you saw any mistreatment of civilians?

A. They told us. As far as that goes it was pretty lax. I did see some mistreating of civilians.

Q. Did you receive any training in Hawaii or Vietnam that instructed you and the other members of the company that, if you saw any soldier committing any atrocities, shooting, raping or mistreating any civilians, it was your duty to report that right away and make sure that the individuals were identified and any evidence was preserved?

A. Yes. It was brought up and told to us in one of these classes, how to handle the noncombatants and that if anything should happen that we were witnesses to we were supposed to report it to our squad leader and right up the chain of command from there.

Q. Where did you receive that training?

A. In Hawaii and Vietnam.

Q. Did you receive any card or written description in this respect or was this something that was given in classes normally?

A. This was given in classes normally and then we received the two MACV cards.

LTC NOLL: Did you ever receive any training regarding whether you were to obey an order that you considered not legal?

A. Not formally, no, sir. It was brought up in several discussions. This was outside the classroom. We were just having "B.S." sessions around the area and a couple of guys asked the platoon leader and he said that he would check on it. Whether he got back to the man who asked the question or not, I don't know. I never heard anything about it.

Q. This was really touched on in the classroom?

A. Not that I remember.

Q. Never a specific issue brought up?

A. No, sir, not to my knowledge.

COL WILSON: Was this question directed to the platoon leader during the time you were going through training or later on?

A. During the training. It was after we had left the classroom and back in the platoon area.

Q. Do you know why this was brought up?

A. No, sir.

Q. Do you know who asked the question?

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

Q. Your platoon leader at that time was who?

A. Lieutenant SPRAGGINS.

Q. I'd like you to think back now to the best of your ability and recall, describe in as much detail as possible, the briefing that you received, probably on the 15th of March. It could have been the morning of the 16th somewhere in that time period, as to what the operation, combat assault, on the sixteenth was going to be. How was it going to be conducted?

A. As well as I can remember, it was late in the evening the day before the assault was to take place on the 15th, as you said. My squad leader was Sergeant LIAS at that time. He gathered our squad together and told us the next day we would have a combat assault by helicopter to an area which I only know as Pinkville. I don't know the name of the village or anything in the area and we were supposed to go by helicopter. The landing zone had been picked out and he showed us on the map. After we departed from the helicopter we were to deploy and await further orders from the company commander. After we got deployed we were supposed to sweep the area and look for any VC or VC sympathizers.

Q. And this was the day of the 16th that this was to occur?

A. Yes, sir.

Q. Were there any instructions given as to what would happen on the 17th?

A. No, sir, not that I remember. They told us in the briefing that we would probably be out in the field 3 or 4 days and it would all be in this one area. We were just going to sweep the area and look for weapons, caches.

Q. Do you remember going into this area before?

A. I think we had one operation in that area before.

Q. Where did Sergeant LIAS give this briefing?

A. I can't remember the name of the LZ. It was close to the coast.

Q. Dottie or Uptight?

A. It was Dottie. I was never on Uptight. It had to be Dottie.

Q. Was that the one nearest the coast?

A. Yes, I'm pretty sure.

LTC NOLL: Do you recall what was there in the way of artillery?

A. Some 105's.

Q. How many?

A. Four, right on top of the hill.

COL WILSON: I think you may have your names mixed up. I think you may have been on Uptight. I'll show you a map later on. You say at any rate, you never were at the other one? You always stayed on one base?

A. I know I was on Dottie. I don't recall being on Uptight.

Q. You were at the one where the 105's were and the one nearest the coast?

A. Yes. We could see the coast from the LZ we were on.

Q. Were there any instructions given by your squad leader concerning the destruction of hootches and food stocks?

A. No, sir.

Q. Didn't say anything with this?

A. No, sir.

Q. Didn't say anything about burning the village?

A. No, sir.

Q. Destroying the food?

(The witness shakes his head in the negative.)

Say anything about the destruction of animals?

A. No, sir. As far as we knew, it was just to be a general sweep of the area. We were looking for VC and VC sympathizers and checking out tunnels if we found any.

Q. On the question of checking tunnels in your squad, was there a certain individual in your squad who did this all of the time or did it rotate?

A. Just whoever volunteered at the time to go down.

Q. There is no specific training for tunnel rats?

A. No, sir. Most of the time it was a Specialist CARDENAS, he was the smallest man and I went down a couple of times, as big as I am.

Q. Where is CARDENAS now? Do you know?

A. As far as I know he is in Hawaii, that is where he was from.

Q. Were there any special instructions given regarding the disposition of the inhabitants of these villages?

A. We were to gather them up and collect them all in one area. This was just general procedure. Every time we went into a village we would collect them in one area and then we would search the hootches.

Q. Was this stated, that you would use normal procedure or was this any deviation from the normal procedure?

A. No, sir.

Q. This operation was to be no different?

A. It was to be just a sweep-type operation.

Q. What was the enemy situation as it was pictured by your squad leader? What did you think was in that area?

A. We were told there was to be VC in the area and we were told to be especially careful of where we walked because it was heavily mined. There were supposed to be booby traps all over and it was supposed to be a well-known VC area. We were told to be careful of anything we picked up. To be on the trail and not to step off the side of the trail.

Q. Now, did you expect to meet an enemy troop unit in there, or just hit mines and booby traps or what did you expect? Where did you think most of the problems were going to come from? What type of enemy action?

A. We were told that there were VC in the area. There was not supposed to be a large force. We were told to watch out for snipers and mostly booby traps and mines, but VC were definitely supposed to be in the area.

Q. In your normal operational area over there, not out in the Pinkville complex, but up north, what was your biggest problem as far as enemy action was concerned?

A. Well, we didn't really see that much. We made our general sweeps and we never made contact that much.

Q. Where did you get most of your casualties?

A. In Pinkville?

Q. No, up in your normal area.

A. We hit a mine every now and then, but mostly we operated on tracks, on personnel carriers and then get off and sweep the area and we received some casualties from snipers, but we didn't have that much major contact.

Q. Did the squad leader tell you what the other platoons in the unit were going to do, or did you know just what your platoon was to do?

A. It was a company-sized operation and he told us what our platoon was going to be doing, and which platoon was going to be on our right and which platoon was going to be on our left. That's all we received in a briefing.

Q. From the company standpoint, what was your platoon doing in relation to the other platoons of the unit?

A. After the assault we got out of the helicopter and moved toward the coast.

Q. What did he tell you that your platoon would do in relation to the other platoons?

A. We were supposed to go to this little island. This waterway and we had to go over there and sweep that island and search the hootches and then we were to set up there and wait for further orders.

Q. Well, did he tell you then where the rest of the company was going to be?

A. The rest of the company stayed on the mainland, across the bridge. They set up over there.

Q. You were supposed to be by yourselves and operating alone?

A. Yes, sir.

Q. Were there any additional personnel attached to the platoon because you were operating alone?

A. No, sir, we were just by ourselves. I believe we had one interpreter with us, if I am not mistaken. At the beginning of the operations we had one interpreter with us.

Q. Was this a Vietnamese?

A. Yes, sir.

- Q. Do you think you have seen him before?
- A. Yes, he slept in my bunker with me.
- Q. Do you remember his name?
- A. No, sir. I don't.
- Q. How often was he with the platoon, or was it this one time?
- A. He was assigned to the company as an interpreter and this one time he was with us when we went over into the island.
- Q. He had worked with B Company before as an interpreter?
- A. Yes, sir. He had been with us about a week before the operations.
- Q. Was he ARVN?
- A. ARVN, yes, sir.
- Q. Do you remember his grade?
- A. No, sir. He didn't have any insignia on.
- Q. Did you call him sergeant or anything like this?
- A. I really didn't speak to him that much.
- Q. Did he speak very good English?
- A. No, sir, very broken English.
- Q. Did he wear a uniform?
- A. Yes, sir.
- Q. He had a weapon?
- A. Yes, sir.
- Q. Do you remember what kind of weapon he carried?

A. I think he had an M-16.

Q. You say he was with you about a week before this operation started?

A. Yes, sir.

Q. Was he with the company after the operation was over?

A. I don't remember, sir.

Q. Besides this one time that you are talking about when he slept in your bunker and when he was with the platoon, did you ever see him again?

A. I really don't remember, sir. To me they all looked alike. We have interpreters coming in all of the time.

Q. This was a man who was with the company not more than about a week and during those operations maybe 2 weeks, is that correct?

A. Yes, sir.

Q. And then you had at times other ARVN interpreters come into the unit?

A. Yes, sir.

Q. Did they stay for that period of time?

A. Sometimes we had them for a week and sometimes for 2 weeks. It just depended on the operations. Like I said, we had different interpreters every time we were over there.

Q. If you can remember anything about this interpreter as we go along, I would like to know whatever information you got.

A. All right, sir.

Q. What was the plan within the platoon for the disposition of the squad when you got out of the helicopter? What was your briefing for the movement of platoons to the bridge? Were you going in a column?

A. In a column.

Q. In a column of two?

A. Single file.

Q. What was the disposition of the numbered squads? What was the order of march?

A. All I can remember, sir, is that the first squad was the last in the order of march, because I was pulling rear security.

Q. Does your platoon normally have a point group or did the squad in the first element provide the point in all the cases?

A. We have a three man point squad or point fire team.

Q. And it was always the point regardless of the order of march?

A. Yes, sir.

Q. So, you were the last squad in the order of march in the platoon?

A. Yes, sir.

Q. You would either have the second or third squads up ahead of you?

A. Yes, sir.

Q. Do you recall if during that briefing if you had anybody from the mortar platoon or artillery with you which was going with your platoon the following day?

A. Yes, sir.

Q. Who did you have, do you know?

A. We had an FO with us from the mortar platoon and he was with us all of the time. I can't remember his name.

Q. We will show you a roster later and maybe you can pick it out.

A. All right, sir.

Q. Before we leave the briefing, do you recall anything unusual about the briefing? Did this operation appear to be any different from any other operations that you had been on? Was there anything in the briefing that indicated this was going to be a more critical operation where you may encounter more casualties, more resistance?

A. Not as far as resistance. Like I said earlier, they reminded us of the mines and the booby traps that we would most assuredly run into. They told us to be extra careful of that area.

Q. How many mine sweepers did your platoon have?

A. One.

Q. Did he normally go with point?

A. Yes, sir.

Q. Do you recall his name?

A. It was either Specialist HOOTON or Specialist TITTLE, Specialist TAYLOR, and to think of it, it was usually Specialist TAYLOR who usually carried it because that mine sweeper was kind of heavy and he is the one who normally carried it.

Q. TAYLOR, right?

A. Yes, sir.

Q. I suppose you said that HOOTON and TITTLE were in the point group?

A. Yes, sir.

MR WALSH: Mr. MICHENER, did you receive any briefing or instructions from anyone except Sergeant LIAS before the operation?

A. Not that I recall, no, sir.

Q. Who was your platoon leader?

A. The platoon leader at this time was Lieutenant SPRAGGINS, if I remember correctly, or was it--yes, it was.

Q. Do you remember a Lieutenant WILLINGHAM?

A. It was Lieutenant WILLINGHAM, because Lieutenant SPRAGGINS got wounded before that.

Q. Had Lieutenant WILLINGHAM just taken over the platoon right before this?

A. I believe it was his first operation with us.

Q. Did he give any kind of briefing to the platoon before you moved out?

A. He called us all together after our squad briefing and then he just reiterated on just what Sergeant LIAS told us.

Q. You don't recall if he had added to what Sergeant LIAS had already told you?

A. No, sir.

Q. Who was your platoon sergeant?

A. Sergeant LIAS at the time.

Q. Did he give any briefing, Sergeant LIAS?

A. I don't recall.

Q. Do you remember if the briefing included any instructions as to where in the line of march, where Lieutenant WILLINGHAM would be or Sergeant LIAS?

A. Well, generally, not in that briefing, but like I say, in our standard procedure Lieutenant WILLINGHAM and Sergeant LIAS was in the middle of the column. They would have one squad going first and the headquarters squad and then the other two squads behind.

Q. That was your customary way when you moved out on operations?

A. Yes, sir.

COL WILSON: I think it would be best if I describe to you what happened from the task force standpoint. It might help you remember things, but you keep this in mind, I am not trying to put any words in your mouth.

(Witness oriented to Exhibit MAP-4.)

COL WILSON: Did you load at Dottie or Uptight?

A. Uptight.

Q. Was the whole company there?

A. Yes, sir.

Q. Do you remember the direction your aircraft was facing when you landed?

A. When we landed? Yes, sir. We came over this way (indicating) and right in through here and landed in a cornfield.

Q. And the aircraft was facing?

A. This way (indicating).

Q. Facing north?

A. Yes, sir.

Q. Which door did you get out of?

20 110

A. The right-hand door.

Q. You jumped right out this side as you face the aircraft?

A. Yes, sir.

Q. As you past the aircraft?

A. Yes, sir.

Q. Were the doorgunners firing?

A. Yes, sir.

Q. They were firing?

A. Yes, sir.

Q. How long had they been firing?

A. Just after they came over the coastline and then they stopped firing just before the helicopter touched down.

(Witness oriented to Exhibit P-168.)

Q. Your aircraft was facing north?

A. We came in from over the sea and came in over the coast. We were facing over the coast and then we landed in the cornfield.

Q. You could have flown over this river (indicating), couldn't you?

A. Yes, sir.

Q. Out to the sea?

A. Yes, sir. I remember and we were looking down and crossing a river.

Q. Before you got to the sea?

A. Yes, sir.

- Q. How long had your doorgunners been firing?
- A. It was approximately, it wasn't more than a minute.
- Q. The final approach?
- A. Yes, sir, just final approach fire.
- Q. Both gunners firing, or one?
- A. Both. They were firing toward this direction, firing toward the front.
- Q. Do you remember the position of your aircraft in the vee?
- A. We were on the right-hand side.
- Q. You were on the right?
- A. Yes, sir. I may be mistaken about the other door-gunner firing. That would make him firing toward the middle of the vee, but I was sitting right beside the gunner on the right, because it burst my ear drums.
- Q. Now, can you recall where that was from this photograph? Where the landing zone was, and let's use this photograph (Exhibit P-168) with the map also.
- A. We came in on a cornfield and it was not too far away from this trail, because I remember we had to move 100 yards or so and on down the trail to the bridge.
- Q. Now, this map here (indicating Exhibit MAP-4) is 1,000 meters grid and you say you didn't move but a couple hundred yards?
- A. After we got out of the helicopter, we moved 200 yards at the most and followed the trail around to the bridge and then we crossed over onto the island there, I guess.
- Q. In relating this map, which is MAP-4, to the photograph, (P-168) and as Mr. WALSH pointed this Route 521 out to you, you got off the helicopter from where you pointed on the map, generally in this area (indicating). You see there is a graveyard indicated right here.

A. Yes.

Q. You find the same sort of texture here on this map. We are looking at an area right in here (indicating), and from where you pointed you landed very near this graveyard. Could have been some of these cultivated fields out here (indicating).

A. It was a cornfield, I do know that.

Q. You say you moved a couple hundred yards to the road?

A. Yes, sir.

MR WALSH: Can you fix in your recollection how far you traveled along the road to the bridge?

A. Lets see now....

Q. Remembering this is a thousand meters.

A. I don't recall flying over the graveyard. I remember we got off of that helicopter just after we came over the coast. I know after we got to the trail. It was a couple little houses right here on this trail somewhere. I remember the trail, just after we got on the trail we moved maybe not more than 100 yards. It was right here and there was a rice paddy and with a real low, marshy area.

Q. Do you remember seeing a pagoda?

A. It was a pagoda and not a house.

Q. The pagoda is right here (indicating)?

A. It was a great big pink building and it was pretty well demolished.

COL WILSON: Could you see the pagoda from the point you got on the trail?

A. No. We walked and then we got--

Q. (Interposing) So, you were further on over into this direction (indicating)?

A. Yes, sir.

Q. A long way or a few hundred yards?

A. It didn't seem like we moved very far at all, it couldn't have been more than 100 or 200 yards between us and the pagoda. We went on past the pagoda and that is where the trail made a turn to the right.

Q. You had to move along that road a couple hundred yards and then you had to move a couple hundred yards to the road?

A. Yes, sir.

Q. That would tend to put them in the upper left-hand corner of that clearing (indicating)?

A. Yes. I remember after we got off the helicopter we grouped up and they spread us all along this little trail. We set up there, I guess maybe a half an hour and we heard a couple of explosions.

Q. Now, when you left the aircraft, was anyone firing their weapon?

A. Not that I remember. Nobody in my platoon was firing. I take it back, we were firing, but we were not firing at anything, and it was just cover fire. We couldn't see anything. We were not receiving any fire.

Q. Were you with the first lift?

A. No, sir. I believe the 3d Platoon went before us. I was in the second or third lift.

Q. How do you know you were not firing in the direction of your own troops or did you know where they were?

A. They told us when we were waiting for our lift to come back, they said when you get off there was a little hedgerow to the right, run to that and fire out in front of you.

Q. How much ammunition did you use?

A. A magazine or two.

Q. When you got off of the helicopter, you took up a security position, a perimeter sort of thing?

A. Yes, sir, and then we moved out and joined the rest of the platoon.

Q. What period of time are we talking about?

A. Ten minutes.

Q. Then you started moving to the road?

A. Yes, sir.

Q. Do you know what the order of your platoon was in the company march column or were you with the company?

A. I don't believe we were in the company.

Q. You moved directly to the trail or road which is a couple hundred yards?

A. Yes, sir.

Q. And then you moved directly down that trail to the bridge?

A. Yes, sir, as far as I can remember.

Q. Do you remember passing a road that led off to the left with a gate in the front of it? It would have been on your left-hand side if you passed it.

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

Q. Don't try to remember anything that you can't.

You moved right on down the road. Anything happen as you moved down the road?

A. After we got on this trail we heard an explosion off to our left rear.

Q. Heard explosions?

A. Yes, sir.

Q. Did you see anything?

A. A big cloud of dust and smoke.

MR WALSH: Do you remember where you were and heard that?

A. It was before we got to the pagoda.

Q. You were about 300 meters from the bridge at that point. Did you stop when you heard these explosions?

A. We were already stopped.

Q. Were you moving slow down that road?

A. Real slow. We had stopped and they just told us to set down and watch out to our flanks. Watch out for snipers, for enemy activity and we were just setting there and all of a sudden, I heard the explosion back of my left rear.

COL WILSON: I want to go back just one minute. Do you recall as you approached the landing zone that the helicopter circled around the landing zone before it went in?

A. No, sir. It made a straight-in approach landing.

Q. Point 1 on the photo (P-168) is the landing zone. Your movement was slow down this road. Was this because of the mine sweeping operations, checking for booby traps?

A. Yes, sir. I was in the rear of the column. I was in the back pulling rear security and I don't know what they were doing in front.

Q. From the bridge which you crossed and from where you say you hit the road 521 it was a distance of about a quarter of a mile, maybe 400 or 500 meters. Do you recall how long it took you after you hit that trail? How long it took you to get to that bridge?

A. An hour or an hour and a half.

Q. To go down the trail?

A. Yes. We were moving real slow.

Q. What happened when you got down to the bridge?

A. Well, they sent the point squad across and they swept it on the end of the bridge and took the mine sweeper across the bridge and the platoon moved across the bridge.

Q. Do you recall any resistance at the bridge?

A. Not right then, no.

Q. You moved across the bridge?

A. Yes, sir.

Q. Anything happen then?

A. Not that I remember, no, sir.

LTC NOLL: How far apart were the two explosions, timewise?

A. Very close. The first one was it seems to me like it was just a couple of minutes. It may have been longer or shorter, I cannot remember how far.

COL WILSON: Exhibit M-14 which is the Task Force Barker log of the 16th of March, item number 24 at 0955 that morning, said that the company, B/4/3, killed 12 VC in the vicinity of 742787 with web equipment and that is the bridge, just on the east side of the bridge. Do you recall this action that morning?

A. No, sir, I don't.

Q. You say you were in the last squad?

A. Yes, sir. We were pulling rear security.

Q. When you moved across the bridge, do you recall any casualties in the area?

A. You mean in our platoon? Not until the next morning.

Q. You don't recall seeing any casualties that day, either Vietnamese or U.S.?

A. No, sir.

MR WALSH: Did you receive any fire before you crossed the bridge or after you got on the other side of the bridge, that is enemy fire.

(Witness makes no response.)

COL WILSON: Do you recall COCHRAN, WILBURN, CANTU?

A. Yes, sir.

Q. I want to know if any of these people were in your platoon?

A. No, sir, they were not.

Q. HITCHMAN, TRAVERSA, SHIFLEY, GUNTA?

A. No, sir, they were not in my platoon. I did know them, though.

Q. You didn't see any bodies or casualties at all the first day of the operation?

A. No, sir. I heard of them, but I didn't see them with my own eyes.

Q. You heard what?

A. Lieutenant COCHRAN, CANTU, GUNTA, WILBURN, all of the guys on the first explosion.

Q. I'm talking about your platoon?

A. No, sir.

Q. Your platoon didn't have any?

A. No, sir.

Q. What happened when you got on the other side of the bridge? Where did you go?

A. Just after I crossed the bridge we sat up right there and they started searching the hootches, and there wasn't anybody around that I can remember.

Q. Looking at the aerial photograph here (P-168) (indicating) you say you set up right on the other side of the bridge?

A. Yes, sir.

Q. What was the disposition of your squad?

A. My squad went about 50 meters or so and we started searching the area around in here (indicating). There were a few hootches on the right and a few on the left, and they were pretty run down and demolished, sort of.

Q. What do you think the area of your search was from the standpoint of what houses that you searched? Was that about 50 meters beyond the bridge?

A. Yes, sir. The platoons spread out through the whole area, and there was a little bridge and we searched this area right in here (indicating). I'd say it may have been 200-300 meters, but I never went any further than on the other side of the bridge myself.

Q. And you think that the platoon searched a hamlet of about how many meters?

A. Two-hundred to four-hundred.

Q. North and south of the vicinity of the bridge?

A. Yes, sir.

Q. 1st Platoon?

A. About 300-400 meters and we spent most of the day right in that area of the bridge.

Q. Point 2, 1st Platoon searched area 300-400 meters north of the bridge for the entire day.

Was this search conducted by squads or how was it done? Was it done by the platoon leader?

A. As far as I remember, they assigned each squad an area to search and my squad searched the area generally right around the bridge.

Q. Did you see Lieutenant WILLINGHAM assign these areas of responsibility?

A. I don't know, sir.

Q. What did your squad leader tell you?

A. He just told us to ditch our equipment and just spread out in this general area and just start searching.

Q. When you ditched your equipment, did anybody stay there with the equipment to secure it?

A. It was me and PFC WILLIAMS. It was right after we crossed the bridge, maybe 25 meters and we stayed there and watched it. We never went out of sight of the equipment and we searched the area right around that general area. Then a little later PFC WARNER came and joined us.

Q. Did people go off in pairs or did the squad stick together?

A. It was twos and threes. We never went alone. You never went anywhere alone.

Q. Was it possible for that squad to observe the operations of the other members of the platoon? Were you within distance so that you could react if anything came up?

A. Yes, we were never really that far apart.

Q. Were you close enough so you could hear any firing going on?

A. Oh, yes, definitely.

Q. You were paired with WILLIAMS?

A. Yes, sir.

Q. What were the other members of your squad? What squad were they in?

A. The machinegun crew went together.

Q. Who was that?

A. That was MADISON and WARNER, I can't remember who the other one was.

Q. I show you Exhibit M-24, B Company roster. You stated that you had made an error in the platoon sergeant. Who was the platoon sergeant at that time?

A. Sergeant MASHBURN, he had joined us just before the operation. Sergeant LIAS was our platoon sergeant before Sergeant MASHBURN joined us.

Q. Who was the third man in the machinegun crew?

A. STRACHAN.

Q. That is one of the groups that searched, is that right?

A. The machinegun crew did not do so much searching. They searched the immediate area within 50 meters, well, not that much, they had both machineguns set up.

Q. What about another group, do you have another pair?

A. Yes, sir. It was FERNANDEZ and GARCIA generally stuck together. They both spoke Spanish and they really went at it. You mean these just from the first squad or my squad?

Q. What do you mean they both spoke Spanish and really went at it?

A. They would just speak Spanish to each other. They were really good friends.

Q. That takes care of your squad?

A. No, sir, I have some more here. Sergeant LIAS, the squad leader and a Specialist LITTLE stayed together.

MR WALSH: Who was the second name?

A. LITTLE. They usually assigned him to go with the point team. There were three specialists: HOOTON, TITTLE, and Specialist TAYLOR, and generally they would have just the three men. They would have TITTLE with them, and generally there was HOOTON and TITTLE went together and then TITTLE and TAYLOR, and on this day I was with PFC WILLIAMS. PFC JONES usually went with one of the other squads. JONES and Terry REID usually went together.

Q. Who was that again?

A. JONES and REID, excuse me.

Q. Tell me where you stopped on your squad, with LIAS and TITTLE or NEEDLE and TAYLOR?

A. NEEDLE and TAYLOR were in my squad.

Q. HOOTON and TITTLE?

A. HOOTON and TITTLE were in my squad. They were in my squad, but they were point men.

Q. They were assigned to your squad?

A. Yes, sir.

Q. You and WILLIAMS?

A. Yes.

Q. You had 14 people.

A. At this time we only had the two squads and the weapons squad. We had the first squad, second squad, and the weapons.

Q. You had a weapons machinegun crew with you?

A. Yes, sir. We had two machineguns, one with the first squad and one with the second squad.

Q. JONES and REID were in another squad?

A. Yes, they were in another squad.

MR WALSH: How about FERNANDEZ and GARCIA?

A. FERNANDEZ and GARCIA were in the first squad. Homer HALL and HOLMES were in the second squad, and were usually paired together. Walter JONES and Rodney LINKOUS were usually paired together in the second squad.

COL WILSON: Who?

A. JONES and LINKOUS. MILUS was one of the machinegunners. REID and JONES were on the machinegun with MILUS, the three of those were usually together.

Q. REID and JONES and MILUS were together?

A. Yes, sir, on the machinegun.

MR WALSH: They were all three in the second squad?

A. Yes, sir. Technically, they were in the weapons squad. We had an odd man here, and his name was STEINBRECHER, and I can't remember whether he was on the gun or not. I think he may have been an ammo bearer or one of the machinegunners.

Q. Who would he have been with, machinegunner?

A. That's right.

Q. These different groups or teams that were

broken out here that you mentioned, can you say definitely that any of them were together that day?

A. Normally, that was SOP, but I cannot say definitely they were in those groups or paired that day, that specific day.

Q. You remember you and WILLIAMS were together guarding the equipment?

A. Yes, sir, that day and the next day also.

COL WILSON: Did you and WILLIAMS do some searching?

A. Yes, sir, very little right around the end of the bridge and the general area, not more than 40 or 50 meters away from the end of the bridge.

Q. What did you find, anything?

A. Nothing, sir.

Q. What were you looking for?

A. Booby traps, mines, tunnel entrances.

MR WALSH: Were there any hootches right around the end of the bridge?

A. There was about--on the right-hand side, I think.

Q. Going south?

A. Yes, sir. There was one near about 50 meters from the end of the bridge.

Q. Just one hootch?

A. There were others beyond that, but that was the first hootch.

Q. Was there anything on your left when you came across the bridge?

A. Not immediately as we came across the bridge, but on farther there were hootches on the left. There was a trail that went off to the left going north.

Q. Going north?

A. Yes, sir.

Q. A trail going south?

A. Yes, sir. The trail continued on through the village. It came in from the north right at the bridge and made a left and went up maybe 50 meters and then went on down south.

Q. Where it turned to go south, were there hootches there?

A. Yes, sir.

Q. A lot of them?

A. Yes, sir.

Q. Did you go up that far?

A. No, sir, I didn't.

Q. How about in all of the area you were in that day, did you see any inhabitants in any of these places?

A. No, sir.

Q. Did it look like they were lived in?

A. Yes, sir.

Q. They were not destroyed hootches, they were just hootches that people had left?

A. Yes, sir.

Q. Did you have an 81 millimeter mortar assigned to your platoon that day?

A. No, sir, not that I recall. I think they were back on the other side of the bridge.

Q. Do you remember them firing that day?

A. No, sir.

Q. Do you remember them coming across the bridge and going to the left to set up?

A. No, sir, I don't.

LTC NOLL: When your lead element crossed the bridge, do you recall whether they drew fire or not?

A. It seems to me like they did, but I'm not sure in my memory. It seems like they received sniper fire or something, one or two rounds.

MR WALSH: Do you remember how you crossed the bridge? Did you run across it?

A. No, sir, I didn't.

LTC NOLL: What do you estimate was the length of your platoon when it was in columns preparing to cross a bridge such as this?

A. I'd say we covered at least a normal distance between men, at least 100 yards, or we usually try to keep 10 or 15 meters between men.

Q. Would you have been in a position to know what was going on up front?

A. Not really, sir, because as I say, it was pretty heavily overgrown with brush, and the trail did make the turn, and I was behind the turn when the lead element crossed the bridge.

MR WALSH: If the lead element would have gotten pinned down by sniper fire, you'd be likely to know it, wouldn't you?

A. Yes, sir.

Q. But you don't have any clear recollection of anything happening that first day?

A. No, sir, nothing is clear in my mind.

Q. You didn't see any bodies of Vietnamese lying around anywhere?

A. No, sir.

Q. When you crossed the bridge, was the platoon sergeant or platoon leader there to give instructions to the squad to move into certain directions? Was the company together when you got across the bridge, and were instructions given as to which way to go? When you got across the bridge were they already moved out along the path?

A. As far as I can remember, sir, the rest of the company didn't come across the bridge that day.

Q. I'm talking about the platoon.

A. As well as I can remember, the platoon sergeant was there, and he did tell the second squad to go on through.

Q. Straight up to where the road curved to the right?

A. Yes, sir, and he told the first squad to set up on the left. If I remember, the second squad went straight through on over to the right to set up, and we went through, and the lead elements of my squad went through, and we set up on the left coming back. I was right by the bridge.

Q. Do you remember them sending any squad on through the village that you could see down the road, and where the road curved down on the right and on down south, and they were sent down to search those hootches and continue on that way?

A. Not that I remember, no, sir. We set up at first until they got the situation evaluated, and then we started searching the hootches.

COL WILSON: What period of time do you think was involved in searching this area that you described. You said this went on all day. Was it completed and the platoons and squads got back together, or did they mingle through these houses all day?

A. They searched the general area. I remember we had lunch right there by the bridge, we ate out noon meal right there. It must have been around 1030 or so, I guess, when we crossed the bridge. We were there at least an hour before we had our meals, and then we sat there for another good 2 or 3 hours while they were searching the area. And

then we regrouped, and the platoon grouped up, and we moved north and set up--we received orders from the company to set up an ambush north of the bridge.

Q. How far north of the bridge do you think this was?

A. About a half a mile. It seems it was a good ways.

Q. About 800 meters?

A. Possibly.

MR WALSH: Would it be a mile?

A. It doesn't seem like we moved that far. I don't know, sir.

COL WILSON: Let's look at the map here a minute. The bridge is right here, and you moved 800 meters.

A. I remember passing this bridge. It was demolished. We moved past that.

Q. That is about 1,200 meters. That's from one bridge to the other. It was closer to 1,400.

A. We moved past that bridge, and then that was when we saw--that's right, we saw some civilians over here. I saw people over on the beach, and we gathered them up, and they called in a helicopter, and an interpreter got off of the helicopter, and they questioned them.

Q. You're pointing to an area just south of My Lai (2), coordinate 743805, north of the bridge which was demolished.

A. Yes, sir. It was in the grid square.

MR WALSH: Was that at your night location?

A. Yes, sir. After we found this group of people, they flew in some chow to us. We ate, and then we set up out night defensive position there.

Q. As you describe, the platoons searched and then moved north, is that right?

A. Yes, sir.

Q. Did you move down by the beach?

A. No, sir. It was a trail that went right along in here (indicating), right along through here.

Q. Indicating along the My Khe river.

A. It was not a well defined trail, so to speak, it was more a path more or less. Until we rounded this little area here, we weren't more than 10 or 15 meters away from the water, and then we hit this trail here. It was a pretty well defined trail along here.

COL WILSON: Generally off to the west and moving north, and then you go right down, which is the My Khe river, is that right?

A. Yes, sir.

Q. You passed that bridge (indicating).

A. Yes, sir.

Q. And then you went on up farther north?

A. Yes, sir. Like I said, there was this village along in here, and we set up. Where we set up we could see the northern end of the village. There were a few hootches right across from us, and we saw lights on all night long, but it was right about in here where we set up.

MR WALSH: Were you near the ocean side?

A. Yes, sir. There were a bunch of sand dunes, and we set up right in the middle of them.

COL WILSON: That is pretty far north.

A. I remember this village. There was a village right across from us.

Q. You established the night defensive position right there?

A. Yes, sir.

Q. When you set up your ambush like that. You said you were up there to set up an ambush?

A. That's right.

Q. You really had a night defensive position set up for the platoon, is that right?

A. Yes, sir.

Q. What element of the platoon set up the ambush?

A. It was a platoon ambush, that is what it was to be.

Q. What was the direction of the approach you would assume if the enemy would move in if they would have come?

A. North. We were told to sit there and look for movement specifically from the north. It was supposed to be pretty well cleared so they should not have been able to come up from the south.

MR WALSH: There was an element left to guard the bridge?

A. It was from the company. We were told they were going to be on this side of the bridge, but the bridge would be guarded. But it was not guarded very well, if I might add.

COL WILSON: What time did you leave to move north, do you recall?

A. It was late in the afternoon, I'd say about 1500.

Q. Did you move as slowly up in that direction as you did moving across the bridge?

A. No, sir. We moved pretty fast.

Q. How long did it take you to get up there, do you recall?

A. No, sir. We moved pretty fast.

Q. How long did it take you to get up there, do you recall?

A. I'd say about an hour or an hour and a half. It was hard going because the sand on that trail was pretty deep, and I remember we did move fast, because I was bushed by the time we got there.

Q. I'm going to introduce this as an exhibit. This is an aerial photo, strip photo of the coastal area from the Tra Khuc river to the Diem Diem river.

RCDR: That is P-185, sir.

COL WILSON: Do you remember seeing the fish traps?

A. Yes, sir.

Q. Could you see those plainly out there?

A. Yes, we could. There is a demolished bridge (indicating).

Q. Enough of the bridge was left going across the water. It wasn't completely out?

A. One section of the span was out. You can see where the span is out right there in that dark spot. It was not used at all that I can remember.

Q. That's going to put you up there about 1600 or 1700 in the afternoon. This would have been just before dark. You would have had adequate time to prepare, and did anything occur that night that you can recall? Before you answer that, point 3 on the photo is the movement from the vicinity of the bridge to the night defensive position, which started at approximately 1500 hours and lasted from one to one and a half hours.

MR WALSH: Before we move to the events of the night, can we get a little more detail on the people picked up and the interrogations by the interpreters that came in?

COL WILSON: Sure.

MR WALSH: Try to give us exactly what happened when the platoon detained some Vietnamese.

A. As far as I can remember, we saw these people over on the beach.

Q. When you say the beach, are you referring to the ocean side?

A. Yes, sir.

Q. How many were there?

A. Fifteen or twenty, if I remember correctly. It was a pretty good size little group. Lieutenant WILLINGHAM called the company and told them that we had some people for interrogation. They evidently called battalion and anyway, in about 15 or 20 minutes they had a helicopter come in and landed on the ocean side, and the interpreter got off.

Q. I thought you said earlier, there was an interpreter along with your platoon on this operation. Remembering this event change your mind about that? Possibly, you're thinking about some other operation where an interpreter was along?

A. It must have been, because I do remember the interpreter did get off the helicopter.

Q. Was it more than one?

A. There was more than one person that got off of the helicopter, but only one was an interpreter. There was a Vietnamese interpreter, it may have been two.

Q. Was there an American officer with him?

A. Yes, sir. I believe it was a captain, if I am not mistaken.

Q. Would you recognize a photograph of them if you saw him?

A. Possibly.

Q. Do you remember anything about the way the captain was dressed?

A. Nothing that stands out in my memory, no, sir.

Q. Had you ever seen him before?

A. I can't remember.

Q. Are you sure it was a captain, or could it have been a lieutenant?

A. I'm not sure, sir.

Q. After the officer and interpreter got off of the helicopter, what happened then?

A. As far as my part goes, we set up our own little security around there, and I was back away from them. I don't know what was said or who was questioned. This lasted about 30 to 45 minutes, and then they let the people go. If I remember, I believe they did take a couple people with them, or they brought the helicopter back in, and they took two or three, it's not clear in my mind, though. I can't remember it clearly.

Q. Your best recollection of the time this was, was between the time you set up for the night and darkness?

A. We got these people before we set up for the night. This is on our way to our night defensive position.

Q. Did you have to take them along with you a long way, before you got to your night defensive position?

A. No, sir, we didn't take them with us.

Q. You got them right about the point where you were going to set up for the night defense?

A. Yes, sir, and after they were questioned we moved on up north away in order to throw them off in case anyone was watching us and then moved back.

Q. After dark?

A. After dark, yes, sir.

LTC NOLL: Where did these people materialize from?

A. They just come from the beach. They were just there on the beach.

Q. No sampan or anything around?

A. I don't think there was.

Q. No swiftboats?

A. No, sir. I can't remember. Although there was a ridge of sand between us and the ocean, and it was the lead elements of our platoon that saw these people.

COL WILSON: Do you remember the location? Could you point out the location on the photograph where this occurred?

A. I can't remember whether it was before the bridge or after the bridge. I know this is all clear beach up here on the ocean side, but there was a lot of sand dunes there, and there were not too many trees around. There were a few trees in the area, but it was relatively clear. So, from this photograph, I'd say where we got the people was about right here (indicating).

Q. You are talking about south of the bridge?

A. If I am not mistaken, sir.

Q. They were on the beach?

A. They were on the beach. When I saw them they were on the beach. Now, where they came from, I don't know, because I was in the back of the platoon, and by the time I got there they were all on the beach and gathered up in a group.

Q. How many?

A. Right offhand, I'd have to say at least 15, I can't remember exactly.

MR WALSH: Do you remember if they were all men, or were there women and children?

A. There were a couple of young boys that I do remember.

Q. Were there any women?

A. I can't remember, sir. The reason these boys stuck in my mind is because they were better dressed than the normal run of people in Vietnam. They were pretty well dressed.

COL WILSON: The interpreter who came in the helicopter, was he ARVN? Did he have on a uniform?

A. Yes, sir.

Q. Did you say any of these people were evacuated?

A. It seems to me like there was one or two of them were.

Q. Were they the young fellows, the young men?

A. No, sir. I don't believe it was.

Q. Any of them casualties or hurt?

A. No, sir. I don't think so.

Q. You just left those people there?

A. Yes, sir. After they questioned them, they just let them go.

Q. And moved on the night defensive position and then back?

A. Yes, sir.

Q. Did anything else happen before you got to the night defensive position?

A. We burned some hootches.

Q. Point number 4, location where 15 to 20 Vietnamese were found on the beach, as described by the witness.

Where did you burn the hootches?

A. We burned several all the way along there (indicating). I'd say six or seven of them were burned.

It looked to me as if they had been abandoned. There weren't any utensils or anything in the hootches.

Q. You said initially at the briefing that you were not told to do this. Were you told to do this after you got out there or what? Or who did this, and what was the reason for it?

A. As we were going up the trail, the word came back along to burn the hootches. It was passed back down the column. I don't know who gave the order.

Q. Did you say you burned some of the hootches or all of the hootches?

A. We burned some. I don't think all of them were burned.

MR WALSH: Were those the first hootches that you had seen burned that day?

A. Yes, sir. As well as I can remember, those were the first ones.

COL WILSON: Did you burn any around the bridge, the first bridge that you crossed while the search was going on?

A. I can't remember whether we did that day or the next. I don't know whether it was the 16th or 17th.

LTC NOLL: Back searching near the bridge earlier in the day, do you recall if anyone found a booby trap?

A. I think Specialist TAYLOR did.

Q. Do you remember any description of the booby trap?

A. I didn't see it. I just heard about it.

Q. What did you hear?

A. The word came over to us while we were setting over there by the bridge that somebody had found a booby trap.

Q. In a hootch?

A. I can't remember, sir. The word eventually got to us that someone had found a booby trap, and I believe it was Specialist TAYLOR who had found it.

Q. Do you recall what kind of a booby trap it was?

A. No, sir.

Q. What was your location with respect to Lieutenant WILLINGHAM's CP, in other words, how far away were you from the radio?

A. About 50 to 75 meters. I could see him from where I was.

Q. Most of the time?

A. Most of the time, yes, sir.

COL WILSON: There was nothing, then, that happened in the march and when you got to the night defensive position, is that correct?

A. Not that I can remember.

(The hearing recessed at 1215 hours, 22 January 1970.)

(The hearing reconvened at 1305 hours, 22 January 1970.)

COL WILSON: The hearing will come to order.

RCDR: The following persons are present: COL WILSON, MR WALSH, COL MILLER, LTC NOLL, and MAJ THOMAS.

COL WILSON: Mr. MICHENER, I remind you that you are still under oath.

A. Yes, sir.

Q. We have just covered your recollection of 16

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March up to the point of movement into the night defensive positions, which we have indicated on the photo and marked as Point 5.

Now, would you describe from the time that you arrived there anything unusual that occurred in your night defensive positions?

A. I don't really remember too well what happened that night. One thing that sticks out in my memory is that we kept seeing lights across this river over in this village over here.

Q. You are referring to your west?

A. Yes, sir. That's all that really sticks out in my memory, sir. It seems like we heard firing across the river also.

Q. To your west?

A. Yes, sir, but it's not clear. I can't remember whether it happened or not.

Q. When you moved into this position, did you dig in?

A. Yes, sir. We did.

Q. Would you describe it as sandy terrain?

A. Yes, sir.

Q. Was it tough to dig into that?

A. No, sir. It was loose on top, and once you got down about a foot it was kind of damp, so it would hold real well.

Q. What area of the perimeter or of the defensive position was your squad in?

A. We were on the western perimeter of our position.

Q. Were you observing over to the west, across the river?

A. Yes, sir.

Q. Did you sleep much that night, or were you on shift? How did you keep your security?

A. On shift, sir.

Q. What periods were you awake?

A. We had the guard on 2-hour shifts. I can't remember what shifts I took. I remember I think I had from 2200 to 2400 at night, and my next one was 0400 to 0600, if I'm not mistaken.

Q. You had two 2-hour shifts that night?

A. Yes, sir.

Q. Nothing occurred while you were on shift except this firing that you think you remember, and some lights?

A. All I can remember seeing is the lights I saw. I was on my first shift around midnight, and I reported to the platoon CP. They told me to keep my eyes on it, and at midnight I woke up my relief and went to sleep. They didn't put the whole platoon on relief or anything. They didn't think it was necessary.

Q. What proportion of the platoon was awake during the night?

A. At any one given time I would say about half of it.

Q. Was half of your squad awake?

A. Yes, sir. That was SOP. We had half the squad awake at any one time.

Q. Do you remember what time you ate that evening?

A. About 1800, if I remember.

Q. Did you do any more searching after you hit your night defensive position?

A. No, sir.

Q. What time did you say that you got up the next morning? You said you were awake from 0400 to 0600?

A. I was awake when it was daylight. I stayed up.

Q. Did you wake up the rest of the squad, or did everybody get up?

A. Everybody got up.

Q. What happened after that?

A. We ate breakfast, and then we moved down towards the bridge. We got in a column and moved kind of slow. It took us maybe an hour or so. Maybe it was more than that. We moved back towards the bridge. It was the same order of march as the day before. The first squad was last, and I was bringing up the rear, and just about the time that I would say that the first of the column got to the bridge, I heard an explosion. It was passed back along the column that a Specialist TAYLOR had stepped on a mine right at the end of a bridge--the very end of the bridge.

Q. Do you recall what time you departed your defensive position?

A. I can give you an approximation. It was about 0800, I'd say.

Q. As you approached the bridge you said you heard an explosion?

A. Yes, sir.

Q. How far were you from the bridge then?

A. I was about 100 to 150 meters.

Q. This was about 0900? I think you said it took about an hour?

- A. A little after 0900.
- Q. What was the result? What caused that explosion?
- A. Specialist TAYLOR stepping on a mine.
- Q. Was this at the bridge?
- A. At the very end of the bridge.
- Q. And Specialist TAYLOR was at the lead element of the platoons?
- A. Yes.
- Q. Sergeant CARTER wasn't on point, was he?
- A. Yes.
- Q. Did you see Specialist TAYLOR?
- A. No, sir. I didn't.
- Q. Did you see a helicopter come in and evacuate him?
- A. Evacuate him?
- Q. Yes?
- A. Yes, sir.
- Q. Did you notice anything about the helicopter? Were there any markings on it?
- A. It was a medevac chopper.
- Q. It did have the red cross on it?
- A. Yes.
- Q. From the time that you heard the explosions and the chopper came in, do you know how long it was?
- A. Over half an hour. It was a long time. We were getting worried about where the chopper was. We were afraid he was going to bleed to death.

COL MILLER: Point 6 is the location depicting the wounding of TAYLOR.

Where did the chopper land, do you know?

A. No, sir. I didn't. I saw it come over, but I didn't see it land. There were a lot of trees and palm trees and brush between me and where it landed. I didn't see exactly where it landed.

Q. What happened after TAYLOR was evacuated?

A. They called in the gunships, and they came in-- I don't know where they came in from, but on the approach it was right about here where I was sitting.

Q. You are pointing to the west side?

A. Right. Right by the water here. It was about 100 to 150 meters from the bridge. The helicopters came in from the north.

Q. They came in over My Lai (1)?

A. Right, and sprayed the whole area. They made three passes that I can remember for sure and possibly more, and then they left.

MR WALSH: How many helicopters?

A. Two, I believe.

Q. Two gunships?

A. Yes, I believe.

COL WILSON: These gunships made two runs?

A. More than two. I think it was three at least.

Q. They were all firing passes?

A. Yes, sir.

Q. This would have been in the area southeast or east of the bridge?

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- A. I'd say southeast.
- Q. Were the passes more along the coast, or were they inland a little bit?
- A. They were directly over--
- Q. (Interposing) Right down the middle?
- A. Yes, sir.
- Q. The helicopters approached from the northwest to the southeast, and that was the direction of their firing pass?
- A. Right, sir. On the first pass they came right on top of us, and they opened up back in here, and they were high and shooting over us. One of the gunners must not have controlled his guns, because PFC WILLIAMS was right in front of me and sitting against a tree with his legs spread, and a tracer round hit right between his legs.
- Q. Were these miniguns?
- A. On the first pass there were doorgunners.
- Q. Do you recall any rockets fired?
- A. No, sir.
- MR WALSH: Where exactly were you sitting with reference to the bridge?
- A. I'd say 100 meters north of the bridge back on the trail I was telling you about. It went pretty straight, and then it curved around to the right, and I was sitting right in there facing back the other way.
- Q. Do you remember if the choppers came right over head on their gun run?
- A. They didn't come right over me, but they went across in a diagonal line.
- Q. If TAYLOR stepped on a mine about 0800--

A. (Interposing) It was later than that.

Q. You had to wait a half an hour for the medevac? Approximately what time would you put the gunruns by the choppers?

A. I'd say around 0945 to 1000. It was around 0900 or after, before we got back to the bridge and Taylor stepped on the mine.

Q. I realize that this was 2 years ago. We do have some indication that it was about 0810 when he stepped on a mine, and using that as a reference point, and that could be off one way or the other, but using that as a reference point, I think you said it was at least a half hour before the medevac came to get him.

A. Right, and the gunships came about 10 or 15 minutes after the medevac.

Q. So it would have been around 0900?

A. Yes.

COL WILSON: Point 7 is, "Two gunships made three firing passes over the area." The approximate time of the pass was approximately 15 to 20 minutes after the evacuation of TAYLOR?

A. As well as I can remember.

LTC NOLL: Did you draw any sniper fire sometime after 1000?

A. I don't remember, sir. I was so shook over him. He was a very good friend of mine, and after hearing about him getting wounded, the events for the next hour or so are sort of dim, and I wasn't--I was in sort of a daze.

MR WALSH: You don't have any idea why they called in those gunships, do you?

A. As far as I know, it was to clear the area. Evidently, they thought that someone had come in during the night and set up the mine, because it wasn't there the day before, and they thought they might still be in the area.

Q. Was everyone pretty upset over TAYLOR?

A. Yes. He was a pretty well-liked man.

COL WILSON: The log entry for the 11th Brigade says the entry of 0831--the entry of 0831 shows the injury of the booby trap tripped at 0810. The log indicates that it was completed about 0830, or 20 minutes later, so we are talking about somewhere about 0830. Now, about 15 or 20 minutes later, 2 gunships came in, and we are talking about approaching 0900, 0845 to 0850. Could you identify anything on those gunships? Their insignia or anything?

A. No, sir. I didn't look at them that close. You see gunships every day, and you get used to them.

Q. After they made their run, then what happened?

A. After they made their run the rest of the company moved across the bridge, and we received orders to move out south of the bridge down a little peninsula and out on a search and destroy.

Q. Did this order seem to be any change from your previous operation?

A. Yes, sir. We hadn't been ordered before to destroy. This was an order to search the hootches and burn them; search and destroy.

Q. When did you receive this order with relation to the evacuation of TAYLOR?

A. It was afterwards, I believe.

Q. In other words, after you moved out you received this order?

A. Right.

Q. And the order was to move south on a search and destroy operation?

A. Yes.

Q. All right, you started south, and what is the first thing that happened after that?

A. I remember hearing the lead elements firing on something. I don't know what it was.

MR WALSH: What was your formation as the company moved out? Do you recall?

A. It was either the 2d or the 3d Platoon that went all the way over on the beach of the ocean side and moving south along the beach. If I recall correctly, one platoon moved generally on the edge of the beach, and then the 1st Platoon moved down the middle.

COL MILLER: The order of march was the 1st Platoon on the right, and then there was one platoon on the left? Were they approaching in platoons abreast, or were they in column?

A. Column, sir.

Q. Was your platoon on a path?

A. Yes, sir.

MR WALSH: Which squad was in the lead?

A. The first squad, because I had the mine detector, and I was right up in front this time.

Q. Do you recall where the mortar people set up?

A. To the east of the bridge.

COL WILSON: Did anything occur while you were moving south?

A. Well, we picked up some prisoners--

MR WALSH: (Interposing) Just a moment, now. Earlier you said that from the lead elements you could hear firing, and when you thought about it some more, you said that you were in the lead with the mine detector.

A. This was after the firing. You see, I heard the firing. I guess there was quite a bit of it. They were spraying the whole general area, and then the company moved across--

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Q. (Interposing) I see. The lead elements of your platoon were spraying the whole general area, and after the gunrun and before the rest of the company came across to join?

A. Yes, sir.

Q. This is when you were still in the rear?

A. Yes, sir.

Q. Pick it up from there if you would, and describe your movements?

A. After I heard the firing, I received orders myself to come up and get the mine detector that TAYLOR had been carrying, and so I moved up to the front then. Apparently while I was back in the rear, they had captured a couple of Vietnamese people. I don't know whether they were VC or if they were civilians. We received orders then to move south.

Q. Did you see the Vietnamese people they had captured?

A. Yes, sir.

Q. Were they women or men?

A. Men, sir.

Q. Did they have uniforms or web gear?

A. No, sir.

Q. Were they young or old?

A. One of them was in his twenties, I would say, and the other one was fairly old.

Q. What happened to them?

A. They were made to walk in front of us as human mine detectors. I received orders to move them out down the trail and keep about 30 to 40 feet behind them.

Q. You moved them down the trail?

A. Yes, sir.

Q. Tell us everything you saw and heard.

COL WILSON: Let me get the point where you picked these people up here on the map.

A. I first saw them here (pointing) in the general area of the bridge. I came up from the rear here and picked up the mine detector and moved on down south 50 or 75 meters where the platoon CP, with Lieutenant WILLINGHAM, was with the CO. Lieutenant WILLINGHAM said for me to move out south along this trail. I was with my squad leader at the time. The trail was relatively close to the river. Actually, it was more of a marsh than a river. They told me to move out and let these two Vietnamese people walk ahead of me so that if anybody hit a mine, they would hit it first.

Q. Would you consider them as VC suspects?

A. Yes, sir.

MR WALSH: Were they picked up by the company coming across the bridge, or were they picked up by your platoon?

A. I think they were picked up by the company as they came across the bridge.

COL WILSON: Point 8 shows the route of march moving south with the 1st Platoon on the west side and one platoon on the east or beach. The first squad was leading, and the 1st Platoon used two VC suspects to lead the column. What was your question now?

MR WALSH: For him to describe everything that he saw and heard as he moved out with the two Vietnamese in front of him?

A. After I came up to the area where Lieutenant WILLINGHAM was and got the order to move out following the two VC suspects, I moved south at a fairly slow pace. I would walk and listen and then stop for a while. We searched the surrounding area as we went, and as each hootch was searched it was destroyed and burned. This was the general plan as far as we could go south in that direction. We burned all the way down.

COL WILSON: As I understand it, each village you hit, you burned?

A. Yes, sir. We gathered up the people as we went through and kept them in one area and burned the villages as we went through.

MR WALSH: I take it as you first went through and moved out, there were no villages, there were just scattered hootches?

A. Yes.

Q. About how far did you go before you ran into the first big enough collection of hootches to call it a village or a hamlet?

A. A pretty good distance.

Q. From the bridge, would you say it was 500 or 600 yards?

A. Probably more than that.

Q. Now, about how long did it take you to get down to that distance of 700 to 1,000 yards or whatever it was from the bridge to the village?

A. I'd say about an hour and a half or 2 hours. I remember when we got to the first village everyone was real low on water. It was real hot, and we all were drinking water fast, so we filled up our canteens there.

Q. Did you take a break there?

A. They didn't have a well. They had the water in jars, and we filled up our canteens and dumped the water jars out and broke them. We burned the hootches after we searched them, and then we continued on south.

Q. Up to this point had you received fire from any direction?

A. I had not, sir.

Q. Had your platoon been firing a lot into these hootches?

A. Not that I remember, sir.

Q. Were any of the soldiers dropping grenades into the bunkers of the hootches?

A. Yes, sir.

Q. Lots of them?

A. Lots of them, sir.

Q. Did you see any civilians killed?

A. No.

Q. None at all?

A. No, sir. I heard about them, but I didn't see any of them.

Q. Well, you got to the first village, then, and took a little break there and got some water and searched out all the hootches in the village?

A. Yes, sir.

Q. Now, did they round up all the people in the village?

A. Yes, sir.

Q. Where were these people collected? Were they collected in one place?

A. Yes, sir.

Q. About how many?

A. There weren't very many in that village.

Q. Did you hear anything about any civilians being killed in that village?

A. No, sir. The ones that I heard about getting killed were the ones that were in that village, that they were dropping grenades down on top of them in the bunkers.

Q. That's what I am talking about. Was that in this first village?

A. It was all the way to the river. It was not in one specific village, but I would say that it was all the way to the river in all the hootches.

Q. Do you remember in that first village or at any place all the way down there, somebody finding a booby trap?

A. No, sir. Not off hand, I do not, sir.

Q. Several cartridges rigged together with some kind of a trigger so that if somebody came into a hootch it would go off?

A. No, sir.

Q. Up to the point that you got to the first village and took a break, you didn't see any Vietnamese killed from any cause?

A. No, sir.

Q. Did you see any of the soldiers rape any of the females?

A. No, sir. I did not.

Q. Did you ever hear about that later?

A. I heard of one instance. This was back where they were back spraying the village. One of the machine-gunners named MADISON saw a naked woman run out of a hootch and tried to get her to stop. He wanted to capture her or something, I don't know, but he yelled at Joe to stop, and not to shoot, her. This was all hearsay. I didn't see it.

Q. You didn't see it?

A. No, sir.

Q. This is the only one that you heard about?

A. Yes, sir.

Q. This was before the company joined up and while you were still spraying the area?

A. Yes, sir.

Q. When you were spraying the area, were people pretty angry and looking for revenge maybe for TAYLOR?

A. Yes, sir. I would say that they were pretty well stirred up.

Q. After you took that break in that village, what happened then?

A. We moved on south, as I said, until we got just as far south as we could go, burning hootches and destroying as we went. When we got to the end of the peninsula, we stopped there for a short period of time, maybe a half an hour, and turned around and started back north.

Q. About what time did you get to the end of the peninsula?

A. Somewhere around noon. I know that I was getting real hungry, and they wouldn't let us stop to eat.

Q. Did you have lunch when you got to the end?

A. No, sir.

Q. Before you got to the end?

A. No, sir, not until we started back up.

Q. I think you said, as you were moving down, that you would gather up the civilians along the way at the hootches and so on. What did you do with them? You said that there were not too many of them, but what did you do with them?

A. We gathered up this group and then went on past them. After I passed them I don't know what happened to them.

Q. You reached the river sometime before lunch and started back up, and you stopped for chow sometime after you started your return up. Do you have any idea what time it was?

A. I couldn't tell you, sir. My tail was really dragging. I couldn't give you even an approximate time.

Q. What happened, again, after you started moving after chow?

A. We moved all the way back up to the bridge, searching for anything we may have missed.

Q. Did you go back up on the same path you came down?

A. Yes, sir. We moved on past the bridge and continued up north.

Q. I want you to think very carefully about this, now, and not run your time frames in together. Think very carefully about this, now.

A. Wait. Before we got back to the bridge we set up for the night. That's right (pointing).

Q. Was that in about the area of the first village?

A. Yes, sir.

Q. About what time did you get back to that area?

A. 1600 to 1700 or maybe later, because they flew the chow into us, and it was getting pretty close to dark. If I am not mistaken, while we were in the chow line we received sniper fire from over here (pointing).

COL WILSON: Where was this night position? Can you show me on the map here?

A. Here is the bridge, and it was right in here. There was this marsh over here.

COL WILSON: Point number 9 is the night position for B company. Do you know where the other platoon was?

A. Somewhere in the general vicinity of the bridge.

MR WALSH: Did you use the two VC all day to lead you?

A. No, sir. When we got to the first village they were sent to the rear, if I am not mistaken. That was the last I saw of them.

- Q. Did you stay on point all day?
- A. No, sir, I didn't. It was getting so hot we started rotating the point. Then, too, when they took the two VC away from me I got kind of scared, and I didn't want to be on point.
- Q. Who was?
- A. I don't remember.
- Q. What was your position in the column?
- A. I went back to the rear of the first squad, which is my normal position.
- Q. Was anybody following you when you got back to the rear of the first squad?
- A. Yes, the CP group was following us.
- Q. Now, do you remember finding any booby traps or mines and destroying them as you moved on?
- A. No, sir. I didn't find any myself.
- Q. Do you know if your squad did?
- A. To the best of my memory, no, sir.
- Q. Do you remember engaging two VC and killing one of them sometime later in the day?
- A. No, sir.
- Q. You don't remember any action all the way down and coming back up again, other than burning the hootches and grenading the hootches in the villages?
- A. Dropping grenades down wells and things like that is all I remember.
- Q. How about firing your weapons? Were some people reconning by fire in the villages?

A. Not to any great extent. They said to recon by fire if you were not sure of what was in front of you.

Q. This was an order?

A. Yes, sir.

Q. From whom?

A. I received my orders from Sergeant LIAS. I don't know who he got them from.

Q. So, as you approached the village, the lead elements had already reconned by fire?

A. Yes, sir. They would fire 10 or 15 rounds of small arms and maybe a half a belt of machinegun fire.

Q. How about after you got into the villages and they were searching the hootches? Would they then recon by fire in the hootches?

A. No, sir. I didn't hear of anything like that happening. They used an awful lot of TNT on bunkers, in fact they had to call for a resupply of it.

Q. What do you mean by bunkers?

A. A bunker is a reinforced position. Each family or hootch in Vietnam had one bunker that they could get into in case of shelling or something like that. This was for the civilians to get into. They usually had one under the house or beside the house, and we called these bunkers. Everyone was so shook up and so scared about booby traps and mines, that they didn't go down and check them out. They were throwing grenades and bombs that were made out of C4 and TNT. They were throwing them down first.

Q. Did anyone tell them to look out that there might be people down in those bunkers before they threw the grenades and TNT down them?

A. If they did, I didn't hear it.

Q. Nobody was too concerned about that?

A. No, sir.

Q. Did this strike you as unusual, or was this the normal way of searching?

A. It struck me as being unusual, but they told us that anybody in that area was supposed to be VC or VC sympathizers because it was supposed to have been broadcast before hand that we were coming in.

Q. You got this from Sergeant LIAS?

A. Yes.

Q. Anybody else?

A. I believe Lieutenant WILLINGHAM might have mentioned it, too.

Q. Since they were all VC or VC symphatizers nobody was too concerned about their being people in these bunkers and they would just throw a grenade in there?

A. Yes, sir.

LTC NOLL: What was the principal explosive used against the bunkers?

A. TNT and C4 and a blasting cap.

Q. I'm not that familiar with the operation. Did it take some time to get up to the bunker and attach the C4?

A. What they did was take a quarter pound of TNT and wrapped a stick of C4 around it. The C4 is rather highly explosive and pliable and they would wrap it around the TNT and put a fuse on it and a blasting cap and they would light the fuse and toss it down in the bunker.

Q. This was down without a visual inspection to see if anyone was down in the bunker?

A. Yes, sir.

MR WALSH: You say you had to get a resupply because you were using so much TNT?

A. Yes. They were using an awful lot of it.

Q. When did they get the resupply?

A. Sometime in the afternoon. I don't know exactly what time. They called for some and it was brought in and passed out.

Q. Did the CP group call in for it?

A. Yes, sir. Generally, every man in the platoon carried a little bit of C4 and one block of TNT because the point team did most of the demolition work and they were demolition trained, but they couldn't carry all that stuff themselves. It would kill them, so they generally split it up and each man would carry some and when they needed it it would be brought up to them and they would make up their demolitions.

COL WILSON: Who carried the demolition caps generally?

A. The point team, since nobody else would carry them.

LTC NOLL: After a bunker was blown up, would they go and visually check the bunker out and see what kind of job was done?

A. I don't know, sir.

MR WALSH: Did you ever hear about it?

A. No, sir.

COL WILSON: Let me see if I can fix that resupply.

A. The resupply may have come in on the chopper we had with the chow. I am not sure when, but we did have to be resupplied on about everything; ammunition, demolitions and all.

Q. What time was this?

A. The chow chopper came in about 1700.

Q. Had you reached your defensive position for the night?

A. Yes.

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Q. I'm sorry if I am repeating, but was this the only resupply or was this just for chow? Did you see only one helicopter?

A. I think that was the only one, sir.

MR WALSH: Did you say that they had to resupply with ammunition as well?

A. Yes, sir. It was because they were reconning by fire. When we were in the field we tried to keep as much of a basic load of ammo--this depended really on the individual man, but it was at least 14, and I carried 30 magazines.

Q. Did you use it all up?

A. I didn't, sir. During the whole day I shot about four magazines of ammo just reconning by fire.

Q. But the company was awfully short on ammunition by the end of the day?

A. Yes.

COL WILSON: In addition to point 9 there was a resupply chopper brought in with rations and ammo.

MR WALSH: Do you know if your company turned in a body count for this day?

A. If they did, I don't know anything about it, but I imagine they did. It was standard operating procedure. If we had made any contact or had any enemy killed they turned in a body count.

LTC NOLL: Did you have any enemy killed that day?

A. Not to my knowledge, no, sir. Other than the the people in the bunkers, sir, I don't know if they turned in a body count on them or if they counted them. It's not clear in my mind that they were enemy.

MR WALSH: I have the impression that you are reluctant to tell us that except which you actually saw with your own eyes. This is a good practice for anybody, but things that you heard may also be helpful to us, even though it may be rumor. Don't be reluctant to tell us about it because it might just be enough for us to follow-up on it with someone who actually saw it. We are not here in a courtroom where you have to tell only that which you actually saw. This is an investigation in which we are trying to find out exactly what happened. I'd like to ask you again if you can recall and tell us what you did hear regarding the people that were killed in the bunkers and whether you actually saw it or not?

A. I heard the fact that the point team, which as I said did all the demolition work, would go up to a bunker with their bombs and demolitions and throw it in and then if anybody came out they were shot to a man.

Q. Was this something that they were ordered to do?

A. I don't know, sir.

Q. You didn't hear whether they were or not?

A. No, sir. It is not something that I heard so I can't say.

Q. Did you have the impression that this was Pinkville and this was a search and destroy thing, this was something that they were either ordered to do or they thought they were supposed to do?

A. Yes, sir.

Q. Rather than something that they were doing because they were afraid that they might get in trouble for, for example? I may not be making myself very clear.

A. I think I know what you mean. The guys on the point team were not the kind of guys that would just wantonly kill somebody unless they had been instructed to do so. It might have been the fact that three of the guys on the point team--the three on the team were all very close to Specialist TAYLOR and they were pretty upset and it could have been this or they could have been ordered to do it. I don't know.

COL WILSON: I have a question on this particular point. Initially when we started out, it was stated that these kinds of instructions were not given in the initial briefing as you said as to this type of operation?

A. As well as I can remember, it was supposed to be just a normal search operation. They may have said to search and destroy, but I can't remember if they did. We got briefings almost every day to pin down one briefing as opposed to another is about impossible to do.

Q. What I am trying to determine is if you feel there was a change in this operation after you were committed from what it was intended to be when you started it?

A. I would say so in my opinion, sir. Yes, sir.

Q. In other words, the briefing that you received and what you were told to do prior to the operation and what you were told to do by both--you said your platoon leader also got you together, both your squad leader and platoon leader--that concept changed after you arrived in the objective area?

A. As well as I remember, sir there was nothing said when we received our briefing prior to the operation, there was nothing said about killing people. It was supposed to be normal search operation. As I say it was over 2 years ago and it might have been search and destroy.

