

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

Volume II
TESTIMONY

BOOK 23

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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 23

VANN
ALAUX
HOBSCHIED

KERN
MARTIN, L.

MEDINA
MURRAY

14 MARCH 1970

SUMMARY OF TESTIMONY

WITNESS: VANN, Edward O. SSG

DATE OF TESTIMONY: 14 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Platoon Sergeant, Mortar Platoon, B/4/3.

1. PRIOR TRAINING IN RULES OF LAND WARFARE.

Classes on the Geneva Conventions were given in Hawaii by company officers prior to embarking for Vietnam. If Vietnamese ran from U.S. forces, they were told to fire upon them in some cases (pg. 5). Prior to firing a mortar fire mission, clearance had to be given by the fire direction center at the TOC (pg. 5). If in contact with the enemy, the B/4/3 commanding officer could authorize a fire mission (pg. 6). They were issued the MACV Card, "Nine Rules" in Hawaii and possibly the MACV Card, "The Enemy in Your Hands" (pg. 7).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

Captain MICHLES, B/4/3 commanding officer on 16 March 1968, normally gave his briefing to the platoon leaders rather than to the assembled company (pg. 9). The briefing on 15 March 1968 was held at LZ Uptight. They were told to expect a large VC force (pgs. 9, 12). Nothing out of the ordinary was said (pgs. 9, 12). There were no orders given to burn the village or to destroy their animals or foodstuffs (pg. 11). The company was aware of the numerous mines and boobytraps in the area (pg. 17). Because of the mines and boobytraps the populace in the "Pinkville" area was not trusted by B/4/3 (pg. 12). The witness was unaware of any orders given to burn the village or kill the livestock during the entire operation (pg. 12).

3. COMBAT OPERATIONS, 16-19 MARCH 1968.

a. Initial assault.

VANN came in on the second or last lift (pg. 19). The doorgunners were not firing, nor did he fire when exiting the aircraft (pg. 22). VANN never noticed the gunships firing that day (pg. 23). His platoon (20 men or less) moved about 100 meters where they set up their mortar (pg. 19). An explosion was heard (pg. 19). A booby-trapped 105 round was set off about 75-100 meters from VANN's mortar position (pg. 24). It killed Lieutenant COCHRAN and wounded several men (pgs. 19, 24).

Although VANN could not recall the exact date, he did recollect a time when they fired some dud rounds in support of the rifle platoons (pgs. 25, 28, 30). He could not remember any contact with the enemy on 16 March 1968 (pg. 26), or a helicopter bringing in a photographer or other people (pg. 30).

b. Night laager position on 16 March.

Later in the day they moved 200-300 meters northwest to their night laager position (pg. 20). Exhibit M-46, the 11th Brigade Journal for the operation, corroborates the testimony that the LZ and the night laager position were very close (pg. 26).

He did not recall seeing any National Police prisoners, or ARVN soldiers at the night laager area (pgs. 23, 30). VANN did not know or hear anything about a VC suspect's finger being cut off or prisoners being shot on 16 March 1968 (pg. 36).

c. Movement of B/4/3 on 17 March.

Moving east B/4/3 crossed a bridge on 17 March (pg. 39). VANN did not see any bodies when he crossed it or at any other time on 17 March (pgs. 44, 45). The mortar platoon set up their position 100 meters east of the bridge to support the rifle platoons sweeping south if needed (pg. 39). He could not recall any fire missions that day (pg. 41). He believed they might have set off another boobytrap Exhibit M-46 corroborates VANN regarding this (pg. 41). He did not know if any element of B/4/3 swept south as far as the mouth of the Song Tra Khuc River (pg. 49). Their night laager position was two kilometers

south of the bridge (pg. 39). He did not see any burning on 17 March (pg. 45).

d. MEDCAP and mortar attack on 18 March.

On 18 March B/4/3 moved north from their night laager position (pg. 46). VANN remembered the MEDCAP that day (pg. 51). That night he recalled a mortar attack on their defensive position. A medevac ship landed near the beach to evacuate the dead and wounded (pg. 52). "Spooky" came on station after the attack (pgs. 53, 55). "He" did not fire his miniguns into the village, but fires were placed on the suspected enemy mortar positions east or northeast of B/4/3 (pg. 55).

Very early in the morning of 19 March VANN's platoon was heli-lifted back to LZ Uptight (pg. 53). Quite probably the mortar platoon was extracted prior to the rifle platoons (pg. 56).

4. INQUIRIES REGARDING THE OPERATION.

VANN never heard that there was an investigation of their operation. He was never questioned, nor did he make a statement about the operation (pg. 58).

5. OTHER INFORMATION.

a. VANN never heard of any rapes committed by B/4/3 troops (pg. 45).

b. The witness stated that he heard no talk or rumors that anything unusual had occurred on this operation (pg. 57). He never heard of B/4/3 torturing prisoners (pg. 60).

c. There were rumors that the younger soldiers were using marijuana, but VANN never saw anyone use it or come under the influence of other drugs (pgs. 61, 62).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-2	MACV Card, "Nine Rules"	Was issued in Hawaii.	7
M-3	MACV Card, "The Enemy in Your Hands"	Possibly issued in Hawaii.	7
M-45	DA, IG Letter, 13 August	Entered into evidence. Wit remembered the letter from EBINGER	59-61
M-46	11th Bde Journal, 16-19 March 1968	Entered into the record and parts read to the witness.	24-26 42,43, 47-51
P-18	Miscellaneous Scene	Identified HUFFMAN	31
P-20	Miscellaneous Scene	Identified MARSHALL and HOUGHTON.	32
P-21	Miscellaneous Scene	Identified MI team.	33
P-23	Miscellaneous Scene	Identified MICHLES and the MI interpreter.	34
P-168	Aerial photo, Son My Village, Coastal Complex	Entered into evidence.	37
P-169	Aerial photo, P-168 as annotated by VANN	Witness annotated P-168 as follows:	
		1-LZ	37
		2-LT COCHRAN killed here.	37
		3-Three men wounded	37
		4-81 mm mortar position on 16 Mar 68.	37

(The hearing reconvened at 1600 hours, 14 January 1970.)

COL WILSON: The hearing will come to order.

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

The next witness is Staff Sergeant Edward O. VANN.

(SSG VANN was called as a witness, was sworn, and testified as follows:)

Please state your full name, grade, Social Security number?

A. Edward O. VANN, Staff Sergeant (E-6), Social Security number .

RCDR: State your branch of service, organization, and duty station?

A. U.S. Army, Company C, 7th Battalion, 6th Infantry, Fort Hood, Texas.

COL WILSON: Sergeant VANN, before I proceed with any questions, I would like to inform you of certain matters. This 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 16 March 1968.

In conducting his investigation, General PEERS determined it necessary to have a complete insight of the overall ground and air operations in the Son My Village area during the period 16 to somewhere around 20 March 1968. He, therefore, appointed this board, referred to as Interview Team C, to question personnel of B/4/3 to prepare a complete description of the unit operations of that unit during this time frame.

You can expect General PEERS or members of his board to come into this interview at any time.

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

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

During the interview, the board will follow a chronological sequence of questioning. The first series of questions will be concerned with training just prior to and after arrival into the Republic of Vietnam. The second series will inquire into the briefing prior to the combat assault which took place on the 16th of March, and the third series will concern the operations on 16, 17, 18, and 19 March 1968 in that order. The final questions will concern prior investigations, inquiries, into the operations of 16 March 1968. In other words, what other investigations or inquiries were made. Do you have any questions on that?

A. No, sir.

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

A. I really don't recall the exact date pertaining to that incident. I guess it was the 16th of March. What I'm saying is I don't know whether it was the 16th or 17th, referring to the time that we did go into that area. I was assigned to the 81 millimeter mortar platoon as platoon sergeant.

Q. Which company?

A. B/4/3.

Q. And that at that time was it part of Task Force Barker?

A. Right.

Q. Sergeant VANN, were you platoon sergeant of this platoon most of the time or did this position change frequently?

A. Well, for the first 6 months--well, for the first 5 months, I was platoon sergeant.

Q. That's from the time you arrived until about 5 months later that you were platoon sergeant?

A. Right.

Q. Who was platoon leader?

A. First Lieutenant COCHRAN, when we first arrived, was platoon leader.

Q. COCHRAN?

A. Right, sir.

Q. Who was platoon leader on 16 March?

A. There was no officer. I was in charge.

Q. Were you with B/4/3 while they were in Hawaii prior to deployment?

A. Yes, sir.

Q. When the unit was alerted and told that it was going to be deployed to the Republic of Vietnam, was there any change in the training that took place?

A. Well, initially we started our training for conventional type warfare and later around the early part--I'd say around June 1967 when we starting going to training for jungle type warfare, geared towards Vietnam.

Q. What time was that?

A. I guess--I can't give no precise date, but I assume that it was around the middle of the year, around June or July or something.

Q. Now, just prior to leaving, say 2 weeks or 3 weeks prior to leaving, do you recall any specific training being given regarding the handling of prisoners of war or non-combatants? Any classes or exercises?

A. Sure, we received something but it was more or less--I can't hardly remember the nature of it but--I don't

know if we had any special training or not. We did receive some training on it.

Q. Did you ever have a JAG officer come down and give the entire company any classes on rules of land warfare or the Geneva Convention?

A. Right.

Q. Do you remember this?

A. Yes, sir. We had classes on it.

Q. Do you remember who gave them?

A. Most of our training was done at unit level. Classes were given at unit level by officers.

Q. Do you remember what you were told to do in reference to prisoners?

A. Right, the same procedure if you capture a prisoner the first thing you do is search them, attempt to move them back. In the case of Vietnam, move them to higher level for interrogation.

Q. How about noncombatants? Was anything said about how to handle noncombatants? What to do with them?

A. Well, we handled them over there--if we had to search out an area, if there were civilians in the area, if we thought in some kind of way they were suspicious, we moved them off to one area there and more or less continued our search. We would hold them there until our search was over.

Q. What about after you arrived in Vietnam? Was there any specific training on these subjects given?

A. We had so much training when we came into Vietnam. I'm pretty sure there was, sir. I can't remember no specific dates on this subject. Nothing of this nature, but I feel we did.

Q. What about in a combat situation or in a situation something like a combat assault--when you were moving through areas not too familiar with the disposition of the enemy or what the sympathies of the civilian populace was and people started running from you, what were you told to do?

A. Well, we were told to--if we approached an area and the occupants of this area started to run--we were told to more or less considered them as being hostile or the enemy --but they were supposed to have been briefed, that we would search this area.

Q. Were there any procedures of action taken if they would run from you?

A. Well, in some cases they was told to fire upon them, to bring them under fire if they decided to run.

Q. Anything ever said about telling them to halt?

A. Right.

Q. Do you know the words for that?

A. The words for what, sir?

Q. For halt.

A. Halt?

Q. In Vietnamese?

A. I did, sir, but I forgot it. It's been so long.

Q. What about the instructions as far as the use of indirect fire weapons such as the 81 mortar? If you received a fire mission, was there any question about where this mission was to be fired or was that up to the forward observer and the company commander?

A. That was more or less up to the company commander and forward observer. However, we had to call in for clearance at the time we fired, all the way back to where the fire direction office is, back at the TOC, to clear the area for fire.

Q. Suppose it was a contact fire mission?

A. Then the CO would give priority whether to fire or not.

Q. What are you talking about, a preplanned mission or something like that where you had to clear it?

A. Right.

Q. And was there any training given on the procedures for this or was this just something that you were briefed on when you got over there?

A. Well, do you mean when to fire and when not to fire?

Q. Yes, clearance and such as that.

A. Oh, yeah, we had training. We knew when to call in for clearance.

Q. Who would make that call? Was that your job?

A. Right. It would be me or my RTO. One of us would call.

Q. You had your own PRC-25?

A. A PRC-25. The only thing I would do is call the CO or my RTO would call the CO and they would ask clearance, if we received a fire mission to fire.

Q. You didn't as an individual check back with Task Force Barker or back to the battalion at TOC?

A. No.

Q. The questions on clearances--were you getting ARVN clearance to fire the 81's? Did you ever consider fire clearance to fire the 81's such as in addition H&I targets?

A. I don't think so. Well, we might have had. The only thing I would--like each night, I would have groups to fire. I would have to get them all cleared. Where they came from.

Q. You cleared this with the company commander?

A. Right.

Q. I show you Exhibit M-2 which is a facsimile of a card entitled "Nine Rules." Have you ever seen this card? There are two pages, the front and the back of the card. It is a wallet-sized card.

A. Yes, sir.

Q. You've seen that card?

A. Yes, sir.

Q. When did you see it?

A. I believe we had these prior to going to Vietnam.

Q. In Hawaii?

A. In Hawaii. I don't think I still have it, but I've seen it.

Q. And you were issued one?

A. Yes, sir.

Q. Do you know if the men in your platoon had one of these cards?

A. We all had them, sir.

Q. You think they were issued in Hawaii?

A. I'm pretty sure. They were either issued in Hawaii or on the ship as soon as we arrived. One of the two places.

Q. I show you Exhibit M-3, entitled "The Enemy in Your Hands." Have you ever seen that card?

A. I can't say for sure. I believe so. We received a lot of cards of this nature prior to arriving or just after arriving.

Q. Do you remember once in Vietnam going to any training before you went on operations?

A. Yes, sir.

Q. Where?

A. At Duc Pho.

Q. What kind of training?

A. Well, we had training on enemy mines, booby traps, map reading, helicopter training. I guess that is about it.

Q. You don't remember any training on the rules of land warfare?

A. Yes, sir, we had some training on that.

Q. Anything special on noncombatants?

A. We also had training on that. As a matter of fact, they had a little village set up there, and we had to go in and search the village in a training-type operation not too far from where we stayed there at Duc Pho. We had to more or less separate the noncombatants from the hostile.

Q. Now, I'm trying to fix this date in your mind by relating it to other incidents. When did you go on R&R?

A. May, I'm trying to remember what date.

Q. Well, if it was in May, it was a good bit later. We couldn't use that.

LTC NOLL: Do you know a Staff Sergeant WYATT?

A. Yes, sir.

Q. Do you recall when he was killed?

A. I recall the incident. I don't recall the date.

COL WILSON: That was on the 9th of March. Do you remember when Lieutenant COCHRAN was killed?

A. Yes, sir.

Q. That was the morning of the combat assault that we are talking about?

A. Right.

Q. We have got that fixed. Now, the day before that operation, and from what I have been able to understand in the short period of interviewing people from B Company, Captain MICHLES usually briefed his platoon leaders and they briefed the squad leaders as opposed to calling the whole company together for a briefing.

A. That's right.

Q. Do you recall a briefing on 15 March, prior to this operation?

A. Yes, sir. We did have a briefing.

Q. Would you tell me, to the best of your recollection, what was given to you during this briefing?

A. Well, first of all we got the situation. I don't remember the unit that was supposed to have been there by name but it was supposed to have been a VC element there. A considerable large VC element, I believe. Let's see, we had our units spread. We had two platoons on one fire base, I believe, and two platoons on another. The CO had to come by and brief the platoon leaders sort of in a hurry. It wasn't too much in detail, but we were told what time we had to leave, and whatever we had to take, and whenever we would be going in. Like I say, I can't remember nothing too much in detail about it, no more than there was supposed to have been a considerable amount of VC in it and we were to prepare--we were expecting them to be there.

Q. Let me ask you some specific questions. Where was the briefing?

A. Well, our command--the fire base itself had a command bunker that the infantry platoon leaders, who were in charge of the area, stayed. That's where the CO always gave

his briefings. I believe that LZ Uptight was the name of the LZ.

Q. And this briefing was given by the company commander?

A. Yes, sir, I'm pretty sure. He always gave the briefings.

Q. Did he brief with a map or how did he brief?

A. He briefed with a map. He showed us exactly where we were going and gave us the coordinates.

Q. What scale map were you using then?

A. 1:50, I believe. Like I say, it's been a pretty good while now, but I'm pretty sure it was a 1:50 map.

Q. This briefing would have had your people pretty close in at that scale?

A. Right.

Q. Was there any other documents used for the briefing besides the map?

A. Possibly an overlay. Probably an overlay showing where our company would be operating or join the companies or something like that.

Q. When this briefing took place, did anybody else get in on the briefing, i. e., did the supply sergeant make any announcements or the first sergeant.

A. At this time, no, because--well, it depends. Now, a lot of times they are at the location. At this time we only had one rifle platoon at this location, so neither of these people would be there.

Q. Where were the other platoons?

A. I'm pretty sure we had two fire bases, LZ Dottie and LZ Uptight! Normally, we had two on LZ Uptight and two on LZ Dottie which was a few thousand meters away.

Q. Are you talking about B Company normally having the company split like this?

A. I'm talking about Bravo Company.

Q. They normally split the company?

A. Well, like I said, not normally, but sometimes the situation would require us to do this. It depends on the situation at the time.

Q. As you recall on 15, 16 March, was this the condition of the unit?

A. As I recall. Now, it could not be absolutely true but I know it has happened before. I'm not for sure.

Q. What orders were given concerning the burning of the houses and the destruction of the animals and foodstuffs?

A. We had no orders concerning that.

Q. What were the normal procedures?

A. Normal procedure? There was no real need to burn them.

Q. What about foodstuffs?

A. I never had any orders to burn it.

Q. I'm going to take a couple of minutes here and give you a short rundown on the concept of this operation.

(COL WILSON briefed the witness by summarizing the previous testimony received pertaining to the operation.)

Now, in moving into this type area on this type operation, I again go back to the question of the destruction of foodstuffs and destruction of villages. Was there any difference in the operation in the Pinkville complex than was normal for Task Force Barker?

A. As far as I know, sir, it was not.

Q. Do you ever recall any instructions being given on an operation during this period to destroy the villages?

A. No, sir.

Q. Nothing that amounted to any burning of houses and so forth?

A. No, sir.

Q. The killing of animals?

A. No, sir.

Q. Was any special instruction given in this area regarding the inhabitants of these villages?

A. Not really. The first day we lost quite a few people, I guess in mines and booby traps and all. So everybody was kind of reluctant whether to really, what you might say, trust the civilians or not because they had an idea that they knew what was going on in the area. We also had a lot of people lost to snipers. It was the same thing every time we went over there, you get the feeling that, well--

Q. (Interposing) During the briefing, what was the enemy situation depicted as? Was this covered in the briefing by the company commander?

A. It was covered. Like I said earlier, I can't remember the exact amount. The name of the unit was brought out, but I can't remember. There was supposed to have been a strong hostile force there.

Q. There was supposed to have been a strong hostile force in the area?

A. Right.

Q. And this is what you were told?

A. Yes, sir.

Q. Do you recall what was the concept of operations for the platoons in B Company? I told you that the 1st Platoon went out to the east across the bridge there (indicating). What happened to the 2d and 3d Platoons and were they both on the operation?

A. They were on the operation, sir, but I really don't know because, like I say, when I had the 81 platoon a lot of times the CO would give instructions -- give hasty instructions to the line platoon leaders and they would take off. I think we had a couple of platoons around. I know we had one platoon around the CP group and the 81's for security. I'm pretty sure. The 2d Platoon -- Lieutenant COCHRAN told me -- they moved out, I think, I don't know what direction. That's when he got killed on this booby trap. They hit another one shortly thereafter.

Q. We're going to go over that in some detail in a minute, but you don't remember the instructions given in the briefing regarding which platoons were to do what?

A. No more than the 1st Platoon was supposed to move across the river as you indicated.

Q. Do you recall it?

A. Right, and the 3d Platoon, I'm pretty sure as I recall, was supposed to pull flank security for the CP group, and the mortars and the 2d Platoon had another mission. I can't recall exactly what it was. It was to secure some flank or something like this. I don't know for sure.

Q. To secure what?

A. Maybe a flank, I don't know for sure.

Q. Did you have your entire platoon on this operation?

A. Yes, sir -- which was very short at the time. Way out of strength.

Q. How many people did you have in your platoon at that time?

A. I can't remember the exact figures. I couldn't say, really. It was less than 20, I know. I know it was less than 20.

Q. How many tubes did you take?

A. We only took one. We supplied a squad, which consisted of five men and a mortar, to the CP group and they went with the CO. We always gave this, and the rest carried ammo and part of the mortar, which was a skeleton crew.

Q. What was the size of your squads? Do you remember?

A. At that time?

Q. Yes.

A. Possibly four -- three or four.

Q. In a squad?

A. Right.

Q. What did the TOE authorize?

A. In the 81, it is 27.

Q. In a squad?

A. Five per squad.

Q. When you were at Uptight with the mortar platoon, am I correct when I say the mortar platoons of the various companies of Task Force Barker stayed at Uptight without the other elements of their companies?

A. Right, sir.

Q. Is it also correct to say that the purpose of that was to provide, additionally, support fire throughout the AO?

A. Right, we put out illumination. That's right.

Q. Was there also a similar type mortar installation at Dottie?

A. Yes, sir.

Q. Now, when you stayed at Uptight, did your communications system also act as a relay?

A. Yes, sir.

Q. For operations?

A. Yes, sir.

Q. Did you have any additional communication equipment because of the relay requirement while you were at Uptight than you normally wouldn't have had.

A. No, only a larger antenna. We had a so-called 292 installed there but we still used the regular 77. Our TOE authorized the use of two of them.

Q. Did you ever remain at Uptight when elements of Task Force Barker were operating in the Pinkville area?

A. I cannot say for sure. I suppose so.

Q. Did you ever provide any mortar support from Uptight to the Pinkville area or was this not of your range?

A. We never provide any support to there.

Q. Were you ever aware of any communications being relayed from the Task Force Barker TOC to the objective down at the Pinkville complex?

A. I suppose so.

Q. Is this something that happened often when you have troops down there? Is it relayed? Is it required?

A. Most of the time it is required.

Q. Because of the mountain range intercepting the line of sight, I suppose.

A. Yes.

Q. So it was a reasonably important installation from a communications standpoint?

A. Right.

MR WALSH: Can you remember who was at the briefing at Uptight, in the bunker, in addition to yourself and Captain MICHLES?

A. Well, Lieutenant COCHRAN was there. I'm trying to recall. I can't really say.

Q. Was Captain WILLINGHAM there?

A. This is why -- I kind of get confused. I'm thinking that the other two platoons were over at Dottie. I can't remember whether they was there at Uptight, because we had been on missions similar to this when we were at different places.

Q. We know, for example, that all of Charlie Company was at Dottie the day before. Would it have been possible that some parts of Bravo Company would have been over there at the same time.

A. Not likely.

Q. If all of Charlie was at Dottie, would it be likely that all of Bravo would have been at Uptight?

A. More than likely. It worked that way, but like I say, I can't really remember because many times the CO came out to give us operations orders. I just remember me and another platoon leader being there. I don't know for sure, really, whether Lieutenant WILLINGHAM was there or not.

Q. Do you remember what Captain MICHLES said the purpose of the operation was?

A. No, sir, I can't.

Q. Now, do you recall the time of day you received this briefing? How much preparation did you have?

A. No, sir, I don't recall the time of the day. I can't.

Q. Do you remember a Lieutenant LEWIS?

A. Yes, sir.

Q. Was he present?

A. I don't know for sure, sir. I don't know if he had arrived in our unit yet or not. I really don't know when he came.

Q. How about Lieutenant WALTERS?

A. I remember him. I don't know -- I don't think he was with the unit at that time.

MAJ ZYCHOWSKI: At this briefing, Sergeant VANN, were you told or did you get the impression that this mission was going to be different from any other mission that you have had in the past, or was it basically the same?

A. Well, we had been over in this area before so we were figuring that it would be just a little different from the regular missions that we pulled right around there. We really did anticipate--we thought that we would run into a hostile force or something else. We know we were subject to a lot of booby traps and mines.

Q. You also mentioned relay personnel. Do you possibly recall the names of some of the relay personnel?

A. Let see, I had a specialist fourth class there, GELDMEYER.

Q. That's all right. Later on, Major THOMAS will show you a roster and maybe you can think of more at that time.

COL WILSON: Sergeant VANN, our next series of questions is going to be concerned with those operations which began on the 16th of March. I'm going to terminate at that time and recall in the morning. We will probably not sit until 9 o'clock. In the meantime, has anybody questioned you about the roster of B Company?

A. No, sir.

Q. Well, I would like you to come here about 8 o'clock and see Major THOMAS, and he'll give you some material, some rosters, and also some forms to fill out. I would like you to reconstruct as best you can your platoon on 16 March, not any other time, and anything else that you can recall in the company. In addition to that, while you are doing this it may be a good idea to determine if you can recall the present location of any individuals or names. Now, have you got any questions on that?

A. No, sir.

COL WILSON: We'll recess until sometime around 9 o'clock in the morning, and you can give him any instructions that need be taken care of later.

RDCR: Yes, sir.

COL WILSON: Thank you very much. We'll see you in the morning.

(The hearing recessed at 1645 hours, 14 January 1970.)

(The hearing reconvened at 1008 hours, 15 January 1970.)

COL WILSON: The hearing will come to order.

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

COL WILSON: Sergeant VANN, I remind you that you are still under oath.

A. Yes, sir, I understand.

COL WILSON: Yesterday, we covered a series of questions, and we reached the day of the operation, 16th March, 1968. I think it would be best if you just explained to me, as well as you can recall, what happened on the 16th of March.

A. Okay, sir. Well, as I recall, I guess we went into the Pinkville area at the time. I can't remember what lift I was on at this time. Anyway, I imagine it was either the second or the last. As to what I was involved in, we got off the choppers, and initially, I guess, we were about -- my platoon was moving about 50 to 60 meters away from the area, maybe 100, and we set the mortars for support. Well, we were more or less supporting it in support of the 1st Platoon which had moved out across the bridge. We stayed in the area--that particular area, I guess about 2 hours. I'm not sure. Well, about 75 meters from my location we had this explosion. That's when Lieutenant COCHRAN was hit and the other people was wounded. After we took care of the wounded and everything we called an evacuation chopper to take care of the wound of Lieutenant COCHRAN. I guess about 20 minutes later the platoon which he was assigned to, I believe it was the 2d Platoon, had moved out again. I don't remember how many. That's about all I know about the operation of that platoon at that particular time. We moved -- my whole platoon movements that day included only about -- I guess about 200 or 300 meters from where we landed at. We laagered for the night. The operations for the other platoons, I really don't know exactly what they were.

Q. Let me ask you some specific questions. Based on what you have stated, you stayed in the position where you landed your one mortar for 2 hours initially?

A. Approximately.

Q. And you didn't move over 200 to 300 meters from that position the entire day?

(The witness nodded head in the affirmative.)

Did you move north or south? Which direction did you move, do you recall?

A. I believe north. We moved to the northwest, I believe.

Q. Now, on these casualties that you encountered, the first group was from the 2d Platoon and the next group of casualties were from what?

A. The 2d Platoon.

Q. All from the same platoon. Were all these people evacuated at the same time or were they evacuated at different time.

Q. You mean the two companies?

Q. Yes.

A. Well, at different times. We got the first group out; and, like I say, 20 or 30 minutes later we had another one, so we had to call in another evacuation to get them out.

Q. Now, the first group that was evacuated was Lieutenant COCHRAN, I guess, or his group of wounded.

(The witness nodded head in the affirmative.)

Did you recognize the aircraft that came in to pick them up?

A. Do you mean by -- well, it was just a medevac.

Q. Was it a medical aircraft?

A. I'm pretty sure it was, sir.

Q. Did you notice any specific markings on it?

A. No, sir.

Q. A red cross?

A. Yes, it was a red cross.

Q. I'm trying to determine if it was in fact a medical aircraft or one of the slicks that you took in or possibly Lieutenant Colonel BARKER's aircraft.

A. I don't think so, sir. Like I said, it could have been.

Q. What about the second group? Did you see them evacuated?

A. Yes, sir.

Q. Could you identify this aircraft in any way?

A. Yes, sir, as much as I can remember, it was a medevac ship.

Q. Now, you loaded at Uptight? Is that correct?

A. Yes, sir.

Q. Do you remember how many aircraft came in that morning?

A. I can't remember, sir.

Q. You don't remember if the whole company was there or not?

A. No, sir.

Q. Do you remember the direction of flight?

A. It was to the south.

Q. Due south?

A. Not due south, maybe southeast.

Q. Did you go over by the coast?

A. Right. I was near the coast. Well, let me think again. I believe -- I don't know if we went directly -- I believe we did go due south and came back up north and landed. Let me say I'm not positive, sir.

MR WALSH: Do you remember if you went out over the ocean down to the river and came back up north?

A. Well, I couldn't say for sure.

COL WILSON: Did you receive any fire prior to landing either on route or as you made your low-level approach?

A. I can't recall this.

Q. Were your doorgunners firing in your aircraft?

A. No, sir, I'm pretty sure we already had troops on the ground.

Q. That' right. You said you were in the second lift or last lift.

A. Yes.

Q. Where was the LZ? Can you identify the LZ by looking at a map?

A. I could try. I'm not sure if I could.

Q. We will get a map later, and see if you can identify it. Were you firing when you left the aircraft?

A. No, sir.

Q. Was anybody?

A. Not that I can recall.

Q. Did you see any gunships in the area?

A. Yes, sir.

Q. What were they doing?

A. Well, they were just more or less flying around the area. At the time I arrived I'm pretty sure that's what they -- I'm pretty sure they were just hovering around the area more or less.

- Q. They weren't firing?
- A. No, sir.
- Q. You didn't see them fire that morning?
- A. I didn't see them fire.
- Q. At all?
- A. Yes, sir.
- Q. The whole day?
- A. I imagine they fired prior to the lift. They normally did.
- Q. You didn't leave the vicinity of your platoon at any time. You were with them the whole day, which puts you within 200 meters of the landing zone. Is that correct?
- A. Yes, sir.
- Q. You didn't know of anything that was going on over at the coast?
- A. No, sir.
- Q. Did you see any National Police that day?
- A. I don't think so, sir. I can't really recall this.
- Q. You didn't see any in the laager area?
- A. No, sir.
- Q. Did you see any prisoners or VC suspects being interrogated that day?
- A. No, sir, I didn't.
- Q. Not even in the laager area?

A. No, sir.

Q. Now I'll read you some entries in the log to see if we can refresh your mind. This is the 11th Brigade journal of 16 March 1968. Also the journals of 17, 18 and 19 March. I would like to introduce these as exhibits.

RCDR: The 11th Light Infantry Brigade journals for 16 thru 19 March 1968 are entered and marked as Exhibit M-46.

COL WILSON: The log reads, "Second artillery prep was started at 0808 hours and completed at 0811 hours." A 3-minute artillery prep. No location given. The second one would have been the prep for your combat assault. You didn't go in on the first lift, and it is not likely that you would have seen this. Did you see the results of an artillery preparation in the area?

A. It is hard to say. I really can't say, because it's one of those things. At that time, it was just another day, you know. I have no idea.

Q. Now, the log indicates that the first lift touched down at 0815 on a cold LZ. The second lift touched down at 0827 and the CA was complete. So, there were only two lifts. At 0845 hours the report reads, "Tripped a 105 round, booby trapped in a tree; results: one U.S. KIA, four U.S. wounded."

A. Yes, sir.

Q. Were you there at the time this occurred?

A. Yes, sir, I was there.

Q. Were you ever close to the incident?

A. Maybe about 75 to 100 meters. Pretty close -- it was pretty close to the landing site.

Q. We do have coordinate positions on these. We will try to plot them and see if that will help you remember where the landing zone was. Sometimes these coordinates in the log

transmissions will change. Now, at 0930 hours: "Booby trap results: three U.S. wounded, and dustoff completed with C&C at 0943." I'm not certain about this, but I believe this could have possibly been Colonel BARKER's command and control ship providing the evacuation. Now, this is the second lift which is shown here sometime about 45 minutes later. Would you recall if it was Colonel BARKER's command and control ship? Was there any identifying features about the ship that you can recall?

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

Q. Item 63 in the log shows that B/4/3 engaged a number of VC and the results were 18 VC KIA, some web equipment, assorted uniforms, assorted rounds of ammo. Do you recall elements in your unit becoming engaged in a fire fight somewhere around 10 or 11 o'clock that morning, a couple of hours after you got there? Did you provide any mortar support?

A. No, sir, we didn't fire.

Q. You didn't fire any that morning?

A. No, sir.

Q. Entry 64 indicates that at 1050 the unit location of B/4/3 was coordinate 738796. There is an entry 72 on the log that date where a Helix, that is a FAC aircraft, at 1340 hours reported 30 to 40 VC at a certain coordinate and B/4/3 was moving in. Do you recall anything, any instances such as this? In other words, the FAC aircraft must have been in the general area.

A. Right.

Q. And the log indicates that B/4/3, once these 30 or 40 VC were reported at a coordinate which appears to read 736832, was moving in, and I wonder if you recall this or if you heard anything about this or if you provided any indirect fire support for this action or if B Company even made contact?

A. Once again, sir, I can't really say. I'm sure there was some contact made that day by some of the platoons, but I can't really say what the extent of it was or what time it was or how many.

Q. Item 77, 1420 hours, states that the B/4/3 engaged a number of VC in tunnels, eight VC KIA, and some equipment and assorted rounds of ammo captured. Do you recall this incident?

A. Not specifically, sir.

Q. Item 94 indicates that at 1935 that day, Task Force Barker reported that B/4/3 was located at 733796 with ambush site at 745805. That seems to cover most of the events that we have recorded for B Company. Now, let's take a look at this last coordinate of the location of the company and the original entry in the vicinity of the drop zone, and as you say they were reasonably close to each other. The LZ was 734785. The reported location of the reported night laager was 733796. There is very little difference. Apparently, you laagered in close to the LZ. Is that correct?

A. Yes, sir, it was close.

Q. That's where you stayed overnight?

A. Yes, sir.

MR WALSH: Sergeant, while waiting for the second lift, do you recall hearing the artillery prep fire at that time?

A. Yes, sir.

Q. Do you recall how long it was?

A. Not really, sir. This is something not rare. I just can't remember.

Q. But you do have a recollection of the artillery firing while you were waiting to take off?

A. I guess so, yes, we were there and they did fire that morning.

Q. And they fired from Uptight. They also had some tubes at Dottie you know, but you remember them firing from Uptight?

A. Yes, sir.

Q. When you got on the ground and set up your mortar, what do you remember about the location? Do you recall what it looked like around the area?

A. Well, let's see. There was--it looked like there had been some concrete structures of some type that had been either burned out or destroyed.

Q. A house?

A. A house of some type.

Q. Could you see a bridge from where you were?

A. No, sir.

Q. Could you see the water from where you were?

A. No, sir, I don't think so.

Q. Were you aware that the 1st Platoon was moving over a bridge to go over near the ocean?

A. Yes, sir.

Q. And your assignment was to protect them initially wasn't it?

A. Yes, sir.

Q. Do you remember seeing them move out?

A. I believe I seen some elements. They went in before we did, I'm sure. I can't say for sure, sir, because--

Q. (Interposing) If you were going to support them, wouldn't you normally have somebody who would have some visual contact with them?

A. Well, either the platoon leader would call in for support. He would serve as forward observer. I can't remember if we had one with them, at that time or not, from my element. He called it back. Well, the CO gave me the general area where they were supposed to be going in and I laid--

Q. (Interposing) Did he show you a map?

A. Yes, sir.

Q. A 1:50,000 map. And would he indicate where the 1st Platoon was going and where you were?

A. Yes, sir.

Q. And you would get your initial data from that?

A. Yes, sir.

Q. Do you remember anything about getting a call from a person to support the 1st Platoon and firing some rounds that turned out to be duds?

A. That did happen. I don't know whether it was that day or not.

Q. We have had some indications from the 1st Platoon people that they asked for support, and they got some 81 rounds that were duds. It didn't make them very happy, I imagine. We thought that that might refresh your recollection?

A. I don't remember--I think it was. I can't say for sure if that was the same day or not, but I remember firing some dud rounds. We did fire a series that didn't go off.

Q. Was the company commander with you during the time you were right near the LZ?

A. He was close by. He wasn't with my element.

Q. Could you see him?

A. Right.

Q. Do you remember seeing the 2d Platoon move out? I think you said you did. Do you remember what direction they were going? Did you say northeast?

A. Well, let's see from where we were, I believe it was northeast or north--it was northeast.

Q. What was the terrain like? Could you see for a long distance?

A. Well, I guess about--I could see them for about 75 yards away.

Q. Were there a lot of houses around the area, or was it largely paddy fields, or what was the terrain like?

A. There was no houses in that area.

Q. No houses at all?

A. No, like I say, the structures in this country had been bombed away at some time, but it was a little vegetated, like trees and bushes.

Q. Was there a pretty good sized road cutting across from east to west, that you crossed as you moved north? You don't remember?

A. No, sir.

Q. I think you said you moved 200 to 300 meters to the north to your laager site. Would that be correct?

A. Well, we moved 200 or 300 meters, maybe a little more or a little less, but my directions are a little screwed up. I think it was to the northwest.

Q. Do you remember linking up with Charlie Company in the laager area?

A. Yes, sir.

Q. About how big of an area did the two companies prepare at the night defensive position?

A. Well, I don't know, sir, because our company had one sized area and Charlie Company had another size.

Q. They really weren't together. They were in just the same general area?

A. Right. Well, maybe they had a perimeter set up. Our company had one half of it, Charlie Company had the other half. I think that's the way it was, I'm not sure.

Q. Did you see any ARVN soldiers in the laager area on that day?

A. No, sir.

Q. Do you remember anything more about that first day that sticks in your mind that we haven't talked to you about?

A. That's about it, sir. I can't remember anything else. No more than I'm pretty sure that is the day that we fired the dud rounds, come to think of it. I really don't know.

Q. Do you remember hearing that the 1st Platoon had killed some VC over there in the beach area that first day?

A. Possibly, I really can't say, sir. About every day we get some reports.

COL WILSON: Sergeant VANN, do you remember a helicopter coming in and bringing a photographer and a couple of other people into the B Company CP late that morning or early that afternoon?

A. No, sir, I don't.

Q. I'm going to ask you to look through some photographs (Exhibits P-26 thru P-42 and P-56 and P-70). This exhibit number is on the photograph. Just look through those and see if you can identify either the person or the places in those photographs and I'll ask you which ones in a minute, after you look through them.

(The witness studying the photographs.)

Now, what about P-17? Can you recognize the location of the people in there? Any of them?

A. The location?

Q. Yes.

A. It seems to be some of the personnel that were assigned to my platoon. Just the outlines.

- Q. You can't identify them?
- A. Not really.
- Q. What about P-18?
- A. I can identify--let's see, that's SP4 HUFFMAN.
- Q. Was he in your platoon?
- A. Yes, sir.
- Q. What was his job?
- A. At the time he was working with the CO. I'm pretty sure he was, as part of the CP group.
- Q. Do you remember this area? Can you locate this area? Was this near the LZ?
- A. Yes, sir, it had to be. It looks like the area.
- Q. What is this configuration on the ground here, the mounds over here. This cleared area through here, can you describe that (indicating areas on P-18)? What is it?
- A. It looks to be where the soil has been plowed.
- Q. Isn't that a funny way to plow it like that? Why would they leave the area in here unplowed (indicating)? Do you recall this?
- A. These seem to be mounds. Maybe they just started it.
- Q. What about these Vietnamese? Do you remember seeing any? Do you recognize any of the Vietnamese in the photograph?
- A. No, sir.
- Q. Do you recognize this group (indicating)? Did you see HUFFMAN with these people?
- A. I imagine I did, sir.

Q. And you think this is near the landing zone?

A. Yes, sir.

Q. What about P-19?

A. I can't recognize anybody there.

Q. Do you know where that location could be?

A. Well, I believe there was a small village. It could be west.

Q. Away from the sea?

A. Away from the sea area. I believe this is where it was.

Q. To the west of the landing zone?

A. Right.

Q. What is this here in the background? Does this look like anything you ever saw (indicating areas on P-19)?

A. I don't know. It looks like maybe it was a hut or something made out of mud. I don't know.

Q. What about P-20?

A. I can recognize--I believe, SP4 HOUGHTON is the individual holding the pole in his hand on the left. Sergeant MARSHALL to extreme right rear with his hands on his hips.

Q. Who was Sergeant MARSHALL?

A. He was one of my squad leaders. He was in charge--he was assigned to the CO unit in charge of the CP group for little missions, like bringing in helicopters for chow or something.

Q. What about HOUGHTON? What was his job?

A. He was part of the CP group.

Q. Was he in your platoon?

A. Yes, sir, he was assigned, but he went with the CP.

Q. And the man bending over, can you tell who that is?

A. I can't recognize him. He's probably one of the-- I'm sure he was part of the CP group but I can't identify him.

Q. What does he appear to be doing?

A. It looks like he has a bayonet in his hand probing the ground.

Q. Have you ever seen this location?

A. I suppose. I don't know about the exact spot though. I'm pretty sure it's in the general area.

Q. Do you recognize these two individuals in the center right of the photograph?

A. It looks like the MI team.

Q. The one with his helmet off and the one standing next to him look like the MI team. Do you remember who they were?

A. I don't remember by name.

Q. How about P-21?

A. That is the same two as in P-20.

Q. MI?

A. Right.

Q. How about P-22?

A. The same two.

Q. Do you recognize the old man in there?

A. No, sir.

- Q. How about P-23?
- A. That's Captain MICHLES and the MI interpreter.
- Q. Did Captain MICHLES use the MI interpreter quite frequently when he was with him?
- A. Yes, sir.
- Q. Who did he use when he didn't have a Vietnamese interpreter?
- A. Just before we left Hawaii, we sent a couple of people to language school. One of the RTO's was pretty good.
- Q. But he didn't have a Vietnamese interpreter for himself that went with him? He used an American?
- A. Well, no, we didn't have one at all times.
- Q. C Company had one.
- A. Oh, they did.
- Q. You don't remember B Company ever having one?
- A. I don't remember. I don't know for sure. Maybe we did at one time. I know we had one. I can't say for sure.
- Q. If you had one at one time, was it before or after this operation?
- A. I would say after this operation. However, during this operation here I'm pretty sure we had the team. The MI team.
- Q. Do you remember the MI team coming into B Company that night?
- A. No.
- Q. You don't remember them joining B Company, coming in on a helicopter?
- A. Well, I couldn't say for sure, sir, because we had a lot of helicopters come in quite often when we were out there.

Q. After the lift was completed, how many helicopters came in and brought people that morning? Do you know?

A. I don't know for sure. I don't know if the MI team went out with us or they brought them in.

Q. Do you recognize any of the Vietnamese in this picture?

A. No, sir.

Q. How about P-68?

A. I can't recall the name of this individual (indicating) I recognize the face.

Q. The man on the left?

A. The man on the left.

Q. Was he in B Company?

A. I imagine so. I guess he was. I recognize the face, but I can't recall the name.

Q. Did you all wear flak jackets then?

A. That was more or less up to the individual. If he thought--some felt more secure with them. The CO left it up more or less to the individual.

Q. He didn't prohibit anyone from wearing them?

A. No, sir.

Q. I noticed none of the other B Company personnel that you pointed out in these photographs had on flak jackets, and in photo P-68 all three of the people have on flak jackets. Do you recall if many of the company in March wore flak jackets?

A. The men in the company?

Q. The men in B Company. The men in your platoon.

A. The men in my platoon never wore them. Well, I guess one or two may have worn them. It depended on the individual. Like I said, if you wanted to wear them it was allowed. When we went into an area where there was a lot of mines and booby traps some people felt more safe to wear them, others didn't want to carry the load. It was awful hot.

Q. I was really trying to get an indication. Would you say the majority of B Company wore the jackets or did not wear them in March?

A. I would say the majority of people did not wear them.

MR WALSH: Sergeant, did you know Captain KOTOUC? He was the Task Force Barker S2.

A. I've seen him. I shouldn't say I know him. I didn't know him by his name. I've seen him around.

Q. Did you see Captain KOTOUC and his interpreter interrogating detainees in the laager area on the night of the first day?

A. No, no, sir, I don't think so.

Q. Did you either see or hear anything about anybody cutting the finger off of a VC suspect in the laager area on the night of the first day?

A. No, sir.

Q. How about putting a suspect's hand on a rock and beating it with a knife?

A. No, sir.

Q. Did you ever hear anything about any National Police shooting a couple of VC suspects in the laager area that night?

A. No, sir, I didn't hear anything about it.

Q. Did you hear any firing in the laager area that night? That afternoon or that evening?

A. No, sir, I should hope not. If there was firing going on it should have went on outside the laager area.

Q. Would you have remembered if it occurred in the laager area?

A. Within the perimeter?

Q. Yes.

A. Yes, sir, I'm sure I would.

COL WILSON: We are now going to show you some photos and maps and see if you can sketch something. The best thing to do is to recess and we'll see what we come up with. The hearing will recess.

(The hearing recessed at 1106 hours, 15 January 1970.)

(During the recess, witness was provided an aerial photo of the Son My Village coastal complex for subsequent annotation. At that time, the plain, unannotated photo was received in evidence as Exhibit P-168.)

(The hearing reconvened at 1215 hours, 15 January 1970.)

RCDR: All parties present when the hearing recessed were again present.

COL WILSON: I remind you that you are still under oath.

During the recess, Sergeant VANN has described the activities as he can best recall which occurred on the 16th of March, 1968; has annotated an aerial photo (Exhibit P-168 later admitted with annotations as Exhibit P-169). The entries (on the aerial photo) indicated that entry 1 is the landing zone. He recalls his helicopter facing to the north as it landed, and he was on the second lift.

Entry 2 is the approximate area where Lieutenant COCHRAN was killed in action. Included on that entry is the log entry from Headquarters, 11th Brigade, (Exhibit M-46) which indicated that the time of that event was 0827 hours on the morning of the 16th.

Event 3 is three wounded in action when they tripped a booby trap at location 3. The log entry for that event was 0930 on the morning of the 16th.

Point 4 is Sergeant VANN's recollection of where the 81 millimeter mortar gun position was located.

Point 5 is an approximation of a target fired by the 81 mortar in support of the 1st Platoon. A log entry at 0955 that morning indicated that there was an action at that location.

Point 6 is the night defensive position for B/4/3 and C/1/20. Do you recall C Company being there?

A. Yes, sir.

COL WILSON: I have indicated on here, "Prepared from memory, 15 January 1970, the events of 16 March 1968." I would like for you to sign that. Is this what you recall as best you can?

A. Yes, sir, to the best of my knowledge. The best that I can remember.

Q. If you sign that, we'll introduce that as an exhibit.

(The witness signed the aerial photograph, which was received and entered into evidence as Exhibit P-169.)

All right, now let's take about 40 minutes and eat lunch. We'll recess and come back after lunch.

(The hearing recessed at 1221 hours, 15 January 1970.)

(The hearing reconvened at 1305 hours, 15 January 1970.)

COL WILSON: The hearing will come to order.

RCDR: Those present include MR WALSH, COL WILSON, MAJ ZYCHOWSKI and MAJ THOMAS.

COL WILSON: I remind you that you are still under oath, Sergeant VANN.

A. Yes, sir, I understand.

Q. We completed the annotated photograph as to your recollection of the 16th of March. I would like to go to the

17th of March, and ask that you describe to me anything that you can recall that occurred on that day.

A. On the 17th, I'm pretty sure that this is the day, we crossed--we left the laager position. What time, I don't know. If I remember correctly, we moved to the east across the bridge and I can't remember anything significant happening no more than we crossed the bridge. Some of the platoons, I don't know whether the 1st or 2d, moved to the south. My element crossed the bridge and set up just to the east side of the bridge out 100 meters east of the bridge. We were prepared to support while the other elements moved down south of the area across the river. I don't know how far we moved but we got a day's operation out of it. We laagered I guess about 2,000 meter south of the area where we crossed the bridge that night. Like I say, during the day, I can't remember exactly what happened.

Q. All right. Now, as you crossed the bridge you moved how far south?

A. Maybe 1,000 meters--you know, out of the whole day. Maybe it was less. I really couldn't say.

Q. A couple of clicks?

A. A couple of clicks.

Q. Did you put your mortar in the fire position after you crossed the bridge or after you moved south?

A. After I crossed the bridge.

Q. Your mortar position was placed in the proximity of the bridge then?

A. Well, it was about 100 meters northeast of the bridge.

Q. Then did you stay there for any period of time?

A. My platoon stayed there and I was with them for some time. I don't know how long, maybe an hour or less until--well, even longer as I remember, it was longer than an hour. We stayed there pretty near a whole day until we were called down to join the company in the laager position. I remember

this. I'm pretty sure it was on the 17th.

Q. Okay, so you put your mortar platoon in position right next to the bridge, stayed there for a while, and then displaced south to the company command post.

A. Right.

Q. The company command post didn't stay where you put your mortar position?

A. No, sir.

Q. Was your mortar platoon the only unit there at the time?

A. I'm pretty sure there was another element there to provide security for the 81. Normally the company commander would leave one platoon.

Q. Another platoon?

A. Which was understrength.

Q. But the company moved south after they crossed the bridge, and you went into position to support them.

A. Right, sir.

Q. Then later on, or sometime that day, you displaced south to join the company?

A. Right.

Q. And at the time you joined the company a couple of clicks to the south. Did you go into a laager position at that location?

A. Yes, sir.

Q. The company didn't move anymore, did it?

A. If I understand correctly, the CP group was there along with at least one platoon establishing the laager position. They had established before we were called up.

- Q. Before you got down there they were already set up?
- A. Right.
- Q. The area that you moved into on the morning when you put your gun in position, was this a habitated area or out in the field?
- A. It was out in the "boonies."
- Q. Was it a rice paddy?
- A. It was sort of a vegetated area.
- Q. I see. Were there any houses around there?
- A. No.
- Q. You were in a field out in the open?
- A. Right.
- Q. Did anything occur that morning that you can recall? Did you have any fire missions?
- A. No, I didn't do any firing at all. It seems like we had another booby trap incident in one of the platoons. I don't know which one.
- Q. It wasn't in your platoon?
- A. It wasn't in mine. This is just something I heard.
- Q. What I'm trying for you to recall is anything that happened where you were.
- A. No.
- Q. Were your communications good that morning? Did you have any problems with communication?
- A. I don't think so. I think the communications were good.
- Q. Do you normally monitor the company communications on the radio or your RTO?

A. The RTO. When there is something that I think, you know, should--if I feel if the CO wants to call me or if I knew something was going on I would monitor it.

Q. Did you normally hear the radio?

A. Could I normally hear it?

Q. Was your RTO close enough to you so you could hear transmissions?

A. Not all the transmissions.

Q. Do you remember the names of the villages My Khe (4), Co Lay (1), (2), (3)? Do these names mean anything to you?

A. I remember hearing the names. They don't have no significant value. I can't remember what happened there, if anything did happen.

Q. Let me go into a couple of entries here on the 11th Brigade log of the 17th (Exhibit M-46) and see if you can recall any of these incidents. At 0831 that morning, item 34 in the 11th Brigade log, it indicated that B/4/3 at 0810 hours that morning tripped a booby trap at 747188, one U.S. wounded due to hostile action. That was a Sergeant C. H. TAYLOR. Do you know a Sergeant TAYLOR?

A. Yes, sir.

Q. He was apparently evacuated?

A. Yes, sir.

Q. Slight wound in the hand, foot, side of the head. He was dusted-off at 0830. Do you recall this?

A. I don't. This incident must be the one I referred to earlier. I didn't see none of it.

Q. You didn't see it? You just heard about it?

A. Right.

Q. All right, now, item 37 which is entered at 0845: it says, "B/4/3 at 0830 received sniper fire; negative casualties. Aero-scouts went to check this out." This location we'll check on a map in a few minutes at 742787. I don't know whether this is at your location or further down the road, but we'll check this out. Do you remember your platoon getting any sniper fire at your location that morning?

A. No, sir.

Q. That was about 0830. Now, at 1320 "B/4/3 engaged two VC"--this is item 62 entry at 1330--"two VC evading; result: one VC KIA." Do you remember this?

A. No, sir.

Q. That covers most of the entries on B Company that day. It didn't appear to be too much activity from the looks of the log. What I would like to do at this time is try to indicate on the same sheet (Exhibit P-169) that you prepared before, because it should be located in another area, movement of your unit on the 17th of March.

(The witness so marked Exhibit P-169 during an off the record session.)

Sergeant VANN has described the activities of the mortar platoon on the 17th of March as departing the laager area moving generally in a southeasterly direction across the bridge south of My Lai (1). His platoon then turned north about 100 to 200 meters and set the mortar position up at a location described on point 7. At the time he was at point 7 the company CP was in that area. Is that correct?

A. No, sir, not the whole complete time.

Q. When you moved there initially?

A. When I first arrived, yes, sir.

MR WALSH: I wonder, sergeant, did you notice across the bridge, at the far side of the bridge, was there a village in that area?

A. No, sir, there was no village.

Q. Did you see any village when you moved up to the position where you set up the mortars?

A. No, sir, there was some indication that there possibly had been villages there, sometime before.

Q. Did you see any dead bodies when you crossed the bridge and went to set up the mortar?

A. No, sir.

COL WILSON: Later on that day, prior to darkness, the mortar platoon displaced and moved due south to the night defensive position, which was established in the vicinity of point 8. At that time the mortar platoon was placed in position for night fire, illumination and so forth. I understand that you reached the night laager position prior to darkness?

A. Yes, sir.

Q. You had adequate time to put the gun in action and prepare positions?

A. Right and also a hot meal, as I remember.

Q. Was this brought in by helicopter?

A. Yes.

Q. You didn't have one on the 16th?

A. Yes, sir, I believe we did.

Q. So you had them both nights?

A. We normally had one every evening--for the evening meal.

Q. Did anything occur at point 8 which is the night defensive position?

A. No, sir.

MR WALSH: Sergeant, as you proceeded on with your mortar tube from point 7 to point 8 did you pass through any villages?

A. I believe so, sir.

Q. Do you know approximately where they were located?

A. Do you mean by coordinates, sir?

Q. Yes, or either indicate them on the photograph or by coordinates on the map. I don't want you to pay any attention to anything that is on the map. I just want to know what your recollection is, because there are some things that you can see on the map that have been destroyed long ago that may not have been there at the time you went through. What I want to know is whether you saw any villages or collections of hootches where people lived at the time you walked from point 7 down to point 8?

A. Yes, sir, I'm sure I can recall a village--not large villages, but small.

Q. Would it be more than one complex that you went through or just one?

A. Just one.

Q. Would that have been down close to the laager area or up closer to the bridge?

A. I believe it was, say about halfway from point 7. Between point 7 and point 8.

Q. Did you see any dead bodies along that trail?

A. No, sir.

Q. Were there any burned hootches in the village or complex that you went through?

A. No, sir.

Q. Tell me, when you were looking south during the day when your mortar was in place at point 7, did you see smoke from hootches burning down the peninsula?

A. Not as I can recall, sir.

Q. Did you know that the companies missions, moving in down the peninsula, included burning the hootches and various settlements along the way there?

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

Q. Do you remember if the company had any action that day? That they killed any VC at all that day?

A. I can't really say, sir. I imagine they did, but I can't say for sure.

Q. You just don't have any recollection of anything significant happening that day?

A. No, sir.

Q. Did you ever hear, either on that day or the day before or at any other time, anything about B Company soldiers raping any women in that area, on that operation?

A. No, sir.

COL WILSON: Sergeant VANN, we retracked your platoon on 17 March. From the night laager position on 17 March, can you describe the events that occurred on 18 March?

A. About the only thing I can remember on the 18th was we moved--well, I moved--my platoon moved from the laager position. We moved to the north. This is one location that I can't remember exactly how far we went, but it took us--it was pretty near an all day move and I believe we moved, looking at the map there, we moved from position 8, somewhere initially--somewhere back into the vicinity of position 7 or point 7 and we stayed there for a while--my platoon.

Q. You went to your original mortar position after you crossed the bridge?

A. Right in that vicinity.

Q. And you stayed there?

A. For about an hour or two. The whole idea, initially, was to--the company moved out and we stayed here for support.

Q. In other words, you're going back to the 17th right?

A. Well, to the laager position of the 17th.

A. So you stayed on the 18th, the company moved up, you stayed in position?

A. Right.

Q. Where did the company go? Do you recall?

A. They moved north. Now, I guess their mission was to search out the peninsula, if I am not mistaken. I can't remember what their mission was. I'm talking about my movement from here back to here (indicating). We stayed there approximately 2 hours then we moved to the north.

Q. In other words, you moved from your laager position to the mortar position of the 17th of March and then you moved further north?

A. Right.

Q. Did anything occur during that period that you can recall?

A. No, sir.

Q. Let me go down the log here and see what is entered. Sergeant, let me go down the entries for the 18th in the 11th Brigade log (Exhibit M-46). At 0832--this is entry 46 entry time 0832. This indicated that B/4/3 at 0730 found a rice cache, approximately 3,000 pounds, and were bagging it back. This was found at 742787. Do you recall this?

A. No, sir. I don't.

Q. This is back up near the bridge. It meant that somebody from B Company was back up there early in the morning. I have another question that I would like to go back to. One thing on the 17th, from your position where you put your mortar next to the bridge on the 17th, could you provide supporting fire all the way down to the mouth of the Song Tra Khuc River? That would be a distance of approximately 3,500 meters. Any problem on that?

A. No, sir.

Q. Did you have any indication, or did you normally have any indication when you went into position like that, how far up the unit will move before you displace forward?

A. Yes, sir. Well, the CO would call me and tell me where to displace.

Q. Did you have any indication--

A. (Interposing) Where the unit was going?

Q. Yes.

A. Sometimes I did. Sometimes I didn't. I should at all times.

Q. In order to provide the supporting fire?

A. Right.

Q. Don't you get a progress report of their position?

A. No, sir.

Q. How do you normally know where they're going? Do they tell you before they leave or do they give you a report en route?

A. Well, the platoon leader would call me and tell me where they were at.

Q. The platoon leader?

A. Right.

Q. Which platoon leader?

A. Whichever platoon leader was in charge of the platoon.

Q. What about the company? You're supporting the company?

A. Right, well, either one. In any case, if one platoon has a separate mission, the platoon leader would call me.

Q. What I'm trying to find out is would you normally have known if the company was going all the way south to the mouth of that river (indicating) when you went into position up there by the bridge?

A. I imagine, yes, sir.

Q. Do you recall whether you knew they were going that far south or not?

A. I can't recall.

Q. Did you have any indication when you joined them at the night laager position that night that they had moved as far south as they were, or that they had been in that area, or had been sweeping in different directions?

A. I had no indications--no, I don't know how far south they had been, but I knew they had been further south than they indicated.

Q. We'll go back to the 18th in the 11th Brigade log. You don't remember this rice cache or evacuating it?

A. No, sir.

Q. Entry 47, 11th Brigade log, which was 0835, gives the B/4/3 location as 743790. That was at 0835 that morning, just on the coast north of the bridge at My Khe (4). Do you have any questions that you would like to ask at this point?

MR WALSH: No, I don't.

COL WILSON: Referring to Exhibit M-16, which is the Task Force Barker log for 18 March, entry 8 at 0835, carries the B Company location as the same 7437790, and it shows the 81 mortar platoon was located at 742788 just north of the bridge at 0835 that morning. That is the morning of the 18th, and the rice location is 742787 which is very close to where the rice cache is supposed to be and very close to where the mortars were indicated on the log. Let me be sure I understand. That morning on the 18th as you moved forward you said you went back into position, and I think the positions we've called off are just about in the same place as your position was on the 17th. That rice must have been around there somewhere, but you don't recall 3,000 pounds of rice?

A. I really don't. Maybe they had the rice out before we got there.

MAJ ZYCHOWSKI: The rice was found--the entry in the log is 0755. It had to be found before that time. The report of the units being located there was 0835. I don't know what time you closed in, but the rice was found sometime before 8 o'clock and very close to where the mortar platoon had been deployed. I imagine--it says they will evacuate, but do you see anywhere in the log where it was evacuate?

A. No, sir.

COL WILSON: You don't recall that, Sergeant VANN?

A. No, I don't.

Q. Now, at 0955 on the morning of the 18th, the 11th Brigade log shows B/4/3 located at 748815, which would be on the outskirts of the village Ky Xuyen (1). Does that sound about right? I remember that you said that you went into position and stayed here. Is that correct?

A. Right, that's what I was thinking. I remember I knew I came up after the company had moved up, so I probably was still in position there down near the bridge.

Q. The company went off and you stayed in position there?

(The witness nodded in the affirmative.)

Now, there was a 0955 entry that indicated that they were up there at the edge of the town early in the morning. Do you recall providing any mortar support or anything while they were moving up there?

A. No, sir, no mortar support.

Q. At 1145 that morning the company was, or the entry in the 11th Brigade log which is entry 71 says that B/4/3 is at 748814 and that there were approximately 1,000 people that didn't appear to be VC and that Task Force Barker would put a MEDCAP into the area on 18 March, at approximately 1400 hours.

A. I remember the MEDCAP.

Q. There is an indication that they were going to bring one in at 1330 hours that day according to the 11th Brigade log. 11th Brigade Log reports B Company's location at 760821 which places them on the southeast side of the village. Going to the Exhibit M-16, which is Task Force Barker's log, at 1900 hours that day, 26 requested a dustoff for three Vietnamese who were wounded by booby trap artillery and the dustoff was completed. Do you remember three Vietnamese being wounded by booby trap?