Q. Did you feel that the people in your company had a difference of mind about a search and destroy and a search and clear?

A. Yes, sir.

Q. Had you conducted any search and destroy operations prior to this?

A. No, sir.

Q. But you had been in this area before?

A. Yes, sir.

Q. In this same area?

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A. Yes, sir, but we only searched and cleared it. We didn't search and destroy it.

MR WALSH: Where was this point team operating? Were they on the beach?

A. Generally where the hootches were because that is where you find the bunkers.

Q. Now, you were the point man for awhile?

A. Yes, sir.

Q. You were with the point team up to a certain point?

A. Yes, sir. All this and what I told you about the bunkers and everything took place before I took the point. Most of it that I heard and everything happened before we started moving south and before I took over the point, this was in the general area right around the bridge. I was only on the point for 45 minutes or an hour.

Q. You had the mine detector. You wouldn't be clearing with demolitions?

A. No, sir. I had the mine detector. I was just clearing a path.

Q. And the rest of the point team was going off into the hootches? Is that right?

A. Yes. They were behind me doing the demolition work. I was just clearing a path so we would move down a path.

LTC NOLL: You say that much of the destruction of the bunkers took place before you moved away from the bridge?

A. Yes, sir. I heard that they were shooting the people as they came out of the bunkers.

MR WALSH: This was right after TAYLOR hit the mine?

A. Yes. It was an hour or two after he was evacuated.

LTC NOLL: You all were upset about TAYLOR?

A. Yes, sir.

Q. The day before the 2d Platoon experienced some casualties. Did this have any effect on the platoon?

A. I would say in a minor way they were affected by it, sir. Lieutenant COCHRAN was the old 1st Platoon leader and he did get killed. We all liked him and respected him and this shook us up a little and when TAYLOR got it, this shook us up for a while.

MR WALSH: As I recall it there were not too many hootches around the bridge.

A. I would say that there were 10 to 12 hootches around the bridge. They covered a pretty big area, but there were not that many hootches. Each one of them had a bunker at or around the hootch, and from what I heard there must have been people around or in those bunkers that they were throwing demolitions into.

Q. Later on you heard that they were throwing more demolitions in and finishing more people off further on down?

A. Yes, sir.

Q. When you got back up to the night defensive positions, were there some civilian detainees in the area?

A. I think there were a few, sir. I couldn't give you a number or nothing. They went out on the resupply.

Q. Were there any women there?

A. Not that I remember, sir.

Q. Did you ever hear of any soldier taking one of these women and raping her sometime during the night or sometime during that day?

A. No, sir.

Q. Do you remember hearing that a wounded woman had been brought up to the bridge, a Vietnamese woman?

A. Yes, sir.

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Q. What do you remember about it?

A. Only that there was a dustoff up there, but as far down as I was in the squad they didn't tell me what they did or why. What I got was generally rumor and just passed down to me.

Q. Other than the point team, did you hear about anybody else, either in another platoon or in your platoon proceeding in the same way; that is, putting demolitions in the bunkers and shooting anyone that came out?

A. No.

Q. The only thing that you heard related to just the point team?

A. Yes, sir. Possibly someone other than the point team could have, but I remember the events that centered around the point team. They handled the demolition work.

Q. Did you hear any estimate of the total number of people that might have been killed that way?

A. Yes, sir. It was 85.

Q. Who counted that up?

A. Someone had counted them, sir. They stated at the end of the day that 85 people were killed that day. During the whole day's operations there were supposed to have been 85 people killed. This was all the way to the end and I never saw one of them.

Q. Do you remember when you got half-way down to the bridge and down to the end? Do you recall the last half of the trip down there not seeing too many people?

A. That's right, sir.

Q. The villages were deserted when you got down that way?

A. Yes, sir.

Q. There wouldn't have been many people killed down there because there wasn't many people around?

A. Yes, sir. We saw a few, but not many. I think many of those were those coming in off of sampans from the ocean.

Q. In other words, the last half of your trip down there there wasn't much shooting?

A. No, sir. It was pretty open so we didn't have to do much reconning by fire.

Q. So, most of the shooting and the demo work would have been done from the bridge and down to the area of the night defensive position?

A. Right.

Q. Did your CP move with your platoon?

A. Most of the CP stayed where the weapons platoon was at the bridge. Captain MICHLES and his RTO and then the FO followed our platoon right on down.

Q. Did Captain MICHLES and Lieutenant WILLINGHAM observe the procedures followed by the point team in clearing out the people and the hootches?

A. Possibly. I didn't see the two groups anywhere together.

Q. I imagine if you put some dynamite into a bunker and you are shooting the people that are running out you won't need too good an eyesight, especially if you were following the group, to see the results?

A. That's right. He probably did, but I wasn't there and can't say.

Q. I can understand you being on the point with the mine detector and moving along looking for booby traps and not seeing much, but the CP group following along behind would have probably seen some of these things?

A. Probably, sir.

COL WILSON: He was following the lead squad and not the point now. Your normal distance between these elements in usually 25 to 100 meters.

LTC NOLL: You said that you were moving in a platoon column?

A. Yes, sir. We would spread out to search and regroup and then spread out to search and move some more.

Q. Then it is possible that it wouldn't be up to just the point element to throw demolitions into bunkers?

A. Right, sir. All I know is they handled the demolitions. I'm not trying to put any blame on them. They did go to demo school and nobody else knew anything about it as far as crimping the caps and things like that.

Q. The other fellows knew how to use grenades and their M-16's?

A. It's possible. In the wells and hootches grenades were effective, but in the bunkers the grenades didn't do any good. They might kill somebody in it, but the objective in throwing demolitions into the bunkers was to destroy the bunkers themselves as well as anybody that might possibly be in them, and to cave the bunker in. A grenade would not do this. It might kill or maim anybody in it, but the demolitions were a whole lot more effective.

Q. Where did you hear the number 85?

A. I don't recall offhand. During our defensive position I was told that 85 people were supposed to have been killed that day. Someone had apparently got down into the bunkers and counted.

Q. Did that bother you when you heard it?

A. Yes, it bothered me. It bothered me quite a bit. Hearing about that woman bothered me.

Q. But you didn't think anything about it. That's what I can't figure out.

A. There were supposed to be 85 people killed, but I didn't see a person. I never saw body one. The only ones that I saw was the two walking in front of me and I wasn't about to take my eyes off of them.

Q. Do you remember your squad leader or your platoon leader talking about it at all?

A. No, sir.

Q. Do you remember them telling you that you did a good job or didn't do a good job?

A. Everyone was kind of quiet and thinking about what they had done and what everyone else had done. I think most of the people were a little ashamed of themselves and I was very ashamed of even being part of the group.

Q. Were you ashamed because of the operations that were being conducted as far as what you heard or what you saw?

A. Of what I heard. I wasn't ashamed of the Army or anything like that. I heard about this woman getting killed and her just running out of the hootch. Nobody said whether she had a weapon or not. I don't know. I just didn't go for killing women and kids.

LTC NOLL: Was there ever another day comparable?

A. Not unless it was the next day after that.

COL WILSON: We got to the night defensive position which is point 9. I'm going to read what I have so far. "Night defensive position. Recon by fire used in movement from southern tip of peninsula. Resupply chopper brought ammo, demo and chow."

MR WALSH: I would say also that he heard that there were 85 killed during that day.

COL WILSON: Now, these 85 were all Vietnamese and not U.S. types?

A. Yes, sir.

Q. And this was all on the 17th that you heard about?

A. Yes, sir.

Q. These were all in the B Company area?

A. Yes, sir.

Q. Did anything occur that night?

A. Yes, sir. When we were set up on our night defensive position and sometime during the night while I was guard we heard firing. I'd say that we were on the western side of the perimeter so we heard firing from the west and almost directly in front of me and a pretty good distance away. We didn't receive orders to fire, but we didn't know who was out there and who was doing the firing. C Company was supposed to be over in that area so they said that we shouldn't do any firing in that area because we might hit our own men. We heard the next day that they had been ambushed and someone tried to sneak into their perimeter or something and that is what all the firing was about. That's all that happened in our area that night.

Q. This was when you were on security watch that night?

A. I was just off watch when this happened. Someone woke me up and said there was firing out there.

Q. Do you recall any flares that night when you were on watch?

A. Not while I was on watch, sir. They might have gone off while someone else was on watch, but I don't recall seeing any.

Q. All right. The next morning when you moved out and you passed the bridge, was there any activity there?

A. Not that I remember, sir.

Q. You continued on to the next day. Was there any activity that you recall?

A. No, sir. Not until we got up to where the 1st Platoon had the ambush.

Q. What happened beyond that?

A. As near as I can remember we moved up here (pointing). We came across here (pointing).

Q. Which platoon was working on the north side of the village?

A. I'm not sure. I think it was the 3d Platoon.

Q. You don't recall finding a rice cache in there do you?

A. I remember we found it, but I don't know when. I don't think it was the 1st Platoon that found it. I think it was one of the other platoons.

MR WALSH: Anything happen on the 18th when you moved up?

A. Not that I can remember. I don't remember too much about the movement that day.

Q. Do you remember anything about giving medicine or medical treatment to people that were out here (pointing)?

A. It's possible. I can't remember.

Q. Do you remember a medical team coming in by chopper?

A. Right. I vaguely remember. Like I said, most of the day I was up in this area (pointing).

Q. You were collecting them and sending them back?

A. Right.

Q. Were they using any demolitions in the hootches as they collected the people from this area?

A. No, sir. Apparently the people further on down had heard what had happened up here (pointing) and they were very passive.

Q. They were passive down there (pointing)?

A. Right, sir. As we moved on down they just said to gather the people up and--

Q. (Interposing) On the beach?

A. Right.

COL WILSON: Point number 10 indicates the movement of B Company north of the night defensive positions of 17 March.

On 18 March two platoons, the 1st Platoon on the right and the 3d Platoon on the left searched Ky Xuyen (1) and An Ky, returning 250 to 300 villagers to the beach.

Q. You do recall the MEDCAP team coming in?

A. It seems like I do, sir. Like I say, I was up pretty far on the beach.

Q. You weren't down with the people?

A. No, sir. Initially I was down there, but I turned around and came back.

Q. Did you see helicopters coming in?

A. Yes, sir. I saw three or four coming in.

Q. Do you recall how they were marked?

A. No, I don't, sir.

Q. Did you, at any time, see the swiftboats during this operation come up to the beach here, or did you have any communication with the swiftboats?

A. I recall something about them, but--

Q. (Interposing) Do you remember the time or the location?

A. No, sir. It may have been before the platoon ambush. I don't know. I remember something about one of the swiftboats and a sampan and the swiftboats bringing some people into us.

MR WEST: Was this here on point 4 where you said there were 15 to 20 people on the beach?

A. Right. I think that is where it was.

COL WILSON: What happened the rest of the day on the 18th?

A. We just generally searched the rest of the hootches and got the people out and searched the hootches one by one looking for mines, booby traps, food caches and so on.

Q. In these hootches, did you find any military equipment at all?

A. Not that I know of. One of the other platoons might have, sir.

LTC NOLL: Did you destroy the food cache?

A. I don't remember whether we found any or not. The people were being questioned on the beach in a group and apparently someone ratted on somebody. There were some VC suspects detached from the group. This was in the afternoon. Later on in the evening we set up another night defensive position northeast of the village on the beach. There was a group of palm trees there in an open area. We set up a night defensive position right about here (pointing).

COL WILSON: In the Ky Xuyen (1) area?

A. Right. The 1st Platoon was set up facing north-east. I can't remember what platoon was here (pointing). The 3d Platoon was here (pointing). I think the 2d Platoon was here (pointing).

COL WILSON: The 2d Platoon was facing north. The 3d Platoon was facing west. The 1st Platoon was east and there was nothing on the water.

A. They had mike boats out there patrolling. Everything was calm until 0200 that morning and we got mortared. I came off guard at 0200 that morning. My foxhole was on the beach. There was an old foxhole that was already dug out and I crawled into it. As I was walking back I heard, what I thought at the time, was shots. I had never seen a mortar fired at night. I turned around and went back to this sandy hill about 4 or 5 feet high and fell in behind it and started

returning fire in the direction of where I saw the flashes. I saw the flashes, but I thought they were gun flashes. All of a sudden I started hearing explosives all around me and they walked the rounds right back through the middle of the perimeter and right directly in a line. The first one hit in a foxhole there with one of the machinegunners. He was in a position there and it hit right in the middle of the foxhole. The second one hit about 200 yards behind us and they walked them to a total of about 6 rounds that they walked in. After I started returning fire, MADISON-- I got him and he was still pretty groggy and was just waking up and he started returning the fire right down this direction (pointing). The mortar fire was coming from right over here. It couldn't have been more than 150 yards away from us at the most and we all started returning fire and everybody opened up. Someone in this area (pointing) had reported seeing troops coming in through a sniperscope. At this time, evidently they were planning hitting us after they mortared us. We opened up on this side. As a matter of fact we opened up all around the perimeter. The firing lifted in about 3 or 4 minutes and we called in a medevac and got all the dead and wounded out. I think there was one killed and seven wounded and another died the next day. We really dug in deep then. I might say that before that they called in artillery from Uptight. I was right on the edge of the perimeter and Lieutenant WILLINGHAM came to me and asked me if I had any trip flares and I told him that I had three or four. He told me to follow him and we went right to the edge of that open edge. He told me to pull the pin on one and go out there and throw it up in the air. To be frank, I looked at him and said, "Are you crazy?" He said, "Go out there about 20 yards and pull the pin on one and throw it up in the air." I said that a man could get killed doing that and he gave me a direct order to do it and I went out and did it. This marked our position for the artillery. About 5 minutes later he told me to do it again and I did. Then the artillery came in with about 10 rounds and then they called in the "Spooky." He used up one mess of ammo flying around the whole area for about a half an hour. During this time the medevac came in and got the dead and wounded out. This must have been around 0300 and we received orders to really dig in because they were expecting a major attack the next hour. I

had taken over MILUS' machinegun because his assistant gunner went wild and grabbed the machinegun and took off and started spraying the whole area. We had to pull him back and I had to take over the machinegun. We started digging in real deep. I had a foxhole about 6 feet deep by daylight. I don't know if these were people that they separated the next day or not, but they had three prisoners or two prisoners. Someone passed it on to him that I had seen the muzzle flashes from the mortar. I was told to point out where the muzzle flashes came from and we sent out a patrol. I had to go with them to show them where it was and as we went back through there we could see the foot prints in the sand. We could see what they called the "Ho Chi Minh slicks" or rubber tire sandals. We could see that there were four of them and they were real deep in the sand and they were carrying a lot of heavy equipment. It must have been an 81 mortar that they had or their equivalent. We searched the hootches again thinking that maybe we had missed something the day before and they had been there, but they "di di mau'd" out of the area.

Q. Did you find what you think was the location of the mortar?

A. Yes, sir.

Q. Did they have a base plate?

A. They set it in the ground. That's well know over there. They don't carry base plates. They set it in the ground and I guess they wear asbestos gloves and adjust it by hand. We found the hole in the ground. It was a little knob where they had set it in the ground.

Q. You said that these flashes appeared to be about 150 yards away from you?

A. It was just across this open area (pointing). It was just about 50 to 75 yards across this open area and the mortar I would say was 25 yards into the woods.

Q. Would you show me approximately where that position was?

A. In here (pointing).

Q. Right in here (pointing)?

A. Yes, sir.

Q. You found this mortar position down by the beach?

A. It was in the woods. It wasn't on the beach. It wasn't more than 50 feet from where the woods stop and the beach starts. You had a lot of trees here (pointing) and there was a trail with trees along both sides of it. It was a crooked trail and they were right in the middle of the trail with that mortar. The next morning, I stood in a line from where I saw the mortar flashes and I could look right straight down that trail.

Q. Did you find any remains of the ammunition or shells?

A. That little hole in the ground was all there was to indicate that they were there. The point from where the foot prints came up to--that was another way to tell where it was. The foot prints were in that general area and they started back. You could see where they came up and went back.

LTC NOLL: You don't recall anybody that was in your position the next morning, do you, by chance?

A. No, sir. I remember seeing tail fins, but I think they were from the rounds that had come in.

Q. That's what I mean, from the rounds that came in?

A. Yes, sir. I remember seeing those.

Q. Were they 60's or 81's?

A. Sixty I would have to say because they were too small for 81's. They were silver.

MR WALSH: What time was this patrol?

A. It was early in the next morning. I would say about 0800.

Q. Who was on it?

A. Myself and members of the first squad.

Q. Lieutenant WILLINGHAM?

A. I don't know whether he was along or not. I know Sergeant LIAS was along and this was the point where I saw Sergeant LIAS--the man that was killed was negro and him and LIAS were real close. We were using them for human mine detectors again and we took these men down and we started searching the area. We got to the first row of hootches and evidently he had been brooding about it all night and he just calmly--I can't say it was calm, but he lost his head and he switched his rifle around and starting hitting him over the head and he had to be forcibly restrained.

Q. Did he do any damage to the Vietnamese?

A. He put a couple of bruises on him and a knot or two on his back. The Vietnamese got his head down so he couldn't hit him on the head and he was hitting across his back.

Q. Who restrained Sergeant LIAS?

A. I don't recall. I think it was Sergeant WYATT. I don't recall who he was, but I do recall that he had to be pulled off the Vietnamese.

Q. Do you remember if Sergeant LIAS was in charge of this patrol or was their another NCO or officer along?

A. I don't remember, sir. Lieutenant WILLINGHAM may have been there, but as I said our group was scared because, like I said, those mortar rounds were dropping all around the night before. I was so shook up that nothing was really clear in my mind except the fact as to what or where the mortar position was and what time they started mortaring us.

Q. What happened next?

A. We searched the area and we couldn't find anything. The tracks went on over through the hootches and then we couldn't follow the tracks and of course they had a good 4, 5, or 6 hour head start so it was really useless to try to follow them. We searched throughout the area that day until around noon.

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Q. Did you go back to Uptight?

A. I think we went back to Dottie.

COL WILSON: You went back to Dottie?

A. Yes, sir. We departed this area (pointing).

MR WALSH: You departed what time? Could part of the company have gone to Uptight and part of the company gone to Dottie?

A. Yes. I can't remember if they went to Uptight or Dottie.

COL WILSON: Did you go back to where you started from or did you go back to a different one?

A. I'm pretty sure. I know Dottie is where the task force headquarters was.

Q. You went back to Dottie. You're sure?

A. Right.

MR WALSH: Do you remember anything when you got back? Were you questioned about the operation or about any mistreatment of civilians or any atrocities being committed?

A. I myself wasn't questioned. No.

Q. Was anybody else?

A. It seems to me that I recall someone else saying that someone was in the area asking questions.

To get back to this about burning the hootches. Someone had evidently got their ass in a sling because when we were moving up this way and the whole company was moving up this way we received orders not to burn any more hootches.

Q. On the 18th?

A. On the 18th.

Q. About where were you when that happened?

A. It was after we had passed the bridge and we got to the area where we found a few of these hootches the day before that and someone said something about burning the hootches we had missed and they said, "No. Don't burn any more hootches." That came from Captain MICHLES.

Q. Did you hear him say it?

A. No. I didn't hear him say it, but I was told that the CO said not to burn any more hootches.

Q. That would have been sometime around noon on the 18th?

A. Yes, sir.

Q. Late in the morning or around noon on the 18th?

A. Right. He said something about the hootches being destroyed the day before that. The rest of the time that I was in Vietnam we were really careful about what we burned.

Q. Did anybody say anything about dynamiting hootches?

A. No. Nobody said anything to me about it and I didn't hear anything about it.

Q. You did hear something about burning hootches?

A. Yes.

Q. So when you got back to Dottie, did you ever hear that an investigation was being made of the operation?

A. Not that I recall. No, sir.

Q. And nobody spoke to you and asked you any questions about it?

A. No, sir.

Q. You didn't give any statement?

A. No, sir.

Q. Did Captain MICHLES say anything about an investigation being made or not to talk about the operation?

A. I don't recall anything, sir.

Q. But you did hear rumors or you heard that someone was asking questions about it?

A. Yes, sir.

Q. What did you hear in that respect?

A. Well, as near as I can remember there was a rumor going around the entire company. They wondered why we suddenly stopped burning hootches and they said, "Somebody is all fired up about it and they are having some sort of an investigation or something."

Q. Did you understand by "somebody" they meant somebody higher up?

A. Yes, sir. Higher up in the battalion or brigade had lost his cool about it happening and evidently Captain MICHLES had received orders not to burn any more hootches and he passed the word on to us.

Q. And from that point on in the operations under Captain MICHLES you were pretty careful about burning hootches?

A. Yes, sir. Captain MICHLES was real careful. Up to the time that he got killed in the helicopter crash we didn't burn any more hootches unless he received orders from higher up himself. I can't recall ever burning a hootch or seeing a hootch burned after that until he got killed.

COL WILSON: I'm going to try to get this on here about this order to stop the burning. That was the 18th while you were moving--

A. (Interposing) North.

Q. North. Was it before or after you passed your previous night defensive position or your ambush?

A. It evidently must have been afterwards because up until the point where we had our ambush, everything had been pretty well burned. It almost had to be after that. When we came to the hootches that hadn't been burned and someone asked him and he said, "No." It almost had to be afterwards.

Q. You were almost into Ky Xuyen?

A. Yes, sir.

Q. I've got an indication here that when you moved north on the 18th that you burned some huts?

A. That was on the 16th.

Q. The 16th?

A. Yes, sir, because we were going up there to set up our ambush that night.

Q. It was on the other side of this sand bar?

A. Before we got to the sand bar, sir.

Q. Just about at your night defensive position?

A. (Pointing) Just about. In this area.

Q. You didn't hear this before this time about burning?

A. Not that I can recall, sir.

Q. That was on the 18th?

A. Yes, sir.

MR WALSH: On the 18th, as you were moving from your night defensive position of the 17th, up to the bridge, you would have passed through areas where the point people had been doing some demolition work the day before?

A. Yes, sir.

Q. I think I asked you before if you had seen any dead people on the previous day. You said you had not seen anybody and I wonder if you, on the 18th, as you moved back up through that area, whether you saw any bodies anywhere?

A. No, sir.

Q. Not a one?

A. Not a one. I think what happened on that case is while we were south the people came across the bridge. They do that quite often over there and if there is any dead and wounded they will gather them up and bury them because in that heat you can't leave somebody out very long. That is possibly what happened. I don't know.

Q. Did you see any new graves as you moved up?

A. No, sir

Q. Did you see any Vietnamese back around the villages or policing up the bodies?

A. No, sir. Now, as we were going down that day or the day before, we passed through a graveyard in this area here (pointing) that had some fresh graves in it. I can't say that they were dug that night before, but the dirt was fresh. I remember seeing by the color that they were fresh graves.

Q. That was during your movement?

A. Yes, sir. That was during our movement south.

LTC NOLL: Going back to the first day. You were on the second lift. Do you recall if the artillery fired a prep after the first lift was airborne?

A. I can't remember.

Q. Considering this operation and considering other operations that you had prior to this one, how did the prior operations compare as far as you being exposed to hostile fire?

A. As far as being exposed to enemy hostile fire there was relatively very little. One time we were working south of Uptight or southwest, we received some sniper fire

from a village. It was across the river. I do remember that they called in gunships and bombers to level the village. We had received a lot of sniper fire from that village. It may have been before. That was before. That was when GONZALEZ got hit, and he wasn't with us on this operation, but in that general area of operations. Like you said, this was out of our general area. Let's see,, we moved off of Uptight and out in this area here.

COL WILSON: That's a couple of kilometers.

A. We received sniper fire from one village there. We called in gunships first and the phantoms with napalm. Four Phantoms with napalm and then artillery with white phosphorous. We had some operations where we received sniper fire before.

MR WALSH: Why do you think B Company killed those 85 people that day? Why did it happen?

A. It could have been from one of two reasons, sir. Either they went completely wild because of the people that had gotten wounded or they received the word to do it. I don't know, and I can't make a guess as to why somebody else does something.

COL WILSON: How do you know that 85 people were killed that day?

A. I didn't say I knew that. I said that is what I heard. I don't believe at any time during this discussion I said that I saw 85 people killed. That is just what I heard.

MR WALSH: No. My question assumed that there were.

COL WILSON: This is P-18. Do you know where that location was?

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

Q. Does that look like a graveyard or does that look like any terrain you have seen?

A. It looks like a graveyard.

Q. P-20?

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Q. On the left is Captain MICHLES?

A. Yes, sir. On his right is his RTO, MERCER.

MR WALSH: Are you sure that MERCER was MICHLES' RTO?

A. Either his RTO or he was in weapon's platoon. I saw the radio and the hand set in his hand, too.

Q. How about HIDDE, WILKINS, and NEEDHAM?

A. All three of them were in the CP group.

Q. But you think MERCER was also in that group?

A. He was, but he was also Lieutenant WILLINGHAM's RTO also, so he may have been there just with Captain MICHLES. Lieutenant WILLINGHAM might have been around somewhere and out of the picture, but I do know that was MERCER.

Q. You think that MERCER was either MICHLES' or WILLINGHAM's RTO?

A. Yes, sir.

Q. P-68?

A. This looks like CARDINES.

Q. The man with the torch looks like CARDINES?

A. Yes, sir.

Q. Do you recall whether personnel from B Company were wearing flak jackets?

A. Some did and some didn't. It was left up to us individually.

Q. How many people in that photograph were wearing them?

A. Two or three.

Q. Do you recognize photo P-28? Look carefully in this area back here. This is water?

A. I don't recognize it.

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Q. This is smoke as I remember?

A. There have been personnel carriers in the area.

Q. You couldn't relate any of those photographs that I have shown you to this photo map?

A. No, sir.

MR WALSH: You didn't see any photographers by any chance on that operation, did you?

A. No, sir.

Q. I want you to be sure on this. You think hard on this. Whether you, or anyone in B Company that you know of, was ever questioned on this operation by someone who was in an investigating type environment?

A. The only one that I can be sure of is myself. I was never questioned.

Q. You didn't see anybody around questioning?

A. No, sir.

Q. Do you have any further testimony or do you have anything further that might assist us in the investigation?

A. Nothing that I can think of, sir. It's been pretty well covered.

Q. Did you take any photographs on this operation or do you know anyone that did?

A. I didn't take any because my camera had been lost, but I imagine that someone in the company was taking pictures. A lot of the guys carried their cameras to the field with them. I imagine someone in that company had taken pictures.

Q. If, according to your understanding of that operation, if the 1st Platoon had killed a number of people during this period, do you think you would have seen it?

A. I think I would have seen the bodies. Yes. If they had killed as many people as were supposed to have been killed, I think I would have seen at least one body, but I didn't see any.

Q. I'm talking about the 1st Platoon now?

A. I know. I didn't see any bodies or any wounded people that were supposed to have been killed or wounded by the 1st Platoon on the operation.

Q. You don't remember an action on that bridge the first day?

A. I can't recall one. No, sir.

MR WALSH: When you heard that 85 people had been killed did you believe it?

A. At first, yes, because there had been an awful lot of shooting that day and I had been hearing these rumors that they bombed the bunkers and things of that sort. I figured that it was possible, but I recall at the time I wondered why I had not seen any bodies unless they were all down in the bunkers.

Q. Were you talking to people about it? Did any of them say that that was not true or they didn't believe they were killed or did people pretty generally believe this?

A. It was pretty well taken for a fact. Yes, sir.

RCDR: Colonel WILSON, for the record this will be Exhibit P-186 which is aerial photo P-168 annotated by Mr. MICHENER and the map entered previously in this testimony is P-185.

COL WILSON: I request that you not discuss your testimony in this investigation except as you may be required to do so in a competent judicial, legislative or administrative body. In addition, you are cautioned--you are not going to be subject to the order of the military judge in the case of the United States v. Calley, but in case you are called to appear as a witness before a court-martial any of these instructions about not discussing your testimony are not pertinent. I am talking about you not discussing your testimony with persons outside of those three categories of a legislative, judicial or administrative body.

A. I see.

COL WILSON: The hearing is recessed.

(The hearing recessed at 1545 hours, 22 January 1970.)

(The hearing reconvened at 1615 hours, 22 January 1970.)

RCDR: The following named persons are present: LTG PEERS, MR MACCRATE, MR WALSH, and COL WILSON.

(MR MICHENER was recalled as a witness, advised that he was still under oath and testified as follows:)

COL WILSON: General PEERS, we've got this map laid out here and I think the best way to do it is to have him start out at the beginning and point out what he had told us previously.

(COL WILSON and witness review annotations on Exhibit P-186.)

IO: Fine.

WIT: We came in here on the LZ and got off the choppers here. We moved along the trail until we crossed this bridge and--

IO: (Interposing) Did you have anybody hurt at the LZ? You were a member of the 1st Platoon weren't you?

A. Yes, sir. I was in the 1st Platoon.

Q. Were you on the first lift or the second lift?

A. I believe we were on the second lift, sir. We crossed the bridge and searched this area just east of the bridge. We were in this area generally the whole day searching the area. Later in the day we moved north and as we moved north we ran into some VC, not VC but Vietnamese. As well as I can remember I think one of the Mike boats brought them in from a sampan and they came in here (pointing).

Q. Do you remember rounding some people up on the beach?

A. I was in the last of the column, sir. By the time I got there they were on the beach already. They brought in an interpreter by helicopter and he questioned him. I can't remember whether they just dispersed or got back on the sampans or what.

Q. Did you see some National Police there too? Some police that were there with the interpreter?

A. I think there was some, I think the interpreter was ARVN, sir.

Q. Yes. He was probably dressed in an ARVN uniform. Were there any other people there with him?

A. I really can't remember, sir. We moved on up north here (pointing) and set up a platoon-sized night defensive position here and dug in. It was relatively quiet. All we saw were some lights across the river here (pointing) and then the next morning we ate chow and moved south to the bridge again where Specialist TAYLOR stepped on the mine.

Q. He was your mine sweeper?

A. Yes, sir. He had a mine detector and he stepped on the mine here at the very end of the bridge. After this is when they called in a medevac for him and we had to wait 15 or 20 minutes.

Q. What time of day was that?

MR WALSH: That was 0810, and the medevac was completed at 0825.

A. Normally we had to wait for a medevac to come in, That was normal. They called in the gunships and the gunships made passes in this direction, sir. They headed right over about here (pointing) and they made about three passes, firing on all three passes.

IO: Were they having any resistance at the time?

A. I really can't remember. I think that they may have. Some of our platoon may have received sniper fire which is the reason they called in the gunships. The lead elements of our platoon started spraying the area and reconning by fire. I didn't see any of it. This is just what I heard later on in the day about people getting shot down as they ran out of the hootches and things like this. The rest of the company came across the bridge and they grouped up. The weapons platoon was here and one of the other platoons and I can't remember which one, to pull security for the weapons platoon.

Q. What time did the other two platoons come across about?

A. About I'd say between 0900 and 1000, sir.

Q. So the 1st Platoon could have had roughly an hour down in there before your two platoons joined up with you?

A. Yes, sir. And then they moved south from there. I got called up to replace TAYLOR on the mine sweeper. We had two VC suspects that came from somewhere. I don't know where they found them, but we marched them down the trail about 30 or 40 feet of me as mine detectors. We went down quite a ways (pointing) and then they were sent back to the rear. We would go maybe a couple of hundred meters and stop and search and it was in this area over here (pointing) where they were destroying the bunkers and tossing demolitions down in the bunkers.

Q. Did you see them do that?

A. No, sir, I didn't. This is just what I heard.

Q. Where were you all that time?

A. I was out on point. My duties were to clear the trail with the mine detector.

Q. You could hear this going on behind you?

A. Yes. I could hear the explosions going on behind me.

Q. Did you hear any enemy fire?

A. No, sir. Not that I could remember.

Q. Do you know enemy fire when you hear it?

A. It sounds like--I couldn't tell. It was firing going on, but I couldn't tell if it was enemy or our guys just reconning by fire.

Q. Can you tell the difference, for example from an M-16 and an AK-47?

A. Yes, sir.

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Q. Any AK-47's open up?

A. Not that I could remember. An M-16 has a sharper crack to it than an AK-47 does. We moved into these hootches in here (pointing) and burned them. We got down into this area here (pointing) and took a break. From here on the hootches were real scarce. I can't remember whether we saw any people or not. If we did see any, they were very few. We came down here (pointing) and took another short break. It was afternoon by the time that we got here. We took a short break of maybe 15 minutes and turned around and started back. This is where we set up our night defensive position right here (pointing).

Q. Where were you when you first heard about these people being killed?

A. I was right here by the bridge, sir. It was back here before we started moving south.

Q. Before?

A. Yes, sir. It was when the 1st Platoon had sprayed the area and after the gunships went in.

Q. When you came up to this area (pointing) did you see anything?

A. I didn't see a thing, sir. There were no bodies laying out in the open or anything. I saw no bodies or wounded people or anything.

MR WALSH: While you were up at the bridge you had heard that a woman and several people had been killed running out of some hootches?

A. Yes. Not more than 100 meters away. They were spraying the area with machinegun fire and automatic weapons fire. These people were running out of hootches and they supposedly mowed them down. I didn't see it, but it was a rumor that I heard.

Q. Eighty-five people were killed in that way?

A. Yes. Also by the demolitions that were thrown in the bunkers.

Q. You heard the figure 85 though?

A. Yes. I didn't hear any number up here after the gunships made their runs.

IO: Did you hear about anybody taking any time to rape a few women and so on?

A. No, sir. Not on the whole operation did I hear that.

Q. Do you remember taking any women with you on this operation after you came back to here and went on or at any place going down or going up here?

A. I remember vaguely a woman being medevac'd out. She was wounded in her shoulder. I don't remember in what way she was used. It is so vague that I don't remember anything specific about it. The only contact I had with the Vietnamese was the two that were walking in front of me during the period of time that I was walking along the trail here. We were resupplied with ammunition, demolitions and food here in our defensive positions that night and we heard firing over in this area (pointing). We heard later and it was rumored that somebody tried to break through the perimeter of Charlie Company, but that was just rumor. Someone reported seeing flares going off. The next morning we started moving north again.

Q. When you were resupplied there you used up all the demolitions? They must have brought up quite a bit of C4, didn't they?

A. Yes, sir. Our demolitions were used mostly with quarter-pound TNT. It was a quarter-pound of TNT--a block of TNT with C4 wrapped around it. They brought in a lot of TNT and C4. I imagine they were planning to blow up a lot of bunkers the next day or something. We moved back up north the next day in here (pointing). On the 16th we were up in here on defensive positions on ambush and we had burned some hootches going up into there. On the 18th the whole company--we got to the point where we had to stop burning hootches and someone asked "Do you want the hootches burned?" and it came down from somewhere higher up, "Don't burn any more hootches." We crossed this sand bar here and there was a little village here of Ky Xuyen. We gathered all the people up from this village and moved them out on the beach and we received orders to continue on down the beach and the first platoon went generally along the beach front area.

Q. What time of day was this?

A. It was on the morning of the 18th. We spent the rest of the afternoon working in here (pointing). It was either the 2d or 3d Platoon that went around the back and one gathered all the people up and went over to this area (pointing) and sent them back to the area of the beach in groups until we got 250 to 300 civilians. The area here was Ky Xuyen. We spent the rest of the afternoon searching and clearing the area.

Q. At this point you got the people out and went in and searched it? You searched the hootches and everything?

A. Yes, sir. We searched the hootches and everything looking for weapons caches and things like that.

Q. Did you find any weapons up there?

A. Not that I can remember. No, sir. They questioned some of these people in this group and separated some of them. That was just northeast of Ky Xuyen here in a company-sized night defensive perimeter. The 1st Platoon was on the northeastern side. It was either the 2d or 3d. The other platoon was over here and the weapons were in the center. Also they were with these 6 or 7 VC suspects that they had gathered up out of this crowd. They gathered up all of these people and made them stay in this village here. There was nobody left to guard them and I think the PF was there. At 0200 the next morning as I was coming off, I had guard duty from 2400 until 0200, I was coming off guard duty. I was waking up my relief and was coming back to my position and about 125 to 150 meters northeast of us just on the beach, and inside the tree line, I heard what sounded like shots. I had never seen a mortar fired at night or heard one. It sounded like someone cutting loose with a .45 and I turned around and I saw the muzzle flashes and I started returning fire. The machinegun and everybody on that side started opening up and the first round landed right at the edge of our perimeter. They walked six rounds right through the perimeter. Someone in this platoon over here had seen through a sniper scope, some troops allegedly moving in on us so the whole perimeter opened up and this lasted for about 3 minutes. Afterwards we called in artillery. It was kind of spooky. We sprayed the area and then a "Spooky" sprayed the area and the artillery I think

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(The IO shows the witness Exhibit P-13.)

Q. You never saw this?

A. I don't remember ever seeing this. I don't remember anybody in this photograph.

(The IO shows the witness Exhibits P-147 through P-151.)

Q. Do you recognize any of these people?

A. I recognize P-147. I think this is the one that stayed with me for a couple of nights.

MR WALSH: Did he have a pronounced scar on his face?

A. I believe so. Yes, sir. Actually the only time that I saw him was after dark because he stayed in the platoon CP. We had very little to say to each other because I couldn't speak Vietnamese and he spoke very broken English.

Q. This was on this operation?

A. No. This was before this operation. He was in my bunker for a couple of nights.

Q. Was he on this operation?

A. I couldn't say for sure.

IO: What about this (pointing to Exhibit P-149)?

A. I've seen him. I'm pretty sure he was an interpreter.

(The IO points to Exhibit P-147.)

Q. When you saw this individual, did he have a white shirt on?

A. No. He had on a green uniform just like the ARVN's did. He wore a bush hat around base camp and out in the field he wore a steel pot.

(The IO shows the witness Exhibit P-52.)

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Q. Did you ever see these two people together  
(Pointing to Exhibits P-147 and P-148)?

A. No. I remember him, or I would, because of that  
eye if I had ever seen him.

COL WILSON: Any photographs you have seen so far that were  
in the area?

A. I can't place anybody.

IO: Did you see him with the American officer?

A. I'm sure about him because I've seen him before.  
I remember him having the glasses.

Q. Do you know what his name is?

A. No, sir.

Q. Did you see him anyplace over here on this  
operation along the coast?

A. He could have been anywhere in the area and I  
wouldn't have seen him, but I can't say that I did see him  
at anytime during the operation.

MR MACCRATE: When did you first attempt to put this story  
together that you have been recounting today? It's been 2  
years and as I listen to you I get the impression that you  
have sat down possibly before coming in today and said to  
yourself, "Now what did I do?" I wondered if you did that  
and I wondered if in doing that you had anything to assist  
you, any letters you had written or anything of that sort?

A. No, sir. I first started thinking about this  
when the story first broke in the paper because I expected  
that everybody involved in the operation would be called to  
testify. What I really expected was that someone from the  
Army would come to see me and take a statement. I had no  
idea that I would be called to Washington. I just started  
thinking about the things that happened that day and during  
those 4 days. I tried to recall back in my mind so that I  
would be able to give you as close a testimony as I could  
as to what I actually saw happen and what I heard.

Q. Have you had any other conversations with others who were on this particular operation?

A. No, sir. I haven't. Not since I left Vietnam.

IO: When did you leave Vietnam?

A. 2 September 1968.

Q. After this was over, did anybody ever caution you about talking or anything like that or say for you to keep it to yourself or that it was going to be investigated or anything to that effect?

A. No, sir. It was a complete surprise to me when the story broke about Lieutenant CALLEY. For that matter I had no idea that C Company was supposed to have done this. A couple of months later we heard that someone or Pinkville had been wiped off the map and had been bombed or something, but I had no idea that C Company was supposed to have killed all these people.

MR MACCRATE: Did you carry a camera with you on these operations?

A. Not on this one, sir. I did carry a camera sometimes, but it was later on during my tour of duty over there.

Q. Did you see anyone taking pictures of this operation?

A. No, sir. I would imagine that someone in the company probably did take pictures because there were several men in the company that did have cameras and it is probable that some men took pictures during these 4 days of something.

Q. Can you identify for us some of the men who were "camera bugs" on the operations?

A. Let me see. About everybody had a camera, but as far as who took pictures I couldn't say, sir. I'd say that 90 percent of the men had cameras.

IO: Thank you very much, Mr. MICHENER.

(The hearing recessed at 1650 hours, 22 January 1970.)

(The hearing reconvened at 1319 hours, 6 March 1970.)

COL WILSON: The hearing will come to order.

RCDR: The following persons are present: COL WILSON and MAJ THOMAS.

The next witness is Mr. Morris G. MICHENER.

COL WILSON: Prior to receiving the witness, I would like to introduce two exhibits, Exhibit P-235, a photograph of Sergeant MIEN, M-I-E-N and Exhibit P-236, a photograph of Sergeant PHU, P-H-U.

(MR MICHENER was recalled as a witness, reminded that he was under oath, and testified as follows:)

RCDR: Please state your full name, occupation, and residence?

A. My name is Morris G. MICHENER. I'm a sales clerk for Montgomery Ward. My address is 809 1/2 Woodward Drive, Charleston, West Virginia.

COL WILSON: Mr. MICHENER, the main reason we recall you to the hearing is to ask if you can identify any of the three photographs which we recently received from Vietnam. These photographs are Vietnamese soldiers. First I would like to ask with each individual photograph if you have ever seen the individual reflected thereon. The first is P-232.

A. (Examining Exhibit P-232) I can't say that I recall seeing him, sir.

Q. The next is P-235.

A. (Examining Exhibit P-235) Now this one looks familiar. I think I've seen him somewhere, but I can't--I don't recall where. I mean, naturally it had to be in Vietnam, but I don't know under what conditions.

Q. Set that one aside, will you?

RCDR: All right, sir.

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off to the right where the trail went on down the peninsula or the island there.

Q. Where it turned south?

A. Yes, sir.

Q. And that's where the firing was going on?

A. Yes, sir, I couldn't see anything. All I could-- I could hear, you know, the firing, but I couldn't see anything.

Q. Now, what you're telling me is that from the bridge to the village, you can't see anything?

A. I couldn't see where they were. You can see the beginning of the village.

Q. In other words you can see the northern part of the village?

A. Yes, sir.

Q. Can you see the other part of the village at all?

A. Not that I can remember, no, sir.

Q. Now, as I understand your testimony, a person standing on the east side of the bridge can only see the northern portion of that village, where this firing was going on?

A. As well as I can remember, yes, sir.

Q. Well, from the bridge and looking into the northern part of the village, how many hootches are you looking at?

A. Oh, I'd say five or six.

Q. Five or six out of a total of how many?

A. I don't know how many there was.

Q. Now does this vegetation obstruct the view from the west bank of the river? If you were standing on the west

side of the bridge, on the west end of the bridge, would you have the same obstruction to your view? Could you see the village from the west end of the bridge?

A. You could see a few hootches through the trees, but you didn't have a clear view, not that I remember.

Q. Well, let me ask the question this way. If you were standing on the west end of the bridge, do you think you could have seen the action that was taking place in the village better than you could on the east end of the bridge?

A. I really couldn't say, sir. I don't know whether you could or not.

Q. I was just trying to get a picture in my mind as to how dense this vegetation was, whether it covered the view of the village from some distance or just from the location where you were standing at that time.

A. Well, the vegetation wasn't really, you know, real dense. It was along the river bank, I guess you would call it, where the body of water was separated, you see. It was along the river bank, so it wasn't real thick, but from the east end of the bridge looking into the village, there was a clump of what seemed like, you know, just small little short palm trees. You couldn't see very much at all just, you know, you could look down the trail and see the north end of the village, maybe five or six hootches, but then they blocked off the hootches and also blocked off the view of the rest of the village along with the vegetation.

Q. Well, at the time that you heard this firing, and you heard that these people were killed, you saw no action from where you were looking in that village?

A. That's right, sir. I couldn't see anything.

Q. This action that you describe was going on further into the village?

A. Yes, sir, as well as I can remember.

Q. Could you see from the place you were standing the

intersection of the trail that bends south and the trail that bends north? I believe they sort of go out there and split off?

A. Well, what it is, the trail came into the village right at the bridge from the north, and then it went east over toward about the middle of the island, and then it went south. It just made a zigzag there, and I couldn't see where it started south, because it was right in the middle of, you know, north of the village. It made a zigzag there, and then you went over maybe 50 or 60 meters, maybe not that far, and then you went down the trail again through the village. And if I remember correctly right there was where they had the platoon CP set up, right where the trail curved south.

Q. Did you ever move to that point where the platoon CP was?

A. I think I did once.

Q. For what purpose?

A. I don't remember. It seems like I went up there once. I think Sergeant LIAS called me up there, but I can't remember what it was for, and then I went back to the bridge.

Q. Could you see into the village from that point?

A. Yes, sir.

Q. You had a good view of the village at that time?

A. Yes, sir.

Q. Did you ever see the machinegun? I suppose it was MILUS' gun. I don't know whose gun it was, but I think it was MILUS' gun. Did you see the machinegun position in that approximate location?

A. Yes, sir, but I believe it was facing north, for security.

Q. Okay. There was one gun that was facing north. Supposedly there was another gun that was closer into the

village that was firing south.

A. I think that was MADISON's gun.

Q. Then the gun that was facing north was MILUS'. Is that correct?

A. Yes, sir, I think it was.

Q. Now at the time that you describe this incident, did you have any view at all of either of these machineguns?

A. I can't remember whether the one that was set up at the CP was MILUS' or MADISON's, either one. I can't remember whether they sent it with the other one or not. I don't remember whether it moved or not. It may have stayed there. Really, I couldn't tell you for sure.

Q. Did you have any clear vision of anyone in the point squad at this time?

A. Not that I remember, no, sir.

Q. At the time that you heard this firing, could you identify some of the firing as being an M-60 machinegun?

A. I can't remember, sir.

Q. Our previous thinking on this matter was that it was MILUS' gun that was supporting the point squad?

A. I couldn't say for sure which one it was.

Q. There was no gun back at the bridge?

A. No, I don't think so, not a machinegun. It was just me and WILLIAMS with M-16's.

Q. Did you notice at any time--do you remember the ridge that was back toward the beach, where the ground rose?

A. Yes, sir.

Q. Did you notice any bunkers in that ridge?

A. I can't remember whether there were any in there or not.

Q. This figure of 85 that you previously stated as the number of people killed that you heard of, do you recall who told you that?

A. No, sir, I don't.

Q. Do you recall when you were told?

A. I can't remember whether it was during the operation, later on in the operation, or after we got back to base camp.

Q. Did you hear this figure very often or just one time?

A. Just that one time.

Q. Where do you think the 85 people were?

A. I don't know unless they were down in the bunkers or something.

Q. In the bunkers then would be your--

A. (Interposing) Because I never saw any bodies.

Q. None?

A. None.

Q. And you did go into the village?

A. Yes, sir. After we started on south to clear the rest of the island, I went through the village, and I never saw dead person one.

Q. What time of day was that?

A. That we started south?

Q. Yes.

A. It must have been pretty close to around 11 o'clock it seems to me.

Q. You started across the bridge sometime--you reached that bridge about 9 o'clock?

A. Yes, it must have been. I'd say between 10:30 and 11.

Q. When you went through the village, how much of the village do you think you saw?

A. Well, I just saw one edge of it because when we were moving south, we moved along a trail which ran right along the edge of the village. Where the trail turned south it went through that one corner and then cut back over on to this river bank. Then the trail went south right along between the village and the water, and I just saw the hootches on my left as I went down. I didn't go right through the center of the village.

Q. You didn't go. Did anybody else?

A. I think one squad did, yes, sir.

Q. You weren't in a column then?

A. We weren't in a platoon column as such. We were in a squad column.

Q. And you had squads moving sort of abreast then?

A. Yes.

Q. And you were over by the river?

A. Yes, sir.

Q. Except for one edge of this village?

A. I'd say northwestern corner of the village. I went through there.

Q. 0935 was the time that there was a swift boat out in the sea some 400 or 500 meters off the coast, and it transmitted a message which said they saw a lot of small

small arms firing. They said on the beach, but it probably was where this was going on. They were looking right in that direction and gave the coordinates. Now this was at 0935. How long after this heavy fire--from several witnesses we understand it was heavy fire--was it that you moved south?

A. I'd say about an hour or an hour and a half.

Q. Did you ever see any villagers, any people, moving in around there between the time that firing stopped and you moved out? In that hour or hour and a half, did you see any?

A. Not that I recall.

Q. Civilian people in there? Did you ever see any inhabitants in the village before the firing or after the firing?

A. Not in the village as such. Just that one that we used like I told you last time--that we used as a human mine detector that walked out in front of me. That's the only one that I recall.

Q. Yes. The other squad of the platoon must have been the squad that moved through the village. I mean after the firing was over.

A. That's probably right.

Q. We've had one witness to say that he saw 15 or 20 women and children dead in the village, one witness. Even if you hit the edge of the village and, if there was that high of a casualty ratio in there, it would appear that there would be some bodies around.

A. I couldn't say. All I can say is I didn't see any.

Q. Did you have a very good view, unobstructed view, when you were walking along the edge of the village? Could you see into the village?

A. Not clearly. No, sir. The edge of the hootches that were, you know, on my left blocked off an unobstructed view of the village. I couldn't see into the village. I could

just see the front of the hootches as I went along.

Q. And then what you saw was one side of the village?

A. Right. Just along that one edge.

Q. There was another trail that went down through the middle of the village?

A. As far as I know, yes, sir. Either that or--

Q. (Interposing) Could you see the other elements of the platoon moving through there?

A. Not that I remember. No, sir.

Q. What is your opinion? If there were this many people killed in that village, where would they be?

A. Well, from what I heard, most of them would probably be down in the bunkers.

Q. Because of the method of demolishing the bunkers?

A. Right, sir.

Q. Did you ever look into one of these bunkers?

A. No, sir.

Q. Do you know anybody who did?

A. Not right offhand I couldn't tell you. I couldn't give you a name. I imagine some of the guys did. I don't know of anybody that did for sure.

Q. Do you remember Specialist LINKOUS?

A. Yes, sir, I do.

Q. Apparently he was the squad leader of the other squad that day.

A. He may have been, but I don't recall certainly.

Q. Do you know Larry HOLMES?

A. Yes, sir.

Q. Did you see him that day?

A. Yes, later on in the evening.

Q. You didn't see him that morning?

A. Not that I recall. No sir.

Q. Remember a man named JENKINS?

A. JENKINS, JENKINS, the name sounds familiar, but I can't remember whether he was in our platoon or not. JENKINS, JENKINS.

Q. I understand that at times he was an RTO.

A. The name sounds--I mean I know the name, but I just can't place it with a face or what he did.

Q. Supposedly he--

A. (Interposing) Wait a minute! Was JENKINS--does it say on there (indicating unidentified papers held by COL WILSON) whether he was a Negro or not? I think he was.

Q. No, he wasn't.

A. He wasn't?

Q. No, he wasn't.

A. I can't remember him then, because there was at one time a man in our company named JENKINS who was a Negro. That's the only one I can remember.

Q. This man was an RTO that day, according to our information, and was working up with the point so that the platoon leader could maintain communication with the point squad. And he was probably following a little bit behind the point, but he had one of the PRC-25's. He's about your size, a pretty big boy.

A. I just can't place him with a face.

Q. Well, it isn't too important.

A. Yeah, but it bugs me. Wait a minute! Jimmy JENKINS, he was from either Arkansas or Alabama, a big country boy. He had shoulders on him about like that (holding hands about 3 feet apart). Yeah, I remember him.

Q. Did you see him that day?

A. Probably, but I can't recall exactly when or where. I imagine at one time or another during that day or even during that period of time right after the fire, I probably saw everybody, you know. They just kept running back and forth.

Q. I was trying to highlight these people to see if you remember anything specifically.

A. I do remember Jimmy now.

Q. We've got an awful lot of detailed information on this area, but we don't find too many people that have been through that village. Is there anything else that you can recall, any other information that you might have that we haven't questioned on, regarding this contact there?

A. I can't think of anything else, sir.

Q. These photographs that I showed you earlier, you can't relate those photographs in any way to this particular operation, 16 through 19 March 1968?

A. No, sir, I can't. To me one Vietnamese looks like all the rest of them. I could have seen these guys probably every day and--

Q. (Interposing) During this time frame, 0900 until about 10:30 or 11 o'clock, did you see Lieutenant WILLINGHAM?

A. I think I saw him at the platoon CP once or twice.

Q. And that could have been moving or it could have been stationary? Where was that?

A. I think it was stationary, there where the trail turns south.

Q. At that point that you described earlier?

A. Yes.

Q. Did he seem to stay there or was he moving around?

A. He was moving around. He was in and out of the CP constantly.

Q. Did you see FERNANDEZ?

A. I can't remember whether I saw him or not. I probably did, though, because he was Lieutenant WILLINGHAM's RTO.

Q. How about Sergeant RUSHIN, did you see him any-time?

A. Sergeant who?

Q. RUSHIN?

A. Oddly enough, I don't even remember Sergeant RUSHIN.

Q. Sergeant RUSHIN was the platoon sergeant on this operation.

A. Oh, yeah. He was the one that was wounded the night we got mortared.

Q. That's correct. Wounded and evacuated.

A. Right.

Q. Did you see him during this time period?

A. Yeah, I think he came out to the bridge once to see if we had seen anything, any movement across the river. It was probably after he heard us firing. We were target practicing at the ducks out in the river.

Q. Target practicing at ducks?

A. Yes.

Q. With M-16s?

A. Yes.

Q. Were you firing semiautomatic or automatic?

A. Semi, shooting about 6 inches away from them, making them fly.

Q. Was this before or after the firing in the village?

A. After.

Q. After the majority of this firing in the village stopped, did you hear sporadic, or intermittent firing, or was it all just one big volume, mad minute of fire, and then everything stopped?

A. I can't recall whether I did or not.

Q. Well, you were probably pretty well occupied with those ducks?

A. Possibly, yes, sir. We just fired maybe, oh, four or five rounds apiece.

Q. I was just wondering if the boys in the village down there were a little edgy about that firing back there at the river?

A. If they were, I never heard anything about it.

Q. They didn't fire in your direction?

A. No. They knew that we were back there. They probably figured that we were just, you know, reconning by fire or something. Sergeant RUSHIN did come over and ask us what we were shooting at, and we told him ducks, and he made us stop it.

Q. Maybe that's the reason he came back there?

A. It probably was.

Q. Did you ever remember whether there was intermittent fire after that mad minute?

A. I can't recall whether there was or not, sir.

Q. Did you ever see any military equipment come out of that village? Grenades, mines, web equipment, uniforms?

A. It seems like I remember hearing they found something, but I never saw it. Generally, it was a booby trap, or a mine, or what. Let's see, no I just can't recall clearly what it was.

Q. A forward air controller up in a Birdog aircraft at 0940 said he saw an impact on the beach. I wonder what he was talking about? That was at 0940. It would have been about the time all the firing was going on. Was there any type of--I know that the 81's weren't firing then or at least I'm reasonably sure. What could have been fired to give the indication of an impact, an M-79?

A. Possibly, either that or someone may have tripped a booby trap or something, I don't remember hearing explosions about that time.

Q. Actually, the demolitions part of the operation, these demolitions were, as I understand it, in all cases in bunkers. Did they throw any on top of bunkers? Were they trying to cave them?

A. They may have, sir, I don't recall.

Q. Still when they talk about on the beach, they could be talking about that spit and not necessarily mean the sandy beach. Did you ever recall an impact or explosion at about that time?

A. No, sir, I don't. Everything was so hectic then.

Q. A big volume of small arms fire occurred and then the explosions started, didn't they? Then the demolitions started?

A. Yes sir.

Q. Mr. MICHENER, do you have any further testimony, any further evidence you could offer?

A. Not that I know of, no, sir. Nothing that I can remember right now.

Q. I'd like to again advise that this investigation is privileged in the sense that the report is to be given to the Secretary of the Army. We request that you not discuss this testimony or questions and answers with others to include other witnesses except as you may be required to do so before a legislative or judicial body.

A. Yes, sir.

COL WILSON: The hearing will recess at this time.

(The hearing recessed at 1404 hours, 6 March 1970.)

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SUMMARY OF TESTIMONY

WITNESS: PLACEK, James E.

DATE OF TESTIMONY: 14 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Rifleman, First Squad, First Platoon, B/4/3.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

He recalled no instruction concerning legal versus illegal orders (pg. 3). While he had seen the MACV cards "Nine Rules" and "The Enemy in Your Hands", they were not issued to him (pgs. 3, 4).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

They were told that they were going into the Pinkville area on the 15th, but no one wanted to go because this was the toughest area in which they ever worked (pgs. 5,7). He heard that their mission was to hold a bridge (pgs. 5, 7, 8). He did not know that the operation was to last more than one day (pg. 6). He could recall no instructions about destroying animals or foodstocks (pg. 9). He was told that everyone in the area was to be considered MC (pgs. 9, 37).

3. THE COMBAT ASSAULT.

a. Actions on the 16th.

As PLACEK came in on the second lift they received sniper fire and the doorgunners were firing (pgs. 10-12). On landing he heard that Lieutenant COCHRAN had been killed

(PLACEK)

1

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The point team opened fire on someone who was running (pgs. 12, 33). They stopped at a bridge where Lieutenant WILLINGHAM informed them that they were to move across the bridge (pg. 12). The village was approximately 20 feet from the bridge, and they were supposed to recon it by fire (pgs. 12, 16). The witness was one of the last persons in the first squad to cross the bridge, and by the time he got across MILUS had the machinegun set up and was firing at a hootch built over a tunnel (pgs. 17, 19). There was a fortified bunker inside the hootch (pgs. 25, 34). The point team was throwing grenades at the bunkers (pgs. 17, 19, 21). PLACEK thought WILLINGHAM was at the front at this time (pg. 27). Meanwhile, the rest of the squad stayed in place (pg. 21). PLACEK saw one dead man in front of the bunker (pg. 30). He did not remember any incoming small arms fire at this time (pg. 38). They then moved into the village which they searched (pgs. 13, 14). A dead woman was found (pg. 31). He recalled burning a village, but he did not know if this was on the first or second day (pgs. 13, 23). At this time the inhabitants were running on the beach (pgs. 20, 31). They used up all the squad's grenades clearing bunkers as they moved through the village (pgs. 22, 30). He did not know if the bunkers were checked for people before the grenades were thrown into them (pg. 36). Some ammunition was found in the village and it was taken out by helicopter (pg. 24). He could not remember if they were supported by mortar fire (pgs. 25, 26). PLACEK, MOSSFORD, MILLSAPS and HALL were assigned to the beach most of the day while the rest of the platoon stayed in the vicinity of the village (pgs. 28, 30). They searched people on the beach (pg. 32). The platoon searched the village most of the day and moved out in the late afternoon (pg. 27). He was unable to explain how the first platoon got a body count of 38 because he saw only two bodies (pgs. 34, 35). However, there could have been 30 bodies inside the hootches which he would not have known about because he was on the beach (pgs. 35, 37). Sampans were forced ashore at the beach and searched in the afternoon. (pg. 39).

b. Actions on the 17th.

On the next morning TAYLOR was wounded while trying to disarm a mine (pg. 42). There was a woman with

(PLACEK)

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TAYLOR who cried when he got hit (pg. 44). While PLACEK recalled firing at the ridge behind the village in response to sniper fire, he could not remember if this happened before or after TAYLOR was wounded (pgs. 40-42). He recalled the medevac helicopter, but he did not remember seeing gunships (pg. 42). As they moved down the river they encountered two villages which they searched (pgs. 43, 45). They burned Co Lay (2), but they did not burn the village on the extreme southern point of the peninsula (pgs. 44, 45). He thought it was not burned because they received orders not to do so (pg. 50). He saw numerous people in boats at this latter village (pg. 45). There was a lot of firing (pg. 45). They laagered in a graveyard that night, but nothing unusual happened (pg. 46).

c. Actions on the 18th.

On the morning of the 18th they moved to a village where they gathered 500 to 1000 people who were treated by a MEDCAP team (pg. 47). There was a mortar attack that night in which MILUS was killed and four others were wounded (pgs. 48, 49). His squad went out to locate the enemy mortars (pg. 49).

4. INQUIRIES AFTER THE ASSAULT.

He never knew that an investigation was made of this operation (pgs. 50, 52, 53). He was never questioned about it and knew of no one who was (pg. 51). He knew nothing about civilians being unnecessarily killed or tortured by B/4/3 or C/1/20 (pg. 51).

5. OTHER INFORMATION.

There was no problem with marijuana in B/4/3 (pg. 51).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-2	MACV Card "Nine Rules"	Wit saw card, but it was not issued to him.	3,4
M-3	MACV Card "The Enemy in Your Hands"	Wit saw card, but it was not issued to him.	4
P-21	Miscellaneous Scene	Wit was unable to identify anyone.	40
P-22	Miscellaneous Scene	Wit was unable to identify anyone.	41
P-66	Miscellaneous Scene	Wit was unable to identify anyone.	41
P-210	Miscellaneous Scene	Wit was unable to identify anyone.	41,44
P-212	Miscellaneous Scene	Looked like village on beach.	45
P-215	Miscellaneous Scene	Wit was unable to identify anyone.	49
P-217	Aerial photo of area	Wit oriented to photo.	15
		1-Bunker at which they fired on 16th	16
		2-Place where MILUS' machinegun was set up after crossing the bridge.	19
		3-Location of village.	24

20 220

(The hearing reconvened at 1224 hours, 14 February 1970, at the Holiday Inn in Chicago, Illinois, with COL WILSON and witness, Mr. James E. PLACEK, present.)

COL WILSON: The hearing will come to order.

The PEERS Inquiry was directed jointly by the Secretary of the Army and the Chief of Staff, U. S. Army, for the purpose of determining facts concerning the My Lai (4) incident of March 16, 1968.

In conducting his investigation, General PEERS determined it was necessary to have an overall insight of operations in the Son My Village area on 16 to 19 March 1968. And he, therefore, appointed this board of which I am a member to question personnel of B/4/3.

Your testimony will be taken under oath. A verbatim transcript will be prepared.

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

During the interview, I will follow a chronological sequence, and I will ask you a few questions on training. Secondly, there will be some questions which are concerned with the briefing which you received prior to the combat assault.

A. Well, sir, first of all, sir, I think, if it is possible, the day in question is still a little bit vague to me. You see what I mean?

COL WILSON: I think I can straighten that out in just a minute. We will follow a chronological sequence of questions on the operations during that period and include a couple of questions on investigations, and inquiries, and things like that.

(PLACEK)

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(MR PLACEK was sworn and testified as follows;)

Would you please give your full name?

A. James Edward PLACEK.

Q. Occupation and residence?

A. I am a salesman for Traveler's Life Insurance Company, and I am presently residing at 9011 Ballard Road, Des Plaines, Illinois.

Q. My first question is what was your assignment on 16 March 1968? Before you answer that, I think I can fit you into this time period. The death of Lieutenant COCHRAN.

A. I didn't know Lieutenant COCHRAN but we were on the choppers. Our squad was in the very last chopper in on the assault. When we landed we had heard that he was already killed. I didn't know him.

Q. The only reason I mentioned his name was to fix that day.

A. I get it.

Q. COCHRAN was killed on the first day and MILUS was killed on the last day.

A. I don't know MILUS.

Q. He was a machinegunner in the second squad.

A. MILUS? Yes, we called him JUG. He got hit with a mortar.

Q. Have you got the time?

A. Got it. Got it.

Q. What was your assignment on 16 March 1968?

A. A rifleman at the time.

20 222

Q. Which platoon?

A. First squad, 1st Platoon, B Company.

Q. When you were going through training, did you ever hear anything in any of your classes, probably military law classes on legal versus illegal orders? Did you ever hear anything on that subject?

A. Well, legal, I believe, is any order given by your officer or person of high rank. Illegal orders also can be-- how do you put it--counteracted by another order at a later time by a higher ranking officer or a direct noncommissioned officer over you.

Q. I am speaking on the basis of the authority to not obey an order because it's an illegal order. If you have never heard anything in training on that, say so.

A. If I did, I don't recollect to be very honest with you.

Q. If you did have it, it was probably in your basic training or you may have picked it up in your advanced individual training.

Were you assigned to the 11th Brigade in Hawaii?

A. No, sir. I came out of Fort Polk. The 11th Brigade had already been over there several months, and I joined them at outpost Uptight, I believe.

Q. When did you join the unit? Do you know?

A. Yeah, let's see. I went over on my birthday on January 14th, and then I had training in Chu Lai for a week or something like that, and then I joined them. It would be around February, the end of January or the start of February, somewhere in that area. I don't know the exact date.

Q. I show you Exhibit M-2, entitled, "Nine Rules". Have you ever seen that card?

A. Yes, sir.

- Q. Where did you see it?
- A. I saw it in S2. I worked in intelligence.
- Q. You saw it at Benning?
- A. No.
- Q. You didn't see it in Vietnam?
- A. No.
- Q. They didn't give you one?
- A. No, sir.
- Q. How about "The Enemy in Your Hands", Exhibit M-3?
- A. Let me think. I saw something similar to this, but I don't think it was the same thing, because I don't remember this here (indicating Vietnamese translations on the back of the card).
- Q. The translations?
- A. Right. I don't remember that at all. No, I never saw that part here.
- Q. And you didn't get either one of these cards issued to you?
- A. No, sir. I never had any card over there at all. We were supposed to get--one card they issued you when you go overseas?
- Q. The Geneva Convention card?
- A. Right. I never received any card, because I think HALL asked me. We were in Dottie, I believe, and we were talking about cards, and things like this, and training, and it came up, and I said I didn't even get one, and I know I never received any card.
- Q. Did you go through the combat center in Chu Lai?

20 224

A. Yes, sir.

Q. You didn't get one there?

A. Nope. In fact, when I was in S2 at Fort Benning I asked for one, and they didn't have any there.

Q. This is after you came back from Vietnam?

A. Right.

Q. I would like to take you back to 15 March 1968, which would be the day before this operation. You were at Uptight?

A. Right.

Q. And tell me what orders were issued and who issued them concerning the next day's operation.

A. Well, we call this area we were going into Pinkville.

Q. Right.

A. We had been to Pinkville several times and it was one of the roughest areas we had ever been in, and we dreaded going to it. We had heard that the area had calmed down somewhat, and we figured it was going to be a routine mission. So our squad, the second squad, was the last squad on the chopper because I remember on our combat assault we landed in an open area. As far as direction from the coast, it was toward Uptight, the field or whatever it was. Coming in we had heard some fire.

Q. Wait a minute. Let me hold you back here now.

I want to first find out whatever I can about what you were told before you went on the operation. Then we'll get into the operation. I want you to, if you can, think what you were told, not what happened, but what you were told before you left Uptight. It may have been the morning of the 16th, but I think it was the 15th that you received information that you were going on this combat assault.

A. We knew we were going on this combat assault. It was a sweep through the area, and we were supposed to come in across the bridge and hold this bridge. It was near a village. We were supposed to hold this bridge, move out that night further down the coast, hold the position, and go back to the village, and sweep down.

Q. You knew all of this was going to happen before the operation started?

A. We knew we were supposed to hold the bridge.

Q. Did you know that the operation was supposed to last longer than one day?

A. No, we didn't.

Q. Your squad was the first squad. Who was your squad leader, LIAS?

A. No, he was the 2d Platoon's squad leader.

Q. GARCIA?

A. I think, it was GARCIA.

Q. Who gave you the information on this operation? Was it the squad leader or the platoon leader?

A. It was the platoon leader.

Q. Who was that?

A. A colored guy, E-6, short.

Q. Your platoon leader at this time was Lieutenant WILLINGHAM. You were probably thinking about RUSHIN?

A. That's right.

Q. WILLINGHAM was the platoon leader?

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A. Let me say this, the way we worked it was--I don't see how they could consider WILLINGHAM the platoon leader, because RUSHIN--let me think. No. Oh, man, this was a long time ago.

Q. 2 years.

A. Who was the colored guy?

Q. The platoon sergeant at that time was RUSHIN.

A. I just can't place him on that.

Q. Who?

A. He got wounded, and he was gone. The E-6 I'm talking about. He may have been an E-5 then, but I can't think of his name. But anyway, we got--in other words, when we sat down we were on Uptight, and they said we are going on a mission toward Pinkville. Naturally, nobody wanted to go to Pinkville, and it was a general idea we were going through on a sweep, and all they told us was how we were going to board the choppers and where we were going when we got off. All I knew, we were suppose to go across and hold the bridge. In fact, if I remember right, we were supposed to hold like a supporting unit on this side of the river (indicating on Exhibit MAP-4).

Q. East side?

A. The east side.

Q. The sea side.

A. The other side of the river we were headed down. We were holding that position.

Q. This is what you did?

A. Right.

Q. You knew when you left or when you were briefed that you platoon was going to secure that bridge?

A. No, sir.

Q. Did you know what the formation of the platoon was going to be? Whether the point was going to be the first squad or second squad?

A. The first squad was last.

Q. The other squad would take the point?

A. We had a point squad.

Q. A point group?

A. Yes, and they would normally take it. But our squad--if I recollect correctly, our squad was the last one off of the choppers, I think, if I remember correctly, because I remember normally we had certain positions or areas pointed out ahead of time, and we all knew which areas we were to cover. As I was getting off of the choppers, running to the area and moving out, that is when it was passed back that Lieutenant COCHRAN got hit, but I didn't know Lieutenant COCHRAN. This was a search and destroy and sweep, and something about holding a bridge, and that is all that I remember.

Q. What orders were given concerning the burning of hootches and the destruction of villages.

A. We reconned by fire.

Q. No, what were you told, not what you did. What orders were given concerning the destruction of villages, and burning, and so forth?

A. We didn't have any instructions until we got into the village and we--I don't know what the name of the village was--we burned it. We were there for a while and then we covered the beach, and we had sniper fire and following that this was after TAYLOR--

Q. (Interposing) Wait a minute now. What about the destructions of food stocks? Were there any instructions or any mention about that?

A. I don't remember anything about food.

Q. How about animals, livestock? Was anything stated about that?

A. I don't remember too much about the animals at all.

Q. What orders were given concerning the people in that area? What did they say about them?

A. They said everybody in the area was considered VC.

Q. Everybody in the area was VC?

A. Right.

Q. Now, was this in the briefing or was this general talk?

A. This was general talk.

Q. Do you know what the enemy situation was down there? Did you know what size force you were going up against?

A. No.

Q. And you knew your squad was going to be the second squad in the column?

A. Wait a minute now. Our squad was to follow second squad, but I don't know if there was a squad ahead of us or not. It was like this, HALL, I think, was the last man and then came MOSSFORD, or MILLSAPS, and then me, and one other. It was one of the four of us that was last, and, you know, back there when we got hit with snipers. We didn't know where we were at or what was happening.

Q. Let me go on into the operations, and if you do recall anything as we go along that you received in the briefing, I would like for you to say something.

A. I remember it was a search and destroy.

Q. How many times had you been on a search and destroy mission?

A. I was not in the country that long, and we were at Uptight for a week after we got in, and I'd say around four or five.

Q. Four or five search and destroy missions? What was the normal procedure? To move in and search the village and destroy anything like ammunition?

A. No, not destroy it. If we found anything, in other words, any kind of material, guns, ammunition, then they would call for evacuation.

Q. Did you burn villages on this mission?

A. No. I remember this.

Q. This mission was a little different?

A. Yes.

Q. Do you know whether you received any fire as you approached the landing zone?

A. Yes. There was fire. We heard firing.

Q. Were your doorgunners firing?

A. They always fired.

Q. Think, now, because there are certain circumstances.

A. The doorgunners were firing when we came in. I know that.

Q. You must have been on the first lift?

A. I couldn't have been, because I told you--I couldn't have been on the first lift.

Q. Okay.

A. I had to be on one of the last lifts.

20 230

Q. There are only two. When I say lift, I am talking about nine helicopters and two lifts going down.

A. Right, I got you.

Q. I'm going to brief you from the standpoint of the task force. But let me ask you a couple more questions before I do that. Did you see anybody firing when they left the aircraft?

A. Firing when they left? In other words, coming off firing?

Q. Yes.

A. On the assault?

Q. Yes.

A. No. Just in the distance except for our gunners, of course, they were firing.

(COL WILSON oriented the witness on Exhibit MAP-4.)

Q. What I am going to do, I am going to tell you what we know from documented information and then I want you to build around each one of these events.

A. All right.

Q. Now, on the 16th at 0827 hours, the combat assault for B Company was completed. All of the aircraft were in. The LZ was reported as being cold. This isn't necessarily true, but that is the report.

A. I remember fire.

Q. If there was firing going on, where was it coming from?

A. There was sniper fire. Nobody can tell me there wasn't. I remember that if I am thinking of the same mission, it was sniper fire, because just as we got off, we were the last one, and then we moved out, because--isn't there a Sergeant LIAS? He briefed us as to our position when we got off of the chopper. We secured the area, and that is when I heard that Lieutenant COCHRAN was killed. I didn't know him, and then they said he was really a great guy. So we moved out, and we just got a little way, and we heard firing again, and I think it was either TAYLOR or TITTLE who was the point?

Q. HOOTON.

A. TAYLOR, HOOTON, and TITTLE. It was either TITTLE or TAYLOR. They said they saw someone running, and there was a house, and they opened fire on them. They said they seen someone running, and they opened fire on them. So we hesitated, and then we moved out again, and we came to what I remember--we kept walking and came to this side of the river.

Q. To the west side of the river?

A. Right. And there is a trail along the river which leads to this bridge which crosses the river. We waited there, we must have been waiting for coordination and other troops to move in, I don't know. I would assume that is what it was, and we waited there.

Q. Where?

A. On the west side of the river. We spread out covering this whole side of the river here, and then WILLINGHAM said we were to move across the river, and we were supposed to recon by fire. MILUS was the machinegunner, and he reconned across the area. He was hitting all over the bridge assuming it was mined. I think TAYLOR did find a mine on the bridge.

Q. What? Was MILUS's machinegun set up and firing on the bridge?

A. Right, right.

Q. How far away from the bridge was his machinegun position?

A. He was right at the end of the bridge.

Q. And firing down on the bridge?

A. As far as I know he was, because we had assumed it was mined. He was hoping to set off a charge and then he just kept firing as we crossed. I think it was TAYLOR who spotted a mine or what appeared to be a mine, and we pointed it out, and we went into the village, I think. This is what I can't remember what happened. We went into the village, and we went through the village, and, in fact, we were in the village most of the day. I remember us--my part of the squad there was me, HALL, MOSSFORD, and MILLSAPS. Four of us were assigned to the beach. We went over to the beach, and we had stopped several people on the beach, and we searched the baskets, and they came back in. I can't remember if we burned the village that day or the next day. We had orders to burn everything, and we burned it. I can't remember whether it was that day or the next day, but I remember burning everything.

(The hearing recessed at 1300 hours, 14 February 1970.)

(The hearing reconvened at 1305 hours, 14 February 1970.)

COL WILSON: The hearing will come to order.

All persons present prior to recess are again present.

Before we do go any further, let me say something. You are not suspected of anything. You are not suspected, but if you do at anytime say something that would bring you under suspicion, I will give you a warning.

A. I realize that. I just remembered something now.

Q. Go ahead.

A. As soon as we got across the river I remember I reconned by fire, and we went into the village. I remember there was hootches. It was on the left. We were on the

peninsula, the east side of the river, on the seaside. There was a village out on the side. As soon as we crossed, we started to the right and went through the village, and there was this hootch in the back. Now I don't know, I was still on the bridge when all of this happened, HALL, and I, and MOSSFORD. And we were the last ones to cross the bridge, and they already had the machinegun up, and MILUS was firing at this hut. It was an underground hole. It was a hootch built over this tunnel.

Q. Or bunker?

A. It was quite fortified, and they just continued getting to it. They threw grenades, and they just kept firing and they kept throwing grenades. Whatever was in there, they continued getting it out, if it was VC or what. So, they brought--I don't know. TAYLOR or somebody went up and threw a grenade, and finally they knocked it out. And they--we just went through and searched the village. And then I remember they assigned me, MOSSFORD, MILLSAPS, and I can't remember who the other guy was, to the beach. There was a hill between the beach and the village, and we were on the other side. Then we went through the village, and we had stopped several people on the beach and searched their baskets. There was this old man--he was not that old--and we called up Sergeant LIAS. He was asking him some questions, but he didn't understand, so we left him. He was too old to do anything anyway, and he was very unhelpful. Like I say, I can't remember if we burned the village that day or the next day, but I know we burned the village. Anyway, I remember that night we camped, I think we left to guard the bridge. They left the point squad--I think there was TAYLOR, HOOTON, if I remember right--we left the point squad to guard the bridge for first squad or something. Anyway, they left somebody here to guard the bridge. I guess that was their machine-gunner, and we moved--and this is where I'm lost. I think we moved north.

Q. Correct, you did.

A. We moved north, and we went past the bridge that was knocked out. I remember that. Either that or there was another bridge here that was similarly built. We passed this

bridge, and it was not too far, a couple hundred meters past there. In fact, I don't know if it was that far. We had camped along the beach. In other words, there was this area of high ground between the main trail on the west side of the river. We camped on the west side of the river so we could watch both ways. That is where we camped that night. We received no action at all, nothing that night. It was quiet. We expected something, but we didn't receive anything. Anyway, the next morning--

Q. (Interposing) Wait a minute.

(COL WILSON oriented the witness on an aerial photograph, Exhibit P-217, which he then annotated according to the witness' preceding testimony. The photo with annotations was later received in evidence as Exhibit P-227.)

I have plotted the locations of the first platoon prior to its movement over the bridge. I plotted MILUS's approximate location for his M-60 machine gun, and it was stated that MILUS fired approximately one belt of ammo. This fire was on the bridge to demolish or detonate mines or booby traps as well as across the bridge, is that correct?

A. Yes. This whole area (indicating on P-217).

Q. You are pointing to the bridge and just on the other side?

A. Right, right in this area, because as I remember, the left side of the bridge, it was not really like a bridge, it was--more like a dike is what it amounted to. It was heavy growth to the east side of the bridge. It was heavy growth to the left of the bridge as you were going across to the seaside of the bridge. We were, like I said, on this trail on this side of the bridge (indicating west side), and you could not see the bridge because there was growth obstructing the view of the bridge, and MILUS reconned by fire, and then they sent the point squad across by themselves. As I recollect TAYLOR spotted something that appeared to be a mine, and we kept going across.

Q. Was this on the bridge?

A. Yes.

Q. He pointed out something on the bridge?

A. Yes.

Q. Do you know what it was?

A. It looked like it was a mine or something. He was not sure so he just pointed it out.

Q. You could see what he was doing?

A. I could see him because he was this far (indicating) and the obstruction was here (indicating). He was three-quarters of the way across the bridge, and I can't remember for sure--I am not positive whether he went across, and saw it first, and came back, and then MILUS fired on the bridge. But I do remember him pointing to something as we came across. I was one of the last ones to cross, and they kept passing the word back there was something on the left-hand side of the bridge, and then we went on into the village.

Q. The point squad crossed first?

A. Right. I think we followed in after the point, right. Okay, I got it. I think it was like this. I think the second squad was on the south side of the bridge, and the first squad was on the north side, because--and I remember the point squad went across, and then we went across, and then I think second squad came across the bridge. That's the way it was. We came into the village and as we crossed the bridge, we had to go south into the village.

Q. Just immediately on the other side of the bridge or did you go down the trail a little ways there?

A. There is not too much trail. The village is right on the other side of the bridge. Where the bridge is you have to go 20 feet, and you start into the village. There is a trail right near the ocean, and then there is a trail which runs north, and there is a trail which runs south, and there is a small trail, a little foot path. There was a big clump of brush between the trail running, the foot path, running into the bridge, and a trail running south. I remember the point having trouble going through

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the brush. I followed his foot path and went in to the village. And then, lets see--upon entering the village they searched out this area up in here, and we were still at the edge of the bridge.

Q. First squad?

A. First squad was right here (indicating on P-217) as the point was checking out this area right in here. They came back to the trail by the river, and we moved on. Meanwhile, I don't think second squad was already on the bridge. I think they were still over here, and as we moved into the village, we spread out and second squad came across, and we moved out and in here. In other words, southeast of the trail running south.

Q. You are pointing to a trail right along the river.

A. Right. There was a hootch or a bunker, and I don't remember what happened. They called MILUS with the machinegun, and he was firing out at the bunker and they were throwing grenades at the bunker. In the meantime, we were on the ground, and we couldn't see because of this clump of brush. They were firing on this hootch and whatever it was, they couldn't knock it down. They must have thrown eight or nine grenades in the hole. They couldn't get who was in there out, and they kept firing the machinegun, MILUS firing cover for TAYLOR throwing grenades and trying to knock it out. After they knocked it out, we swept through the village, and we kind of centralized over here (indicating). There is a trail running west over this ridge to the sea. There were four of us assigned to the beach. Sergeant LIAS assigned us, MILLSAPS, MOSSFORD, and me, and I don't know if it was HALL. I don't know who the other guy was. We were assigned to the beach, and we were stopping people as they came along. That is what we did while the rest of them searched the village. Then I can't remember if we burned it that day or the next day. I can't remember.

Q. That squad was the second squad?

A. Right.

Q. This bunker that you were talking about was located here (indicating)?

A. Right in there somewhere in among the trees. Now I remember exactly where it was. It was just below the ridge. I would say approximately 20 feet from the ridge, in other words, east of the ridge.

Q. We are talking about right here?

A. That is where it was.

(Marking the aerial photo, later Exhibit P-227.)

Q. I'm going to put it down as point 1. Was this a bunker?

A. Right.

Q. Is this in the village or at the edge of the village?

A. It's in the village because the village is all the way up to the ridge.

Q. Bunker in the village?

A. Right.

Q. Where was the machinegun that was firing on the bunker?

A. As I said, when the point searched in here and they had returned to the trail and were moving south, they called MILUS up because I remember that MOSSFORD and I were about 10 feet apart, and he said, "What is going on?" And I said, "I don't know." And HALL was behind us, and MILLSAPS was behind me. It was MOSSFORD, me, and HALL was last. As I said, I don't think the second squad came across yet, but I am not sure. They brought MILUS to the front, and he was directly perpendicular on this trail, one of these trails in here (indicating). I can't say which trail it was for sure, and he fired directly into this, and then they started grenading it.

(Marking the photo.)

Q. Now, that is point 2, MILUS's machinegun.

After crossing the bridge where were you and MILLSAPS and the people you were with?

A. To the rear of the first squad on this trail by the river right here (indicating), because the rest of them went on ahead and we were still on the trail.

Q. Was the squad deployed along here (indicating)?

A. Yes, I believe it was on this trail. There may be a trail that is running next to this. It was a trail that went along the river.

Q. Where was the second squad?

A. That I don't remember. I don't remember at all. I think they were behind us. If I can remember right it was like this: Starting from the rear of the formation of the squad there was HALL, MOSSFORD, myself, MILLSAPS was ahead of me, and then came GARCIA, because he was our squad leader or not our squad leader, but I guess you can call him that. MILUS was actually the machinegun squad leader. And then came the radio. And then the lieutenant ahead of them was-- I can't remember who all was in the first squad at the time, because the point was ahead of us.

Q. You said the squad moved up generally in the vicinity of MILUS's machinegun while he was firing on the bunker?

A. We didn't move up. We were still on the bridge parallel to the water.

Q. At the time MILUS was firing you saw--was it TAYLOR that was here?

A. I don't know who it was. One of the point men was using his cover, and approaching from the south, and started throwing grenades at the bunker, and then TAYLOR let loose--I think they were grenades, that is what it was.

Q. What brought this on?

A. I don't know, because as I said, there was obstructions between us where the point had gone through, and this was thick and high. When you're in a column like that, you cannot see. You just know what you have to know. So we just hit the dirt, and this was it. We waited, and anyway I presume they knocked out the bunker and went on searching the village, because I remember after they had knocked out the bunker, the lieutenant said, "Okay, point go ahead and search." We were still laying on the trail and not knowing what happened, and they were blowing bunkers in this whole village, blowing holes. After they finished throwing the grenades, we went through searching. As far as the people, there weren't hardly any people. The village was deserted when we went through it. Like I said, there were a lot of people on the beach. I don't know what they were doing there, but there were all kinds of people on the beach apparently, from the village. Then as everyone started moving out, the second squad and everybody else, the second squad was assigned to the village, and the four of us, HALL, myself, MOSSFORD, and MILLSAPS were assigned to the beach. We had to cover the beach, stopping anybody on the beach, and like I said, I distinctly remember coming back. LIAS said, "Come on, we're falling in formation." I can't remember if we burned it that day or the next day.

Q. The people that you named were in the first squad?

A. Yeah.

Q. Did you all fire on this bunker?

A. I didn't. I couldn't see it. We were over here, and this was an obstruction (indicating), and MILLSAPS was ahead of me, and I saw him fire once--no, MOSSFORD fired once. That is all that I remember. He fired one shot. I guess he must have seen the bunker.

Q. Could you tell that they were using grenades against the bunker from where you were?

A. I could hear them. I saw TAYLOR running and throwing, because I remember they said do not fire because TAYLOR was going in. It was either TAYLOR or--but I don't know. Anyway, they were throwing grenades at the bunker during this time. However, they were yelling, "Fire in the hole." And I remember them yelling stay down, because they are going to blow the bunker, and the point went through and blew all of the bunkers.

Q. And you were told to remain where you were?

A. Yeah.

Q. You didn't move at all?

A. Right.

Q. The point was in there by itself?

A. Yes, blowing the bunkers. Then they ordered the rest of us in, and then the second squad went in, and then the four of us went over the hill to the beach.

Q. How much demolition was with that point group?

A. I don't know, but I remember they--I can't remember the days. It was all in this village. Whether it was the first day, second day or what, but they had ordered more grenades, and they got in more demolition for them.

Q. When did they do this?

A. I don't know. It was either the first or second day.

Q. Were they using grenades or explosives?

A. I don't know.

Q. Did anybody have any grenades?

A. Yes.

Q. Could you tell they were not using CS grenades?

A. Normally you can tell by the sound whether it was a grenade or an explosive.

Q. Did you smell the odor of any CS that day?

A. To be very honest, I can't remember. It was over in here, and I can't remember too well.

Q. They were going through the village and blowing all of the bunkers?

A. Right.

Q. Did they appear to have sufficient explosives to blow the bunkers before they were resupplied?

A. All that I know, we were passing grenades up the line.

Q. You were passing grenades up?

A. Yes.

Q. They used practically all of your squad's grenades?

A. I guess so because they brought in a chopper with more grenades.

Q. You went in--you did some searching, didn't you?

A. Right, right.

Q. At the time you searched, could you tell whether these bunkers were destroyed? Do you remember seeing any destroyed bunkers?

A. A lot of the bunkers were built in the hootches.

Q. Inside?

A. Yes, they were destroyed. I guess you could say that, because I guess it must have been the first day when we looked at it, because we didn't burn it before we left. It had to be the first day then that we burned, because we didn't start burning until we got with the platoon. We came back from the sea. LIAS came over and said, "Come on back," and he said to burn all of the hootches, because there were no people around. They burned everything down, and that was it.

Q. When was that now?

A. I think it was the first day. I'm not sure. It was the first or second day, I'm not sure.

Q. Did you find anything in the village?

A. Ammunition and stuff like that?

Q. Yes.

A. I didn't.

Q. You didn't?

A. No.

Q. How many hootches did you search?

A. Three.

Q. Three hootches and how many hootches were in that village?

A. I'd say about 12 or 13.

Q. You searched about one-quarter of them?

A. Right.

Q. If I put a dotted line in here to show that area of that village--you say that bunker was on one side of the village. Did the village extend down this side (indicating)?

A. Yes. We will say that the ridge is there (indicating). And as I said, there is a bunker. There is another hootch, and there is a trail, the trail that I stayed with here. There were a couple more hootches before this one. This was toward the edge of the village where this trail--there is a trail that runs up here and it was kind of up here. It was not in the middle of the village. It was to the outskirts of the village.

Q. What are you talking about?

A. The bunker.

Q. Was on the outside?

A. Yes. It was in the--it was toward the outside, because all that is down here is hootches.

Q. The village was like this (indicating)?

A. Right.

Q. Something like this (indicating)?

A. No, it comes all the way down here to this trail. See this thick stuff like this?

Q. Yes.

A. That is where you could not see very clear into the village all of that growth right here. That is about right here, the village.

(COL WILSON marks the aerial photo, later Exhibit P-227, to indicate village features described by the witness.)

Q. I have used a dotted line to indicate the area which the witness describes as the village, and I have written the ridge on the photo. I put an entry which I will number 3 as 14 hootches in the village. PLACEK searched approximately three.

You didn't find anything in these hootches?

A. Not as far as weapons or anything of that nature. They did find some ammunition.

Q. What did they do with the ammunition they found?

A. They must have called in a chopper to pick it up. The chopper may have picked it up at the time they brought in supplies.

Q. The way this photograph is built up now, it appears that the machinegun, MILUS' machinegun had to fire through the village in order to hit that bunker on the other side.

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A. I don't think he knew the bunker was there.

Q. MILUS?

A. Right. There was no way of telling that bunker was there. It sat back to the ridge.

Q. He was covering the point attack on the bunker you said?

A. After they were in the village?

Q. Yes.

A. You don't seem to understand. I said that the hootches are spaced apart. He is not firing through a hootch to get a bunker. He had a direct line of fire on that hootch. There is no way he could fire through the village because it would be senseless.

Q. If he is concentrating on a specific target--was he reconning by fire through the village or was he concentrating on this bunker?

A. I know he was firing, because as it came through the line--it was passed back he is firing on a hootch or a bunker. But it turned out to be a fortified bunker, and he was firing on that. Otherwise, they would have never brought him up to the front. They had to know that was a fortified bunker.

Q. They brought him up to the front on the other side of the bridge?

A. Yes.

Q. Who gave the order?

A. The lieutenant had to.

Q. Do you remember having any mortar fire at all that day, friendly mortar fire that day on the order side of the bridge?

- A. I don't know. I don't remember that. There might have been; I can't say. It's been 2 years. I don't know to be exact if it was friendly mortar fire. There may have been.
- Q. Do you remember BREITENSTEIN?
- A. What was he?
- Q. He was the forward observer for the mortars.
- A. Right.
- Q. He said that he called for five rounds, and three of them were duds. Do you remember that?
- A. It's possible. That is why I didn't hear them. He was with the radio.
- Q. I wonder if you remember seeing those rounds?
- A. Let me think. It's possible. I don't know.
- Q. This would have been before you crossed the bridge.
- A. The more I think about it, the more that could be true, because I remember LIAS said, "The son of a bitch is hitting the sand."
- Q. Did he mean out on the beach?
- A. He must have.
- Q. There was somebody who said they found some duds, 81 rounds out there on the beach.
- A. It was not me, because I was not out on the beach.
- Q. You didn't see them?
- A. No.
- Q. This would have been the day when somebody ran into them.
- A. Well--

Q. (Interposing) This action that took place after crossing the bridge. How long did that take before they got finished with that bunker?

A. They were working on this bunker for about 5 or 10 minutes. I still don't remember who it was, because I could not see that well, because they said cease fire because TAYLOR was throwing at the bunker, because they couldn't knock it out with the machinegun.

Q. Lieutenant WILLINGHAM was up there at the time. Was he in front of you?

A. As far as I know, he was. To be very honest, I don't remember, but I think he was unless he was between the first squad and the second squad, because I think the second squad was behind us while we were in the village on that trail. He may have been behind us, I don't know. I guess the only one you could ask for that would be the radio man, because he is the only one that could tell you where he was for sure.

Q. FERNANDEZ?

A. Right. But I think he was ahead of us or he may have been called ahead of us. When MILUS was firing, I think WILLINGHAM had to have been up there unless he was under TAYLOR's control.

Q. Now, the whole platoon went through and searched the village. Did you--you all stayed around there most of the day?

A. Yes, the whole day. We must have been on the beach 3 hours, or 2 hours, or something like that, because when we moved out of the village it was late in the afternoon.

Q. Did you move directly east of the village when you went to the beach? Did you go--when you left the village, did you go straight over to the beach?

A. What are you talking about?

Q. When they sent you.

A. There is a trail straight over there (indicating).

Q. You stayed out there all day?

A. Most of the afternoon. I remember we broke for lunch in the village, and we didn't leave. I really can't remember whether it was the late afternoon, because we had quite a walk to where we camped for the night.

Q. PLACEK and who?

A. MOSSFORD, MILLSAPS and I think it was HALL. I can't remember who the other one was.

Q. MOSSFORD, MILLSAPS, and HALL?

A. Right.

Q. Assigned to the beach most of the day?

A. Right.

Q. During the afternoon?

A. Right.

Q. And the rest of the platoon stayed in the vicinity of the village?

A. Right, as far as I know. They did, but I was on the other side of the ridge. I assumed they stayed in the village. I know Sergeant LIAS came over, and checked with us, and, like, he kept tabs on the rest of the squad, and he kept coming over once in a while, and telling us to stop anybody, and search in their baskets.

Q. You don't remember any resupply of demolition coming in? You didn't see it?

A. I remember them carrying a box. I remember that. I don't know where the chopper landed, but we were passing our grenades up the line, and they wanted to blow all or the bunkers in the village, and I remember them getting some ammunition or grenades.

Q. Let me see if I can figure this out. Did they get this before you went into the village or was it after you went over to the bridge?

A. Before I went to the beach. Let me say one thing. This is where I am vague. I don't know whether it was the first day or the second day in the village. This I'm not sure of.

Q. You don't know whether it was the first day or the second day that these bunkers were blown.

A. The first day the bunkers were blown, but the supply of ammunition coming in.

Q. You can't fix that as the first day or the second day?

A. That is right, because the second day we went through the village again.

Q. You do know when you went through that village that you didn't have any grenades left.

A. Well, no. Like some guys carried three and four grenades. I carried two.

Q. Did you pass your grenades up?

A. Yes.

Q. You did?

A. Right.

Q. And this was before you moved into the village?

A. Right.

Q. In other words, you were still on the trail?

A. Yes.

Q. From your experience--do you think that a frag grenade will destroy a bunker?

A. No, but it would do a pretty good job on who is in it. But destroying the bunker, no. You would have to have some C4. TAYLOR had some C4 with him.

Q. How much does he usually carry?

A. I don't know, but he had some with him, if I remember right. He may have blown that one bunker with C4 after it was all down, because they could not destroy the bunker, and I still think he didn't do it with that.

Q. When you searched these three hootches, was there any indication that these hootches had been lived in recently?

A. Yes, because when we went into the village, I remember somebody saying there was fresh smoke from fires or something.

Q. Where were the people?

A. I don't know.

Q. Where were the people?

A. I don't know, because I know we found one guy that was dead. He was in the village.

Q. Where?

A. He was laying in front of that bunker.

Q. That bunker which is number 1 on the photo (Exhibit P-227)?

A. Right, to the left of it.

Q. One man dead?

A. Yes.

Q. Any dead people in those hootches?

A. They found a woman that was dead, I think.

Q. Where?

A. I don't know, but I remember somebody saying there was a woman dead.

Q. Did you see her?

A. No, I didn't see her.

Q. You saw the man?

A. Right, he was dead.

Q. Was it from a gunshot wound?

A. It looked like shrapnel. His head was tore up so. I don't think it was a weapon. It was definitely shrapnel.

Q. Somebody found a woman, and you found one man. Were there any other bodies in there that you know of?

A. Not that I know of.

Q. That is all that you saw?

A. Right. I know the next day they saw a lot of them--wait a minute $\frac{1}{2}$ . After they searched the village, they had some people standing around talking to them after they came back from the beach, because all of the people that were on the beach were coming back to the village. Most of them come down from the north along the beach and they would come--like, me and MOSSFORD were right on this trail so we could cover the whole beach and the ridge this way. HALL and MILLSAPS were covering this way, and we could send one of us out and two cover, and then it seems like all the people were coming back in the village.

Q. That was that afternoon?

A. Right.

Q. How about in the morning?

A. No. When we reconned over the bridge, if there was mortar fire--and I can't remember--they probably scared them out to the beach. We went out to the beach and there were all kinds of people running up the beach.

Q. And you didn't get there until that afternoon?

A. Right. We searched everyone that came by.

Q. Did you see any bodies up on that ridge?

A. We didn't search the ridge. We didn't--

Q. (Interposing) You went down the trail?

A. Right, right. In fact, we got sniper fire from that whole ridge the day that TAYLOR lost his foot, and I don't remember anybody searching that ridge.

Q. Let me give you a couple reports here. We have the Task Force Barker log (Exhibit M-16) which indicates that at 0845 that morning a booby trap went off, one killed and four wounded. That is Lieutenant COCHRAN. And that is at 0845. You heard this before you crossed that bridge?

A. Right, right.

Q. This put you across that bridge about how much later after COCHRAN was killed.

A. I don't know exactly when he got it.

Q. Without you knowing when he got it, this was your estimate of the time lapse?

A. Anything. I don't know what assault he was on or what lift. We were waiting for the choppers to land and come back to Uptight bringing us out. I would say 10 minutes right there.

Q. Did you hear the mine explosion that killed Lieutenant COCHRAN?

A. I don't think so. I don't think I remember that.

Q. At 0845 he was killed.

A. That was before we crossed.

Q. At 0930 there was another mine tripped over there close to that one, and three were wounded. So you had two of them go off.

A. I may have heard that, but it didn't happen to our platoon.

Q. It was right near COCHRAN.

A. I may have heard that. What time was that?

Q. 0930.

A. 0930?

Q. Yes.

A. When did he get hit?

Q. At 0845.

A. I may have heard that. I remember hearing something. That was quite a ways from where we were. That was in the distance, because I remember somebody said somebody hit a mine and--yes, it was.

Q. Where were you then?

A. Like I said, we were still on the other side of the river, the west side before we crossed the bridge. That is where, just before the point squad had seen that guy run, that "gook" run. Then they opened up on him in that hootch on that trail where we landed. This winding trail is where we landed, and there were spider holes, and just as we made this big bend, through the beach, it was something like an old french house, not a pagoda. The point squad opened up, and they said they saw somebody running. It was just after I got off of the helicopter. I can't remember, but I know when I heard the explosion, we were not over the bridge yet. That is where I think all of the mines were, I think that is why they had him recon by fire over the bridge.

Q. At 0955 in the area, where you were working there were 12 VC KIA reported on a contact.

A. By us?

Q. I guess. It was reported in the village where you were working.

A. I saw one for sure. I don't know as far as the others. It's possible, it's very possible. I don't know how many were in that bunker. There could have been five or six.

Q. Did you see that?

A. It was a bunker.

Q. Did it have firing holes?

A. It was a regular fortified bunker. They had a hootch over it concealing the whole bunker. In fact, that is why it was probably never hit before. It was definitely a fortified bunker. They were trying to work on it for 4 to 5 minutes.

Q. Then at 1025 the same area, it was reported 18.

A. In our area?

Q. Yes.

A. I don't know where they got all of that.

Q. That is a total of 30

A. I don't know where they got all of those numbers. In fact, I only saw the one woman and guy.

Q. Still, we are talking about 30 people so far.

A. I don't know where they got them all, to be honest.

Q. At 1420, and that was after you got out on the beach--I imagine you were out on the beach by 1430?

A. Yes.

Q. And he reported eight more in the same area.

A. I don't know where they get the figures.

Q. That is 38 VC KIA reported that day.

A. It's possible while we were on the beach that they found these bodies. That's possible.

Q. Now, you say there were about two?

A. When we went into these holes--and this was a guy named LITTLE and he was a tunnel rat--when we went to the ridge they were just starting to check the bunkers themselves. In other words, they were afraid of sniper fire from the bridge or that ridge, and the four of us were assigned to the ridge and the beach area. We were to cover that whole area both north and south, and apparently, all of these KIA, they may have been totalling these up from the bunkers, but I only saw one dead woman and one dead man.

Q. Was she wounded in the neck?

A. No, she was hit with shrapnel.

Q. This man that was wounded--

A. (Interposing) I didn't get a good look. All I know is when I looked at her, her whole face was hit.

Q. Was she laying near the man?

A. No. I don't think so. To be very honest, that is all that I did see. They must have dug them up out of the hole. You'd have to ask LITTLE if he is the one that went into all of the homes. He is the only one that could fit.

Q. King D.LITTLE, is that the one?

A. I don't know what his first name was. I just called him LITTLE. I think he was an E5.

Q. He was a Spec 4 on the roster.

A. He probably was. He and LIAS always hung around together.

Q. Did you get to see much of that village?

A. Like I said, I did not see that much, because we were on the trail and the rest of the point checked the hootches. We were not really in contact with the point at all.

Q. If it had been 30 bodies laying around that village, would you have seen them?

A. Not if they were in the huts.

Q. No, on the ground.

A. I would think if they were all over the village that I would see some of them. Like the one that I saw, he was right--the guy was right in it--he was kind of to the left of that bunker in question, and the woman was to the right. They were close to the trail, the trail that we were on. Like, I would see them. They were never informed how many kills we had. So, I really couldn't say. They may have found all of these bodies, because--I don't know. LIAS kept saying well, we kept asking, did they find anything, did they find anything? They found a couple in the one hole here (indicating), and that is all that I know he said. He was not really next to us telling us how many kills or anything like this, and, of course, I didn't really care about it anyway. But the only one that you could ask would be LITTLE, because he went into the holes.

Q. While they were blowing these bunkers, do you recall whether there was any attempt made to see if there was anybody down there?

A. I really don't know to be honest, I don't know.

Q. What was the usual procedure? Did they holler down into the bunker?

A. Yes, they would holler into the hootch, and they would blow the hole.

Q. Do you remember what they would say?

A. Well, TAYLOR and TOOTON knew a little Vietnamese, and they would holler something into the hole. But normally before they blew anything, they would try to check it out and then yell "Fire in the hole!" and throw it in. As far as going through the village and blowing everything, no, it was nothing like that.

Q. How many people do you estimate you saw out there on that beach that afternoon?

A. About 15 or 20, I don't know. I can't remember for sure, but we stopped quite a few. They came in groups of four or five with their baskets. It was all women and children, I remember that.

Q. They were going back to the village, you say?

A. Some of them did. I know that old man did. I remember him with the woman or something going across and crossing over the ridge. I don't know if they went over to the village. That is when LIAS said we are going to move out, and that was late in the afternoon. But I know there had to be more kills than from what I saw, because the next day when we came in TAYLOR or the point had fire. We had received some sniper fire from the village and from the ridge, because the lieutenant said something about them claiming the dead. So there must have been more kills than what I saw.

Q. These were reported that morning?

A. They must have been, because I remember the next day they said we caught some of them taking away the dead bodies. So there had to be more than what I saw, but I don't know if there could be 30 kills unless they found a lot of them in the holes.

Q. What is your estimate? If it was 30, do you think they were all VC?

A. Yes.

Q. Why?

A. It has to be. Everything in that area--you couldn't walk in there without receiving sniper fire--wait a minute½ I remember one thing in the briefing before. I remember this now. They had said that a chief or somebody in the area, whatever he was, had gone through and told all of the people we were coming through. This was in the briefing, because he said anything in there that we would probably find would be VC. We probably wouldn't find too many people unless they are VC. I remember that. They said somebody had gone through--a Vietnamese mayor or chief had gone through and talked to the people. That is why the village was deserted, right.

Q. It was not deserted, was it?

A. No, not if they found 30 dead. We didn't see any people running around when we went in there. Later on in the afternoon, we saw a lot of people on the beach.

Q. These people on the beach, were they VC?

A. I don't know. I would say that the whole area was VC. The whole area itself.

Q. While you were waiting there awhile, they were attacking this bunker. Do you recall any incoming fire, small arms.

A. I couldn't really tell with the machinegun. I don't think so. I really don't know, and I couldn't see too much either.

Q. You all formed up and went back toward up north, toward the northern part, and went into a laager position up there in the vicinity of that bridge that was out.

A. Past the bridge.

Q. You say you left somebody down there on the bridge?

A. I think so, but I'm not sure, I'm not sure. I thought they were going to leave somebody, because the more I think about it, they could not have, because the next day is when TAYLOR lost his foot, and he was in the point.

Q. Do you remember going north late that afternoon? Do you remember TAYLOR having a Vietnamese woman on the point?

A. He might have. I knew he used a lot of women, you know. I don't know. I don't know for sure. I couldn't say for sure. He might have. Let me think. If he did then I would have to remember her being in the laager position, but I can't remember that.

Q. Before you moved north, did you see Lieutenant WILLINGHAM at all that day when this action was going on?

A. What action?

Q. Over by the village. Did you ever see him up there with the point or was he back in the platoon somewhere or what?

A. I don't know. I don't remember. When you try and put down one day that is pretty impossible to think 2 years ago. I remember him in the village. I remember him passing the word to cease fire along the trail, because no one was firing anyway. MOSSFORD fired at the bunker, because he could see it. He said cease fire, because so and so was going in. But I remember him saying so and so was going in, and I laid there and waited on the trail. All I could see more or less was the ridge, because GARCIA was in front of me. I think that is the way it was.

Q. You went into a laager position that night. Do you remember some Navy boats coming ashore or coming on shore and taking a bunch of sampans over to Lieutenant WILLINGHAM?

A. Right, right.

Q. What was the procedure there? Did a helicopter come in with any interpreters or anything?

A. I think we were on the beach, and I remember the sampans being driven in but--and come to think of it, I think they did fly one in, because I remember I searched one of the sampans. That's right.

Q. You did?

A. Me and who the heck was it? I don't remember. It was four or five of us there with them. I can't remember. It was five boats, three or four boats. It was a small number of boats. There was this one bag there that I thought may have had something in it. The boat leaked, and I could hardly see it. I called someone over and pulled it out. It was some kind of bait and I thought it may have been something. But I did think that it was something. I finished searching the sampans and moved onto the next boat.

Q. You think you searched these sampans on the way up to your laager area?

A. Yes.

Q. You didn't keep these people overnight that you picked up from those boats or do you recall?

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

Q. You went into a laager position that night, and then the next day you started moving back south to the bridge again.

A. Yes.

Q. Do you remember the formation?

A. Yes. It was point, second squad, and we were last, I think, because we couldn't see the bridge or anything when we heard the explosion, so I assume we were last. Maybe we were first. All that I know is that HALL was on the rear guard, and I was next to him. The trail was winding. I remember we stopped, and we were down on the ground waiting for 5 minutes watching the ridge. We had sniper fire, and we stopped, and everybody opened up. We were walking parallel to the bridge, and I didn't fire because I couldn't see anything, but MILUS was firing and MOSSFORD was firing.

Q. Where were you firing?

A. Into that ridge behind the village.

Q. Were you firing on the village or was it on the north side of the village?

A. No, no, we were not even in the village then.

Q. You were north of the village?

A. Apparently, right.

(Showing the witness Exhibit P-66.)

Q. Photo number 66, did you ever see one of these two Vietnamese soldiers?

A. I don't know. That looks like Gary KLEIN there.

Q. No, that is not your unit.

A. Oh!

- Q. P-21, did you ever see one of those two soldiers?
- A. I don't know. I don't know.
- Q. P-22?
- A. I don't know. That looks a little bit like HALL.
- Q. The man in the center?
- A. No, it's not, no. It looks a little bit like him.
- Q. This is Exhibit P-210. Did you ever see this person?
- A. Is that a "gook"?
- Q. Yes.
- A. I can't see his face.
- Q. You got sniper fire, and a machinegun was set up again, is that right?
- A. No. He just opened up from his position.
- Q. From where he was?
- A. Yes.
- Q. And the sniper fire you received was before TAYLOR got wounded?
- A. This again--I think it was.
- Q. Did you get sniper fire?
- A. Yes.
- Q. I am confused as to what happened to TAYLOR?
- A. I don't know, but I'll tell you what I heard.
- Q. What did you hear?

A. TAYLOR went up to the bridge, and he saw this thing. It was a mine or something. TAYLOR had a thing about him. He liked to disarm mines. He was fanatical about this kind of thing. He was poking around the area in front or something and I don't know whether it was that same one or another one that went off, because he lost his foot. HOOTON said he thought he had seen the mine, but I guess TAYLOR was not sure whether it was a mine or not, but he was using his bayonet, and he was working in front of a mine. I couldn't see him and that is why I think the second squad was ahead of us. I'm not sure.

Q. At any rate, you think the sniper fire came in before. It would have been pretty hard for TAYLOR to be working around that mine with sniper fire.

A. That's why I think it was ahead of time.

Q. It was over when he was working on the bridge?

A. I don't know, I can't remember, unless they opened up on the chopper when it came in to medevac him. All that I remember, we were stopped, and we were separated out along the trail parallel to the river waiting for something, and then the explosion. Whether or not we got sniper fire when the chopper came in or not I can't remember. That I am confused about. I don't know.

Q. Do you remember gunships coming in there?

A. I don't know.

Q. You don't remember this?

A. No.

Q. Do you remember B Company crossing the bridge?

A. Us?

Q. No, the rest of the company?

A. Coming over to our side?

Q. Yes.

A. Well, they must have come across, because the whole company moved out down along the peninsula.

Q. You can't remember seeing them crossing the bridge?

A. No, but they must have.

Q. The formation going down there was the 2d Platoon on the beach and the 1st Platoon was on the river side?

A. Right, we were on the beach. I remember that. When I said they left somebody by the bridge, that must have been the next day.

Q. 3d Platoon stayed up there. I understand that the mortar stayed there for a while, too?

A. I don't know about that, it could be.

Q. At that time, sometime around that period, there was a helicopter that brought a new lieutenant out there, and he took over the 2d Platoon.

A. What was his name?

Q. LEWIS.

A. It could have. I don't know. I don't remember.

Q. And also I understand that some ARVN may have crossed over with B Company when they crossed the bridge. ARVN troops, did you see any?

A. ARVN troops?

Q. Yes. Going down, you would have seen on the side the CP was on, and probably you would have been ahead of it. Supposedly there were ARVN troops or ARVN people with them.

A. There may have been interpreters. What was the CO's name?

Q. Captain MICHLES.

A. Right. They might have been with him. I don't remember. Like I said, it's vague. I don't remember incident for incident. All I remember we were going down by the river. We came into another village and we searched it. We didn't burn it. We just searched it.

Q. You were going down on the river side?

A. Right.

Q. When you were moving down the bridge that morning from your laager position, do you recall if TAYLOR had a woman in front of him then for a point? She would have been in the road.

A. Right. Hold it $\frac{1}{2}$  Because somebody about when we got to the bridge--I remember the woman crying now. I remember the woman crying that TAYLOR got hit. She must have liked TAYLOR. HOOTON got ticked off, because I remembered somebody say, "Look at her crying for him." Apparently she must have liked TAYLOR, because I never saw a "gook" cry for a GI before. I don't know why she would be crying. That must be it.

Q. You are the second one who said she was crying.

A. Yes, she was crying.

Q. What happened to her? Where did she go?

This photograph that I showed you before, (Exhibit P-210) that person was identified as being the woman who TAYLOR had and who was turned over to the ARVN troops. She went south with B Company and cooked for them. Do you remember how this woman was dressed and what she had on her head?

A. No, I would imagine a straw hat and black pajamas.

Q. You moved south and the 2d Platoon was on the beach. They were moving along beside you, and C Company was on the other side of the bridge. If you looked over there, you may have seen some smoke.

A. I remember we heard a lot of firing and saw a lot of smoke when we were--where were we? We were down in the village somewhere, and we were camped for lunch, and we heard a lot of firing and stuff, but I don't remember what it was.

Q. How many villages did you burn on your way south, do you recall?

A. Like I said, we moved through, and I remember we didn't burn this one.

Q. You didn't burn this one?

A. No, but I remember--oh $\frac{1}{2}$  I remember us burning one further down, this was way down.

Q. Where would you say on the map (Exhibit P-227) here?

A. I don't know.

Q. You don't know what it would be?

A. Is this the one right at the bridge?

Q. That is Co Lay (3).

A. We didn't burn that one, and there was one right before it. That must be it. (indicating)

Q. Co Lay (2)?

A. Co Lay (2) I think was the one we burned, because there were troops all over, and everybody was ordered to burn all of the hootches, and I think it was two.

Q. Those were the instructions? Everybody burned the hootches? One unit was not designated to do that?

A. I don't know.

Q. Do you remember this picture, (Exhibit P-212)?

A. That looks like the one on the beach. Is that the one right down here (indicating)?

Q. That is the one on the extreme south point. Did you burn this one?

A. I don't remember us burning that one.

Q. Were there any people down here?

A. I don't know. There were a lot of boats, a lot of people in the boats.

Q. And off the coast?

A. Yes, because I remember us setting in this one hootch. We were right on the tip. There was a hootch down there, and we were in there just setting and "BS'ing", because it was a long walk from all the way up there.

Q. A hot day, too?

A. We sat in there and crowded into the hootches where it was out of the sun. We were there an hour.

Q. On the way down there on the river side, do you remember any contact or any engagement with a boat that was out in the river, bringing a boat under fire? This would have been possibly in the afternoon sometime.

A. A boat?

Q. Yes, out in the river with about ten people on it.

A. I don't know.

Q. Moving toward the other side of the river? Do you remember anything? Do you remember any firing out there on the river from B Company, not from the other side?

A. I don't recall any boat. There might have been a boat, but I don't recall seeing any boat.

Q. You went into a laager that night?

A. Yes. It was in a grave yard, I think.

Q. There was nothing unusual happening?

A. No.

Q. Everybody had a hot meal, and maybe Colonel BARKER was out there and may have had a couple of interpreters out there.

A. I don't know. We were on that ridge. There was a ridgeline, and there was a graveyard right below, and my position and HALL's position was right below the ridge. LIAS, MOSSFORD, and MILLSAPS were right above us on the ridge. We got fresh water that night.

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Q. You didn't get water earlier that day?

A. I remember we got fresh water that night, because I was dry because there was a company--the whole company must have camped there that night. There were troops on the other side of the trail so we had quite a large laager. The whole company was there, I think. I remember getting fresh water, and I carried three canteens, and I only had a little bit left. I remember that. But as far as boats, I don't remember anything about a boat.

Q. You moved back up and the 3d Platoon stayed by the bridge all night while you were down in the other area. When you got up there that morning, they had found 3,000 pounds of rice in a cache, and also they found a dead woman on that ridge with a neck wound.

A. Up on the ridge.

Q. On the ridge? When they found her she was fairly well decomposed. She was probably hit the day before.

A. Very possible.

Q. They buried her right there on the ridge.

A. I don't know.

Q. And then they moved on up to the village where the MEDCAP was held. It was up here (indicating) at Ky Xuyen (1), then rounded up a whole lot of people. It was about 500 to 1,000 people.

A. Right, right.

Q. The platoon was searching, going through the village, and sending people back to the beach.

A. Right, right.

Q. I don't know where your platoon worked.

A. We were right on the beach.

Q. All day?

A. Yes. I remember us laying right on the beach, because I remember the palm trees. I don't know which of these villages here we got all of the people out of and we brought them back on the beach. We had a lot of trouble getting them out. I forget who it was--he was hollering at them, and we moved them out all to the beach. There was a company or something moving up this way and we were somewhere in there (indicating) because we were on our way down to the point.

Q. You are pointing to the area of An Ky?

A. Yes.

Q. Nobody went out to the point out there because they thought it was mined?

A. I thought there was a company out there.

Q. No.

A. I heard there was another company pushing them this way, because we didn't herd all of these people out in here.

Q. All of the platoons were out in there?

A. One of the platoons.

Q. There was another platoon working in that area?

A. I heard they were sending them back to this one point in here.

Q. And then you went into a laager that night, and there was a mortar attack?

A. Right.

Q. MILUS got killed and four men wounded?

A. Right.

Q. Did you see any interrogators out there that day, ARVN, National Police interrogators or interpreters?

A. To be honest, the only time that I saw an interpreter we were on another mission, and we found a house and they flew in interpreters. That is the only time I had seen an interpreter that I remember. There would have had to have been on that operation, but I don't remember them.

Q. Did you see any interrogations?

A. No, just that one on that one mission.

Q. The next morning after you had this mortar attack and MILUS got killed, do you remember a couple of VC suspects being there in the area?

A. No, because our squad was assigned to chase them down, the mortars. We went out, and we found the trail, because I saw one run the night it happened. It was just after the mortar attack, because HALL and I were together, HALL, I, and GARCIA. We saw them run, and the next day they said we were to run them toward the trail. Right? So we went down the trail, and we found the powder burns where they had mortars, and we found where they had fired the mortars from. We were gone quite a bit that afternoon as far, and as the interrogations, I don't recall, because we were trying to find out where they went. We didn't have any luck.

Q. You didn't?

A. No.

Q. Did you have anybody, any Vietnamese with you showing you?

A. Showing us?

Q. To guide you?

A. No, I don't think so. I don't remember that, if we did. We were all pretty ticked, because MOSSFORD got hit.

Q. Did you ever see this fellow in (Exhibit) P-215?

A. I don't know. They all look the same.

Q. Did you see MILUS beat up one? Not MILUS, but LIAS?

A. The colored guy?

Q. Yeah.

A. This is supposed to have been from that day, and I am trying to place where LIAS was. I don't know, because he and MILUS were friends. But as far as beating up, I don't know. LIAS was not the biggest guy in the world. He was small. I don't know. I suppose it's possible they did, but as far as I know he didn't. In fact, I can't remember who was on patrol.

Q. Did you have any knowledge of an investigation or inquiry conducted on this operation?

A. No. I just knew there was one on this Lieutenant CALLEY.

Q. I don't mean that. I mean while you were still in Vietnam?

A. No, no.

Q. I wonder if you heard an order any time to stop the burning of villages?

A. Yes, I think so, but I think that was the one when we--because I know we didn't burn Co Lay (3). So if we received it, I don't know which one, we either burned Co Lay (1) or Co Lay (2).

Q. You are talking about the second day now, right?

A. Right. I guess that is when the order was given.

Q. You could have received the order on the third day or on the night of the second day. I'm not saying when you received it. I wonder if you remember getting it?

A. I remember something about don't burn any more villages or hootches.

Q. You don't remember when it was?

A. No, we didn't burn any villages back on the way back. I'm pretty sure we didn't.

Q. Were you or anyone you know ever questioned on this operation while you were in Vietnam?

A. No. Not that I know of.

Q. Did you have a camera?

A. No.

Q. Did you ever hear rumors that civilians were killed unnecessarily by B/4/3 or C/1/20?

A. No.

Q. Nothing back in the fire base?

A. No.

Q. Was there any problem with marijuana?

A. No.

Q. Did you see any U.S. or ARVN torturing VC suspects or PW's during this operation?

A. I didn't see any to be very honest. I don't remember the ARVN or the so-called interrogators. I don't recall any of them. There may have been some on the beach, but I can't remember.

Q. How long were you with B Company?

A. I was there three and a half months until I was hit.

Q. I got the impression you were not there too long. Where were you hit?

A. In the hand, through the hand, the shoulder, the arm, the leg.

Q. What date was this?

A. April 29.

Q. And were you evacuated back to the States?

A. No, I went to Chu lai, and from there I went to Japan, and from there I went back to the States.

Q. You didn't go back to the unit?

A. I wrote to the unit, but I can't remember who I wrote, but it may have been LUNDQUIST, and I never received anything. I never received a reply, so I don't know what happened. I met somebody when I was being medevaced, to the States at Scott Air Force Base who told me that Captain MICHLES was killed. I didn't know him, but he knew me. He was in the 3d Platoon or something. He asked if I'd heard about Captain MICHLES. He said he got shot down in the chopper, and they moved North after I was hit. As far as the guys that I wrote there's MILLSAPS. He lives in California, and he wrote me telling me to come out and see him, but I have not heard from him since. That was about a year ago.

Q. Did you know MOSSFORD died?

A. Yes, sir.

Q. We have had some people who testified that they saw a lot of bodies over in that town the first day.

A. I don't know. I told you the way I saw it, and that is the way it was. It's like I said, maybe I was to the rear searching and was on the trail. This is possibly why I didn't see any of it. They were searching the village, and I was on the beach, maybe that can account for it. But that is the way it was. I saw one dead man and one dead woman.

Q. Do you have any further testimony or any further statement that might assist General PEERS in this investigation?

A. I don't know. That is all that I can say. I remember somebody saying there was another company across the river, and we saw a lot of smoke. That is all.

Q. You never did hear anything about that unit being investigated?

A. No, not until I was back in the States and it came out in the paper.

Q. In order to introduce this as an exhibit, I'm going to write across the top "Prepared by memory in Chicago, Illinois, on 14 February 1970." and I am going to put your signature on it..

Q. Do you know of anyone who had a camera?

A. LIAS or LITTLE had a camera. I don't know which one had the camera. It may have been LIAS.

Q. Did he have it on this mission?

A. He was taking pictures of a pagoda or something, but if he had it on this mission, I don't know.

COL WILSON: I request that you not discuss your testimony in this case with others, including other witnesses except as you may be required to do so before a competent judicial, legislative, or administrative body.

A. Okay.

(Witness signed the aerial photo with annotation which was then received in evidence as Exhibit P-227.)

(The hearing recessed at 1455 hours, 14 February 1970.)

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SUMMARY OF TESTIMONY

WITNESS: RUSHIN, Earl SSG

DATE OF TESTIMONY: 26 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Platoon Sergeant,  
First Platoon, B/4/3.

1. PRIOR TRAINING IN RULES OF LAND WARFARE.

Staff Sergeant RUSHIN believed that he had received instructions on the Geneva Conventions at Fort Jackson prior to leaving for Vietnam (pg. 7). The MACV cards, "Nine Rules" and "The Enemy in Your Hands" were issued to the witness at the Americal's combat training center in Vietnam (pg. 13).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

Lieutenant WILLINGHAM, platoon leader of the first platoon, gave his operation order to the squad leaders who passed it on to their squads. RUSHIN did not recall the company commander or WILLINGHAM giving an operation order to the assembled company or platoon (pg. 14). The witness stated that he did not recall exactly what WILLINGHAM said in his briefing on 15 March 1968 at LZ Uptight (pgs. 8, 9). RUSHIN believed that the operation was a search and destroy mission (pg. 11). He did not recall WILLINGHAM mentioning burning the village, killing the animals, or destroying the food stocks (pg. 10). From prior operations everyone knew that the Son My area was heavily boobytrapped and mined. The thought of an operation in Pinkville implanted fear in the minds of the men (pg. 10). The witness recalled that there was a divergence in WILLINGHAM's operation order on

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15 March when WILLINGHAM stated that there were only VC in the area (pgs. 10, 13, 14). He remembered that the platoon's mission encompassed crossing a bridge into a village where they would encounter VC. The next morning they would link up with the company at the bridge (pg. 11). There were only two squads in the platoon (pg. 11).

3. B/4/3 COMBAT OPERATIONS 16-19 MARCH 1968.

a. 16 March.

(1) The assault.

RUSHIN had been platoon sergeant since 4 March (pg. 5). Prior to that time he had been a squad leader (pg. 4). Lieutenant WILLINGHAM became platoon leader shortly before RUSHIN was assigned as platoon sergeant (pg. 40). The witness thought that he combat assaulted on the second lift. He did not believe that the doorgunners were firing prior to landing (pg. 15). After landing, the platoon following a trail entered a bombed out village on the west side of the bridge. While in the vicinity of this village they received a few rounds of sniper fire and he thought he received word over his radio that Lieutenant COCHRAN had been killed by a boobytrap (pgs. 16, 17). They received no casualties from the sniper fire (pg. 30). They continued to follow the trail to the bridge (pg. 16). As they approached the bridge they heard that a second boobytrap had been detonated and that men had been wounded (pg. 18). The witness was at the rear of the platoon as this was his normal location (pgs. 12, 18). WILLINGHAM was probably with the first squad (pg. 18). He and WILLINGHAM each had a radio (pg. 12). His radio was tuned to the company net (pgs. 19, 42). Prior to reaching the bridge, he recalled the approaches were prepped with a few mortar rounds (pg. 18). Since RUSHIN was in the rear of the platoon, he could not see what went on at the bridge or in the village on the east side. He heard quite a bit of firing and possibly hand-grenades exploding in the village to his front (pgs. 19, 21). He did not recall hearing any hostile fire immediately prior to the platoon opening up (pg. 41). The village was about 50 meters south of the bridge (pgs. 20, 21). The trail over the bridge turned south and entered the village (pg. 21).

There was one machinegun in the front of the platoon and one in the rear with the witness (pg. 41). He did not remember an order to send a machinegun forward (pg. 20). It was not very long after crossing the bridge that the word or order came over the radio "don't hurt the women and kids" (pg. 23). RUSHIN conceded the possibility that a number of women and children were hit before the order came out (pg. 23). After crossing the bridge the witness followed the trail into the village (pg. 38). RUSHIN stated repeatedly that he did not see any bodies in the village on 16 March nor did he see any on 17 March (pgs. 23, 24, 37-39, 56). He did recall that there were a number of women and children standing on the trail when they left. This surprised him since there was not supposed to be anyone in the area except VC (pg. 23). He opined that the order not to hurt or kill the women and children probably came about as a result of WILLINGHAM calling the company commander and advising him of the numerous noncombatants in the area (pg. 23). He did not recall any other radio transmissions (pg. 42). He remembered reporting VC KIA's, but he did not recall the number (pgs. 24, 37). After the order, the shooting stopped but they continued to search the hootches. He did not recall the instructions the squads had received for searching the village prior to crossing the bridge (pg. 31). He did not remember anyone shooting Vietnamese that were found inside (pg. 25). The point group probably had some C4 or TNT (pg. 25). A chopper soon landed in the village possibly bringing TNT (pg. 25). He did not know if it was Lieutenant Colonel BARKER's C&C ship that landed (pg. 25). He did not remember if anyone got off the chopper (pg. 34). He did not remember any more firing in the village although they did find a boobytrap (pg. 26). He did not remember seeing the ocean, or B/4/3 burning hootches on 16 March. He recalled that TAYLOR picked up a woman somewhere who was forced to walk point for B/4/3 (pg. 28). It was normal for TAYLOR to do this in VC controlled areas (pg. 29). He had no knowledge that the woman was raped (pg. 29).

(2) Bodies in the village.

RUSHIN speculated that the reason he did not see the 38 VC reported as KIA was that the bodies were away from the trail and since he never got off the trail he did not see them (pg. 38). It was also possible that the bodies were in bunkers. However, he did not remember men going into

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bunkers to count bodies (pg. 39). When the village came into view, the firing had stopped. WILLINGHAM was there (pg. 39). WILLINGHAM did not tell the witness that he had seen the bodies, nor did anyone else (pgs. 41, 42). He did not recall any wounded in the village (pg. 42).

(3) Night laager, 16 March.

That night they set up a night ambush on a position selected by WILLINGHAM. It was the highest ground in the area (pg. 35). A helicopter resupplied them that night at this position (pg. 28). The witness did not recall the helicopter letting off a Vietnamese interpreter or U.S. Navy boats bringing in Vietnamese detainees (pg. 28).

b. 17 March.

(1) Activity at the bridge.

On the morning of 17 March, RUSHIN recalled that they moved toward the bridge and stopped. He heard an explosion. Their point man, TAYLOR, had been wounded. Then they received a few rounds of sniper fire (pgs. 45, 46, 49). The platoon returned fire (pg. 49). Subsequently gunships strafed the village with miniguns and rockets. He believed there were two gunships (pg. 47). He did not remember the number of gunruns that they made or seeing an observation helicopter accompanying the gunships (pgs. 47, 48). A medevac ship probably evacuated TAYLOR prior to the gunship's arrival (pgs. 45, 46, 48). Again the witness did not observe the fire fight as he was in the platoon's rear (pg. 46). He did not see TAYLOR before he was evacuated (pg. 47). He did not know if the helicopter was a slick or a medevac ship (pg. 49).

(2) Movement south.

After crossing the bridge the platoon rejoined the company and moved south (pgs. 49, 50). He did not notice anything unusual about the village that they had assaulted on the 16th as they moved through it (pg. 50). They were not travelling close to the water (pg. 50). He believed that the company CP was in front of the first platoon (pg. 51). The company moved all the way to the end of the peninsula (pgs. 51, 52). He believed they passed through a number of uninhabited villages along the way (pgs. 51, 52). They burned hootches all

the way down, RUSHIN believed that they had orders to burn (pgs. 52, 53). He did not see any burning to the west of B/4/3 (pg. 53). He did not recall B/4/3 killing anyone on 17 March (pg. 56). He did not remember if B/4/3 destroyed bunkers that day (pg. 54).

(3) Night laager, 17 March.

After establishing their night defensive position, a resupply chopper came in. He did not recall anyone getting off the chopper and joining B/4/3 (pg. 54). He did not recall any detainees at their position that night or an interpreter, ARVN soldiers, or National Police with B/4/3 that day (pgs. 54, 55).

c. 18 March.

(1) Movement north.

The woman that had been walking point remained with the company overnight. On 18 March B/4/3 travelled north. He did not recall the order of march (pg. 58). They passed the bridge which had been in the center of their operations the first two days. He did not remember seeing anything unusual there (pg. 59). However, they continued to burn. He did not recall an order for B/4/3 to stop the burning (pg. 59).

(2) MEDCAP.

He recalled that later his platoon was ordered to go up and down the beach and gather the populace up and take them to a specified village (pg. 61). When he arrived in the village he remembered being told that a MEDCAP was being conducted (pg. 63). He did not remember seeing the medics, but he did recall that National Police were flown in that afternoon (pg. 62). He remembered that some of the Vietnamese left the village, but he did not know if they returned to their villages (pg. 64).

(3) Night laager, 18 March.

Rather than digging in and sleeping in a hole, RUSHIN slept in a depression against a bank on high ground (pg. 66). He vividly remembered someone stating while setting

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up their night defensive positions that an artillery round hit in the village. However, he did not see a wounded woman who purportedly was wounded by the round (pg. 65). When the enemy mortar rounds hit in their perimeter, RUSHIN was wounded in his feet and side (pg. 67). It was not long before a medevac ship evacuated him (pg. 67). He rejoined the unit in about a month (pg. 5).

4. INQUIRIES CONCERNING THE ASSAULT.

He never heard anything about an investigation being made of the operation. He did not recall any discussions with the members of B/4/3 about the operation being different than others (pg. 68). RUSHIN was never asked to make any statements nor was he ever interrogated about this operation. He never heard that civilians had been unnecessarily killed by B/4/3 or C/1/20. He was never told not to discuss the operation (pg. 69).

5. OTHER INFORMATION.

a. The only person who was present on the operation with whom the witness has discussed it is Mr. HALL (pg. 3).

b. He did not know of any problem in the unit with marijuana. He never heard of anyone being on marijuana on operations (pg. 70).

c. He never heard any rumors of the ARVN's, National Police, or U.S. forces torturing detainees on this operation (pg. 70). He did hear a rumor that interpreters shot three detainees, but he did not know the operation when this purportedly occurred (pgs. 70, 71).

d. He did not know of any problem with the men of B/4/3 raping or otherwise molesting women. He never heard of any instance that this occurred (pg. 71).

(RUSHIN)

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SUM APP T-245

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-2	MACV Card "Nine Rules"	Wit believed he had been issued card in Jan. at the combat center when he first arrived in Vietnam.	13
M-3	MACV Card "The Enemy in Your Hands"	Wit believed he was issued this card at the combat center.	13
P-3	Black and White Photo	Wit did not recognize the individual.	45
P-13	Black and White Photo	Wit did not recognize individual	45
P-18	Black and White Photo	Wit recognized only one soldier.	44
P-21	Black and White Photo	Wit did not recognize anyone.	44
P-22	Black and White Photo	Wit did not recognize anyone.	44
P-23	Black and White Photo	Wit recognized CPT MICHLES.	44
P-28	Black and White Photo	Wit was not familiar with the terrain.	45
P-66	Photo of My Lai operation	Individual happened to look like one of their interrogators.	45
P-185	Photo of Son My area	Oriented wit.	15
MAP-4	Map 6739 II	Oriented wit.	15

(The hearing reconvened at 1515 hours, 26 January 1970.)