A. I really don't know, sir.

Q. The next entry in Exhibit M-16 was at 1930 which indicated that B Company was located at 751816 just east of the fish pond at Ky Xuyen (2) and that an ambush was established 200 meters to the north. Did you leave your mortar position in the vicinity of the bridge on the 18th and close in with B Company the eve of the 18th?

A. Yes, sir.

Q. Do you know what time you displaced your weapon?

A. No, sir, I don't. It was pretty early in the afternoon when we left. Somewhere between 1400 and 1500, something like that.

Q. Then you move on into the village with B Company?

A. Not into the village. I was still just south.

Q. Did B Company move into a night defensive position there?

A. Yes, sir, not in the village.

Q. Outside of the village?

A. Right.

Q. Did they set up a defensive position?

A. Yes, sir.

Q. Were you in the perimeter of that defense?

A. Yes, sir.

Q. Did anything unusual occur before midnight that night?

A. I believe we were hit by mortars. I'm pretty sure we were.

Q. What time was that? Before or after midnight, or do you recall?

A. I don't recall, sir, I can't really say.

Q. Let's go to the log of the 11th Brigade log on the 19th. Now, I want to go through the night of the 18th and 19th, you already said you received some mortar fire. The log of the brigade on 19 March at 0146 entry 4, 0156, says B/4/3 received approximately 12 rounds mortar or hand grenade; 5 wounded, hostile action. They were evacuated with gunship escort at 751816. Also one killed hostile action at point 751816, this would be on the southern end of where you said your night defensive position was. I don't know whether that was the pick-up point for the evacuation or where the mortar rounds came in. Do you remember a helicopter coming in that night to pick up wounded?

A. Yes, sir.

Q. Did he pick them up on the coast or did he pick them up right in your perimeter?

A. Right, closer to the coast. I just thought of that. The southern portion of our perimeter was positioned only about 15 or 20 meters from the water on the high ground so we were closer down.

Q. Did the helicopter land down there on the beach?

A. Yes, sir.

Q. And pick up the wounded?

A. Yes, sir.

Q. The Brigade log indicated that at 0240 that morning that Task Force Barker requested "Spooky" from the Americal to come in and cover the area the remainder of the night. It doesn't say which area but I imagine it was the area where B Company was. At 0325 that morning on a late entry for Task Force Barker in the 11th Brigade log stated that "Spooky" is on station at B6 so it was B Company that requested the aircraft and the aircraft was received and was on station at 0325. I'm not familiar with the code name or nickname "Spooky", are you?

A. Just that it is a small plane that fires, what I think we call a minigun.

Q. This is a C-47 Air Force aircraft?

A. Yes, sir.

Q. That's what I thought it was. I heard it referred to as the "Dragon."

A. Right.

Q. Are they both the same?

A. I presume.

Q. "Puff the Magic Dragon." The Brigade log indicates that "Spooky" departed station at 0600 hours. Do you recall on the 19th--you closed in the night laager on the 18th, stayed there over night. You received some mortar fire that night and there was some wounded evacuated. Do you recall what occurred on the 19th after daylight?

A. About the only thing that I can recall about the 19th--the morning of the 19th, very early in the morning, we left the area.

Q. You left the area?

A. My platoon, I believe. Once again I think it was on the second lift we left that area completely. I think we moved back to LZ Uptight.

Q. Let me ask you this. You mentioned, we sort of lost track of it because the log didn't follow through on it. You mentioned that you had a MEDCAP in there. I don't know whether that was on the 18th.

A. That was on the 18th.

Q. Did the MEDCAP work up in the vicinity where the night laager position was?

A. It was the night laager position--it was north of there. It was in the village. The MEDCAP came into the village south of where the night laager was.

Q. Were you up there with B Company when the MEDCAP was working?

A. I wasn't right there on the spot. I was still further south of the village. I didn't move all the way up until the laager position was established that night. My platoon bypassed the village and went up to the laager position. I was aware that the MEDCAP came in there.

Q. Did the MEDCAP stay in there that night or go back on the 18th?

A. I think they went back. I'm not sure. Normally, nobody stayed out there all night unless they had to. I assume that they did go in.

Q. Did anything occur after the mortar fire that you received that night?

A. No, sir. You mean after while we--we tried to take care of the wounded. Get them ready for evacuation.

Q. Did you take any of the wounded down by the beach?

A. I helped carry, I think one individual.

Q. Did you hear the "Spooky" over the village that night?

A. Over the village?

Q. Yes.

A. Yes, sir. He flew around and around.

Q. Was he doing any firing?

A. I really don't know if he fired. I don't think he fired into the village area. I think he fired east or north-east of our position. This was where the mortar fire was suspected to have come from.

Q. Now, at 1215 on the 19th of March the 11th Brigade log reported B Company's position as 755820. At that time you were still reported as being in the objective area generally where you said the night laager position was.

A. I think we left earlier.

Q. The entry in the log was at 1215. There was an entry at 1410 in the 11th Brigade log which is item 83. It says B/4/3 at 1230 hours detained one VC suspect at 574818. The only thing I can figure is that it is an error. It's backwards on this log --754818 which is just south of the village. The police stated in the Americal Division log that the man was VC. Do you recall that?

A. No, sir.

Q. The next entry is at 1900 which is number 100 in the 11th Brigade log. Shows unit location and shows B/4/3 at LZ Dottie.

A. I'm sure my 81 was at Uptight.

Q. You could have gone back to Uptight with your mortar platoon.

A. (The witness nodded in the affirmative.)

Q. At the time you departed Uptight to go on this operation for 3 days, did this leave Uptight without any mortars?

A. I don't really know. I assumed they did leave one platoon in there. They normally had one platoon in there. I can't say for sure.

Q. When you went back there, do you recall if there was another platoon in there?

A. There wasn't anyone there.

Q. Do you remember, from the looks of the 11th Brigade log with this entry at 1900 on the 19th, and the last entry which carried the company, at 1410 the company was back in the objective area. So between 1410 and 1900 you went back to--you could have went back to Uptight. B Company went back to Dottie. Do you recall where the pick-up zone was when you pulled out of there?

A. Yes, sir, on the beach.

Q. It was on the beach?

A. Yes, sir.

Q. Do you recall when C Company went out where there pick-up zone was?

A. No, sir. I keep trying to remember but I'm pretty sure my 81 platoon evidently left before the rest of the company left, because we did leave early. I think we were just picked up by one of the utility choppers that we had working for us. I think we used just one chopper for my platoon, to shuttle my platoon back to Uptight.

Q. It is quite possible that you departed early.

A. Yes, sir.

Q. Do you remember if the pick-up zone was down there in the vicinity of where they picked up those wounded or was it someplace else?

A. As a matter of fact, it was the exact same location. A few meters from there.

MR WALSH: Sergeant, do you remember on the last day having the Navy send in a lot of detainees in sampans or fishing boats to your company up in this area somewhere?

A. Would you repeat the question, sir.

Q. Do you recall seeing a bunch of native fishermen in

boats being sent in here by some Navy boats, to be questioned by your company?

A. I remember seeing quite a few sampans. By the time I got up to this area where the MEDCAP operation was going on, there was quite a few in the area. I don't know exactly why they were there. They were near the village.

Q. You didn't know why they were there?

A. No, sir.

Q. Did you see a MEDCAP team come in by chopper, which included a Medical Corp major and some other doctors and people?

A. I saw the helicopter come in.

Q. You didn't notice who was on it?

A. No, sir.

Q. Can you recall, sergeant, anything about this operation that was at all unusual in the way of the treatment of civilians? Possible killing or wounding of civilians unnecessarily and mistreating women? Anything of that sort that you either saw or heard about?

A. I heard nothing unusual.

Q. I'm not just talking about what you know. I'm talking about your hearing any rumors, any talk among the men at any time during this operation?

A. No, sir.

Q. How about B Company before this thing broke in the newspapers, have you ever heard anything in the way of rumors about what C Company might have done that day?

A. About the only thing we heard about C Company was --I shouldn't make this statement because I can't--

Q. (Interposing) You should make it. It might be

helpful to us even though it wouldn't be admissible in court or anything. That's not the point. Just tell us any rumors you heard or any impressions that you had that might be helpful to us.

A. We were working in battalion that day and so the only thing I heard was they had a pretty rough day that day. They ran into quite a few VC. More than we did. That's all.

Q. But you didn't hear anything about women and children?

A. No, sir.

Q. Did you ever hear anything about an investigation being conducted about this operation?

A. No, sir.

Q. Were you ever questioned by anybody?

A. No, sir.

Q. Did you ever make a statement to an investigating officer?

A. No, sir.

MAJ ZYCHOWSKI: Sergeant VANN, looking at the aerial photo (Exhibit P-169) here, I see you went through a number of small villages. Throughout your move up and down the coast line did you see any of the villages or huts that were burned?

A. I can't recall seeing any, sir.

Q. Do you recall any of the houses or huts or villages actually burning or having been burned?

A. No, sir.

Q. Did you see, possibly, any crops or animals that had been killed and so forth by indiscriminate fire?

A. No, sir.

Q. In your platoon or the headquarters element that you traveled with, was there anyone with them that may have taken pictures along the way?

A. Well, I think the company commander used to carry a camera all the time. We had a medic attached to the CP group. I can't remember his name. I remember at least about three people that carried a camera.

Q. Do you recall their names?

A. We had this RTO, Sergeant CONGLETON. I think the medic's name was Spec 5 SWEENEY. I know these people had cameras. I'd seen them. Probably, some more I don't know.

COL WILSON: Back in July 1968 you had a man in your platoon, I believe, named EBINGER, John EBINGER, Jr.

A. Right.

Q. Do you remember him?

A. Yes, sir.

Q. He wrote a letter to President JOHNSON.

A. I remember that, too.

Q. This letter became a matter of investigation and was sent to the CG, U. S. Army, Vietnam, Attention: Inspector General. Inquiry was made by Lieutenant Colonel SWANK. Do you remember him talking to Colonel SWANK?

A. The inspector general? Yes, sir.

Q. What do you suppose caused or provoked EBINGER to make the allegations that he made in his letter?

A. Well, as I recall--it is pretty hard for me to recall too much about EBINGER--but he was the type individual--nobody enjoyed being in Vietnam, but he definitely didn't want to be there at all. He did all he could to get out of the field exercises that we had. Every time we were ready to

go out, he had some reason why he shouldn't go, and I think he just had a bitch against the Army as a whole. That's about mostly what he said.

Q. He makes one statement in here, he says: "If a soldier raped one of your daughters, would you want to kill him. Most people would. It's being done many times on many days by soldiers." What do you suppose caused him to make that statement?

A. I have no idea.

Q. Did you ever hear anything like that going on in the company?

A. No, sir, I never heard anything.

Q. Have you ever heard of any Vietnamese being tortured by any members of B Company--VC or non-VC?

A. No, sir.

Q. Did EBINGER ever go on any operations?

A. I suppose, sir. Not too many. He always found some reason not to go. I think he went on a couple. I don't remember exactly.

MR WALSH: Sergeant, I know we asked you this before, but do you know the addresses and present locations of any of the personnel that might have been on this operation?

A. No, sir, I don't. Most of the personnel in B Company have ETS'd. A lot of the senior NCO's, I guess--even where I'm stationed at now we have people from other units with us.

Q. Were any of the men who are now out of the service pretty good friends of yours?

A. No, sir, I don't know any of them. I don't know where they're at.

Q. You haven't kept in touch with anybody?

A. No, sir.

Q. Can you remember what cities any of them lived in at least at the time?

A. We had a Specialist Fourth Class BESS who was from Washington D.C. He's probably the closest one around. That's why I mentioned him because I tried to find his address but I couldn't.

Q. Any of the other boys from St. Louis in your outfit?

A. No, sir.

COL WILSON: I would like to introduce the document, Headquarters Department of the Army, Office of the Inspector General, subject: "Request for Assistance," 13 August 1968, to Commanding General, United States Army, Vietnam, Attention: Inspector General, with the second indorsement, a letter from John EBINGER, Jr., as an exhibit.

RCDR: The letter as described is received and entered into evidence as Exhibit M-45.

COL WILSON: Sergeant VANN, do you have any further testimony that might assist us in this matter? Any further statements?

A. No, sir, I have none.

Q. Do you know if in B Company there was any problem of marijuana in B Company?

A. I don't know, sir. I really don't understand too much about marijuana and the stuff they call pot. Is that the same thing.

Q. Yes.

A. There was rumors around the base that kids was smoking it, but I never seen anybody.

Q. Did you ever see anybody on an operation that appeared to be under the influence of any type drug?

A. No, sir.

Q. How about around the fire bases?

A. No, sir. I guess it's kind of hard to tell. Most of the time on fire bases we had access to beer. I don't know if they were keyed up on the beer or anything else.

COL WILSON: Sergeant VANN, if you do come across any document, evidence, any notebooks or photographs or anything like this which may assist General PEERS in this investigation, I would appreciate your getting a hold of us on the telephone and we'll make arrangements to get them.

A. Yes, sir.

Q. I want to inform you that you are ordered not to discuss this testimony with others, including other witnesses for this investigation, except in the performance of official duties or as you may be required to do so before competent judicial, legislative, or administrative body. In addition, you are cautioned that if you subject to the order issued by the military judge in the general court-martial case of the United States v. Calley, your appearance here in no way changes the applicability and effect of that order. This is not applicable to you and I doubt if it will be. And further, I'm saying you are ordered not to discuss this with anybody except as you may be called upon by another board, a court-martial or legislative body. Do you have any questions on this?

A. No, sir.

Q. The hearing will recess.

(The hearing recessed at 1525 hours, 15 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: ALAUX, Roger L., Jr.

DATE OF TESTIMONY: 6 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Attached to C/1/20 as Artillery Forward Observer.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

a. Training in Hawaii.

ALAUX was with the 1/20 approximately a month and a half before it deployed to Vietnam (pg. 58). While he participated in the battalion's unit training, he was not present for any of the classroom training (pg. 59). Thus, he did not observe any training in the rules of engagement, the Geneva Conventions, or the handling of detainees or PW's with the 1/20 in Hawaii.

b. Incountry training.

The in-country training lasted almost the first month the battalion was there (pg. 59). ALAUX could not recall any training in the Geneva Conventions or the Rules of Land Warfare (pg. 60). He had not seen a copy of the "Nine Rules" card, the "Enemy in Your Hands" card, or the "Guide for Commanders" card (pgs. 60, 61). He did have a Geneva Conventions card which was strictly for identification (pg. 61).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

a. The effect of the minefield incident on the briefing.

MEDINA's company briefing on the 15th followed a memorial service for CALLEY's RTO who had been killed in a minefield incident (pgs. 46, 47). 100 meters after making contact with civilians, the company had walked into a freshly planted minefield and lost 25 to 30 people (pgs. 7, 12, 45). The men felt that these noncombatants had known about the minefield (pgs. 12, 43). Thus, in the company's view they were as guilty as the VC who had laid it (pg. 12). Thus, MEDINA's briefing was in part a pep talk to raise morale (pgs. 7, 14).

b. Contents of the briefing.(1) What was actually said.

Present at the briefing were, Lieutenants CALLEY, BROOKS and LACROSS (pg. 47). The company was given the following information by MEDINA: (1) that the 48th Main Force VC Battalion was in the area (pg. 5); (2) that the My Lai villages had been evacuated by ARVN troops once or twice in the last few years (pg. 5); (3) that people had been moved out of the area because it was VC controlled (pgs. 5, 8); (4) that those who remained in the area would be VC; (5) that all women and children would be out of the village (pg. 48); (6) that any livestock in the village was to be slaughtered (pg. 11); (7) that anyone evading was to be considered VC (pg. 11); and (8) that the village was to be burned (pg. 11). ALAUX felt that this order included the destruction of the wells since they were as much a part of the village as the livestock and the hootches (pg. 11). MEDINA stated that this was to be the heaviest contact that C Company had ever had (pg. 51). Intelligence indicated that they would definitely catch the VC in the village itself (pg. 51). ALAUX thought that the men were told to close aggressively with the enemy to prevent the loss of VC weapons (pg. 47).

(2) ALAUX's impressions of what was said.

After the briefing, ALAUX expected heavy contact with the VC Main Force in the village (pgs. 10, 13). The idea MEDINA conveyed was that the village would be heavily fortified by the VC. Everyone was to be extremely

careful and maintain tight security at all times (pgs. 10, 13). MEDINA created the feeling that after previous casualties and several frustrating operations, C Company had an opportunity to "get hold" of the enemy and to "get even" for some of its previous casualties (pg. 51). However, ALAUX did not believe that MEDINA meant for the company to get revenge (pg. 13). ALAUX received the impression from the briefing that since there would be no one in the village expect for VC or VC sympathizers (pgs. 8, 12), the company was to kill everyone it found there (pg. 8). ALAUX felt that there would be people in the villages such as young boys and old men who would appear to be innocent civilians to an outsider (pg. 8). ALAUX assumed, from what was said, that the initial authority to destroy My Lai had been given by the ARVN's because it had been a thorn in their side for 15 years (pgs. 6, 14). He recalled receiving an impression that there had either been a leaflet drop or a broadcast warning the people of the village about the impending operation (pg. 48).

c. The artillery prep.

ALAUX did not learn where the artillery prep was to be placed through artillery channels, because this was handled by the artillery liaison officer. Normally, an FO had no knowledge of where the prep was to go (pg. 17). From the briefing, however, ALAUX was aware that the prep would be in or close to the village (pg. 48). ALAUX had no idea that the prep in its entirety would be placed upon the village (pg. 49). There was no specific discussion between MEDINA and ALAUX respecting the placement of the prep because ALAUX was not aware that the prep was actually going on the village (pg. 50).

d. Lack of a briefing of key personnel.

ALAUX did not recall a meeting of the key personnel of the company before or after the company briefing (pgs. 4, 53). If there was such a meeting, ALAUX did not attend it (pg. 5).

3. ASSAULT ON MY LAI.

a. Direction of artillery and gunfire prep.(1) Artillery prep.

Although ALAUX could not say for sure how many rounds fell into the village (pg. 19) he thought there were many (pgs. 18, 19). He had a picture showing artillery smoke rising through the trees in the village (pg. 19). He knew the smoke was from artillery fire because it rose high in the air (pg. 54). If it had been rocket fire, the smoke would have stayed quite low (pg. 54). The artillery fire going into the village was probably HE because if it had been WP there would have been a number of fires in the area (pg. 54). Normally, preps are restricted to the LZ area alone (pg. 19). However, ALAUX observed on landing that there had not been a great deal of artillery fired on the LZ because he did not notice many craters (pg. 19). He did not know the number of civilians killed by artillery because he did not examine the 20 to 24 bodies that he saw (pg. 20).

(2) Gunship prep.

From the time that the troops went into the village, there was continual fire by the gunships (pg. 33). He passed one individual who had obviously been hit by gunship fire (pg. 33), and saw the gunships firing into trees above the hootches (pg. 33.) (See also pg. 32). He did not recollect actually seeing rounds impact (pg. 54). However, he had the impression that the gunships fired miniguns and rockets into the village and along the trail leading into it (pg. 54).

b. ALAUX's actions and observations during the assault.(1) His actions.

ALAUX stayed with the command group outside the village for the first two hours of the assault (pg.22). He then moved with it down a major trail toward the village (pg. 22). Somewhat later, the group moved to the village center and the cease-fire order was given (pg. 35). There was quite a bit of firing going on during the period prior to the cease-fire (pg. 35), but he was not called upon for artillery support (pg. 36).

(2) His observations.

ALAUX did not see any killings take place in the village (pg. 22). However, he did see 25 to 28 bodies in the vicinity of the village (pg. 25). Included in this group were one small child, a number of women and quite a few men (pg. 25). He saw about 12 people along a trail leading from the south of the village who appeared to have been shot by small arms fire (pg. 25).

c. MEDINA's shooting of the woman.

Within two hours after the beginning of the assault (pg. 32), the command group received a transmission from a helicopter pilot that a Vietnamese woman with a weapon had been observed evading U.S. forces (pg. 30). ALAUX did not personally hear this transmission (pg. 31). The pilot gave the command group a location and it went out to see if it could pick her up (pg. 30). It reached the woman, there was a movement, and MEDINA killed her from a range of about 4 to 5 meters (pg. 31). ALAUX thought that MEDINA's killing of this woman was a natural reaction (pg. 32). He would have done the same thing if he had been a little faster (pg. 32).

d. ALAUX's reaction to what he had witnessed.

After the firing stopped, ALAUX was shocked (pg. 37). He saw bodies beneath burning hootches (pg. 37). The village had been destroyed (pg. 37). He had the feeling that something on the scale of a massacre had taken place because he was not used to seeing small children and women killed on a large scale (pg. 37). The entire company was depressed for about two weeks (pg. 37). Many of the men had doubts in their minds as to what had actually gone on because, "without a doubt" there had been civilians killed in the village (pg. 37).

e. Killing of VC suspects by the National Police.

After leaving My Lai, C Company headed in a south-east direction toward the China Sea. It spent the night with Bravo Company to the east of My Lai (4) near a graveyard (pg. 28). The National Police were accompanying the company at this time and were interrogating prisoners (pg. 28). Captain KOTOUC was with the National Police (pg.28).

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6. OTHER INFORMATION.

a. ALAUX's assessment of MEDINA.

MEDINA impressed ALAUX as the most able company commander in the battalion (pg. 26) and ALAUX had a great deal of respect for him (pg. 26). MEDINA usually maintained very tight control over his platoon leaders (pg. 27). On the My Lai operation, MEDINA did not actually have visual contact with his company, but he did maintain good radio control over the group (pg. 27). ALAUX stated earlier that he was not within hearing range of MEDINA's radio transmissions. He was approximately 10 to 15 meters away from MEDINA (pg. 23).

b. ALAUX's assessment of CALLEY.

ALAUX believed that CALLEY was a very conscientious platoon leader (pg. 56). He had a great deal of compassion for his people and looked out for them (pg. 56). CALLEY was close to his men. In fact, he was on a first name basis with the majority of them and he appeared to be more like one of the "gang" than the person in charge (pg. 56). He was a "nice guy" as opposed to being a forceful type leader (pg. 56). His authority could have been encroached upon without too much trouble (pg. 57). He usually carried out his mission but he could have used more initiative (pg. 57). ALAUX had no particular contact with CALLEY during the operation although he might have seen him once (pgs. 26, 58).

c. ALAUX's assessment of the body count.

On seeing the body count in The Stars and Stripes, ALAUX felt that two or three small children were undoubtedly part of it (pg. 34). He believed that this count came to MEDINA from the platoon leaders (pg. 34). He did not think MEDINA actually walked through the village and took a body count himself (pg. 34). He believed at least 128 VC were killed (pg. 34).

d. Use of marijuana.

ALAUX was not aware that marijuana had any significant effect on this operation (pg. 45). He knew that marijuana was used in Vietnam but thought that those in C Company respected the unspoken SOP which was to smoke marijuana only in the base camp. (pg. 45).

e. Impression of the company after My Lai.

His overall impression after the My Lai operation, was that the men were subdued (pg. 55). It was just something they would rather not talk about (pg. 55).

f. AL AUX's relationship with Captain VAZQUEZ, the artillery liaison officer.

AL AUX felt that VAZQUEZ did not keep him informed about operations going on in the field (pg. 50). AL AUX was not read into artillery plans of the My Lai operation by VAZQUEZ (pgs. 50, 51).

g. Rumors about killings in Cu Lay.

AL AUX never heard a rumor about 90 people being killed in the hamlet of Cu Lay (2) about the same time as the killings at My Lai (pg. 30).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-2	MACV Card "Nine Rules"	Wit did not have this card but did have Geneva Convention card which was like it. He had seen card before.	60,61
M-3	MACV Card "Enemy in Your Hands"	Wit had not seen before.	61
M-4	MACV Card "Guide for Commanders"	Wit had not seen before.	61
P-1	Aerial Photo of My Lai	Wit drew in location of LZ on photo with #1. Wit drew in location of large number of craters with #2.	18,19
P-3 thru P-4	Miscellaneous Scenes	Wit identified some persons in the photos.	62,63
P-6 thru P-7	Miscellaneous Scenes	Wit identified some persons in the photos.	63,64
P-8 thru P-12	Miscellaneous Scenes	Wit identified some persons in the photos.	64-67
P-16	Miscellaneous Scene	Wit could not positively identify scenes of My Lai.	68
P-17	Miscellaneous Scene	Wit identified some persons in photo. He stated that he could locate the scene on an aerial photo	68

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-18	Miscellaneous Scene	Wit identified some persons in the photo.	67,69
P-23 and P-25	Miscellaneous Scene	Wit identified some persons in the photo.	69,70
P-26	Miscellaneous Scene	Wit identified scene as LZ Dottie.	70,71
P-27	Miscellaneous Scene	Wit could not identify scene.	71
P-28	Miscellaneous Scene	Wit could not recognize photo.	71
P-29	Miscellaneous Scene	Wit identified as similiar to LZ at My Lai (4).	71
P-33	Miscellaneous Scene	Wit thought scene similiar to that in P-16.	71
P-36	Miscellaneous Scene	Wit identified some persons in photo.	71
P-38	Miscellaneous Scene	Wit identified main trail into My Lai.	72
P-41	Miscellaneous Scene	Wit identified as left turn on which he came in- to My Lai.	72
P-60	Miscellaneous Scene	Wit did not recognize scene.	73

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-65	Miscellaneous Scene	Wit said scene was close to where My Lai (4) LZ was.	73
P-66 and P-67	Miscellaneous Scenes	Wit identified some persons in the photos.	73, 74
P-123	Miscellaneous Scene	Wit identified scene as LZ Dottie.	74
P-124		Wit felt this scene was same as P-123.	74
P-126	Miscellaneous Scene	Wit identified some persons in photo.	75
P-127	Miscellaneous Scene	Wit identified as night laager position.	75
P-140	Miscellaneous Scene	Wit identified photo as My Lai (4). Marked various positions on photo. Photo entered into evidence.	76-83

SUMMARY OF RECALL TESTIMONY

WITNESS: ALAUX, Roger L., Jr.

DATE OF TESTIMONY: 10 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Attached to C/1/20 as Artillery Forward Observer.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

While in OCS the witness received possibly a one hour block of instruction in the safeguarding of noncombatants and the Rules of Land Warfare (pgs. 110, 111). He received no such training in the brigade or through artillery channels (pg. 110). The only printed matter he received regarding the handling of PW's and non-combatants was a Geneva Conventions Card (pgs. 110, 111). He realized that had he classified what occurred at My Lai as an atrocity he would have had to report it (pg. 110). He did not categorize what he witnessed as an atrocity because he thought the women and children he saw dead had been either caught in a crossfire or shot attempting to evade (pg. 110). He was not sure how they were killed (pg. 110).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

a. MEDINA's briefing.

The general impression was that the area would be cleared of noncombatants at the time of the operation (pg. 116). While the witness could not say that MEDINA told the men to kill everyone, there was no doubt in his mind that any human being in the area was fair game (pg. 116). All the livestock was to be killed and the village was to be burned (pg. 116).

(ALAUX)

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b. Planning for artillery prep.

ALAUX had nothing to do with the planning or firing of the artillery prep (pg. 85). This was the responsibility of the artillery liaison officer for Task Force Barker (pg. 85). All ALAUX did was plan the target grids in case of any action from the villages.

3. THE ASSAULT ON MY LAI.

a. The artillery prep.

(1) Location of the prep.

The witness believed 100 rounds were fired in the artillery prep which lasted from between six to ten minutes (pg. 92). ALAUX stated that he got this figure the first time he was before the Inquiry (pg. 92). He did not know the exact grid of the prep, but all indications were that a number of rounds fell on the hamlet itself or in close proximity to it (pg. 86).

(2) Body count from artillery.

ALAUX could not recall radioing back an artillery body count of 69 and he did not in fact identify anyone as being killed by artillery (pgs. 86, 87, 88). This responsibility belonged to the ground commander (pgs. 86, 87). The witness could not explain the discrepancy between the Task Force Barker log, which said that there were 69 VC KIA, at one set of coordinates, and the 11th Brigade log, which said that there were 69 VC KIA due to artillery fire at a different set of coordinates (pg. 88). The witness surmised that any requests for body counts came over the company commanders net which he was not monitoring (pg. 90). He recalled no conversation with GAMBLE or anyone else about 69 people being killed by artillery (pgs. 90, 91, 93). While he suspected that the body count of 69 was not particularly valid, he accepted it because there was no way for him to make a body count (pg. 92). Since he had not surveyed the entire village, he did not know that 69 people had not been killed by artillery (pgs. 91, 92). The witness recalled no transmission by Colonel LUPER that day or from higher headquarters concerning the incident (pgs. 101, 102). He learned of the artillery body count first by word of mouth and then in the newspaper (pgs. 95, 101). He knew he was not involved in making a body count report that day because

had he known he would have recalled the numbers going over the radio (pg. 95). No artillery support was fired for C Company on the 16th (pg. 96).

b. Actions of the command group.

(1) Initial movement.

After landing, the command group set up a temporary CP at the village's western edge where they remained for at least an hour or possibly two (pg. 116). The witness marked this position with a "1" on Exhibit P-222 (pg. 134). He heard M-16 fire that morning, but he did not know if there were any incoming rounds (pg. 103). While at this position an ammo box was found and checked out (pgs. 117, 121). ALAUX saw no bodies on the LZ (pg.125).

(2) Interview of the old man.

The witness was informed that it was during this same time frame that Sergeant PHU interviewed an old man who said that there had been 30 to 40 VC in the village the evening before, but they had left early in the morning (pgs. 117,120). While ALAUX did not recollect the interrogation, he did recall receiving information that a platoon of VC had left the village 10 to 15 minutes before the operation (pg. 117). He placed the receipt of this information as occurring after they had moved into the interior of the village (pg. 117). He originally asserted that the old man shown in Exhibit P-67 was the person whom he saw in the interior of the village (pg. 118). On being shown the old man pictured in Exhibit P-22 ALAUX identified him as the old man interrogated in the interior of the village, and ALAUX then concluded that the old man shown in P-67 was the man from whom the information came (pg.120). He could not, however, pinpoint the place where this information was received (pg. 120).

(3) MEDINA dispatches a squad to pick up weapons.

The witness overheard a transmission from a helicopter pilot to MEDINA telling MEDINA that his gunships had killed some VC and that he wanted MEDINA to have someone police up the weapons (pg. 121). MEDINA dispatched a squad from the third platoon to the south which rejoined the command group somewhat later (pg. 122). The witness stated that between the time the squad was dispatched and the time it

returned, the command group travelled south along the western edge of the village and then east along the east-west trail on its southern edge (pg. 123). ALAUX believed that they entered the village while moving along this east-west trail (pg. 124). The third platoon had entered My Lai just prior to this (pg. 136). While in the village he thought he saw some bodies which MEDINA logically would have had to see as well (pgs. 125, 236). One of these bodies was that of a child (pg. 125). The witness allowed, however, that he might have seen this body later (pg. 125).