COL WILSON: The hearing will come to order.

RCDR: The following named persons are present: COL WILSON, MR WALSH, LTC NOLL, and MAJ THOMAS.

The next witness is Staff Sergeant Earl RUSHIN.

(SSG RUSHIN was called as a witness, was sworn, and testified as follows:)

RCDR: Please state your full name, grade, Social Security number.

A. Sergeant Earl RUSHIN, Staff Sergeant, E-6.

RCDR: Please state your branch of service, present organization, and duty station.

A. My branch of service is infantry. I am presently stationed at Fort Benning, Georgia, Company C, 5th Battalion, 2d Brigade, U.S. Army Training Center.

COL WILSON: Before we proceed with any questions, I'd like to inform you of several matters. The Peers Inquiry was directed by the Secretary of the Army and the Chief of Staff of the Army for the purpose of determining facts and findings and recommendations concerning the 16 March 1968 My Lai (4) incident. It's been referred to as that, also referred to as the area around Pinkville. In conducting this investigation General PEERS determined that it was necessary to have a complete insight into the ground and air operations of B/4/3 in the area during this period, 16 to 19 March. He therefore appointed this board, or this team as interview team C to develop an insight into the B/4/3 operations during this period.

We are only part of his board. Other members of this board may come in during the interrogation. If so, they will have the authority to ask you questions.

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

(RUSHIN)

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APP T-245

Although the general classification of this briefing is confidential, it's possible that the testimony may become a matter of public knowledge.

During the interview, the board will follow a chronological sequence of questioning. First, we'll ask you a few questions on training received prior to movement to Vietnam, and training after you got into Vietnam. The next series of questions will be the briefing which was given prior to the combat assault on 16 March. The next series of questions will be concerned with the operations on 16, 17, 18 and 19 March. The last series of questions will be about any knowledge you may have concerning any investigations, previous investigations, or inquiries, or suppression of information.

There are three members of the board and Major THOMAS, who is the recorder. Mr. WALSH on my right is a civilian attorney who has volunteered his services to assist General PEERS in his investigation. Colonel NOLL and myself are members of General PEERS' board. We all have the authority to question you. We have no authority to make findings and recommendations. This is strictly within the prerogative of General PEERS.

A. May I ask a question before we get started?

Q. Yes.

A. Since this has been I'd say roughly a year ago, you might ask me something I'm not sure of, because a lot of things I forget. I forgot the names of some people that were in my unit. I can think of a lot of them, I remember their names when I see it, but if you come out with the names of a lot of people in my unit, I don't even remember names. Faces I never forget, but names--

Q. (Interposing) Sergeant, let me explain something to you. What we want you to do is where you are sure of something to make that clear. You don't necessarily have to remember a name. If you can we'd like to have the name. But where you are not sure of something, please make that clear. If you are giving us information which you have heard and did not see, by all means make that clear. We are interested in what you know. We are also interested in what you heard, but we want to clearly differentiate. We are interested in what you saw. If you can't remember names, we do have a

roster which we'll show you that maybe you can look over and it might bring some names back to you. We do know a good bit about the Bravo Company organization and the Bravo Company operations. I think as we go through this, this will come back to you as we discuss it. But in going through this sequence, the first part of it really won't be concerned with whether you remember names or not.

Have you discussed this operation with anyone since you left Vietnam, since this has come out in the paper?

A. I don't believe so, sir. Since this incident came up, a lot of people ask me if I was with the 11th Brigade. They'd ask me if I was around that area, which I remember the Pinkville area quite well, and I remember stating a few times that I was in that area quite a bit.

Q. But you didn't discuss it with anybody that was with you at the time, in the 16, 17, 18, 19 March time frame? Did you discuss it with anybody that was with you on that operation?

A. One person, a civilian.

Q. Who was that?

A. We met on our way here.

Q. That would be HALL?

A. That's the only one.

Q. He was the only one you really talked to about this. What was your assignment on 16 March 1968, your duty position?

A. On this particular day, I can't remember exactly where we were located on the 16th. I can remember good around the 18th and 19th because I was wounded on the 19th.

Q. What was your duty position on the 19th when you were wounded?

A. Where we was located at?

Q. No, what was your duty position, your job in the company?

- A. I was platoon sergeant.
- Q. Of what platoon?
- A. First Platoon.
- Q. First Platoon in B/4/3?
- A. Yes, sir.
- Q. How long had you been in that job?
- A. To be exact, exact figures? I couldn't say, maybe a week.
- Q. Is that all?
- A. Yes, sir.
- Q. What did you do before that?
- A. I was a squad leader.
- Q. Which squad?
- A. Second squad.
- Q. What was the reason you became platoon sergeant?
- A. I became platoon sergeant when our platoon sergeant was killed.
- Q. Who was that?
- A. RUSSO.
- Q. He was killed about a week before this operation?
- A. I believe so, because I know I took over as platoon sergeant after he was killed. I don't remember the time he was killed. I can remember the time, but the date I can't remember. I became platoon sergeant after that. It could have been longer than a week. I don't remember exactly.
- Q. I have Exhibit R-4. Back about 9 March there was an E-6 by the name of WYATT.

A. WYATT, I can remember him too, because he was in my platoon.

Q. WYATT was the man that was killed on 9 March.

A. He was in my platoon.

Q. All right. There was a Thomas P. RUSSO, E-7, deceased on 3 March. That would have been a couple of weeks, close enough. That was from duty to deceased of wounds from mortar rounds, 1305, vicinity Diem Diem, RVN. That would have been 1305 of 3 March. You took over the platoon after he was killed, is that correct?

A. Yes, sir.

Q. So you took it over about 4 March? How long did you remain in that job as platoon sergeant?

A. If I'm not mistaken, I was platoon sergeant from that time until I was wounded on the 19th. I don't think anyone else had it between that time.

Q. When you were wounded on the 19th did you come back to the unit or were you evacuated?

A. I was evacuated and away I guess roughly a month. Then I came back and joined them for a while, then I went back in again.

Q. You went back in a second time?

A. Yes, sir.

Q. This time when you came back, after the first wound on the 19th, you came back after a month, did you go back to the platoon sergeant job?

A. No, sir. I can't even think of his name. We had a new platoon sergeant when I got back.

Q. You weren't with the 11th Brigade in Hawaii?

A. No, sir. I guess they were probably in 'Nam about a month. Roughly a month.

Q. And you joined them in January?

- A. Yes, sir, about the last part.
- Q. January?
- A. Yes, sir.
- Q. Where were you assigned from?
- A. You mean the unit I was in in the States?
- Q. Yes.
- A. I was at Fort Jackson, South Carolina.
- Q. In the training center?
- A. Yes, sir.
- Q. Were you in one of the training brigades, or battalions, or what?
- A. Yes, sir, training brigades.
- Q. What was your job?
- A. I was drill sergeant.
- Q. Drill sergeant, drill instructor, same thing?
- A. Yes, sir.
- Q. When you got to Vietnam, did you go through a combat training center?
- A. Yes, sir.
- Q. How long?
- A. I would say about a couple of weeks.
- Q. Was there any training given on the methods of handling prisoners, or VC suspects, or noncombatants?
- A. I couldn't say for sure, sir, but I believe so. We learned a lot about booby traps, all of this, but that was probably covered too. I couldn't say for sure.

Q. Do you recall in the training center, back in the States, or after you got to Vietnam, any training on the Geneva Convention, rules of war, the Geneva Convention?

A. Yes, sir.

Q. Where?

A. I believe that we had that in our RVN training prior to going over. We had RVN training before going to Vietnam.

Q. Where did you have this training?

A. Fort Jackson, South Carolina.

Q. Was this mostly firing your weapon? What did that training consist of?

A. We fired the M-16 rifle which we had to qualify with and also had quite a bit about patrolling, ambushes, loading choppers, combat assaults, and things like this. Mostly what it covered--they had a little village.

Q. In this Geneva Convention lecture, were there any cards passed out?

A. Not "Code of Conduct" cards, you don't mean?

A. No, I don't mean that. As a drill instructor, do you remember whether or not there was a record made of a man's attendance at a Geneva Convention lecture? Was it entered on his Form 20, or was there anything like this?

A. I believe so, because before I went over I had a sheet that stated the classes that I attended, even down to character guidance. I believe that it did have a Geneva Convention class on that sheet.

Q. This sheet wasn't your Form 20 was it?

A. No, sir. It was one that I got from the company, on the classes I went to there in the company.

Q. Okay, Sergeant, let's get to the period right before this operation, the one that you were wounded on. I believe you were at Uptight, is that correct?

A. When I joined the unit?

Q. No, I'm talking about 15 March now.

A. Yes, sir.

Q. Were you at Uptight?

A. Yes, sir.

Q. Would you try to remember as best you can and give us your recollection of what was briefed before this operation? What you were to do, who gave the briefing, where it was given, and this sort of information. This was for the coming day, the day before the operation took place. Maybe some of the briefing was carried over the next morning. Think back and see if you can recall what B Company, 1st Platoon, you were told to do. After you remember as much as you can on your briefing, we will tell you what we understand about how it was to be conducted from the task force standpoint, not from the Bravo Company standpoint, maybe some information on Bravo Company. But what we're trying to find out here is what the individuals in the unit were told prior to the operation. Let me ask you some specific questions then. Where was the briefing conducted?

A. I believe the briefing was conducted right there at Uptight before we left because this particular time, I believe we CA'd down there too, like we usually did just about every time we went out. That's where I believe the briefing was given at because usually we get our briefing before we leave.

Q. Where at Uptight was the briefing given? Was the briefing given in an abutment, or in a bunker, or out in the open? Where was it given?

A. The best I can remember, I would say the platoon CP which is a bunker. More likely it was given there.

Q. Who gave the briefing?

A. I would say my platoon leader.

Q. Okay, maybe I should call this an order for the operation the coming day. You say it was the platoon leader?

A. Yes, sir.

Q. Who was that?

A. My platoon leader? That was Lieutenant WILLINGHAM.

Q. And who did he give the order to?

A. From the best I can remember, I would say maybe the squad leaders because I don't think he had the whole platoon together. They were getting everything away in the bunkers and everything. I would say he probably called all the squad leaders, and probably gave it to them, and told us to give it to the men. That's the way it usually was.

Q. Who else does he usually have at those meetings besides you and the squad leaders? Does he have the RTO and medics?

A. RTO and the medic.

Q. Anybody else?

A. That would probably be about it.

Q. Doesn't he normally have the fire team leaders?

A. I don't believe so.

Q. Do you remember the time of day this briefing was given?

A. I really don't, sir. If I would say anything specific I would maybe tell a story.

Q. What about the way that he briefed? Did he brief you on a map?

A. Probably a map, sir. Usually that's the way we got our briefings, on a map.

Q. What about these orders concerning the destruction of villages, burning, and so forth? Anything specific on that?

A. On that particular one, I don't remember exactly, because most always he put out--maybe there would be no burning of the villages and stuff like this. But in this particular one I don't know whether he did or not.

Q. How about the destruction of animals or food stocks, things like that, anything said on that subject?

A. I don't believe so.

Q. What about the disposition of the people that lived in this area, anything stated about that?

A. This particular operation, it's getting a little clearer now. That's where we first went down there. On this, I can remember something about, in this particular area, it's supposed to be only VC in this area. I remember this on that particular operation, that's all was supposed to be down there.

Q. This was in the briefing?

A. Yes, sir, I can remember this.

Q. What was said?

A. It was stated that there was supposed to be only VC in the area, in this particular area.

Q. What did you think the enemy situation was down there, aside from the fact that the area was supposed to be VC. What kind of enemy force did you think you were going to hit?

A. Well, sir, I don't remember if there was anything put out on a particular force that was supposed to be down there. It could have been, I don't remember. But we had been in that area, maybe not in the exact area, but down in the Pinkville area so many times that when someone spoke of it you'd say, "Oh, here we go again." It was always highly booby-trapped and minefields. Anyone that was in my unit, if you would mention Pinkville it would make his hair stand up more or less. It was just a bad area. I'm serious, it was always a bad area, because we'd always get booby traps or something.

Q. How many times did you say you had been there before?

A. In the area quite a few times. Not the exact area, but down in that--

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Q. (Interposing) You weren't necessarily persuaded by the man giving the order, the platoon leader, that this was a bad area? You knew this?

A. Yes, sir, the word Pinkville always rang a bell around the unit. Someone would say Pinkville, and it would just ring a bell with everyone.

Q. Do you remember what the platoons of the company were supposed to do when they were CA'd in?

A. Only my platoon.

Q. What was your platoon supposed to do?

A. We CA'd in there; we had a special mission. We were supposed to go across this particular bridge, over this village (indicating on Exhibit MAP-4); and best I can remember, it was supposed to be a search and destroy mission.

Q. What?

A. More or less search and destroy. That's the only thing I can think of. I can remember them saying they were supposed to be down there, VC. I can remember this.

Q. What about the other platoons? Do you remember what they were supposed to do?

A. No, sir. They were probably told what the rest of the company was going to be doing, but I don't remember exactly. I know we went over in our area just our platoon. We were supposed to rejoin the rest of the company there by this particular bridge the next morning.

Q. What were the squads in your platoon supposed to do? How many squads did you have?

A. Only had two, sir.

Q. Which squad was supposed to lead off, which was the lead squad?

A. I would say the first squad, that's the way it usually was.

Q. What was your normal location in the organization?

A. When I was platoon sergeant, I was pretty close to the rear.

Q. Where was the medic normally?

A. I believe he was located some place up in the first squad.

Q. Did you have any communication at all?

A. Yes, sir. I had a radio back with me, and the platoon leader had a radio with him too.

Q. You had two radios?

A. Yes, sir.

Q. What kind of radios?

A. PRC-25.

Q. You had a PRC-25? Did you have an extra one in your platoon?

A. We had two, the platoon sergeant had one, and the platoon leader had one.

Q. Was this always?

A. Yes, sir. It was like that since I joined the unit.

Q. Were you on the same net the platoon leader was on? Did you talk to him?

A. No, sir. I believe we were on two different frequencies. I think it was two different frequencies because I think one was on the regular company net, and probably one was on another one too.

Q. Could this other radio have been a radio belonging to the artillery or mortar?

A. No, sir. It was ours.

Q. Your platoon leader only had one PRC-25?

A. Yes, sir.

Q. I've got two exhibits here. This is M-2 entitled "Nine Rules." Have you ever seen that card? It's a pocket-sized card.

A. I believe I had this particular card. I think they gave this to us in 'Nam.

Q. That's what I want to know. Where were you issued this, do you know?

A. I believe down in the place we took our couple weeks training, combat center.

Q. How about this one, "The Enemy In Your Hands," Exhibit M-3?

A. I think we was also given this one too.

Q. At the combat center?

A. I believe so, sir.

Q. Is there anything else that you recall about the preliminary briefing or order now, before we go on to the operation?

A. No, sir.

MR WALSH: Do you remember at the briefing being told this was a search and destroy mission?

A. If I would say for sure, I would maybe tell a story. I just don't remember exactly what they called it. I'm serious, because I never remember these things.

Q. It happened nearly 2 years ago and nobody's going to blame you if you don't remember, but I just want to ask if you do, that's the only way we can find out. Do you remember if Lieutenant WILLINGHAM said anything about this being a VC area and they want to clean it out, go through and level it?

A. I couldn't say for sure, it kind of rings a bell though. I must admit it seems like there was something about this mission that seemed different from the rest, I admit.

From the best I can remember there seems to be something different about it, like I think there was only supposed to be VC in that area, something like this. That's all we was supposed to encounter, that's all we was expecting, is VC.

Q. I think you also said they didn't tell you to look out about burning the hootches on this one either.

A. I don't remember them saying anything about not burning the hootches either on this one.

Q. Do you think they said anything beyond that, saying they wanted all the hootches burned on this one?

A. It's possible, I can't say for sure.

Q. But you just don't have any recollection.

(Witness gives negative response.)

LTC NOLL: After you received the briefing from the platoon leader, was there ever a time when the platoon was assembled and the platoon leader gave the entire platoon a rundown on the operation?

A. I believe there was a time that he gave to the whole platoon.

Q. Do you recall exactly on this operation?

A. No, sir, I don't.

Q. What about the company CO, did he speak to the company before you were picked up for the combat assault?

A. I don't remember, sir.

COL WILSON: All right, Sergeant RUSHIN. I want to go now to the operation itself, the day of 16 March. I'm going to do two things. One is we're going to show you the concept of operation, how basically it came out from the task force standpoint on 16 March. Then after that Mr. WALSH will give you a briefing on an aerial photograph. He's recently returned, and he's familiar with that area, that coastal area where you all were. He'll brief you on an aerial photograph and give you more detailed information

on what could have happened from the standpoint of Bravo Company.

(The witness was given an orientation on Exhibit MAP-4 and Exhibit P-185.)

Q. Do you have any questions on what Mr. WALSH covered?

A. No, sir.

Q. Do you recall whether you received any fire prior to landing?

A. Prior to landing? I don't believe so, sir, I don't remember.

Q. When you went in, do you remember whether you were the first lift or the second lift?

A. We couldn't have been the first lift because some was there when we landed, I believe. I must have been with the second lift.

Q. And your doorgunners, were they firing or not firing?

A. No, sir, I don't believe they were firing.

Q. Did you hear any firing when you left the aircraft?

A. I don't believe so, sir.

Q. Did you see the gunships, did you notice what the gunships were doing?

A. No, sir.

Q. Okay, would you describe what occurred on 16 March when you landed?

A. Well, the best I can remember is when we more or less landed in the rice paddy because I would say it looked like a village. There were some houses over there. I can remember getting off the chopper and going to the edge of the rice paddy. We usually do this, get out of the chopper and move out from the chopper and get on positions, when the chopper

moved out, we regroup and move on. That's the best I can remember about that.

Q. All right then, when you started moving on, where did you go?

A. Well, to point it out exactly, I couldn't do it from this map here, but I know before we got to the bridge, we went through a village area too because it had been bombed all out. I can remember where we received sniper fire in this area, a few rounds before we got to the bridge. I can remember this. Then also I heard on the radio while we were moving to the bridge that someone in one of the other platoons had stepped on a booby trap or something. This was after Lieutenant COCHRAN got hit because he got hit before we got down there. He got hit right after we hit land, it wasn't that long, just a little while.

Q. Did you see Lieutenant COCHRAN when he was wounded?

A. No, sir.

Q. Did you hear the explosion?

A. I'm not even sure whether I heard the explosion or not. I may have heard it over the radio. It may have come over the radio.

Q. Do you remember as you moved down toward that village, down toward the bridge, passing under a gate that came over the road?

A. I know what you mean. I know exactly what you're talking about because they were building those over there.

Q. Do you remember seeing one that day?

A. No, sir. It could have been. I've seen so many of them.

Q. Do you remember moving from the landing zone to a trail, following the trail through the village to the bridge?

A. Yes, sir.

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Q. Were you in the village area when you heard about Lieutenant COCHRAN getting wounded, killed?

A. I believe so, sir. I believe it came over the radio, if I'm not mistaken.

Q. Where did you say you received this sniper fire from?

A. This was in the village area too before we got--

Q. (Interposing) Before you got to the bridge?

A. Yes, sir.

LTC NOLL: Did it come over your left shoulder?

A. Usually when a round is coming, it's hard to determine what direction they're coming from. I don't know. That always amazed me while I was over there. You hear rounds and have no idea what direction it came from.

COL WILSON: Well, you were in the village area though when you were getting sniper fire?

A. Yes, sir.

Q. How many rounds?

A. There wasn't many, maybe a couple of rounds.

Q. All right, then after that, what happened, was any fire returned?

A. I couldn't say for sure, but I'm almost sure there was because we never get a round without someone shooting, that's true whether they see anything or not. Someone probably did fire, but something like that it's more or less normal, and you never remember whether you did or not.

Q. All right, then you moved on through that village and you moved on to the bridge?

A. Yes, sir.

Q. What happened as you approached the bridge?

A. Before we got to the bridge we heard over the radio that someone in another platoon got hit, another booby trap or something. I can't remember this. But anything about the bridge, I can't remember anything unusual about the bridge. I can remember prior to getting to the bridge. It came over the radio. I don't know exactly what it said, but it was about someone was wounded in the other platoon.

MR WALSH: Were you in the rear of the column?

A. Yes.

Q. Lieutenant WILLINGHAM was forward?

A. Yes, sir. He was, I'd say, some place within the first squad.

COL WILSON: Did you have any problem crossing the bridge as far as you know, aside from this one man you referred to who got wounded?

A. No, sir, I can't remember anything special about the bridge. I can't remember having spent a whole lot of time getting across it or anything like this. Maybe we were fired at or something while we crossed it, I don't remember anything like this happening.

MR WALSH: Did you hear any mortar fire? Did you have some mortars supporting you?

A. I can remember some rounds hitting over that mound before we crossed.

Q. Were some of them duds?

A. I'm not sure, but I can remember the mortar rounds now just prior to getting to the bridge.

Q. Did the mortar platoon have a hard time getting them in the right place?

A. Yes, sir.

COL WILSON: Were you on the net when Lieutenant WILLINGHAM was talking to the company commander? Were you on his frequency there?

A. I don't believe so. I don't believe we was on the same frequency.

Q. I don't understand what frequency you were on.

A. I just don't remember if we was on the company frequency or not. We had two radios on the company frequency. It's possible, but I don't remember. We definitely had two radios, that's for sure. No doubt about that because JENKINS was carrying that one.

Q. Who did?

A. A guy named JENKINS.

Q. Okay, you moved across the bridge, then what happened?

A. We got across the bridge. I can remember leaving, I think, about a couple men back by the bridge as we were going through the village in case someone tried to sneak back and booby trap it or something while we was in the village. I can remember this for a fact. I don't remember exactly what happened in the village, but I remember there was quite a bit of firing and maybe hand grenades and things like this going off. See I wasn't up here on foot, I was back in the second squad I can remember quite a bit of firing, hand grenades going off, stuff like this.

Q. In the daylight?

A. Yes, sir.

Q. Who did you leave back at the bridge, to secure the bridge?

A. I can't think of the two men's names, but I know we left two men. I think they was from the second squad.

Q. Back on the bridge?

A. Yes, sir, just off the bridge.

MR WALSH: Could MICHENER have been one of them?

A. It's possible; he was in the second squad.

Q. How about WILLIAMS?

A. WILLIAMS could also have been one, he was in the second squad.

Q. WARNER?

A. WARNER was in the second squad. I don't know if--

Q. (Interposing) But you don't remember if any one of those were the ones that guarded the bridge?

A. No, sir, not for sure.

Q. Where was the machinegun when you moved up to the bridge? Was it back near you?

A. Let's see, we had two machineguns because, well, we more or less had one attached to each squad, and I would say one is usually up in the first squad area and one is back in the second squad area, more or less in front and rear.

Q. When you crossed the bridge, did you get an order to send a machinegun forward, up to the front?

A. I don't remember, sir.

Q. Go ahead. You heard a lot of firing and you set up a couple of people to guard the bridge, then moved on down to the village. How far away was that village?

A. It wasn't far because just when we crossed the bridge, the best I can remember the village was less than 50 meters from the bridge. There were more or less hootches and things like this. It wasn't far from the bridge.

Q. After you crossed over the bridge, did the trail go along straight ahead for a ways and then turn to the right?

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A. Yes, sir, more or less.

Q. Then after you turned, how far beyond the turn were the hootches?

A. There were hootches before we made the turn. There were hootches I'd say roughly about 50 meters from the bridge. Farther than that you start seeing hootches on the left. On the right side of the road that was where a couple of hootches looked like--it wasn't many, most of them were on the lefthand side of the road.

Q. Most of them on the ocean side?

A. Yes, sir.

Q. Was there a little cluster of them, kind of a village like, down the road a ways or were they just scattered out hootches?

A. When we first entered the village, I would say more or less scattered, but as we got farther down, it seemed to be more down in there than back up closer to the bridge. I would say that.

Q. So when you moved on ahead up to where the firing was, what could you see? What was happening?

A. I couldn't exactly say. I guess someone was probably firing.

Q. People running around?

A. Vietnamese?

Q. Yes?

A. I don't remember if I seen any Vietnamese at this time or not.

Q. Did you see MILUS operating the machinegun?

A. MILUS?

Q. Yes?

A. Not in particular.

Q. Go ahead. What happened then after you came up forward?

A. I can remember it really didn't seem like a very long time, but like the word came over the radio pertaining to the Vietnamese, I know. Something about "Don't harm the women; don't harm the women and children," something like this, because I can remember something coming over the radio. It must have been something, some exception they was making to the regular order, I guess. It was more or less like a cancel or something. I can remember something that came out after we was in there a little while. I say it was something against the order. Like I say, it started off there was not supposed to be anything in there but VC. We was expecting them in there, and after we got into the village I don't know if the lieutenant called the CO to say there was women and kids in there or not, but I remember getting the word about, "Don't hurt the women and kids," or something like this. I can remember something like that.

Q. About how long after you crossed the bridge and went in the hootches area did that order come through?

A. I couldn't say exactly but I don't think we were there very long. It didn't seem like a long time.

Q. Had a lot of women and children gotten hit before the order came through?

A. It's possible. As we moved in I didn't see any dead people laying around. I remember this, I didn't. But I know we left there a lot of women and kids, standing right there in the street when we left. I can remember this for a fact. I can't remember whether there was any dead people there or not. I don't remember seeing any. I can remember there was a lot of them standing in the street when we left, women and kids. I was surprised that that many was there in the village, and there's not supposed to be nothing here but VC. I remember we were talking about that. That's probably the word they got over the

radio about the village because it started off there was not supposed to be anything there but VC, and then they find all these women and kids. That's probably what the word was.

Q. Do you remember if the order was sent not to kill any more women and children? Is that what the order you received was?

A. I would say it was something similar to that because it was more or less a change. It seemed to change the whole situation. I can remember there was a change when we got that word down. I can remember starting off saying, "There's not supposed to be anything but VC and here are all these women and kids here on the hill." I can remember something like that. "They'd better get their stuff together." I can remember some wisecrack like that.

Q. Who was making the wisecrack?

A. I guess a few of the men. I guess some of the men were saying this because, like I say, starting off, we was expecting only VC in there. As a matter of fact, we was expecting to actually run into something. If we saw something we figured it to be VC, believe it or not, and we was expecting them when we got there. Maybe that's what the intelligence told us, the only thing that's supposed to be in there.

Q. Do you remember Lieutenant WILLINGHAM calling the company commander and telling him that there are a lot of women and children around there and then getting the order not to kill them? Or do you remember the order just coming down changing the orders that you had before?

A. All I can remember is getting the word of a change. I can't say for sure if he called him or not. He probably did. I'm almost sure that's probably the reason he got the word. He probably called them and told them because, see, up front, he could probably see them, I guess.

Q. But you don't know if any of them got killed before the change?

A. I really don't know. You see, I can't remember any Vietnamese laying around the area. I can't remember any

Q. Do you remember Lieutenant WILLINGHAM reporting any killing any VC around there?

A. Like I remember reporting killing some, I can remember that, but I still can't remember seeing any. That's funny isn't it? Like I can remember him calling in a status or something, but I don't remember seeing any. But I remember him calling in a status.

Q. Do you remember what you saw this time that you heard him call that in?

A. I just seem to remember him calling it in. I don't know why that rings a bell. It rings a bell; he was calling in a report of so many killed or something.

Q. Do you remember how many he called in?

A. No, sir, I don't remember. I can remember him calling in.

Q. When you heard that, were you just a little bit curious to find out just how they had gotten that body count or how they had killed those VC?

A. I guess so.

Q. Did you ask any questions or go take a look?

A. I don't remember. I still can't remember seeing any, any dead. I'm serious, I really can't.

Q. After you got the order changing the thing to the extent of telling you not to shoot any women and children, what did the platoon do then, stop shooting altogether?

A. I'm pretty sure they probably did because usually when we get the word down for something like that everything usually ceased.

Q. Did they continue to search the hootches and bunkers and things?

A. Yes, sir. I can remember we did because I can remember these people coming out of these holes all over the

place, and people just popping up all over the place. I can remember this.

Q. Do you remember anybody shooting them when they popped up?

A. No, sir, I can't remember anybody shooting any.

Q. Do you know if any of them were shot when they popped up?

A. No, sir.

Q. You never heard that from anybody?

A. No, sir.

Q. Do you know if anybody in the company had any explosives, TNT or C-4?

A. Probably the point squad, what we called the point squad; the third squad, we called the point squad. They probably had some.

Q. Were they using it?

A. I couldn't say. It's possible.

Q. Do you remember if a chopper came in there and delivered some explosives?

A. A chopper did come in. I remember a chopper coming in right near the end of the village. I can't remember exactly what we got now. It could have been explosives. Does TNT ring a bell?

Q. Do you remember bringing in some TNT?

A. I couldn't say for sure. It sort of rings a bell, like maybe a case of TNT.

Q. Do you remember if it was the battalion commander's chopper, Task Force Barker commander's chopper?

A. I don't remember.

Q. Did you ever go over by the ocean during the course of the day?

A. During the course of the day?

Q. Yes.

A. When we set up for the night?

Q. No, before you moved north, while you were still in the village near the bridge?

A. I don't recall.

Q. Where did you spend most of the day?

A. We spent most of the day right down in that village area.

Q. It didn't take all day to search that little village? Can you remember where you were when you had chow and when you weren't actually searching hootches or anything?

A. If I can remember, we spent most of the time right around in that hootch area. I don't remember going no farther down than that hootch that particular day.

Q. Do you remember finding a booby trap, a couple of cartridges rigged together with a trip wire of some kind.

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

Q. Was anybody interrogating any of the VC women around there, in the hootches?

A. Not that I remember, sir.

Q. Do you remember if there was any more firing by anybody during the course of the day, after the morning when you got the orders?

A. No, I don't remember if there was any more firing.

Q. Do you remember in the afternoon Lieutenant WILLINGHAM reporting killing some VC over by the ocean?

A. No, sir, this is one point I don't remember, I don't remember going over there. I remember going in this area,

and I can remember spending the time there, but I don't remember going any farther than that. This was supposed to happen farther down--

Q. (Interposing) Right here in the villages, the first village you went into, just over a rise of ground, was the ocean.

A. Yes, sir, it was over there, but I can't remember seeing the ocean.

Q. You never went up to the top of the rise and down to the beach on the other side? Down in the area just across from the bridge?

A. I don't remember going over there, I really don't.

Q. After you got through there and you moved out for the night, where did you go?

A. As you go back toward the bridge, up toward the right.

Q. North? Up the coast?

A. I would say so, back up in that direction. I would say north. (Witness indicates on MAP-4.)

Q. Were there any hootches being burned that day?

A. No, I don't remember.

Q. Did you burn that village that you ran into in the morning?

A. I don't remember burning no hootches there. It's possible, but I don't remember burning any.

Q. How about when you left that area around the bridge and moved up north and set up your night position, did you burn hootches along the way there?

A. I don't believe so. \*

Q. Do you remember a chopper coming in when you got

up north where your night position was?

A. Yes, sir.

Q. What do you remember about that?

A. They brought in some food, I remember that.

Q. Do you remember if they brought in a Vietnamese interpreter?

A. Right off, I don't remember.

Q. Do you remember seeing small Navy boats out in the ocean bringing in some Vietnamese in fishing boats, sampans?

A. I don't remember that either.

Q. Do you remember anything out of the ordinary that happened there as you moved up to your night position or during the first night?

A. I can't remember anything unusual. I know we got on the highest piece of land that was there, which wasn't very high, and we meant to dig in. I can remember digging sand. Any time you brought a shovelful out, a shovelful would fall in. I can remember that real good. I don't remember no interpreter.

Q. Do you remember that TAYLOR took a woman with him going north, to use as a point?

A. It seems like I can remember a woman being around there some place. I can't remember where it was, how to tie it in, but I can remember a woman there. How we got her there I don't know, but I can remember one being there because I can remember giving her some C-rations, some chow. I can remember that. But I can't remember where she came from. I can definitely remember a woman; I can remember just one. I can remember her being there, and we give her some C's but I can't remember where we got her from. I don't remember where we got her from or where she came from.

Q. Do you remember seeing or hearing of anyone raping her?

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A. No.

Q. Do you remember seeing her the next morning when you were moving down toward the bridge, out in front of the platoon?

A. I'm not sure. It's possible that something like that would happen some time.

Q. Did TAYLOR usually try to find someone to get out there in front of him a little bit when he was moving through VC country?

A. Yes. I won't lie about that.

Q. Did he ever, either at this time or on other occasions, put a rope around them?

A. Probably so. I can't think of any particular time when he had a rope around them.

COL WILSON: Do any of the following names sound like the 1st Platoon: COCHRAN, WILBURN, CANTU, HITCHMAN, TRAVERSA, SHIFLEY, HACHEN, GUNTA?

A. Don't ring no bells. This COCHRAN sounds familiar but--

Q. That's the lieutenant.

A. But I don't know if he's in my platoon.

Q. That's Lieutenant COCHRAN. None of the others? CANTU?

A. I don't believe so. CANTU sounds familiar too, but I don't believe he was in my platoon.

Q. That's what I wanted to know, if any of these people were in your platoon: GUNTA, HACHEN, SHIFLEY, TRAVERSA, HITCHMAN?

A. I don't believe they were in my platoon.

Q. Those were all the casualties that were reported from Bravo Company on 16 March. And none of them were in the 1st Platoon. Who is this man that got hurt down at the bridge?

A. That happened the 18th.

Q. It wasn't the 16th?

A. The day that we came back down, 16th, 17th, it must have been the 17th, the day that we left the company commander down by the bridge.

Q. You didn't have any casualties from the sniper fire on the first day that you said came from the village?

A. No, sir.

Q. What's your position as far as your location in the platoon when the platoon is searching out a hamlet? Where are you? Are you with the platoon leader or are you in a different location?

A. When we're checking a village?

Q. Yes, when you're searching a village? Where was your normal location? You're behind the platoon in the column, but what's your location when you start searching the village like that?

A. I'm probably up close around the platoon leader some place. It depends on what type of village it is. If they have got hootches and everything on both sides, we may split up and have one squad check one side and one squad check the other.

Q. But you say normally you are where?

A. In the formation I'm in the second squad area.

Q. No, not in the formation, after you start searching the villages.

A. After we start searching the village, usually I'm up around the platoon leader some place, up in that area.

Q. The platoon leader, then, brings his command group kind of together?

A. Yes, sir.

Q. All right, now. When a village is to be searched, how does the 1st Platoon break out the responsibility for the search to the squads? You had two squads, how did Lieutenant WILLINGHAM tell them to search that village? I'm speaking of 15 March.

A. I really don't know, sir. I can remember we went into this village. There didn't seem to be anything standing, like a hootch or anything. There could have been because when we got all these people out of their holes, there wasn't nothing left, believe it or not, wasn't anything standing. We've been going over that over and over again, I guess, but I can't remember anything standing.

Q. Well, now, these could have been temporary, anything with a thatched roof on it is a shelter, a hootch. If you had this many people living around an area, surely they're not all living on the ground. There must have been some inhabited structures above the ground no matter how flimsy they were. The village has been described as being searched. What I'm trying to find out is what sort of instructions were given to the squads when they were to search this village after you moved in there.

A. I don't know, sir.

Q. What's normal?

A. Normally they would say: "First squad, I want you to search the left side of the road, search the hootches up this way, and second squad I want you to search on the right hand side. Machineguns I want you to sit up here at the village," and you know maybe someone would try to come in, something like this. But I don't know if we was given that particular order.

Q. You didn't see the platoon leader giving the squad leaders instruction on searching this area?

A. I couldn't say.

Q. You were normally organized into two squads. At the time that these two squads were searching the village what was the point doing?

A. I would say searching too. I don't remember if we split them up and had some with each squad searching or he may just have them join in with one of the other squads on one side or something.

Q. Do it either way, then?

A. Yes, sir.

A. It's done either way normally. Was the point group normally just tunnel rats or do you have tunnel rats with each squad?

Q. We didn't have any regular designated tunnel rats, believe it or not. I was even a tunnel rat until they made me stop going in there.

Q. As a rule, when you were a squad leader before you took over the platoon sergeant's job, and you searched the village, and you were given a sector of the village, what method did they use to give you the sector, your designated sector to search. How did you tell your squad to search?

A. How did I tell my squad to search?

Q. What did you tell them to do? Did you divide them up or all of them go out together or what?

A. Try to more or less pair them off. For example, if we're going to search the right side, I wouldn't say, "We're going to search the right side." That's senseless, they didn't do it like that. I would usually try to pair them off. I'd say, "Go in to check it," you know, "Don't both go running in there." I'd have someone watch. If someone messed up like that, go busting in a place, no telling what might happen.

Q. Did you ever get them in there in larger groups than two? Did you ever have three or four men searching together, or was it confined to more or less pairs?

A. Sometimes it was more.

Q. Was the technique taught in the training center?

A. In the training center they teach it a lot different. They more or less teach everything by the book. They would have maybe one squad searching and one supporting or something. They even break it down that far and say try to seal the village off, maybe someone setting up on the far end of the village or both ends of the village, keeping anyone from coming in or going out. They put it real pretty like that, but as far as set it up like that--because if you're going to set up on the far end, you've got to go through the village in order to set up on the far end. As you're going through they see you coming through, and they are going to be all gone out the far end.

Q. With your squad, before you took over as platoon sergeant, did you break your pairs out the same each time? I mean did you normally let the two men work together that worked together all the time, or did you split them up, or what?

A. I didn't break them down no certain way. I mean not every time, a certain way, not necessarily. I may just say, "You two stick together," like this, not use the buddy system or anything like that.

Q. Do you remember what the breakdown was of your squad, how your pairs paired off normally?

A. No, sir, not by name. When I joined the unit I more or less broke my squad down into two teams, because at that time we had two who were supposed to be team leaders when they first joined the unit. I remember they didn't have it too organized like I would have had it organized. When they assigned me a squad, and if we had someone in there who was supposed to be a team leader, I would start asking who was in what team, and no one knew. They was all more or less a group. So I can remember breaking it down and say, "Well, these men here are your team, and these are your team. You're on Bravo team, and you're on Alpha team." I remember breaking it down when I joined the company. When I got there it wasn't, they had it the other way and always worked out good, but it didn't seem organized enough for me. I can remember breaking it down. In my squad I had two teams broken down.

Q. And you normally had a machinegun with you?

A. Yes, sir.

Q. And you let the machinegun personnel search also, or did you always have them in a firing position, prepared to support?

A. Most of the time we set the machinegun up and left the machinegun set up and let the others search.

Q. So the machinegun squad had no search responsibilities?

A. If I say they never searched, I'd probably tell a story.

Q. I mean normally.

A. Yes, sir, normally they would be setting up.

Q. You mentioned that a chopper came into the village, you mean right by the side of the village on 16 March, and possibly brought some demolition in.

A. Well, I would say in the village, believe it or not, because it was a big area. I say that there could have been some structures standing around the area. There could have been, but there was so many down that maybe I took for granted there wasn't any standing. But he landed right down in the village. I can remember this.

Q. Nobody got off?

A. I can't remember anybody getting off the chopper.

Q. The one thing I was concerned about, did you think it was unusual to move from the vicinity of the bridge--

A. (Interposing) In more or less a column?

Q. No, well, all right--

A. (Interposing) I mean a file more or less.

Q. Did you think it unusual? I'm really getting down

to later on in the day when you moved north.

A. I thought you was thinking--

Q. (Interposing) Well, let me go back to what you thought I was talking about, what did you think I was talking about?

A. I thought you were going to say did I think it unusual to be going through a village, to search, in more or less a file formation, almost one behind the other. I thought that was what you was fixing to say. If that's what you said, it does seem quite crazy, believe it or not. We went in more or less a file formation a lot of times, we found that it kept people from stepping on booby traps as much, to get all scattered out.

Q. I didn't quite get the impression that that's the way you went in.

A. That's more or less the way we went in.

Q. In a column?

A. We traveled mostly that way over there because every time we spread out, well, we hit a lot more booby traps that way. Believe it or not, we traveled more or less in a column.

Q. When you left the village that night and went back north and put your night defensive positions up there, do you know why you went up there to those night defensive positions?

A. I think they call it setting up an ambush, I believe. But I figured it to be more or less a place to stay until the next morning.

Q. Who selected the location for setting up the ambush?

A. The platoon leader, because we took the highest piece of ground we could find up in that area.

Q. Well, now, from your standpoint what was the critical piece of terrain over on that tip?

A. The most critical piece of terrain?

Q. Yes.

A. You mean the bridge maybe?

Q. That's what I mean.

A. We should have set up an ambush there by the bridge.

Q. That's what I was thinking.

A. That is something to think about.

Q. It's easy to backseat, I mean Monday-morning quarterback, I realize that. But the bridge was important to secure if the company's coming over it. Why go away from the bridge and leave the bridge open so that it can be prepared for the next morning's operation, either going back or somebody coming over? Did it ever come up?

A. I don't remember it coming up, but you definitely have a point there because we were supposed to meet the company back down on that bridge the next morning. They were supposed to come across and someone should have been watching the bridge.

Q. Nobody was left back there to secure that bridge? Is that correct?

A. Not from my platoon, because the whole platoon was there when we set up. I don't know if the company had. I don't think they did either because they weren't down that far at this time. That is a good point. I never thought of that.

Q. Let me go over a couple or three reports that were rendered that day and see if it brings anything to mind. These reports are all from the 11th Brigade log of 16 March. That's Exhibit M-46. An incident was reported at 0845 with one KIA and four wounded in action. That was the group that

Lieutenant COCHRAN was with. That was 0845. The next report which was 0930 and there were three wounded. This is the second group that you referred to earlier. And they were dusted off at 0943. Now from the 1st Platoon area came a report of 12 VC KIA at 0955. The next report from the 1st Platoon area, same coordinates, was 18 VC KIA at 1025. And then the next report with coordinates not really over 100 meters different, very close, was 8 VC KIA. That report came at 1420. These reports give the VC KIA in the 1st Platoon area as 38 body count. Did you hear any of those reports. Did you hear any of those reports being rendered to the company commander from your platoon leader?

A. I can remember, as I said before, I can remember reporting some killed, KIA. What seemed funny is I don't remember seeing any. I can remember him calling in a report, but I don't remember seeing any.

Q. These logs sometimes can be in error. This actually came from Task Force Barker up to brigade which means it had to come from the company commander. But it eventually got back to the brigade in this fashion. Now, about previous body count reports. In most cases wherever you've heard of body counts being given from the platoon to the company commander, have you seen the bodies?

A. Yes, sir. I'm pretty sure.

Q. While you were platoon sergeant, now, did you see situations where the platoon leader gave a report to the company commander that it was 5 or 10 VC KIA and you saw those bodies, 5 or 10 bodies?

A. Yes, sir.

Q. Now when you were a squad leader and you come up with a body count, did you verify that body count or did you accept it from the people in your squad?

A. When I gave a body count, I saw the bodies. I can't remember bodies really, but when I gave a report of so many killed, I actually saw them.

Q. This is a pretty high body count for a late morning

or early afternoon operation, to walk through the area and not to see any bodies.

A. It is a lot of bodies.

MR WALSH: Do you think that you walked through the area where people were firing?

A. Where people were firing?

Q. Yes.

A. You mean all up in through the area, no, sir. I didn't go all through there like that. I don't remember going very far off the road when I got up there, really.

Q. We've got a report here of 38 VC being killed, but you didn't see any bodies. Now there can be two explanations. Either there weren't any VC killed, or you didn't go where they were killed.

A. That's possible.

Q. Now I want to know if both of those are possible or if one of them isn't possible.

A. It's possible. That could be correct. I didn't see them, because I didn't go all up through the area; that's for sure.

Q. What areas didn't you go into that other people in the platoon did go into?

A. As best I can remember I stayed more or less on the trail going up into the village. If someone was killed they had to be off the road because I don't remember seeing it, I really don't. They could have been off the trail and I didn't see them.

Q. Well, how far south along that trail did the point people or other people go? Did they go down a ways, down that coast? Or did everybody stay pretty close around that village?

A. As far as I can remember, everyone stayed pretty close around that village because usually we don't get strung out very far, like one way down the trail and things. You get messed up that way.

Q. If we assume that there were 38 people killed, according to the reports, they weren't around the areas that you were, so what other areas could they have been?

A. They were all up in the village area because from the best I can picture this village, it didn't seem that large to me, it didn't seem very large. Most of the bombed-out hootches was on the left-hand side of the trail. There may have been a few scattered on the right-hand side. Most everything seemed to be to the left of the trail. I can remember the largest part of the village seemed to be to the left side of the trail as we were walking through it. I can't remember very much on the right-hand side. There were a few scattered here and there but most of them seemed to be on the left of the trail.

COL WILSON: Could these bodies have been in the bunkers?

A. It's possible.

Q. Who would have counted them if they were in the bunkers? Who went down in the bunkers that day?

A. I can't remember any men go down into them, but it's possible some did go down into them because, as I said, before we came across the bridge, we put two men by the bridge. I can remember trying to build a fire and maybe grenades or something like this going off up front, but from where I was located at, more or less to the rear, I couldn't actually see what was going on up at the front portion of the platoon, believe it or not. When I did, when we did close it up more or something, when I got around up where I could actually see the people, I would say the firing had stopped. As best I can remember, I can't remember any firing going on then, when I got around up in there. And also at this time I can't remember seeing but just a very few Vietnamese people defending at this time, when I got around up where I could see. All these people came out of the holes later. With all that firing going on I probably wouldn't come out of the hole

neither. But as I say I couldn't see very few if any at the time. But all these people come out after everything had ceased, all the firing and everything had stopped, because I can't remember all this firing going on. Maybe this is when the people came out.

LTC NOLL: You got in country in January?

A. Yes, sir.

Q. Lieutenant WILLINGHAM took over the platoon early March?

A. Yes.

Q. Were you platoon sergeant when he took over the platoon?

A. No, sir, I don't believe I was platoon sergeant when he took over the platoon. They had another platoon sergeant.

Q. He hadn't had the platoon too long had he when you went on this operation? The point I'm really trying to get at, did Lieutenant WILLINGHAM spend a lot of time talking to you about what you might expect on an operation like this, what you might do with a set of circumstances? In other words, did you all war game these things before you went out?

A. I guess we more or less talked about it during the time we were putting out the order, but I know what you mean, just sitting down and talking in general about it, no, sir.

Q. Did you all position yourselves such that one of you had every part of this platoon in your hip pocket? In other words, did he have control of the platoon?

A. Yes, sir, because with me being back in the second squad area, which is in the rear of our platoon, and he up in the first squad area, it just about covered what was going on over our platoon, believe it or not.

Q. Well, when you came around, got up to where you

could see those people, did you see Lieutenant WILLINGHAM directing traffic up there or do you remember?

A. I don't remember but he was up in that area when I got around there. I know that for a fact because he was right up on the trail when I finally got around from the rear.

Q. Did you hear any hostile fire before the platoon opened up? I assume that the platoon was firing.

A. Yes, sir, I know it was.

Q. Did you hear any hostile fire?

A. I don't believe so, sir, because if they had, I would remember that, and I don't remember any.

Q. How long did it take you to get up there from the time that you started firing until you arrived there?

A. It's hard to say because I just didn't go right on up to the front, because if anyone else had been firing at us usually you could tell, because you could hear bullets going across, and I don't remember there being any going over.

Q. Was there one machinegun up front and one machinegun in the rear?

A. Yes, sir. At that time I don't remember going straight up to the front. I know I didn't because two men were posted in position by the bridge and most of the second squad was back there in the rear too. At this time everyone wasn't up front. Still more or less in file or column.

Q. Did Lieutenant WILLINGHAM make it a practice of telling you everything that he knew about the platoon operation? In other words, if Lieutenant WILLINGHAM was walking around this area and seeing bodies, would he have told you that morning?

A. I would say so.

Q. Did he tell you about any bodies?

A. No, sir, I don't recall him telling me about any.

Q. What about anyone else?

A. No, sir. No one else told me about any.

COL WILSON: Did you see any wounded in the area?

A. I don't recall any wounded.

Q. Was your medic with you around the village or was he out doing something?

A. He was definitely with the platoon, but I don't know exactly where he was located within the platoon.

Q. Ever see him that day, talking to him?

A. I guess so, sir.

Q. But nothing particular?

A. No, sir.

LTC NOLL: Did you stay fairly close to the radio and hear most of the radio traffic from Captain MICHLES during the 16th, during the daylight hours?

A. No, sir, I wouldn't say so because the RTO that had the second radio didn't have no speakers so you could hear. He more or less kept it hooked up on the web gear or something close to his ear so he could hear anything. Anything happened, he more or less give you the word because at the time that someone got hurt in the other platoon, that's how I got the word about that also. Overhearing a radio transmission that come from the platoon that someone got wounded in and that's the way we got the word.

COL WILSON: You must have been on the company net?

A. Must have been.

Q. You could have received the transmission from the platoon to the company or you could have received the transmission from the company commander reporting the casualties to the task force. If he reported the casualties to the task

force he could probably give the casualty's line number. If the casualty was reported by platoon it would probably be by name. If you knew it was Lieutenant COCHRAN you probably heard a transmission from one of the platoons to the company commander, if you heard his name. It could have been either way.

A. I'm not sure if we were on two frequencies or not, I'm not really sure.

Q. Well, now, on the basis of this movement of junks coming in, you don't remember the Navy boats bringing the junks in? You don't remember any interpreters coming in that night, the night of the 16th? Do you recall whether you had any Vietnamese in your perimeter, inside your perimeter that night?

A. I believe that lady was still there, this lady that I can remember giving C-rations to.

Q. Anybody besides her?

A. I don't remember.

Q. You looked a little puzzled a minute ago when I said a couple of things. Did I say something that was incorrect? You don't recall the Navy boats, do you?

A. I don't remember no Navy boats.

Q. You don't recall some junks coming in with Vietnamese getting off of them?

A. No, sir.

Q. And you don't recall an interpreter being brought in?

A. No, sir.

Q. You don't recall more than one Vietnamese being in the night defensive position that evening?

A. That's the only one I can think of. I remember

the choppers coming in and bringing in the C-rations. I don't remember those sampans, I don't remember that.

Q. I'll show you a couple of exhibits here, see if you recall anything. Exhibit P-18, do you recognize anything in that photograph?

A. I can't remember his name, but he was in our company. He was in the CP group wasn't he?

Q. This one soldier in the photograph, do you recall him being in the company.

A. Yes, sir.

Q. Do you recognize any of these people?

A. No, sir.

Q. Do you recognize either one of those men in Exhibit P-21, in uniform?

A. No, sir.

Q. Neither one of them?

A. No, sir.

Q. How about those two on Exhibit P-22?

A. They don't look familiar. I don't forget faces. I remember seeing that picture some place.

Q. All right. Let's turn to P-23.

A. Yes, sir, I've seen that one some other place.

Q. What do you recognize about that photograph?

A. I recognize him (indicating).

Q. Man on the left, Captain MICHLES? What else?

A. That's about all I recognize about that one, is him. I remember seeing that one some other place too.

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Q. Do you remember where you saw it?

A. No, sir.

Q. Do you recognize this as--

A. (Interposing) In a picture, in a book. It was in a book, or a newspaper, or something, the picture of Captain MICHLES. I've seen it some other place.

Q. This is P-28, do you recognize anything about the terrain?

A. No, sir, not in particular.

Q. Do you recognize that man on P-13, third man down from the end? It's very difficult to see his face.

A. I don't believe so.

Q. This another photograph of him, Exhibit P-3, but it's a very poor photograph.

A. No, sir.

Q. Do you recognize this man on the extreme left in P-66?

A. I think at one time we had an interpreter with us looked like that. I don't remember what he looked like.

Q. This is a side view of the same man, anything that you recognize there?

A. No, sir.

Q. All right now, the following day, when you broke your night defensive position and began moving south, back toward the bridge again, would you explain what happened then?

A. On our way back?

Q. Yes.

A. I can remember we were moving on our way back down

to the bridge, and I can remember stopping. I took for granted that we had got back down to the bridge. I heard a big explosion go off. That's when our front man got hurt. Right after that, right after the explosion went off, I heard a few rounds go off, someone fired a few rounds. They weren't American weapons either, I don't know exactly where they was located at, these VC or whatever they were, but I can remember someone firing a few rounds. After that the point man had hit a booby trap. After that, let's see, we got a few rounds. I don't think we moved any farther from there. I believe, I can remember some gunships coming in, I think, after that, before we went back down to the village. I can remember some gunships firing some before we went any farther. I can remember a dustoff come in to get the men that were wounded. I guess it must have come in before those gunships did. I can remember some gunships firing before we went any farther. I can remember them firing right over our heads, it looked like.

Q. Dustoff came in before the gunships?

A. I believe so. I'm not sure. I know I can remember some gunships coming in for sure because they hit in the water.

Q. Were you still in a column coming down from the north when the point man was wounded?

A. Yes, sir.

Q. On the trail?

A. Yes, sir.

Q. Did you observe this man being wounded or could you see him?

A. I couldn't see him.

Q. All you could do was hear?

A. Yes, sir.

Q. And you heard some firing?

A. Yes, sir.

Q. Did you go forward or did you stay back there?

A. I think I moved forward with the column, but I don't remember making it up to the front.

Q. Did you observe TAYLOR at any time before he was evacuated?

A. No, sir.

Q. Did you see where he was hit, where the booby trap was detonated, or mine?

A. Not until we started moving forward down in the village.

Q. Did you observe the rest of your company on the other side of the bridge?

A. Yes, sir. I believe they got our mine detectors and used this to come across the bridge, I believe so.

Q. What's the relationship of this crossing to the gunships? Which was first?

A. I'm not sure. I don't know if they had already come across the bridge when we got some sniper fire or not. I'm not sure which one came first.

Q. How many gunships was it?

A. I don't remember exactly, maybe a couple.

Q. How many runs did they make?

A. I couldn't say exactly, sir.

Q. Do you remember them firing, you said--

A. (Interposing) I definitely remember them firing because I can remember them like they were firing on top of us, it seems to me. Rounds cracking and landed in front, in the water and knocked up much. I can remember this, but I

don't remember exactly how many it was.

Q. What type munitions were they firing, what was the ordnance they were using?

A. I think they had miniguns attached to the chopper.

Q. Rockets?

A. Yes, sir. I can remember they started like right up over us.

Q. You don't remember the number of passes?

A. No, sir.

Q. Do you remember with these gunships whether there was a bubble, light observation helicopter in the area?

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

LTC NOLL: Did they arrive concurrently with the medevac ship. Did they arrive at the same time, or did the gunships arrive earlier or later?

A. I'm not sure, sir, it seems like the dustoff came in first. That's the way it seemed, I'm not sure.

COL WILSON: Did the remainder of the company close on the bridge and come over the bridge after the gunships fired?

A. Yes, sir.

Q. Was there any more firing after the gunships finished their passes, ground fire, I mean?

A. I don't believe so, sir.

Q. It was indicated that at the time this, or somewhere near the time, this mine went off which wounded TAYLOR, that there was some sniper fire.

A. Yes, sir, I remember some sniper fire.

Q. Did that occur before or after the mine detonated?

A. I believe that was after.

Q. The sniper fire began after the mine detonated?

A. Yes, sir.

Q. And then the unit returned fire after the sniper fire started, your platoon?

A. Yes, sir, I'm sure they did, sort of natural you know.

Q. But whether the evac ships came in before the gunships in not clear?

A. No, sir. I just sort of feel like it came in first. Seemed like the dustoff came in, medevac'd him, and I'm not sure, there was sniper rounds came in after that.

Q. You don't know the type of ship that evacuated TAYLOR, do you, whether it was marked, how it was marked and if it was marked, how it was marked and where, whether it was medevac or slick?

A. No, sir.

Q. What occurred, then, after Bravo Company began moving over the bridge? How long were you there after they closed over the bridge? Did you start moving south immediately or were you there for any period of time?

A. I don't think we was there long, sir. I think we started moving right after that.

Q. Did you see Sergeant VANN come over the bridge?

A. Sergeant VANN?

Q. With the mortar platoon? Did you see the mortar go into position anywhere around there?

A. No, sir.

Q. Do you remember the order of march as you moved south, the company order of March?

A. No, sir.

Q. Do you know whether it was in a platoon column or two platoons abreast?

A. More or less a column I know because we never traveled like that unless we were really a big open area, a rice paddy or something like this.

Q. Were you on the beach or were you on the inland, inside? I'm speaking, were you walking along on the sand right by the water or were you on the other side of this small dune?

A. We was on the right. We wasn't over next to the water.

Q. You weren't?

A. No, sir, went right back up through the village like that, we was in.

Q. Did you notice anything unusual about the village the next day you went through there?

A. No, sir.

Q. See any people there?

A. I'm not sure, sir. I don't remember seeing any.

Q. As you moved south down the peninsula there, did you notice anything unusual going on? Did you run into any more resistance or any more people down that way?

A. I can remember people way down, just about on the end. We got just about as far as we could go, but on the way, I don't remember there being any. It's possible that there were some, but I don't remember. I can remember there being some way down, all the way down on the end. I can remember some people down there. There was a lot of sailboats and things on the water.

Q. Where was the company CP in that march order? Was this following your platoon or in front of your platoon?

A. I believe in front.

Q. What was behind your platoon? You were back there, was anything following you?

A. I'm not sure, sir.

Q. If you were back there and there was nobody following you, wouldn't you have security in the back?

A. Yes, sir.

Q. What would you have back there for security?

A. Riflemen. We wouldn't have a machinegun on the end, I know. We never put the machinegun on the end. We always have a rifleman on the end. It would be a rifleman, I'm sure.

Q. Did you have any security back there or were you connected with some element that was behind the platoon?

A. I'm not sure.

Q. Don't remember?

A. No, sir.

Q. Do you remember how many villages you went through as you went south to the point?

A. No, sir, I can't remember. We hit a village quite often to get all the way down to the end. I can remember seeing quite a few villages, quite a few houses, I guess you would call it. Quite a few, best I can remember, in between that area and down to the end where we went.

Q. There were a quite a few?

A. Yes, sir.

Q. What was the condition of these villages? Were they inhabited? Was there evidence that people lived there?

A. I would say so, like people being there, but I can't remember any people being there then.

Q. Were these villages destroyed?

A. I remember that. I remember burning hootches just about all the way down there. I can remember that. I can definitely remember burning hootches.

Q. You moved all the way south and then you got to the southern tip down there where the river comes into the sea. Did you turn around and come back or did anything happen down there or what?

A. I remember staying down there long. That place, I remember it because I always said it was the prettiest place I've seen since I've been over there. There were a lot of sailboats on the water, different colors, real pretty. I remember this for a fact, about the prettiest place I've seen since I've been over there, with all these sailboats out there in the water.

Q. Well, now, when these villages were burned on the way down, what was the organization, what were the instructions for doing this? Was this done by a certain squad or a certain platoon? Who was responsible, or was everybody doing it? How did the company commander designate this responsibility? Or how did your platoon leader designate it?

A. I don't remember exactly. I can remember the word, I can remember getting the word. I don't remember getting the word to burn the hootches. I can remember getting the word, but I don't know exactly how we organized it.

Q. Well, did you get the word to burn the hootches at any specific location or was this supposed to be done all the way down?

A. As far as I can remember, sir, it was supposed to be all the way down, as far as I can remember.

Q. So there was no specific instruction as, "First squad, you burn the hootches; second squad, you burn hootches as we go through."

A. No, sir.

Q. When you came back that day, do you remember a helicopter coming down there in that area that was so pretty, in the southern part?

A. Right off, I don't remember. I can remember a lot of sand, but I don't know if the wind was blowing or what.

Q. Okay now, as you moved down, did you notice any burning off to the right, across the river on your right as you moved south? Any smoke over there? Or did you hear any firing over there?

A. No, I don't believe so.

Q. As you moved back, turned around and started going back north again, were the villages still burning or had they just about burned down?

A. They just about burned down.

Q. What did you burn in those villages? Was it mostly roofs? What was there to burn? Any structures of any substance?

A. No, sir, I would say mostly roofs; they were more or less straw. I would say roofs.

Q. During this procedure of burning the villages and moving back and forth, did you destroy or was there a substantial amount of destruction--of demolition destruction of various types in tunnels, or in the hootches, or in the abutments down there, bunkers? Was there any destruction of this type?

A. I don't believe so, sir. I don't remember any.

Q. Did you hear much explosives being used?

A. No, sir.

Q. You moved on back up and established a night defensive position again?

A. Yes, sir.

Q. Do you recall any time that day a helicopter coming in?

A. I believe we set up our night position.

Q. You're talking about the second night now?

A. Yes, sir, where we come back up and burned the hootches, back up. I believe a chopper came in there, where we set up there. I believe one came in there.

Q. What did it have?

A. I believe we got chow. I believe we got our chow there, our rations. I believe a hot meal; I believe so. I can remember a chopper coming in there.

Q. What about resupplies, did you get any munitions, or demolitions, or any resupplies there?

A. I'm not sure, sir.

Q. Do you recall a photographer being brought in there at any time, with a MACV insignia on?

A. No, sir.

Q. You don't recall a photographer?

A. No, sir.

Q. This photographer would probably have gone along with the command group.

A. I don't remember.

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Q. Had on a uniform--I understand he had on a MACV insignia. You don't remember a guy with a camera taking pictures?

A. No, sir. Seems like I would.

Q. Yes, if he was with your platoon--

A. (Interposing) Because we don't have it.

Q. Was anybody else with your platoon that was not a member of your unit that day? An interpreter or anybody like that?

A. Not that I can remember, sir.

Q. Any ARVN or National Police that day with the column? With the CP group?

A. I don't believe so, sir.

Q. When you got back and got up, got back into your night defensive position that night, a helicopter came in and brought you a hot ration.

A. I believe it was a hot ration.

Q. I'm going by what you told me now.

A. Yes, sir, I believe it was a hot ration.

Q. Did you notice any Vietnamese detainees or VC suspects in the defensive position?

A. No, sir.

Q. Could you see any interrogations going on? Did you see any National Police or ARVN?

A. No, sir.

Q. Did anything unusual happen that night?

A. I can't think of anything.

Q. Were you out on the beach or inland?

A. We was inland.

Q. You were?

A. Yes, sir.

Q. Did you ever go out on the beach?

A. In this particular area?

Q. Yes.

A. No, sir. We were just off the trail where we set up perimeter.

MR WALSH: Sergeant, did B Company kill anybody on the second day?

A. On the second day, after we was going down burning hootches and everything? I don't remember, sir. I don't remember anyone being killed.

Q. Did you see any bodies all day?

A. Not that I can remember.

Q. Do you remember any discussion or talk among any of the men about if they killed any Vietnamese that day?

A. No, sir.

Q. As far as you know, the whole operation up to this point, the 1st Platoon hadn't killed any Vietnamese, is that right?

A. That I could see.

Q. That you could see?

A. That's true, best I could remember anyway.

Q. All right. What can you remember about what other people told you?

(Witness gives no response.)

Q. You just don't remember? What if at that time somebody asked you how many Vietnamese the 1st Platoon had killed? At the time, do you think your answer would have been none?

A. From the best I can remember, I guess it would have. I mean it could happen but -- I don't know -- It's funny, something that's back a while, something happened a while back, it's funny the things you can remember. I can remember a chopper coming in and them putting out chow. It seems to me like a hot meal, but maybe some people with a camera was running around, and they may have had some interpreter and everything, and I don't remember it, I really don't.

Q. But you remember the important things.

A. Like this other place, all these ships you say that brought these sampans and things in, well, I can remember the chopper stopping. We got chow, and I can remember there being a Vietnamese girl there. I can remember giving her some chow. I can even remember telling them to give her something to eat, give her some chow. I can remember this.

Q. Who was saying that?

A. Me. I can remember there was something left over, maybe something that wasn't that good. I can remember this, but other than that I can't remember these interpreters or anything running around.

Q. Who did you tell that to? When you told somebody to give her some of that chow that wasn't so good?

A. Well, after chow usually I try to fix it so there won't be a whole lot of picking over it, turn it upside down, stuff like this. I more or less controlled it, then we turn in our resupply lists, about how many men we have so we'll know how much to get. We don't get a whole lot extra a day. Usually it's based on how many men we have. It's based on this, and we get it in. I have to more or less supervise it. If I didn't, they will go in and pick all over the place. So I tell them, I get the squad leaders sometimes, you know, by boxes, and I just tell them, "Turn it upside down so we don't have a whole lot of bitching going on out." Somebody didn't get anything but ham and lima beans or something. So

I tell them, "Turn it upside down." Some of them got to where they could figure it out even after that, after it's upside down, because there's a certain pattern they go by in packing these boxes. Upside down something they need is right here, and upside down they can pick it out. They know even upside down. I used to more or less supervise it. Sometimes if there's any extra, we'll pass it out, all that we could get rid of that is. If something's not good you can't even give it away. Like I can remember saying give it to her, but I can't remember where she came from.

Q. Do you remember who you said that to?

A. No, I can remember telling them to give it to her, but I don't even remember where she came from. That's funny too.

COL WILSON: Did she seem to cooperate? Did she appear to be there by force, working that point? What do you think?

A. The best I could remember, it seems like she was forced there, I'm not sure. I can remember her being there, but I don't remember how she got there.

MR WALSH: Did she seem unhappy?

A. Well, she seemed quite happy if I'm not mistaken, although with ham and lima beans she probably would be. But I'm not even sure how we got her.

COL WILSON: She stayed there overnight?

A. Yes, sir.

Q. Next morning you moved out again?

A. Yes, sir.

Q. North this time?

A. Yes, sir.

Q. Do you remember the order of march?

A. No, sir.

Q. Do you remember if there was anybody behind you in the column this time? Do you recall if you had security back there or were you followed by another platoon?

A. I don't remember, sir.

Q. As you moved north you passed the bridge. Do you remember anything unusual in the vicinity of the bridge, finding anything there?

A. No, sir.

Q. What time do you think you hit that bridge or the vicinity of the bridge that morning? Bravo Company hit it pretty early?

A. I believe we left pretty early, I believe so.

Q. Do you remember anything about a rice cache, about 3,000 pounds?

A. No, sir.

Q. Did anything occur as you moved on to the north, before you got into the area where all the people were? Did you burn any more villages going up that way?

A. Seems like I can remember a few buildings burning on our way up because when I passed by they was already burning, I can remember this.

Q. They looked like they had been burned that morning, or were they burning from the night before, day before?

A. I believe they were burning that morning.

Q. Did anybody ever hear an order come down from anybody to stop burning?

A. No, sir, I didn't; probably did, but I don't remember.

Q. As you moved north, did anything in particular happen, anything else happen? Just march?

A. No, sir, I can't think of anything happening.

Q. You moved over and began to get into a village up there in the northern part of this strip of land?

A. Yes, sir.

Q. You moved up through here; off the photo here you start hitting a village right here. Do you remember going across a sandy area where it was difficult to walk for a couple hundred meters?

A. Yes, sir. I can remember it being sandy on our way up before we even come into contact at the village, where people out here are located at. It was sandy all the way up.

Q. It was sandy where you had your night defensive position on the 16th. You probably went right by there.

A. Yes, sir, went right past there.

Q. Okay, what happened when you hit those houses, that village up there?

A. Let's see.

Q. Do you remember anything happening that morning?

A. I can remember quite a few things, but it would be hard to pinpoint exactly where it happened. I can remember when we first got up there. We stopped where the second village was, because it seemed like more or less spreading the people out, and we stayed there a while before we went farther down.

Q. This sandy area right in here, this area here is the area of where the villages were and you crossed this sand. You were right back here. You crossed this sandy area. Do you remember a fish pond up there?

A. Way out to the left, more or less.

Q. It could have been to your left.

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A. I remember seeing it.

Q. Okay. The village should have been down south of that.

A. Just short of the point; I can remember that point.

Q. Now, what occurred when you got into that area?

A. Let me see. The best I can remember we stopped a while, and I think we got the word to go down the beach and gather up all the people and bring them back to this particular village. I can remember going up and down that beach, and that was a long walk in that sand on the beach. We walked back and forth way down there gathering up people, bringing them all back up to this one village.

Q. You went about 2 kilometers if you went all the way out and then back. How many times did you go up and back?

A. I guess I went about two or three times myself.

Q. How was the platoon organized for this? Were the squads broken down so that they would go through the houses and get the people out or what? You said you were on the beach, but most of the huts were in off the beach weren't they?

A. Yes, sir, they were just off the beach, they weren't very far back.

Q. You could actually walk down the beach and still cover--

A. (Interposing) Yes, sir.

Q. And squads were going in and bringing the people out and bringing them back down to the--

A. (Interposing) We didn't actually gather them and count them up. Once we started some moving from that village to the one that we were trying to get them to, just more or less, a lot of them went on their own too.

Q. Just sent them down there?

A. They were strung out all the way up the beach.

Q. No problem?

A. To gather them all up there wasn't no problem. Of course some tried to hide. I can remember we had to go, there was some hootches way back over in there, far over, and I can remember an old man in a hootch. A lot of them tried to hide.

Q. Do you remember any helicopters coming in that morning, early that afternoon?

A. I can remember some choppers coming in with interpreters or something like this, I believe.

Q. ARVN or National Police?

A. I believe National Police; I believe so.

Q. Any Americans with them?

A. I'm not sure if there was any Americans or not, but I can remember some Vietnamese people coming in by chopper.

Q. Do you remember any medics coming in?

A. No, sir, they could have. I was way down the beach gathering up people.

Q. Did you stay down there all day gathering up people?

A. We stayed just about all day.

Q. So you didn't really know what was going on back there?

A. No, sir, because I spent most of my time down on the beach gathering up people and running them back up to that particular area.

Q. Where was your platoon leader then?

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A. I believe he was up there at the village.

Q. You think he was back there with the CP?

A. Yes, sir.

Q. Do you remember how many Vietnamese came in, interpreters or whatever they were?

A. No.

Q. Did you see any of them that day?

A. I'm not sure. I can remember some being there. Either I heard it--

Q. (Interposing) What time did you stop rounding up people and go back to the company?

A. We more or less got all of them down there before dark. I don't know exactly what time it was, but it was way before dark because we picked out a place to stay that night and everything before dark, so it must have been early part of the afternoon, I guess, 1400 or 1500.

Q. Did you notice anything when you went back there, anything unusual going on? All those people still there?

A. They was still there. The best I can remember about this, I can remember getting the word that there was supposed to be some medical--

Q. (Interposing) MEDCAP?

A. Something like that that come in and helped the people and all this, gave them first aid. I can remember that. I can remember that being the reason to gather them all up and get them back up to this particular area.

Q. Was this going on when you finished up that day? Apparently it wasn't. You said you didn't remember seeing the medics.

A. I don't see any of these people. I don't think I

actually saw these people. I believe they was up there in the village though, because all of them couldn't be in the village.

Q. You set up a night defensive position that night?

A. Yes, sir. One thing I can remember, I can remember some leaving the village. I can remember some leaving there before we took them all back up to the village. I can remember some heading up toward where that point is at, back over on that side. I can remember some heading up over there, maybe they liked the area where they were staying at.

Q. What do you mean, they were brought down there and they just left?

A. Some left. I can remember some leaving the back way; some took off.

Q. Did it look like they were trying to escape or just walked away?

A. I guess they walked away. Maybe they didn't like the people's company, I guess, but I can definitely remember some leaving. They left.

LTC NOLL: You brought all these people down in the general area. When they finished in that general area, which way were the people moved, down south or were they allowed to go back up this way where they came from?

A. I don't remember them going back. I don't remember them going back down to their hootches that night. I don't remember them going back. I believe they stayed there. I don't remember them going back.

COL WILSON: When you set your night defensive positions up, did anything come in, any helicopter come in about that time or while you were setting them up after you got back to the area?

A. I'm not sure if we got resupplied or not.

Q. Did you see any night defensive fires being prepared?

A. You mean positions?

Q. No, a couple of artillery rounds coming in?

A. I can remember some artillery rounds because I can remember him saying one round hit the village.

Q. One round what?

A. I can remember saying one round hit the village. The one where all those people that we moved back up after--

Q. Who said that?

A. I don't remember exactly who said it, but I can remember getting the word that it looked -- when they set up the artillery, I think I can remember that the artillery fired some rounds, and maybe this is what they do when you have artillery support. Maybe the--

MR WALSH: (Interposing) Register?

A. Something like that. But anyway that must have been what they were doing because I got the word that a round hit the village. I don't know who said it, but I can remember getting word that a round fell on the village. I can remember this good because I can remember, "In the village, with all those people in the village." Then like I can remember saying, "Well, I don't know; after getting all those people rounded up in the village, Charlie's going to pay them back for that." I can remember making that statement.

Q. Did you see anybody wounded?

A. No, sir.

Q. Did you see a woman brought in that was wounded?

A. No, sir.

Q. Brought in and evacuated?

A. No, sir. I can definitely remember someone saying a round hit the village.

Q. Where was your location that night on the perimeter?

A. Oh, let's see.

Q. Were you with the platoon leader, did you all usually stay close together at night?

A. This--

Q. (Interposing) This is an important night for you.

A. This particular night I'm wearing (indicating Purple Heart), but I still don't have no orders. I spent about a month in the hospital.

Q. Just a minute now, we had a man here the other day that had a gunshot wound on his record and never had one. He had orders.

A. I still don't have one for that one.

Q. Okay, go ahead.

A. This particular night I remember we were trying to get in a resupply list, trying to find out how we stand on ammunition, all of this, and things that we needed. We'd have to turn in resupply lists. I can remember it being just about dark too, and everyone was fixing positions and everything. Even the CP group, my platoon CP, they were making more or less a pretty good size place. I was trying to get my supply list in. I did get enough to turn it in by the time it was almost dark. And I remember they tried to get me into the hole where they were setting up, and I remember saying, "No, it's too crowded in there." I remember picking me a position up against a hill like it was quite a few depressions more or less where we was in a big depression anyway, right in there where they had filled out the place for the platoon CP. I got up against the bank like, and that's where I picked my position at. And that's where I was when those rounds went off that night, up against the bank. I should have got in there with them. I remember that real good.

MR WALSH: Where did you get hit, sergeant?

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A. I got hit -- for once I got too comfortable. I even pulled my boots off. I believe that's the only time I pulled my boots off while I was over there, was that time that I had them off. I got hit, just escaped, my feet--just hit my left one and right in between my toes and about four places up my side.

COL WILSON: When you were evacuated out that night--

A. That morning.

Q. That morning I meant, do you recall how long it was from the time you were wounded until the time you were evacuated out?

A. It wasn't very long.

Q. Do you recall the time you were evacuated whether there was a gunship escort for your dustoff?

A. I don't believe they had an escort. I don't believe so. I don't remember, it could have been.

Q. Did they give you morphine?

A. No, sir.

Q. Do you recall anything other than being wounded that night? Is there anything that happened before that that you can recall? Did you see any of these Vietnamese interpreters interrogating Vietnamese?

A. No, sir. It's surprising the things that happened that probably happened with me right around, around the company CP or something like that that I never even heard of. It's surprising. It can happen I guess.

MR WALSH: When did you get back to Bravo Company?

A. After I was evacuated?

Q. After you were evacuated?

A. I know I got back a couple days before my R&R was due, and I didn't take it, so I never did take one. I never

did put in for another one. Let's see, from the time I joined the unit, I stayed away from the unit almost a month, not quite a month, maybe 20-some days.

Q. You got back some time around the middle of April then?

A. I guess so. I wasn't gone over a month.

Q. Did you ever hear anything about an investigation being made of this operation while you were over in Vietnam?

A. No, sir.

Q. Did you ever discuss this operation with any of your buddies in the company as being different from other operations, anything that you remember?

A. No, sir.

Q. Did you ever hear that anything unusual or out of the ordinary happened on this operation after you got back from being wounded?

A. No, sir.

Q. Was there anything about this operation that we haven't asked you about that you think might be of help to us?

A. No, sir, not that I can think of.

Q. Do you think we've covered just about everything you can remember?

A. I believe so. We've gone just about all the way on it. We've just about covered it all, I believe. You all knew about that artillery round. You all knew about that, too, didn't you? That it was supposed to have landed in the village. You had already heard about that?

COL WILSON: Well, we knew there were a couple of artillery rounds that came in. We still don't know the details.

A. Did you know about those people that went out of the back way of the village leaving it?

Q. No, we didn't know about that. You brought us some fresh news there.

A. Definitely was. They were half nuts. Out the back way.

Q. Let me check a couple of things here, sergeant. You were never questioned or anyone you know was never questioned concerning this operation?

A. No, sir.

Q. While you were in Vietnam?

A. No, sir.

Q. I think I asked you if you carried a camera. And you didn't know anybody who did. Did you ever hear any rumors that civilians had been killed unnecessarily by C/1/20 or B/4/3?

A. No, sir.

Q. Were you ever told not to discuss this operation or any elements of the operation with anyone at any time?

A. No, sir, not in particular.

Q. Well, you didn't rejoin the unit for a month. When you got back to the unit, was there any change in the operations? Did they appear to go as they always had; any change in tactics, procedures, instructions?

A. I believe it was about the same.

Q. You didn't notice anything different?

A. A few people had been killed after this. Quite a few people got killed while I was gone.

Q. I mean did you get any different instructions on

how you were to conduct sweep operations, or search and clear operations, or any change in instructions about burning the area, or did it appear to be the same as it was before?

A. As far as I could tell.

Q. Did you know if there was any problem with marijuana in the company?

A. No, sir, not any problems that I knew of.

Q. Anybody using marijuana on operations?

A. Not that I know of.

Q. Did you ever have any knowledge, hear a rumor, or any information regarding the U.S. or ARVN's torturing VC suspects, POW's, or any other Vietnamese? Now that's ARVN, that's National Police, or U.S. forces, torturing any of the prisoners or suspects.

A. Did you say rumors and everything else?

Q. Rumors and everything.

A. I heard--

Q. (Interposing) I mean on this operation.

A. On this particular operation?

Q. Yes.

A. No, sir.

Q. There have been quite a few, apparently, from what we've been able to determine. There were quite a few of these people around out there in various places.

A. I think I can remember something--I don't know if it was on this operation--about interpreters supposed to have shot three people. But I don't think it was on this operation. Well, it was Vietnamese anyway.

Q. You don't know whether it was National Police, or ARVN, or what?

A. I believe it wasn't ARVN because we very rarely had any ARVN's around. If we did they were more or less hiding some place until it was all over and then come out.

Q. But you say you did have the National Police with you sometimes?

A. It seems like I can remember National Police being brought in by chopper some place. I don't know if it was this same operation or not. Like you say, rumors; I heard a rumor about they were supposed to have shot these three people who they questioned. I guess it was a rumor.

Q. Where did this allegedly take place?

A. I'm not sure if this was on that operation or not. I don't believe so.

Q. Is that all you can recall about it?

A. I can remember someone saying that.

MR WALSH: Sergeant, while you were either on this operation or any other operation, did you ever have the problem with your men raping the Vietnamese women while they were on some of these search and clear missions?

A. No, sir, I really didn't. I didn't have any problem with raping. It is possible something is going on and I don't even know it, I have to admit this. But to my knowledge--

Q. (Interposing) Do you know if this was a problem in any other platoons in Bravo Company during the time that you can remember? Did you ever hear about it being a problem among some individuals or generally?

A. No, sir.

Q. Did you ever hear any instance at all of it?

A. Not while any operations were going on, no, sir.

COL WILSON: Do you have any further testimony, any further

statements to make that might assist us?

A. I can't think of anything.

Q. Okay, sergeant, thank you very much for coming. We appreciate it. The hearing will recess.

(The hearing recessed at 1900 hours, 26 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: SILVA, Richard F.

DATE OF TESTIMONY: 19 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Medic, First Platoon, B/4/3.

1. BACKGROUND INFORMATION.

The witness went to Vietnam with the unit from Hawaii and remained with it until he was wounded on 28 April 1968 (pg. 3).

2. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

The witness was on TDY to Tripler Hospital while the classes were being conducted for the unit in Hawaii (pgs. 3, 4). He rejoined them for physical training (pg. 4). He had never seen either of the MACV cards before, nor did he recall any class on the legality versus the illegality of orders.

3. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness could not recall any briefing (pg. 5). He stated that he was told that they were going to Pinkville by Lieutenant WILLINGHAM, whom he normally accompanied on an operation (pg. 6).

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4. COMBAT ASSAULT.

a. Activities on 16 March.

(1) Landing and initial movement.

The witness learned from a radio transmission to WILLINGHAM that Lieutenant COCHRAN had been killed (pgs. 8, 9). He also recalled that as they approached the village Captain MICHLES called with the message, "If there is any resistance wipe it out" (pgs. 8, 9). The witness did not recall crossing a concrete bridge that morning (pg. 9). He thought they received some small arms fire (pgs. 9, 10), but stated that this could have been on 17 March, after TAYLOR was hit (pgs. 11, 14). The witness recalled that there was a hootch on the outskirts of the village, but he did not know how many hootches were in the village because he never entered it (pg. 12).

(2) Action during the day.

The witness knew of no Vietnamese being killed, of no firing or explosions, or of no captured equipment (pg. 13). He did not recall any incoming mortar rounds, or any hand grenades being thrown at the unit (pgs. 13, 14). He did not remember seeing any bodies that day (pg. 15). He did not remember any sampans or Swift Boats (pg. 16). He did recall camping on the beach that night and being reprimanded by WILLINGHAM for forgetting his sandbags (pg. 15).

b. Activities on 17 March.

(1) TAYLOR at the bridge.

The witness recalled running from the rear to the front when TAYLOR was hit (pg. 16). After a mine detector was called forward, they received sniper fire (pg. 16). The fire came from two locations: one to the east and one to the south (pg. 18). The machineguns then returned fire (pg. 19). The supply ship medevac'd TAYLOR (pg. 20). He did not recall the arrival of any gunships (pg. 20).

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(2) Movement of the unit.

The witness did not remember if the villages were burned as they moved south (pg. 21). He did not recall the march to the southern tip of the peninsula, but did recall being on a bay where there were "nice ships" (pg. 22).

c. Activities on 18-19 March.

Because his platoon was at the opposite end of the beach, he did not assist in any MEDCAP activities (pg.23). He recalled the mortar attack (pg. 24). He recalled the presence of ARVN personnel on a march out with the prisoners on 19 March (pg. 25). One prisoner escaped (pg. 25). He saw the prisoners being beaten (pg. 25).

5. INQUIRIES CONCERNING THE ASSAULT.

The witness was never questioned about the operation and did not know of any investigations concerning it (pg. 30). He heard no rumors concerning the assault (pg. 30).

6. OTHER INFORMATION.

a. The witness stated that marijuana was not a problem in the unit (pg. 30).

b. While he was with the platoon, there were no cases of VD (pg. 31).

c. The witness took photographs on 16 March, but never received the rolls at home (pg. 22).



(The hearing reconvened at 0925 hours, 19 February 1970.)

COL WILSON: The hearing will come to order.

RCDR: The following persons are present: COL WILSON and MAJ THOMAS.

Sir, the next witness is Mr. Richard F. SILVA.

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

Mr. SILVA, please state your complete name, your occupation, and residence?

A. Richard F. SILVA; occupation, student; Holyoke Community College; residence is 250 Prospect Street, Ludlow, Massachusetts, 41056.

COL WILSON: Mr. SILVA, we had handed out some information sheets which we show as Exhibit M-81.

A. Right, I got that.

Q. And this gives outline of what this interview is, who I am and so forth.

A. Yes, sir.

Q. I work for General PEERS who is investigating the My Lai incident from the standpoint of investigations or reports or suppression of information, as you read on Exhibit M-81.

A. Right.

Q. And this is primarily what he is interested in. Now, the reason you are placed under oath is that this is the normal procedure for any investigation.

A. Okay.

Q. Now, you had a question, I believe, before we convened concerning your testimony.

A. Right. Well, it says here that it might be given to the press or it might be made public. The reason I asked this, I'm going to school now. I live in a small town, yeah, it could be called a Peyton Place, and something like this could hinder me in the later years. I don't know how it may be blown up, but I would hate to have any repercussions from it.

Q. We hold this testimony as confidential, but if your testimony has to be used in a trial or something like that, it could be used for that purpose. But it's not our intention to release this testimony, not the Peers group to release it. Certainly General PEERS, under no circumstances, intends to let any testimony out. And as a matter of fact, we have had attorneys ask for testimony and he wouldn't give it to them.

A. Well, that's what it says here, "or parts of it may later become public knowledge."

Q. It is true that may happen out of General PEER'S control, where it would be.

A. Oh, I see, okay, fine.

Q. It would probably be a question for the Secretary of the Army or Secretary of Defense or even the President or a decision of that nature to say this could be made available for public use. Certainly, General PEERS has no intention of doing that. Does that answer your question?

A. Sure.

Q. Okay. You recall in this handout the questions we intend to ask are going to be chronological. In other words, there are going to be some on training and the briefing before the operation and the operation itself. We are going to try to follow that sequence of questioning.

A. Okay, I'm still in the dark.

Q. It's in that little--

A. (Interposing) Right, I read this.

Q. What was your duty assignment on 16 March 1968? Let me explain that the period we are interested in concerns

an operation which took place between the 16th and 19th of March. We can define that operation to most people who remember it more clearly by saying that Lieutenant COCHRAN was killed on the first day of the operation and MILUS on the last day of the operation. That's the operation we have in mind. The day of 16 March would be the first day of the operation and the day Lieutenant COCHRAN was killed; and my question is, what was your duty assignment that day?

A. I was a medic with the 1st Platoon.

Q. 1st Platoon medic of B/4/3?

A. That was my complete duty in Vietnam until May 30th.

Q. That's when you returned from Vietnam?

A. No, May 30th. I got hit April 28. I got out of the hospital May 30th; then I went to headquarters dispensary.

Q. May 30th you came back to headquarters, 4/3 dispensary?

A. Right.

Q. Were you with B Company or with headquarters 4/3 in Hawaii?

A. Yes.

Q. So you went over with the unit?

A. Right.

Q. Do you recall during your training a class given on the legality or illegality or orders?

A. No, I could have had them, but I don't remember.

Q. It probably would have been in a military justice class or Geneva Convention class or something like that.

A. I think when they had most of those classes I was in Tripler Hospital, TDY. Because when I came back, they went

back on physical training. I went out with them. But that month I was away, most of that time was spent on classes.

Q. What month was that? Was that right before going to Vietnam?

A. It could have been October.

Q. Here are a couple of exhibits. Exhibit M-2, entitled, "Nine Rules," is a MACV pocket-size card. Here is a copy of it. Have you ever seen that?

A. No.

Q. How about Exhibit M-3, which is entitled, "The Enemy in Your Hands." Have you ever seen that card?

A. No.

Q. Well, I'd like to take you back to 15 March 1968.

A. Okay.

Q. And this is at fire base Uptight.

A. Right.

Q. The next day there is to be a combat assault into the Pinkville area. Now, I want you to recall as much as you can on how you found out about this operation and what you were told.

A. I can't remember anything that happened that day, really. But it must have been like any other operation that we went on. Lieutenants and captains met in our CP bunker, and then they came back and told us about the operation.

Q. Well, now, what happens here? Do you remember who the lieutenant was then?

A. Sure, Lieutenant WILLINGHAM.

Q. Do you recall if Lieutenant WILLINGHAM told the squad leaders and the headquarters element or if he told the whole platoon?

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A. I can't remember. He could have and might not have.

Q. You don't remember that?

A. No.

Q. Was there anything unusual about the briefing for this operation that didn't occur on other operations?

A. No. I can't even remember a briefing.

Q. Nothing unusual?

A. Not anything that would stay in my mind.

Q. I might mention a couple of points to see if this would trigger anything in your thoughts. Was there anything mentioned about the destruction of villages?

A. No.

Q. Was there anything mentioned about the destruction of foodstock, to include animals?

A. No.

Q. Was there anything mentioned about the procedures for handling inhabitants of this area?

A. No, not on that occasion. There was one other occasion before this time. There was a few Vietnamese people coming up towards Uptight. They hit a minefield. So they called a dustoff to get them out. This was Lieutenant SPRAGGINS. Well, Lieutenant SPRAGGINS called me over. But we had to wait because Captain MICHLES didn't want anybody to go down in the minefield to get those people out. So we are waiting, and I was standing there talking with Captain MICHLES, and I don't know who the other man was. I think it was S4, that took care of dropping the pamphlets and helping the people. At this time he said that Pinkville is all VC. The people in it are all VC because they go in there once a month, they give them pamphlets, they tell them to leave, "We'll give you a home, a farm, or whatever and the people that don't leave are VC or under VC control." Now, they are there on their own will,

not because the United States hasn't tried to help them or the government officials.

Q. Now, who was telling you this? Not Lieutenant SPRAGGINS, but you mentioned somebody else.

A. I was standing with Captain MICHLES, and I don't know the other man. I think it is S4 that handles that stuff there. I don't remember now.

Q. Okay. But now for this particular operation, you knew that you were going to Pinkville?

A. Oh, yes.

Q. All right. Now, as far as you remember, you were told this by Lieutenant WILLINGHAM?

A. Right.

Q. Did you know, and I mention these things to try to refresh your mind, did he say that day which lift you would be on?

A. He could have.

Q. Did you normally accompany him in his helicopter?

A. Yes.

Q. This is not something he would have to tell you each time. You would normally do this?

A. Sometimes I did and sometimes I didn't. Sometimes I was on the last helicopter in and sometimes I went with him. But usually on a company move, I very seldom went with him. I always ended up on one of the other helicopters that come in later. He always sort of tried to keep me behind everything because he said that if anything happens to you the morale of the troops wouldn't be good. The same thing with Lieutenant SPRAGGINS. He did the same thing.

Q. Do you remember any special instructions that day as to where you were to ride?

A. See, I never really took special instructions because I just followed my men, and I stayed with the CP group;

and if anybody got hit, I went out and got them and took care of them the best I could, and that was it. What else went on didn't concern me at all. All I was concerned about was me.

Q. At the time this briefing was given or the orders were given for this operation, do you recall if there was anything said about the enemy down there other than what you knew--what size enemy force was in the area and so forth?

A. No. They always told us that. Well, it's all VC, there is a lot of VC.

Q. Do you know what the other platoons of the company were going to do?

A. No.

Q. Did you know that the 1st Platoon had a mission separate from the company, by itself?

A. No.

Q. Well, I'm sure you knew this later, but I was trying to find out in the briefing?

A. No, I knew this later, much later.

Q. But you don't recall whether it was given to you in the briefing or not?

A. No.

Q. Okay. Let's go to the operation itself; and what I'll do, in order to bring this back to your mind, is to give you an idea of what the concept of operation was and what occurred on the first day from the task force standpoint, not from the platoon standpoint. Then after that, we will go into some details from what we know from documentary information we have and I will ask you to fill out anything you can build up the picture with.

A. Okay.

(The witness was oriented on Exhibit MAP-4.)

Q. Now, to go on with the operations of B Company.

We have taken primarily--what I'll discuss here will be documented information which comes mostly from either the Americal or the Task Force Barker or the 11th Brigade logs. Of course, the entries on those logs are reported by the company commander of B Company through Task Force Barker and so forth.

A. Okay.

Q. The first lift of B Company touched down at 0815 that morning. The second lift touched down at 0827. Now, the entire company should have been off the helicopters and on the landing zone by 0830. And at 0845, Lieutenant COCHRAN tripped that mine or booby trap, was killed, and four other men wounded; and then about 45 minutes later, I think it was 0930, a second booby trap was tripped, and there were three men wounded. Those three were evacuated by Colonel BARKER.

A. Was there a helicopter lost that day?

Q. Negative, not that we know of, at least not in the B Company area. After they hit the landing zone, the 1st Platoon started moving toward this bridge. Now, I would like for you to recall, if you can, that movement from the landing zone to the bridge and tell me what happened?

A. I can't recall any kind of movement. The only thing I remember is the radio call that we received saying that, I don't know who called first, Lieutenant WILLINGHAM or Captain MICHLES, but that's when we heard the Lieutenant COCHRAN was killed. And right after that, there was--I don't know if they called up again or later on, but as we approached the village, Captain MICHLES said, "If there is any resistance, wipe it out." And that is where we caught a little small arms fire, I think.

Q. Now, let me back track a minute. You say you heard the first radio communication which said Lieutenant COCHRAN was killed?

A. Right.

Q. Now, did you hear that, or was this passed back down the--

A. (Interposing) No, I was right there.

Q. You were with him?

A. Lieutenant WILLINGHAM, the RTO, and I don't know if Bret was with us or not?

Q. Who?

A. Our FO.

Q. BRETENSTEIN?

A. Yeah, he use to stay with me quite a bit, you know, the four of us. I don't know if he was right with us in there or not.

Q. Well, then, you heard this, and then you say it was later that you got--that you heard Captain MICHLES?

A. It could have been later; it could have been the same time.

Q. But you heard him say to destroy any resistance, said, "If there is any resistance, wipe it out."

A. Probably not the exact words.

Q. Well, let me ask you this. At the time you heard this communication from Captain MICHLES, can you remember your location? You remember you cross the river, do you remember this?

A. I don't remember coming across the river. I remember coming back across it when TAYLOR got it.

Q. You don't remember the concrete bridge?

A. I remember when TAYLOR got it, but I don't remember going across it.

Q. You don't remember going across it that morning?

A. No.

Q. So you don't remember any action taking place down there at the bridge?

A. No, not really, I can't say that. I recall a little small arms fire. I'm pretty sure it was from there. I don't know if we were on this side of the bridge or the other side

of the bridge, but I don't remember crossing it.

Q. What do you recall about the small arms fire?

A. I just recall a little small arms fire; that's all.

Q. Were you with Lieutenant WILLINGHAM when you heard that fire?

A. Right.

Q. Could you see where the firing was?

A. No, I was back. I didn't fire.

Q. You were with WILLINGHAM?

A. Yes.

Q. And you couldn't see where the firing was?

A. I believe I was with WILLINGHAM.

Q. Do you recall if there was any communication going on between the squad leaders and Lieutenant WILLINGHAM when this firing occurred?

A. There must have been, but I can't recall any. Because usually when we get hit, I usually put my mind at ease or forget everything in case someone gets hit. It seems when I had to move, I just don't remember anything. I just did my job, and that was it.

Q. Well, when you crossed the bridge, do you remember a village being over there?

A. Right, just vaguely. I remember the village because I know I didn't go into the village because we were in there twice. We were in there after TAYLOR got it, too.

Q. That was the next day?

A. I don't know if it was the next day, or it could have been 3 days. I remember it because there was a little hootch on the left there. We were getting sniper fire after TAYLOR got it; and there were, you know, hootches, I guess you

call them, out in front of us, through the trees. We were getting sniper fire from down below on the side of the river.

Q. This was clearly as you remember it on the day that TAYLOR was hit.

A. Right. On the day that we went in there, I can't positively say anything.

Q. Now, on the first day, you don't recall whether you went in the village or not?

A. No. Well, no, I didn't go in the village.

Q. Where did you go?

A. I must have been right outside of the village, right near a hootch or right in the middle of it.

(The witness is briefed on aerial photo, Exhibit P-217.)

Q. The platoon moved up to the bridge somewhere and crossed, and you don't recall crossing it?

A. No.

Q. So you would recall if there was any action up here I suppose?

A. No, I don't recall crossing it.

Q. Okay. Now, when you crossed the bridge, you said you didn't go the village. Well, let me ask you this: when you crossed the bridge, and using this map as 1 inch equals 50 meters, where do you think the village was.

A. The village must have been right here some place.

Q. You are pointing to right on the river?

A. This is the river?

Q. This is the river.

A. I mean right in here.

Q. This puts the village 50 meters from the bridge.

A. Well--

Q. (Interposing) Let me show you. There was a trail that came out--straight out from the bridge and went generally over toward--if you recall there was a sand dune ridge back here. You couldn't see the beach because of this hill that ran generally down along this way.

A. Okay.

Q. And you kept--you talked about a hootch.

A. Well, that was--well, it should have been right here some place.

Q. Right off the end of the bridge?

A. Right off the end of the bridge, more or less.

Q. Well, let me ask you some more about this village. How many hootches do you recall being in this village?

A. I don't know because I don't believe I ever went into the village. I remember the one on the left I told you about. There may be a couple of more.

Q. The one hootch on the left that you are talking about?

A. It wasn't really a hootch.

Q. Was it a bunker?

A. No, it's above the ground.

Q. Well, was it made out of clay or just fabric or just what, straw?

A. No.

Q. And you don't recall going into the village the first day?

A. I don't recall going across that bridge, and I don't recall going into the village.

Q. All right. Let me give you the reports that came from the vicinity of that village. It must have been submitted

by the platoon leader because it was reported to the task force. It had to be reported by the B Company commander, and the first report that came from there was at 0955 that morning. It was reported that 12 VC were killed over there; and then at 1025, which is an half hour later, there was 18 VC reported killed over there. Now, there was supposedly a good bit of activity that morning. That's 30 VC in the period of an half hour or an hour, and that's a pretty good kill.

A. Well, that's like all the other times, anytime. I never went into a village if there was suppose to be enemy. The only time I went in was when somebody got hurt.

Q. But you could hear if a fire fight was going on?

A. Yeah, I probably would because I would be right outside it some place.

Q. Did you hear any firing going on there?

A. No, not that I can remember.

Q. Did you hear any explosions going on in there?

A. No.

Q. At 1045, it is reported that a steel helmet and web equipment were found. Did you ever see this?

A. No.

Q. At 1420, it was reported that more VC were killed. That is a total of 38.

A. No.

Q. Do you recall that morning, before crossing that bridge, that there were four or five mortar rounds that came in on the other side?

A. No.

Q. Do you recall Lieutenant WILLINGHAM asking for gunship support, communicating with the company commander?

A. No.

Q. Do you recall two or three dud hand grenades being thrown at the column as it moved toward the bridge?

A. No.

Q. Do you recall any sniper fire being received by the column as it moved toward the bridge?

A. Yes. I remember small arms fire.

Q. Of course, you don't remember crossing the bridge, I'm talking about whether it was before or after crossing the bridge.

A. That I can't tell you because I can't even remember crossing the bridge. I don't even remember crossing it after TAYLOR got hit. I remember him getting his foot blown off, but I couldn't honestly say we went across the bridge or back up to Uptight after that.

Q. No, you don't. The only reason I mentioned the bridge is to try to fix the bridge in your mind because from the bridge we can work on a time basis to figure out what happened on one side of the river and what happened on the other side. That is the reason the bridge is important and whether you remember crossing or not is not too important. We did want to know if the platoon had any trouble from enemy action when crossing the bridge?

A. We received small arms fire. I remember that.

Q. But you don't know whether this was on the east or the west side of the bridge?

A. No, I don't.

Q. Do you remember whether it was the first or second day?

A. Well, the second day.

Q. That's the day TAYLOR got his foot shot off.

A. That was the day, that was the night we were in that big village.

Q. This is a night later. The next night, you were

in the big village. The second day is the day that you went way south, went all the way down to the tip.

A. I remember one night we slept on a beach because Lieutenant WILLINGHAM was kind of frustrated with me because I forgot my sandbags. He really reprimanded me for that.

Q. That could have been either night, but if you're talking about sleeping on the beach with only the platoon there, that was the first night. If you're talking about sleeping on the beach or possibly the beach with the whole company around there, that was a second night.

A. The night he reprimanded me was the night we were alone.

Q. That was the first night?

A. The first night.

Q. That's the night we are talking about. That day there were 38 VC KIA reported in that village. There were no casualties reported so you didn't treat any Vietnamese. Do they normally call you up to treat Vietnamese casualties?

A. Quite often.

Q. Did you see, in this area of this village wherever you were on the outskirts, did you see any bodies around there?

A. No, not that I can remember.

Q. Would you remember?

A. I probably would.

Q. Then men actually stayed around that village most of the day, stayed in that general area. I'd say 500 meters south of that general area. Generally stayed in that immediate vicinity and that afternoon moved out north, moved up to the north maybe three-quarters of a mile or a mile and established a night defensive position. Now, the point moved out. Do you remember if the point had a Vietnamese leading the way?

A. No. I can't say who was leading when we moved out.

Q. Up there in that general vicinity where you went into your night defensive, swift boats came in and turned over about six sampans to the 1st Platoon, and the occupants of those sampans were taken out and interpreters were flown in and they were interrogated and identified. Do you remember this?

A. No.

Q. Some of them were taken out by helicopter and the rest of them were released to go back to their boats.

A. I don't remember anything like that.

Q. This would have happened between 1600 and 1700 that day.

A. No. I don't remember any sampans or helicopters or--we were on the big beach. The whole company searched the sampans and--

Q. (Interposing) No, this was on the first day. Well, apparently nothing unusual happened that night. This was pretty close to the beach. I imagine a good bit of the platoon was on the beach. The next day you went back down to the bridge. Supposedly, the point had a Vietnamese out in front of it that morning, too.

A. I thought we went--TAYLOR got hit after MILUS got it.

Q. That morning when the platoon went back down to the bridge--while TAYLOR was checking the bridge for mines he stepped on one. The company was coming over that morning--

A. (Interposing) I remember him hitting a mine, then. We got fire from three areas and we--as a matter of fact, I was way back because I had a long run up to the front. No, we didn't get sniper fire right away. We got sniper fire when they called for a mine detector. I remember the mine detector. When a couple of guys were on the bridge, we got sniper fire, and they went after them. The supply helicopter, I think, took TAYLOR out. I was trying to get TAYLOR settled and everything, and they said hurry up because there was a mine near the helicopter.

Q. You say you came back that morning. TAYLOR stepped on the mine. Is that the first thing that happened and then they sent for the mine detector?

A. Right.

Q. Where was the mine detector?

A. It must have been on the other side of the river because I remember taking care of TAYLOR.

Q. Do you remember, at the time TAYLOR was hit or at the time you were taking care of him, whether any element of the rest of the company had crossed the bridge?

A. Just our platoon.

Q. But you mentioned there was a couple of people on the bridge?

Q. Well, this was right after TAYLOR got hit. I had a long run. I ran up to the front of the platoon. I looked him over and everything, but just before I got TAYLOR up, they opened up because there was a couple of men coming across the bridge with a mine detector, and they got down and we got--I got TAYLOR out. Then there was--they didn't find the snipers, I mean they didn't get them.

Q. Well, let me see if I can get this sequence. TAYLOR was hit.

A. Right.

Q. You came up. At the time you got up, nobody had crossed the bridge?

A. Not to my knowledge.

Q. You say then somebody came up to the bridge?

A. Right. They started coming across.

Q. They started coming across the bridge, and that's when the sniper fire started?

A. Yes.

Q. On the people on the bridge?

A. And towards us.

Q. And towards you, too. You mentioned earlier, that sniper fire came from three different locations.

A. Well, it could have. It seemed to be fire over here because a machinegun opened up.

Q. With reference to the bridge.

A. To my left. Facing, the bridge would be behind me.

Q. Then the fire was coming from the east?

A. Right.

Q. That's one location.

A. Well, I didn't mean three locations. I mean there were three weapons. It was coming from down near the river. It had the men pinned down on the bridge.

Q. That would be from more or less to your south then, over here, right?

A. We came this way.

Q. You came down from the north and you were standing right here. Some fire came from the east and some fire came from the south. Now, were there any other locations with fire?

A. Not that I know of. I don't believe so.

Q. So it came from two different locations?

A. It could have been. I just remember them. I was really concerned with the men on the bridge because they had no cover.

Q. Do you know how many men were on the bridge at that time?

A. I think two.

Q. Did you ever know a man by the name of Preston WINSTON?

A. No, I don't believe so.

Q. Did you see a man jump off the bridge that time or hang down off the bridge?

A. No, I don't remember.

Q. Okay. What action was taken when this sniper fire started?

A. Well, the machineguns opened up, and they returned fire. I got TAYLOR up. And then I was looking for his weapon and everybody there were all chasing but the fire had stopped. I was looking, I remember that because I don't think we ever found his weapon.

Q. Who's weapon?

A. TAYLOR's weapon.

Q. Now, let me ask you this: when you got there, TAYLOR's foot was about half off, wasn't it?

A. Right.

Q. Did you see anything as to how this happened? Did he know this mine was there and accidentally stepped on it or what

A. No, he didn't say anything to me.

Q. He didn't?

A. Not that I remember.

Q. We have an indication--

A. (Interposing) All I know is that he was almost in shock. I didn't pay any attention to what he said and HOUGHTON helped me with him.

Q. HOUGHTON was up there?

Q. Right, he was right there to help me with him.

Q. Did the mine sweeper ever get over there?

A. Yes.

Q. But not while you were standing there?

A. He could have. Well, like, you know, I was concerned with what I was doing. I mean, if one of them on the bridge was hit, I would have remembered that, too.

Q. You say the supply ship--

A. (Interposing) I believe it was the supply ship because he was right there, you know.

Q. Do you remember a helicopter coming over there the first day and bringing some ammunition and demolitionist in the village?

A. No.

Q. You don't?

A. The helicopter had picked TAYLOR up some place right here.

Q. Well, I think the thing to do is give you an idea of the log report that morning, which countertracks with what you said. At 0810 a booby trap was tripped and one was wounded. At 0845 B Company, 1st Platoon received sniper fire.

A. Right.

Q. So this was about the time you were talking about?

A. I don't remember the time.

Q. Well, this is what is reported, so it sounds reasonable from what you described.

A. That's what happened. I remember we went in and got hit several times because I never got behind over there.

Q. When this fire was returned into the village, did you see any gunships come over that morning?

A. I can't say for sure. They could have called gunships, but I can't distinctly remember.

Q. Okay. Now, the company formed up there, and the 1st

Platoon and the company CP moved down by the river, moved south. The 2d Platoon went over by the coast and moved south. You may recall Lieutenant LEWIS being brought in that morning.

A. Lieutenant LEWIS got hit that morning?

A. No, he was brought in by helicopter.

A. No, I don't recall. The only time I recall Lieutenant LEWIS was the first time I met him. I should say was that night when we were at the big village, when the doctors came in and when MILUS, MILSAPS, and them got killed.

Q. That day you moved south along that river, do you remember any sampans being taken under fire out on the river?

A. No.

Q. Do you remember whether the villages were burned on the way south?

A. No.

Q. Okay. You went all the way down to the end, turned around, came about halfway back. In the process of going down there, the 2d Platoon, out on the beach, reported two VC engaged. One killed but that was out on the beach, other side of that sand dune from you.

A. I don't remember anything.

Q. You turned around. You do remember going down to that southern tip, don't you.

A. No.

Q. It was a pretty long march; it was a hot day. It was all the way from the bridge.

A. I'll tell you, one day we left Uptight and we went down to the bridge, and we marched all the way back up to Dottie and around. There has been a lot of hot days over there.

Q. Let me show you a photograph of an area all the way south. This is Exhibit P-212. This is the village down

to the end where the Song Tra Khuc River runs into the sea. I thought maybe you might remember that. Maybe you didn't see it.

A. I remember once we went right into the sea and we went to this village, not this village but a village. I just remember once going into a village on the coast. There were a lot of nice ships out there and I took a few pictures. But I can't say it was this time or this village or what.

Q. Did you have a camera at this time?

A. What, then?

Q. Yes, on this operation?

A. Yeah, I think I did.

Q. Did you take any pictures?

A. I sure did, and I don't know where they are. I took one roll on the truck going up to Duc Pho from the ship when we got off. That's the only roll I got.

Q. What were they, movies?

A. Instamatic slides. It was just scenery and you know, country side.

Q. The whole time you were there, that's the only roll you got back?

A. That's the only roll I got going home. All the rest I don't know where they are. I guess somebody opened up my mail and took them for themselves. They never got to the house and I took quite a few rolls, too. But I remember once, like you say, the sea, but it was more like a bay. There was a lot of nice ships there.

Q. Well, at any rate, you did go down and you did go back and you laagered that night about halfway between the bridge and the end of the peninsula and probably got a hot meal. Nothing of any importance happened that we know of. The next morning you moved back up toward the bridge and then kept going north and went into this village where the MEDCAP was held.

A. In Pinkville?

Q. Yes.

A. I thought TAYLOR got injured after we went to Pinkville--

Q. (Interposing) No.

A. TAYLOR got injured first and then we went into the big village?

Q. Yes. The next day, the MEDCAP came in, I can estimate somewhere around 350, maybe 400 people you all treated that day.

A. Well, I don't remember that real well because my platoon was down on the other end. I didn't get to talk to the doctor that day, because usually when he comes in I help out, but I was down on the other end.

Q. You weren't working with MEDCAP then, at all?

A. No, I did a little on my own down towards the other end, but I wasn't with the doctor or the other people at all.

Q. They came back that night and set up a night defensive position. That's the night you got all that mortar fire.

A. I'll never forget that.

Q. You got about 12 rounds of mortar fire in there that night at 0114, and you got one killed and five wounded and one later died.

A. Right.

Q. As I recall, the dustoff was requested at 0144 and then at 0244 the dustoff was complete, about an hour, from the time it was requested until it was completed. Did you treat the casualties?

A. Yes, I touched everyone of them.

Q. They were all in the 1st Platoon weren't they?

A. Well, I couldn't say that. There could have been a couple from the other platoons. As a matter of fact, I think there was. Well, when we had them in the dingo--

Q. (Interposing) Had them in the what?

A. Dingo, I call it a dingo. It was surrounded by sand dune except for the beach, in case any more rounds came in. I helped out on everyone of them.

Q. That day before this mortar attack, did you see any prisoners or detainees around anywhere?

A. No, not that I recall.

Q. All right. That mortar attack came in, there was a light fire team over the area that night and there was also an AC-46, "Spooky" over there.

A. What do you mean by light fire team?

Q. Two helicopter gunships.

A. Oh.

Q. That evening, late, there was a woman brought into the company CP. Either one or both legs were in pretty bad shape. Do you remember this?

A. No. I didn't see it, I don't remember it.

Q. When the AC-47 gunship was over there that night, after it got there and about 0440 the next morning it was reported another mortar round came in there. Do you remember another mortar attack that night besides the one about 1 o'clock?

A. After we were in the dingo, there could have been a couple or maybe just one come in.

Q. This was about 3 hours later, after the injured had been evacuated.

A. I don't know after the injured was evacuated, I had trouble with one man that sort of broke up. I was trying to keep him quiet.

Q. Who was that?

A. That was STRACHAN. He sort of broke up.

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Q. He was in MILUS' squad, wasn't he?

A. He was sitting right next to him.

Q. The next day, did you notice any ARVN or U.S. military intelligence type around there?

A. Oh, yeah. We marched all over the place with them.

Q. Were ARVN with you the whole time?

A. Right. They had a few prisoners, I guess.

Q. When?

A. The next morning after all this happened and we were about--we marched out. They said they were going to lead us--you know, the same old story. You get it every time and you walk your shoes off and you never get anywhere. All I did was hang around and then we came back and one got away.

Q. Well, did you see the ARVN when you were down there the second day? Did you see any ARVN around, you know, when you were walking all that distance down to the end of the beach?

A. No, not that I remember.

Q. Now, did you see ARVN or U.S. interrogating any prisoners?

A. Well, the day after, after the mortar attack we got hit; we interrogated; like I say, we walked out. I don't know which direction we walked out. Maybe it wasn't the whole platoon and one escaped and then they led us through some tunnels. I don't know if our men went down in the tunnel--yeah, our men went down in the tunnels. They didn't find anything and then we got back. I don't remember what happened after we got back.

Q. Did you see any mistreatment of these detainees when they were being interrogated?

A. No.

Q. Did you see any of them beat up?

A. Yeah.

Q. Which one was it, on this search you went out on or was it back there where the ARVN people was?

A. Well, it was all the time really. The whole time they were detained. But I wouldn't call it beating them up. They probably got it later, I don't know but I wouldn't say it was beating them up. They could have disposed of them as the enemy or just locked them up. They lead us on a wild goose chase. It could have been an hour or the whole day, I don't remember.

Q. These are the ones that took you all off, is that correct?

A. Yes, these are the men that led us around. They were going to show us where they hid the mortars and where the VC were that hit us that night. This is like, every time you go out, you get the same stuff over there.

Q. Of course some of your people from that platoon did locate where the mortar was fired from and evidence of foot prints and the base plate.

A. Yeah, they did locate it. I was with them that morning. Saw all the tracks and everything.

Q. When these prisoners were getting beat up, were they back at the CP, or were they out there with the platoon?

A. Well, the ARVN interrogated them when they were out with us, you know, roughed them up a little bit.

Q. Did the ARVN go with you that morning when you went out to look for these things?

A. Yeah, they were all there. I remember one, a short, real skinny and he always carried a little snub nose .38 and he used to carry it right here, slanted.

Q. Was this ARVN or National Policeman?

A. What's the difference?

Q. Well, there is a difference in the uniforms. Usually the ARVN policemen don't wear helmets.

A. Well, he didn't wear a helmet. He had a soft hat on. He dressed more or less casually, not really in uniform.

Q. That's probably a National Police.

A. I don't know how many were with us, but I know there was more than one.

Q. Do you know of any of these prisoners that got their fingers cut off or got shot?

A. The one that got away probably got shot because they fired quite a bit. I think he got away.

Q. You didn't see a Vietnamese woman working with the 1st Platoon that first day?

A. No, not that I recall.

Q. Did you ever see this fellow in Exhibit P-215?

A. No, looks like all the rest, really. No, I can't say honestly I did.

Q. Well, the part that builds up in this series of actions that took place between the 16th and the 19th of March, focuses on the action that took place on the first day, the first morning, right across that bridge on a village as far as B Company is concerned. There was a number of killed reported. There should have been--normally we would think there would be some wounded in conjunction with that.

A. If I would have treated somebody, I would have remembered.

Q. I was wondering if you were normally called up to treat people if they were wounded, whether they were American or not.

A. Right, I usually am.

Q. Does it seem strange to you that if this many people were killed that you weren't called up to treat somebody?

A. No, not at all, because on one question it was in a monsoon season when we first got there. We were in the rice paddy and we got hit, B Company. A couple of men got wounded and everything. And like helicopters came in and APC's to get us out, and they got out and the helicopters called in 100 and something dead. They said they saw them hanging in the

trees. You know, it's kind of ridiculous, in the rain they can't count 102 dead bodies. This death count with me--the only thing I was concerned about over there was my job. As long as I did that and I didn't let anybody down I was satisfied. The rest of the Army could do what they please and say what they please, I just didn't care.

Q. What you're telling me is that the body count wasn't accurate?

A. I can't say that, but from past experience it probably wasn't.

Q. What I'm really trying to do is fill you out as far as your--if this happened, if this was correct, if we had 38 people killed over there it would normally follow that you have a number of wounded and if you have a number of wounded, does it normally follow that you're called up to take care of some of them?

A. It usually goes that way. Like I say, I didn't treat anybody that day. If I would have treated somebody I would have remembered it.

Q. The only thing I'm trying to find out is how you felt about the situation as we see it from the standpoint of what we know?

A. They could say 2,000 were dead, you know. I could care less, you know, as long as none of my men were hurt. They can say whatever they want over their radios and everything else because from past experiences I knew it was a bunch of bull anyway.

Q. You don't put much accuracy in the body count?

A. I don't put much accuracy in anything over there, to tell you the truth.

Q. We have had a number of allegations that there were some unnecessary killing of civilians in this village. What do you think about that?

A. I can't even remember what happened that day. As far as the situation about My Lai in the magazines and what else is going on, I just don't believe it. I would have to have facts before I could believe something like that. Reading

in a magazine, you're just reading somebody else's view anyway.

A. I'm not talking about a magazine, I'm talking about people in your platoon that alleged that a number of Vietnamese were unnecessarily killed over there in that village. Now I'm talking about Life magazine. We are trying to determine whether it was fact or not, that's the purpose of the hearing.

A. Well, I can't say; I don't remember going into the village. I just don't know. If there was a lot of people killed or if there was wounded or anything like that, I'm sure I would remember.

Q. You said you were frequently with BRETENSTEIN?

A. Right, well, most of the time.

Q. Do you remember him being called forward that day, the first day to adjust the mortar fire?

A. No, because I don't even remember him around me that day at all.

Q. Do you remember FERNANDEZ?

A. Oh, yes, he was our RTO.

Q. Pretty good man?

A. He was a nice guy, but he left early, I believe.

Q. Were you with him that day?

A. I could have been part of the day but he usually stayed with the lieutenant and if I didn't have any casualties, I use to slack off and sit down.

Q. Do you remember a man named JENKINS?

A. Yeah, Jimmie HENKINS, sure do.

Q. Did you see him that day?

A. I must have, but I can't recall when or how or what?

Q. Do you remember a man by the name of Larry HOLMES?  
I think there were two HOLMES.

A. Well, one was the preacher. I called him the preacher because I always use to talk to him. Oh, yeah, HOLMES, the real tall man. He hurt his back.

Q. Do you have any knowledge of any questions or inquiry that was made on this investigation before you left Vietnam?

A. No.

Q. Did you ever hear an order during that operation, during that 3 or 4 day period, to stop burning?

A. No.

Q. Were you or anyone you know ever questioned on this operation, before this time?

A. No.

Q. And you say you did not have a camera, or you had a camera, but you didn't have any films from this operation?

A. I don't have any films. I had a camera, but I don't know where my films are, anybody could have them. I used to send them back to headquarters, and they use to take care of them. I only got one roll home.

Q. Did you ever hear any rumors that civilians had been killed unnecessarily by either B/4/3 or C/1/20 on the 16th of March?

A. No.

Q. Was marijuana a problem in the unit?

A. No, not in my platoon. My men, they were straight, good men.

Q. Did you ever hear of during this operation or did you see or hear other than what you have told me of U. S. or ARVN soldiers torturing VC suspects or prisoners of war?

A. No. They did scare them. Like they would take one guy out, fire a shot and then, you know, come out and scare the others. You know, they didn't kill them. After they couldn't get anything out of the others, they just tied them back up and brought them back.

Q. Did you hear of any rapes occurring during this operation?

A. No.

Q. Confidentially, doc, did you ever treat these guys for VD?

A. No one in my platoon, not to my knowledge. After I left, they could have, but while I was there I had no cases of VD whatsoever. It was only one I looked at, and he wasn't from my platoon. He had a chancre on his penis, and we sent him back in. But he wasn't from my platoon, and I don't remember his name.

Q. Did you ever get any request from anybody for prophylactics?

A. No.

Q. Never gave anybody one?

A. No.

Q. Don't you carry penicillin?

A. No, sir. I don't carry it, I'm sorry.

Q. What do you carry in your aid bag?

A. Well, I had morphine, five syrettes, peroxide, benzoin, tons of bandages, blood supplement, I can't remember the name of that now, all that, and just aspirin and darvons and, you know, stuff like that, but I didn't carry any penicillin.

Q. Antibiotics of any type?

A. No. I carried cold tablets and a little narcotics but no antibiotics for syphilis or venereal disease.

Q. Do you have any further testimony or any further statements that might assist us, at this time?

A. No, I told you all I know.

Q. Well, if you should think of anything when you get back or if you run across any letters or orders or photographs or tape recordings or anything that might help us to fix times and places, we would appreciate it.

A. If you run across my photographs, I would like to have them back.

Q. We had this come up with one other fellow who took some photographs from your unit. It must have been fairly common. He said he thought that his was intercepted because of what was on the photography.

A. Mine couldn't have been because all I had was scenery. Well, the first roll I brought back, I had little Vietnamese children and that got back all right and that's about all I had on the others, pictures of villages. They used to like that. They used to like to pose, the families taking pictures, and I used to send them home. But like I say, I only got that one roll.

Q. Well, if you do run across anything like that when you get back, you have our phone number I think?

A. Yes, I still have it.

Q. Give us a ring. We can make some arrangements to make a copy of it.

A. Okay, if I come up with anything.

Q. I request that you not discuss your testimony in this investigation with others, including other witnesses, except as you may be required to do so before a competent judicial or legislative body.

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I appreciate you coming.

A. Let me ask you something. If I discussed this with someone, would this be an offense or something? Will I get punished for it?

Q. We don't term it like that. If you were still in the military we would order you not to discuss it, because of the same thing you are concerned about, the testimony being a matter of public knowledge, is the same thing we are concerned about.

A. Right, I see.

Q. So we ask the civilians not to discuss it; we order the military.

A. Like I said, a little thing like this could wreck me, you know. It's all some people need to talk about, even if you were there. That's all I need.

COL WILSON: Well, thank you for coming in.

The hearing will recess.

(The hearing recessed at 1150 hours, 19 February 1970)

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SUMMARY OF TESTIMONY

WITNESS: TAYLOR, Larry H.

DATE OF TESTIMONY: 15 February 1970

PLACE OF TESTIMONY: Holiday Inn, St. Louis, Missouri.

WITNESS SUSPECTED OF: Wrongful destruction of a village and the murder of Vietnamese civilians.

COUNSEL: Dale F. Clace, CPT, JAGC, Fort Leonard Wood, Missouri.

DUTY ASSIGNMENT ON 16 MARCH 1968: Rifleman, B/4/3.

The witness refused to be placed under oath, answer any questions, or make any statement (pg. 5).

(The hearing reconvened at 1200 hours, 15 February 1970, at the Holiday Inn near St. Louis, Missouri.)

COL WILSON: The hearing will come to order.

Person present, COL WILSON.

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

A. Do I have to be under oath for this?

Q. Right. Let me go ahead and explain something to you.

A. All right.

Q. And I will do this in a formal way so you can be sure that you understand.

The Peers Inquiry was directed jointly by the Secretary of the Army and the Chief of Staff of the Army for the purpose of determining facts and making findings and recommendations concerning the My Lai incident of 16 March 1968. In conducting this investigation it was necessary to have a complete insight into the overall ground and air operations in the Son My Village area during the period 16 through 19 March of 1968. General PEERS, therefore, appointed this group, of which I am a member, which we call interview team C to interview people of B/4/3 and prepare a complete investigation of their operations.

Your testimony will be taken under oath. A verbatim transcript will be prepared by the reporter.

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

During the interview, the board will follow a sequence of questions which will be concerned first with your training prior to going to Vietnam. Second, the briefing which was received by the individuals prior to the operations of 16 through 19 March. In other words, a

briefing or whatever you want to call it, which was given on the 15th of March; next, a chronology of events of what happened on 16, 17, 18, and 19 March 1968. The final question will be concerned with matters of previous investigations or inquiries, or suppression of information. That is the sequence of questioning, and those are the questions which are planned to be asked.

Now, I would like to put you under oath, and then I will explain. Once I do that, I will explain further. Once you go under oath, it does not mean that you have to say--I'll give you some information, but I will have to put you under oath first, as a matter of procedure.

A. Well, let's see. I have to be under oath. Well (shaking head in the negative), it does not sound very legal to me at all.

Q. Before I put you under oath, let me go further, and I am not going to do anything that is not legal.

(Witness indicates that he will not take the oath.)

Well, Mr. TAYLOR, since you elect not to take the oath at this time, I am going to the next step, which is to identify you. If you will, state your full name.

A. All I do is give my name?

Q. And your residence.

A. All I do is give my full name and where I live?

Q. Right. Your name and where you live and your occupation. This is the sequence of questioning.

A. All right.

Q. Would you give that information to the reporter?

A. My name is Larry Howard TAYLOR. I live at 10069 1/2 Toelle Road, Riverview Garden Apartments. My occupation is maintenance man.

Q. I have to advise you. I am going to give you a warning which is required by law to be given to anybody that is suspected, and I want to emphasize suspected as different from accused. Do you understand?

(Witness indicated in the affirmative.)

I think you should understand that the warning is given primarily to protect your interests.

You are advised that you are suspected of having committed a war crime, to wit: wrongful destruction of a village and the murder of Vietnamese civilians.

Your constitutional rights are: you have the right to remain silent, and any statement you make may be used against you in a criminal trial.

I want to go further with you, because you are authorized, as being a former military man, to have a legal counsel.

You have a right to counsel, and to have counsel with you during this interrogation. Counsel may be civilian provided by you at your expense, or you may elect to have military counsel of your own selection if he is reasonably available.

A. I understand.

Q. You are further advised that in the event you desire counsel during the interrogation that counsel is here solely as your advisor. He may not answer questions for you, but at any time you desire you may confer privately with your counsel. If you decide to answer questions now without having counsel present, you may stop answering questions at any time. Also, you may request counsel at any time during the period of questioning. In other words, what I am saying is you can request counsel at any time, and I will get counsel for you if you want counsel.

If you want to answer the questions without counsel, you don't have to answer any question you don't want to. There may be questions that you can answer that you would have no reason not to answer. What I am saying is that you can determine if you want to answer any question I ask you.

A. I don't want any counsel. I can answer the questions that I want to answer and the way they should be answered.

Q. I will get counsel for you, and it won't take long.

A. I know.

Q. In that case, we have to go on with the procedure of placing you under oath.

A. I will have counsel, then.

(The hearing recessed at 1210 hours, 15 February 1970.)

(The hearing reconvened at 1214 hours, 15 February 1970.)

COL WILSON: Let the record show that counsel has been provided for Mr. TAYLOR. Will counsel please state his name, grade, and duty station?

IC: Captain Dale F. CLOSE, stationed at Fort Leonard Wood, Missouri.

Q. I want to advise counsel that your participation in this interrogation is as an advisor to the witness, and it is not intended that you answer any questions for the witness. At any time during the interrogation you may confer with the witness. You are here as an advisor and solely as an advisor. At this time I am prepared to answer any questions you have, and then leave you here with the witness for any questions you may want to ask him in private.

Would you like to know what I have warned him of?

IC: Yes, I would.

(TAYLOR)

Q. I have advised the witness that he is suspected of having committed a war crime, to wit: wrongful destruction of a village and the murder of civilians.

I have advised him of his constitutional rights to remain silent, and that any statement he makes may be used as evidence against him in a criminal trial. At the time when I gave him this warning, he decided he wanted counsel.

Now, I am prepared to leave you with him at this time, unless you want to know additional information.

IC: I don't have any.

(The hearing recessed at 1217 hours, 15 February 1970.)

(The hearing reconvened at 1234 hours, 15 February 1970.)

COL WILSON: Before we proceed any further, I have not placed the witness under oath. Do you consent to testifying and answering questions?

A. Under oath?

Q. Yes.

A. No.

Q. In other words, you will not be sworn?

A. No.

Q. Is there a religious reason for this, or what is the objection to taking the oath?

You don't have to answer any questions you don't want to, but the questions you answer, to be of any use, would have to be under oath. This is just a normal procedure.

IC: The witness does not desire to make any statement at all, and he does not desire to be placed under oath.

Q. All right, as I understand it, the witness does not desire to answer questions, is that correct?

IC: That is my understanding. I believe that is correct.

A. Yes, that is correct.

Q. Let me ask you this: is it possible that you could answer some questions to determine the sort of questions that would not incriminate you?

A. No questions, no questions at all.

Q. Very good. The hearing will recess.

(The hearing recessed at 1236 hours, 15 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: WARNER, Jerry

DATE OF TESTIMONY: 6 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Assistant Machinegunner, Second Squad, First Platoon, B/4/3.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

Mr. WARNER stated that he had never seen the MACV cards, "Nine Rules" or "The Enemy in Your Hands" (pg. 2). He did not receive any training on the Geneva Conventions or illegality of orders (pg. 1).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness did not recall anything out of the ordinary at the briefings on 15 March. Normally, he was briefed by the weapons squad leader (pgs. 3, 4). They were told to take as much ammunition as they could carry. They were also told to destroy the hootches. The mission was designated as a search and destroy operation (pg. 5). He did not know who briefed the squad for this particular operation (pg. 5). Normally, they did not destroy villages. This was only done in the Pinkville area (pg. 6). They were not given any authority to kill livestock on this mission (pg. 7). Pinkville was the most hostile area in which B/4/3 ever fought (pg. 8). The witness did not recall anything in the briefing regarding the tactical employment of the platoons and squads of B/4/3 (pg. 9). They did not have orders to kill everybody in the village (pgs. 58, 59).

(WARNER)

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## 3. B/4/3 COMBAT OPERATIONS, 16-19 MARCH 1968.

a. 16 March.

WARNER came into the LZ on the second lift (pg. 10). Prior to leaving the LZ they received sniper fire from the south (pgs. 10, 11). They were given the order to move out almost immediately (pgs. 11, 12). His squad moved along a trail into a village prior to crossing a bridge (pgs. 12, 13). There were hootches and hedgerows on each side of the trail (pg. 13). They received heavy sniper fire (pg. 36). The point group and the first squad were in front of WARNER's squad (pg. 13). As they approached the bridge, they received word that the second platoon had walked into a minefield and that sniper fire was being received (pg. 14). They received orders to remain on the trail and to recon by fire (pg. 14). At that time the first platoon had not been firing (pg. 14). Reconning by fire was done by the forward machinegun (pgs. 15, 16). He did not recall a mortar prep being placed upon the approaches to the bridge (pg. 17). A mine detector team was sent forward to sweep the approaches to the bridge (pg. 18). The men of the second squad moved across the bridge individually (pg. 19). It took about 20 minutes for the platoon to cross the bridge (pg. 35). They received no fire while crossing it (pg. 19). His machinegun crew set up on the east side of the bridge to cover the trail and the bridge (pg. 20). They also reconned by fire in the area south of their position (pg. 22). They fired into hootches, bunkers and hedgerows (pg. 23). The first elements across the bridge also reconned by fire (pg. 35). MADISON was the gunner and WARNER was his assistant (pg. 22). The village on the east side of the bridge appeared deserted to the witness (pg. 24). He recalled that a woman was captured by the point group (pgs. 25, 29). He did not see any bodies or other Vietnamese on 16 March (pgs. 25, 27). The woman was used to walk point. She was not raped that night (pgs. 30, 69). There was a great deal of shooting (pg. 25). C4 was thrown into bunkers by the point group to destroy them (pgs. 26, 29). Later in the day, WARNER, remaining on the trail, went into the village (pg. 27). He heard no talk about the number of people the point group killed on 16 March (pg. 27). The witness stated that no hootches were burned on 16 March (pg. 27). He did not know

(WARNER)

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Lieutenant WILLINGHAM's whereabouts after crossing the bridge but WILLINGHAM was not in the vicinity of the bridge (pg. 29). He heard that the first platoon had killed 300 people during the operation, but he was positive that this figure was inaccurate (pgs. 32, 33). He also heard that TAYLOR had deliberately shot a baby in the head and MILUS had cut a woman in half with machinegun fire (pgs. 56, 58). He opined that the VC reported as killed may have been in the bunkers (pgs. 33, 34), as this is what he had heard (pg. 57). A helicopter flew in their resupply (pg. 39). This included a resupply of ammunition and demolitions (pg. 40). He did not see anyone get off the chopper (pg. 39). Nothing unusual occurred that night (pg. 39).

b. 17 March.

On the morning of 17 March, the point group, of TAYLOR, TITTLE, and HOOTON was again leading. WARNER heard that TAYLOR was wounded while probing for a mine or while trying to disarm it at the approach to the bridge (pgs. 41, 42). After TAYLOR was wounded they received sniper fire from the village (pgs. 42, 43). The third platoon had not reached the bridge at that time (pg. 42). However, their platoon secured the bridge while the other platoons of B/4/3 crossed it to join the first platoon on the east side (pg. 43). TAYLOR had been evacuated by the time the other elements of B/ 4/3 reached the bridge and prior to the arrival of gunships (pgs. 43, 44). He remembered that two gunships made several gunruns in the vicinity of the village after the sniper fire was received (pgs. 45, 46). Then B/4/3 moved south with two platoons abreast (pg. 47). The first platoon was on the east flank (pg. 47). They passed through three or four villages which were burned (pgs. 47, 48). Four or five ARVN soldiers accompanied B/4/3 on 17 March. The woman captured on 16 March was turned over to them for interrogation (pg. 48). She was later freed (pg. 69). He did not recall a helicopter with Lieutenant Colonel BARKER or Major CALHOUN landing while they were at the peninsula's southern tip (pgs. 49, 50). He did not recall a photographer with B/4/3 (pgs. 50, 51). He did not recall Navy Swift Boats bringing in detainees or a helicopter letting off interpreters (pg. 51).

c. 18-19 March.