(4) MEDINA shoots a woman.

As they were moving along the east-west trail ALAUX overheard a transmission from a helicopter pilot to MEDINA that there was a VC with a weapon in the area to the southwest, and the pilot requested MEDINA to have someone check it out (pgs. 102, 124, 126, 127, 135). This report was received at the trail junction after they had moved a short distance east (pg. 136). At this point the pilot was dropping smoke to mark bodies (pg. 101). There had been a squad of troops in this area prior to the receipt of this transmission, but the witness did not recall seeing them there at the time the command group headed southwest toward the area (pgs. 126, 127). The witness marked the place where they exited the village with a "2" on Exhibit P-222 (pgs. 139, 143). En route he saw the body of a man, most of whose head was missing, who appeared to have been killed by gunships (pg. 127). He marked this point with a "3" on Exhibit P-222 (pgs. 137, 143). When he first appeared before the Inquiry, ALAUX believed that the woman had initially been shot by the gunship (pg. 98). At his second appearance, however, he felt that there was a Vietnamese who appeared to be trying to evade 100 to 125 meters distant who was shot by someone travelling with the command group (pgs. 100, 127, 128). He assumed the person shot was the same woman killed by MEDINA (pg. 128). This was the only time the witness saw MEDINA fire (pg. 98). MEDINA shot the woman in the center of a rice paddy dike (pg. 137). ALAUX marked this spot with a "4" on Exhibit P-222 (pgs. 137, 143). At this point the helicopter pilots were dropping smoke 300 to 500 meters away (pg. 129). At the time of the incident, the destination of the command group was the smoke (pg. 129).

(5) CARTER's medevac.

After the incident they checked out several other locations to the south and southeast of the woman's body until they received word that CARTER was wounded. At this time they headed back to the village (pgs. 129, 131, 132, 138). They did not find any web gear while searching (pg. 124). They moved back to the village in a north or northeasterly direction during which time he saw no other bodies (pgs. 130, 133). He marked the place where they reentered the village with a "5" on Exhibit P-222 (pg. 139). While he did not remember the actual medevac, he recalled seeing the body of a child somewhere west of the main intersection (pg. 132). He marked this with a "6" on Exhibit P-222 (pgs. 140, 143). All he could recall about CARTER's medevac was that CARTER was treated somewhere 10 to 20 meters north of the main east-west trail running along the southern boundary of the village (pgs. 140, 143). At this point he saw a group of 17 to 18 bodies north of the trail (pgs. 104, 143). He marked the place of CARTER's evacuation and his observation of these bodies with a "7" on Exhibit P-222 (pgs. 140, 143). He did not see any bodies to the south of that point (pg. 143).

(6) MEDINA's meeting.

MEDINA held a meeting of the platoon leaders after they had reached a point 100 meters inside the village (pgs. 133, 134). ALAUX fixed the meeting at this position because he related seeing quite a bit of tree line with the place of the meeting (pg. 134). The interrogation of the old man pictured in Exhibit P-22 also took place at this point (pg. 141). ALAUX marked this spot with an "8" (pg. 143).

(7) Bodies observed.

The witness saw the bodies of a small child, a man in a hootch, and several other bodies in hootches (pgs. 104, 144). These bodies were scattered between points "6" and "8" (pg. 144). The total number of bodies he saw that day was between 60 and 70 (pg. 144).

(8) Radio transmissions overheard by the witness.

Although he was with the command group, he did not hear transmissions coming over MEDINA's radio because he was primarily concerned with the problem of

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5. OTHER INFORMATION.

a. Movement of JOHNSON and MINH.

While he recalled JOHNSON helping with the ammo box incident, he did not recall JOHNSON and MINH moving with the command group after that (pg. 104).

b. Whereabouts of BARKER and HENDERSON.

The witness did not recall seeing BARKER's helicopter overhead, nor did he remember BARKER's helicopter making any low passes over the area (pg. 93). He thought he saw Colonel HENDERSON's helicopter sometime after the operation began, but did not see it make any low passes (pgs. 93, 94).

c. Whereabouts of KERN.

While ALAUX was in Task Force Barker KERN normally travelled with him (pgs. 96, 97). If KERN remained with the command group he would have seen the same bodies ALAUX saw (pg. 97). ALAUX did not recall if KERN remained with the command group on this operation (pg. 97).

d. Miscellaneous.

The witness stated that the route he traced on the map the first time he was before the Inquiry was incorrect because he was tired (pg. 98).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-17	11th Inf Bde "Trident" dtd 22 Mar 68	Wit had not seen before.	87
M-23	Americal News Sheet dtd 17 Mar 68	Wit had not seen before.	87,88
P-22	Miscellaneous Scene	Picture of old man who was interrogated in the interior of the village.	120
P-66	Miscellaneous Scene	Wit believed pictures was taken in the interior of the village.	120
P-67	Miscellaneous Scenes	Wit saw old man and children in village but did not recall seeing them on the western edge of the village.	117,118
P-222	P-1 as annotated by the witness	1-Place where CP was set up.	134
		2-Place from which command group departed to get VC suspect. Point where they exited village along southern edge.	134
		3-Place where wit saw body of man between points 2 and 4.	138,139
		4-Place where incident between MEDINA and woman occurred.	137

(The hearing reconvened at 0946 hours, 6 January 1970.)

MR WEST: The hearing will come to order.

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

The next witness is Roger L. ALAUX.

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

RCDR: State your full name, occupation, and residence for the record.

A. My name is Roger L. ALAUX Jr. My residence at this time is 416 West Parkway Blvd., Tempe, Arizona. I'm a full-time student, and I also work full time.

MR WEST: Mr. ALAUX, before we get into any questioning, I would like to advise you of the nature and scope of this particular inquiry.

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

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

(2) the possible suppression or withholding of information by any person who had a duty to report or furnish it: in other words, if there was a coverup.

Now, this investigation is not being conducted to inquire into all facts and circumstances of what happened at My Lai. It is directed to those specific purposes that I just stated. For example, we are not directed to be concerned with the individual culpability of persons who may have done something wrong there that day.

(ALAUX)

We have had made available to us and have reviewed prior statements obtained in other investigations of the My Lai incident. For example, I have a copy of the statement from the CID investigator with whom you talked, I believe, back in October.

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

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

We ask that you do not discuss your testimony in this case with others, including other witnesses, except as you may be required to so before a competent judicial, legislative, or administrative body. For example, there is a subcommittee of the House Armed Services Committee which is looking into the My Lai incident and they are calling a number of witnesses. It is possible that they might ask you to appear before them. Of course, my request for you not to discuss testimony has no application to that.

Are you subject to an order issued by the military judge in the general court-martial case of United States v. Calley?

A. I received a letter from Colonel KENNEDY and I haven't been able to figure out whether I'm subject to that order or not.

Q. We have a list of those who are subject to the order. We'll check that within the next few minutes and possibly clear that point up. I ask primarily because I want to advise you that our request to you not to discuss the matter doesn't change the applicability of that order in any way and also to point out that those who are subject to the order are authorized to provide testimony to this inquiry.

The recorder has just handed me a document entitled "Notification of Court Order" in the case of the United States v. Calley and your name is the first one on the list of those who have been notified. This indicates that you are subject to the order of the judge. By that order you are asked not to discuss the case. Principally, that is the general import of the thing. The endeavor, I think you realize, is to minimize the possibility of any accused's right to a fair trial being prejudiced or harmed by publicity.

A. Okay.

Q. Do you have any questions about the matters I have discussed with you?

A. No.

Q. The hearing will be recessed.

(The hearing recessed at 0953 hours, 6 January 1970.)

(The hearing was reconvened at 0956 hours, 6 January 1970.)

MR WEST: The hearing will come to order.

RCDR: All present when the hearing recessed are again present.

Q. Mr. ALAUX, just for the record, were you a member of the United States Army on 16 March 1968?

A. Yes, I was.

Q. Would you state your grade and your duty assignment at that time?

A. My grade at that time was second lieutenant and I was attached to C/1/20 as artillery forward observer.

Q. And at that time Charlie Company was a part of Task Force Barker?

A. That's right.

Q. When did you first hear of the planned assault against the hamlet of My Lai (4), Mr. ALAUX?

A. I believe the first word that we actually heard that there was going to be an operation in this area was the day before the operation took place, prior to the briefing that Captain MEDINA attended.

Q. Prior to that. I understand that Captain MEDINA briefed the entire company?

A. That's right.

Q. Prior to the briefing, was there a meeting between Captain MEDINA and the platoon leaders and platoon sergeants?

A. This I can't testify to. I don't believe there was because, if I remember correctly, he did come right from the battalion operations center and he did have the platoon leaders assemble the company for the briefing. I think the platoon leaders got their initial briefing at that time, but I can't testify to that because I am not actually positive. Normally, before an operation I would sit in, of course, on the briefing with the platoon leaders.

Q. This particular time you did not, I take it?

A. It was a company type briefing and later on in the late evening there was another briefing for the platoon leaders. That would be the normal procedure.

Q. Then you recall that there was a briefing for platoon leaders and platoon sergeants after the company briefing?

A. Not formally as such. I think what it was, if anybody had questions they could come in and ask Captain MEDINA. I cannot really remember whether there was a formal briefing. The thing is that this would be SOP, that there would be a briefing of platoon leaders. The number of the operations that you do go on, one is sometimes difficult to remember.

Q. One reason that I ask this is we have had a statement from one witness that there was a meeting of Captain MEDINA and the platoon leaders and the platoon sergeants. One of the things that was brought up by one of the NCO's was the difference between a search and clear, and a search and destroy operation; that this was going to be the first search and destroy operation.

A. This was with the platoon sergeants and the platoon leaders?

Q. Yes.

A. Possibly. I didn't attend that briefing.

Q. Your recollection may well be better than this witness' recollection, but we did have his statement.

A. It is very possible that he did have his briefing with his platoon leaders and platoon sergeants without me being there.

Q. Could you tell us what Captain MEDINA told the company at the briefing, the company briefing?

A. Well, as far as briefings go, it was a fairly lengthy briefing. He gave a little bit of history about the area. We knew somewhat about it. I think the 48th Main Force VC Battalion was in the area and had been for quite some time. He stated facts to the effect that these particular villages My Lai (4), (3), and (2), I believe, had been evacuated by ARVN troops once or twice in the last few years and people had been moved out of the area because it was VC-controlled; they would be completely VC if they remained in the area. It was a tactical briefing, also. He explained what platoons would be moving in what directions and who would be reinforcement platoon. We had a weapons platoon along in this particular operation. They remained with the CP group as a reserve force.

Q. Did he talk about it being a search and destroy mission, or say what that meant?

A. I cannot recollect. I didn't stay for the entire briefing. I had started to go over to the TOC and get down to the fire direction control center and get target numbers. I had obtained enough information for that particular part of the operation but quite possibly he did go into the definition of search and destroy and gave an estimate of what the enemy was.

MR WEST: We'll have a short recess.

(The hearing recessed at 1002 hours, 6 January 1970.)

(The hearing was reconvened at 1004 hours, 6 January 1970.)

MR WEST: The hearing will come to order.

RCDR: All persons present when the hearing recessed are again present. Colonel MAHAFFEY has joined us.

MR WEST: One of the statements that you made to the CID investigator I wanted to explore a little more. The report is that you stated then that there was no question that Captain MEDINA had received clearance from higher authority to destroy the village, which was a thorn in everyone's side including the Vietnamese forces. Is that correct?

A. Is this a quote?

Q. No, it's his statement of what you had told him. That's the substance of it and I wanted to ask you if that was it?

A. As you probably know from the investigation already, the Pinkville and My Lai areas was in the ARVN division's area of operation stationed at Quang Ngai. So from this information and the information that was passed down to us through the briefing before the operation, the information was stated to be such that it had come from ARVN authorities, the initial order itself, to destroy the village. This was an assumption. I can't back it up with any written proof and I can't back it up because I was not at the battalion briefing, the battalion-level briefing -- the task force, actually.

Q. It was your impression that the orders came from higher-up to destroy the village?

A. That's right, and this was one of the few operations that we had, where we had as many National Police present as we did on the particular operation.

Q. This is one of the things that we have been trying to ascertain, the source of the orders. It has not been entirely clear.

A. Well, the order itself would have had to have been cleared through ARVN authorities and I feel personally that there was quite a bit of influence by the National Police in this.

Q. You also indicated to the investigator, Mr. THOMPSON, that Captain MEDINA's briefing was sort of a pep talk to bring the morale up.

A. Yes, it was a particularly bad time. This was, I believe, after the incident that we walked into a freshly-planted minefield and I don't know the actual count on the casualties, but there was somewhere in the neighborhood of 25 people injured or killed in this particular incident. I believe the memorial service for Lieutenant CALLEY's RTO had been held the day before. I could be turned around on this. It's very hard to get them chronologically sometimes, but the minefield incident, I'm fairly sure, took place before the My Lai (4) incident.

Q. Yes, we have substantial amount of evidence that the minefield incident did occur some little time before 16 March 1968, and that this weighed on the minds of the men in the company.

A. Very much so.

Q. They lost men in the minefield. They lost men to the snipers. They had not been able to come to grips with the Viet Cong?

A. We had very little actual contact, face to face contact, up to this time; and we had been through some very

heavy areas of sniper fire and such. But this is almost a philosophical point, and I know this investigation is primarily looking for the facts at this time. It did have a bearing, I believe.

Q. Well, we have been exploring into the mental attitudes of the men of the company at this time because it is pertinent to what happened later, on the next day. Did you receive the impression from the briefing that the company was to go in and kill all the people they found in the village?

A. To be very honest with you, my impression was exactly that, but prior to this impression, the facts were brought out that it had been cleared several times, and the villagers had been told that this was a VC area and they would be considered VC. I have an inkling of some type of prior warning; whether it was a leaflet drop or whatever to this operation, I cannot testify to that. I don't know for sure. So, the overall feeling was, at the time, that when the operation was to begin there would be no one in the village except for VC, and that was the indication.

Q. Would it be fair to say, then, that the men probably were given the idea there would not be women and children, innocent noncombatants, in this place?

A. That is hard to say in a war of the nature of this, because a lot of those men had had grenades thrown at them and been shot at by 10 or 11-year old boys; and as far as booby traps, grandfathers can set booby traps. So, I can't say what went on in their minds. In my own, I felt there probably would be people in the village that, to an outsider, would appear to be innocent civilians.

Q. What was the mood of the men of the company after the briefing, to the extent that you were aware of it?

A. To the extent that I was aware of it, it would be not very significant, because I stayed with Captain MEDINA in the command tent, and I really didn't communicate with any people besides my own after the briefing, my RTO and recon sergeant.

Q. Was there any further discussion of the mission in your presence after the briefing, for example, by Captain MEDINA or others, that might have some significance?

A. A very, very light conversation. I cannot remember a particular point that was brought out. It was just conversation in general about the operation.

Q. Do you recall whether Colonel BARKER was there that evening?

A. I cannot say for sure. I would imagine that more than likely, in an operation this size, because we did have National Police with us, that Colonel BARKER was present at the briefing that afternoon before the company briefing.

Q. For the battalion?

A. For the battalion briefing, yes. As far as him being there that night, I would assume, yes. I don't know where else he would be.

Q. It would seem logical. His van was there at LZ Dottie.

A. Correct. He would have no reason not to be there on the night before an operation like that.

COL FRANKLIN: The fact that the ARVN had been in there several times and tried to get the people out and a warning of some kind that if they didn't go out, they would be considered VC seems to stick out in your mind. Where did you get all this information?

A. The information about the people in the area came down through Captain MEDINA. This was information he received through his battalion briefing, I assume. The idea is very vague in my mind at this time, about the warning being given or leaflets being dropped at some time, or a loudspeaker announcement over the village. I possibly could have gotten that through the newspapers when this first broke, because several of the newspapers did report that there was a leaflet drop, and so this I cannot testify to, because I don't remember actually hearing the words that the area had been cleared.

Q. Could you have gotten this through Captain MEDINA, possibly?

A. Very possibly, yes.

Q. Is it fair to say that the complete environment that was set as to what to expect and what existed, this was all created for the men by Captain MEDINA?

A. No, I can't say that.

Q. Did they have outside sources of information, then?

A. They would have no other outside sources of information. Captain MEDINA was the only mediation between battalion level and the company itself.

Q. Okay. Again, what they expected to find there, the picture that was painted, is there one artist for this picture or were there several? I mean, do these guys have lots of other information about the area? Were they talking to other people?

A. When you are based on a fire base of the nature that Dottie was, a small fire base, you have no one else there besides your artillery battery. They have very little, if any, knowledge of the operation except that it would be coming off. So far as obtaining information from any authority or reliable source, about the only way we would get our information was through Captain MEDINA.

Q. It is very, very important, Lieutenant ALAUX. You are the only officer we have seen connected with this thing and I think the reason why it is important is evident. Just give the impression in your mind, not necessarily the words, but the impression. Say again the impression you had after this briefing, of what you were going to find in the village tomorrow, and what you were going to do there?

A. The impression that I had was that there would be a very good likelihood of heavy contact, and that there would be a good many VC from the Main Force 48th Battalion in the village at the time we jumped in. The impression was that everybody should be extremely careful and maintain very tight security at all times.

Q. What was your mission?

A. Our mission was to destroy the village.

Q. Could you elaborate on that?

A. It was stated that any livestock in the village, anyone evading from the village would be--livestock in the village were considered to be aiding the VC, so they would be slaughtered or whatever you want to call it. Anyone evading from the village would be considered VC. I can't testify that those were the words.

Q. But that was the thought?

A. That was the thought.

Q. What do you mean "if anybody would evade"?

A. Well, this is normal practice. If you gave a South Vietnamese warning and he is evading, running, or walking extremely fast in the distance where you would never overtake him, and you want to question the person; if he continues to move at his set pace you fire warning shots and tell him to stop several more times. If he does not, he is considered, as far as I am concerned, to be VC. This is what the policy had been my entire time in Vietnam.

Q. How about burning? Was anything said about burning the village?

A. Yes, sir. Burn the village.

Q. How about the wells?

A. Destroy the wells, I believe.

Q. You believe there was something about destroying the wells?

A. No, the actual words "destroy the wells" were not there. When they say to destroy the village, the wells are just as much a part of the village as the livestock or the hootches.

Q. Was there any thought in your mind that this would include the people in there?

A. No, not in the sense that it has been taken here, because these people that were in the village were described and defined as people aiding the VC battalion, so anybody in the village at the time of the operation was to be considered either VC or a VC sympathizer.

Q. Okay, this is a very important point. You think this was in the minds of the men and the impression you got. Everybody in there was VC or a VC sympathizer, which is basically the same thing?

A. Yes, and that's an irrational point as far as someone here trying to understand that, I know. But in a way you're trying to rationalize at a civilian level something which is very irrational, such as war. To get back to the point of the minefield incident before this operation, have you called a psychologist into this investigation?

Q. There has been some discussion.

A. It is a very surprising thing to me, but men's minds change. They all do, not permanently, but they do alter under certain conditions, such as those the company had been under.

Q. How does this affect what we are talking about here?

A. I believe there could have possibly been in the minds of some of the men a resentment toward the South Vietnamese people in general. Because when you're on operations of this nature, especially the one where we were going into a blocking position for the 198th, I believe, we had come in contact with villagers which you would classify as civilian noncombatants. Okay, we walked by these people and 100 meters later we walk into a minefield and lose 25 to 30 people. So, as far as the rationale is concerned there, these people knew about the minefield. So, in the eyes of many people, and possibly my own eyes, these people are just as much a VC as the ones that actually planted those minefields.

Q. Regardless of the geographical location of this minefield, in your mind and others, it was the same breed of cat in My Lai (4)? Is that correct?

A. I think that the impression through the briefing was that this was more than as you call it, the same breed of cat. It was more a breed of cat of VC nature even than these people in the surrounding villages around this minefield.

Q. Did Captain MEDINA ever give you the impression that you were going to get revenge?

A. No, I don't believe so.

Q. Was there any idea of finally being able to come to grips with these people?

A. There was an idea that there was a very good likelihood of heavy contact being made in this village with armed VC, and that likelihood was brought up.

Q. And they were to be destroyed?

A. That's right. Well, any VC with a weapon should be destroyed.

Q. Again this one thing though, and I think it is very important. In the minds of Charlie Company 1/20, everybody in this village, regardless of caches or anything else, they were VC sympathizers.

A. Did you say in the minds of everybody?

Q. In the company. In their minds in the sense that you were told. Obviously you don't know what was in the minds, but was this impression given by MEDINA?

A. The impression was that the village would be heavily fortified by VC and that extreme caution should be used walking through, as you heard through other testimony. And this was something that the CID asked me about and it had slipped my mind. I have thought about it since and there was a volume of fire laid down from the time that we hit the village.

Actually it was not shooting at particular targets, it was just a volley--

Q. (Interposing) Well, we'll get into what happened at My Lai. Was the statement ever made that all the men are VC, all the women carry packs, and all the children will grow up to be VC?

A. No, I don't remember that. I state again that I did not attend the entire briefing that Captain MEDINA gave to the company. As was brought out earlier, it did turn out to be somewhat of a pep talk and I had no use for a pep talk. I had things to do.

Q. You assumed, or it was your belief, that everything Captain MEDINA said, he got from higher--Task Force Barker, Colonel BARKER?

A. I'm saying higher than that. I'm saying ARVN division headquarters at Quang Ngai and the National Police in cooperation.

Q. Why do you say that?

A. This is just the impression I got. I can't back it up with written statements or any actual talking with the National Police through our interpreters.

Q. So you think the ARVN's wanted this place wiped out?

A. I know they did. It has been a thorn in their side for 15 years.

Q. Did you ever hear anything about this AO extension? You went outside of your AO, I believe.

A. That's right. That's what I brought up earlier. This was the ARVN division's area of operation, normally. We went down into this area several times, and each time we did have a temporary 48 to 64-hour AO extension for the operation.

Q. That's what I was getting at. Do you have any idea how long this AO extension was, how long you anticipated being in the field?

A. I have no idea what the AO extension was.

Q. How long a period, I mean?

A. That we were actually in the area?

Q. How long did you think you were going to be gone? How long did you think the AO extension was for? How long did you think this operation--

A. (Interposing) Oh, 48 hours.

Q. You had a short operation in your mind?

A. A short operation, sir. It wasn't extremely long.

Q. You didn't think you would be gone for a long time. You don't recall taking a bunch of stuff like you would if you're going out for a month.

A. Well, very rarely had we been out for a whole month. Again, it's hard to remember small minor things like this sometimes, because in my one-year tour I probably was on 40 or 50 operations.

Q. Did you spend an entire tour as an FO?

A. No, sir. I spent 6 months in the field as an FO. I thought I was going to get a good job and become artillery liaison officer and work with the other battalions at brigade.

Q. You mean it wasn't a good job?

A. (Laughing) None of the captains wanted it.

MR WEST: The reason that we are asking you about the length of the operation is that we have had someone come in who was a medic, and he got the impression it was going to last a month and made plans about medical supplies on that basis. I must say I think he is the only witness who said this. At this point we are only curious about it.

A. In the first place, when you did get an AO extension of that nature, it normally starts out as a

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know that they had not been into the area for quite some time. When they did go in they would make sure that Task Force Barker was with them and they would only volunteer one company for the operation.

Q. Mr. ALAUX, I gather from reading the account of your discussion with the CID investigator that you were not acquainted with the nature of the artillery preparation the next day?

A. No, because on any CA the artillery prep was carried out by the artillery liaison officer and normally any FO on an operation has no knowledge of where that prep would go, what time it was to be--well, you do know what time it would lift, because you have to know for your choppers. This was a point brought up by the CID man, that there was a mortar prep also. Now, then, I hadn't thought this thing out too well and, thinking back on it, very possibly there could have been a mortar prep; because we did have blocking companies in position, and I believe they would have been within mortar range. But, as far as knowing there was actually going to be a mortar prep, I didn't have this knowledge.

Q. Well, we have no evidence at all that there was a mortar prep.

A. Yes. Well, this is a point that had been brought up in the CID statement.

Q. Our understanding was that there was an artillery preparation and there was a certain amount of firing by the gunships in connection with the combat assault. The gunships beat up the edge of the village and the rice paddies surrounding the landing zone.

A. Yes, there was an artillery prep. The CID man said that he interviewed my RTO, MARTIN, and he had gotten the ammo count of 99 rounds for the entire prep, which is not out of the question and very possible. This is one big thing that I had about the radio; it stayed on 24 hours a day and he did monitor it. If he wasn't monitoring it, the recon sergeant was. So, this is information that he could have picked up over the battery wave.

Q. That sounds approximately right. However, from your observation, could you tell whether the preparation was confined to the landing zone or did it get into the village of My Lai (4) to some extent?

A. I think it got into the village to a good extent. In the actual landing area which you have outlined up there, the triangle--

Q. (Interposing) Mr. ALAUX, we will furnish you here with an aerial photograph of My Lai (4) and vicinity. The scale is 1 inch equals approximately 100 meters. I also show you a map that has been admitted into evidence as MAP-4. I think you can orient the photograph with the map.

A. Right.

Q. The landing zone was to the west of the hamlet.

A. Right, I believe it could be pretty much defined as the outline of these particular rice paddies in this area. The major trail that I remember very well is probably etched with this white line here. I'm not quite sure. I would say generally that was the landing zone. It could have extended somewhat south of this, but the one point that I particularly remember is that there was a clump of shrubbery over in this area when we came off the LZ. We were on the LZ approximately 20 or 30 minutes. I really don't know. I was busy plotting targets and didn't concentrate on it too much. We didn't leave the LZ until after the last ship had come in. There were three lifts on this particular operation, so we moved with the CP group. When I say "we," I mean the CP group and the mortar platoon in reserve. We moved off into this area and took up a defensive position near this clump of trees.

Q. Could you mark that with, perhaps, a figure 1? I asked about the location of the artillery preparation because later, and during our inquiry also, there was some uncertainty whether there were any casualties caused by the artillery preparation and, if so, the number.

A. The actual grid location of the prep is something that has undoubtedly been investigated. I don't know what the actual grid was, whether it coincided with the center of the village, or to this particular LZ. Normal preparations are restricted to the LZ area and that's all. But, from my observation, where we set down there was not a great amount of artillery that had gone off in that area.

Q. You didn't notice many craters?

A. No, not very many. After the CID man talked to me, MARTIN had mentioned that I had taken pictures. I had been through the pictures once, and I went back through them again after he left. I have one particular picture which shows artillery smoke coming out of the village from the trees in the village. So this leads me to believe there were quite a few rounds that did fall in the village proper. Also, your guns were firing from a direction somewhat like this. I can't say for sure.

Q. From Uptight?

A. I'm sure this is Uptight. There were a few scattered rounds I believe in this area.

Q. Let the record show the witness indicated an area somewhat south and west of the area which he had marked as the landing zone.

A. Also, this was primarily dry rice paddy or farm land, the major portion of this. I believe these two were large wet rice paddies with 8 to 10 inches of water, maybe. I did observe quite a few craters in this particular area.

Q. Would you circle that area you have indicated as probable?

A. Do you want that as number 2?

Q. Yes.

A. As far as being able to detect, unless it was a very, very heavy preparation on an area that was as foliated as this, I cannot say for sure how many rounds did fall into the village proper. A great many of your

first rounds would be airbursts at treetop level, so you get very little, if any, actual visual effect on the ground as far as that goes.

Q. There would be no craters?

A. Right, there would be no craters. The treetops would be torn up a little bit, but even with a 99-round prep -- that was probably a "two by two" prep with a "battery four" on each target grid, which would cover two grid squares in circumference. That would be possibly 8 to 10 rounds in each one of those 9 grids which really isn't that noticeable in heavy foliage; but as for the shrapnel effect, it would be fairly devastating.

Q. Subsequently, during the day, there was a report that 69 VC had been killed by artillery fire. Based on your experience as an artillery officer, what would you say as to the probable accuracy of this report?

A. Due to the fact that I did not actually examine any of the some 20 to 24 bodies that I did see, I cannot give you any information whatsoever as to the number of artillery kills on this particular operation. As you can see, it was a fairly large village and my actual observation of the village for approximately the first two hours was from the outside perimeter area.

Q. Consider a hypothetical question. Would it have been unusual for an artillery preparation of about 99 to 100 rounds of 105 mm cannon in an area such as this to produce 69 killed?

A. I think it would be very hard to say, because as I said the rounds hitting in the village proper were nine times out of ten probably airbursts which, as far as killing power goes, is much more effective. If these people were standing in an open area in which a round did burst within, say, 40 or 50 meters, the kill count could go that high for this type of prep, but it would be very hard to say. I didn't see where the actual rounds landed and I don't know the posture of the people in the village at the time of the prep.

Q. Would you tell us, then, what took place after you set up at the edge of the landing zone?

A. As far as which platoons actually went into the village and their sequence is something that I don't remember that well. I remember that the mortar platoon was in reserve with the command group at the edge of the village, and they did maintain that position until the command group moved into the village.

Q. Did the comand group move with the 3d Platoon?

A. I believe the 3d Platoon did stay in reserve along this area, and the 1st and 2d had been moving through the village at this time.

Q. That's right. Before we move out of there, do you remember two engineers, demolition men, who were with the command group at that time?

A. Yes, I remember the one -- I can't say that I remember because I've forgotten his name now. It starts with an "R." A specialist.

Q. It starts with an "R"? We had one statement that there were two men. One was a Negro and he was known as "Hotshot."

A. I don't remember that. The one fellow that I do remember was a demo man attached to the command group at that time. I remember this because moving from this particular LZ into this tree line, we came across an M-60 ammo can which was just laying in the rice. Normally this would be booby trapped, the ammo can, or containing a document so it wouldn't get soaked. We worked for about 20 minutes trying to open it, safely of course, and this one particular demo man was part of that.

Q. Was this the incident where a man put a rope around the box and moved back and pulled it away?

A. Right.

Q. To our information this man's name was BERNHARDT.

A. BERNHARDT, that's his name.

Q. However, he was not a demolition man. From his testimony he was a tunnel rat. That's why he had the rope.

A. Is that right? He did most of our demo for us.

Q. Apparently there were two men from an engineering unit. We have been trying to learn their names. The clue we have is that one was a colored soldier known as "Hotshot."

A. You see this would be something that would be only, normally -- I do remember that there were engineers from LZ Dottie on this particular operation. As to the total number it probably would be two. That was the normal amount. I don't know their names.

Q. I just wanted to ask you about this in case you did. I take it you stayed with Captain MEDINA and the command group throughout the morning?