B/4/3 moved north to the vicinity of the bridge on 18 March (pg. 51). The first platoon gathered the populace (pg. 52). The Vietnamese were brought to the company area for an ID check and interrogation (pg. 53). However, he knew of none that were detained (pg. 54). He did not see any forceful interrogation procedures utilized that day (pgs. 54, 55). PW's were interrogated again on 19 March. They were not mistreated (pgs. 61, 62, 67, 68). He recalled no order being given to stop the burning (pg. 65).

4. KNOWLEDGE OF INQUIRIES CONCERNING THE OPERATION.

He heard that another company was being investigated for their conduct during the first day of the operation (pg. 64). He also heard rumors that civilians had been unnecessarily killed during the operation (pgs. 65, 66). He was never told not to discuss the unnecessary killing that had taken place (pg. 67).

5. OTHER INFORMATION.

a. WARNER had not discussed the operation with anyone from his unit after returning to the U.S. (pg. 2).

b. The witness felt that the indiscriminate killing resulted from a desire to clean out the area so that they would not receive such a hostile greeting every time they went in there (pg. 59). He also had heard that after Lieutenant COCHRAN's death from the first boobytrap, Captain MICHLES had ordered them to kill everyone (pg. 60).

c. He had never heard of anyone using marijuana on an operation (pg. 67).

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(The hearing reconvened at 1206 hours, 6 February 1970.)

COL WILSON: The hearing will come to order.

RCDR: The following named persons are present: COL WILSON, LTC NOLL, and MAJ THOMAS.

The next witness is Mr. Jerry WARNER.

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

Mr. WARNER please state your full name, your occupation, and residence?

A. My names Jerry WARNER, I work at Dressler Industries. My address is 3139 Lee Street, Alexandria, Virginia

COL WILSON: Mr. WARNER did you have a chance to read the information we passed out?

A. Yes, sir.

Q. You understand this is an interview team of General PEERS' investigation?

A. Yes, sir.

Q. We are concerned with the operations of B Company. This team consists of three people, myself, Lieutenant Colonel NOLL and Mr. WALSH. Mr. WALSH is a civilian attorney who has been appointed to assist General PEERS. He will probably be up here in a few minutes.

We'll follow a sequence of questions and try to stay in a chronological sequence, day by day.

Do you recall in your Army training ever receiving any instructions, which probably would have come forth during a class in military justice or the Geneva Convention, and this subject would have been the legality or illegality of orders? Legal versus illegal order?

A. No, sir.

(WARNER)

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Q. You don't ever remember that?

A. No, I don't.

Q. We've got an Exhibit M-2 which is a MACV, wallet-size card entitled, "Nine Rules." This is a copy of it. Have you ever seen that card, front and back?

A. No, sir. I have never seen anything like this.

Q. Okay. The second one, Exhibit M-3, is entitled, "The Enemy in Your Hands." Have you ever seen that one?

A. No, sir.

Q. Did you discuss this operation with anyone from your unit since you came back to the states?

A. No, sir.

Q. Now the next series of questions will be concerned with the briefing or information which you may have received the day before the operation. Now, do you know which operation we're talking about?

A. Yes, sir.

Q. The period 16 through 19 March?

A. Yes, sir.

Q. Lieutenant COCHRAN was killed the first day?

A. Yes, sir.

Q. MILUS was killed the last night?

A. Yes, sir.

Q. Okay. This--at that time on the 15th of March--which platoon of B/4/3 were you in?

A. I was in the 1st Platoon, sir.

Q. 1st Platoon. Which squad?

A. First squad--I was assigned to the second squad.

Q. Who was your squad leader?

A. Well, I was in the weapons squad attached to the second squad of the platoon.

Q. You remember the squad leader of the second squad?

A. No, sir, not right offhand.

Q. Do you recall the squad leader of the weapons squad?

A. Well, at that particular time I think Sergeant CARDINES was acting squad leader.

Q. Do you remember a man named LINKOUS?

A. Yes, sir.

Q. Was he the squad leader?

A. No, sir. I don't think so. I remember--I couldn't tell you the second squad leader, sir, I couldn't remember that. If I could look at some names, you know, maybe I could tell you but--

Q. (Interposing) Well, the day before the operation you must have gotten some word that this operation was going to occur the next--happen the next morning? You remember how you got this information and who told you?

A. Yes, sir. Not exactly how we got it but the word was that we were to go into Pinkville on a regular mission. That was it, sir. You know the time we was to get on the helicopters and go into Pinkville.

Q. Were you told this as an individual or were you in a group when you were informed of this?

A. I was in a group, sir, I think. I can't remember exactly how it was, sir, I would assume that it was in a group because this is usually the way they did it.

Q. Were you usually briefed by the weapons squad leader or by the squad leader to which you were attached?

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A. By the weapons squad leader, sir.

Q. Weapons squad leader. And he would tell you which squad you were going with?

A. Well, this was a permanent assignment, sir.

Q. It was?

A. Yes, sir.

Q. So you always went with the second squad?

A. Yes, sir.

Q. How many squads were there in the platoon?

A. Two, sir.

Q. Sergeant LIAS was one of the squad leaders wasn't he?

A. First squad, sir.

Q. You remember the platoon sergeant?

A. Sergeant WESTER, I think.

Q. All right. Was there anything--do you recall at any time Lieutenant WILLINGHAM briefing any--briefing you or your group on this?

A. It might have been, well as far as how the orders came down it was--it varied, you know, from a platoon meeting to just a squad or--but mostly we'd be in a group so that everybody would get it more or less at the same time.

Q. But you don't remember this one particular time?

A. It was just like any other operation, sir. We a--we were notified that we were going out on an operation and more or less what we were going to do and how long it was going to be and when we were supposed to get on the helicopters.

Q. Was anything stated on the destruction of villages, the burning of hootches, and so forth?

A. Well, we were going to take as much ammunition as we could and on this particular mission, which we usually call a search and destroy, meant that we would go in, we round up the people, put them in one certain area, and search the village and in this case we would destroy all the hootches that were in that area.

Q. That was some of the instructions that were put out then?

A. Yes, sir.

Q. You remember this from the briefing?

A. Yes I do, sir.

Q. Did Sergeant CARDINES tell you this?

A. Sir, I couldn't say whether--it might have come from Lieutenant WILLINGHAM or--I just can't say.

Q. Yes. Let me ask you about this search and destroy mission. Did you understand clearly what this was or did you read this in the paper somewhere? Search and destroy? Do you clearly remember this being designated as a search and destroy mission?

A. Well, we went on quite a few search and destroy missions. From what we've always done on this type of mission, just like I said, go in round up all the people and burn the hootches down.

Q. Yes. I know but I just--you seem to--a lot of B Company people seem to understand the term search and destroy much, much better than C Company people did.

A. Well a --the seach and destroy mission--

Q. (Interposing) It could have been in your training that you got this, I don't know.

A. Well, Captain MICHLES didn't go in for it but we understood what search and destroy was. But Captain MICHELS didn't go in for, you know, the full term of it.

Q. Yes.

A. He didn't believe in mutilating people or anything like that.

Q. What about--what about search and clear, did you have any of those type missions?

A. Search and clear?

Q. Yes.

A. I don't know, sir, because well to my point of view, sir, the mission was always the same. We go into an area, we do the same thing every time we go into an area. So whether it was classified as a certain mission it didn't make any difference, sir.

Q. Well you didn't--did you destroy every village that you went into?

A. No, sir.

Q. Well, they all weren't the same?

A. No, sir. They wasn't I guess. But it was always handled about the same.

Q. Yes. But the results in some case were different?

A. Yes, sir.

Q. In your normal operational area, not Pinkville now, did you go in there and destroy villages?

A. No, sir.

Q. Just in the Pinkville area?

A. Yes, sir.

Q. Now, did you receive any special instruction on the destruction of foodstuff?

A. Well, we a, such as anything that would be helpful to the enemy or to a--such as rice. If they had a lot of bags of rice we would get a helicopter down and get it and salt also, sir.

Q. Salt?

A. Yes, sir.

Q. That's normal operations isn't it?

A. Well it was--

Q. (Interposing) I mean you do this all the time, don't you? That's not unusual?

A. Anywhere--yes, sir. Anywhere you find a large amount of foodstuff.

Q. So there was nothing on the briefing that changed this normal procedure? They didn't say anything different like, well let's don't lift it out let's destroy it or let's bury it?

A. Well, it--on this particular operation we didn't find any a--

Q. (Interposing) Yes. I'm talking about the briefing. I was talking about what you were told before you went in. This is what I'm trying to get to right now.

A. No, sir.

Q. If there was any difference, in your instructions, from normal operations?

A. No, sir

Q. What about livestock?

A. Don't mess with livestock, sir.

Q. Never?

A. Never, sir.

Q. How about the disposition of the natives of the area, the people in there? Anything said about that?

A. Sir, this--in my opinion sir, this--you talking about the Pinkville, sir?

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Q. Yes.

A. Well, this area was occupied by the enemy, sir. That's the only thing I can say for that because we fought when we go in and we fought when we--had to fight when we come out.

Q. Would you say this was your worst area?

A. Yes, sir.

Q. Now, there was nothing--did they tell you what size unit was going to be in there or what you could expect from the enemy?

A. No, sir. This was, if--well, more or less from my understanding, I can't--well maybe if I could understand--remember the briefing, you know the exact--

Q. (Interposing) Yes.

A. They way they had the briefing, sir, I could probably give you more than this but I can only give it to you after--as you ask it, sir.

Q. Yeah. Well I'm trying to cover the question--go ahead.

A. I have forgotten the question, sir.

Q. No, the only thing I was talking about was what you could expect from the enemy situation in there?

A. Well--

Q. (Interposing) And I think you talked about that.

A. Well, sir, you see you could always expect heavy enemy concentration in there. Every time we'd go in there we would usually lose about four or, you know, wounded, four or five to ten people.

Q. Do you know what all the platoons of the company was supposed to do, the 1st, 2d and 3d Platoons?

A. No, sir.

Q. No. You know where the 2d and 3d Platoons were in relation to the 1st Platoon and where the 1st Platoon was going?

A. Yes, sir. When we first got off the helicopters--

Q. (Interposing) No, what I meant by that was did they--were you told?

A. No, sir.

Q. You weren't?

A. No, sir. I could point it out on the map.

Q. Yes. But I just wondered if at the time you were briefed was the map used to show you where you were going?

A. No.

Q. You know what the--you had the two squads in the platoon. Was there any instructions, given as to what those two squads were to do?

A. No, sir.

Q. Was one squad supposed to move out ahead of the other squad or was that said?

A. No, sir. They always knew. We would get the order first or second squad was leading.

Q. Well, was that put out in the briefing or was that put out after you hit the landing zone?

A. It's put out after we hit the landing zone, sir.

Q. Well, now we're going into the operations, the first day of the operation which is the 16th of March, and I'm going to give you a run down on this map what the concept was and what the task force did. Then we will start

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asking some questions on B Company and the 1st Platoon.

(COL WILSON oriented the witness on the conduct of the operation as it was known up to this time, Exhibit MAP-4 was used)

As far as B Company was concerned we have certain activities which were indicated on the logs and I'm going to question you on this just to more or less bring back the times and dates to you. And then find out what information you can give us on these things, okay? That's the way we'll go about the questioning and this will inform you.

The company's first lift touched down at 0815, the last lift touched down at 0827. You would probably have been in--I don't know whether you were on the first lift or the second lift, do you know?

A. I don't--I think everybody came in together, I don't--

Q. (Interposing) No, there were two lifts, nine helicopters on each lift. This is in route, I don't know whether this will bring anything back to you or not, but there are only five--there are only six helicopters shown in this photograph (Exhibit P-205). There was a total of nine slicks that took you down there. It took two lifts to get B Company in there. The whole company couldn't go down in one lift.

A. Well, I would have been on the second lift, sir, because we moved out right after we got there.

Q. Do you recall, when you went in, if there was any ground fire?

A. Yes, sir. When we landed and the helicopters had got out of the area we started receiving sniper fire from our, facing the bridge looking toward the beach. We started receiving heavy sniper fire from our right.

Q. Well, now that's as you moved out, isn't it, that's after you moved out?

A. No, sir. This was before we moved out.

Q. While you were still in the landing zone?

A. Yes, sir.

Q. You started getting sniper fire right here on the landing zone?

A. Yes, sir.

Q. I wonder why this wasn't--this should have been reported. Where was the fire coming from?

A. It was coming from the right, sir.

Q. That's--as that helicopter landed the nose of that aircraft would have been facing Uptight, which was the north.

A. What I'm going by, as we were facing toward the beach I mean more or less the bridge--

Q. (Interposing) Okay, you face--

A. (Interposing) The bridge as we moved out.

Q. Okay, you faced the--and it was to your right?

A. Right, sir.

Q. So it would have been coming from the south?

A. Yes, sir.

Q. After the helicopter you say you got some sniper fire from the south?

A. Yes, sir.

Q. Now how long were you on the landing zone before you moved out?

A. No more than a couple of minutes, sir. We just got off the helicopters, I'm not sure about the time, no more than about 5 minutes.

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Q. Well was there any attempt to silence this sniper fire from the south?

A. No, sir. We were given the order to move out.

Q. Nobody did anything?

A. No, sir.

Q. When you came in was your doorgunners firing?

A. Yes, sir--no, sir--I don't know, sir, I couldn't say because if we had--if we were on the second lift then they couldn't of been firing, but always on the first lift they were firing.

Q. Well, you should be interested in that, being a machinegunner as to whether they were firing or not. You don't remember.

A. No, sir.

Q. And you moved out right as soon as you got off the helicopter?

A. Yes, sir. That's why I say I was on the second lift, sir.

Q. Yes, because you would probably have had to stay there to secure the landing zone if you had been on the first lift?

A. Yes, sir.

Q. Then you moved--you moved from the landing zone. Did you pick up a trail?

A. Yes, sir.

Q. Do you remember, on that trail as you moved toward the bridge, a big gate? Over the trail with Vietnamese language across the top of it? As you entered a village? Before you got to the bridge?

A. No, sir. As I remember--

- Q. (Interposing) You might not have gone through that gate.
- A. No, sir. I don't think so.
- Q. You probably would have remembered it wouldn't you?
- A. (Interposing) I don't know, sir. As I--
- Q. Go ahead.
- A. As I remember we went through a village, entered a village and--
- Q. (Interposing) This is before you got to the bridge?
- A. Yes, sir.
- Q. Okay. Hedgerows on each side of the road?
- A. Yes, sir.
- Q. And hootches on each side of the road?
- A. Yes, sir.
- Q. Okay. Now, you were in the second squad, do you remember which squad led as you moved toward the bridge?
- A. The first squad, sir.
- Q. Okay. The first squad, CP, second squad, that is the way it was?
- A. Yes, sir.
- Q. And I suppose your point group was out in front of the first squad?
- A. Yes, sir.
- Q. As you moved down to the bridge what happened? When did you first get fire, or did you?

A. We didn't get any fire, sir.

Q. Okay. You moved down to the bridge, could you see the action at the bridge? Go ahead.

(MR WALSH entered hearing)

A. It wasn't really action, sir, the word was that we were getting sniper fire and the 2d Platoon had just walked into a minefield. We got orders to stay on the trail and recon by fire, sir. So we were moving rather slow.

Q. Okay. Let me see if I can fix the time of it. Your 2d Platoon had hit the mine. Where was your location when the 2d Platoon hit the first mine?

A. We were right at the hedgerows.

Q. You hadn't reached the bridge?

A. No, sir. We hadn't reached the bridge.

Q. Well, had the first squad reached the bridge?

A. They might have, sir, but I couldn't say for I was in the rear.

Q. Now, at the time you hit that mine--or the time the 2d Platoon hit the mine, was there any firing going on from the 1st Platoon at that time?

A. No, sir.

Q. All right, then when that happened what was the next thing that you remember?

A. Well that's when we knew the village we was in was deserted and the village the 2d Platoon was in was deserted too. So the word came, you know, to stay on the trail and recon by fire. Everytime we went in there we walked into a deserted village. We would get surrounded or something like that.

Q. Well, now from the standpoint of the second squad, what action did the second squad take?

A. No action at all, sir.

Q. Well what did you--

A. (Interposing) We wasn't encountering anybody, sir.

Q. But what did this--

A. (Interposing) Just reconning by fire. In other words preventing them from taking us by surprise, sir.

Q. Yes. But I mean, in other words you did take action then, you did start firing, is that correct?

A. No, sir. We--the lead machinegun, sir, was the only one that took action, sir.

Q. Okay. So when you say recon by fire you were talking about recon by fire for the lead elements?

A. Well, up front, yes, sir.

Q. There was nothing--no reconnaissance by fire conducted by the second squad, is that correct?

A. No, sir.

Q. Out to the flanks, I mean a--

A. (Interposing) No, sir, because we had--we didn't know exactly where our--

Q. (Interposing) Where your own troops were?

A. Yes, sir.

Q. So your recon by fire was to the front?

A. Yes, sir.

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Q. And this was done with the forward machinegun, is that the way it was?

A. Yes, sir.

Q. And was this done on the--on this side of the river or on the other side of the river. I mean the west side or the east side of the river?

A. It was on the--I assume the--it started before we crossed the bridge.

Q. The gun fired before crossing the bridge?

A. Right. As I remember we halted at the bridge, called for a mine detector, and everything moved on in in about 5 or 10 minutes.

Q. Was this the first squad that halted at the bridge?

A. Yes.

Q. Called for the mine detector?

A. Yes.

Q. And the first squad began reconnaissance by fire?

A. Yes, sir.

Q. Which was the machinegun?

A. Yes, sir.

Q. What about the riflemen?

A. Riflemen, I don't remember--I don't know, I couldn't say, sir.

Q. All right.

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A. But I know the machinegun was.

Q. Do you recall whether the mortar FO came forward? Do you recall any mortar rounds coming in?

A. No, sir.

Q. Friendly mortar rounds, now, I'm talking about? On the other side of the bridge?

A. No, sir.

Q. You don't recall that. Well where did you hear the instructions to recon by fire?

A. From my position in the line, sir, the word was passed back to everybody. Like I say, it all came at the same time, to stay on the trail and to recon by fire.

Q. In other words this was passed--the people that were going to do that were up forward, so the order would have gone forward and back by word of mouth, is that the way it happened? There was no radio communication here?

A. No, sir. Just word of mouth.

Q. Yes. You don't know whether the squad leader heard this from the platoon leader on the radio or whether the platoon leader passes it to him orally?

A. No, sir.

Q. It came to you down the line of troops?

A. Yes, sir.

Q. Now, when you got this word did you think you were supposed to do any recon by fire?

A. No, sir. It wasn't--the orders was for--the way the situation was, the situation was we were supposed to be in a mined area so we called for the mine detector because we were--I think the first squad was at the bridge, and we was going across the bridge. Usually the bridges

are mined, the area right around the bridge is mined. They --usually the enemy likes to catch you going across the bridge and, you know, open up on you. So we were getting sniper fire so they assumed that we were, you know that we were, we were going to run into stiff contact in this area. This was usually what happened anyway and so while the mine detector was coming up we were, we were at a standstill. At the same time we were reconning by fire.

Q. Well this is--did you see the mine detector move forward?

A. Yes, sir.

Q. Who was it, do you know?

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

Q. Was he in your platoon or was he from the company?

A. He was in the company, sir.

Q. Do you know whether when the column halted at the bridge there, do you know whether they had found mines or not or whether they were just going to see if there were any mines?

A. We were going--we were--I don't know, sir, because I wasn't on point and I didn't know that much about the situation at that time.

Q. Yes.

A. But I do know that mines were found in the area, were fired in the area.

Q. Yes. Okay then after this reconnaissance by fire, how long did that reconnaissance by fire go on?

A. I couldn't say sir, no more than a couple of minutes or so.

Q. Then what happened? Did you get up and move

forward, or did you stay where you were?

A. We got up and moved across the bridge.

Q. And how did you move across, individually, in pairs or--

A. (Interposing) Individually by squad.

Q. Individually? One man on the bridge at a time?

A. Yes, sir.

Q. Was that the way you moved across?

A. Yes, sir. This was also in case you encounter any action or anything, like you won't have too many exposed.

Q. All right. As you moved across the bridge-- the point moved across the bridge I suppose and then the first squad and then the CP and then the second squad?

A. Yes, sir.

Q. As you moved across the bridge was there any fire directed at the troops?

A. No.

Q. You didn't receive any fire?

A. No, sir.

Q. Now when you got on the other side of the bridge what was the next thing that happened?

A. Well our machinegun set up at the bridge, sir, and the rest of the platoon--the rest of the platoons were spread out between the village.

Q. Our machinegun, you mean your machinegun section set up there at the bridge?

A. Yes, sir.

Q. Which way was it facing?

A. It was facing, I'd say it was covering this way (indicating direction on Exhibit MAP-4).

Q. To the south or to the north?

A. Well I assume it was to the north, sir.

Q. The bridge was a--the bridge was on your left--you came across the bridge, the bridge was on your left and you were facing north?

A. Yes, sir.

Q. Was that the way your machinegun was facing?

A. Yes, sir. We were more or less covering the trail and the bridge, sir.

MR WALSH: I wonder if you could draw a picture of, just roughly, of the bridge and how the trail went after you get across the bridge. Can you do that for me? It doesn't have to be precise or anything just so we can understand it more clearly.

(Witness did as requested, sketch was eventually destroyed and was not entered as evidence.)

Could you put little circles where the village--about where the village was there?

A. Well the village started back up here about this area (placing circles on paper near bridge).

Q. Now could you see the village from the bridge?

A. Yes, sir.

Q. Okay. How about marking on here where you set up and in what direction--well you set up right at the end of the bridge?

A. Yes, sir.

Q. Looking up this trail?

A. Yes, sir.

Q. Okay. And--

A. (Interposing) This was mostly, I mean this, was mostly our mission to see to this area from here to the right.

Q. Now were a couple of people left to guard equipment at the bridge?

A. Yes, sir. Like I said, we had, I say the second squad was around there.

Q. Who moved out--well was the whole platoon assembled right at the end of the bridge when you came across and set up the machinegun or had the lead elements already moved out?

A. Sir, we were, more or less had ours in a sort of stationary position strung up the trail like this (indicating on map drawn by witness).

Q. Well, when you got across the bridge was the first squad or the lead elements already in the village?

A. Yes, sir.

Q. Well now where were you when the lead elements opened fire?

A. Where was I?

Q. Yes.

A. I don't know, sir. I stayed in this location up until we got ready to move on all the way through the-- all the way through the village.

Q. Well, I didn't make my question clear then. When you got across the bridge and set up--

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A. (Interposing) Okay, I understand the question. We got across the bridge and there was some firing and that's about all, sir. Everything else was fine. Then after we got across the bridge they, as you know, got ourselves a designated spot and everything. We reconed by fire south.

Q. Were you the assistant gunner that day?

A. Yes, sir.

Q. Who was your gunner?

A. MADISON, sir.

Q. MADISON?

A. Yes, sir.

Q. And did you have any ammo bearers?

A. No, sir.

Q. There were just two men on the gun?

A. Yes, sir. We were short.

Q. And the other machinegun with the platoon, MILUS was the machinegunner, is that right?

A. Yes, sir.

Q. And who was on the gun with him?

A. STRACHAN, sir.

Q. STRACHAN?

A. Yes, sir.

Q. And did they have any ammo bearers or just two men on there?

A. Two men on each gun, sir.

Q. All right. We're very interested in having you recall everything that you can remember about this time and we know what happened there and--

A. (Interposing) Well this here is--

Q. (Interposing) I realize that you were toward the rear but now if you could think back and let--and tell us everthing that you can remember about that it would be very helpful.

A. Well, all this area up in here (indicating the area near the bridge) was deserted and--

COL WILSON: (Interposing) You are pointing to an area immediately across from the bridge?

A. Yes, sir.

Q. Okay.

A. We reconned by fire in this direction here.

Q. How did you do this?

A. We fired into houses, bunkers, hedgerows and hootches and stuff like that.

MR WALSH: Those that are laying north of the trail, more or less straight out from the bridge?

A. Well, they were up on part of a slope like hill here, sir, we fired up in there.

Q. And you didn't see anybody?

A. No, sir.

Q. Didn't hit anybody?

A. Well, I didn't fire, sir. And--

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Q. How about the people that were ahead of you on the trail, how about them. Did you see any of them firing up there?

A. No, sir, because there was hootches and stuff like this up there.

Q. They had already gone around the turn in the trail and you couldn't see them from where you were?

A. Yes, sir.

Q. Did you hear them firing quite a bit up there?

A. It wasn't that much firing, sir. Like I say, we were all just reconning by fire after we got there, and after we got there it was more or less--we take it from there, what we do. We just more or less, set up in the area. The point did most of the reconning and moving around the area up in there.

Q. Well, we've a got some pretty good indications that the point people up there killed a awful lot of people up there in a very short time, in that village. I understand that from your position you wouldn't have been able to see it exactly but I wanted you to-- what can you tell me about after, you know, afterwards when you moved up the trail and looked around a little bit?

A. Well, actually, sir, there wasn't anything to see. There wasn't, it was some, you know, like I say we were firing and there was some firing up in here. But other than that--you see this was sort of a slope, a hill like and I'd say this side, in other words, the appearance of the village looked as if the people had moved out, sir. Just completely moved out and that's the way it was all the way down, all the way down to the river.

COL WILSON: And you didn't see any people that day after you crossed the river?

A. Well, I saw one woman, sir, which the point captured.

MR WALSH: Well, did you hear about other people that were killed, that were non VC there?

A. No, sir.

Q. Well that's mighty strange because the lieutenant reported 38 of them being killed there. A lot of other people that we've talked to told about MILUS shooting a lot of people and other people joining in up there. You didn't see any people all day, did you see any bodies?

A. Sir, I didn't see a body. Because like I say we set up here, there wasn't anybody over in this area right here (indicating area on map which he had drawn), wasn't anybody in this area here, and the first squad was strung off over this way. Now I would say that they--there was a lot of shooting going on but as far as saying I saw somebody or I saw actually a body, I did not, sir.

Q. Okay. I have no reason to say--I have no basis to argue with you. I just wanted to make sure, you know, understand that you--

A. (Interposing) Because we, you see we couldn't go throughout the area. We couldn't move. We couldn't even move between the hootches, couldn't move in any direction but stay on the trail. Up in here was where most of the people were supposed to have been killed, up in here.

Q. Up on the top of that rise?

A. Yes, sir.

Q. Well, we've heard about that. What did you hear about that?

A. Well, I more or less heard the same thing you heard, sir.

Q. I haven't told you what I heard yet.

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A. Well, the only thing I can say is what, you know, that I heard because I didn't see any of it.

Q. I understand that. All right, now what I'd like to know, because it's a lot better for us to know what you heard at the time?

A. Well, at the time, sir, I didn't hear anything. This, more or less, happened after everything was over with and we were moving along but not at that particular time. The part I do know, one squad was going through and they were setting off C4 charges in bunkers. And a--

Q. (Interposing) Sometimes people would come running out?

A. Well, I don't know, sir, if any people came running out or not. They were setting off--because I can't even remember hearing any Vietnamese at all. I do know they were blowing up bunkers though. Just throwing in C4 charges.

Q. And did you hear that there were people in those bunkers?

A. Yes?

Q. And there were people in those bunkers?

A. I don't know, sir.

Q. Did you hear that there were?

A. Oh, afterwards, yes, sir. I heard that, yes, sir.

Q. All right. Now how about up there on the hill, what did you hear about that?

A. Why I don't think anybody went up on the hill, sir.

Q. Well I'm talking about the point that you have drawn on there (indicating the mark on the drawing the witness had made).

A. Right here (indicating the same mark)?

Q. Yes, Wasn't that up on kind of a hill?

A. Well, I will explain that. I heard that it was-- there was shooting up here with the machinegun. I guess it was a boy about 13 or 14 and they were talking about how he, you know, was pretty fast dodging bullets.

Q. But not fast enough?

A. I don't know, I assumed that he got away. They were just talking. They didn't say they hit him so I figured, you know, that he got away.

Q. Did you hear any talk among any of the men in the point about how many people they'd killed?

A. No, sir.

Q. Did you hear anything about HOOTON shooting a baby in his mother's arms?

A. No, sir. I never heard that.

Q. Well, did you ever go up in that village, later in the day, on that trail?

A. Only on the trail, sir.

Q. Now, along that trail, you didn't see any bodies?

A. No, sir.

Q. When you went up there were the hootches all burning down or were they.

A. On this particular day we didn't burn any.

Q. You didn't burn any?

A. No, sir. Because we went in this direction. The 3d Platoon--

Q. (Interposing) It is our understanding that you stayed around that area most of the day and then moved up to the north that night?

A. No, sir. I was trying to think because at one point during that day the 3d Platoon came over, came over and joined us.

Q. That's the next day.

A. The next day?

Q. Yes. It is our understanding that you stayed around the end of that--in that little village there all that first day until the afternoon. Then you went up north and stayed up north by yourself, the 1st Platoon, that night.

A. Yes, sir.

Q. And then the next morning you came back down to the bridge where TAYLOR got his foot blown off.

A. Yes, sir.

Q. And that's when the rest of the company joined you the next morning?

A. Yes, sir.

Q. Now, what I'm trying to focus this on is that first day after--you remember any members of the platoon searching the village?

A. Yes, sir. The point squad was in it. Other than--the platoon was on the trail. The point squad did all the moving around in the village. Now I would assume that you said, "Did I see any bodies, did I see any people, or anything like that?" I would assume that if we--when we started reconning by fire here (indicating area on map drawn by witness) the people either hid or moved out of the area. This is usually what would happen. If there was any firing at all in this area, sir, I would assume that they moved out of that area too.

Q. Or hid?

A. Yes, sir.

Q. In bunkers?

A. Yes, sir.

Q. But you didn't hear anything about the 1st Platoon killing any people up there?

A. Yes, sir. I was aware of--I hear that. Well, I heard that one fellow killed a--shot a baby in the head and MILUS cut a woman in half with the machinegun.

Q. We heard of that. Did they tell you that or did somebody else tell you that?

A. No, sir. It was not the people that were involved. It was the people who more or less saw it.

Q. And where was Lieutenant WILLINGHAM when the shooting was going on?

A. I can't say, sir. He was with the second squad and CP group I guess, sir, but I don't really know.

Q. He wasn't back with you at the bridge?

A. No, sir.

Q. Now, you remember a woman being around there that day?

A. Yes, sir. That's what I say, they captured a woman, the point squad captured a woman up in that area, sir. We kept her with us for a couple of days.

Q. Do you remember finding a booby trap?

A. Yes, sir.

Q. Around there?

A. Yes, sir.

Q. Who found it? Do you know?

A. TAYLOR I think, sir.

Q. What kind of a booby trap was it?

A. I don't know, sir. I really can't tell you any time a booby trap was found what kind it was, because we more or less--more or less the point squad was used to find our booby traps. They were pretty good at it.

Q. You weren't interested in learning either. I wouldn't be.

(No response)

Well, how much do you remember about the woman, the one that was captured during the day?

A. Well, she was kept with the point squad at all times. So she more or less stayed in the front, sir.

Q. Do you know if anybody raped her?

A. No, sir, didn't anybody rape her.

Q. Pretty sure about that?

A. Yes, sir. The point team, that night anyway, sir, well when we set up that night they were, more or less, not to far away. You know, I could see them.

Q. You weren't too far away from them?

A. No, sir.

Q. She was pretty well-treated all day?

A. Yes, sir.

COL WILSON: You remember MICHENER?

A. MICHENER?

Q. Yes.

A. Yes, sir.

Q. Was he in your squad? I mean were you attached to his squad?

A. Yes, sir.

Q. How about STEINBRECKER?

A. STEINBRECKER, no.

Q. STRACHAN I mean, S-T-R-A-C-H-A-N?

A. No. He was on with MILUS, sir.

Q. He wasn't on yours?

A. No.

Q. But MADISON was?

A. Yes, sir. STEINBRECKER he wasn't there at the time.

Q. He wasn't?

MR WALSH: Who was the point group at this time?

A. HOOTON, TITTLE, that was it sir.

Q. Was there a young fellow, a replacement?

A. Not that I remember, sir.

COL WILSON: Do you remember a man named LONG?

A. LONG, no, sir.

COL NOLL: How about LOVE?

COL WILSON: Sergeant LOVE?

A. Yes, sir.

Q. He was--was it--

A. (Interposing) He was in the 2d Platoon, sir.

Q. Yes. Well, now MICHENER said that he heard as many

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as 85 people were killed over there that day. That's a pretty high number?

A. Yes, sir. Well as far as what I heard, sir, I heard 300 was killed in the operation.

Q. I know, but I'm talking about in the 1st Platoon area.

A. Well that's what I'm saying, sir.

Q. You heard that 300 were killed over there?

A. Yes, sir.

Q. Who told you that?

A. Well, I don't think it's possible, sir.

Q. Who told you that though?

A. Well, like I said, sir, it's just stuff you hear.

Q. Yes.

A. It comes from different people.

Q. Did this come from anybody in the 1st Platoon or was it some--

A. (Interposing) Yes, sir, just more or less 1st Platoon.

Q. So somebody said they heard 300--well you heard somebody say that 300 were killed over there?

A. Yes, sir.

Q. That's the highest figure we've had yet.

A. Yes, sir, but I don't--I would--I, I know, I know for a fact that this couldn't be true, sir.

Q. Yes.

A. I mean they couldn't just hide no 300.

Q. Well I will tell you what was reported and these were reported VC KIA. We haven't seen anybody yet that has seen a body--well I'll take that back. We haven't seen anybody yet that saw a male body. These were reported as VC KIA, at 0955 there was 12; 1025 there was 18, and at 1420 there was 8. That was what was reported for the morning and up until about 2 or 3 o'clock that afternoon. And I don't know whether--we can't pin down, we can't find any--we heard some women and children, people have seen women and children dead over there.

A. You're talking about on this date, sir?

Q. I'm talking about on that day and I'm talking about in that village. That there's been see women and children dead but there hadn't been a male seen yet. We haven't received this high of a number, as far as totals go, for what has been seen. Now this 300 you heard is the highest hear-say that we've got. Now, that's what the platoon leader reported and I--you weren't too far from him. I wonder where hé--or if he saw these VC?

A. I don't know, sir. I wasn't--

Q. (Interposing) You saw one boy?

A. No, sir. I didn't see any.

Q. You didn't see him. You heard there was a boy up on the hill?

A. Yes, sir.

Q. Now did you--I believe you told Mr. WALSH you didn't have a chance to look except to go on that trail.

A. Well, we didn't go any further--we, like I say, we were restricted to this trail.

Q. Yes.

A. Now it is possible there might have been people all in the bunkers, you know, like I say. Usually when we

start firing at houses and things, this is usually what happens. There are a lot of people, you know, that leave the area or hide or something.

Q. Well, did you hear--alright did you hear anybody--do you know what the word is for come out, in Vietnamese, to get out of the bunker, do you know how to tell them that?

A. Well, they understand "Fire in the hole" and that is what they usually holler.

Q. They usually holler "Fire in the hole" but my experience has been--how do you know they understand that?

A. Well, I've seen it happen, sir. You know, holler fire in the hole and if there's anybody in there they come out.

Q. Well, now did you hear anybody say anything other than "Fire in the hole", trying to get the people out of the bunker?

A. No, sir. Like I say, all I heard was--the charge--when they hollered "Fire in the hole" and you know--

Q. (Interposing) Throw in the charges?

A. Yes, sir.

Q. Go ahead.

MR WALSH: Did you hear a lot of "Fire in the hole" that day?

A. Yes, sir.

LTC NOLL From the time you got off the helicopters until the time you got to the western edge of the bridge, how many times were you engaged?

A. We were--after firing sir?

Q. How many times do you think somebody was shooting at you?

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A. Well they didn't fire but--we weren't fired on but once and that was the time we were moving out. We started getting--my idea of what happened was the 3d Platoon was to our rear and the 1st Platoon was right up close to where they--to the trail we took and went out to search the houses. They way it started, we started--it seemed like the 3d Platoon started getting, you know, a couple of rounds and then this sort of spread through the 3d and it seemed like, you know, it seemed like everybody was getting incoming fire all at the same time.

Q. Okay.

A. Because at that time everybody was trying to attract--I know I was, we were trying to let them know that we were getting sniper fire. Captain MICHLES said, "Move out." The word was passed to move out. So we moved out.

Q. When you got to the bridge did you draw any sniper fire at the bridge?

A. I heard some firing, sir. I'm not sure whether we were getting fire or what.

Q. How long did it take to cross that bridge? To get the platoon across?

A. I couldn't say, sir. More or less--well I'd say about 20 minutes for everybody to get across.

Q. Is that from the time the first man got across until the complete platoon was over?

A. Yes, sir.

Q. Well, what went on during that 20 minutes time? The first troops that were across the bridge, did they just sort of--were they doing any firing?

A. Reconning by fire, sir.

Q. Reconning by fire. Had they entered the village or did they wait for everyone to get across before they entered?

A. Sir, that wasn't on my mind, because like I said this was a bad area. At that time I expected to--we all expected to get fired upon at any time. I was more or less concentrating on what I was doing at the time.

Q. All right.

COL WILSON: Do you know BRETENSTEIN?

A. BRETENSTEIN?

Q. An FO? From the mortar platoon with the 1st Platoon?

A. I remember--I think it's the name, it's pronounced different.

Q. BRETENSTEIN.

A. Yes, sir.

Q. Well now this is--I want to pin this down because it would appear that you would remember this if you had very good observation of the fire--the type of firing that was going on up there because BRETENSTEIN says that there were 5 mortar rounds, 81 mortar rounds fired right on the other side of the bridge. Three of them were duds. That means that you had a couple of mortar rounds go off over there. If you could hear the mine back there where COCHRAN was killed it would appear to me that could hear those mortar rounds right up there a few hundred feet in front of you?

A. Well sir, it's possible. I couldn't--I really couldn't say because I was concentrating on--well I was more or less--the bullets were coming through these hedges at this particular time so I wasn't too much conscious of what was going on up front.

Q. Well, you were receiving fire?

A. Yes, sir. Heavy sniper fire.

MR WALSH: Can you--could you think now and tell me who was it there with Lieutenant WILLINGHAM when you were at the bridge?

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Now these people we know for sure, Sergeant LIAS, TITTLE--

A. (Interposing) You mean exactly who was at the bridge?

Q. No, who was up front?

A. Well.

Q. Who was in that first squad now, there was Sergeant LIAS--

A. (Interposing) Well it would be TAYLOR, TITTLE and HOOTON leading, sir. That's the way it usually was done. Either, you know, they just switched around. Then they have the members of the first squad lined up.

Q. Well there would be MILUS and STRACHAN up there, right?

A. Right, sir.

Q. All right. Who else?

A. Sergeant LIAS, you mean all the members of the first squad, sir?

Q. Yes.

A. JONES--

Q. (Interposing) Which one?

A. Marvin. PLACEK.

Q. I didn't catch that last one.

A. PLACEK.

Q. How do you spell that?

A. I don't know, sir. This other guy that got killed while we were there too, besides MILUS, that same day. I forgot his name.

COL WILSON: Was it MOSSFORD?

A. Something like that, sir.

Q. Private MOSSFORD?

A. Who?

Q. M-O-S-S-F-O-R-D?

A. Right. Well that's it, I guess. I can't remember, if I could look at a list I could probably tell you.

Q. A roster?

A. Yes, sir.

Q. It's right here, it's in alphabetical order.

(Witness examines roster, Exhibit M-24.)

A. GARCIA, HOWELL, I'd say that's about all.

Q. Amos WILLIAMS, you know him?

A. Amos was in the second, sir.

Q. Was Amos WILLIAMS with you at the bridge?

A. Yes, sir. I think, I couldn't say for sure but I believe. So the second squad was in that area.

Q. MICHENER thinks that you, Amos WILLIAMS, and he were guarding the bridge there, and you were right by the end of the bridge?

A. Yes, sir. It was either Amos--I know there was another man there, MICHENER and another. Amos may have been there.

Q. Do you recall what the medics name was?

A. No, cause we always called him "doc."

Q. Doc?

A. Yes, sir.

Q. Do you recall what his first name was?

A. No. I don't know his first name.

Q. Do you know where HOOTON is now?

A. No, sir.

Q. All right. Let's go on. You stayed there that day, moved up north, went into a laager, and came back the next morning. What happened to that woman that night? Did she stay with the point group?

A. Yes, sir.

Q. And when you went into the laager that night did any thing happen? Was there any activity of any kind? What about your rations, did you get a ration that night or--

A. (Interposing) Yes, sir.

Q. Anybody come out to see you?

A. No, sir, nothing unusual happened, just that a helicopter came in and we got our rations and that was it, sir.

Q. While you were in the village down there do you remember a helicopter coming in?

A. Yes, sir.

Q. What did it have on it?

A. I don't know, sir. Because I wasn't up there at that time.

Q. Did you see anybody get off it?

A. You mean that same day that all this supposed to have happened?

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Q. Yes. The first day.

A. No, sir.

Q. Sounds to me from your description there was a lot of demolition used there?

A. Yes, sir.

Q. Do you know if they got a resupply?

A. Yes, sir. We got a resupply. We got a resupply of machinegun ammo and any ammo that we used that day. We got a resupply.

Q. Did you get a resupply, your squad?

A. I think we got over what we needed.

Q. How much do you estimate was fired that day by your squad?

A. Oh, I'd say about 300 rounds.

Q. How much you usually carry?

A. We usually carry 12.

Q. 1,200?

A. Right, sir.

Q. When you went up and laagered that night and then the next morning moved out, did you see this woman the next morning?

A. Yes, sir.

Q. What was she doing?

A. Well, just like most of them--any prisoners do, sir. That's just keep off to themselves in one position.

Q. She wasn't leading the point?

A. No, sir.

Q. When you got back down to the bridge did TAYLOR-- well who was leading? Was the first squad leading or the second squad?

A. First squad leading, sir.

Q. Again?

A. Yes, sir. TAYLOR, as I say, he was pretty good at this. When he got hit he was probing for a mine, sir, because he knew it was there.

Q. Was he wounded by a mine that he was probing for or by another mine that he happened to hit?

A. Well, the way I heard it, I did see it, was that he was probing for a mine and the mine went off, sir.

Q. He had already found the mine?

A. Right.

Q. I meant he knew the mine was there where he was probing, didn't he?

A. Yes, sir. But he didn't know--see the reason they was on--usually you switch up on point, but they were good at their job, you know. So they left them up there permanently.

Q. Yes.

A. And TAYLOR was the best. He could spot a mine almost anywhere they put it. And this was the first time that this happened. That he didn't know exactly where it was?

Q. Doesn't take but once does it.

A. No, sir.

Q. Well, I just wondered because I thought TAYLOR

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knew the mine was there and was trying to disarm it or something. We've got a couple of different stories. I didn't know whether you had seen it happen or what?

A. Well he might have been trying to disarm it or probing for it. Like I say, I wasn't there but this is what I heard.

Q. Did you know the rest of the company was moving up toward the bridge at that time. The 1st Platoon, I think, was in front. Had the 3d Platoon reached the bridge when TAYLOR was wounded or do you know?

A. No, sir. They had not reached the bridge because right after TAYLOR or it was before or after one, that we got hit by sniper fire from that area.

Q. It was before or after, now when was it that you got sniper fire, before or after?

A. Well, I say it was after because--

Q. (Interposing) After he got hit?

A. Right.

Q. Then you got sniper fire. Well, what's this got to do with the 3d Platoon, or the 3d and 2d Platoons? Had they--

A. (Interposing) You--you said--

Q. (Interposing) Yes, but I'm just trying to figure out if they were at the bridge and they were not?

A. Well, we were moving back, well I say no, because we got sniper fire as we were moving back from over there.

Q. Oh, I see. You got sniper fire from that village?

A. Yes, sir.

Q. From the same place that you had done all that recon by fire the day before?

A. Yes, sir.

Q. Now, did the 3d Platoon of the company, across the river, did it return any fire as it approached the bridge or did it just cross?

A. Well, I say no, sir, because they hadn't got up-- I say no they hadn't got across the bridge as we were moving-- before we moved back up because a--

Q. (Interposing) No, I realize that. You came back to the bridge--here's the way we understand it. You came back to the bridge first and then the company crossed, in other words you secured the bridge?

A. Yes, sir.

Q. And then the company crossed. But what I was trying to do was get the timing, when TAYLOR was--based on when TAYLOR was wounded. If the company had reached the far bank of the bridge at the time he was wounded?

A. No, sir.

Q. They weren't over there?

A. No, sir.

Q. Now how long after he was wounded did you first see the company come up to the far end of the bridge? Or into the far bank?

A. Well as I remember we were in position when the rest of the company came across. So a--

Q. (Interposing) Had TAYLOR been evacuated?

A. Yes, sir.

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Q. He had been?

A. Yes, sir.

Q. Now, did any of the people that were crossing the bridge from the opposite bank that morning, did they receive any fire?

A. I don't know, sir.

Q. You don't recall?

A. No, sir.

Q. Do you recall any engineer demolitionist coming up and working on the mines in the area?

A. Yes, sir. I think--I think we had a demolition team with us that day as I recall. The, because as I say this area was usually heavily mined.

Q. Well did you see the demolition team cross the river, cross the bridge, or were they working on the other side of the bridge?

A. I couldn't say that the demolition team--I assume that they came across and worked on both. They did both came across plus worked on the other side.

Q. Did you know Preston WINSTON?

A. No, sir.

Q. In the 3d Platoon? WINSTON was his last name.

A. No, sir. I don't know him.

Q. Somebody said he was fired on while he was on the bridge and jumped off the bridge.

A. Well after the 3d Platoon got up there we moved on down a--

Q. (Interposing) You weren't there when the 3d Platoon crossed then?

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A. Yes, sir. We were there. See first a few of them came across and secured and we moved on out so I don't know what happened after that.

Q. Well once you secured the bridge, as far as the 1st Platoon securing the bridge after TAYLOR was wounded and you moved over there and secured the far bank of the bridge or secured the bridge so that the company could cross, once that was done do you recall any sniper fire? After you had moved into position around the bridge?

A. No, the sniper fire, as I remember, was before we got right up to the bridge. The first squad was at the bridge when the sniper fire came, sir.

Q. And that was about the time TAYLOR was wounded, either a little before or a little after?

A. I say after, sir.

Q. Okay. Now what happened on gunships?

A. Well gunships came in at the time that we received the sniper fire. After the gunships came in we didn't get any more sniper fire.

Q. Where was the gunships firing?

A. Well they were firing almost everywhere with a--I remember MOSSFORD. He was sort of setting on, well the edge of the bridge. I was standing--we--they called our machinegun crew from the back and as we got up there I could see a--I know one bullet hit between this legs.

Q. Who was this?

A. MOSSFORD, sir.

Q. MOSSFORD, the lad that was later killed?

A. Yes, sir.

Q. That was pretty close then?

A. Yes, sir. The sniper fire was coming pretty close.

Q. Now, I was talking about the--we were talking about the gunships fire.

A. Well that's what I'm saying, you see the sniper fire was coming from pretty close--

Q. (Interposing) So, the gunships were firing in pretty close?

A. Yes, sir.

Q. Were they firing into the village where you had had the fight the day before or done all the firing the day before?

A. Yes, sir. That was right in the village.

Q. How many passes did they make?

A. They made quite a few, sir.

Q. How many aircraft?

A. I'd say two.

Q. Now was TAYLOR evacuated after this gunship attack or was it before?

A. That's hard to say because I do know that we didn't receive any--I don't remember either a heli--I know a helicopter came in. I'd say before we received the sniper fire because I didn't see him, see TAYLOR after he got hit or any thing like that. So after the sniper fire and the gunships had come in, I'd say that he was gone before all this happened because as I say, I didn't see him.

MR WALSH: Did MILUS's machinegun jam up on him?

A. Yes, sir. That's why we were called up to the front.

COL WILSON: What was wrong, what was his stoppage? Did he fix it or--

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A. (Interposing) Well, there is a lot of things that could have happened, sir, too much carbon, not cleaned enough, ammo--

Q. (Interposing) You don't know what this particular one was though?

A. No, sir.

Q. Was he out of action long or was he--

A. (Interposing) No, sir. He wasn't out of action long.

Q. Well, you moved south that day and there were two platoons abreast, one platoon on the left and one platoon on the right?

A. Yes, sir.

Q. And you were on the right, you were on the inside of the sand dunes? You went through about three or four villages down there?

A. Yes, sir.

Q. Did you burn those villages?

A. Yes, sir.

Q. Did you burn the villages all the way down?

A. All the way down, sir.

Q. The one--how about the one down on the extreme southern tip?

A. Yes, sir.

Q. Do you recognize the village in Exhibit P-212?

A. Yes, sir.

Q. You recognize that area?

A. Yes, sir.

Q. Is that the village in the extreme south?

A. Oh, yes, sir, this one is it.

Q. Did you burn--this one was burned because this was the last one down, I understand?

A. There might not--well there was some--some hootches, in this village, that were burned.

Q. Some of them were burned?

A. Yes, sir.

Q. Do you remember any ARVN being with you that day?

A. Yes, sir.

Q. How many?

A. Oh, well I guess about four or five.

Q. And did they move with the 1st Platoon or the CP or who?

A. They moved with the CP because they turned that woman over to the CP, you know, for the ARVN to interrogate her.

Q. Who did, who turned them over--who turned her over?

A. I don't know who.

Q. It was the same--you mean the gal that was with the point was turned over to the ARVN?

A. Yes, sir.

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Q. What time?

A. That morning.

Q. When did the ARVN come across, where did they come from?

A. Well, we moved up around a graveyard, up that way, and we set up in this village. The 3d Platoon was--I don't know what they were doing, but we just held up in that area and the CP came in and that is when they turned her over.

Q. Okay. The 3d Platoon stayed--probably stayed up there I believe. Does this--do you recognize this photograph, P-210? Do you recognize anything in that photograph?

A. No, sir.

Q. Was the woman that was with the point dressed like this person in this photograph?

A. Yes, sir.

Q. Is there anyway that you can say whether or not this is the same woman?

A. No, sir.

Q. What kind of a head piece did she have on?

A. A regular, you know, Vietnamese straw hat.

Q. A big straw hat?

A. Yes, sir.

Q. This one's not--all right. When you got down to the end did you see a helicopter come in down there? Colonel BARKER and Major CALHOUN get off of it?

A. It's possible, sir. I don't--it might have come in, I don't know.

Q. Then you turned around and came back?

A. Yes, sir.

Q. Went into a laager area that night?

A. Yes, sir.

Q. Anybody come in there, do you remember any--

A. (Interposing) Well I'm quite sure that they did because we get our resupply by helicopter, sir. I couldn't say that Colonel BARKER came in.

Q. You don't know?

A. No, sir.

Q. Do you know if anybody from Task Force Barker came in?

A. No, sir.

Q. Do you remember Lieutenant LEWIS coming in that day? Earlier?

A. I think he came in.

Q. Lieutenant MUNDY and he supposedly came in on the same helicopter?

A. I remember Lieutenant LEWIS coming in but I don't, in other words exactly, you know, him landing, no, sir. I don't remember that.

Q. You remember whether there was a photographer there that day or not?

A. No, sir.

Q. You didn't see one.

A. No, sir. I, more or less, wasn't paying attention because you know, they had--we had our perimeter and this would probably be in a hootch anyway.

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Q. But I was talking about a little earlier in the day, the march south, you didn't see one? A photographer?

A. No, sir.

Q. Nothing unusual happened that night?

A. No, sir.

MR WALSH: Now just go back with me--did we talk about the people coming in from the sea or anything like this?

A. I haven't been asked anything.

Q. I'm sorry. There was some--we had a report that the Navy swift boats had some sampans beached near your location, near your laager position on the first night, do you recall that?

A. No, sir.

Q. Do you recall a helicopter coming into that position and dropping off some interpreters?

A. That first night?

Q. That first night.

A. No, sir.

COL WILSON: Okay the next morning you moved back north and moved back by the bridge. It was reported that they found about 3,000 pounds of rice up there. I think that was the 3d Platoon that found it and then you kept on moving north up into a big village?

A. Yes, sir.

Q. And there was quite a bit of activity up there. A MEDCAP medical team came in and so forth. Now, I want to ask you if you remember any additional ARVN personnel coming in there, Vietnamese soldiers?

A. There was more that we usually have, sir. But for actually how many, I couldn't say.

Q. All right. The ones that were with you on the 17th, the ones that moved south with you, those six or eight you were talking about, were they also with you on the 18th?

A. Yes, sir. They was, they--from the way I looked at it they was the same ones that were with us the day before. We didn't get any additional because they started out with captain you know, Captain MICHLES.

Q. Did you--the 1st Platoon went back up into this big village area and rounded up all of the people. Do you recall whether the 1st Platoon swept any of the villages and rounded these people up or not?

A. This was our job, sir. I can tell you about this.

Q. All right.

A. Because this was our job. The 1st Platoon was to go in and rounded up all the villagers and I think the 3d Platoon was coming around this way from the back and rounding them up at the same time.

Q. Both platoons were working?

A. Yes, sir.

Q. The 2d Platoon was back by the CP?

A. I couldn't say where they were, sir.

Q. And were you involved in this all day?

A. Yes, sir.

Q. And what time did you go back to the area you set up the night position?

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A. Oh, I guess it was about 4, well it was about 4 and the CP was set and then we-- We set up right outside of a village and the CP was there all day and we just more or less came back to where the CP was set up, sir.

Q. Was your defensive position on the beach?

A. We were, the first squad was facing the beach. No, the first squad was facing north, the second squad was facing the beach and the company was--the rest of the 3d Platoon was joined to the 1st Platoon. The first squad was joining the 1st Platoon--the 3d Platoon and the second squad was joining the 2d Platoon.

Q. Did you see any interrogations going on during the day?

A. Yes, sir.

Q. Where were these interrogations taking place? On the beach, back in a hut, or what?

A. Well, the interpreters more or less, on their own, you know, just going through the men a--

Q. (Interposing) What were they doing, checking identification?

A. Yes, sir.

Q. Well, I mean aside from going through the crowds and asking questions and so forth. Did you see any people taken out and interrogated individually?

A. Well, the men was. What they were mainly concerned with. They were separated, picked out from the group and their ID card was checked and things like that.

Q. But you didn't see any of them taken away as VC suspects?

A. No, sir.

Q. Did you see any of them being held as suspects or prisoners?

A. No, sir, because they were, everybody was more or less in the area. There weren't any of them singled out, tied up or anything like that.

Q. None of them were tied up, no one was tied up, nobody was standing guard over anybody or this sort of thing?

A. Well, not exactly standing guard but we watched them, sir.

Q. Who was watched?

A. These people.

Q. All of them?

A. Yes, sir.

Q. No I was talking about taking individuals out by themselves or in groups of two or three and putting them under guard and questioning them?

A. Well the men were.

Q. The men were. Did you see any unusual techniques in this questioning?

A. No, sir.

Q. Did you see any forceful measures taken against these suspects?

A. Well, I'll put it like this, usually there is, you know, against males. The ARVN usually do this, any time anything like this is done the ARVN do it.

Q. Did this go on that day?

A. I didn't see it, sir.

Q. You didn't? Didn't see anything irregular about the questioning procedures?

A. No, sir. This is usually what we did with all our captives.

Q. All right. That night you had a bunch of casualties and MILUS was killed. You had air to ground fire, you had two mortar attacks as we understand it. I think we have a pretty good breakout on what happened that night.

MR WALSH: During that night or during that day or the previous day, did you hear anything more about what the point team of the 1st Platoon and first squad people had done the first day?

A. Well, there was talk about what happened. It never came while we are actually operating. It usually come when we were more or less in a group, you know, more or less settled down or resting, you know, just taking a break. Because like I say it was, I heard, you know, I say I heard some of what had happened but not all of it.

Q. Did you talk to MILUS about it?

A. Yes, sir--no, sir, not, I mean about what he had done?

Q. Yes?

A. No, sir. He wasn't that type of person to talk about what he had did.

Q. Well, we've had people tell us that he was telling some of the things that he did. Well, when you were in these laager areas, you know, the first night, the second night--

A. (Interposing) Well, where we was up there was-- in this-- on this hill top. This was a rough area. We never liked to go in there and never liked to stay in there very long. We always liked to go in there and never liked

to stay in there very long. We always liked to go in and come on out and most of the talk was about how Colonel BARKER treated the troops. We spoke sort a--most of the talk was about fire base Dottie, we more or less had a little more freedom there because we could go to the village and stuff like that. This was what we talked about mostly that night before we moved out.

Q. Well, let me ask you this. Was there any talk either the night of the first, second, or the third day, about whether the point team or the first squad killed a lot of women and children; whether this was what they were supposed to do, was what their orders were, or whether they might have went a little wild there? Wasn't there any discussion about that by any of the men?

A. Yes, sir. Like I say, what I heard in where there was just talk about this one boy and they was talking about TAYLOR and he had shot a baby in the head. And about, you know, anything that--I couldn't say exactly what, you know, everybody--all the details, this was about all. Like I say, MILUS was the one that cut this woman in half with the machinegun and stuff like that.

Q. Did you hear anybody say that when the group first went up to that village that they shot everything that moved in the village?

A. You mean just talk about whether they just shot everything?

Q. Yes?

A. No, sir, not in that sense.

Q. You only heard them talking about a couple of--

A. (Interposing) Incidents, two or three incidents--

Q. (Interposing) Of specific people that had been shot? Not any stories about having shot a lot of people running in the village?

A. No, sir.

Q. And then you also heard some stories about blowing bunkers with people in them?

A. Yes, sir.

COL WILSON: Why did--what was the reason TAYLOR shot this baby in the head, anybody say?

A. No, sir.

Q. They just said that TAYLOR shot a baby in the head?

A. Yes, sir.

Q. How come MILUS cut this woman in half, anybody say?

A. No, sir. Well, like I say we moved in. We were in a village and there was a lot of firing and explosions going on and to my idea it was just a regular mission but this other stuff came in after, I didn't actually see it because I wasn't up there, sir. I couldn't say that anybody actually did this or anything like this.

Q. What I'm--what I'd like to know is any background you've got on these two instances. What caused this? Did TAYLOR get mad at this baby or did he--was he just firing and happen to hit the baby in the head or was MILUS mad at the woman or did he think she was VC or was he just reconning by fire, was there a reason for this or what? Was it deliberate or accidental or was it part of his tactical mission?

A. I would say that it was deliberate, sir.

Q. Deliberate? This is the way you understood these things?

A. Yes, sir.

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Q. TAYLOR went up and shot the baby in the head and MILUS cut a woman in half and they both deliberately intended to do that?

A. Well, our mission was to clear the village. Like I say, to me it was just a regular mission, but you know one thing is they probably did it but I just couldn't say this was our mission, to go in and do this.

Q. Well, I don't know where anybody ever got a mission to shoot a baby in the head unless the baby had a grenade or something. I'm trying to figure how anybody could do something like that, mission or no mission, to go up and shoot a baby in the head. Now, I'm talking about a baby, that's the term that's used. No baby is going to be a VC and I can't figure that's an issue. If the man went up and did that, and did that deliberately, then that doesn't have anything to do with the mission. That's a separate criminal act all it's own. You don't just go up and shoot a baby in the head and say you're VC--not a baby. And MILUS when he cut this woman in half, well it was deliberate that's the best we can get out of that.

MR WALSH: Let me ask you this. In coming across that bridge suppose Lieutenant WILLINGHAM had said for your machinegun to go up with the point team instead of MILUS, and you had gone up to the village and there had been a lot of women and children running around in there, would you have--was it your understanding of the mission that you were supposed to open fire and kill everybody that was in the village?

A. No, sir. From what I under--this came after they got out of there, sir.

Q. Well I understand that.

A. Well what I'm saying is this--you are saying if this was my job, if I was in it?

Q. Yes.

A. No, sir.

Q. You didn't have any orders from anybody to go and kill everybody in the village?

A. No, sir.

Q. And you don't think they did either? You don't know if they did but--

A. (Interposing) I will say I don't know, sir.

Q. All right. But as far as you're--your understanding of what the mission was it wasn't to go into this area and to kill every man, woman, and child you saw?

A. Well like I say as I understood the terms of a search and destroy mission, and we had been on quite a few search and destroy missions, and this is the way the order come down. Like I say this wasn't our policy to go in and kill everybody. But this wasn't a regular thing, this was--

Q. (Interposing) Now my question, then is, why do you think these things happened on this mission when they didn't usually happen on others? Did you hear any discussion about that or do you have any ideas about that?

A. Well, from what I know about it and from what I know about the area and well, I can go back past that stage and explain it like this. Well, we went in there at times and we got these little leaflets dropped on us. You know, they were scattered throughout the area, that you are in the home of the, I think, 442nd Regiment and if you surrender you will, you know, you will be treated nice. All this was on these VC leaflets. You know, treated under the rights of the Geneva Convention and all that. From what I understand of the mission we were to a--since we were getting in all this heavy enemy traffic in there. We were to clear this out so this wouldn't happen again, you know, so that we wouldn't have this problem.

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Q. So you think maybe some of the men thought that they were supposed to kill everybody that was in the area?

A. I don't think a--I think it came--maybe they had orders to do it--I don't think they--cause usually they don't do that.

Q. Did you ever see it, had you ever seen it done before?

A. No, sir.

Q. Did you--

A. (Interposing) Well, I heard somebody say that after--since Captain MICHLES and Lieutenant COCHRAN was pretty close friends, that after he got killed that it come over the radio to do this. This is what I heard, I don't know.

Q. When did you hear that, at the time?

A. No, this was afterwards, sir.

Q. Do you remember who you heard it from?

A. No, sir. Because you see everybody was more or less talking about the same thing. The conversation was, as far as exactly how things happened or who said it or what was said or how it went down I couldn't say, sir.

Q. After you were mortared on the last night, in the morning did you see any more prisoners being interrogated?

A. Yes, sir.

Q. Who was doing it?

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A. Well we had the CP, the ARVN in the CP did this 'cause we--the next morning we was supposed to move out. They call us and said we wasn't going to move out right then. So we had, I think about eight prisoners. We walked them through the village and they reported that this one guy got away, which wasn't true. This was more or less to let the other prisoners think that one of them had got away. I think they took a couple of them around, you know, the other side of a building and shot a few rounds into the air to say, you know, make these other people talk and tell them that if they wouldn't talk that the same thing would happen to them. But there wasn't anybody killed.

Q. Did you see anybody beat up?

A. No, sir.

Q. Did you see anybody using a field telephone, attaching wires to part of the body, giving them a shock?

A. Not at this particular time.

Q. When did you see that?

A. Well, this was afterwards, Lieutenant LEWIS did this. There was this trail that was supposed to be mined. Lieutenant LEWIS, actually we had--they had a woman that they wanted to walk down a trail, you know, instead of us. It was better them than us. She wouldn't go so they attached telephone wires to her and gave her shocks of electricity, sir.

Q. But you didn't see any during this period?

A. No, sir. This was in a different area, sir.

Q. Did you see anybody cutting the backs of the hands of these prisoners and pouring salt in the wounds?

A. No, sir.

Q. Did you see anybody mistreating them in any way?

A. No, sir.

Q. Hear about it?

A. No, sir. The only thing that happened was the next morning these prisoners were, like I say they were more or less trying to find out about the--after the mortar attack that's all they were trying to find out, trying to get information after we had that mortar attack. And like I said, they separated them you know more or less to make the other ones think they were interrogating them and shooting them afterwards because they wouldn't talk.

LTC NOLL: What about the first day, just after you had crossed the bridge? You were sitting around and discussing this, the number of people killed, how they were killed, what was the sentiment in the platoon toward this act?

A. You never really, at that particular time, when everything happened you never find out until later on, way late in the afternoon or later the next day exactly who was killed when we were separated like that. Even in the same platoon you never really found out, sometime, who was killed, when you were spread out like that, until quite a while.

Q. I'm referring to TAYLOR shooting a baby and MILUS cutting a woman in two and incidents like this. What was the sentiment of the platoon towards this act? Was it the feeling that that was the way the operation was supposed to be conducted?

A. Well, some guys didn't like it. Me, the way I feel about it I mean, I didn't have no opinion about these things. I didn't form an opinion of it at all. But I heard of a REID that said that he didn't like it. You know, he wasn't--that he didn't agree with it.

Q. Do you recall anybody besides REID who expressed this feeling?

A. No, sir. I recall him because he was right there when I was, you know.

Q. You mean at the time this action took place or when you were talking about it?

A. When we were talking about it, sir.

Q. Oh I see. He was in the first squad wasn't he?

A. He was in the second squad, sir.

Q. Second squad.

MR WALSH: REID would not have been up there where the firing was, going into the village?

A. No, sir, because we were, we was back there. He was more or less back there. I remember that because he was reconning with an M-79.

Q. Towards the north?

A. Yes, sir.

COL WILSON: After we finish here I'd like you to go with Colonel NOLL. He's going to show you a better photograph than the one that we've got here. Then maybe you can put some of this information on there where we can see how it developed. Okay?

A. Yes, sir.

Q. Now, let me ask you a couple of questions? Do you have any knowledge of an investigation or inquiry which resulted after this operation, aside from this one?

A. No, sir.

Q. Did you ever--

A. (Interposing) I take it back. I heard later on that day that another company was having an investigation, that is I heard that.

Q. You heard it that day?

A. Yes, sir.

Q. Which company was having an investigation?

A. They didn't say, sir.

Q. And that was the first day or the second day that you're talking about?

A. The first day.

Q. Who did you hear that from?

A. Well, you see, you don't really hear it from one individual. It is just something that you just hear by being around, you know all the information comes to you. What happened, you would be standing in a group or eating or something and just--

Q. (Interposing) People just talk?

A. Yes, sir.

Q. What about an order to stop burning? You burned all the way back that second day, up to the laager area and down. I don't know whether you burned coming back up or not, but did you ever get an order to stop burning? I notice there wasn't any burning going up beyond the bridge and up into that village the final day?

A. As I remember--it's possible we got an order to stop burning.

Q. Did you hear anything about it?

A. Well, me, it just gets to be you are kind of excited about what you're doing for a little while and then it just

dies down, you know. Its already hot and being around those hootches on fire just makes it worse so it could have been they just stopped on their own or just that they received an order to stop.

Q. You don't remember one?

A. No, I don't.

Q. Were you--anyone you know ever questioned on this operation? Anybody ever ask any questions about the operation?

A. No.

Q. Did you have a camera?

A. No, sir.

Q. You did say that you heard a company was having an investigation, you know what the investigation was for?

A. No, sir.

Q. Did you ever hear any rumors that civilians had been killed unnecessarily by C Company or B Company?

A. Yes, sir.

Q. Where did you hear that?

A. That was more or less--everybody know a little bit and everybody just sort of put a mixture in there and you get a general idea of what happened.

Q. Did you hear this at the same time?

A. I couldn't say, sir.

Q. But you're still talking about C Company, you're not talking about B Company?

A. Well, sir, I couldn't say that it was actually C Company. All I heard was that it was a company, a company that was a--

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Q. (Interposing) A company was having an investigation and you didn't know whether it was C Company or not. Now my other question was did you ever hear any rumors that C Company or B Company, C/1/20 or B/4/3 had unnecessarily killed civilians during this operation?

A. No. See like I didn't have an opinion of what happened. In my opinion if I had been in their place I don't--I wouldn't have done it, I know, from some of the things I've heard that they had done. As far as giving a reason why they did it, I don't know.

Q. Well, you didn't hear any rumors about--well you must have, you must have heard some rumors about civilians being killed?

A. Well, sir, it wasn't any civilians, sir.

Q. Well what was it?

A. In my idea--my point of view was this area was just enemy and their families, sir. This was one of our areas that we were supposed to clear.

Q. But this isn't--

A. (Interposing) Civilians, I wouldn't call them civilians, sir. I mean especially, you know, since they are all messed up with the communists, sir.

Q. How about these about this big (indicating a small child)?

(Witness gives no response.)

Well that's part of a family?

A. Yes, sir. But in this same area, sir, I've had these little boys--from little boys, women--I've seen women on machineguns firing at us. I've seen little boys steal hand grenades. One of them tried to set a hand grenade off on my side. I've seen them steal hand grenades and stuff like that.

- Q. I know, I know that it's difficult to separate--
- A. (Interposing) Even down to babies.
- Q. But I'm talking about the babies and I'm talking about this statement in here that a baby was shot in the head.
- A. This is what I heard, sir.
- Q. Were you ever told not to discuss the possible unnecessary killing of civilians in this area?
- A. No, sir.
- Q. Do you know if marijuana was a problem in B Company?
- A. No, sir. We--I don't remember hearing about anyone using marijuana at any time on a field problem.
- Q. On an operation.
- A. No, sir, I never heard that.
- Q. All right. Now do you--except for what you've told us about the more or less, tricks that were played on those PW's up there and wire connection which was a different operation, you have any knowledge of either U.S. or ARVN torturing VC suspects or prisoners during this operation?
- A. Well, I seen ARVN torturing prisoners, sir.
- Q. During this operation?
- A. No, not during this operation, no, sir.
- Q. Yes, well you've told us about that before. We have statement that there was some--a number of them that were beat up around that area the night after MILUS was killed, beat them up pretty bad the next morning. You know anything about that?

A. No, sir. I can say, unless a--our platoon was the one that was in charge of them the next day and they wasn't--didn't nobody harm them.

Q. You were in charge of eight of them, right?

A. Well our platoon--what I'm saying, we had the ARVN, had a Captain--I think Captain MICHLES was along at that time with the 1st Platoon.

Q. But these prisoners or the two that I'm talking about or the two that we heard about, I don't think--they may not have been with your platoon. Do you know that you had custody of all of the prisoners that morning?

A. What, the 1st Platoon?

Q. Yes.

A. Well, yes, sir, if those were prisoners, you know.

Q. Yes.

A. They were prisoners.

Q. Yes.

A. They were up with the point team, and the ARVN, and Captain MICHLES and they a--

Q. (Interposing) The ARVN was close to Captain MICHLES. Now I'm talking about in this stationary position, you know, that's the last day, the 19th, when you all went back to the fire base?

A. No, sir. They wasn't there that day.

Q. Did you ever see this boy right here, P-215?

A. I might have, but I couldn't say for sure.

Q. We've got statements from women in this village, across from that brigade, that they were raped the first day, the day the 1st Platoon went over there, you know anything about that?

A. No, sir.

Q. Did you hear anything about that?

A. No, sir. I'm quite sure that nobody raped anybody.

Q. Why do you say that?

A. Because we've been on--I don't think anybody's mind was on anything like that because we've been in villages where we could, you know, kind of relax and not worry about, you know, the enemy firing or anything like that and it never happened. So I don't see why that in this particular village they did.

Q. Now the only thing to remember here is that the 1st Platoon did stay up there all day and the action was over that morning. The whole day that you were there before you moved out up north to the laager position. I don't know what kind of a--the fire fight had stopped that morning.

A. Well, like I say, sir, I didn't see, the only individual that I saw was that woman that they had with the point team. And like I say, we were firing and I don't think there was too many people there. Because they had the woman after everything was over with.

Q. And this woman was turned over to the ARVN, you think?

A. She was. She was turned over to the ARVN and set free.

Q. We get the story that the ARVN had a woman that day going south when you moved down that hot day, when you moved down there through that area. She was cooking for them. Was that the same woman?

A. Well, it's possible she might be cooking for them, sir. That's the same--that's the only person that person that I saw--woman in that direction that I saw, sir.

Q. Well I'd like to--let me request that you not discuss your testimony in this investigation with others including other witnesses that may come before this board.

A. Yes, sir.

Q. All right, except as you may be required to do so before a legislative or judicial body. Now, I'd like for you to do a little work on a larger size photograph and you get a much better picture of that area from this photograph.

A. Yes sir.

COL WILSON: The hearing will recess at this time.

(The hearing recessed at 1422 hours, 6 February 1970.)

(The hearing reconvened at 1434 hours, 6 February 1970.)

LTC NOLL: The hearing will come to order. I have an enlarged photo of the My Khe (4) area which is indicated to be submitted into evidence as Exhibit P-220. Indicated on this photo are trails through the My Khe (4) village shown by a solid line. The north-south limits of the village, My Khe (4) is indicated by dash and X. The location of the second squad, 1st Platoon, B/4/3 is indicated on this map. This position was occupied by the squad the majority of the 16th. The position of the first squad, 1st Platoon B Company is also indicated on the map. This is the position that is believed the squad occupied the majority of the day and a trail followed by the 1st Platoon on 17 March is indicated on the map. On that date the platoon moved out from the north, joined up with the rest of the company at the bridge. The 1st Platoon moved through My Khe (4) area which had been destroyed the previous day. There are squares shown on the photo map which indicate the possible locations of houses. This was prepared from memory in Washington, D.C. on the 6th of February 1970 and signed by Mr. WARNER.

(The witness signed and dated the photo map.)

I have a photo map which I request to be made Exhibit P-221 which shows the complete area of operations in the Son My area. On this map we've indicated by number 1, the route of the 3d Platoon during it's search on 18 March and we've shown the route of the 1st Platoon, B/4/3 during

it's search on 18 March. We've also indicated the night defensive position of B/4/3 and the relative position of the platoons in its night defensive position. This is prepared from memory by Mr. WARNER on 6 February 1970. Will you sign this one please?

(The witness does as requested.)

LTC NOLL: The hearing will be recessed.

(The hearing recessed at 1445 hours, 6 February 1970.)

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SUMMARY OF TESTIMONY

WITNESS: WILLINGHAM, Thomas A. CPT

DATE OF TESTIMONY: 20 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: Murder, Violation of Article 118, UCMJ, and Violation of the Laws of War.

COUNSEL: Robert A. MCKINLEY, 744 Broad Street, Newark, New Jersey, civilian attorney retained at personal expense. Jerald ALLEN, CPT, JAGC, appointed military counsel, stationed at the Office of the Staff Judge Advocate, First US Army, Fort George G. Meade, Maryland.

DUTY ASSIGNMENT ON 16-19 MARCH 1968: Platoon Leader, First Platoon, B/4/3.

Subsequent to the completion of the operation, 16 to 18 March 1968, the witness was never interrogated by any superior officer, other than Colonel WILSON, on 8 May 1969 (pg. 5).

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(The hearing reconvened at 1000 hours, 20 February 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR WEST, MR MACCRATE, MR WALSH, COL MILLER, COL WILSON, LTC NOLL, and MAJ LYNN.

Sir, the next witness is Captain Thomas K. WILLINGHAM.

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

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

A. Captain Thomas Kenneth WILLINGHAM, captain, Headquarters and Headquarters Troop, 6th Armored Cavalry, Fort George Meade, Maryland, 20755.

IO: Thank you, Captain WILLINGHAM. Are you represented by counsel?

A. Yes, sir.

Q. Will counsel state your full name, grade, Social Security number, organization, and station?

A. Jerold ALLEN, Captain, , Office of the Staff Judge Advocate, First US Army, Fort George Meade, Maryland

Q. Mr. MCKINLEY, would you please state your full name, occupation and residence?

A. Robert A. MCKINLEY, attorney-at-law, 744 Broad Street, Newark, New Jersey.

Q. For the record, how do you spell your first name Captain ALLEN?

A. J-E-R-O-L-D.

IO: Captain WILLINGHAM, have you read the instructions (Exhibit M-57)?

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A. Yes, sir.

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

A. No, sir.

Q. On my left, Captain WILLINGHAM, is Mr. Robert MACCRATE, Mr. MACCRATE is a civilian attorney who volunteered his services to Secretary RESOR to assist us in this investigation and also to provide legal counsel to me and other members of the investigation team. Mr. WALSH, the second individual on my right, is also a civilian attorney who, like Mr. MACCRATE, has volunteered his services to perform the same functions. On my immediate right is Mr. Bland WEST, who is an assistant general counsel of the Department of the Army, who also serves as a deputy of this investigation team. On my far left is Colonel WILSON, and on my far right is Lieutenant Colonel NOLL and also Colonel MILLER from the Office of the Judge Advocate General. These officers have been assigned to this investigation team as assistants by the Chief of Staff. You should know that we have other investigation teams such as this who are taking testimony from other witnesses. It will be my task, however, to bring together a report, to weigh the evidence and to determine the findings and recommendations. Now in your instructions you notice that you are directed not to discuss your testimony here with others, except in the performance of official duty or if you are required to do so before competent administrative, judicial, or legislative bodies. Specifically, with reference to the legislative bodies, it is possible that you may be called before one of the congressional committees. The most probable one would be the investigative subcommittee of the House Armed Services Committee. In that event your testimony here, or your appearance here, would in no way preclude you from testifying before such a body. At this time I would ask Colonel MILLER to advise you of your legal rights and also inform you of those things which we mentioned. Thank you.

COL MILLER: Captain WILLINGHAM, I would like to inform you at this time that you are now suspected of the offense of murder of 20 unnamed Vietnamese civilians in the area of Son My Village, Quang Ngai Province, Republic of South Vietnam, on or about 16 March 1968. We are also aware that you are now under formal court-martial charges, alleging violation of the Uniform Code of Military Justice, Article 118 and the laws of war. Inasmuch as you are so charged and so

suspected, I want to be sure that you are aware of your testimonial rights and your rights with respect to counsel. If you have any questions concerning this, please feel free to ask me personally for counsel. First of all, you have a right to remain silent, to answer no questions. Any statement you do make may be used as evidence against you in a criminal trial. You have the right to consult with counsel and to have counsel, and by counsel I mean a qualified lawyer. You may obtain civilian counsel at your own expense or you may have a military lawyer appointed at no expense to you. I know that you have with you Mr. MCKINLEY and Captain ALLEN.

Q. Captain ALLEN, are you a lawyer admitted to practice?

A. Yes, I am, sir.

Q. You have been appointed as military defense counsel?

A. That's correct, sir.

Q. Captain WILLINGHAM, are you satisfied with your military counsel?

A. Yes, sir.

Q. Do you have another military counsel of choice whom you wish to request?

A. No, sir.

Q. If you do and he is reasonably available we would try to make him available. I take it Mr. MCKINLEY is also here at your choice?

A. Yes, sir.

Q. I have discussed with you very briefly the right to counsel, insuring that you are satisfied with counsel and your right with respect to testifying. Do you have any questions concerning these matters?

A. No, I do not, sir.

Q. Captain ALLEN?

IC: No, sir.

Q. Do you feel that you understand them at this time or would you like a further explanation?

IC: No further explanation is necessary as far as counsel is concerned.

Q. Captain, are you willing at this time to make a statement or to answer questions?

MR MCKINLEY: May I speak at this point, General PEERS?

IO: As long as you're speaking as the counsel. I don't want you to speak for him.

MR MCKINLEY: I'm speaking as counsel. Then, of course, the captain will speak for himself. For the record I would like to state that at approximately 1:00 p.m., 12 February 1970, an accusation was served on Captain WILLINGHAM charging him as Colonel MILLER has spelled out, with the violation of Article 118 and the violation of the articles of the rules of war. Today is 20 February 1970, actually 8 days thereafter. We have had no opportunity to examine the transcript of any testimony of witnesses who have appeared here, or who have appeared before Colonel WILSON at a prior investigation when he was investigating this matter I believe as a member of the Inspector General's Office. At 0910, approximately, this morning, Colonel MILLER was kind enough to lend us a transcript of Captain WILLINGHAM's testimony of 8 May 1969 before Colonel WILSON. I only mention this sir, because I don't want this inquiry or board to have any thoughts that would indicate any lack of cooperation. We have not. It is a question of timing. I would like to state that I have advised Captain WILLINGHAM as his attorney, as has Captain ALLEN, that we would suggest that he not testify or answer questions. I have a brief statement that I have asked him to make after the questions are concluded and he has exercised his constitutional rights.

IO: Do you have anything you'd like to state?

IC: No, sir.

IO: In you instructions, Captain WILLINGHAM, there were four areas of interest of this particular investigation that we would like to address to you. Those are: the training which was given to the unit just prior to and after arrival in the Republic of South Vietnam; to discuss the briefing that we think

was given prior to the combat assault into the area of Son My Village; the actual conduct of the operations on 16, 17, and 18 March 1968; and finally a question to cover the later period, such things as reports, investigations or inquiries into the operations of Task Force Barker on those dates. We have indicated these four areas and I will ask you at this time if you would like to discuss all of these or whether you would like to discuss any of them.

MR MCKINLEY: The statement pertains to the last area, concerning subsequent reports. At this point, with the General's permission, I'd ask the captain to read what we have set forth as to that.

CPT WILLINGHAM: Sir, subsequent to (inaudible).

IO: Would you speak up, Captain WILLINGHAM, so we can make this a matter of record and the reporter may hear you?

CPT WILLINGHAM: Sir, subsequent to the completion of the operation 16 to 18 March 1968, I was never interrogated by any superior officer in Task Force Barker or any other member of an echelon of command, other than Colonel WILSON on 8 May 1969.

IO: Do you have any other information or subjects upon which you would like to testify?

CPT WILLINGHAM: No. No thank you, sir.

IO: Does anyone have any questions? The hearing will recess at this time.

(The hearing recessed at 1010 hours, 20 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: CABALLERO, Robert

DATE OF TESTIMONY: 27 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Forward Observer, Second Platoon, B/4/3.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

The witness recalled no training on the handling of PW's or noncombatants (pg. 5). He had never before seen the MACV cards "Nine Rules" or "The Enemy in Your Hands" (pg. 6).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness received no oral briefing on the operation, but he did know he was going into the Pinkville area (pgs. 8, 9).

3. ASSAULT ON MY LAI.

a. Arrival in the operational area.

CABALLERO did not join the operation until 0930 or 1000 on the morning of the 16th (pg. 3). He flew in with the supply helicopter after Lieutenant COCHRAN had been killed and after those who were wounded by the detonation of the second mine had been medevac'd (pgs. 3, 12, 13). He saw no incoming fire when he landed, but one or two hootches were burning (pgs. 12, 27). When he arrived the second platoon was near the command element in a little village (pgs. 16, 27). This was a short distance from the laager site (pg. 27).

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b. Actions during the 16th.

While the witness saw no helicopter come to the command post that morning, he recalled that Lieutenant Colonel BARKER flew in to see how they were doing (pg.26). He recollected no call for mortar fire that day, but remembered that either the first or the third platoon did register some points (pg. 32). Only parts of the village were burned (pg. 28).

c. The body count.

Between 1200 and 1400 on the 16th, CABALLERO heard a report over the second platoon radio that C/1/20 had a 100 or 125 body count (pgs. 17, 29). Nothing was said about women and children being included in the body count (pg. 29). When they searched the area across the bridge on the 17th there was no indication that bodies had been there (pg. 36).

d. Actions at the laager site.

CABALLERO did not recall if C Company had any National Police with them at the laager site on the 16th, and he did not know about detainees being shot there (pgs.22, 28). He knew nothing about Captain KOTOUC interrogating detainees (pg. 28). The first platoon crossed the bridge on the night of the 16th in order to secure the area, and they received some sniper fire (pg. 30). The men of his platoon did not discuss how many people they had killed during the day, and he did not ask them about it because they were "down in the dumps" over those who had been injured by the mine explosion (pg. 47).

e. Movements on the 17th.

While CABALLERO heard the explosion that wounded TAYLOR on the morning of the 17th, he did not see it because he was 400 to 500 meters away (pg. 31). There may have been some incoming small arms fire following this (pg. 47). Although he saw TAYLOR's dustoff helicopter, he did not recall seeing any gunships (pgs. 33, 48). He remembered no requests for mortar fire (pg.32). His platoon coordinated with the first platoon, moved across the bridge at approximately 0930, and searched the area on the other

side of the bridge until noon (pgs. 34, 35). The company then moved south doing some burning along the way (pg. 37). This burning took place in the first and third platoon areas (pg. 42). They did not receive sniper fire and no one from the second platoon fired his weapon (pgs. 38, 45). Some grenades were used to blow up hootches (pg. 38). Some mines and boobytraps were destroyed (pg. 48). One or two male Vietnamese were used as point men (pg. 40). The second platoon moved on the beach, but did not use Vietnamese as point men (pg. 41). He did not see any bodies that day, and he did not remember engaging two VC or a report that one VC had been killed (pgs. 44, 46). They spent one and a half to two hours searching 15 to 20 hootches as they moved (pgs. 45, 46). CABALLERO saw no incidents in the area of Co Lay (3) (pg. 46). He did not remember seeing a helicopter come in on the evening of the 17th, and he could not bring to mind any discussion among the men at the laager site about the number of people the company had killed (pgs. 45, 46).

f. Actions on the 18th.

On the morning of the 18th the second platoon hooked up with the third platoon at the ambush site near the bridge and the company moved out (pg. 48). CABALLERO did not remember an incident concerning sampans (pg. 52). They searched a village near a pond from which they evacuated inhabitants to a central collection point on the beach (pgs. 52, 53). MEDCAP teams came in and treated the villagers for skin disease (pgs. 43, 44, 54). They stopped searching in the afternoon and set up a defensive position (pg. 54). In the late afternoon a Vietnamese woman, who had lost her leg due to artillery, was brought to their position and medevac'd (pgs. 55, 56). He heard of no unusual procedures used to interrogate prisoners at the laager site (pgs. 56, 57). Those Vietnamese they had rounded up in the afternoon were released to go back to their village (pg. 62). At 0200 they received mortar fire followed by small arms fire from a position north of the first platoon area (pgs. 55, 57, 60). They fired back with M-79's, and then the mortar platoon put approximately 10 rounds into the suspected location of the enemy mortar (pgs. 59, 60). Later, "Puff" arrived and put a heavy volume of fire into the area (pg. 60). He did not remember any artillery fire (pg. 59). At 0330 the dustoff helicopter arrived (pg. 59). At 0400 they received more mortar fire from a

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region across the pond (pgs. 60, 61). They took no casualties from this second series of mortar fire (pg. 61). They were extracted to LZ Uptight on the morning of the 19th (pg. 62).

4. INQUIRIES AFTER THE ASSAULT.

CABALLERO heard of no investigation or inquiries that were made of the operation (pgs. 62, 63). He knew of no one who was questioned about it (pg. 63). He did not know anyone in C Company (pg. 63). He knew of no unnecessary killing of civilians by anyone in Task Force Barker (pg. 64). He was never told not to discuss the operation (pg. 64).

5. OTHER INFORMATION.

a. Torturing of Vietnamese suspects.

CABALLERO heard nothing about the torturing of Vietnamese suspects or the cutting off of fingers (pgs. 63, 64).

b. Use of marijuana.

While marijuana was used around the fire bases, he never saw it used on operations (pg. 65).



(The hearing reconvened at 0946 hours, 27 February 1970.)

COL WILSON: The hearing will come to order.

RCDR: The following named persons are present: COL WILSON, MR WALSH, LTC NOLL, and MAJ THOMAS.

The first witness is Mr. Robert CABALLERO.

(MR CABALLERO was called as a witness, was sworn and testified as follows;)

RCDR: Please state your full name, occupation and residence.

A. My name is Robert CABALLERO. My occupation is machine operator and I live at 1146 Delmas Avenue, San Jose, California.

COL WILSON: Mr. CABALLERO, before we proceed with any questions I would like to inform you of several things.

The Peers Inquiry was directed jointly by the Secretary of the Army and the Chief of Staff of the Army for the purpose of determining the facts and circumstances and making findings and recommendations on what is commonly referred to as the My Lai (4) incident of 16 March 1968.

As he proceeded in the investigation, General PEERS concluded that it was necessary to determine what the operations were on the 16th through the 19th of March in which B/4/3 participated. In other words, what were the ground and air operations during this period. He therefore appointed this interview team which is Interview Team C to develop the situation as it existed in the B Company operational area during that 3 or 4 day period.

At any time during this investigation it may be that other members of General PEER's Inquiry may come in and question you. If they do, I'll identify them to you so you will know who they are.

Your testimony will be taken under oath. A verbatim transcript will be made. We're taking a tape recording of the testimony in addition to the transcript that will be made by the court reporter.

Although the general classification of the report will be confidential, it is possible that the testimony may become a matter of public interest, a matter of public record.

During this interview the board will follow a chronological sequence of questions. The first questions will be concerned with training received immediately prior to or after entry into the Republic of Vietnam. The second series of questions will be concerned with the briefing of B Company or the platoons just prior to the operation on 16 March. The next series of questions will be concerned with the operations on 16, 17, 18, and 19 March, and the final questions will be concerned with any information you have on any questions, inquiries or investigations which took place in Vietnam.

There are three members of this board and one recorder. Major THOMAS is the recorder. I'm Colonel WILSON. Mr. WALSH on my right is a civilian attorney who has volunteered his services to the Secretary of the Army to assist General PEERS. Colonel NOLL, on my left, is a member of the board. The three of us are authorized by General PEERS to interview you. Do you have any questions on anything I've covered?

A. No, just get on with the questions.

Q. Have you discussed this operation of 16 March through 19 March with anybody that was assigned to the unit since you left Vietnam?

A. I would say so. Yes, just recently. Before we came out here I talked to the RTO of the command element. Waiting outside. His name is, if I can pronounce it right, Freddy WILKENS.

Q. Did you discuss this with him since you've been in town?

A. Just now, just kind of outside briefly. Nothing specific.

Q. Nothing specific about the operation? How long was this discussion?

A. About 5 minutes off and on.

Q. What was your assignment on the 16th March 1968?

A. I was an FO for the 2d Platoon. We had nothing to do with the command element. As far as being there on the operation at the exact time it took place, we were flown in by helicopter. I wasn't there at that brief time, though. I was in maybe a half hour or hour after the initial operation took place. I was flown in by supply helicopter afterwards. The reason given on that is because I was back in rear security and to get up to our outpost I had to be flown by supply helicopter. All our supply helicopters were filled, so I didn't get back on that operation at the exact time.

Q. I see. What time do you estimate that you went in there?

A. I'm not definite. It's been so long, I'm not sure. I think the operation took place between 7 and 8 in the morning and I think I was flown in there about 9:30 or 10:00.

Q. In other words you say about an hour and a half, 2 hours after the initial operation started?

A. Right, and then from then on I was there.

Q. Where did you board this supply helicopter?

A. Back in Chu Lai. I was rear security there.

Q. Were any other people aboard the helicopter with you?

A. It has been so long I can't determine how many.

Q. How long had you been in Chu Lai?

A. I was there I think approximately 2 or 3 days. I'm not sure.

Q. What was the purpose?

A. I had to come back and talk about personal matters to the so-called military lawyers.

Q. You were back in Chu Lai on personal matters?

A. Right. I was given authorization to.

Q. Yes, I understand. As I understand this, you did go into the--you did join B/4/3 the morning of the 16th of March right after the operation started. When you left Chu Lai with that helicopter what was aboard that supply helicopter?

A. Strictly supplies. Some personnel supplies, like flak jackets. I would say there was some ammunition aboard and offhand that would be about it.

Q. What kind of ammo?

A. M-16 rounds and there may have been mortar rounds on there, too.

Q. 81's?

A. 81's, right.

Q. Did you have any explosives aboard?

A. Did I have any demolitions?

Q. I say, were there any demolitions aboard?

A. I'm not sure. I can't really say there were mortar rounds aboard. I'm not for sure. It's been so long. There were strictly, a lot of supplies.

Q. This was not a medical helicopter was it?

A. No.

Q. Was it a slick?

A. No, it was a supply helicopter.

- Q. Strictly supply. Do you know who it belonged to?
- A. It belonged to our company.
- Q. It always worked with your company?
- A. Right.
- Q. Had you ever seen the crew before?
- A. No, off and on you never really never see the crew. You just fly in and out on so many helicopters that you don't remember any personnel, like faces. I mean I didn't recognize them.
- Q. When did you join the 11th Brigade?
- A. I joined it shortly before they went overseas. I wasn't with them. I didn't take any training with them the 11 or 6 months or whatever it might have been. I was with the Fort Carson headquarters company over there, an armor company. Then I was transferred over here.
- Q. When you got to Vietnam did you receive any special training or any training prior to beginning operations?
- A. Some training. We went on a few operations that showed us things like the terrain. Just a generalization of what to do on operations.
- Q. Did you have any classroom-type instructions?
- A. Somewhat, yeah. I'm not all that familiar with them. I know we had some training from some of the commanding officers there from the 4th Division who we were taking over support from or something like that. We did have some classroom instruction. We did go through a few courses like jungle areas we walked through, booby traps.
- Q. Handling prisoners of war? Did you ever have anything on that? VC suspects? Noncombatants?

(Witness shakes head in the negative.)

There are a couple of exhibits I would like to show you. Two MACV cards published by the Military Assistance Command, Vietnam. Exhibit M-2 is entitled "Nine Rules." It is a facsimile, front and back page. Have you seen this card before?

A. No, sir.

Q. How about the back page?

A. No, sir.

Q. Exhibit M-3 is entitled the "Enemy in Your Hands." Have you seen this card before?

A. No, sir.

Q. You received no briefing at all before you went on this operation?

A. As far as an individual, I don't think I did. Usually when we would go on an operation our company commander would get us together and brief the whole company. Specifically tell us, but this so-called operation, I was briefed slightly or told, rumored--I wasn't exactly told by our CO that there would be somewhere in the neighborhood of a battalion or two battalions of Viet Cong or NVA, and this would be one of our, possibly biggest operations we ever operated in that area.

Q. Where did you hear this?

A. That day it was rumored around in our platoon.

Q. This was before you went in or after you got there?

A. No. Before.

Q. You knew this operation was going to be conducted before you went to Chu Lai?

A. No. I guess it was a day or 2 before this joint incident. I'm not for sure. I can't--it was 2 or 3 days before.

Q. Dates are very important. I know it was 2 years ago, but we try to fix as close as possible whatever we can. As I remember, you said you went to Chu Lai for about 3 days on personal business?

A. Right, 2 or 3 days.

Q. And at the time that you were down there this operation was initiated. The last day you were there you left that morning and joined your unit. Now, before you left the fire base where your unit was, do you recall which one that was?

A. I think--I know it was the one nearest the coast.

Q. Uptight?

A. Uptight, right, sir.

Q. Before you left Uptight, did anybody say anything about an operation coming up?

A. I don't think so. I did hear rumors of it. I'm not sure if it's 2 or 3 days before. In fact it even could have been back in rear security where I was around a radio. Somebody could have radioed in. I'm not for certain, but I did hear rumors about it.

Q. When were you first advised that you would be taken by chopper from Chu Lai to the operational area? How did you get this word?

A. I knew that operation was on that morning, put it that way.

Q. You did? How did you know that?

A. We were briefed somewhat, they said--not exactly that morning--They said it may take place that morning or in that area within maybe a day or 2, but they weren't sure. If I needed anything specific about it I would have to be back at Uptight to find out, and I wasn't there.

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Q. Were you back in the trains area, is that where you were?

A. Right, the trains area in Chu Lai.

Q. And they knew of the operation? You were pretty close to them. They knew the operation was coming up. Did you see a Sergeant BOGEAR? Did you know a Sergeant BOGEAR?

A. Yes. He monitored the radio every day. If they called in for any supplies, and so on, it would be monitored into him.

Q. Did Sergeant BOGEAR arrange for you to get aboard the supply chopper and go in or what?

A. Well, he kind of just gave me the initial word.

Q. There must have been pretty close security on this operation if they were talking back and forth by radio to Chu Lai.

I was wondering of Sergeant BOGEAR is the one that gave you the information that the operation was going to come off?

A. I couldn't name anybody specifically. I may have just heard it over the radio, but I'm not for sure. It's been so long.

Q. Since you didn't receive a briefing I think we better--we'll skip those questions, if you received no briefing from anyone about what was going on. You said you just went into the area? When you left Chu Lai did you know you were going into the Pinkville area?

A. Right.

Q. You did know that.

A. We knew that, right.

Q. We knew that?

A. Right, again I would say so. I didn't know--I was with the 2d Platoon initially--what our function was going to be there. The 2d Platoon alone, the platoons would get the briefings and the company would get a briefing. I did know that we would be in the Pinkville area again for a matter of 1 or 2 days. We always operated in that area off and on.

Q. You haven't had a chance to fill in your platoon?

A. Somewhat, it's been so long I don't remember all--

Q. (Interposing) You don't remember?

A. I don't remember all the personnel.

Q. You'd remember your platoon leader, don't you?

A. Yes. He's dead now.

Q. Do you remember your platoon leader?

A. COCHRAN.

Q. This is the kind of information we're trying to get. Who was in what place on the date of the operation.

A. Well, on that form when I was upstairs filling it out, I wanted to get all the personnel in there so I kept looking it up on the roster.

Q. That's all right. You just didn't finish it did you?

A. Right.

Q. I want to ask you a question about this front page. Supply sergeant: you've got Sergeant MARSHALL and Sergeant BOGEAR.

A. Sergeant MARSHALL took place once 6 months after he was out in combat and then came back in as supply sergeant.

Q. BOGEAR was the supply sergeant?

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A. He was the top supply sergeant. They had another man there. He was also a sergeant. I don't know his name, but I remember Sergeant MARSHALL going back in.

Q. Do you remember where you landed in the area?

A. From Uptight, sir?

Q. Well no, when you went in from Chu Lai. Do you remember where you landed in there?

A. I'm pretty definite in that area.

Q. Okay. We'll get out a photograph after a while, after a couple of more questions. What we'll do, we'll give you a rundown on what happened that day, as far as we know, as far as what the plan was. Mr. WALSH, who has recently returned will give you a closer orientation on the terrain and some of the incidents that occurred on the coastal area or within the 2d Platoon area also, from an aerial photograph. Then we'll ask you some more questions on what you recall.

Who had your radio when you arrived and joined the platoon?

A. My radio?

Q. You were the RTO, weren't you?

A. FO.

Q. I'm sorry. Did you have, as an FO, did you have communications?

A. I was authorized an RTO. I didn't pack a radio myself, no. From time to time, if something arose, I could have picked one of the RTO's. We had two RTO's.

Q. You didn't have a radio?

A. No.

Q. What was your correct designation? Was it FO?

A. Right, FO. The way our command element or our weapons platoon was designated was there was an FO from the weapons platoon designated to each platoon. So the 1st Platoon got an FO, mainly for the 81's. Then down the line, the 2d and 3d Platoons all received FO's.

Q. Now, explain to me what the procedure was for requesting 81 fire?

A. It depends on the--first you would give the designated area and give the coordinates.

Q. How do you give him this? What communications system are you using.

A. My call number?

Q. How are you talking to the mortar? Are you with the platoon leader? Is that where you stayed?

A. Yes, with the platoon leader and the RTO.

Q. You used that RTO's radio?

A. Once in a while. I wouldn't say I monitored it all the time.

Q. If you had a fire mission you would go on the 2d Platoon's company radio and talk to the--who did you talk to?

A. The sergeant of the weapons platoon.

Q. Who was that?

A. Sergeant VANN.

Q. You talked to him direct, in other words.

A. Right, I gave him the situation, too.

Q. You said initially that you were assigned to the 2d Platoon. You were assigned to the mortar platoon, isn't that correct, or the weapons platoon and attached--

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A. (Interposing) Attached to the 2d Platoon. Every operation I went out on was with the 2d Platoon. Our weapons platoon always seemed like it stayed with the command element. They built up the command element in case they caught any kind of fire.

Q. When you arrived, was there any firing going on that you could hear or see?

A. Not offhand. When I arrived I think the 1st Platoon was still on a small operation and the 2d Platoon had pulled back because of the casualties. Lieutenant COCHRAN was killed and we took about six or seven personnel that were injured from shrapnel. I think just everyone of them was medevac'd out. The RTO was gone. Lieutenant COCHRAN was killed. We had one other who had lost a foot and the others were just caught in shrapnel so our platoon was declining like that (snapping his fingers).

Q. You arrived after Lieutenant COCHRAN was killed?

A. Yes.

Q. There was a second explosion when the second mine was detonated after Lieutenant COCHRAN--

A. (Interposing) I heard on the radio what happened on that.

Q. Were you in the area when the second mine was detonated?

A. No.

Q. You were en route?

A. En route.

Q. You were aboard the helicopter?

A. I have to reframe that. I don't think I was en route, yet.

Q. You heard it back at Chu Lai?

A. Right, thinking back to it now. When I arrived they were already medevac'd out.

MR WALSH: Are we clear that you went directly from Chu Lai and didn't stop at Uptight before you were lifted into the operation?

A. No. The whole company was lifted out and I'm pretty sure another company was coming into Uptight. It was no good for me to go to Uptight.

Q. When you went up to Chu Lai to talk about your personal matters, did you take your weapon and all the equipment you needed in the field up there to Chu Lai with you?

A. Usually you would take most of your gear. You always take your weapon anyway. Can't get caught without that.

COL WILSON: You were back at Chu Lai when you heard this second group got wounded.

A. Yes.

Q. Now, the helicopter that you went in on, were you close to these casualties when you went in?

A. No, they were already medevac'd out.

Q. They were medevac'd out when you got there.

A. As far as seeing Lieutenant COCHRAN's body or the other personnel, I didn't.

Q. So both groups of casualties were medevac'd when you got there. They had already been cleared.

A. Yes.

Q. Did your helicopter take anything out, any equipment or personnel out?

A. There might have been one or two personnel with him, but I can't remember.

Q. Did you make a stop anywhere before going into B Company?

A. Strictly from Chu Lai to that operation, that's where we flew.

Q. You didn't go to any other little village or anything or pick up anybody else?

(Witness shakes head in negative.)

And how long did your chopper stay there?

A. Long enough to drop off supplies and that's it.

Q. Nobody got aboard it? Went out?

A. I'm not sure. I had my back turned. I know the supplies were dropped. Many times if it was a flight chopper they just moved them aside and rationed them out.

Q. Do you remember, is it possible that somebody could have been aboard your chopper from Chu Lai that had a camera and had a MACV insignia on? A photographer.

A. No, I'm not sure. I remember once upon a time, I think it was before that operation or somewhat after the operation, we did have a photographer fly out with us. I don't think it was during that operation.

Q. Was this the first chopper out there that morning from Chu Lai to B Company?

A. No, I don't think so. That wasn't the first chopper.

Q. How many choppers were they running up there?

A. It depends on the supply of the operation. If it is so big there are so many supplies.

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Q. Quite a number of sorties went out that day?

A. I think it would be. I think it was, like I said earlier, the biggest mission we ever had.

LTC NOLL: One question. Was this a standard resupply? In other words, had all the equipment been layed on the evening before?

A. No, it's an off and on thing. They just varied. Sometimes we'll be short of supplies or something like that. It's not done the day before. Sometimes they'd try to do that the day before. I know, sometimes our supplies got fairly mixed up, put it that way.

Q. In other words you got steady traffic back and forth and they're ordering--

A. (Interposing) Mainly during--something like when they get their hot meals out, maybe sometimes in the morning and mainly in evenings and the afternoons. That's about it when we would get the supplies out. As far as the initial combat chopper, then.

Q. You don't know, perchance, how many members of B Company were in the rear area this day, do you?

A. What do you mean by the rear area, sir?

Q. Not participating in the operation: supply people, cooks, mechanics?

A. I can only give you about ten to fifteen personnel.

COL WILSON: This is a 1:25,000 map sheet. This was a task force operation? This just wasn't the company?

A. Right. It was the task force.

(COL WILSON orients the witness on Exhibit MAP-4.)

Q. I want you to tell us to the best of your recollection what occurred on the 16th of March.

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A. As I told you, I was flown in afterwards. Back at Chu Lai I heard that Lieutenant COCHRAN was killed. Shortly after I heard that one of our personnel stepped on a booby trap and lost his foot. They had taken about nine injuries or casualties about that time. I flew in shortly afterwards. When I arrived there, the 2d Platoon was near the command element. They weren't really in any operations. From looking at the fellows, I think they were kind of down in the dumps.

Q. They were down in the dumps?

A. Right.

Q. Why?

A. Well, because everything just happened so fast to them. I worked with the 2d Platoon from time to time. It seemed like every 2 or 3 weeks we would always get replacements, never really up to full strength.

Q. Where was the 2d Platoon when you joined them? Do you recall?

A. After I was down from the helicopter, I would say 500 meters north of where I was left off from the helicopter.

Q. Do you remember crossing a road or big trail? Do you remember seeing a big gate over a road?

A. No, I don't.

Q. Was it near the Pinkville? Was it near the outer edge of the Pinkville?

A. I would say on the outer edge and further inland, away from the sea. Right.

Q. What was going on? Anything in particular except the fact that everybody seemed to be--how did you describe it?

A. I had described it that some of the personnel were kind of digging in, kind of supporting the command element so if anything would go wrong the command element would be secure.

Q. Any searching going on?

A. There was searching going on by the 1st Platoon. The 3d Platoon, I don't know exactly where they were located, I couldn't say they were searching.

Q. You couldn't see what the 1st Platoon was doing?

A. No.

Q. What happened the rest of the day? Did you all stay in that area? Did you move or what?

A. We just about stayed in the same area. I think the 3d or the 1st Platoon crossed that bridge and secured that area for us to cross over the following morning. They spent their time across the bridge and closer to the coast.

Q. Any discussions during that day about the operation or the briefing or any question as to what was going on?

A. The only thing I determined was someone from C/1/20 kind of radioed in, which I heard over the radio. How many kills they took, somewhere in the area of 100 or 125, something like that. They reported the kills.

Q. Whose count was this?

A. That was from C/1/20.

Q. You heard this on radio?

A. Yes.

Q. Whose radio did you hear that on?

A. It would be our radio, 2d Platoon.

Q. The 2d Platoon radio?

A. Well, the RTO--I couldn't give an individual's name.

Q. Was the 2d Platoon radio on battalion net?

A. That's what I was just relating back to you. I don't think it was on the battalion net, but again, the command element was there so I might have heard it on the command element's radio. They had three RTO's in the command element. They were on battalion net and company net.

Q. How about body count from any of the B Company elements? Did you hear anything about that?

A. B Company was--yes, I did. Twenty-five to forty, around there.

Q. Where did you hear that?

A. Again I heard it from the radio.

A. I don't know. I just heard it on the radio. I can't say where it came from.

Q. This is on the first day, right?

A. Right.

Q. Let me show you some photographs and see if you can identify either place or location. This is photo Exhibit P-18.

A. I know this individual here.

Q. The U.S. soldier in the photograph? Who is that?

A. He was with the weapons platoon. Again, he was kind of attached to the command element. I'd have to look at the roster.

Q. What about these Vietnamese around him? Did you ever see those people?

A. I think I saw them in the village.

Q. Do you know where they came from?

A. No.

Q. Do you know what he was doing there?

A. He was just guarding them.

Q. He was there to secure these people, is that correct, guard them?

A. Yes.

Q. Do you recognize this area? Does anything look familiar around there?

A. Again, it looks something like the Pinkville area. When you get further inland, I would say on this spot that the 1/20 was located behind this, around back here somewhere.

Q. Back in the depth of the photograph?

A. Right. I think it would north.

Q. Would you say at this point on this photograph or at this time, is there any way that you could say that C Company had already linked up with B Company?

A. No.

Q. What about P-20, do you recognize that location?

A. No, not from this photograph, I don't.

Q. Do you know these--

A. (Interposing) I know these personnel.

Q. Do you know these people in the center of the photograph, center rear, one with the hat off and one with the helmet on?

A. It's BRETENSTEIN there.

Q. Who? The one with the helmet on?

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A. The helmet off.

Q. The helmet off?

A. Yes, that's BRETENSTEIN. I'm pretty sure. He's looking downward, but it sure does look like BRETENSTEIN. He was a PFC at the time, I think.

Q. What about these people in P-21. Do you recognize those two men in uniform?

A. I'm not for sure. It may be one of our interpreters. I'm not for sure.

Q. The one on the left holding his helmet might be an interrogator?

A. Right.

Q. Do you remember his name?

A. No, I remember his face.

Q. How about the Vietnamese there?

A. I think he is another interpreter off and on. We never had one specific interpreter.

Q. How about P-22?

A. It looks like the same person there.

Q. In other words, the man in the center looks like an interrogator?

A. Kind of, either that or helping out. That's Captain MICHLES.

Q. This is P-23. You identified the man on the left as Captain MICHLES.

A. Right.

Q. How about the man in the center?

A. Again, that would be the interrogator or interpreter.

Q. How about the one on the right.

A. I can't make out his face.

Q. Do you recognize this location or any of these Vietnamese?

A. No, I don't.

Q. During the morning, did you see any helicopters come in to the company CP?

A. No.

Q. Either in the afternoon or the morning, did you see any helicopters come in?

A. I can't be sure.

Q. Did you see any people who were not in B Company that morning or that afternoon, not assigned to B Company that were there? U.S. types?

A. Again, there might have been those interpreters there. Usually when we collected up prisoners they flew them out as quick as possible to interrogate the people, find out what information there was in the area and if there are any enemy hidden in the area and things like that. Sometimes they were already with us on a mission. It all depends on the mission, if they were out with us. They could be flown out half an hour after the mission took place or they could be there with us, fly out with us. It varied, it didn't always stay on one status.

Q. You didn't see them come in?

A. No.

Q. You didn't see any helicopters come in that day?

A. Well, not for sure.

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Q. You don't recall?

A. No, because I'm not sure. We see so many helicopters come in and out on every operation, and you fly in so many helicopters you can't tell if 10 helicopters came in that day or one.

Q. All right. What about when you linked up with C Company, do you remember that?

A. Somewhat. That night we linked up with them.

Q. Do you recall if C Company had any ARVN personnel with it?

A. No.

Q. You don't recall it?

A. No, I don't recall.

Q. Do you recall whether they had any National Police with them?

A. I don't recall that either, sir.

Q. Do you recall seeing any in the area that day or that evening, either one, National Police or ARVN?

A. I think there might have been a National Police the following day.

Q. Where did you see them?

A. Again, after we crossed the bridge the following morning.

Q. You did see some over there?

A. Right. They were National Police.

Q. But you didn't see any on the 16th?

A. No. When I linked up with them they were kind of still beyond us and I was up--I might have seen one or two

faces of personnel alone, but as far as the whole company, a look at them, no. I know they were linked up with us.

Q. Okay, what did you do that afternoon, that evening?

A. The evening?

Q. Yeah. What did the 2d Platoon do?

A. Again, they just--because their personnel was so short they were just kind of hooked-up with the command element.

Q. Did you get a replacement for Lieutenant COCHRAN?

A. No, sir. I think our Sergeant, Sergeant E-5 LOVE, I think, took over at the time.

Q. You didn't get one during this operation?

A. Yes. I think the following day we got one and his name was Lieutenant--a small fellow. I remember seeing him.

Q. LEWIS?

A. LEWIS, yes.

Q. But he didn't come in on the 16th?

A. No. I don't think he was with us the 16th. He took command the following morning.

Q. Do you remember him coming in or did you see him come in?

A. Right, I talked to him.

Q. Do you remember specifically when he came in?

A. I remember we seen him on about the 17th, but as far as the 16th, no, I'm not sure. About that time too, I think Lieutenant CARTER might have been on R&R or going on R&R at the time and Lieutenant LEWIS was with the 3d Platoon. We

were short on lieutenants. That's why I think he came in the following day or took command the following day. He might have been in the area that day.

Q. He may have been in the area but not taking command?

A. The 2d Platoon, yeah.

Q. Now, that evening when you went into your night defensive position or laagered, whatever you want to call it, did you hear or see any firing inside the position?

A. No, sir.

Q. You didn't hear any?

A. No.

Q. Did you hear any firing going on at all, going out or coming in?

A. No, not that first night we were there.

Q. Did you see any interrogations taking place there?

A. No, I didn't, sir.

Q. Did you see any Vietnamese detainees in the perimeter?

A. Right, I saw a few detainees.

Q. Do you know how many there were?

A. No, no idea.

Q. Was this group that I showed you in this photograph, P-18, were they in the perimeter that evening?

A. I know they had some in the perimeter. I can't recognize the faces.

Q. The detainees that were in the perimeter, were they male or female or both?

A. I seen some male. I don't know if I saw any females.

Q. Did the detainees appear to be any particular age group or you already said they were male?

A. No.

Q. Were they old and young, middle?

A. I think they varied.

Q. Did you do any work with the platoon sergeant in the preparation of defensive fires for the night?

A. No, I didn't. As far as your explaining defensive fires--

Q. (Interposing) I mean any approach fires you might want to fire during the night; selection of targets for night fires?

A. No. No selection of fires, sir. Because we were so widely scattered again 3d or 1st Platoon was across that bridge.

Q. Where did you stay? Did you stay up against that river or which direction was your position that evening?

A. I think closer inland, it wasn't across from the bridge, further inland towards--again somewhere linked up around the command element.

Q. This would have been somewhere around the center of the perimeter?

A. Right.

Q. And you weren't on a position on the perimeter itself?

A. No.

Q. Did anything unusual happen that night that you can recall?

A. No.

Q. Did you get a hot ration that night?

A. I think we did. We usually do just about every evening.

Q. Do you remember eating a hot meal?

A. Right.

Q. What about resupply? Did your platoon get any resupply that you know of?

A. We usually got resupplied during sending in the hot meals.

Q. Do you remember what they brought in that night besides the rations?

A. No, they only rationed out to the platoon and that's about it.

Q. Did you see Colonel BARKER that day or any senior officers from brigade?

A. I might have glanced at Colonel BARKER. Not as far as me talking to him or seeing him in person, but I think he was in the area.

Q. Did you see--did you know Colonel HENDERSON, the brigade commander?

A. Physically, I remember his face.

Q. Did you see him anywhere in there that day?

A. I don't remember him. I don't think so. But Colonel BARKER, I remember seeing his face. He flew in to see how we were doing.

Q. You think so? How about Major CALHOUN, did you know him?

A. He was colored, wasn't he?

Q. No, he was the S3.

A. No, I didn't see Major CALHOUN. I probably don't even know him.

Q. Anything else happen that you can remember as far as people coming in, any strangers around?

A. No.

Q. Nothing eventful occurred then?

A. I would say nothing eventful towards the 2d Platoon because again, they were down so short on men.

MR WALSH: When you got off the chopper did you see any burned hootches or any hootches burning at the time you joined up with the company?

A. I think there might have been one or two.

Q. Do you remember when you joined up with the company? Were they in kind of a little village where they were taking it easy, more or less?

A. When I hooked up with them, again, it wasn't the whole company. Again, like I say, it was 2d Platoon command element they were setting up kind of rear security element in the center of everything.

Q. Were they in a little village?

A. A small village.

Q. Did they burn that village?

A. No.

Q. Did you move out from there to your laager area?

A. It was not too much further. It might even have been in the village or around the vicinity.

Q. Was that village burned, do you know, or can you remember?

A. There were parts of it that were burned, I would say all the way to the ground.

Q. But not the whole village?

A. No.

Q. Do you remember seeing or hearing that some Vietnamese National Police shot some detainees in the laager area that night?

A. No.

Q. You never heard about that?

A. No.

Q. Did you see an American captain with an interpreter interrogating any detainees in the laager area that night?

A. No, not that night.

Q. Did you know Captain KOTOUC?

A. No, again, when you're speaking of names, maybe I didn't know too many people.

Q. Do you remember hearing that an American captain who was a sharp dresser, wore a hunting knife, had cut the finger off a person he was interrogating in the laager area.

A. No, I didn't hear it.

Q. You didn't hear anything about it?

(Witness shakes head in the negative.)

LTC NOLL: I would like for you to recall, if you could, concerning the reports of body counts. Do you recall what the circumstances were, other than the report?

A. No.

Q. Was it in the afternoon or morning?

A. Close to noon, maybe between noon and 2 o'clock.

Q. Did it have anything to do with a question whether there were women and children included in the body count?

A. No. If anything, it was just radioed in as enemy killed.

COL WILSON: Have you ever heard--and I refer to The Trident of April of 1968, have you ever heard of the "Dirty Dozen"?

A. The "Dirty Dozen," I think was our 1st Platoon. Does this refer back to that Americal thing?

Q. Yes, this is The Trident paper that stated that it was in this battle that the, "courageous Dirty Dozen was born commanded by Lieutenant SPRAGGINS and 12 volunteers from B Company." Did this "Dirty Dozen" consist of people from the entire company or was it from one platoon?

A. Just the 1st Platoon. I remember reading about that going back, but that was on the day we were pinned down.

Q. Yes. It was a different operation?

A. Right. It was before that.

Q. What about the "Dirty Dozen," did they continue to exist?

A. I would say a day after that operation--we're talking about the My Lai incident again--about four or five of them were wounded and I think two were killed.

Q. Was this dozen from one squad or from all the squads in the 1st Platoon?

A. I think how they got their name the "Dirty Dozen," is they volunteered somewhat on that operation. We were pinned down. I know they wouldn't be from one squad, no, it was people from the platoon.

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Q. This "Dirty Dozen" was just for one incident, then? One operation?

A. That's how they got their name, somebody just thought it up.

Q. On the morning of the 17th of March could you describe what you recall that day or that morning?

A. I think the 3d Platoon was over on the night of the 16th and secured that area and got across the bridge.

Q. The 3d Platoon?

A. I think so, the 3d Platoon. Then we had orders to move out, so we moved out and the 1st Platoon was crossing and again the lead man for the 1st Platoon, right after he crossed the bridge, stepped on that booby trap. He was medevac'd out shortly afterwards. After that I think the area was searched. We did take some sniper fire in the area and the 3d Platoon took some that morning. Again, recalling back to the night of the 16th, I think they might have took some that night, too.

Q. You say you think you got some sniper fire the night of the 16th?

A. The 16th. Right.

Q. You're not talking about in your area? You mean across the bridge?

A. Across the bridge, right. I'm almost definite they did.

Q. Just so our thinking is straight, the 1st Platoon was over on the other side of the bridge.

A. That's what I'm trying to clarify. If it was either the 3d or the 1st.

Q. It was the 1st. So the 3d was with you all up there in the laager area. Do you remember the man that hit the booby trap on the bridge?

A. I do. Larry TAYLOR. Sergeant Larry TAYLOR.

Q. Do you remember which platoon he was from?

A. 1st Platoon?

Q. That's right.

A. Relating back, the 1st Platoon was crossing.

Q. The 1st Platoon was crossing. Now, this would bring up the next question. Do you remember the order of march in the company that morning as you moved toward the bridge? Could you see the bridge from where you were or was your platoon back in the column or what?

A. It was kind of back in the column. It wasn't visible from the area we laagered in.

Q. How far were you from the bridge when you heard the explosion which wounded TAYLOR or did you hear it?

A. I heard it.

Q. About how far away from the bridge were you, do you recall?

A. We were moving out in some kind of a file. I would say about 400 or 500 meters, maybe.

Q. 400 or 500 meters? Do you recall the column stopping after this or did it continue to move?

A. No, it didn't continue to move. We just kind of took a defensive line. We didn't know exactly what it was until it was radioed in as a man stepping on this booby trap.

Q. Now, did you hear this over the platoon radio?

A. Right.

Q. Then did you hear any firing after that?

A. No, sir.

Q. Didn't hear any small arms fire?

A. No small arms fire, sir.

Q. Did you hear any other transmissions about casualties over there or VC casualties or anything like that that was coming back over the company radio?

A. No, sir.

Q. Do you recall any requests for mortar fire?

A. No.

Q. That day? Do you recall any on the 16th?

A. No. No mortar fire on the 16th. There might have been some mortar fire. I'm not too specific, from the 1st Platoon. I think there was. 1st and 3d Platoon did call some in.

Q. They called in for some mortar fire?

A. Right. 81's.

Q. Do you know where the mortar fire was going and how successful it was?

A. No idea.

Q. You never did hear anything about it?

A. Never. Well, I know if anything, they did register some points. And that is about it.

Q. Where? Registered some points on the day of the 17th?

A. I can't give the locations.

Q. Do you ever recall if it was normal in planning an operation of this type the day before to plan a mortar preparation to be fired as a unit advanced?

A. Depending on the company commander and the situation, yes. There was times when it was plotted like that.

They fired registration points so they could fire from those registration points.

Q. Now, you believe that there was fire over there on the 16th, mortar fire?

A. Right.

Q. Do you remember any comment about duds?

A. No. I don't recall any comment on duds. There might have been a comment on duds from the 1st Platoon.

Q. Comment from the 1st Platoon?

A. Right.

Q. What were the comments?

A. I don't exactly know. I wouldn't know, but I think there was some.

Q. Was it unusual for the mortar platoon to fire dud rounds?

A. Around that time it seemed like the ammunition we were getting didn't all go off.

Q. How about gunships? Do you remember any gunships coming in?

A. Again, no.

Q. Do you remember a medevac helicopter coming in to pick up TAYLOR?

A. Right.

Q. Did you see that helicopter?

A. I would say I did.

Q. You didn't see any gunships?

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A. No. You know as TAYLOR was medevac'd out they were across the bridge close to the coast. I think if anything, the helicopter would have come in right off the coast line. They might have picked up TAYLOR. The area where he was hit was fairly thick stumps and trees. The helicopter just couldn't come in 25 meters away from TAYLOR. They had to carry him somewhere else.

Q. Did you see TAYLOR before he was evacuated?

A. No, I didn't.

Q. So you moved over the bridge after TAYLOR had gone?

A. After he was evacuated.

Q. What time do you think that was? Do you know?

A. I'm not for sure.

Q. What if I told you what time TAYLOR was evacuated, could you fix the time you crossed over from that point?

A. Maybe.

Q. What?

A. Maybe.

Q. He was supposed to have been dusted-off at 0830?

A. I would say we moved around about 0930 or 0900.

Q. About 0930?

A. 0930 or 9 o'clock.

Q. You held up there about an hour after he was wounded?

A. About a half an hour. The medevacs aren't the fastest in the world, but they're nice to have, let me tell you. I think the medevac did take about 15 or 20 minutes to get out there.

Q. That's probably right.

A. I remember back when I was wounded, the medevac chopper took somewhere around a half an hour.

Q. You remember that very clearly? So you moved over about 10 o'clock. What did you observe when you got over there, anything?

A. Again it's kind of vivid. The 1st Platoon was searching that area right across the bridge. Again, I'm not sure, I think the 3d was further down toward the coast. It might have been north, further in that area.

Q. The 3d Platoon moved over the bridge before you all did? Before the 2d Platoon?

A. I'm not quite sure. They may have been behind us, I'm not quite sure.

Q. You don't remember that?

A. I'm not for sure.

Q. Did the 2d Platoon, after it got on the other side of the bridge, do any searching?

A. I think we coordinated with the 1st Platoon in that area search.

Q. How long did you remain in that area before you moved out?

A. I'd say probably 'till about noon.

Q. Did you see any helicopters come in, besides that medevac?

A. I can't remember. I don't recall any.

Q. Resupply?

A. I can't recall. I don't think they did. I can't be definite on that, but I don't think they did.

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Q. What was the procedure for searching? Did you notice anything other than normal procedure, anything unusual about the searching?

A. No, it's normal procedure. In that area there wasn't any type of a village there. There was trees-cut-down kind of a thing. If anything, there were small tunnels that were searched. But as a village standing in that area, there wasn't any. When the 3d Platoon went further down there might have been villages in that area.

Q. Did you do any searching?

A. I didn't do any searching. I was with the RTO and the platoon leader.

Q. Did you normally do any searching or did you stay close to the CP?

A. The CP--well, mainly the RTO and the platoon leader.

Q. Did you see any bodies over there?

A. Did I see any bodies? No, sir.

Q. Any indication that there had been bodies over there?

A. No, sir.

Q. This body count that you were talking about from B Company with twenty-five to thirty bodies that you heard on the 16th, did you ever see any of those bodies?

A. No, I didn't, sir.

Q. Where were they supposed to be? Do you know?

A. I guess somewhere in the 1st Platoon area. I don't know.

Q. Why did you think they were in the 1st Platoon area?

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A. Mainly, when you were relating back to that "Dirty Dozen." 1st Platoon was always first to go in on any tactical operation in any kind of a search.

Q. They were sort of an aggressive outfit?

A. Yes. Gung ho.

Q. Did they use a heavy volume of fire?

A. Do they use a heavy volume of fire? I would say they do from time to time.

Q. What happened when you all moved out?

A. We moved out and, again, either the 1st or 3d Platoon that was down north of us went in this, I think it was this area. We started searching this area here.

Q. South?

A. South, yes.

Q. Did you see any ARVN or National Police with the company?

A. There might have been a few ARVN. I can't be for sure.

Q. Did you see the 1st Platoon any of that day? Did you talk to any of them?

A. No.

Q. Do you remember a large amount of burning of the hootches as you moved south?

A. I saw some burning further down here.

Q. Along the coast?

A. Yes..

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Q. How about over to the east, somewhere over across the other side of the river, did you see any burning over there? Hear any firing?

A. No.

Q. Anything occur en route? Any firing?

A. No, we weren't sniped at or anything during that day.

Q. Just moved south?

A. We went down there and searched the area, the villages. Kind of searched the little tunnels under each little hut, their defense for artillery and so on, a little earth shelter.

Q. Who was searching those?

A. I'm not for sure. It could have been the 3d or 1st Platoon. I think part of the command element did search and so did we.

Q. Did you go right in them?

A. I didn't go down in them, no.

Q. Any of them being blown up?

A. I wouldn't say there were.

Q. Did you observe any of them being blown?

A. Sometimes a grenade can't demolish them. I couldn't say they were really demolished. The grenades were thrown in these little shelters. They were searched first and then thrown in.

Q. How were they searched?

A. A man went in there, individually.

Q. You're telling me then that grenades were used for the explosives in these underground installations?

A. Yes.

Q. Not explosives or demolitions?

A. There might have been some demolitions in others, but what I saw was grenades.

Q. You moved down? Did anything occur, down there on the southern tip, that you can recall?

A. No.

Q. Helicopters coming in?

A. Yeah, I think there might have been. The helicopters might have come in about that time and leave off some supplies.. I know there were helicopters in the area.

Q. Do you know what kind of supplies they were?

A. No, I can't say.

Q. Did you see Colonel BARKER down there?

A. I can't say. I don't think I did. I can't say.

Q. Did you notice that day a man, a stranger, with a camera with MACV insignia? Tall and thin? Might have had on a soft hat?

A. I think I might have. I think there was a man there, yes.

Q. Do you know which unit he was moving with?

A. No. No idea. I can't remember.

Q. Did you ever carry a camera?

A. No, sir.

Q. Did you know anybody that did?

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A. Yes. A man in our weapons platoon. I can't remember his name, a tall lanky fellow. I would have to look at the roster again.

(The witness studies B Company roster, Exhibit M-24.) I think his name was THARP or something like that.

Q. Did he have a camera that day?

A. I didn't see one. Yes, THARP, William E.

Q. William E.?

A. Yes.

Q. And he was in the weapons platoon?

A. Right, sir.

Q. You got down to the south and you say you thought supplies came in?

A. Right. I remember--it must have been supplies or something because I remember helicopters in the area.

Q. Do you remember if there were any Vietnamese being used as point with the point group as you moved south?

A. Yes, sir.

Q. How many?

A. One or two.

Q. Male or female?

A. Male.

Q. Do you remember the order of march? Do you remember whether the company was in a column or whether there was one platoon--

A. (Interposing) I remember we had a platoon come inland, further inland, searching the villages here. We were

the 2d Platoon. I think it was just the 2d Platoon. We were then with Lieutenant LEWIS. He was in command then.

Q. He had come in by that time?

A. Right. He was in command then. In fact, I think he took over that morning. We were right along the coast. And we were supporting it because the 3d, 1st or 3d, was coming in here searching inland and we would be on the coast if they met any type of trouble we would just close in.

Q. The 2d Platoon was on the coast?

A. Right.

Q. So you were moving down on the coast?

A. Right. On the coast. Right on the beach.

Q. Did you all have the Vietnamese point with you or with the other group?

A. The other group.

Q. When you got down there and you turned around, down at the end, did these Vietnamese come back with the unit or were they released there?

A. I'm not for sure. I think we brought some back with us.

Q. Did your platoon have any at all?

A. No. We didn't have any.

Q. With the other two platoons?

A. Usually if they were taken into custody they were around the CP area, CP group. I guess you would have your interrogator around that area, too.

Q. Well, I don't suppose you saw much of this--of the company that day if you were moving along the beach?

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A. That was just half the day then--

Q. (Interposing) Yes. Half the day. That half the day did you see much of the unit?

A. I would say, no. Not as a whole, no.

Q. When you got down there and turned around did you come back up the beach or did you shift over?

A. No, we came back up.

Q. You came back up the same way you went down?

A. Right, we did.

Q. And hootches along the beach there?

A. Further inland where the other platoons were searching.

Q. Where was most of this burning taking place?

A. I think it was further--

Q. (Interposing) To the west?

A. No, it was south and maybe inland. Yeah, it would be west, but it was inland right along the beach area.

Q. Were the hootches and houses in that area, were they in the sector of the 2d Platoon or the sector of the 1st and the 3d Platoon?

A. I think in the sector of the 1st and 3d. I know we did walk by there.

Q. You saw burning going down? Was burning still going on when you came back?

A. Some little burning, yes.

Q. Stuff still burning?

A. Right. I wouldn't say there was a high volume.

Q. All right, you moved back. Did anything occur coming back that you can recall? See anything unusual?

A. No. Except we were rounding up some of the prisoners, if you want to call them prisoners.

Q. Where did you get them?

A. Just from the stray villages. I think we might have had them the night before. I'm not definite. I can't say if we picked them up that morning or that night.

Q. Were there many people down in that area?

A. No. As we moved up north again this is where we found all our people.

Q. But down in where you were making this sweep--

A. (Interposing) No, most of the villages were mainly uninhabited.

Q. Did they appear to have been inhabited and the people just left or were they completely--

A. (Interposing) I think the people had just left because it seems they had knocked over baskets of rice and stuff like that.

Q. Moved back up that afternoon the same way you went down?

A. Right.

Q. And went into a night defensive position? Is that correct?

A. No. We searched that sector there.

Q. You think you went all the way up?

A. Yeah. I'm almost definite. We searched that northern sector and that's when we rounded up quite a few

people. I remember the choppers coming in then. I'm not sure if they were doctors on them or what. It might have been. But we treated them for what ailments they had: skin diseases and so on. Gave them medication. I remember someone saying, "yeah, we gave the medication to one of these South Vietnamese civilians and she was eating it."

Q. Eating it?

A. Yeah. That's what they used it for, I guess. I guess they tried to talk to them, but they are hungry people. I do remember treating them medically in any way we could that afternoon.

Q. Do you recall--

A. (Interposing) I think that's maybe when our interrogators came in and maybe some of those Koreans were talking, because they weren't there that night when we got mortared.

Q. We're still on the 17th, now?

A. Yes.

Q. Do you recall that afternoon a report that one VC was KIA?

A. No.

Q. You don't recall that?

A. No.

LTC NOLL: Do you recall engaging two VC?

A. No.

COL WILSON: We're reasonably sure that B Company minus lagged down south of the bridge with an ambush up there on the bridge, somewhere in the vicinity of the bridge.

A. I think it was that. Yes, it was. The whole operation did take 3 days. Yeah, it did. I think they were further north. I think it was our 3d Platoon that took that ambush.