A. Well, yes, for the entire time that we were in this position outside the village, we remained together. Then after, it was probably at least an hour or two hours, it was a good length of time, we did move in this direction, very possibly it was this major trail that you can see right here, and moved down this major trail into the--

Q. (Interposing) Could you indicate the route you took?

A. Well, again I can't say for sure.

Q. I understand. Approximately.

A. Right, and then as far as penetration into the village, approximately here is where we stopped again (indicating).

Q. Did you hear Captain MEDINA issuing any orders during this time as you moved along with him?

A. He's reknowned for being on the radio at all times, and he does keep very close control of the people at all times. As for specific orders, the point has been brought up that a cease fire was given. I don't recollect when or if that order was given. I normally don't have

time to monitor his radio. He has, of course, his battalion net and his company net going at the same time, an RTO for each one. I usually remained fairly busy just with my own radio, trying to stay up on what artillery was being fired into the area.

Q. There has been testimony that during the morning he became aware that a lot of these Vietnamese residents in the hamlet were being killed and he called by radio to higher headquarters to get permission to change the mission from search and destroy to search and clear and that, after some initial rebuff, he was given permission to change the mission and at that point he did issue the orders to stop the killing. But, I take it, you heard none of this?

A. No, I wasn't actually within hearing range of his radio transmissions. I would be approximately 10 to 15 meters from him.

Q. Could you tell us what you saw in the way of the killing of Vietnamese residents in the village? If you did not actually see any killing, what dead bodies you saw?

A. I did not actually see any killings in the village. I saw none whatsoever. As we moved up, I believe, it was this trail -- well, I take that back, the one woman, that was reported as a VC from the chopper pilots that I believe they had shot and gave us the location on, was out in this area to the south. It was a fairly cleared area, not too many hootches. I was witness to that; but as far as killing in the village, I saw none. As we moved down this particular trail to the center of the village, at some point we took a left turn; and at that particular point there were -- I believe the warrant officer from CID, we counted them in the picture and as far as I know this was the picture that I saw along the trail. There were 12 or 15, I'm not sure.

Q. Was this the photograph that had a number of babies in it?

A. No, I don't think there were. There could have been.

Q. We will ask you later on, probably with Colonel

PATTERSON, to look at the photographs, if you will, and perhaps you can identify some of them. On the subject of photographs, you mentioned that you had taken some pictures that morning. Have these been made available to CID?

A. No, they haven't been made available to anyone.

Q. Could you let us see them and make copies?

A. Yes, I could.

Q. We would appreciate it. They may help us reconstruct some of the facts.

A. I took no pictures of the interior of the village at all. These are merely aerial photographs as we were coming into the operation. This was after the artillery prep and while the gunships were still prepping. They were from a distance and they were done with a 35 millimeter half-frame with a very short lens on it, so it's more of a wide-angle shot than anything else.

Q. It's probably something that we haven't had. It would be helpful to us.

A. There is one in particular. Insofar as the pictures offered so far can be proved to be My Lai (4), then I believe this aerial shot can be proved to be My Lai (4). It does show this artillery smoke coming out through the trees in the village.

Q. We would appreciate that. I don't believe we have had any photographs like that. Do you remember anyone else who took photographs that morning? We know about Ron HAEBERLE.

A. Right. No, not right offhand, I cannot remember.

Q. Did you know WIDMER, who was one of MEDINA's RTO's?

A. Yes, I did, and he did have a camera with him most of the time; and as far as that operation, I should know, because he was on the chopper. Very possibly he did take pictures.

Q. We had heard later, and I don't believe we interrogated him on this point, in other testimony, that this was a practice of his and that he did have photographs.

A. He did take photographs, yes.

Q. Can you think of anyone else?

A. No, not really because the only people that I knew very well were people in the command group itself. That's where I normally traveled.

Q. What would be your estimate of the number of dead people that you saw in the hamlet that morning?

A. As far as the number of dead people in the village that I saw, I would estimate somewhere in the vicinity of possibly 25 to 28, as far as the ones that I saw.

Q. And what were they as far as age and sex was concerned?

A. A mixture. There was one small child that I remember quite vividly, there were women in the group, and quite a few men.

Q. I believe you advised the CID, I believe it was Mr. THOMPSON, that you also had seen a group of about 12 people along a trail leading from the south of the village.

A. Right, this is the one I mentioned right here.

Q. They appeared to be shot by small arms fire. As you indicated here on the photograph, that appears to be around the center of the village.

A. I could be mistaken on this trail. I'm not quite sure. The general impression that I got from moving down this trail was that it was the main trail through the center of the village; but from what I can remember now, it appeared to me that we were more towards the right-hand boundary of the village.

Q. The southern edge of the village?

A. Yes.

Q. But the bodies were on the trail, still within the limits of the hamlet, is that correct?

A. Yes.

Q. There were one or more groups of dead persons located outside the limits of the village also, was the reason I asked this. I understand also that you observed CARTER, who had shot himself in the foot?

A. I didn't observe the act.

Q. I mean after it occurred.

A. After it occurred, yes.

Q. Can you recall any other major incident that happened during the morning? I understand that you did not see the ditch with bodies in it.

A. No, I didn't.

Q. You had no particular contact with Lieutenant CALLEY?

A. No, as a matter of fact, in moving through the village, I possibly could have seen him once and that was the extent of it.

Q. You also stated to Mr. THOMPSON that you recall it took about an hour for the platoons to move through the village.

A. At least an hour, yes, possibly longer than that, I know it was a pretty good length of time.

Q. How well did you know Captain MEDINA?

A. Well, in Hawaii I worked with--well, in the first place, Charlie Battery was attached to the 1/20 as a support battery, so I had worked with most of the company commanders on our practice operations over on the island. I had worked with Captain MEDINA two or three times prior to reporting to where we started choosing which company that we wanted to deploy with, as far as going to Vietnam. At that time Captain MEDINA impressed me as being the most readily able company commander. I had a great deal of

respect for him, to tell you the truth.

Q. In your opinion did he maintain control of the company during the morning at My Lai (4)?

A. The normal procedure was that platoon leaders, of course, knew what they were to do; but he was almost, at times, too much in command of his platoon leaders. He would maintain contact continually in operations such as this, I noticed, to the point that some platoon leaders would actually not even follow a map because they knew Captain MEDINA was going to tell them when to take a left, or when to take a right, and how many degrees to do it. But, as far as maintaining control of the company, it would be--he didn't actually have visual contact with the members of the company besides the people in reserve with the CP group; but as far as radio control, I believe he maintained good control on the radio. But I can't say that for sure because, I don't know. I wasn't in the village.

Q. Were you visited at My Lai (4) that morning by any officers from Task Force Barker, or brigade, or division?

A. This is something again that--personally, I was not approached. But, through grapevine sources and in the papers I was a little naive about it before this whole thing started, but I'm a little leery of it now. It was reported that Colonel HENDERSON had come down and interviewed two or three of the people after the operation.

Q. As far as we know that didn't happen in the morning.

A. I'm sorry. This is the morning of the same day.

Q. Either while the operation was going on or immediately afterwards?

A. No, to my knowledge, I don't know of anybody.

Q. We have so far not been able to place any other officers there that morning except for you, Captain MEDINA, Lieutenant LACROSS, Lieutenant CALLEY, Lieutenant BROOKS, and Lieutenant JOHNSON, an MI officer.

Do you recall what Charlie Company did after leaving My Lai (4) for the rest of that day, the 16th?

A. We moved in a somewhat southeast direction in this area towards the China Sea, at which time we took a southerly direction. As far as the actual village, I don't remember the village.

Q. At the moment I was only thinking of what the company did up to that night, the night of the 16th. We understand that they laagered in with Bravo Company and spent the night generally to the east of My Lai (4) near a graveyard. Do you recall that?

A. Yes, I do.

Q. About the National Police, did you see the National Police there in the afternoon?

A. Yes, we did see them. They entered the operation after the mission I believe.

Q. What were they doing that afternoon?

A. They were interrogating prisoners, just accompanying in general.

Q. Did you know Captain KOTOUC?

A. The S2 for the task force.

Q. Did you see him that afternoon?

A. I believe he did come in with the National Police when they were joining the operation. It seemed logical that he would be out there.

Q. Do you recall seeing him carry a clipboard? Does that bring a picture to your mind?

A. No.

Q. Do you know whether he took part in any interrogation with the National Police?

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B/4/3 which was lifted into an area generally east of My Lai (4) on the 16th. It has been indicated to us that one platoon of Bravo Company moved down along the coast on the 16th. Do you have any knowledge of this?

A. I don't know what the actual unit was. I was under the impression it was the entire company. But, there was, as we moved south, another unit along this peninsula-type thing.

Q. Yes, Bravo Company, the entire company, did move down the coast on the 17th. We have had some information that one platoon was in that area on the 16th.

A. On the 16th?

Q. Yes.

A. I have no knowledge of that. We were not in a position to observe it.

Q. Did you ever hear of a report or even a rumor that there may have been about 90 people killed in the little hamlet called Co Lay (2) along the coast at about the same time as the killings in My Lai?

A. No.

COL FRANKLIN: You say you saw a VC woman getting killed. Could you tell us the circumstances?

A. Yes, sir. The circumstances surrounding that were that we had received a transmission from one of the helicopter pilots, who said that he had observed a VC woman evading with a weapon out generally in this area (indicating). He had given us the location and we had gone out to the area to see if we could pick her up. At the time, I had observed one more person lying along the trail who was dead. I observed that either the artillery fire had killed him or gunships, as he was pretty well demolished. It wasn't small arms fire. It was either small arms automatic, minigun, or artillery. More than likely it was a gunship. Beyond this point we--this is another point right now that I'm still a little confused on. I can't remember whether this person was evading still at the time that we got there

and the person was brought down with rocket fire after being told to stop, or whether she was already there. Like I say, some of these minor points are very hard to remember, but we did get to the location where the woman was lying, and at that time we didn't know it was a woman. All we knew was that this was a VC with a weapon. There was movement and Captain MEDINA fired at her, I suppose.

Q. What range?

A. Very close. Four or five meters; even closer than that, I imagine.

Q. You were told that it was a VC with a weapon by the helicopter?

A. Not myself personally; probably by the company net.

Q. How did you know that?

A. That it came down through the company net?

Q. Yes. Did you hear that transmission? Did you hear somebody say something?

A. No, I didn't hear the transmission.

Q. How do you know it came down, then? Did the RTO tell somebody that?

A. No, the word was that after the transmission had come through, supposedly, that there was a VC in the area with a weapon. We had gotten the location from somewhere and there were only choppers flying in that particular area.

Q. Do you know which choppers they were? You had some Sharks supporting your lift ships. You also had an aero-scout company called the Warlords which had a bubble, a high and a low gun. Do you remember which of the helicopters it was that told you this?

A. No, I have no idea which one it was.

Q. It was pretty early after the lift, wasn't it? After you touched down?

A. Probably over 2 hours. Maybe, it could have been less.

Q. You were inside of the village and then you went outside the village?

A. As far as I remember, yes. We had moved into the village and then as soon as we had gotten into the village, we had moved back out in this direction somewhere.

Q. Over there to the south?

A. It was fairly open rice paddies. It wasn't in the village itself.

Q. Okay, in your mind what did you think when Captain MEDINA shot this woman?

A. I probably would have done the same thing if I had been a little faster.

Q. It was a normal reaction?

A. I think so.

Q. A VC with a weapon, you see a movement--

A. (Interposing) That's the way it was defined, as far as I was concerned. A VC with a weapon and we were going over to check it and there was movement. We had too many instances where VC played dead; in fact, the brigade commander had a grenade thrown at him one time by a VC playing dead.

Q. How about the gunship? Did they prep inside the village?

A. I believe so. I can't say for sure.

Q. Why do you believe so?

A. Well, for the one reason, this one particular individual that I observed on the way out to this woman, I believe, had been hit by gunships because the entire side of his head was gone. It looked like multiple rounds, probably five or six in the same area, and he was pretty well chewed-up too. From the time we went in, there was continual fire by the gunships. Actually, on the village, they did fire rockets and minigun. Out in this area we had three or four, I believe it was three, evading VC with weapons that they did get. When they got these three, they fired on this village here.

MR WEST: Let the record reflect that the witness indicated the rice paddies between My Lai (4) and My Lai (5) and the hamlet of My Lai (5).

COL FRANKLIN: So you saw those gunships fire into the hamlets?

A. Firing into the trees, and the hootches were under the trees.

Q. They were firing into the hamlet, weren't they?

A. Right.

Q. This body count, did you hear the body count being called back to the task force?

A. No, I didn't.

Q. When did you find out about it? When did you find out about C Company's body count for this operation?

A. That would be very hard. As far as the official body count came out, I believe it was 128 that came out in the Stars and Stripes. I think that is the first time I heard that number of 128, when I read it in the Stars and Stripes.

Q. What were your feelings at that time?

A. It was a mixed feeling, I think, because I had seen two or three small children that were undoubtedly part of this body count, and it was one of inquiry into the fact that I began wondering at that time just how valid the body count system was in Vietnam.

Q. You began to wonder at this time how valid the body count system was. You have no idea who got this number and where it came from?

A. I have no idea whatsoever. On something like this, I would imagine platoon leaders made a count of their particular area and relayed it back to Captain MEDINA; because, I can't swear, but I don't think Captain MEDINA did actually walk through the village and take a body count himself.

Q. Do you believe that body count figure as VC?

A. 128?

Q. Yes.

A. Yes, I believe 128.

Q. VC?

A. What's your definition of VC?

Q. I'm not going to give you my definition of VC. I think you know what a VC is.

A. I would say there was 128 VC at least.

Q. You didn't apparently see many bodies in this village?

A. Yes, sir, I did. This was the thing that was so surprising afterwards when these large numbers, 300 and 400, started arising from the papers. The one major group I saw on the trail consisted of, I believe, the count was 17. We counted them in the picture when the CID man was there. Moving up through the village, several hootches that I did observe did have bodies which, if all totaled

up, would come to six or eight more; but I did not take a thorough tour of the village.

Q. Were you with Captain MEDINA the whole time?

A. Well, we moved into this portion of the village, I believe it was (indicating the center of the village), and at this time he was setting up a temporary CP and just finding out exactly what had been going on and what was going on at the present time. I moved off just a short distance with Sergeant MARONEY at this time, just surveying certain portions of the village. At this time we found two small girls hiding behind a hootch. We brought them back to the CP area and turned them over to an elderly fellow over there.

Q. Why did you bring them back?

A. Well, because they were extremely frightened. They were in a state of shock, and, in the first place, I wanted to get some medical attention for them.

Q. Were you concerned that they would be killed?

A. Yes, I was concerned they would be killed-- No, not at that time, I wasn't that concerned about it because the firing had stopped. By this time the cease-fire order had been given. There were people moving throughout the village and it would have been a very stupid thing to start firing again at that time.

Q. You said that the cease-fire order had been given?

A. I believe so because the firing had ceased throughout the village.

Q. This was about how many hours after you had touched down?

A. I can't think--2 hours at least, maybe longer.

Q. Was there a lot of firing going on during that two hours or an hour and a half after you got down there?

A. There was quite a bit of firing going on, yes, there was.

Q. You were an FO. What did you think about all the firing going on?

A. Nobody called me for artillery support. I was just waiting to do my job.

Q. Didn't that strike you as rather strange?

A. It depends--because when you have got a heavy volume of fire going, it is pretty hard to tell sometimes how much the return volume is. I didn't know from the reports, that I could hear through the captain's radio, how much return fire we were getting at this time.

Q. As long as Charlie Company got fire--did they call for artillery fire?

A. Yes, but not when you're getting it from the same point that you're standing at.

Q. Your job is to provide artillery support; you're going to go through a certain thought process; you are going to want to know if you can help them. You are a smart guy and you are going to want to know what is going on. What did you think was going on?

A. I had no idea at first. I really didn't until I got into the village and started seeing the people, and I knew that these people were either evading or possibly they were just firing for suppressive fire, I didn't know.

Q. Did you know that just about everybody was being killed?

A. No.

Q. You didn't know that?

A. No.

Q. Did you have a feeling of shock?

A. Afterwards, yes.

Q. When afterwards?

A. When the firing had stopped and I had seen there were bodies underneath hootches that were burning. The hootches were on fire.

Q. When you had all the information you ever had, the maximum information that you had, which was somewhere later in the village, what was your impression then as to what had happened?

A. My general impression of what had happened was that it was a search and destroy mission, and the village was destroyed.

Q. At least one man has said that you are a compassionate man. Now, you had no feeling--

A. (Interposing) Yes, of course I did--

Q. (Interposing) That anything shocking had happened. You admitted that some people had been killed, but you did not have a feeling of the enormity of a massacre?

A. Yes. It did.

Q. It did enter your mind?

A. Yes, it did.

Q. Can I ask you why it did, then?

A. Because the company, everyone in the company and myself, were not used to the fact of seeing small children and women on a large scale being killed as VC. This is the first time that there had been that much gun firing in any operation. Throughout the entire company, there was a general feeling of depression after this entire operation was completed; and it lasted--I talked to quite a few men during this time, for a week or 2 weeks afterwards, and a lot of them had very many doubts in their minds as to what actually had gone on and why it had gone on, because without a doubt, there had been what is termed civilians killed in this village.

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A. You have an obligation to report any atrocity that you see in a war zone.

Q. You knew that? This didn't appear to be an atrocity, these Vietnamese being shot down?

A. You are asking for rational answers about an irrational war, a war that is much different than any other we have fought up until this time. I believe that is not only unfair, but it's hard to answer.

Q. I understand that it is putting you on the spot. Do you think a lot of men in C Company think like you do?

A. I really don't know. The only people that I knew fairly intimately were my RTO and my recon sergeant.

Q. Didn't these things all seem--

A. (Interposing) You're brought up in a civilization and a society in which killing is wrong. All right, but when you train a man for 2 years to do nothing but kill and you put him into a situation where he is walking through villages in jeopardy of losing his life at any second for an entire 12-month period, his thinking changes about killing, and the impression of killing is not as strong. He doesn't feel at the particular moment, especially if he is highly tense for an operation like this. It could be rationalized very easily in a lot of peoples' minds.

MR WEST: I gather from what you have said to Mr. THOMPSON, the CID man, and perhaps from your testimony today that you had a feeling that the men in moving through My Lai (4) and in killing the residents as they did were acting in accordance with orders as they understood them?

A. That's right. I believe that very firmly. They were acting in accordance with orders. And, the firm impression that I got was that the original source was higher than Task Force Barker itself.

Q. Did it give you any difficulty, in what I might call a rationalization, that some of these residents were little babies, little children? You felt that these babies were killed under orders?

A. The only rationale for killing infants would be an extremely idiotic one, in that they had a chance of growing up to be a VC someday. That is the only one that I can possibly see, and I don't think it was.

Q. Well, let me ask you one more question along this general line. You are aware, of course, that what happened at My Lai (4) was not generally known until recently, and that, in fact, it was not known to Headquarters, Department of the Army, until April 1969, when a letter from a man named RIDENHOUR was received by the Secretary of Defense. This letter started an investigation by the Inspector General in that month of April 1969. I wonder if you have any idea as to why the events of that morning in My Lai (4) were not reported in the usual way?

A. To get back to some of the original statements about the mental state of the company at this time, very possibly the reason that this was not reported as it has been reported now as a massacre, is that there was, I imagine, a great bit of mental turmoil going on in the minds of the people in the company, trying to decipher whether, trying to pin this thing down, as to whether it was right or wrong. As far as I'm concerned, it took me until the CID man came around to actually pin it down in my own mind. So, I believe that possibly there are still people who were there who are trying to decide about this matter. So, for this reason, I think that at the time the company was still in Vietnam, it was considered by people in the company to be a right thing by the majority of the people.

Q. Did you hear anything about an investigation of the incident at My Lai (4)?

A. When was this?

Q. Immediately after the incident.

A. No, I can't say that I actually heard or saw in writing how the investigation was being conducted.

Q. While you were here in Vietnam working with the company, did anyone come around and question you about it and say that he was making an investigation?

A. No.

Q. Did anyone ever tell you to keep quiet about it?

A. No. No one told me to keep quiet about it.

Q. Were you aware of any such instructions being given to the men of Charlie Company?

A. Only through the newspaper media. This is something that came out recently, and that was the only knowledge that I had of it.

Q. Did you touch upon the attitude of the men of Charlie Company towards the Vietnamese people?

A. That's a very changing attitude. When I first entered the country, I flew in with the advance party of the brigade. Charlie Company was assigned as perimeter defense for brigade base camp, which was at LZ Carantan at Duc Pho. At that time, we flew into Chu Lai and convoyed down south to Duc Pho. We made several stops along the way in which the people in the villages, of course, would congregate around the convoy. At this time I had a feeling of compassion for the people because it was a standard of living that I had never seen or been in contact with. Throughout my tour in Vietnam this was something that very much preyed on my mind, that we were there to get their respect through winning their hearts and minds. To do this you have to go into these individual villages and give them the capability to defend themselves and then advise them on updating their particular standard of living. This was something that I didn't see very much in the particular area that I was in. I interpret these people as having the capability to defend themselves if they have the weaponry and the advisors to do it; they wanted to, basically. The thing was that they were so isolated in these areas. Most of these villages had no choice but to support the VC in these particular areas. I realize this is all pretty general knowledge to you. So, throughout the tour we would come in contact with Vietnamese civilians, and we would ask them, "Have you seen the VC?", or "Where are the minefields?" Throughout the tour we would come in contact with people that were classified and defined as innocent civilians, noncombatants. Still we would ask them at a particular time along the trail if they had seen any VC or if they knew of any booby traps along the trail

or in the areas. It was always "No" or "No, there's not", no knowledge of this. In particular, the worst of the incidents had been walking into this particular minefield in which we lost approximately 25 people. There had been contact, shortly before, with so called civilians, noncombatants. So this one fact was impressed upon me: that the people, although in a lot of instances they didn't have the capability to defend themselves from the VC, had still chosen the side of the VC. In any other war that the United States or anybody else has been involved in, anyone aiding the enemy is considered as much an enemy as the one carrying the gun. I considered the little old lady walking down a trail, that had just come out of a mined area, that didn't tell U.S. troops that that mined area was there, as much a VC as the 19-year old boy carrying an AK-47. I think that as far as talking to a civilian and trying to rationalize on that basis, they wouldn't understand until they had been there and had their life endangered for a year in a situation like this. There is just two ways to go about it: win the thing or not.

Q. Then, is it fair to say that the men of the company initially had a friendly attitude towards the Vietnamese people with whom they had come into contact, but this was considerably tempered by their later experiences?

A. Yes, but I think they maintained the same feeling even after the My Lai operation for the people. I believe there were several of the people in the company that were supporting orphans at this time and did accept the monetary responsibility of supporting orphans throughout the area where we had been. And, I think they maintained a fairly good respect for the people that they had come in close contact with. But when you are in an area like this and people have been defined as VC, then, of course, your thinking changes.

Q. I have two other general questions. Did the missions of Charlie Company change any after My Lai or were they about the same as they'd been before?

A. This depends on the area you were working in. My Lai was kind of a roving type operation, where we would go out in the field for 5 to 10 days sometimes, and just circulate between Dottie and Uptight. We would go into villages, and every once in a while there would be an

organized medicare-type thing where we would have medics in the area and we would get the entire village into a central location and administer medical aid to anybody that needed it. It was just more of a police-type action in this particular area. As we moved out of Task Force Barker, we jumped around quite a bit throughout the southern portion of the AO. We did get up around Danang, and we got west of Danang out into the mountains at times. This was a different type of operation because it was pretty heavily NVA. This was in the vicinity of what is called "Antenna Valley," I believe, where the 196th had two companies almost wiped out. So the attitude there was different in that respect, but the contact with the villagers in that area was quite a bit less. There were very few actually populated villages in the area, and in the villages that we did encounter we usually drew sniper fire as we moved around the village. Generally, the operations stayed fairly much the same.

Q. In November there was some press speculation that some of the men of Charlie Company may have been under the influence of marijuana on this morning of 16 March 1968 at My Lai. Do you know anything of this?

A. No, I don't know whether on that particular morning anyone was under the influence of marijuana. I know that, well, of course you all know that the marijuana problem in Vietnam is a very bad one right now, and it was then, too, because it was so readily available. On one particular instance, while crossing a river, and I believe this was--no, this wasn't Task Force Barker, this was sometime later. While crossing a river, it was necessary to procure a few of the boats that were along the river and put equipment in them. We had a line across the river and people had to swim across. So there would be just a large pile of equipment on the other side where people would take their equipment from the pile as they came across. So, in this particular instance, I stayed on the other side of the riverbank for any artillery that we possibly could have used for sniper fire coming into the area at the crossing. I stayed until the last man had come across and the last equipment had been picked up, and I found a pack of cigarettes. I just picked them up because they weren't wet and looked inside. I couldn't help but notice. It was a Camel pack, but there were no Camels in it; they were all rolled marijuana. So I know there

was instances where there was "pot" being smoked. As far as I'm concerned, though, the people that I talked to about it--there was no way that you could possibly control it, even for platoon leaders. There is no way you can control very well the smoking of marijuana. So I think the general understanding was that there is not a lot that you can do about it. So, if you are going to smoke it, wait until you're back in the base camp and you're not on perimeter guard, jeopardizing your own life and possibly your buddies' life. Most of the boys in Charlie Company understood this, and, I think, respected the people leading the company enough to go along with this. However, I can't say whether there were instances where people did go out on an operation under the influence.

Q. You are not aware that it had any significant effect on this operation?

A. No, I'm not. As a matter of fact, that is the first time I've heard it mentioned.

MR WEST: Colonel MAHAFFEY has a number of questions that he wants to ask you. After that, we would like you to get with Colonel PATTERSON. He'll show you some photographs, and perhaps ask you some further questions about movements through My Lai (4) that morning and about training. I'm going to drop out of the interrogation at this time and I want to thank you, Mr. ALAUX, for coming here today. You made a very valuable contribution to our efforts. You've been a great help. I realize that it has been considerable trouble for you to come here, and we thank you very much.

A. I really never have been to Washington before.

MR. WEST: We are very grateful to you. The hearing will be recessed.

(The hearing recessed at 1145 hours, 6 January 1970.)

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(The hearing reconvened at 1155 hours, 6 January 1970.)

LTC MAHAFFEY: The hearing will come to order.

The following persons are present: LTC MAHAFFEY and MR ALAUX.

LTC MAHAFFEY: Mr. ALAUX, the purpose of the questions that I'm going to direct to you is to assist us in filling in some of the details concerning the chronology of events which led up to, and to some extent occurred during what has come to be called the My Lai (4) incident. Inasmuch as there has been a considerable period of time that has elapsed since the My Lai (4) incident, I will try to indicate to you the substance of prior testimony of other witnesses. Perhaps this will refresh your memory as to what did occur.

I would like for you to go back initially to the briefing that took place on the 15th of March at LZ Dottie and tell us about Captain MEDINA's briefing, where we understand he called all or most of the company together to address them collectively.

You discussed previously with Mr. WEST the memorial service which had been held at some time fairly close to Captain MEDINA's briefing. We have considerable testimony to indicate that the memorial service may, in fact, have occurred on the same afternoon, that is on the afternoon of the 15th and just prior to the calling together of the company. In fact, witnesses have said they went directly from the memorial service to Captain MEDINA's briefing. Do you recollect that that is, in fact, the way the briefing occurred, right on the heels of the memorial service?

A. This could be very true because it was my impression, my recollection, that the proximity of time was very, very close. It could have been that day or the day before. I did not attend it myself personally.

Q. You did not attend the memorial service?

A. No, I did not for that one particular reason. It is not very well fixed in my mind but it was in very

close proximity to the briefing, within a day.

Q. Can you recall if Lieutenants CALLEY, BROOKS, and LACROSS were also present at Captain MEDINA's briefing?

A. Yes, they were.

Q. Do you recall during the course of Captain MEDINA's briefing to the company as a whole, or in any separate discussion which you may have had with him, any reference to remarks made by Colonel HENDERSON, the brigade commander, during the task force briefing which alluded to the retrieval of enemy weapons by women, children, or old men who were sympathetic to the VC? There has been some indication that remarks were made by Colonel HENDERSON at the task force briefing, or as part of the task force briefing, in which he basically appeared to be trying to point out the desirability of aggressively closing with the enemy in order to prevent weapons retrieval by the VC sympathizers.

A. It is a very logical point. This was the reason your body counts right now are not comparable to the weapons captured counts. When close contact is encountered in villages, if the VC is killed with a weapon and there is a villager in the close proximity, he will retrieve it and hide it for future use. But, as far as weapons and Colonel HENDERSON making this particular statement at the task force briefing, I do not remember anything to that effect.

Q. Did Captain MEDINA himself explain to the men why it was important for them to close aggressively with the enemy in order to prevent this from happening, weapons being retrieved?

A. Very possibly so. I say again, I did not stay for the entire briefing because I had all the information that I needed for my particular phase, and I had to get to the TOC.

Q. But you don't know specifically?

A. No.

Q. Do you recall during that portion of Captain MEDINA's briefing which you did attend whether or not he

made reference to an intelligence estimate or information which had been received to the effect that women and children would be out of My Lai (4) by 0700 hours the following morning on their way to market?

A. Right. This was definitely brought out in the briefing, and it was the impression that they would be out of the village at the time of the operation.

Q. You also, in your discussion with Mr. WEST, indicated or made reference to some type or prior warning that had been given to the inhabitants of My Lai. Was this method of prior warning or the prior warning itself discussed by Captain MEDINA during the course of his briefing?

A. No, this again is something--as an overall impression, I myself had the impression that there was either a leaflet drop or a broadcast.

Q. Now, this is consistent with the testimony of a lot of witnesses. My difficulty is determining how they gained that impression. Who told them and when? You are not saying anything different. We are just not able to determine where they got that information.

A. As far as the actual information, I think the impression was given in the briefing itself; but I cannot testify to that because the thing has come out in the paper. Prior to this time I had given thought to the full incident. But those particulars, such as this one, have not entered my mind to a significant point where I can really pin it down as to where it was and what the actual word was that was given.

Q. You were aware that a prep was going to be placed either in or close to the village on the following morning as a result of Captain MEDINA's briefing, were you not?

A. Yes.

Q. Prior warning, therefore, would have been a major consideration or should have been a major consideration in connection with this prep. Might it have been in consideration with this that he or someone else mentioned

the question of prior warning?

A. Yes, it could very well have been in that particular respect.

Q. Do you recall specifically?

A. No, I don't.

Q. During his briefing or subsequent to this briefing and again in personal discussions with you, did he elaborate at all on the business of the prep being planned on the village?

A. No, I don't believe there was any impression made upon myself that the prep in its entirety would be upon the village. The normal procedure is to prep the LZ, and in certain operations such as this there would be no prep at all because of the close proximity of the inhabited village.

Q. Had you ever placed artillery in the form of a prep this tight against a village in previous operations?

A. As far as Task Force Barker, no, because most of our operations were conducted--they weren't air operations. They would be just search and clear.

Q. I'm asking you as an FO in your previous experience in situations where artillery preps were to be fired on or very close to an inhabited village.

A. Yes, there were incidents where an artillery prep would be fired in very close proximity to an inhabited village.

Q. Prior to this time?

A. That's something again. This was about half-way through my 6 months tour in the field. A lot of our operations were CA's or airlifts. Most of the preps that were conducted were around the mountains or a fairly open area. I believe, and this I can't testify to, you would have to go and check FDC records on this, but there have been several preps in close proximity of villages.

Q. So that the knowledge that the prep was going in or close to the village made no particular impression at that time?

A. It always impressed me that artillery was going in on a village, and it was something I thought about quite a bit when I was artillery liaison officer. I was verbally reprimanded quite a few times by the battalion commander who I was working for at the time.

Q. Who was that?

A. I worked for all the battalions as liaison officer, and instances did occur later on where villages were defined as VC. I think that happened a few times, that there would be artillery fire on the very edge of the village or in a very close proximity.

Q. But there was no specific discussion between you and Captain MEDINA with respect to the fact that this prep was going on the village?

A. No, there wasn't because I myself wasn't aware, at that time, that the prep was actually going on the village. All I had was the LZ, and my primary consideration is setting up a target roster of defensive targets to be used in case of contact from any point around the LZ. Of course, I had targets plotted on the village if we did start drawing fire from the village, but as far as actually knowing--

Q. (Interposing) I have had some experience with artillery liaison officers and FO's; and it is normal for the battalion liaison officer to keep his FO's, his company FO's, tied in closely with the plans. Captain VAZQUEZ has testified that he was aware that the prep was to be placed both on the western edge of the village and on the LZ. Did he discuss this with you at any time prior to the actual prep being fired?

A. No, Captain VAZQUEZ, I don't know how to explain it. I felt that most of the time in the field I was not being kept informed as much as I could have been by my liaison officer. This was something I worked on when I was liaison officer, trying to keep my FO's informed of what was going on, not only in their operations, but possibly informed as to other operations, also.

Q. In this case, did he read you into the plans of the prep?

A. No.

Q. Mr. WEST or Colonel FRANKLIN asked you about this question of getting revenge. I would like for you to think very carefully now. Did or did not Captain MEDINA, during the course of his briefing that afternoon, make reference to the previous casualties and the rather frustrating type of operations that C Company had been involved in up to that time and, in that connection, then point out the fact that this was the first opportunity to get hold of the enemy and to get even for some of the types of casualties that occurred. I'm not implying that this is bad. I'm just trying to understand the context in which it might have been said.

A. That was the general context and impression that was given in the briefing.

Q. To get hold of these guys?

A. Yes. This, from all intelligence sources, was going to be the heaviest contact we had ever been in, and we would definitely catch them in the village itself, and this would be as you said. I don't know if those were the words he used or not, but that was the implication.

Q. We are at a loss to determine when and how the plans for unit movements which took place on the 17th and 18th were developed. We understand the provisions for the 16th were quite detailed, both in the task force briefing and in Captain MEDINA's briefing. But there was apparently, during those briefings, little or no records made as to what the company was going to be doing on the subsequent days, the 17th and 18th. Do you recall, during the 15 March briefing by MEDINA, any reference made to the plan or scheme for the 17th and 18th or thereafter?

A. My general impression, thinking back, was that after the initial assault at My Lai, we would move through several villages.

Q. This is on the 16th now?

A. Right.

Q. You were aware that you were going to link up with Bravo Company for the night defensive position?

A. Yes.

Q. How about the following day, and the day after that?

A. I think as far as prior briefing as to what was going on the next few days was fairly sketchy. Possibly, there were people in the company that did not actually know what was going to happen after that, although I did know we were going to move south.

Q. Did you know that on the 15th? Or, is it more probable that your instructions for movement to the south and your movement on the 18th were developed on the evening of the 16th?

A. I think that is more probable because that was the direction of the movement of the people out of the area. We did finally catch up to them and there was the South Vietnamese Navy, I guess, who were checking people as they were going across the river when we got to the other boundary of the AO just northeast of Quang Ngai.

Q. But here again, was there any discussion between you and Captain VAZQUEZ that you can recall as to what you were going to be doing the following day?

A. As far as normal procedure, I would have checked in with him. As far as actually doing that, I don't remember. It was something--on the fire base I would check with him every day just for general knowledge and just stay in contact with him as much as possible. Very possibly I did talk to him the evening before the operation. But as far as his instructions or the plans that had been made, they did not include, I think, moving south after we had gone through the initial operation.

Q. That is on the 15th? It did not include that?

A. I don't believe so.

Q. We have had some testimony that subsequent to the time when Captain MEDINA called the company together for a briefing which you have described, later that night there was another briefing by Captain MEDINA attended only by the key personnel of the company, specifically platoon leaders and platoon sergeants, to discuss the operation to be conducted the next morning, and that during the course of this briefing there was a discussion particularly on the part of one of the platoon sergeants as to what differences

there were between search and clear operations, the type of operations the company had been involved in up to that time, and the search and destroy operation which was to be conducted the next day. Do you recall such a meeting having occurred, a subsequent meeting?

A. No, it's SOP that platoon leaders, platoon sergeants, and myself and other personnel that are involved would be called together by the company commander, and there would be a detailed briefing given and overlays would be handed out at this time for their particular assignments. I would have my target list together at this time. Each platoon leader would receive a target overlay for his particular map.

Q. By target overlay do you mean artillery target overlay?

A. Artillery for defensive targets to be used for the fire direction control center. I don't know whether it was after the briefing that afternoon or what the reason is the briefing that night has not impressed itself in my mind more, but right now it does not impress me what was said. The normal procedure would be for each platoon leader to get his responsibilities for the operation and make sure that everyone had the overlays.

Q. This was apparently done in some detail in this briefing of the entire company?

A. Yes, there was some detail there and this is why it doesn't impress me too much as being the normal-type, detailed-type briefing for the platoon leaders and myself later, because there was quite a bit of detail given in the company briefing itself. Right now I can't say for sure whether or not there was a detailed briefing of platoon leaders.

Q. Either that night or the following morning?

A. Right. It is something that didn't impress me that much because I do remember other detailed briefings very clearly.

Q. Where only the platoon leaders, platoon sergeants, yourself, and Captain MEDINA were involved?

A. Right.

Q. This was normal procedure?

A. Right.

Q. In your earlier testimony you stated a couple of times that you observed, and I think took photographs of, artillery smoke, you said, coming out of the village. How do you know it was artillery smoke? Was it WP?

A. I don't know. It was probably HE. It was smoke, the volume of the smoke itself. It was fairly thick smoke and as far as being WP, I cannot tell. There were no fires that I observed from the air. Normally, a WP, or if you had any amount of WP in the area, would start a few small fires.

Q. Could you clearly distinguish it from smoke that might have developed from rockets?

A. Yes, definitely. I think from the angle and the altitude of the helicopter from which I was taking the picture, you can see that the smoke is rising quite a ways in the air where rocket smoke would have stayed quite low.

Q. Was this smoke from an explosion from a round?

A. Yes.

Q. Did you actually see the gunships firing rockets and machineguns into both, or either, My Lai (4) or My Lai (5)?

A. There were, as far as I can remember, two gunships accompanying each lift as they came in. Again, the normal procedure here is to prep the LZ itself but it was very mixed up at this time. There were a lot of people on the radio. As far as actually seeing rounds going into the village proper, it is very hard to recollect if I did see those. But the impression that I have now is that there were gunships firing into the village, along the trails leading into the village, and rockets being fired also.

Q. This applied not only to My Lai (4) but to My Lai (5)? That was the small village due north.

A. Yes.

Q. You also mentioned in your earlier testimony that following this operation you had the impression that the men of C Company or many of the men in C Company were going through what you described as a mental trauma. Can you describe any visible signs that you may recollect or any discussions that may have caused you to gain this impression?

A. No, only an overall impression that would give me any indication as to what was going through their minds without sitting down and letting me know what exactly was going through their minds at this time. The overall impression was the company was not in a state of depression, but individuals were impressed to the point where they weren't physically incapable of carrying out their mission, whatever it might be coming up; but there was a subdued-type cover over the company.

Q. Then you think it was something that the men by their own admission had just rather not have talked about?

A. Yes.

Q. To their own admission, just rather not have talked about it?

A. It's up to the individual.

LTC MAHAFFEY: I have no further questions. Mr. ALAUX, I want to thank you again for appearing before the committee and tell you that after you leave Washington if you remember any details or if you should come across any additional photographs, documents, or anything of any type that would be of aid to the committee, we would appreciate your contacting Colonel BREEN and bringing that to our attention.

A. I certainly will. I realize the nature of such an irregular situation. There are a lot of the things the American public will have to admit to themselves and a lot of things that the Army is going to have to admit to itself.

The only thing I really hope for is that we can give as much information as possible so that something will come out of this entire investigation. I firmly believe that something will come out of it.

LTC MAHAFFEY: Thank you again.

The hearing will be recessed.

(The hearing recessed at 1225 hours, 6 January 1970.)

(The hearing was reconvened at 1227 hours, 6 January 1970.)

LTC MAHAFFEY: The hearing will come to order.

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

LTC MAHAFFEY: Mr. ALAUX, I would like to ask you one additional question. Can you describe for the committee your opinion of Lieutenant CALLEY and of Lieutenant CALLEY's relation with the men in his platoon?

A. Yes, in general, Lieutenant CALLEY, I believe, was a very conscientious platoon leader in that he had a great bit of compassion for his men and he looked out for them as much as possible under the circumstances. The only point that I disagreed with, but not being an infantry officer I can't speak as a qualified source and I don't know which is best or which is a better method of handling men in a combat situation, but Lieutenant CALLEY was very close to his men. He was on a first-name basis with a majority of them. The general impression that you would get when observing them on fire base work details or anything like that was that he was more one-of-the-gang than actually being in charge of the operation. Whatever it might be: filling sandbags, building bunkers, laying wire, et cetera. I want to reiterate that as far as myself making a value judgment on this, I can't say because I was never in command of a platoon long enough to understand.

Q. Your impression of his approach to leadership was one of being a nice guy as opposed to perhaps a more demanding, forceful type leadership?

(ALAUX)

A. Yes. I believe at times he was lax with his men to a point. That is, his authority could have been encroached upon without too much trouble.

Q. Do you think his men liked him?

A. It's hard to say because myself, were I in a position of being a straight-leg infantryman, I feel I would personally want to maintain very close contact with my platoon leader. It would be a very businesslike contact because he is the man in charge of the entire platoon. As far as his particular men were concerned, I cannot say that they actually respected him more or less than any of the platoon leaders in the company.

Q. Within a company there is always an on going evaluation of the performance of the different platoons. Would you categorize Lieutenant CALLEY as being an effective platoon leader in the sense that his platoon got the job done?

A. That is putting me on the spot again. He did, in the normal operation, carry out his particular assignment. Usually, there could have been more initiative used on his part, but as far as carrying out his mission, normally, he would carry it out to its end result.

Q. Do you think his approach to leadership, being a nice guy, resulted in any degradation of his ability to control his men in the base camp or in operations?

A. Yes, there is always that possibility.

Q. I'm interested in your opinion.

A. As far as the control problem with his people, I'm not sure. Say, for instance, talking back as you might call it to a leader or actually defying him in any way; so as far as my observations go, no. I don't think he had a control problem but I did not observe him in all instances and I don't know how--

Q. (Interposing) How about on operations?

A. As far as operations did go, he had control of his platoon as far as I could observe.

Q. Do you think he had control of them at My Lai (4)?

A. I have no idea because we had moved into the village, and actually the last time that I had saw him was when we were getting on the choppers the morning before the operation. I didn't have wide visual contact as we came off of the choppers and this is where I last saw him for approximately 2 hours, maybe longer.

Q. Do you have anything further?

A. No, I believe that's all.

LTC MAHAFFEY: I want to thank you again very much.

The hearing will recess.

(The hearing recessed at 1232 hours, 6 January 1970.)

(The hearing reconvened at 1300 hours, 6 January 1970.)

LTC PATTERSON: The hearing will come to order. LTC PATTERSON is present.

Mr. ALAUX, I would like to remind you that you are still under oath and the instructions that you received earlier this morning still apply for this part of the session.

Have you stated for the record when you joined or when you were attached to the 1/20?

A. No, not as far as the record is concerned. As far as the actual date, I don't know. It would have to be traced through orders but it was probably prior to our leaving Hawaii at Schofield Barracks.

Q. Were you with them in Hawaii for any of the training that was conducted there?

A. Yes, I was, for approximately a month and a half before we deployed to Vietnam. We had been working with all the companies in the battalion, as far as my battery is concerned, and then about a month and a half before we deployed, everybody chose the company that they wanted to be attached to. At this time I chose Charlie Company, Captain MEDINA's.

Q. The record indicates that the 1/20 advanced party arrived in Vietnam on 4 December 1967 and the battalion arrived and had a welcoming ceremony on 20 December 1967. Based upon what you just said, would it be logical to assume that you joined the unit in Hawaii sometime in the October, November time frame of 1967.

A. Yes, not actually physically, but attached through orders. I was still, of course, working primarily with the artillery battalion at this time.

Q. Did you participate in the unit training that the 1/20 was conducting in November 1967?

A. Yes, I was part of the unit training in that we would go on their operations, on their problems, and act as forward observer.

Q. Do you recall participating in or witnessing any of the training concerning handling of detainees, prisoners of war, Geneva Convention, or rules of engagement there in Hawaii with the 1/20?

A. No, as far as that type of training I wouldn't have been present for it. It was carried out in their own billeting area and their own classrooms, and it was instructed by their own personnel. The only type training that I went through with them was field training where you would be presented with a problem and objectives and so forth. We would naturally go with them on the problem to the field. As far as classroom training, I was not present.

Q. After your battalion arrived in Vietnam it participated, or had some training prior to the time that it became fully operational. What do you recall about this type training? Approximately how long was it?

A. I believe this period lasted actually for almost the first month that we were in country. It consisted primarily of classroom situations in which there was no previous training, such as how to disembark and embark helicopters, what the procedure is for loading helicopters, et cetera. We tried to give as much artillery information to the platoon leaders and the platoon sergeants and anybody else interested, within our capabilities, at that time.

Q. I am primarily interested not only in the tactical training or the training concerning getting the unit to an operational status, but also the training in the Geneva Convention, rules of war, and other conducted at Duc Pho in the training area.

A. As far as training in the Geneva Convention, rules of war, and so forth, it would be incorporated into the training schedule for that particular class hour or block of hours or whatever it may be. I know that there were classroom situations in which the Geneva Convention was discussed. I don't know this for sure but this is something that should have been done. It is hard to say whether it was or not.

Q. You don't have any personal knowledge?

A. No, I never saw a training schedule, so I can't say. The only time that I looked at a training schedule was if I did have a class and I can't remember actually having an organized class as such while we were at Duc Pho. It was more of the situation in which some of the platoon leaders and platoon sergeants would get with me and plot defensive targets around a perimeter.

Q. I would like to show you Exhibit M-2, a card entitled "Nine Rules." Have you ever seen this particular card?

A. Yes, I have, I believe.

Q. Can you tell me the circumstances surrounding where you saw it to the best you can recall? Was it given to you? Did you receive a copy of it?

A. No, I did not see a copy of this card as such. The only copy of anything that was given to us to carry with us was the Geneva Convention card that was issued prior to arrival in country.

Q. This was issued in Hawaii?

A. Yes, I believe so.

Q. By what unit, do you recall?

A. The actual home unit, so I received mine through the artillery battalion.

Q. You don't recall seeing this card, Exhibit M-2?

A. I recall seeing the card but it was never passed out to me.

Q. I would like to show you Exhibit M-3, a card entitled "The Enemy in Your Hands." Have you ever seen this card?

A. I don't believe I have ever seen this card.

Q. Exhibit M-4, is a card entitled "Guidance for Commanders in Vietnam." Have you ever seen that card?

A. I don't believe I have ever seen this card either.

Q. So, were not you issued any publications for your own personal use to be used as reference and to provide guidance and policies on activities as a commander while in Vietnam?

A. No, I was not, with the exception of the Geneva Convention card that was issued in Hawaii.

Q. Can you tell me what this Geneva Convention card is or was as best you can recall?

A. It was a form of identification. It did have your name on the card; and as far as the verbatim rules of war, I can't think of them.

Q. As best you can recall was there any other information other than your name, rank, and serial number?

A. No, I don't believe there was.

Q. It was strictly an identification card?

A. Yes.

Q. Then you personally did not receive any publications of any sort to carry with you in your wallet or on your person?

A. No, none whatsoever.

LTC PATTERSON: I would like to show you some photographs and ask you to look at these photographs and study them. If you can identify any individual by name or any location by place, definitively, or anything that you think pertinent to this inquiry, I would appreciate it if you would separate this photo from the others. We will discuss them at another time. I'm going to give you these photos, I would then like to discuss them one at a time with you. At this time let the record show that I'm giving the witness some photographs.

The hearing will be recessed.

(The hearing recessed at 1309 hours, 6 January 1970.)

(The hearing was reconvened at 1323 hours, 6 January 1970.)

LTC PATTERSON: The hearing will come to order. LTC PATTERSON is present. Again, I must remind you that the oath and the instructions do apply here. The first photo that you have selected that you can identify is P-3.

A. The actual incident I don't recognize. The individual is the company interpreter.

Q. Do you recall his name?

A. I can't recall it.

Q. Sergeant PHU?

A. That's it.

Q. Do you recognize the Vietnamese man?

A. I believe this is the older Vietnamese fellow who was in the CP area when Sergeant MARONEY and I brought the two small girls back into the area. We turned them over to him. I believe this is the one. I really can't identify him.

Q. P-4?

- A. I don't know why I picked this one out now.
- Q. Do you recognize the soldier on the right?
- A. No, I don't except for the fact that he was more than likely a medic because of the medic's bag; but as far as saying who it was, I can't say.
- Q. Can you read the name tag?
- A. That was CAPEZZA.
- Q. The man on the right is CAPEZZA probably?
- A. Right.
- Q. How about the Vietnamese man in the center?
- A. That is why I probably picked it out. I think this is the same man in the previous picture.
- Q. Can you recognize the man on the left?
- A. It looks from his posture, from the way he is standing, that it was probably WIDMER. I think he was either the company or the battalion RTO at the time.
- Q. P-6?
- A. I didn't actually see this particular scene where the picture was taken, but I did see CARTER as he was being bandaged. This would be WIDMER, second from bottom, furthest from the right.
- Q. How can you identify that as WIDMER?
- A. I really can't, but I think he was trying to help when CARTER was hurt.
- Q. Do you know what this is?
- A. That's "Pennsylvania" and he is from Pennsylvania.
- Q. Do you recall any other identifying marks on his helmet, whether you can see them or not?
- A. No.

Q. How about this man here who is kneeling with his back to us with the flak vest on?

A. No, I couldn't guess who that was. He has got an M-79 between his legs so he is probably not a medic. I couldn't guess who he is.

Q. Can you read the name on the helmet strap?

A. FLORES. He was a medic too, I believe. He was a new medic that had come into the company.

Q. How about this man here with a cigarette in his mouth in the top right-hand corner?

A. I remember I had seen him in the hamlet but I can't relate him to anybody.

Q. What was the insignia?

A. There was some writing, Texas or something. I still can't relate it.

Q. BOYCE?

A. No, I don't recognize him.

Q. Do you recognize the man in the foreground with some type of emblem on his helmet with rope on his back?

A. No, I don't.

Q. Would you know STANLEY if you saw him?

A. No.

Q. P-7?

A. This is the scene where CARTER was wounded, lying with a man holding his leg. There's WIDMER again, and as far as anyone else in the picture, I can't recognize them.

Q. You can recognize WIDMER as holding CARTER's leg?

A. Yes.

Q. P-8?

A. This is the same scene again with Captain MEDINA in the background. The same scene of Private CARTER being treated for his wound.

Q. But you don't know the locale?

A. No, I cannot recognize the locale. It is CAPEZZA treating CARTER.

Q. Who is standing on that right-hand side?

A. I cannot say for sure. More than likely it was Mr. JOHNSON's interpreter. I believe that's who it was.

Q. Did you know his name?

A. No, I didn't.

Q. And this man standing in the background?

A. Captain MEDINA. To his right is MURRAY, the battalion RTO, and the colored fellow I do not recognize. In the far left-hand corner is my RTO, MARTIN.

Q. Do you know who this man is?

A. That would probably be WIDMER because of the radio on his back, but I cannot identify him for sure.

Q. Did you see that scene?

A. No.

Q. P-9?

A. This is a Private CARTER being carried, I suppose, to the chopper by WIDMER on CARTER's left. The other I do not recognize.

Q. Do you know his name?

A. No. I think he was from the mortar platoon.

Q. Do you know any of the individuals in the rear?

A. No, I don't recognize them.

Q. P-10?

A. This again is CARTER after his wound had been inflicted. The first stages of bandaging, I believe, from the amount of bandages on his foot. Standing on his right, MURRAY, one of the company commander's RTO's.

Q. Are you sure it is MURRAY?

A. I'm not sure. It is not MURRAY. It's the tunnel rat that I mistook for the demo man, BERNHARDT. They look somewhat the same except BERNHARDT is a little heavier.

Q. How about this man here kneeling with his hands on CARTER's foot?

A. I remember CAPEZZA as being heavier when he first came into the field. I didn't know that he lost that much weight. This probably is CAPEZZA, the head medic.

Q. Do you remember CAPEZZA carrying a bullet in his flak vest?

A. I don't know.

Q. This man here?

A. I believe that was the MI lieutenant by the name JOHNSON, "Bull" JOHNSON I think was the name.

Q. Did you see that scene?

A. No, not that particular scene.

Q. P-11?

A. P-11 is what I assume to be CARTER being carried to the medevac chopper. If it is the same two people carrying him, it would be WIDMER on his left, but I don't think it is.

Q. Can you positively identify them?

A. No, I can't.

Q. P-12?

A. This is Captain MEDINA, I believe, talking to CARTER on the medevac chopper after he had been placed on it. I would judge that the man standing on the ground to the far right would be BERNHARDT. The other two, I can't be sure of.

Q. You think the man without the helmet standing in the center of the picture is Captain MEDINA?

A. Yes, I do.

Q. How do you identify him?

A. Just by his stance and his haircut and the profile of the face that I get there. It is very hard to say.

Q. P-18?

A. This is a picture of myself in the foreground sitting along the major trail running through approximately the center of the village. Sergeant MARONEY is to my right. To his right is Sergeant PHU, the interpreter, and I cannot recognize anybody else in the picture.

Q. Do you know who this man is here carrying the plotboard or what appears to be a plotboard?

A. I know who he is but I don't know his name. He was probably one of the mortar platoon members.

Q. Sergeant FAGAN?

A. Very possibly FAGAN. I believe he was part of the FDC and normally would be carrying the plotboard.

Q. Do you recall where that scene took place?

A. This was somewhere into the interior of the My Lai (4), probably halfway through the village.

Q. Could you pinpoint or approximate the location on an aerial photograph?

A. I believe so, if the aerial photo was in detail enough so I could get my bearings in the rice paddy in relation to tree lines.

23 92 165

Q. We will come back to that photograph and attempt to locate it more definitely later.

Q. P-16?

A. This was one of the photographs of the burning of hootches. I don't believe the hootch was burning to this degree when we passed by with the CP group and saw bodies lying under the thatch of the hootch.

Q. Can you positively identify this photograph as being taken in My Lai (4)?

A. I cannot positively identify it, no. It's very much like the scene I did see.

Q. Could you indentify P-16 on an aerial photograph?

A. No, I couldn't.

Q. P-17?

A. This is the same as P-13, approximately the same area, and approximately the same taken at a different angle. Again; starting from my right is myself; on my right is Sergeant MARONEY; to his right, Sergeant PHU. I believe the RTO in the background center of the picture with the white tee-shirt showing is MURRAY, the RTO for the company commander, and very possibly to his right is CAPEZZA, the medic.

Q. Do you recognize this man standing to the right of the photo?

A. No, I don't. Looking closer with a magnifying glass, in the upper right-hand corner in the background on what looks to be the steps of the hootch, I believe, is the RTO, WIDMER.

Q. Do you think that you can locate the photograph P-17 on the aerial photograph?

A. Yes, approximately.

Q. P-18?

A. This was one that I was not completely sure of because I don't recognize the U.S. troops. The only thing that I can relate this to is after we had moved out of My Lai (4) into one of the corresponding villages, these were some of the prisoners that were being taken at that time. I don't recognize the troops, and possibly it could have been shot by Bravo Company who was a little further east at the time.

Q. Do you recognize the Vietnamese?

A. I believe I recognize the one on the extreme right but I can't be absolutely positive.

Q. Do you recognize the location?

A. As far as positive identification, no, but it looks somewhat like the area that was towards the interior of My Lai (4) along the major trail, but I cannot identify it for sure. I think it is Bravo Company on the other side.

Q. What does this look like to you in the rear?

A. It looks like LZ Uptight, so that would mean we were facing north at the time.

Q. It would put you on the northern boundary of the village. What did Hill 85 look like?

A. I can't remember, sir.

Q. P-23?

A. This is a picture of Captain MICHLES on the far left of the picture.

Q. Can you positively identify Captain MICHLES?

A. No, I can't see a name tag on him. As I recall, the Vietnamese interpreter talking to the Vietnamese is Captain MICHLES' interpreter. Those are the only people that I can recognize.

Q. You don't recognize the individual on the right?

A. It looks very much like my RTO MARTIN just from the way he is wearing the phone. There is no way I can positively identify him except if he has some sort of name pinned on him somewhere. Correction, because he is wearing sergeant stripes here. I don't know.

Q. Did you know Sergeant MINH?

A. No, not personally, I believe he was Captain MICHLES' interpreter.

Q. You don't recognize the locality of that photograph?

A. No, I don't.

Q. P-25?

A. Again I don't recognize the locale but the individual looks like an individual that was in Charlie Company. His name I can't remember at this time. I do remember that he was wounded badly later on; not on this particular operation, but later on.

Q. GRIMES?

A. GRIMES, I believe.

Q. Do you recognize the locality?

A. No, I don't.

Q. P-26?

A. This would be a picture of Landing Zone Dottie with the slicks coming in to pick up a load of Charlie Company. I can't identify anybody as being in Charlie Company but this would be a LZ pickup.

Q. How do you identify it as LZ Dottie?

A. The only thing that leads me to believe it is LZ Dottie is because it looks like a partially paved or blacktop surface which they had just done before the pickup at LZ Dottie.

Q. Do you recognize the soil as being the same type of soil?

A. Yes, there is a red texture to it. From the black and white you can't tell what the color is, but the texture is very much the same.

Q. P-27?

A. No, I can't positively identify that.

Q. P-29?

A. This I recognize to be similar to the LZ which we landed at to the west of My Lai(4). As far as positive identification, I can't be sure except for the fact that these trees in the background are similar to a forested area that would be in relation to the choppers in this position.

Q. Do you think you could identify this photo on an area photograph?

A. Yes, I do.

Q. P-28? Do you recognize that area?

A. No, I don't.

Q. P-33?

A. P-33 I chose from the photographs because it is similar to the one that I had seen previously in the photographs. I can't be positive, but it looks like the same picture. There is a body visible in the picture.

Q. You previously said P-16 and P-33 looked to be the same. But the pictures were taken at different times, were they not?

A. Yes, because the flames have further engulfed the house.

Q. P-36?

A. This is another picture of Private CARTER after he had incurred his wound. The individual in the background I cannot positively identify, but I believe to be Mr. JOHNSON, or Lieutenant JOHNSON actually. He was to be known as Mr. JOHNSON on the operation. The medic probably was CAPEZZA, treating him (CARTER).

Q. Probably, but you can't identify him?

A. No, I can't identify him positively.

Q. P-38?

A. This is a photograph on the main trail leading into My Lai(4) I believe. The child in this picture looks to be alive, but when I came by this area--this is when I noticed the first person dead in the village. So, this was taken some time before I went through.

Q. Do you think you can identify the locality of P-38 on the aerial photograph?

A. Fairly accurate, I believe.

Q. P-41?

A. I believe this was a left turn off the trail that we came into the village on. I believe that the people I did observe were dead.

Q. Do you think you can identify that location on an aerial photograph?

A. No, I don't believe so.

Q. Do you think you saw this scene?

A. I saw this scene that depicted this fairly accurately. I cannot be positive that this is the same.

Q. I would like to discuss this. Can you tell me what this object is in the right-hand corner?

A. No, it would be very hard to say. I can't recognize it.

Q. Do you recognize one of the individuals separated from the group without the shirt?

A. Yes, I do.

Q. Do you notice there is some sort of barbed wire fence along the trail to the left of the picture?

A. Yes.

Q. There is a red sack with unidentified contents sitting on the trail and there are several little children. If you can positively identify or fix the location of this, it would be of great assistance. Do any of those things help you to recall the scene?

A. Yes, I do remember one trail in the village that did have this barbed wire along one side or both. As far as positively fixing this location on the aerial photograph, I don't think I will be able to.

Q. Can you approximate it?

A. No, just somewhere in the interior of the village.

Q. P-60?

A. I believe the individual in this picture is GRIMES but as far as positive identification, I can't be sure.

Q. You don't recognize the scene?

A. No, I don't recognize the scene.

Q. P-65?

A. This is similar to one of the earlier photographs. It appears to be the LZ which is west of My Lai(4), so the choppers are probably going back up.

Q. Do you suppose that you could fix this scene approximately on the aerial photograph?

A. Yes, very approximately.

Q. You do recognize that as being in the vicinity of My Lai?

A. Yes, as far as what can be seen in this picture. It is what I would revisualize the LZ to be.

Q. P-66?

A. The actual scene and the Vietnamese in the picture, I don't recognize. I think perhaps the older man was the one in the previous picture being taken out of the hootch. On the far left is Sergeant PHU, the interpreter for Charlie Company. The Vietnamese next to him is probably Captain MICHLES' interpreter. I'm not too sure.

Q. You think the old man was the one taken out of the hootch earlier in P-3? P-3 shows him in a dark shirt and pants and P-66 is exactly opposite so I don't believe it is the same.

A. The RTO in the back is MURRAY.

Q. Do you recognize that scene?

A. No, not insofar as I can locate it in the village on an aerial photo.

Q. P-67?

A. This is the same Vietnamese as in the previous picture, the old man with the two children, and Sergeant PHU talking to them.