Q. When you moved into this night defensive position, do you recall anything occurring? Were helicopters coming in?

A. No. Not that night.

Q. Did you get a hot ration?

A. I can't say that we did or we didn't. I'm not sure.

Q. Do you know of any resupply?

A. I'm not sure.

Q. Nothing unusual occurred that day?

A. No. Just that I'm most definite that the 3d Platoon did take that position. As far as calling mortar fire in, too, I'm not sure if they called in mortar fire that night because of the ambush site.

MR WALSH: Did you see the 2d Platoon fire their weapons at all on the second day?

A. No. I didn't see them fire at all on the second day.

Q. Did they encounter any hootches?

A. We did some village searching.

Q. How much? A very little bit--

A. Yeah, I would say an hour and half or 2 hours of searching.

Q. How many hootches?

A. You want me to give you a number?

Q. Yes. Just an estimate.

A. Maybe--

Q. (Interposing) Ten or fifty or a hundred?

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A. Maybe 15 or 20.

Q. You mean 15 or 20 hootches? These were hootches that were near the beach as you went on down?

A. Yes, we did cross--we were on that beach again. We came in around--I think it's almost definite--this area here and then a little inland. We found a few, but the hootches that were in that area--

COL WILSON: (Interposing) You're pointing to Co Lay (3)?

A. I think it's Co Lay. Maybe a little above Co Lay (3). Around that area they were uninhabited and scattered villages. They weren't one massive village.

MR WALSH: How many civilians around there did you pass as you went all the way down?

A. I didn't see any. No, not that morning.

Q. Did you see any dead bodies at all during that day?

A. No, I didn't.

Q. And after you got back to the laager area did you hear any discussion about how many people the company killed?

A. No, it was mainly that first day.

Q. What about the first day?

A. Just what I told him.

Q. I wonder if you could state it again for the record.

A. I heard over the net that it was twenty-five to thirty--

Q. (Interposing) I wasn't talking about what you heard on the net. I'm talking about what you heard other people in the company, like talking from buddy to buddy.

A. No. I brought it up earlier about hearing anything from the other people. I heard what I heard over the net.

Q. Did it occur to you to ask somebody, "How about that action you had yesterday, want to tell me about it or anything?" Wasn't there any discussion about that?

A. No. Mainly I would feel that I was down in the dumps along with the 2d Platoon after losing so many personnel. I didn't want to ask them because of the bloody mess.

COL WILSON: Did you get a chance to talk to anybody that day, other than the 2d Platoon, or did you just kind of stay with them?

A. Well, I kind of just briefly, maybe small chatter or a "Hi" or even a minute or two to say something to my friends from the weapons platoon.

Q. I was going to ask how often you contacted the weapons platoon, because you were assigned to it?

A. You see. We were laagered usually with the 2d Platoon because their strength wasn't that much. We were around the command element or weapons platoon. When we used to laager, I used to go over and chat with them for a few minutes, nothing real long.

Q. But you didn't talk to anybody in the 1st Platoon?

A. No.

LTC NOLL: I'm interested on the second day. Did you hear the explosion on the bridge where TAYLOR lost his foot?

A. Right. I even seen the area. I saw his weapon. How demolished it was. When we crossed over.

Q. After this, did you hear any small arms fire or any type of firing after this was blown?

A. There might have been some earlier in the day.

Q. Where did this occur?

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A. I can't be definite.

Q. You don't recall any gunships in the area?

A. No. I don't recall any gunships in the area.

Q. Do you recall whether the company destroyed any mines during the day?

A. I think they did. I can't say where, but I think they did. I'm pretty definite on this. I think the 1st Platoon did have their own small demolition team. They destroyed mines and booby traps. We were forever hitting them, so I couldn't give you a definite answer on that. We found them left and right.

Q. When you crossed the bridge did they have mines marked? In other words--

A. (Interposing) They gave us a small designated area to walk in and how to plant your feet and things like that. There might have been more in the area. We always take that precautionary measure after someone hits one.

COL WILSON: Let's go to the morning of the 18th after you laagered there that night, and you moved off to the north. I imagine you probably linked up with the 3d Platoon at the ambush site up near by the bridge.

A. Right. Then our company as a whole moved on further.

Q. Do you remember what the order of march was? Do you remember what your position was in the column, the platoon's position in the column?

A. I think my position was--I was the second man from the lieutenant. I think he had an RTO and I was behind the RTO. That's always my position. I'm usually behind the RTO.

Q. Do you remember where the rest of the platoons were?

A. No. I couldn't give you a definite--if anything, we were kind of in a file in the main trail moving up north.

Q. And you moved on north? Do you remember linking up with the 3d Platoon in the ambush?

A. Yeah. I remember linking up with them.

Q. Were they following the rear of the column or what?

A. I'm not for sure. I'm not sure if they fell into the rear of the column or in the front of the column. On a situation like this, I would think they would fall in the rear of the column when they had an ambush site like that. We didn't form as skirmishers, or anything like that, but they would be tired from the night before and they couldn't handle it all.

Q. Were you still over on the beach?

A. We were more kind of in a thicket in a platoon column or file. We were on this one main trail or road which, I would say, was about 100 or 150 meters away from the beach area.

Q. Away from the beach area?

A. Right.

Q. And you moved on and up and kept on moving north?

A. Right. I'm most definite that we did. We searched all this area in here.

Q. Before you got to that search area up there, did you notice any Vietnamese coming in from sampans?

A. I can't say. I remember seeing sampans at one time. I can't say if it was that operation.

Q. Do you remember picking up any Vietnamese in that area as you moved? Before you got to the villages up in the

northern tip? Do you remember picking up any Vietnamese en route? Stopping to interrogate them?

A. No. I think we might have had some from the night before.

Q. They were with the column?

A. Yes.

Q. Did you see any acting as point out there? Could you see the lead platoons?

A. I couldn't see the lead platoons.

Q. Do you recall that this day there were any ARVN or National Police with the column?

A. I couldn't say that they were there at that time, no.

Q. Do you know CONGLETON?

A. Yes, I do.

Q. Do you remember seeing him that day or the day before?

A. I guess with the command element. I'd see him from time to time. I think I talked to him real briefly. He was always with Captain MICHLES and always on the go.

Q. Do you remember seeing him that day or the day before? 16th, 17th, 18th?

A. I remember seeing him, I think, on the 18th.

Q. Do you remember if there was some Vietnamese with him?

A. Yes, I know he was an interpreter. I think he-- yes, on the 18th.

Q. Were they ARVN?

A. I think some were Korean. I think they were Korean.

Q. Korean? Were they in uniform?

A. Yeah, uniform. Right. There were two or three of them. I guess they were Korean. Because your ARVN troops usually wear the same clothing we do and these other fellows looked clothed in jungle fatigues. They didn't seem as neat as your ARVN.

Q. Did they have anything besides Korean? Could they have been National Police?

A. Yeah. That's what I think they were, National Police. Yeah. I think they didn't even wear the same type helmets, green helmets, as we did. If you had a small picture I could probably recall this.

Q. Not of that group.

A. Yes. I'm definite. They were National Police.

Q. But you saw some Vietnamese, or you saw some Oriental uniformed individuals that day as you moved north?

A. Yes. I did. No. That morning? Would you say again?

Q. Let's say that day.

A. That day?

Q. Yeah.

A. Sometime in the afternoon. Yes, I did.

Q. In the afternoon?

A. Right.

Q. And you hadn't seen them before?

A. No.

Q. And you don't remember any sampans coming in?

A. No. I don't.

Q. You moved north and moved into the village up there by that pond which you said was dry?

A. Right. It is.

Q. It was dry, then?

A. Right. It was dry, then.

Q. Okay. You do recall that pond?

A. Yes.

Q. Designated on the map as a fishpond? What happened after you got up into that area?

A. The companies split up and take our initial searching and rounded up all the villagers. After we rounded up all the villagers, we continued to search the village.

Q. Was your platoon searching inland or searching along the beach?

A. I would say along the beach, yes.

Q. How far back on that finger did you all go?

A. You're talking about this finger here, aren't you?

Q. Yes. I'm talking about the finger out there in the vicinity of An Binh.

A. I think that we--according to that finger--there is a hill there. I think it's just in this area that we might have searched first.

Q. In other words, you went up in the area--

A. (Interposing) This is kind of a hilly area and couldn't be searched. We searched this area here.

Q. You searched the area of An Ky?

A. I think our company was, I'd say, scattered right around this area here.

Q. All along the coastal area?

A. I think each click here is a thousand meters.

Q. Yes.

A. We were searching in the vicinity of about 3,000 meters. The whole company itself. We lined up all these people.

Q. What was the searching procedure in your platoon?

A. At first I heard we were supposed to find the people there, to bring them back to the rear, again, like where rear security and command element was--I think it was just the command element--and bring them back to there and then continue to search the villages.

Q. What were you doing? Just going through the huts?

A. Going through the huts and see what they had in their baskets, and so on.

Q. They were sending the villagers back down the beach?

A. Right.

Q. Did you notice, before you went out on your search, any strangers coming in, interrogators?

A. No, I think the interrogators if anything--that's when I saw their faces, is somewhat after we had brought these people down. They came in about that time.

Q. You were out there searching most of the day, is that correct?

A. Right.

Q. When you went back, what time did you get back? What time did you stop searching that day and go back?

A. It's hard to say. Sometime in the afternoon.

Q. You went back and you all set up a defensive position that night, right?

A. Right.

Q. Laagered?

A. It was during that afternoon that all these people, again, were treated for some type of skin disease or something like that. I think there were a few doctors out there. I know there were quite a few medical personnel out there.

Q. Now, these people were out there while you were searching, weren't they?

A. These people were brought back in and then we were coming back in.

Q. In other words, you got back in before the medical teams left?

A. Right.

Q. You saw the medical teams?

A. Right.

Q. You saw them treating the Vietnamese?

A. From a distance.

Q. Did you also see an area where Vietnamese were being questioned, as well as treated?

A. No, there was just a mass of people. They were all treated. They were released later on.

Q. When you set up your defensive position for that night, what side of the perimeter was the 2d Platoon to

secure? Do you remember if you were facing to the north, east, south or west?

A. I'm trying to relocate our position the way we were situated.

Q. You can you use the fishpond and beach to orient you.

A. Right, the fishpond was dry here. The 2d Platoon was right in this area.

Q. Okay, the way you explained it, the 1st Platoon had the northeast portion of the perimeter. The 2d Platoon had the northwest portion. The 3d Platoon had the west perimeter and it was on the water.

A. What do you mean by, on the water?

Q. Didn't you have one flank of it on the water or did you have somebody back there facing the ocean, facing the South China Sea?

A. I would say our command element was kind of facing the South China Sea.

Q. Do you recall any artillery rounds coming in that day?

A. That's the night we got mortared.

Q. No. This was during the day. Possibly, late in the afternoon.

A. I can't recall.

Q. Do you remember a Vietnamese woman being brought in wounded?

A. Yes, I do.

Q. You do recall that?

A. Yes.

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- Q. Was she in pretty bad shape?
- A. I believe she had lost her leg.
- Q. Do you know how she was wounded?
- A. It could have been the artillery that came in that day.
- Q. You didn't hear it?
- A. I can't recall. I might have heard it, but I can't recall.
- Q. Was she brought in by a large number of people or just by a couple?
- A. She was brought in by the villagers, yes. The villagers came back in after we had set up. They brought her in.
- Q. Was she evacuated?
- A. Right. She was.
- Q. Was it before or after the medical team was there?
- A. I think it was after the medical team.
- Q. They had left?
- A. They had gone, yes.
- Q. The medical team had gone when she was brought in?
- A. Right. We called another helicopter and she was medivac'd.
- Q. At that time, did you see any unusual procedures being used by interrogation personnel?
- A. No.

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Q. Did you hear of any?

A. I never did.

Q. All right. You set up your defensive position and what did you do, sack out early?

A. We were there part of the afternoon. If anything, we dug in. That's all I can recall. I didn't sack out early, no.

Q. Did you get a hot meal that night?

A. I'm most definite that we did.

Q. Do you normally pull any sort of security watch as an FO?

A. The only type of security watch that I pull is-- our company or our platoon stays around the perimeter, outside the perimeter, and I'll stay further inland and I'll pull radio watch.

Q. Radio watch?

A. Right, sir.

Q. Anything come over the radio that night while you were on watch, of interest?

A. Later on that morning when we got mortared.

Q. Were you up then? Were you on the radio when the mortars came in?

A. Right.

Q. You were up?

A. Right. I'm almost definite that it was around 2 a.m. in the morning.

Q. What happened?

A. The mortars started coming in. People radioed that the rounds were coming in. The people took fire and there was a lot of yelling here and there. They were trying to find a designated point where to fire back to. We were trying to get our 81's to fire back at them. We got them situated and we did get some fire from our 81's. That was definitely done by Sergeant VANN of the weapons platoon. I think where the 1st Platoon was situated further up north along or on point there. I headed the 1st Platoon. That's where we did some of the firing.

Q. The mortar position was out to the front of the 1st Platoon?

A. No. They would kind of be in with the command element inside.

Q. I mean the mortar position, now?

A. Yes, the position. They fired out towards, beyond north of the 1st Platoon. Way out, maybe 2,000-3,000 meters.

Q. Who did?

A. Our 81's did. It would have to be our weapons platoon.

Q. They did have 81 fire going in there then?

A. Yes, they did. A small barrage.

Q. What do you estimate the range was from that mortar position?

A. Maybe not 2,000. It was, I'd say 1,000 or 1,500 around there.

Q. Did you see the muzzle flashes from the mortar?

A. Yes. We saw muzzle flashes from what they were firing. I guess they were firing their--I don't know what size mortar. They said they could see muzzle flashes off to their right. So they said to get a point so we can start

putting a volume of fire out there. The sergeant kind of got on the 81's and really pumped some fire out there.

Q. This was actually being handled between the 1st Platoon and the weapons platoon?

A. Right.

Q. And do you remember how many rounds the weapons platoon fired?

A. Ten or more.

Q. Do you remember an evacuation dustoff coming in?

A. Later on, yes.

Q. How much later?

A. I would say about an hour, hour and a half, after it all happened.

Q. The 81 mortars had completed their fire mission?

A. Right.

Q. Any artillery come in there?

A. I can't say. I don't think any did. Some might have. I can't really say.

Q. You're sure this was mortar fire and not artillery?

A. I'm definite it was 81 because that sergeant wasn't that far from me. I could see him.

Q. Sergeant VANN?

A. Sergeant VANN, right.

Q. Do you remember any gunships coming in with the dustoff?

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A. We did put out a volume of fire towards the area after we got hit. Even earlier that night, too, we were putting out some M-79 grenade launchers in that area.

Q. Before the mortar opened up?

A. Before the mortar opened up.

Q. Do you remember an airplane, an aircraft?

A. Right. Are you referring to "Puff"?

Q. Yes.

A. Right. He came in later on. We needed some help. He did put around our perimeter a volume of fire for about 2 hours, maybe. Then he had to go back.

Q. Much small arms fire that night? Any incoming small arms fire?

A. Yes. Small arms fire came in after the mortars did or with the mortar rounds, at the same time.

Q. Where was it coming from?

A. Again, I think it was coming from the mortar fire north of the 1st Platoon. Then, later on, after we kind of reoriented ourselves, they might have moved. After we fired some 81's out there, we received it just from this fishpond. It was kind of swamp right in here, west more.

Q. Where?

A. Right, here.

Q. In the area of the fishpond?

A. Right, well not in the area. I would say around here and maybe across the pond itself right up in here.

Q. North of it?

A. Right.

Q. What happened?

A. We received some more fire. We figured it would be in that area there, so we opened a volume of fire there too with our 79's and small arms.

Q. What time was this with relation to the mortar fire?

A. It might have been later on, about 2 or 3 hours afterwards. Because, that first series of mortar fire we caught, we caught some more later on about 4 o'clock in the morning.

Q. You had another enemy mortar fire that night?

A. Right. But on the second series of enemy mortar fire we didn't take any casualties. The first series really knocked us out of commission.

Q. Mortar fire came from the same location?

A. Almost into the same location?

Q. No. Was it from the same location?

A. No. I would say it wasn't.

Q. You got two different volumes of mortar fire that night?

A. Right, sir.

Q. 81's fire counter battery again?

A. I think they were low on ammo. They might not have even had any.

Q. No casualties?

A. No casualties in the second series.

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LTC NOLL: What happened to the people after the MEDCAP? Where did they move in your company area?

A. We stayed almost in the same perimeter. They were medevac'd out. The medevac came in right on the beach area, there.

Q. The Vietnamese people. You went down the beach? You assembled them? You brought them back to the company area? They were treated?

A. Right.

Q. Some of them were released, I assume?

A. What I saw was a mass of them were released.

Q. Where did they go?

A. Back to their villages.

COL WILSON: They didn't stay down there that night?

A. No.

Q. The next morning, what time did the 2d Platoon depart? Was extracted from the area?

A. I remember we were extracted. I can't remember the point in time. I can't give a definite time. It was some time before noon.

Q. Do you know where you went to?

A. I believe we went to Uptight. I'm not definite. It's either Uptight or the other one closer to the main free-way here.

Q. Highway 1?

A. I think it was.

Q. Do you have any knowledge of investigations or

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inquiries being made concerning this combat assault while you were in Vietnam?

(Witness shakes head in the negative.)

Anybody ever investigate this operation?

A. No.

Q. You never heard of anything like that?

A. No.

Q. I'm talking about Task Force Barker. I'm not talking about B Company necessarily. I'm talking about everybody on that operation. C Company--

A. (Interposing) No, I haven't. Didn't it just recently come up in the paper?

Q. That's the first you heard of anything like this?

A. Right.

Q. You don't know anybody that was questioned either in C Company or A Company or B Company or headquarters?

A. No. I wouldn't be familiar with anybody in C Company. If anything, I would be familiar with Bravo Company personnel.

Q. Nobody has questioned Bravo Company on this operation?

A. No, sir.

Q. Did you hear of or do you know of on this operation any abuse or torturing of Vietnamese suspects, Vietnamese civilians by U.S. or ARVN or National Police or anybody?

A. No, I didn't see or hear of none.

Q. Anything about fingers being cut off?

A. No.

Q. EE-8 wire being attached onto various parts of the body? Why do you smile at that? Have you seen this done before?

A. No, I haven't.

Q. Did you hear any rumors about unnecessary killing of civilians by either B Company, C Company or A Company?

A. No.

Q. Gunships?

A. No.

Q. Or artillery? Or anybody?

A. No. There is no definite thing as far as artillery or gunships, but I heard rumor of sometimes gunships do come in and they do tend to hit some of the civilians. I don't think it's ever done purposely. It's accidentally. The same thing with artillery. I spoke of that lady with her leg blown off. They said that was caused by artillery.

Q. That could also have been caused by a mine, couldn't it?

A. Right. We had no definite word.

Q. You don't know?

A. We didn't.

Q. Were you ever told not to discuss this operation or any of the aspects of the operation or anything that occurred?

A. No. I don't think I was ever told not to. I don't think anyone had the heart to after we got out.

Q. Why?

- A. Because of the personnel we lost.
- Q. Because you lost so many people?
- A. Right. About a week before that we had lost quite a few personnel, too, in an operation around that area.
- Q. That's back down in the Pinkville area?
- A. Pinkville or further up north.
- Q. How about marijuana? Was much marijuana used?
- A. I'd say it was used off and on.
- Q. Was it ever used on operations?
- A. I didn't see it being used on operations.
- Q. Where was it being used, around the fire base?
- A. The fire bases, yes.
- Q. Where was it coming from?
- A. The villages.
- Q. What was B Company's relationship with the Vietnamese around these areas?
- A. It all depends where you're situated.
- Q. It depends on where you were.
- A. If you were closer to the freeway the people seemed to be more friendlier. If you were, again, in the Pinkville area, you are talking about these villagers, you really couldn't make heads or tails out of it. The people in the Pinkville area seemed that they were a group that really wouldn't talk to you or socialize with you in any way. The people near the highway, I guess they had more freedom.

COL WILSON: When you leave this interview, if you find when

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you get home that you've got any photographs, documents that might assist us in this investigation we would appreciate knowing about it and call us.

A. Okay.

COL WILSON: Have you got any further testimony at this time or would you like to make a statement on anything?

A. Nothing else, sir.

COL WILSON: Mr. CABALLERO, I would like to request that you do not discuss your testimony during this interview with others including other witnesses for this investigation except as you may be required to do so before a competent judicial, legislative or administrative body. Don't discuss it with anybody unless it's before a formal board of some kind.

The hearing will be recessed.

(The hearing recessed at 1155 hours, 27 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: EBINGER, John C.

DATE OF TESTIMONY: 30 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Rifleman, First Squad, Second Platoon, B/4/3.

1. KNOWLEDGE OF THE OPERATION.

The witness was on profile at the time of the operation (pg. 2). He was never questioned about this operation or told to keep quiet about it (pg. 10). He did not know that it was being investigated (pg. 10). No one he knew was questioned about it (pg. 10). He knew nothing about civilians being killed unnecessarily by either B or C Company on 16 March (pg. 11). He knew of no one who was threatened in regard to keeping quiet (pg. 14).

2. OTHER INFORMATION.

a. The witness recalled an incident in which a prisoner was mistreated, but he could not remember the names of individuals involved (pgs. 2-4). This occurred on a fire base (pgs. 2, 4). He heard another story in which a group of soldiers mistreated a Vietnamese woman (pg. 5). MICHLES passed the group while this was going on (pg. 6). Homer HALL was one of the soldiers involved in this (pg. 6). After EBINGER heard about this he wrote a letter about it, but he received no reply (pg. 7). He could not recall who told him about it (pg. 7). The witness opined that the first platoon was more violent than the others (pg. 9).

(EBINGER)

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b. The witness stated there was a marijuana problem in the company (pg. 11). He stated that Lieutenant CARTER, a former leader of the second platoon, was continually high on marijuana and went on operations while high on it (pg. 12). He never saw CARTER actually smoking it, however (pg. 13). Marijuana was purchased in the village (pg. 12). He could identify marijuana from the smell (pg. 13).

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(The hearing reconvened at 1149 hours, 30 January 1970.)

COL WILSON: The hearing will come to order.

RCDR: The following persons are present: COL WILSON, LTC NOLL, and MAJ THOMAS.

The next witness is Mr. John C. EBINGER, Jr.

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

Mr. EBINGER, please state your full name, occupation, and residence.

A. My name is John Charles EBINGER, Jr. My residence is 4261 West 182d St. Apartment C, Torrance, California 90504. My occupation is student.

COL WILSON: Mr. EBINGER, you read the information in Exhibit M-81 that we provided you before the interview.

A. Right.

Q. This exhibit pointed out that we are a team of the Peers Committee, which was designated by General PEERS to interview witnesses. We have no authority to come up with findings and conclusions. This is strictly General PEERS' prerogative. To give you an idea of what the investigation is about, we're trying to find out what happened, primarily from 16, 17, 18, and 19 March, when B Company was in the Pinkville complex.

Now, in your case, we are interested from the standpoint of any possible malpractices that may have occurred from B Company's standpoint, anything that you might know about mistreatment of Vietnamese, mistreatment of prisoners, detainees, by either U.S. or ARVN personnel or interpreters. This came to our attention, because you had complained at one time in a letter to the President, which was investigated. The part that we're interested in that letter is where you state that, "By the captain giving his okay for a group of men to torture captives," the possibility of rape, and those items there. Now, from the standpoint of the operation on 16, 17, 18, and 19 March 1968, where were you at that time?

(EBINGER)

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A. To be honest, I don't--I'm not sure where the company was. To my memory, that period is not the greatest. Now, if I'm right, two of the incidents that I wrote about occurred around that date, but I'm not positive. It depends.

My function--well, I was on a profile during most of that time. I was on the fire base, but in one particular instance, like I said in the letter, I did see a prisoner being mistreated--well, tortured in a minor--but not greatly, but bad enough that it shouldn't have been done. And I believe it was around there in the Pinkville area.

As far as the captain giving his okay to it, our soldiers were grouped around the prisoner, you know, more or less teasing him and having fun. He had a sandbag over his head. And they were torturing him, like a couple of them had--one of them had three sandbags rolled up in his hand and he hit the prisoner when he wasn't expecting it, with a jab in the chest. And the captain walked right past this. I don't know if they were actually physically doing this when the captain walked by, but he looked up, saw that Vietnamese, gave him a real dirty look, and just said, "Just make sure he doesn't get away," and just walked down to his, you know, headquarters.

And the Vietnamese, to my knowledge--now, I've taken part of this from word of mouth. I was told they were out on an operation and, well, the whole area was booby trapped and mined, and this particular person was a farmer. Well, they grabbed him for a point man because they were very mad about losing some people, you know. They keep going in the same area and they've lost many people, and they were very embittered about the whole thing because, well, the whole unit came over and they were like one big family.

Q. Yes.

A. So they grabbed this man for a point man; they used him. They didn't hit anything. They got back up there. They were going to send him back in. Well, they had a choice. They could either let him go or they could send him back in, and they would release him. So they held him there. And while he was being held there, this happened.

Now, as I say, he was poked and jabbed and he had this sandbag over his head, and they dry shaved him with a razor blade. He had a small beard. He had a cut on his foot. He was complaining about that; it was bleeding. So someone said, "Oh, we can fix that." And they stepped on it. And it bled even further. That's about the extent of what they did there.

Q. Where was this?

A. It was on a fire base. Now, I can picture the fire base, but I can't remember the name of it. It has been 2 years almost now, since--

Q. (Interposing) Where were you stationed at that time?

A. I was on a fire base.

Q. You were on a fire base with B Company?

A. Right.

Q. Were these B Company personnel?

A. Right, these were all--

Q. (Interposing) Who were they?

A. This has been so long ago. It was just a group of people. I mean, all three different platoons mixed in. I don't remember the--I think I can see faces, but I wouldn't want to name them because I am not positive. It's been 2 years. And in that time, well, right after I wrote the letter I could remember, but you know, you forget, when you have a lapse about something, it becomes part of your past. You forget about it.

Q. Who was the captain?

A. Captain MICHLES. Unfortunately, he was killed at a later date. I can see why Captain MICHLES was embittered because he just lost--I was talking to the first sergeant shortly after that, and a captain, friend of his, I think it was C/1/20 Infantry, but I'm not sure, one of the companies in the 1/20 Infantry. A captain, a very good friend of his, was killed, and he was very embittered over this. So I think this was part of his reaction.

LTC NOLL: What size force was at the fire support base? How much artillery was there?

A. One battery, to my knowledge.

Q. Do you remember the caliber?

A. I could even draw an outline of the fire base and tell. The artillery was at one end and the road to the end was--it was rather long fire base. It's been so long ago, I used to know the fire base. In fact, I have a map at home if you want to list it.

COL WILSON: Did you see the sea?

A. Did I see what?

Q. The sea?

A. I think we were close to it. I can't--no, I think we were just out of reach of it. We were--I think--we could just barely see it or were just out of reach. I know we were close to the sea, though. I don't know how far.

Q. Do you remember the date?

A. No.

Q. You don't remember the personnel who was mistreating this prisoner.

A. No, I can't name specific names. I can think of names, but the faces are blurred, and I would do someone an injustice if I were to name names and if I were wrong. I wouldn't want to do this.

Q. But you remember Captain MICHLES?

A. Yes, he was one of the--well, he was the main officer who came by. He could have made sure the prisoner was guarded and the rest of--everyone else dispersed; not gathered around like they were. I know he may have been in a moment of emotion, I can see that, but he as an officer had a function and he didn't do this properly, in my opinion.

Q. Now, other than that, have you had any experiences where you have observed this sort of thing?

A. No, this was the main thing of that type. Later on I mentioned some minor things, but that was in supply. That was several months later.

Q. Mistreatment of Vietnamese?

A. That; I think I mentioned the letter was partially hearsay. A good friend of mine that I know would tell me the truth, well, they told me about things that were going out in the field.

Q. Who were they?

A. Members of the 1st Platoon. First Platoon was coming up the side of the hill at the time they told me. CANTU was one of them, I'm not sure. But he was a member of the 2d Platoon. I think he was one of them. And, I don't know, I've forgotten most of the names of the people in the company because, well, I've forgotten things about the Army because it did not fit into my civilian system.

Q. The people from the 1st Platoon that related incidents to you, you don't remember their names?

A. I remember one person that was involved, I remember his name. Indirectly he was involved. There were two or three people--I think there were two people and one of them told me this story about he and another guy were down there and, well, raped is rather a harsh word. I suppose that would be the technical name for it. I don't know exactly what they were doing. They were having fun with this Vietnamese girl's breasts, according to them, and some other things, and they had this other guy. If I could see a list of the roster, I could give you one name I know for sure. He was in the 1st Platoon.

(The witness received and reviewed Exhibit R-4.)

I remember he indicated he was from the South. Cecil, Cecil HUFFMAN, was one of the people, not involved with this, but involved with the mistreatment of prisoners. He was one of them, definitely.

Q. This was at the group that Captain MICHLES passed?

A. Right. I didn't say he was directly involved. He just passed the group, and they were all bundled around. Now, I don't think they did it directly in front of him, but I think he knew what was going on.

Oh, I think they were at this miscellaneous--

Q. (Interposing) What?

A. This miscellaneous is where the people that were attached to the company and were not part of the company (referring to Exhibit R-4). Let me check this last one; I really don't it in here. Maybe I missed it. I know he was from the South. He had a--

Q. (Interposing) He may be on this other roster. Take a look at Exhibit M-24.

A. Okay. Yeah, Homer HALL. He was the guy that-- well, there were three people in this group that were on a search and destroy in this village, and these two other guys had this guy. He's a very good person, good Christian. He wouldn't stoop this low, but they had him keep watch out front; told him not to look back at what was going on, just to keep an eye out.

Q. Yes.

A. And he didn't know what was going on, but they were using him more or less as a guard.

Q. Homer HALL was the one who told you about the mistreatment of the woman?

A. No. He was one of the people involved in that particular incident.

Q. That you heard about or saw?

A. Right.

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LTC NOLL: Who was standing guard?

A. He was the one. I don't think he knew what he was actually doing at the time. He was involved indirectly.

COL WILSON: Was this woman raped?

A. I don't know. I know they fooled around with her, but how far they went, I don't know.

Q. Well, who told you this?

A. I'm pretty sure it was a member of the 1st Platoon, but--it's been over 2 years. And I wrote about it once and they ignored me, so I just said "Hang it," and just let everything slip, you know. When you don't remember things, it--

Q. (Interposing) But you remember the man Homer HALL being involved in it, but you don't remember the guy who told you that Homer HALL was involved in it?

A. Well, I remember him specifically, because it was rather ironic that he was being used in this capacity. He's such a very good person. You won't find a nicer person than that; he's one of the best in the company. Now I wouldn't swear to it--there's a name here that rings a bell with that incident, but I don't know. I think GARCIA--no, I don't know, though. I think he was the man I was talking to, but I can't be sure. It's been over 2 years.

Q. You believe GARCIA was the one who told you about this incident with HALL?

A. I was talking with someone in the 1st Platoon. I believe it was him, but I'm not sure--not positive. I think it was him, but I'm not positive. I can't swear to it. Because after 2 years, names begin to fade if you don't--

Q. (Interposing) Anybody else that you know of involved in that incident?

A. No. Only the man who told me, and I'm not sure about him. But I remember the other guy specifically, because it was one of the nicest people and he was being used. It was rather ironic. You remember something like that.

Q. Now, is there anything else that you can tell us about mistreatment of Vietnamese in general or instances you heard about and who told you about them?

A. Nothing specific, no.

Q. Did you hear anything specific about the operation on 16, 17, 18, or 19 March?

A. I don't--if I could place the dates, I might be able to remember something, but--

Q. (Interposing) Well, I can tell you some casualties, if that would help you.

A. It might.

Q. Lieutenant COCHRAN, killed in action.

A. Yeah, he was killed by a booby trap in a tree.

Q. Sergeant TAYLOR? MILUS?

A. Sergeant TAYLOR, he wasn't killed--

Q. (Interposing) He lost a foot.

A. Yeah. MILUS, yeah, he was killed.

Q. That's the operation I'm talking about.

A. Oh, yeah. No. I know Captain MICHLES, when he used to go to the villages in that area, he used to collect souvenirs, like he would take them to the villages and ask the first sergeant to hunt for them.

Q. What were the souvenirs?

A. Just artifacts that he liked and he wanted to take home. He would just take them and either he would hunt them himself or ask the sergeant major--I mean ask the First Sergeant DAHNER to do it. And Sergeant DAHNER told me that he dropped--he would discard several of them on the side, sort of throwing them away as he got them.

Q. What were these things?

A. I don't know: artifacts, vases. He liked to collected little things. Like, oh, jade, just things that look nice when you have them, I don't know. Souvenirs, more or less, was all it amounted to.

Q. But this particular operation, did you hear anything specific about it?

A. Nothing specific, no. I remember hearing of one instance where they went through a village and they were rather rough on the people in gathering them up, but I--it's nothing specific. It wouldn't be of any value to you.

Q. When you heard these things, did you normally hear them from the same person or from different people?

A. Different people. Because I was always on the fire base, and whoever gets stuck back for one reason or another, I'd go and talk to them in my spare time, because I like to find out what's going on. This is of prime importance. And I used to catch little bits and pieces and put them together like a puzzle. What's going on. But generally, I get these--if I hear one thing, I generally confirmed it with someone else. If I'd mention it, they'd know what I was talking about. Sometimes they wouldn't want to talk about it, though.

Q. Was there any difference in the platoons of that unit? Was one platoon more violent in its actions than another?

A. I believe 1st Platoon was probably a little more violent than the rest, is what I understand. This is from hearsay again, from what people observed of their actions and the way they go about their work. Second Platoon was changing so much. I mean, I was in 2d Platoon, and if I'd gone out, well,

I wouldn't be here today. Because that platoon--the entire platoon nearly rotated--members--either dead or missing an arm, leg, or some other piece. This is evident by your roster.

Q. Did anyone ever question you about this operation?

A. No.

Q. Did anybody ever tell you not to say anything about that operation.

A. No.

Q. Do you have any knowledge about an investigation or an inquiry that was taking place about that operation?

A. Not at that time, no.

Q. I mean while you were still in Vietnam.

A. No. I knew that many people, including one person, MICHENER, had written and complained to his Congressman about several things that were going on, but this again, several people--Company B was always in trouble, because somebody was always writing to their Congressman complaining about something. Whether it was about the food or something else that was going on in our company. It had a continual record. And the IG inspection, I knew there were several, but not specifically about that operation, no.

Q. MICHENER?

A. Yes, Gene MICHENER. I think he's in the Carolinas' somewhere, I don't know.

Q. But nothing specific about this particular investigation?

A. No.

Q. No one ever questioned you or said not to say anything about it or asked you questions on it or questioned anybody you know?

A. Not to my knowledge.

Q. Did you hear any rumors about civilians being unnecessarily killed by the B Company or C/1/20 Infantry on 16 March?

A. I knew the villagers were being mistreated, but to what extent, I don't know. I would hear this from just about everyone. They were rough handling them, and they were being mistreated, I know this. There were just too many people telling me this, from all different sides, from all platoons. I had friends in them that would tell me the same thing. But to what extent, whether people were actually being killed or they were just being mistreated, I don't know. I was mainly on the fire base, but this is just what I've gathered.

Q. Do you know if there was any problem with marijuana on the fire base?

A. Yes.

Q. Where B Company was?

A. Definitely. Many times I know of when my platoon, people would go out high on marijuana.

Q. On operations?

A. Oh, yes definitely. I know of one lieutenant who went out high on marijuana.

Q. Who was that?

A. He didn't actually go out high on marijuana. He was high on marijuana several times.

Q. Who was that?

A. Oh, do you have a roster of officers here?

Q. It's the last page here.

A. No, maybe it was before this operation then. We had one lieutenant; he used to be the 2d Platoon lieutenant.

Q. CARTER?

A. CARTER, right. Now, he was continually high on--well, once or twice. Oh, two or three times at least, I know, I'd come down to his command, you know, he was high, and one person in particular used to do that. If I could just see a roster I could name one person. He was continually getting in trouble. But every one was doing it. It wouldn't do any good to name just one person, but I'll give you one example. And I know for a fact--well, just about everyone in my platoon was doing it. Well, a majority of people, not everyone. I for one didn't do it, because I didn't believe in it. Yeah, TIMMER, Edward TIMMER. I know he used to do it several times, because he'd have that glassy-eyed look in his eye. He'd be so funny.

Q. Where'd they get it?

A. They'd buy it from the village.

Q. There by the fire base?

A. Yes, it's very easy to get. When you go through the villages, you'd either steal it from the villagers or go down and buy it in the village or have someone buy it when they're back at base camp and bring it out with them. It's easier to get than beer.

Q. TIMMER and Lieutenant CARTER.

A. Are two specific examples. Now, there were many more. I could probably go down that list and name a dozen. But these were just two specific. They were either high on that or high on beer.

Q. You mean you're not sure if it was marijuana?

A. Oh, I know it was marijuana, you could smell it.

Q. Did you ever see them smoking it?

A. Yeah, well, when you can smell it--well, you know roughly how far bunkers are spaced apart on a fire base?

Q. Yes.

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A. Well, when you can smell it two and three bunkers down, that's getting strong. And, you know--

Q. (Interposing) When you saw CARTER and TIMMER, or when you say they were high on marijuana, did you see them smoking?

A. TIMMER I have. Lieutenant CARTER, he was high. I was in his hut; I could smell it, but I did not see him specifically smoking it, no. Circumstantial evidence. There was one thing I was going to mention. It was--you mentioned that you were going to have questions on training prior to Vietnam.

Q. Yes.

A. I had one I thought I'd bring up, it's rather funny. You know when they qualify you for the M-16?

Q. Yes.

A. Well, the day I was qualified, I was home on leave.

Q. Where was your home?

A. Well, I went home to Washington State. I think I had a 15-day leave in September, I believe it was September, and I remember it was 1967, anyway.

Q. Leave in Washington.

A. When they zeroed me in on my weapon, I was home.

Q. Okay. That was on your training record.

A. Right.

Q. POR qualification. You were with the 11th Brigade then? Were you in Hawaii then?

A. Yes. The whole time. They had me down for jungle training, also. I never went through jungle training, not once. I was supply clerk there; I never had time for that. But it was down on my record.

Q. In other words, the M-16 and the jungle training was recorded but not taken?

A. Right.

Q. Mr. EBINGER, have you got any further information that might assist us on this investigation, understanding that General PEERS has been directed to do three things based on this operation. To determine if any investigations or inquiries were made in Vietnam after this operation was conducted; if so, if they were properly reviewed. Second, to determine if there was any suppression of information to try to keep the activities on this operation from being known. Do you know of anything that you could help us with on that, from the standpoint of anybody who may have tried to register a complaint about this operation but who was discouraged, or anybody who could have been making an investigation?

A. To my knowledge, nobody was ever threatened if they ever told anything, and, to my knowledge, there was no investigation. I was gone several times from the unit, because I had to get my foot rechecked and several other things. But the times I was specifically in that area, on that fire base-- I don't remember the name of the fire base, but that's where I was, the fire base--

Q. (Interposing) Uptight?

A. Yeah, that was the name of it. I think it was Uptight. And no one was ever threatened. I know several-- well, no one was ever threatened. Everyone was treated more or less like a family. Because we came over as a family-- 8 months in Hawaii training together, coming over as a unit, which is unusual.

Q. Is there any other information you could give us that might help us?

A. No, sir.

Q. Any leads? Do you know of anyone we might talk to that might have the knowledge of this thing that would tell us what happened?

A. No, I can't think of any.

Q. I'd like to request that you not discuss your testimony in this investigation with others, including other witnesses for the investigation, except as you may be required to do so before a competent judicial or legislative body. We try to bring the witnesses in without any influence of talking with other people that were there to find out what we can get before they've been influenced by other members of the unit. This is the reason we ask this, plus, it is a confidential investigation, although it may not be that way eventually. But at least for the present time, primarily, I think you can recognize because of what's happened to the evidence which was compiled for the C Company. It's practically invaluable now that the press has done what they did.

A. I agree that the information during that investigation should have been kept quiet until after the trial.

Q. We appreciate your coming. Thank you very much.

(The hearing recessed at 1220 hours, 30 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: LITTLE, King D.

DATE OF TESTIMONY: 24 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Squad Leader, Second Platoon, B/4/3.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

The witness recalled no classes in the legality of orders (pg. 4).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness recounted receiving the operational order from Lieutenant COCHRAN who gave the orders to his squad leaders in the CP (pg. 5). The witness could not recall anything in particular about the instructions, except that this was to be a search and destroy mission and enemy contact was expected (pg. 6). Nothing different was planned for this operation (pg. 7).

3. THE COMBAT ASSAULT.

a. Activities of 16 March.

The witness stated that he recalled his platoon being the lead unit (pg. 8). The platoon moved toward a village they were to sweep; however, mines prevented their going on (pg. 9). After hitting the second mine the platoon held up until later when they set up a perimeter near the village (pg. 10). The witness knew of linking with another company in the night laager, though he did not know it was C/1/20 (pg. 12). He remembered no ARVN's, no National

(LITTLE)

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SUM APP T-390

Police, no firing, no interrogations, no MI personnel, and no interpreters that evening (pgs. 12, 13).

b. Activities of 17 March.

TAYLOR had been medevac'd and action had virtually ceased by the time the witness crossed the bridge toward the coast the next morning (pg. 14). The witness recalled Lieutenant LEWIS coming in with a photographer (pg. 16). He did not see any bodies, or hear any order to stop firing (pg. 19).

c. Activities of 18 and 19 March.

The witness related burning a few huts on the end of a peninsula near the mouth of the Song Tra Khuc (pg. 15). He recalled seeing a captain and some ARVN's interrogating VC suspects on 19 March, but nothing unusual about their methods (pg. 17).

4. KNOWLEDGE OF AN INCIDENT.

The witness had no knowledge of any unnecessary killings, any rapes, or any torturing of VC suspects during this operation (pg. 19).

5. KNOWLEDGE OF AN INVESTIGATION.

Neither the witness nor, to his knowledge, any of his comrades were questioned concerning the operation (pg. 19).

6. OTHER INFORMATION.

The witness explained that just prior to 18 March 1968 some NCO's had been transferred from the first platoon to the second (pgs. 2, 3).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-2	MACV Card "Nine Rules"	Wit could not recall.	4
M-3	MACV Card "The Enemy in Your Hands"	Wit believed this was issued.	4
P-18	Miscellaneous Scene	Wit could not recognize Vietnamese.	10,11
P-19	Miscellaneous Scene	Wit could not recognize Vietnamese.	10
P-20	Miscellaneous Scene	Wit recognized mortar platoon.	10
P-21	Miscellaneous Scene	Wit did not recognize.	11
P-22	Miscellaneous Scene	Wit did not recognize.	11
P-23	Miscellaneous Scene	Wit did not recognize.	11
P-66	Photo of ARVN's	Wit did not recognize.	11
P-206	Photo in Son My area	Wit did not recognize.	11
P-207	Photo in Son My area	Wit did not recognize.	11
P-208	Photo of detainees	Wit did not recognize.	11
P-209	Photo in Son My area	Wit did not recognize.	11,12
P-211	Photo of peninsula	Wit recalled.	15
P-212	Photo of peninsula	Wit recalled.	15
P-219	Photo of detainees	Wit recalled.	18

(The hearing reconvened at 1345 hours, 24 February 1970.)

COL WILSON: The hearing will come to order.

RCDR: The following persons are present: COL WILSON and MAJ THOMAS.

The first witness is Mr. King D. LITTLE.

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

Please state your complete name, occupation, and address.

A. King David LITTLE, 37 Jamaica Avenue, Wyandanch, New York. My occupation is a machine operator.

COL WILSON: Before we proceed with any questions, let me explain a couple of things to you. The Peers Inquiry was directed by the Secretary of the Army and the Chief of Staff for the purpose of determining the facts and making recommendations concerning the My Lai (4) incident of 16 March 1968. In conducting his investigation, General PEERS determined that it was necessary to have a complete insight into the overall ground and air operation in the Son My Village area during the period 16 through 19 March 1968. He therefore appointed this team referred to as Team C to question personnel of B/4/3 and prepare a complete description of the unit operation.

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's possible that testimony or parts of it may become a matter of public knowledge.

During the interview the board will follow a chronological sequence of questioning. First, the questions will be concerned with training prior to and after arrival in Vietnam. Second, we will inquire into the briefing prior to the combat assault. And the third series of questions will concern the operation on the 16th through the 19th of March. Final questions will concern prior investigations or inquiries into the task force operation on the 16th of March during this period. Do you have any questions?

A. No, sir.

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

A. 16 March--

Q. (Interposing) Now, let me describe in a little detail the time frame we're interested in. We're interested in an operation that took place between the 16th and 19th of March. The 16th of March was the day Lieutenant COCHRAN was killed.

A. I remember that.

Q. The 19th of March was the night that MILUS was killed. So that time frame is the period we're interested in. On the 16th of March, the day Lieutenant COCHRAN was killed, what was your duty assignment?

A. I was a squad leader in his platoon, and we were on a, I think it was a search and destroy mission.

Q. Well, wait a minute now. You were a squad leader in whose platoon?

A. In Lieutenant COCHRAN's platoon.

Q. You weren't in the 1st Platoon?

A. No. I was assigned to his platoon at that time. I'd been in his platoon about a week, I think.

Q. Did they transfer people around to different platoons quite a bit?

A. Not--when the 2d Platoon, that platoon Lieutenant COCHRAN was in charge of. They 1st Platoon had a lots of NCO's on the operation just before that, so they took NCO's out of the 1st Platoon and put him in the 2d Platoon.

Q. When they took you out of the 1st Platoon, how many squads did they have in the 1st Platoon?

A. Each platoon had two squads; they had two squads all the time. I was a team leader in the 1st Platoon, and when I was assigned to the 2d Platoon I was a squad leader.

Q. And you were promoted to sergeant in January?

A. Yes, sir.

Q. Who was your platoon sergeant?

A. Sergeant LIAS. He was in the 1st Platoon. He was transferred along with me.

Q. At the same time?

A. Same time I was.

Q. Was anybody else transferred out of the 1st Platoon at that time?

A. Sergeant JONES. Me, Sergeant LIAS, and Sergeant JONES.

Q. All of you went down to the 2d Platoon?

A. Sergeant LIAS was transferred, and he requested that me and Sergeant JONES come along with him.

Q. He requested transfer from the 1st Platoon to the 2d Platoon? Why?

A. Our platoon had more NCO's than other platoons and they had to pick some NCO to go, so Sergeant LIAS was chosen and Sergeant JONES was.

Q. What about Sergeant LOVE? What was his job in the 2d Platoon during this period?

A. He was a squad leader at the time. He was the platoon sergeant on that operation the week Lieutenant COCHRAN was killed. I believe Sergeant WYATT had already been killed when the operation took place. I do remember that Sergeant LOVE did take over the platoon when Lieutenant COCHRAN was killed.

Q. WYATT, James E., deceased. Died of wounds 9 March 1968. Do you ever recall getting any training at any time on a subject which would have included the legality or illegality of military orders?

A. Could you....

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Q. All right, whether or not all military orders are legal and all military orders have to be obeyed?

A. No.

Q. You don't ever remember having a class on that?

A. No.

Q. This is Exhibit M-2, titled "Nine Rules." It's a pocket-sized card. Have you ever seen that? That's a facsimile copy of it.

A. I don't recall ever seeing it.

Q. How about this one? This is Exhibit M-3, titled "The Enemy In Your Hands." Have you ever seen that one?

A. I believe I've seen this one before.

Q. Do you ever remember having one of these issued to you?

A. I remember they issued us some card, and maybe I think this might be it because on the back it had Vietnamese translations on them.

Q. That card has got a back side. Turn the page there because I think the translations are on the front.

A. It's written on the front.

Q. That's right.

A. I believe this was--I'm not sure.

Q. Do you know where they were issued?

A. Do I know why they were issued?

Q. Where?

A. No, I don't. I don't even remember the time they were issued.

Q. Now, on the 16th of March or the 15th of March were you at LZ Uptight?

A. Right.

Q. There was to be an operation the following day, on the 16th of March, in the Pinkville area. I'm trying to separate now distinctly not what you did but what you were briefed on and what orders you were issued prior to going on this operation. So when I ask you this question, I want you to confine your answer to what you were told to do and not what you did and what the unit was told to do and not what they did. Do you follow me?

A. Right.

Q. Just the briefing of the orders. Now, on the 16th of March you were a squad leader. From whom did you receive your orders?

A. Lieutenant COCHRAN. That's the same time--I don't remember the date.

Q. This would be the day before he died?

A. It was Lieutenant COCHRAN.

Q. And did he give the order for the next day's operation for the entire platoon, or did he give it to just the squad leader so he could give it to the entire platoon?

A. He did.

Q. Did he normally do this?

A. Not himself. But most of the time it was only given to the squad leader, and he would tell the men and that night, call all the men up to the CP and he gave us an order for the next day.

Q. The platoon CP?

A. Yes.

Q. Where was this given, indoors or outdoors?

A. It was outdoors.

Q. After dark or before dark?

A. It was after dark.

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Q. Did he use a map or anything to describe what was going to happen?

A. I don't remember.

Q. Did he give any additional information to the squad leaders before or after he briefed each platoon? Detailed information or any further instructions?

A. I'm not sure.

Q. Can you recall what he said? What did he say was going to happen?

A. I don't really know. I think the mission was search and destroy and that we could expect enemy contact. That's all. I don't remember too much about it.

Q. Were there any special instructions given concerning burning of houses or the destruction of food stock?

A. No.

Q. Nothing special? Had you been on search and destroy operations before?

A. Yes, I have.

Q. Were there any instructions given concerning the destruction of animals, livestock?

A. No.

Q. Did you normally do this?

A. No, not normally.

Q. Did you normally destroy villages, burn them and so forth?

A. No.

Q. Were there any special instructions concerning the inhabitants that lived in this area?

A. I don't remember that time, but most of the time they would tell us to gather up the villagers and put them in the center of the village somewhere and somebody would watch them while we went through the villages and searched them.

Q. Is that what you expected to do on this operation?

A. I believe so.

Q. In other words, there was no deviation from your normal procedures?

A. No.

Q. You did not consider this operation any different as far as procedure than any other operation you went on?

A. No.

Q. What was the enemy situation that was described to you in the area?

A. We say that there was a lot of mines and booby traps so we knew there was Viet Cong. I don't remember the name they called the Viet Cong, but there were a lot of Viet Cong in that area and suspected NVA.

Q. Do you know what the platoons of your company were going to do? What the 1st and 3d Platoon was supposed to do?

A. Not really. The 2d Platoon, I believe we were the first one to land when we made the assault.

Q. Did a lieutenant give you your aircraft number and lift number that night before the operation, or did you normally do that on the pickup zone?

A. Sometimes they'd give it to us that night and sometimes they would give it to us that morning before we left.

Q. We never have gotten a real tight indication of what the order of assault was as to whether the 1st Platoon went in first or the 2d Platoon went in first or they were split. Do you feel that you went in on the first lift?

A. I do believe we did go in on the first lift.

Q. Do you know what the plan was for the position of the squad or platoon? Which squad was going to do what?

A. I don't remember.

Q. What was your squad number?

A. I was in the first squad, I believe.

Q. Who had the second squad?

A. Sergeant JONES, I believe.

Q. Were you supposed to move off toward an objective when you hit the landing zone, or what were you supposed to do?

A. We got off first.

Q. No, now, what were you supposed to do from the briefing? Were you told that you were going to have to sweep a village, or aside from securing a landing zone that you were going to have to move to a specific area? Or were you given any instructions as to what the platoon was supposed to do that morning?

A. We were, but I can't remember how all that in a minute. I know after we landed we moved out towards the village.

Q. Wait a minute. Let me get to that in a minute. I wondered if it was ever mentioned that the 2d Platoon was to sweep My Lai (1) which was Pinkville? That you were supposed to sweep a village? Search and clear? Possibly search and destroy?

A. I don't remember exactly, but the village we were going towards, we never made it because everybody was stepping on mines.

Q. That's the reason I was wondering. You was heading for this village and then you hit a bunch of mines. I don't know whether you had the intent that you were going to enter that village or not if you hadn't hit these mines. That's what I'm trying to find out.

A. I do believe we were going for the village.

Q. You were going to sweep that village?

A. Yes.

Q. Well now, before we go to what happened, I'm going to give you a briefing on what we know. And I'm going to go down the things we know and then I'll ask you to fill in around the stuff that we don't know. (The witness was oriented as to the operation using MAP-4) We understand Colonel BARKER evacuated these three that were wounded. Did you see them evacuated?

A. I was there when they were evacuated but....

Q. You didn't pay any attention to the aircraft?

A. No.

Q. The platoon sort of backtracked over the same route. They went into this area, this minefield, and then started moving off in a different direction. I don't think from the time you hit that second mine you moved too far, did you?

A. No, we didn't.

Q. You went into a village, I think with a possibility of sweeping the village?

A. I believe we set up on our side of the village, I think the CP was in the village, and I don't know whether the platoon was on the outside of the village or....

Q. About how far from where that second mine was tripped was this village?

A. I couldn't say how far, but I don't think we were no more than 10 to 15 minutes.

Q. And then after you walked this distance of 10 or 15 minutes, did you move any more after that?

A. Later that night. Later that evening we moved around the village and set up a perimeter around the village. We stayed right around the village the whole time.

Q. Did this village have a pagoda or anything in it that you could identify?

A. No.

Q. Were there many people in this village?

A. I believe there were quite a few people in it.

Q. I show you a photograph, Exhibit P-18. That's HUFFMAN.

A. Right, that is HUFFMAN.

Q. Have you ever seen any of those Vietnamese in there?

A. I couldn't say.

Q. Do you know this location?

A. I couldn't say.

Q. Exhibit P-19, did you ever see any of those Vietnamese?

A. I couldn't say.

Q. Exhibit P-20, do you recognize the location?

A. This must be where the platoon CP was, but I don't remember what platoon.

Q. Do you recognize these people as being part of the mortar platoon?

A. Yes.

20 606

- Q. Exhibit P-21. Did you ever see those two soldiers in there?
- A. No.
- Q. Did you ever see those soldiers?
- A. No.
- Q. Exhibit P-22. Did you ever see those soldiers?
- A. No.
- Q. Exhibit P-23. Do you know anybody in that photograph?
- A. No.
- Q. Exhibit P-66. Have you seen those two ARVN soldiers?
- A. No.
- Q. Exhibits P-206 and P-207. Does that terrain look familiar to you?
- A. I don't know; it's hard to say.
- Q. That's supposed to be the graveyard by your landing zone.
- A. It's hard to say.
- Q. Exhibit P-208. Did you ever see these prisoners?
- A. I'm not sure.
- Q. Do you remember this group in Exhibit P-18? Do you remember the time of day here? Do you remember anything about that?
- A. No. It must have been on the day we were set up on the outside of the village.
- Q. What about Exhibit P-209? Can you recognize anything in this photograph?
- A. No.

20 607

Q. I suppose during that period when you were around the village, there wasn't much activity, was there? You just kind of stayed in place?

A. We stayed in place. I don't know what was going on. I think they were searching the village, I guess. I'm not sure.

Q. Then the 2d Platoon didn't have any mission there?

A. No.

Q. Do you recall when C Company linked up with B Company?

A. No.

Q. Did you see any people from C Company?

A. No. That night, me and Sergeant LOVE, we went around the village to see the company commander. And I believe there was another outfit with us, but I don't remember which outfit it was.

Q. What did you go see the company commander for?

A. It was about a medic. He wanted to see the company commander about getting a new medic with us.

Q. A new medic?

A. Yes.

Q. For the platoon?

A. Yes.

Q. You were going to get it from C Company?

A. We wanted to get it from battalion.

Q. What was his name?

A. We didn't get him. We just wanted to ask.

Q. But you saw the company commander of C Company?

A. This was the company commander of B Company.

Q. Captain MICHLES?

A. Yes. Captain MICHLES.

Q. But you didn't see any people from C Company that night?

A. I saw some people who I didn't know. I don't know which unit they were from.

Q. Did you see any National Police or ARVN soldiers come in with C Company?

A. No, I didn't.

Q. Did you hear any firing that night?

A. Not that I recall.

Q. Did you see any interrogation going on?

A. No.

Q. Did you see any MI personnel out there? Interpreters?

A. I don't remember seeing any except, I think--I think, no, at that time I don't think we had an interpreter. I'm not sure.

Q. Do you know or did you hear any of the reports that were coming out of the 1st Platoon over by the beach.

A. No.

Q. They reported a lot of VC killed that day. Did you hear about that?

A. I remember on one operation there were a lot of VC killed. I don't know if this is the same one.

Q. Okay, the next morning you got up, hit Highway 521, and went down to the briefing. I think the 3d Platoon was leading the column. The 2d Platoon was probably following. I believe that's the way it was. Remember crossing the concrete bridge that morning? Going over by the ocean? Sergeant TAYLOR got wounded?

20 609

A. Yes.

Q. Sergeant TAYLOR was wounded on the other side of the bridge.

A. Right.

Q. Do you remember any firing going on down there? Do you have any knowledge of what happened out at the bridge?

A. When our platoon got there everything was over with, everything had happened, because TAYLOR had already been evacuated and they had a minesweeping team out there. We had suspected mines and we just moved down through. I think we stopped for a while because of the lieutenant.

Q. Lieutenant LEWIS?

A. Lieutenant LEWIS.

Q. You crossed the bridge. As far as you were concerned, you didn't receive any fire when you were crossing the bridge and TAYLOR was gone by that time?

A. Yes.

Q. Do you remember a couple of gunships coming up firing? Did you see that?

A. I don't remember.

Q. Okay, the company moved south down the beach. The 2d Platoon was on the left and the 1st Platoon was on the right along the river. About 1320 hours that afternoon the 2d Platoon reported engaging two VC. One VC was killed, right here by the beach. Do you remember that? You left the 3d Platoon up there by the bridge and the mortar stayed up there and a few other platoons went to the top with the CP.

A. I remember we went up to a village and we gathered up villagers and brought them back down with us.

Q. That's the next day, that's a couple of days later. This was going down the beach. You were on the beach, went all the way down to the end, a long walk.

20 010

A. I remember that day.

Q. Exhibit P-212 is down here at the end of the peninsula. Do you remember that picture? Came all the way down to where the Tra Khuc River runs into the sea and that's where Exhibit P-212 is. Do you recognize that picture?

A. I believe I remember this area because of the fishing boats.

Q. Should be real pretty area. This is on the way down there. This is also the same area. You can see this is Exhibit P-211. You can see the fishing boats out there. Did you burn all the villages on the way down? Or were there any villages down there on the beach?

A. There were villages out there on the beach, but no, we didn't burn any villages.

Q. Okay, you got down to the south end and turned around and went about halfway back and then went into an laager area that night. I guess you all should've been laagering in out there on the beach?

A. We did sleep on the beach one night.

Q. We don't have any indication that anything unusual happened as far as the 2d Platoon's concerned.

A. One thing, we walked down there on the beach and got to the end and burned a few huts.

Q. Down at the end?

A. Yes, and turned around and went back up.

Q. Turned around and went back?

A. There was supposed to be--

Q. (Interposing) When Lieutenant LEWIS came in and joined the 2d Platoon there was some indication that there was a photographer that came in with him.

A. I believe there were a photographer.

20 611

- Q. Who was it?
- A. I don't know who it was.
- Q. What kind of a uniform did he have on?
- A. He had on regular jungle fatigues.
- Q. How did you know he was a photographer?
- A. He had a camera. Somebody told me, sir, I don't know. I think he was supposed to be reporter or something, because he was with our platoon.
- Q. Yes, he stayed in your platoon that afternoon. When did he leave? Do you know?
- A. I don't remember. We did have contact with a photographer once.
- Q. Did he take any pictures of the contact?
- A. Yes. After the shooting was over, we moved down the village and we found this old lady in the village.
- Q. Old lady, what happened to her?
- A. We left her there.
- Q. She was the only one there?
- A. Yes.
- Q. Where was the rest of them?
- A. I don't know.
- Q. What did they do, just walk off and leave her?
- A. They must have left before we came.

Q. Okay, you went back up that night and you laagered down by the beach and the next day went by the bridge again and picked up the 3d Platoon. They found 3,000 pounds of rice and moved all the way up the peninsula up to the area where all those people were, and 500 or a 1,000 of them, and they had a MEDCAP that day. That night you had a mortar attack and according to the sequence we've got, that was 0130 hours. It was scattered mortar fire; MILUS was killed; five were wounded. At 0144 dustoff was requested and at 0244 the dustoff was complete. Then there was a Spooky requested and at 0350 the Spooky was on station. At 0440 you were supposed to have had another mortar round in there.

A. I don't think we did.

Q. You don't remember that second one? Supposed to have been one, supposed to have been either one or two more mortar rounds at 0440. Now, did you see any interrogation going on that day, the day of the 18th or the day of the 19th?

A. I believe there was some interrogation.

Q. Did you see some military intelligence personnel out there? The interpreters?

A. I believe there was this captain, one guy and he had some ARVN's with him. Two ARVN's, I don't know how many. I think it was about three VC or suspected VC that they were interrogating.

Q. Where were they interrogating them? On the beach?

A. They were close by the beach.

Q. Was there anything unusual about their methods?

A. I didn't see too much of it.

Q. Was this the 18th or the 19th?

A. I don't remember which day. It was just before we went in. We went in the same day.

Q. That was on the 19th? That was after MILUS was killed?

A. Right.

20 013

- Q. Did you see them beating up these fellows?
- A. No.
- Q. Did you ever see that? Exhibit P-215. Did you ever see that boy?
- A. I believe I do remember seeing him.
- Q. Where?
- A. He was over by the beach. They were interrogating him. I know one of them. I think he was the one who messed all of us up and they took some water and washed him up.
- Q. Why did they do that?
- A. Because they were scared.
- Q. How'd they get beat up?
- A. I don't know.
- Q. Is that the man?
- A. I believe it's him. It looks like him.
- Q. Did you ever hear an order during this operation to stop burning villages or stop burning?
- A. Not that I recall.
- Q. When you went over to cross that bridge the day TAYLOR was wounded, did you recall seeing any bodies over there?
- A. No, I don't.
- Q. Do you ever recall hearing the order that day, which could have come down from the platoon leader, for the whole company to stop firing?
- A. Stop firing?
- Q. Yes.

A. Not that I know of. We weren't firing except for that incident down on the beach there.

Q. Down on the beach? The order could have been passed down without your platoon hearing any firing.

A. I don't know.

Q. Do you have any knowledge of any investigation or inquiry being made on this operation?

A. No.

Q. Did you have a camera?

A. No, I didn't.

Q. Did you ever hear rumors that civilians had been unnecessarily killed by either B/4/3 or C/1/20 on 16 March, during this operation?

A. No.

Q. Were you or anyone you know ever questioned concerning this operation?

A. No.

Q. Do you know if any U.S. or ARVN tortured VC suspects or POW's during this operation?

A. No, I never....

Q. You didn't hear of any of them getting shot, executed, or getting their fingers cut off?

A. No.

Q. Did you ever hear of any rapes during this operation?

A. No.

Q. Do you have any further testimony or statements that might help General PEERS' in this investigation?

A. Nothing I can think of.

20 615

Q. I understand you were a tunnel rat?

A. Yes, I was.

Q. When you were in the 1st Platoon?

A. Yes.

Q. What was the normal procedure when you went into an area like this? When you go in and destroy tunnels or bunkers?

A. When we destroy them we take a C4 and blow them up. Throw a grenade in.

Q. Grenades destroy the tunnels?

A. No, it won't destroy them. We mess the entrance up a little bit.

Q. Was there any attempt made to see if there was anyone in the tunnel?

A. We'd go down and see if anybody was in them. If there wasn't nobody in them, we'd blow the entrance up.

Q. You'd go in them first?

A. Yes.

Q. But did you yell in them before you went in, or did you just go in?

A. Most of the time I was just going in.

Q. When you crossed the bridge that day and went over to that peninsula when TAYLOR was wounded, did you see a village over there with a bunch of bunkers around it? Tunnels rats go look at open bunkers, I would think.

A. I don't recall seeing any bunkers.

Q. Now, normally when B Company went out to destroy bunkers, did they always search them before they blew them up?

A. We always searched them.

Q. Why?

A. There might be something in there. Rifles, grenades, there might be something in it.

Q. Did you ever know a time when they blew them up without searching them?

A. No.

Q. How many tons of TNT or composition C do you think it would take to destroy a bunker?

A. I couldn't say exactly. It would take a lot to destroy them.

Q. Whenever you went into an area like Pinkville, did you always try to destroy the bunkers that were in there?

A. Not too often. Sometimes we would blow the entrance up. Most of the other times we would just leave.

Q. Now, we've had testimony that some of these bunkers were searched across the river and that one of them was booby-trapped. Did you hear about this?

A. No, I didn't.

Q. I'm wondering if this area across the bridge, on the other side of the bridge, just a couple of hundred meters from that village, were there mostly tunnels there, or bunkers?

A. I couldn't say.

Q. Did you ever hear of a bunker complex being over in that area?

A. No.

Q. Did you hear of HOOTON or TAYLOR or any of these fellows talking about what they ran into over there?

A. No.

20  
617

Q. You knew them pretty well, didn't you? About what they ran into over there?

A. No.

Q. You knew them pretty well, didn't you?

A. Yes.

Q. As a point team? You didn't talk to them after this operation?

A. No, not that I remember.

Q. Mr. LITTLE, I request that you not discuss your testimony in this investigation with others, including other witnesses for the investigation, except as you may be required so to do before a competent judicial, legislative, or administrative body.

A. Yes, sir.

Q. We appreciate you coming. The hearing will recess.

(The hearing recessed at 1430 hours, 24 February 1970.)

20 618