Q. P-123?

A. This I would interpret to be the LZ at Dottie again. Probably the pickup operation for the operation into Pinkville.

Q. Do you recognize that as LZ Dottie?

A. Yes, there was a church outside the perimeter.

Q. It is a little difficult to say that that was 16 March though, is it not?

A. Very definitely. It is hard to say.

Q. P-124?

A. This is approximately the same picture as the previous one.

Q. Showing LZ Dottie with a church in the background.

A. A church or a school; I'm not really sure what the building is.

Q. P-126?

A. This particular scene I don't recognize but one of the individuals on the far right is GRIMES. He is standing on the right with his hands on his hips.

Q. You don't recognize any of the other individuals in the picture?

A. As far as visual recognition, I have seen their faces before, yes. I can say I have seen their faces before, but that is about it.

Q. Would you know their names if I mentioned their names?

A. Possibly this one?

Q. SMITH?

A. I don't think so.

Q. SMAIL?

A. I don't think it was SMAIL.

Q. Is this SMAIL second from the left?

A. It is hard to say. I don't recognize him.

Q. You don't recognize the locale?

A. Yes, I do. This was the night laager position which was a graveyard and several fields planted in different types of plants. They were digging a foxhole for their night laager position.

Q. Can you tell me from the photograph where the graveyard was in relation to that photograph?

A. If there was a line drawn from the foxhole they are digging, through GRIMES, it would probably be in that direction.

Q. To the right of the photograph?

A. To the right of the photograph.

Q. P-127?

A. This looks like, again, our night laager position. It is more than likely our resupply chopper coming in late that evening.

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LTC PATTERSON: You have in front of you, sir, an aerial photograph with a scale of approximately 1 inch equals 100 meters. The aerial photograph depicts the hamlet of My Lai(4) in the center of the photograph, Hill 85 is just off to the lower right-hand corner of the photograph, Vietnamese Route 521 is the road that runs from the center-right edge diagonally down off the lower left-hand corner. North on the photograph is to the top center. I have available maps if you need them for more orientation and comparison with My Lai(4). Do you recognize the photograph as being My Lai(4)?

A. Yes, insofar as the river to the left of the village.

Q. To the west of the village running across the top and then meandering to the east?

A. Yes, I believe that would fix it fairly well in the vicinity of My Lai (4). Although I can't positively identify it as My Lai (4). I don't think I can do that.

Q. Could you do it if I brought in some maps?

A. Yes, possibly.

(LTC PATTERSON further orientated the witness with the aerial photography.)

Q. Can you now identify, after further orientation, the aerial photograph as My Lai (4)?

A. Yes, after orientation, I can.

Q. There are two things that I would like to do, sir, and one is to have you go back through your actions of 16 March as best you can recall and what you saw on 16 March, and try to locate what you saw and where you were when you saw these things on this aerial photograph. We will number them, label them, and enter it into evidence. (The annotated aerial photograph is later entered as Exhibit P-140.) The second thing is to take the photographs that you think you can identify by location and mark these scenes as best you can recall in the village of My Lai (4). Can you indicate on the aerial photograph for us the approximate area, or the exact area if you can, where you first landed at My Lai (4) or in the vicinity of My Lai (4)?

A. I would consider that this area, from approximately this point to this point, was the LZ, probably 100 meters wide and rectangular shaped.

Q. You have indicated that you think the LZ was to the west of the village of My Lai(4). Marked as 1 is the approximate area where you first touched down on 16 March 1968. Is that correct?

A. That is correct.

Q. The approximate LZ of Lieutenant ALAUX on 16 March 1968 is marked as 1. After you touched down where did you go?

A. We remained approximately in that vicinity. It was dry, rice paddy type. We remained there approximately 30 minutes until one or two more lifts had come into the area.

Q. You were on the first lift?

A. Yes. I was on the third ship on the first lift. When the two platoons were in position to move through the village, we moved to a position northwest of My Lai(4) on the perimeter of the village into a small tree line which I define to be right in here.

Q. Marked as 2; the approximate position where you first entered the village?

A. Yes, actually we did not enter the village as such. It was on the outermost tree line of the village.

Q. Could we say that you moved to this position marked as 2 about 30 minutes after touchdown?

A. Yes, approximately, 30 minutes.

Q. And this is the CP group?

A. This is the CP group with the mortar platoon in reserve.

Q. The CP group went into this position approximately 30 minutes after landing marked by the number 2. What was your action, where did you go after 2 and what did you see?

A. We spent quite some time at position 2; at this time we recovered the ammunition box. Approximately 20 to 30 minutes was consumed in trying to open this, being very careful in doing so with the idea that it possibly could be booby-trapped.

Q. Did you indicate who did this?

A. Yes, BERNHARDT.

Q. And this was in the vicinity of position 2; where this ammo box was?

A. Yes, we passed over it as we moved to the position.

Q. What happened then?

A. We spent approximately an hour to one hour and a half in this location while the two platoons were moving through the village. After a considerable time we ourselves started through the village on a trail that as far as I can remember moved somewhat in the direction that this terrain feature does here.

Q. Would you indicate the line of movement?

A. We moved somewhat southeast at first and then came more over to the west into the interior of the village.

Q. You were on a trail?

A. Yes. It was a major trail in the village.

Q. Did you see anything at any time along here?

A. Not until we had moved quite some ways down the trail at which time I observed a small boy on the trail that had been shot or had been killed by artillery. I don't know.

Q. This was before CARTER?

A. This is something that I can't remember. I believe it was, though.

Q. This trail generally comes to the village and to the east in an easterly direction?

A. Yes.

Q. Can you fix or give us the approximate location of this boy on the trail that you have identified in the photograph P-38?

A. Approximately 300 meters into the village.

(AL AUX)

Q. We will mark this area number 1 in green as the approximate location of photo P-38, is that correct?

A. Yes, sir, that is right.

Q. What happened next?

A. We continued to move in a generally easterly direction until a position somewhere in the center of the village at which time we discontinued our movement. It was at this time I wandered from the CP group somewhat with Sergeant MARONEY and found two small children hiding behind a hootch. We brought them back to the CP and left them with the older people that were there.

Q. Can you fix that area approximately?

A. No, I couldn't even approximate it.

Q. Did you see CARTER's evacuation?

A. CARTER, when I saw him, was off this major trail that we were traveling on at this time. When we walked by he was being treated, I believe. As far as the actual evacuation, I can't remember if I did see the chopper pick him up or not.

Q. Do you recall which direction CARTER went to go to the pick-up chopper?

A. I believe he was carried in a southerly direction to get on the chopper. There was a fairly good-sized rice paddy to the south of the trail.

Q. Previous testimony has indicated and we feel that we have enough to identify the location from which CARTER was evacuated. This location just to the south of the village?

A. I know there was a large area but the thing is I'm possibly disoriented in my coming into the village at this point. As far as I remember of the operation, this is the direction we moved through the village.

Q. Previous testimony has indicated that CARTER was wounded in the village and carried out of the village.

A. Very possibly that is the reason I don't remember the evacuation.

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Q. What happened next that you can recall on your trip through My Lai (4)?

A. Nothing actually significant. We spent some time in the village after which we started moving in an easterly direction again out of My Lai (4); more of a southeasterly direction.

Q. Do you recall coming to the outskirts of the village?

A. Yes, I do.

Q. Do you recall where you came out?

A. It was more than likely this location here at the southeast corner.

Q. Marked by 3. This is the area out of which you think you came?

A. That is correct.

Q. Did you have lunch in this location?

A. That I can't remember.

Q. Where did you go once you came out of the village? Do you recall?

A. I believe we continued on a path that was generally easterly and went to the other My Lai villages.

Q. Point 3 is marked "departed here." You indicated that you might be able to fix the location of photographs P-17 and P-13.

A. From the photographs, I recognize the area to be a major trail along the southern boundary with large rice paddy areas with hootches to the south of the rice paddies. Looking at the aerial photograph, there are no large rice paddy areas in the interior of the village and the path that I pointed out that I assumed that I was on. So from this I can only draw and conclude that we were much further south in the village than I had previously thought; maybe possibly in the most southern edge of the boundary at this time where pictures P-13 and P-17 are taken.

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A. Yes, that is right.

Q. Marked position 2 in green and indicated as the approximate location of Exhibits P-29 and P-65. Is there anything else that you can think of that we could put on this photograph relative to the operation in My Lai(4) on 16 March?

A. Relative to the operation to the north of My Lai(4), on a major trail between My Lai(4) and the village, due north, was the position where gunships encountered and engaged three VC with weapons.

Q. We will mark this position 4 in blue and indicate that this is the approximate location where the gunships engaged three to four VC. VC had weapons?

A. Yes, I believe there were three weapons taken from this location.

Q. Were these captured by C Company?

A. Yes, I believe we sent a small squad over there to pick them up.

Q. Do you recall from which platoon?

A. No, I don't.

Q. Position 4 is marked, "Gunships engaged three to four VC with weapons. Three weapons captured by C Company." Is there anything else, sir.

A. No, I believe not.

Q. Would you be willing to sign this aerial photograph as being prepared in Washington D.C. on 6 January 1970 from memory with a legend indicating blue numbers and circles as incidents as indicated on the photo, the approximate route used by solid arrows, and in green with numbers, photos that you have identified?

A. Yes, I would.

(The witness, Roger L. ALAUX, signed the aerial photo.)

LTC PATTERSON: Sir, this aerial photograph that you have signed and annotated will be entered into evidence as Exhibit P-140 and made a permanent part of your testimony in this inquiry. At this time I would like to give you an

opportunity again to indicate to us for the record anything that you think may be of interest, or anything pertinent to our inquiry, or anything that you have since thought of in this exercise that might have recalled something that you may have previously forgotten.

A. No, I think the exercise pretty well covered most aspects of the entire investigation and, at this time, I do not recall anything more than what I have already stated.

LTC PATTERSON: I would like then finally to thank you on behalf of Lieutenant General PEERS. I think we have already indicated to you how much we appreciate your efforts in coming here today and giving us your help and assistance in trying to solve what is now called the My Lai incident. I again request that you do not discuss your testimony with any other person other than those absolutely necessary or unless called upon to so by properly constituted legal, administrative, legislative, or judicial body. Thank you, very much.

RCDR: The aerial photograph annotated by Mr. ALAUX and signed by him is received in evidence as Exhibit P-140.

LTC PATTERSON: The hearing will recess.

(The hearing recessed 1429 hours, 6 January 1970.)

(The hearing reconvened at 1110 hours, 10 February 1970.

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR WEST, MR MACCRATE, MR WALSH, COL FRANKLIN, LTC MAHAFFEY, and MAJ LYNN.

The hearing recalls Mr. Roger L. ALAUX.

(MR ALAUX was recalled as a witness, was reminded that he was still under oath, and testified as follows:)

IO: ALAUX, you were here approximately a month ago. You were questioned by some of the people here at the table, Mr. WEST, Colonel FRANKLIN, and Colonel MAHAFFEY. I was not here at that time nor was Mr. MACCRATE on my left nor MR. WALSH. I might say that Mr. MACCRATE and Mr. WALSH are civilian attorneys who have volunteered their services to the Secretary of the Army to assist in this investigation and also to provide legal counsel to me and other members of the investigation team. Aside from myself, any of the gentlemen sitting at the table this morning may address questions to you.

I think it wise to say that while you were here and talked to Mr. WEST and Colonel MAHAFFEY, another group of us was in South Vietnam where we had an opportunity to talk to quite a large number of Vietnamese and Americans. And we were also able to visit several places including My Lai (4) and the Thuan Yen subhamlet where we had an opportunity to see firsthand what the site looked like and the situation that transpired there.

In addition, since that time we have interviewed a large number of individuals so that to date we have talked to about 350 people and we have also assembled quite a large volume of documents related to the incident, the reporting of the incident, and the investigation of the incident. So, we're in a much better position today to discuss this situation than we were at that time. As a consequence, we thought it advisable to get you back in to discuss certain areas to see if we can fill in some of the gaps and also to ask you some questions concerning some of your previous testimony. Mr. WEST on my right will lead the interrogation this morning. When he finishes, other individuals may have some questions. Do you have any questions at this time?

A. No, sir.

MR WEST: Mr. ALAUX, we're not going to take you back over your entire testimony. Instead we will just concentrate on certain points that we would like to perhaps have cleared up or get additional information on. The first point, some time after you were here we received an affidavit of Mr. Charles R. WHITING who I believe is now in the Phillipines. And he stated, among other things, that: "Lieutenant ALAUX and I planned an initial artillery preparation fire for the My Lai assault."

A. Who is this?

Q. Charles R. WHITING.

A. I knew a Lieutenant WHITING in Charlie Battery. Is that the same one?

Q. That's the same one. This is his affidavit, I wanted to ask you about this. As I remember your testimony, you indicated that you did not participate in the planning of the artillery preparations.

A. Not in the preparation itself. The only things that I did plan were the target grids in case of any action from the villages. Was he with Delta Battery at the time?

Q. His statement so indicates.

A. No, he would have planned the actual prep itself, not with me. That wasn't my responsibility. That was the responsibility of the artillery liaison officer for Task Force Barker. I had nothing whatsoever to do in the planning of the prep itself or the firing of the prep. It was done from the command ship.

Q. You may recall also being asked about the body counts that were at one time reported killed due to artillery fire. The artillery liaison officer, Captain VAZQUEZ, testified that during the operation he was in Colonel BARKER's command and control ship, his helicopter, over My Lai (4) as the operation was going on. During that time he received a report from you on the artillery net that 69 VC had been killed by artillery fire. Your prior testimony does not support this. I wanted to ask you about this, go over this again, and see if we could resolve the inconsistency.

A. My recollection of the whole incident doesn't support it either because I don't remember ever phoning back an artillery count.

Q. Could you, in fact, tell what casualties may have been caused by artillery?

A. No. There was no way to tell because at the time we went through the village most of the hootches were on fire, and the people that I did see that had been killed during the operation primarily had been killed from small arms fire or gunship fire. And as far as the number 69, I really don't know where that came from.

Q. Well, this is one of our problems, too. If I understand you, then, you made no such report?

A. To my recollection, I did not make that report. On my part there was no surveillance because I didn't survey ---

Q. (Interposing) Did you in fact identify any persons as having been killed by artillery fire?

A. Not myself. That's normally left up to the ground commander as to what is classified as artillery killed and what is classified as infantry killed. Possibly he did get a report through his battalion net from Captain MEDINA that there were 69 artillery-killed. But I don't recollect it going over my radio and sending the messages.

Q. Was the artillery preparation put on the little hamlet of My Lai (4) ?

A. This is what I said before. I don't know. I can't remember the exact grid of the prep. From all indications there were a number of rounds that did fall on the hamlet itself, in very close proximity to it.

Q. We did receive the photographs you took from the lift ship as you were coming in. They do show rounds falling in.

A. Do they show rounds falling in? I wasn't quite sure whether that was artillery or that was gunships, or what the actual smoke was from.

Q. Well, they appear to be rounds, let's put it that way.

IO: Were you ever aware that it had been reported that 69 people had been killed by artillery?

A. This is a number -- well, it didn't come from me because I didn't make a count. It didn't come from me. If I did transmit that number, it came from either Captain MEDINA or some of the -- Captain KOTOUC wasn't with us at that time, so it would either have to come from Captain MEDINA or through his radio itself. But I did not make a count and I did not arrive at 69.

Q. Did you normally get a copy of Task Force Barker or get copies of division News Sheets?

A. Americal Division News Sheets, yes, sir.

Q. Let me show you a copy of the Americal News Sheet of the 17th. This has been entered into the record as Exhibit M-23 and you'll notice that this is addressed primarily to the operation of Task Force Barker. Look down on the third paragraph on the right column and it says: "As the Warriors moved through the marshes, a mile west of My Lai, they counted 69 enemy bodies killed by a battery of the 6th Battalion, 11th Artillery."

Do you remember seeing that?

A. No, I didn't see this particular copy. I don't believe I did see this particular copy. We didn't get them regularly, just whenever they could get them thrown out of a supply chopper.

Q. Did you get the copies of the brigade newspaper?

A. I believe I saw the copy of the brigade newspaper in which they made the first account of the operation of Pinkville.

Q. Well, this came out about five days later, this has been entered into the record as Exhibit M-17 and here on the bottom of the right-hand column you will find that it says things a little differently. It says: "As the Warriors moved through the marshes a mile west of My Lai, they counted 69 killed by ground troops and a battery of the 6th of the 11th."

Now, where did the ground troops creep in, do you have any idea?

A. I have no idea, I don't know where the 69 actual body count for the artillery creped in. I cannot say where that number came from.

Q. This is one of the principal things we've been trying to ascertain, how this figure was developed. We have, for example, the log of Task Force Barker and we also have the log of the Americal Division. I mean the 11th Brigade. I have here the log of Task Force Barker which has been entered into the record as Exhibit M-16 and you will notice on item number 22 on this page that it indicates that 69 VC were killed.

A. It doesn't say whether that was artillery.

Q. No, but you'll notice, I believe on that right column on action taken, it indicates the brigade was notified, does it not?

A. Yes, sir.

Q. Now I show you the brigade entry which took place at 0935, as compared to the 0840 there. This is 0935, 55 minutes later, and it's been ascertained that the 69 were killed by artillery.

A. I don't know where the discrepancy came about.

Q. Well, did you hear any talk at all concerning the figure 69?

A. Yes, after the operation was over. I can't really remember whether it was in the village of My Lai (4) itself or after we had moved out but the actual number 69 did stick in my mind until I did see the brigade newspaper that came out later. But as far as the number 69 itself, I did not make a body count and ascertain whether they were artillery-killed or small-arms-killed.

Q. That in my judgment is a minor point right now. Its very germane but --

A. (Interposing) That's the thing, I do not know how the count came about.

MR MACCRATE: I'd like to pursue this, what you may have heard at the time. You'll note that the coordinates given are not the same and there is at least a suggestion that there may have been some motion by the JP and further transmissions going back and forth. And your having been there, I would certainly be interested in as you look at that and reflect upon what you were doing at that time, whether you can recall what may have been said, what were the conversations going on and what was coming in by way of inquiry about body counts. There must have been some sort of conversation going on in your presence at that time that led to a change in the information at headquarters.

A. As far as the difference in grid coordinates, the second one at 0935 would be further south and east is that correct?

MR WEST: It's due north about half a kilometer. It's out in the rice paddy, the second one is. The first one is right in the hamlet of My Lai (4).

A. Then I have no idea how this particular one came about because I don't believe the command group was ever anywhere north of My Lai (4) itself. I was going to say before that, this first report could possibly have come from the command group before it had moved into the village. The second one being 400 or 500 meters away from it, could have been in the village itself. But if it's due north I don't understand how the ---

Q. (Interposing) Pulled back along the trajectory from Uptight.

A. That particular area in there -- between My Lai (4) and the village just north and east, I think it was -- that's where about three weapons were picked up. There was a body count of three or four in there.

Q. The 2d Platoon picked up a couple of weapons and two VC were killed by gunships, but as far as we know, no artillery fell out in that area directly north of the hamlet.

A. To my knowledge, there was none out there either. As far as conversations, I am with the command group at all times but this doesn't mean I'm sitting on top of Captain MEDINA's radio and monitoring his company or battalion net. I am pri-

marily concerned with artillery support when it's needed at the time, so I monitor my own radio. As far as conversations coming in to the company, besides artillery transmissions which were very few and so insignificant I can't really remember right now. Probably the only thing that came through my net was requests for body counts and this was at the time that we were still outside the village. As far as transmissions of and into the company and battalion nets, I really can't say.

MR MACCRATE: First of all, the requests for the body count is just the thing we're talking about, so it would seem to me that you're in the center of any communication that would have gone out on this. Furthermore, we understand that the radios that Captain MEDINA was using had a loudspeaker arrangement on them so you didn't have to have phones on to hear what was coming over his radio.

A. Yes. This doesn't necessarily mean you can hear them.

Q. I realize that problem, but if requests for body counts were coming in to you, if this is the kind of communication you're concerned with, it would seem natural to me that you would be one of those who would have an awareness of what was being said with respect to body counts at that time.

A. Your point is well taken. The request for body counts may figure in trying to find out what the body counts were, but we hadn't moved into the village for an hour and a half or two hours, I don't know what the exact time was, so any transmissions as far as body counts are concerned would have to come from infantry platoon leaders who are on the same net as the company commander's RTO. So as for those transmissions, I could not monitor their transmissions to the company commander.

Q. Let me ask you, if you can't recall anything about that, whether you recall any discussion with Captain GAMBLE about the question of whether or not 69 were killed by artillery.

A. Captain GAMBLE is who, now? What was his --

Q. (Interposing) Wasn't he in the battery at Uptight?

A. GAMBLE, yes, he was the battery commander.

Q. Do you remember any conversations with him about whether or not 69 had been killed by artillery?

A. No, not any specific conversations, but I would imagine that there was a conversation going on, but I don't remember specific things that were said.

Q. Do you remember discussing this with anyone? It started to be talked about that 69 had been killed by artillery and how peculiar that was.

A. Do I remember discussing the point about the peculiarity of 69 body count?

Q. Yes, in the circumstances, 69 having been killed by artillery.

A. No, I can't truthfully say that I do remember one particular instance where I did talk to someone face to face or over the radio about the peculiarity of 69 being an artillery body count.

Q. After the event, in the next hours, did you have any recollection of any conversation about this?

A. No, I didn't because possibly the reason is I didn't go in and make a count myself so the actual number didn't represent that much to me.

Q. But you knew very well at that time the 69 hadn't been killed by artillery and if you --

A. (Interposing) I didn't know that very well. I hadn't been in the village yet.

Q. No, after the event.

A. No, I can't truthfully say that either because I did not survey the entire village, so I can't say very well that I did not know that.

Q. Well, you had a very strong suspicion?

A. Suspensions are fine, but if you don't take the whole thing into view and survey the whole situation, how can you say that you very well know that to be the truth?

Q. I think you're avoiding the question I'm putting to you and this is whether you discussed, after the event, that there was a real question about 69 having been killed by artillery.

A. I accepted that number.

Q. You just accepted it?

A. I accepted that number and I think it came down to me because the number itself did not impress me as being a particularly valid number.

Q. Didn't impress you as being a valid number, but you accepted it?

A. That's right. There was no way for me to make a body count.

IO: Do you remember how many rounds of preparatory fire were fired?

A. I believe it was around 100 rounds. But this is something I got from the first discussion here, that MARTIN said he had picked up over our channel that it was a 99-round prep.

Q. A 100-round prep would have to extend over quite a period.

A. Probably 6 to 7 minutes.

Q. More than likely about 10.

A. Possibly.

Q. If you have 8 or 9 rounds off in a minute, you're doing pretty good.

A. This was a 2-by-2 prep, I believe, which would cover a 300-by-300-meter area so you would be firing 9 different grid coordinates.

IO: Let me ask another question on this 69. We've talked to a lot of people for example that came in with this 128 figure and so on. And when they went back to brigade headquarters, they were chided to the nth degree about, "Oh yeah, you killed

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128; how many of them were women and children?" Did anybody ever ask you a question like that concerning the 69 or did anybody ever pat you on the back and say, "That's real good shooting," or anything like that?

A. No, sir, it wasn't my shooting.

MR WEST. You indicated that you were with the command group on the west edge of My Lai (4) for an hour and a half, two hours, and you were at other places in or in the vicinity of My Lai (4) for some period after that. During this period, did you see Colonel BARKER's command and control ship overhead?

A. That wouldn't stick in my mind as far as any operation was concerned. Any operation the size of this thing, the colonel would be in the air at all times. He'd be in the air probably 45 minutes before the operation, before the prep started and he would remain in the air as long as the operation was going on unless he was to be on the ground. So, more than likely, he was overhead at the time seeing as how we were the actual moving element.

Q. I appreciate that material fact. We know he was there all right. My question was could you have seen him? What altitude was he flying at?

A. I can't tell you. Normally, unless he's taking any kind of heavy ground fire, he would be at 1,000 feet.

Q. Can you remember seeing him make any low passes over My Lai (4) ?

A. No, I don't remember him making any low passes.

Q. How about Colonel HENDERSON, the brigade commanders' command and control ship, do you remember seeing him?

A. I believe he was in the area some time after the operation, I saw him. But then after the operation started he would normally circle quite high.

Q. We had testimony that he made two or three passes at quite a low altitude over the village. This is probably after the firing died down. Do you recall seeing the ship?

A. No, I don't recall it.

IO: How would you recognize Colonel BARKER flying around in a C&C ship? What would be different than any other C&C ship?

A. There wouldn't be any difference unless you knew the tail numbers.

Q. Suppose you didn't know the tail numbers? Did he have any distinctive markings or anything that he'd wear that you could pick him out at a distance?

A. On the chopper?

Q. Yes.

A. Not to my recollection.

MR WEST: In his dress, what he wore?

A. No.

IO: Did you ever notice he wore a white flight helmet?

A. Quite a few colonels wore white flight helmets.

Q. But you didn't have very many colonels flying over you in C&C ships?

A. The only reason that I would have recognized it would have been Colonel BARKER or Colonel HENDERSON would be the fact that if I was in close proximity to the battalion net, and I could hear radio transmissions recognizing whoever it was in the air. Normally, they would have their locations and they would transmit their approximate locations to us. That would be the only way I could recognize them. As far as looking for a white helmet, no.

MR WEST: Moving to another point, we've been discouraged as to whether you overheard any significant transmissions over Captain MEDINA's radios that morning. I do want to inquire about particular things. We have evidence of their having been made. We'd like to have your version if you remember. The first is an order coming in to Captain MEDINA from Colonel BARKER telling him to stop the killing or words to that effect. Now, we know

that this was transmitted at one time just after the dustoff of CARTER. And quite likely, the message came at an earlier time. There was still a later transmission about possibly 1150 or 1200. I wonder if you heard any of these transmissions.

A. No.

Q. We've had several witnesses who were near the radios and heard it coming in. We thought it would be particularly helpful if you were in the vicinity and happened to hear these.

A. No, I didn't hear those actual transmissions.

Q. All right, were you at the command group when they broke for lunch on the eastern edge of the hamlet?

A. Yes, I was.

Q. This was outside the hamlet that you're talking about?

A. It was actually the next village over, I believe. That's the point I was confused about because we did move. We spent an hour or so in the village proper after moving into it. And as far as the lunch break, I don't remember what I was doing.

Q. We've had considerable testimony that the command group broke for lunch on the eastern edge of My Lai (4), or rather up toward the northeast corner and near a large house. You may recall an incident in which one of the demolition men was trying to get into the place, blew an entire wall down to make an opening to get into the house. Do you recall that?

A. Blew a wall down to get into the house?

Q. Perhaps you remember a demolition taking place within sight of you as you were having lunch there. The wall of the house was blown down. It doesn't matter. I'm trying to recall the scene in your mind. But at this time, shortly after this, MEDINA was asked for a body count. He made a report of 310 without specifying VC. He gave the body count over the radio. Did you happen to hear this transmission?

A. No. Actually, as far as pinning it down to a body count the first that I really had a knowledge of were the reports in the paper. If I was involved in a body count, it wouldn't stick in my mind as far as numbers going over the radio. I transmit a lot of numbers.

Q. Well, essentially, I'm asking for things you might have overheard which perhaps didn't directly involve you.

A. It wasn't normally my practice to monitor what was going on that much over the company or battalion net. I was primarily concerned with the artillery net and knowing exactly what was going on as far as our operations and the entire area of operations.

IO: What were you listening to over the artillery net? There wasn't a thing going on.

A. Well, it was on and there were transmissions coming through, not necessarily pertaining to our operations, but transmissions were coming through.

Q. You didn't fire a round of artillery all day, not in support of Charlie Company, except that prep, isn't that right?

A. I didn't fire the prep and I didn't fire any rounds.

Q. They pumped a few rounds south of My Lai (1).

A. It doesn't mean you aren't going to have to fire artillery the next minute.

Q. I know. We've got people here that pretty well understand what an FO does. I've had hundreds of FO's and they stick right next to the command group and that guy's ready when they need artillery, he's right there to put it in. He knows what is going on.

A. I'm sure you've talked to Captain MEDINA several times and he was the company commander that liked to run the company himself. And as far as knowledge that did not pertain to you specifically, he normally would not pass that knowledge along.

MR WEST: We talked to KERN the other day, and I want to ask you, did he stick with you pretty well this morning?

A. This is something I really can't recollect because later on in the tour as forward observer we lost our 81 and

four-deuce observers, so I would attach him to a platoon itself. And he would travel and he would sleep with a platoon. At the time of Task Force Barker he did normally travel with me.

Q. You said that he did?

A. This was just several months after we had actually gotten into the field and I wanted to keep him right there for further training.

Q. The four-deuce observer, I believe, was a man named FLYNN. Do you recall him?

A. Yes.

Q. He's coming in, we haven't talked to him yet. I wanted to ask you if KERN, moving along with you and your command group, would have seen the same thing you saw in the way of dead bodies?

A. Yes, if he moved with us the entire time. And again I say it's very hard to recollect whether he did stay right there with me at the time but generally, yes.

Q. At least he would have seen some dead bodies?

A. Definitely.

IO. Did you go south with Captain MEDINA's command and control group?

A. This is a point that I wanted to bring out at this hearing. I think I was mistaken in the last part of the investigation, we traced a line on the map which was supposedly the route I took. I think it's incorrect. I'm almost sure it is. Because the only impression that I got, I didn't actually pace this or anything else, the only impression that I got after we moved out of our initial position, after coming from the choppers and moving into the village, is we did go south for a distance and then proceed east into the village. And on our route east there was a large rice paddy to our right going in and, thinking back over the maps, there was a rice paddy on

that route that I took. The route that is traced on the map, as far as my route goes, that is incorrect. And the fact that I did travel further east and along that major trail with the rice paddy to the right.

Q. We were going to ask you to go over the map once again.

A. I think I was just so tired, I was just trying to get out of here.

Q. And we now, of course, know a great deal more about who was where at what time. I think we can help you.

A. I did go with the command group into the center of the village. It was a route that continued south and then east on the major trail. And the major trail was the one with the rice paddy to the right as you're going into the village, or actually to the south of the trail.

Q. We'd appreciate it if you would get with Colonel MAHAFFEY after and annotate another photograph.

IO: When you were down there to the south of the village, with Captain MEDINA, you were with him when he killed this woman?

A. Yes, sir.

Q. Putting that one aside, did you see him killing anybody else? We had some reports that he might also have killed a child and possibly another woman.

A. No, sir. The only time I saw him fire his weapon was after we had received a report from the chopper pilot that he had shot a VC with weapons somewhere south and west of the village.

Q. The woman that you did see him shoot, had you seen him shoot prior to that time at a range of about 100 meters?

A. In my testimony before I said that the woman had already been shot and this is the transmission that I remember,

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that the choppers had engaged a VC with weapons and had shot her and we were just going out and check it out. But I don't know whether you realize it or not but it's very hard to remember some of these particulars like this because when you've been on so many operations there are no particular instances as such that really stick in your mind --

Q. (Interposing) When you see somebody shoot a woman, though, you remember it. At least I think you would.

A. Well, at the time of the shooting, if it did go on before she went down --

Q. (Interposing) I know exactly where this took place. I've had it marked out to me right on the ground.

A. Is this south and west of the village?

Q. Just a little west. I'd say it's south southwest of the village.

A. This is south of the big rice paddy to the south of the trail?

Q. That's right, you go across. When you get to the spot where the woman was, you had to cross a ditch. And in order to get across it you could take your chance on going across through about 5 feet of water or you could come down to where there was a little bridge and cross over and go into the rice paddies to the south of there.

A. But back to your question, it's a point that before I had been asked I really hadn't thought about it. And the first time that I remember thinking about it was the news report in which Captain MEDINA had stated, I believe, that he had shot the woman. But she was further down and she had made a move. I do remember the woman moving and also I remembered one instance --

Q. (Interposing) Do you remember an OH-23 helicopter being right there and backed off just a little ways where he was looking eyeball to eyeball at this woman, within maybe 30 or at the most 40 feet from it initially when you came down, an

OH-23 that had been hovering over the body of this woman and as the command group approached he backed off?

A. It's very possible because he did point out several bodies around the area. That is very possible. I know I'm not very much help, but I can't actually pin it down.

Q. Before that had you seen Captain MEDINA shoot at this woman when she was standing there?

A. That is the point I'm trying to get at right now, is the first thoughts I gave to this matter were as a result of what I had read, in that Captain MEDINA had shot the woman after she had been fired on by gunships and she did make a move when we got in the area.

Q. Did you see the woman move?

A. Yes, I did, but my recollection of the scene was that there had been shots fired at a great distance at the moving person and at that time you couldn't tell whether it was a woman, but it was an evading Vietnamese and there were distant shots fired.

Q. Well, within that description, then, what you've just indicated, it is possible that he had fired at this woman before he actually came up to the woman, is that right?

A. If this was the instance, I know you may not be able to believe this, there are instances like this that can be distinguished, I guess you would say, from other operations. And you could possibly remember an instance like this that came from another operation.

Q. Well, I can refresh your memory quite a bit.

A. But if there was firing there was more than one person firing at her because we had a squad with us.

Q. Here's the village. Here's this irrigation ditch. And right there's where the woman was, right there, just off the corner, right on that paddy dike, right there, about 8

feet down from the corner (indicating an Exhibit P-1).

A. Yes, I think when we got the report we were somewhere, I think we had moved in pretty much midway into the village, or we hadn't started to move east yet, one of the two. But we did travel quite a distance south and a little bit, well, it seemed like west. But this is the general area, as far as pinning it down--

Q. (Interposing) You said just a minute ago that this helicopter had been marking some additional bodies.

A. Yes, he had been dropping smoke and giving directions.

Q. What happened to those folks?

A. I suppose they were checked out. What happened to them as far as being checked out?

Q. Yes.

A. There were a few squads checking some of these things out but as far as things we checked out, it was the woman and I believe that was all.

MR WALSH: Did Colonel LUPER transmit on the artillery net at all that day?

A. From my experience I would say not. And as far as remembering a specific instance, I don't remember one because he was normally pretty quiet over the radio. I didn't hear him that often ever. So as far as remembering a transmission, I don't remember one and in just speaking from the experience that I've had with Colonel LUPER, I would say that he probably didn't transmit unless it was back to Duc Pho.

Q. You said a little earlier that the number 69 killed by artillery came down to you.

A. I didn't say that it came down to me at all. The way I learned about it was in the paper later on for sure and then just word of mouth while on the operation.

Q. You don't have any recollection of having heard it over the artillery net or from any higher headquarters during the day?

A. No, no recollection, but I'm sure it was transmitted at some time.

LTC MAHAFFEY: You said the chopper pilot said he was going to mark the location of VC and weapon. Did you overhear a transmission to MEDINA on that?

A. I believe I overheard the one we checked out.

Q. From the chopper to MEDINA?

A. Right. And the transmission from the chopper to Captain MEDINA, when the gunships got the two or three to the north of the village.

Q. From the gunships or from the choppers?

A. From the choppers.

MR WEST: When you were talking to Colonel MAHAFFEY, you indicated a moment ago something about going beyond My Lai (4). We're particularly interested in the movements to the east of My Lai in the subhamlets. I wonder if you would cover that with Colonel MAHAFFEY.

IO: Would you just think this one over for a minute? In your movement with the command group through the village and coming out down there at the south, and then through the experience of seeing the people there, perhaps on the road and in the CARTER incident and then cutting back through the village again. Could you give me an idea of how many dead non-combatants you saw?

A. Well, you are talking about what, small children?

Q. I'm talking about women, children, old men, or unarmed civilians.

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A. Well maybe my definition isn't quite aligned with yours, but an unarmed old man or woman is not necessarily a non-combatant. If you just want to know how many old men, and women, and children I saw I can tell you that, but I don't necessarily agree that they're noncombatant by any means. Even a small child, I can't agree.

Q. Well, let me ask you one thing. Did you receive any fire all during that morning?

A. At my location, not to my knowledge. There was intermittent fire going on from the time we hit the ground.

Q. How many operations had you been on prior to this time?

A. I have no idea.

Q. Well you had been on a few?

A. Yes, quite a few.

Q. Yes, you know the sound of an M-16?

A. Yes.

Q. You know an M-60 too, don't you?

A. Yes.

Q. You know an AK-47 too, don't you?

A. Yes, I've got a scar on my ankle from one of those.

Q. Did you hear any of those that morning?

A. I heard the M-16. As far as incoming rounds I cannot say. At my position I didn't take any rounds, and I don't believe anybody else did either.

Q. How many bodies did you see that morning?

A. I saw between 15 and 20, possibly a few more than that.

Q. You did see the group that was south of the road, in the center of the village?

A. I saw a group on the major trail, and I believe there was a count of, I'd have to say more than 20 because I think the count came out to 17 or 18 in the one group that I did see, plus a small child, plus a few people around hootches.

Q. When you went through that village you didn't see any bodies?

A. I didn't say that, I just got through telling you that there was probably between 20 and 25 that I did see.

Q. But you saw 17 in one group?

A. That's right.

Q. So that would mean that you saw between three and eight others?

A. That's right. I saw one small child on a trail, and a man in a hootch, and several others, and I did see a woman, and another small child, and then there were a few others in there.

Q. How close to you, during this entire episode, was Lieutenant JOHNSON, the MI officer, and his interpreter Sergeant MINH? He also was a very good friend of Sergeant PHU, who was Captain MEDINA's interpreter?

A. Yes, I remember him very well. As far as moving through the village I don't remember him being with the command group while moving through the village. Prior to moving through I imagine he was with us but I can't say that for sure because I don't remember him being there with the command group while we were outside the village.

Q. Well do you remember his helping with the opening of an ammunition box?

A. This was before we entered the village, coming off the rice paddy. Yes, I was the one that found that and --

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A. I passed through it once or twice, yes.

Q. Were there more than a few people right there observing what was going on in this interrogation?

A. There was probably half the company observing.

Q. Yes, and did you see Captain KOTOUC do anything to one of the prisoners?

A. No, if you're referring to I think it was cutting of the fingers.

Q. Well I'm talking about having a prisoner's hand on a board or on a stone and beating the back.

A. I did not see that, but I did hear something along the line or through the grapevine of something, but I did not see that.

Q. Now subsequent to that time, you saw Captain KOTOUC in that vicinity to the east. Did you see an additional prisoner or so taken out and shot?

A. This was after the initial shootings?

Q. After the four, or five, or six you are talking about.

A. No, I don't remember any more being taken out. It was just the first group and I don't know whether it was even five or six. It might have been less than that, but the initial group are the only ones I remember being taken over to that particular spot and being shot.

Q. Well now would you try to be as specific as you can. I'm not asking you to say it was five or six; it was something more than one or two I take it?

A. Yes.

Q. Your recollection would be something greater than that?

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A. Right.

Q. So somewhere between four and six, I take it, is what you would put it?

A. Somewhere in that area, yes.

Q. But you didn't subsequent to that time see or hear an additional prisoner or two being killed?

A. No.

Q. I just have one other point. You had been in operations for some time with this outfit and other units as an FO, is that correct?

A. Well not as an FO in Vietnam with any other units, just Charlie Company. But in Schofield, yes.

Q. Well this day you saw 20 to 25 dead civilians --

A. (Interposing) Well you said civilians --

Q. (Interposing) Well I mean babies, some of them were babies.

A. Some of them were small children.

Q. Yes, that's right, and it's pretty hard to classify them as VC?

A. I believe so, until you get a grenade thrown at you by a six-year old.

Q. Well, now I take it that since this didn't create such an impression on you, you had probably something like that go on before?

A. No, not necessarily. That's a bad assumption. It was something that shocked me to see small children shot and killed, but I didn't know exactly how they were shot. If they

were in a group say that had been trying to evade and told to stop, more than likely the entire group would have been fired upon if they didn't stop. So as far as why they were killed I didn't know. At the time that I saw them I was of course shocked at seeing small children killed, but I didn't know of course how they had been killed.

Q. How shocked were you?

A. Well, I don't think there is any kind of a scale that you can use.

Q. Were you shocked enough, for example -- I'm just trying to rationalize something in my own mind: a young American boy, an officer, who sees women and children who have been killed in a conflict. I've seen 34 years of the military and I'll tell you this would really shock me. I'm trying to rationalize in my own mind, frankly, whether or not you would have taken any subsequent action.

A. Well, from previous talks here and people, had you defined this in your own mind as an atrocity at the time it would have been my obligation to report it as such. As far as seeing the small children killed along with the other people and with all the preliminaries that went into this operation, I rationalized it was something you have to do or else you're going to end up on the fourth floor of the VA Hospital down here that these small children were just an unfortunate thing about war and that they were caught in the crossfire, and it had happened before. We received sniper fire from an area and fired back and small children had been in the area and wounded; and so I had seen it before, but never anything on this scale.

Q. Well, did you not receive instructions in the brigade and through the artillery channels that action was to be taken in safeguarding noncombatants, and that even an unarmed VC, or a prisoner, or a soldier for example that is unarmed, that in accordance with the rules of land warfare is awarded proper treatment and safeguarding?

A. This was a point that I did not, myself personally, receive very much information on. I stated before I

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did have a Geneva Convention card and that was the only type of printed matter I was ever issued.

Q. You received instructions as an officer though, didn't you?

A. Possibly a 1-hour block at OCS.

Q. Yes, but since under these circumstances it would not appear proper to report such an incident to Captain MEDINA, since it was his unit that was actually conducting the exercise, did you make any effort at all to talk to, to name a few, the task force commander?

A. No.

Q. The artillery commander, Colonel LUPER?

A. I didn't define it as such then, and to be truthful with you, I still don't. So I would have to define it in my own mind as an atrocity before I felt that I would be obligated to report it to anybody.

Q. Well if you had that impression when you went in there, it's pretty obvious that your training as a military officer had been far from complete.

A. Very possible.

Q. Yes.

A. Very possible.

MR MACCRATE. Mr. ALAUX, with respect to the period following the operation, we have had various testimony and we know a great deal about what transpired. There had been suggestions that there were interrogations of various people, or possibly just informal conversations. How often did you get back to Duc Pho while you were with Charlie Company?

A. Very rarely, very rarely. I can remember one stand-down of 3 days in which we did go back to Duc Pho.

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Q. But you did see Colonel LUPER from time to time?

A. Yes, in Task Force Barker, we would come -- Well, I'll take that back. Your original question was back at Duc Pho. We did have standdowns at the two fire bases in Task Force Barker. At the times that we were there I suppose Colonel LUPER flew in once or twice, but as far as a particular instance, I don't recollect.

Q. Do you have any recollection of his ever coming to you and asking you any questions about this particular operation?

A. No, I don't.

Q. Did you ever hear that he was conducting an investigation with respect to the operation?

A. No, I didn't.

Q. Do you know if an artillery incident report was ever filed in connection with this operation?

A. An incident report in that a body count was taken?

Q. Yes.

A. As far as me seeing the report, I never saw one. But I would imagine that an operation of this size with the number of rounds fired on the prep that there had to be the incident report filed.

Q. Well were you ever asked for any information to put into that report?

A. I don't believe so.

IO: Before we recess, Mr. ALAUX, I'll give you an opportunity to ask any questions you may care to ask; or if you would care to enter a statement into the record, you may do so.

A. No, I have no statement, and I don't wish to ask any questions.

Q. Before recess I'd like to again remind you that we have requested that you not discuss your testimony here with others. Incidentally, have you been called or requested to appear before one of the investigations committees of the House or the Senate?

A. No, sir, I haven't.

Q. Well I just wanted to say that in the event you are called to testify by a legislative body such as that, your appearance here before this inquiry and your testimony here would in no way preclude your appearing and/or testifying before such a legislative body.

A. Yes, sir.

Q. The hearing will recess at this time.

(The hearing recessed at 1216 hours, 10 February 1970.)

(The hearing reconvened at 1229 hours, 10 February 1970.)

RCDR: The hearing will come to order. The following named persons are present: LTC MAHAFFEY and MAJ LYNN.

LTC MAHAFFEY: I think you can appreciate that for accuracy, if for no other reason, we need to pin down as closely as possible the route taken by the company commander in and around My Lai (4) on the morning of the 16th. I understood, by your previous remark this morning with General PEERS, that the annotated aerial photographs that you had provided to the committee in your prior appearance before the committee was basically inaccurate?

A. Right. That's correct.

Q. That has been previously entered into evidence as Exhibit P-140. In the process of our discussions this morning, I will ask you again to attempt to reconstruct your path in a more accurate manner if possible.

A. Fine.

Q. Before getting into a discussion on the path that you may have travelled, I'd like to go back to a comment which you made to General PEERS in his discussion concerning your outlook on the results of the operation as you observed them on the 16th.

Q. You prefaced your remarks by saying, "With all the preliminaries that have gone into this operation" I am interested in any expansion you might offer. Can you elaborate on what you meant by that?

A. Yes. I meant basically, by the "preliminaries," the briefing the day before to the whole company by Captain MEDINA. What had been said before that?

Q. General PEERS had asked you what your reaction was to having seen whatever number of bodies you saw. He classified them as noncombatants and you got into a discussion

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with him concerning the definition of noncombatants and then as a preface to explaining your feeling at this time and your attitude at this time you said, "With all the preliminaries that had gone into this operation" To what were you referring?

A. I meant by the "preliminaries" the area had been defined as VC-controlled for 15 years and that all the villagers in the area had helped and aided the VC in their movement. Also, the area, when entered before, had been fairly active and we had taken ground fire in the area before. Our first company KIA did occur in that area of Pinkville. It was several hundred meters from Pinkville in the south, but it did take place in that general area.

Q. Was this Sergeant COX?

A. No, sir. This was Lieutenant CALLEY's RTO. I have forgotten his name.

Q. Was he killed by a booby trap?

A. No, sir. He was killed by .50 caliber fire.

Q. By .50 caliber?

A. Yes, sir.

Q. So, when you referred to "all the preliminaries" you were in fact referring to the content of Captain MEDINA's briefing as opposed to any other preliminaries from any other higher element?

A. Yes, sir. In fact that was the majority of what I was talking about.

Q. The majority? Was there anything else of any significance?

A. Not of any significance, no, except for the fact that the area had been fairly hot before we moved in there on this operation, so those two factors--

Q. (Interposing) Now, in your testimony here before, I believe on the 6th of January, you discussed the general content of that briefing, and I won't rehash that ground with you. But related to what you have just described, let me ask you once again: did you clearly understand during or after this briefing that anyone, any human being, in that area was fair game?

A. That was the general impression. The general impression was that this area would be clear of noncombatants at the time of the operation.

Q. Do you recall his saying "We're going to kill everybody"?

A. I don't recall those words as such, but the words that the village would be destroyed, I think, were in the context of the briefing. But as far as him saying "We are going to kill everybody," I think it was just a generally known fact that all livestock would be killed and all villages would be burned. But as far as killing everybody, I can't truthfully say that was said in the briefing.

Q. There was no doubt in your mind, however, after the briefing and before you went to the area that everyone in there was fair game?

A. Yes, sir. That is right.

Q. Going now to your movements. Before getting to the aerial photograph, I want to talk to you to determine if you recollect certain events which we've been able to pin down pretty clearly in terms of time and I think by doing that first it may assist you in perhaps retracing the path of the command group around My Lai (4). Now, you've indicated that after you hit the LZ you set up a temporary CP location along the western edge of the village. You said earlier this morning that you thought that you remained there for an hour and one-half or two hours?

A. It was at least an hour and possibly 2. It was a goodly length of time.

Q. At least an hour?

A. Yes, sir.

Q. You also indicated, in talking to one of the interrogators, that you found the ammo box and that's when BERNHARDT came over and pulled the ammo box up. Now, in that same time frame, do you also recall Captain MEDINA and/or Sergeant PHU interrogating an old man who told Captain MEDINA, perhaps Lieutenant JOHNSON, that there had been 30 or 40 VC in the village the evening before and they had left early that morning?

A. I don't remember the interrogation as such. I do remember the information that there had been an entire platoon in the village and the way I interpreted it was they had left just prior, 10 or 15 minutes before the operation took place.

Q. Did you interpret it that way at that time? Did you become aware of that information when you were still in the CP location on the western edge of the village?

A. I don't believe so. I believe it was after we had moved into the village that I interpreted it that way. The information was actually passed on to me.

Q. You do not recall the interrogation per se?

A. No. I really don't.

Q. This would have been an old man?

A. In the CP area?

Q. That's correct. In the vicinity of the CP area.

A. No, I don't recall.

Q. Mr. ALAUX, I show you now a photograph previously entered into evidence and marked as Exhibit P-67, which we believe shows the old man and the two children that I referred to earlier. From the evidence we have we think they were interrogated by Captain MEDINA and/or Sergeant PHU while you

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were on or in the vicinity of the western edge of the village (handing P-67 to the witness).

A. The only recognition of the picture that I can make as far as location is that I think there are potatoes in the background which was part of the field that we landed in. As far as this type of farming being done in the village proper, I don't believe there was. There were many small patches. This looks like it was a fairly large patch so this would have been on the western edge of the village, but this particular place where the CP was set up there was a tree line. From the lighting in the picture and everything I don't believe it's inside of that area. It possibly could have been just outside of it.

Q. Do you recognize Sergeant PHU?

A. Yes, sir.

Q. Do you recognize the old man and two children?

A. Yes, sir. I believe I did see this old man, but as far as the recollection - - When I saw him I believe it was in the interior of the village after we moved south and east again into the village. I don't remember seeing him on the western edge of the village.

Q. Let me tell you that we have had other evidence that indicates that this old man was interrogated by Sergeant PHU in the vicinity of where you had previously identified as being the approximate location of the temporary CP at about 0900 hours in the morning.

A. At 0900?

Q. That's right? He may have been just inside the village. We aren't trying to fix whether he was on the western side or just inside. But in terms of fixing Captain MEDINA's location at any given time, what evidence we have points to your being at that location at about 0900 hours.

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If you recall the old man and the children and if, in fact, the remainder of the evidence indicates this was somewhere in the village in the western edge or corner of the village up there, this would tend to help us in fixing a location as of about 0900.

A. This would be entirely a guess as to the location because I don't remember the particular instance of the actual interrogation itself, but the fact that these are potatoes and the majority of those crops were grown outside of the village--

Q. (Interposing) The potatoes that you could see were outside of the village?

A. Right. I would say it was somewhere outside of the perimeter of the village where this was taken.

Q. Now, if you'll look at this large photograph or blowup. Actually it's a painting (artist's concept of My Lai (4) and surrounding area). You previously indicated that the temporary CP was set up along the western edge into the northwestern portion of the village itself. Is that correct?

A. Yes. I would recognize it more as an area being in this configuration (pointing) because it did have trees.

Q. Would you recognize this as being the location (pointing to a portion of the artist's concept map) in the northwest portion of My Lai (4)?

A. Yes. I would say that was the location.

Q. You do recollect the ammo box incident and you do recollect the interrogation of the old man and the two children wherever that may have happened?

A. I don't recollect the interrogation itself. I believe that was the old man that was with us in the interior of the village when Sergeant MARONEY and myself came across the two small children and brought them back to the CP and turned them over to this old man. I believe that was this old man, but he was in the interior of the village as I recollect.

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Q. Let me show you another photograph identified as P-66. The same old man and the two children. See if you can fix the location better based on the background scenery in that photograph.

A. Yes. I believe this was probably in the interior of the village. As far as the exact location, sir, I wouldn't be able to say where it was.

Q. I show you a photograph now previously identified as P-22 and ask you if, in fact, the old man depicted in that photograph is not the one that was interrogated on further in the village at the time that you and Sergeant MARONEY brought the two small children?

A. Yes. Seeing them now I can remember. He was bearded and was older than this fellow here.

Q. Do you identify, then, the old man in P-22 as being the one interrogated in the interior of the village?

A. Yes, I do.

Q. Would you then conclude that the other old man was the one interrogated alone approximately on the western edge of the village that gave you or Captain MEDINA or Sergeant PHU the information about the 30 or 40 VC?

A. Yes, he is the person from which the information came. I would conclude that this is probably the man that was interrogated, as far as location, I cannot actually fix the location.

Q. As best we can reconstruct, the incident of the interrogation and getting the information about the 30 or 40 VC did occur at 0900. We have log entries. We have testimony from other people who strangely enough jotted down the exact time. One of the PIO men, as a matter of fact, ROBERTS - - you may recall ROBERTS, the PIO man, who came up to you about that time and talked to Captain MEDINA not only about the results of the operation so far, but about the information, i.e. 30 or 40 VC having been there and left that morning in that north western portion of the village.

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A. Again, as far as the actual conversation, it doesn't stick in my mind that it did occur at that particular time, although it's very possible that it did.

Q. I tell you that merely to tell you that the evidence does point to the CP group being at that location when the old man was interrogated.

A. Right.

Q. Had you prior to that time gone to the south where Captain MEDINA's shooting of the woman occurred?

A. No. We disembarked from the choppers and moved directly to the area that is designated as the CP area.

Q. That's where the ammo box incident occurred?

A. Yes.

Q. It was at that spot that you think you remained for at least an hour?

A. Yes, it was.

Q. As best as we can determine, the incident in which Captain MEDINA shot the woman occurred around 0915 or 0920 in the morning, perhaps as late as 0930. But in no case was there longer than about a 30-minute gap from the time that you were located at the northwest corner of the village until the time the incident occurred and perhaps as little as 15.

A. Right.

Q. You told me this morning that you thought you overheard a transmission from the chopper to MEDINA telling him that there were VC down there they had engaged and killed, and they were asking them to police up the weapons?

A. Right.

Q. Do you recall where you and when you heard that transmission?

A. Another instance in which I believe there was a few men sent to the south--

Q. (Interposing) Let me stop you there and I am going to relate to you what we know happened with those few men to whom you just referred. Almost as soon as the second lift of C Company arrived on the LZ to the west, the gunships that had been engaging personnel who had been identified as armed VC began to smoke various locations to the south of the LZ and requested that they be checked out. A squad from the 3d Platoon which came in on the second lift was dispatched to the south.

A. Right.

Q. And proceeded down into this general area. They remained in this general area for about 30 minutes or 35 minutes then turned and came back up to probably the southwestern edge of the hamlet. They would have been back up there roughly around 0845 or thereabouts in the morning.

A. My recollection of the group that was sent down in this area--I recall us coming back into our area a little bit further west and not actually to this tree line (pointing), but just to the east of the tree line.

Q. But you do recollect their coming back into your area?

A. Yes, sir.

Q. Do you recollect their coming back into your area before you and Captain MEDINA and the rest of the command group went south?

A. Yes, sir. They were back in the area before we took off.

Q. That's fine. Now, given that you were probably at the northwest corner of the village at around 0900 that the third squad from the 3d Platoon had returned to the area, the general area of the LZ, at about 0845 and that the shooting of the woman had occurred somewhere in the 0915 to 0930 time frame, let me ask you if you can recall where you were when you received the specific report to MEDINA telling him that there

had been VC engaged to the south and asking him to send someone down there. Specifically, were you still on the western edge of the village?

A. I don't believe we were along--we had started moving.

Q. In which direction?

A. South. In a southerly direction.

Q. In a southerly direction?

A. Yes. As far as if we had turned to the east yet, I believe we had. I believe we had travelled a short distance.

Q. A short distance inside the village?

A. Yes. Actually it was this trail here. It wasn't inside the village, but it was on the southern boundary of the village.

Q. On the east-west trail on the southern edge of the village?

A. Yes. This was the trail that we came into.

Q. So you did, in fact, travel south along the western edge of the village and then turned east along that east-west trail?

A. Yes, sir, I believe so.

Q. Did you, during this time period, get inside the village?

A. That is something I can't remember because I know that we travelled in a southwest direction to get to the point.

Q. To the woman?

A. To the woman. If we had been on this westerly trail we would not have travelled very far west, so it leads me to

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believe that we had entered, to some distance. I can't really pin it down, but we had entered into that end of the village along the east-west trail.

Q. The point is do you recollect. From the time that you left that northwest corner until MEDINA got the call, do you recollect being in the village at all?

A. No, I don't.

Q. Do you, then, think you were along this east-west trail at the time that MEDINA got the transmission?

A. I think so. It was such a minor point at the time that it's really hard to remember, but I don't believe we had entered actually.

Q. Let me ask you this: had you seen any of the bodies that you described this morning prior to the time that you went south with Captain MEDINA?

A. Prior to the time when we travelled south to the woman?

Q. Yes.

A. Well, that would all stem back to the point of whether we had entered the village at the time he got--

Q. (Interposing) Yes? That's what I am trying to find out.

A. I see your point, but I'm not being much help. Yes, sir. Thinking now and putting it in that context, I had seen, I am pretty sure I had seen bodies prior to the time that we went out to check out the woman.

Q. Bodies on the LZ or in the village?

A. In the village.

Q. Let me tell you that there were people killed on the LZ.

- A. I saw no bodies on the LZ at all.
- Q. So this would have been in the village prior to going southwest?
- A. Yes, sir, I believe so because it did stick in my mind somewhat. I had seen bodies before we went out to check this VC out and the choppers were called in.
- Q. Would Captain MEDINA have seen those bodies logically? I'm not asking you to say whether he saw them or not.
- A. Logically, I believe so, yes.
- Q. Do you recall any of the specifics of the bodies?
- A. No. Just one small child along the east-west trail in the group.
- Q. Which east-west trail? The one to the south of the village or through the center of the village?
- A. South of the village because I remember the rice paddies.
- Q. Let me tell you, it's entirely possible that you saw that one child after you returned to the village from the point where the MEDINA - woman incident took place.
- A. It's very possible. I don't actually remember traveling and penetrating the village very far.
- Q. Before you went south?
- A. Yes. Before we moved out south.
- Q. But do you think you went in a little distance?
- A. Yes. Some distance. Yes.
- Q. You don't know how far?
- A. No.

Q. Now. At the time that the call came in to MEDINA about the VC in the southwest and you went to that area, you said this morning that there were some squads operating down in that area. Were you real sure about that or were you talking about the one squad which had gone south earlier and had returned to the LZ?

A. I said there were squads operating in there.

Q. You were asked a question about some people or bodies found in the area and what happened to them, and you said that there were squads operating in the area.

A. No. As far as squads operating in the area to the southwest, the only one I recollect was sent down while we were still in the command group. There were reports coming in and there was smoke being dropped all over the area. It's an assumption on my part--

Q. (Interposing) Did you hear any of the transmissions associated with the dropping of that smoke?

A. Just parts of it.

Q. But on the company net?

A. Yes. Well, no. It wouldn't have come in on the company net because I believe the choppers were on the battalion net.

Q. They had a FM radio. They could have very easily talked with the ground elements. In any case, these conversations were overheard coming into MEDINA's location?

A. Yes, sir. I recollect conversations about the marking.

Q. What was the gist of the conversation?

A. The gist of the conversation was that they were VC locations, they had been shot, and they requested people to go out there to check them out. But as far as the other squads going out and checking out these other locations, I can't say for sure. I made an assumption in that if a call did come down and a request by the chopper pilots was made to check these locations out

that Captain MEDINA would have sent someone to these locations.

Q. But you don't recall specifically squads or people operating in that area at the time that you headed southwest?

A. No, except for our group which was about six or seven people.

Q. Enroute to where the incident involving Captain MEDINA and the woman eventually occurred, did you see any additional bodies?

A. Yes, sir, I did. I saw one man on a trail.

Q. Captain MEDINA has testified that he saw three to four.

A. It's very possible. I remember the one man specifically because he had been shot up pretty badly. Most of his head was missing.

Q. Did it look like it was small arms, artillery, or gunships?

A. I would think it was gunships, because it looked like minigun rounds all over the place.

Q. Later on I am going to ask you to try to identify the approximate location where you departed the village. I will tell you where Captain MEDINA was involved in the incident with the woman and try to pin down where you saw that. Now you indicated to General PEERS this morning that you have a vague recollection of some firing or some fire being directed prior to your arrival, towards the individual who eventually turned out to be a woman?

A. Yes. It's a confusing point because the first thought that I had given to it was the report that Captain MEDINA had received, the radio call from the choppers saying they had shot themselves a VC with a weapon and they were marking the location with smoke. This was the location that we were going to at the time. En route there was an evading Vietnamese out about 125 or 100 meters, a good distance.

Q. One or two?

A. One, I think, and there were shots fired from a goodly distance.

Q. By members of the command group?

A. Yes. Right. Not actually the command group.

Q. People that were traveling with the command group?

A. Yes.

Q. Is it your assumption then or your recollection that the individual hit by whoever fired those shots is in fact the same woman with whom Captain MEDINA was later involved?

A. Yes, sir.

Q. You know that?

A. I don't know for sure, but I assume that.

Q. After you reached the site where the incident with Captain MEDINA occurred, do you recall seeing along or in that area anywhere, any additional bodies?

A. The one that I already told you about. I do remember several animals along the way that had been shot. As far as other bodies, it's very possible really that there were additional bodies in the area because the gunships had worked it over pretty well.

Q. Did the command group search around the area?

A. Not a very thorough search, no. It was more of trying to get to this particular location or destination than a particular search of the area.

Q. But the choppers were dropping smoke on particular locations?

A. Right.

Q. Was this an OH-23?

A. This is something again that I can't really pin down.

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Let's see, we had two 23's on that operation that had the door-mounted M-60's. No maybe we didn't have the M-60's but it's very possible that the 23's did drop the smoke. But the way I remember it it was the Huey's, the 1B's.

Q. The indications are that it probably was the 23's. We think it was an OH-23 that was dropping smoke to mark the locations.

A. That's very possible because the smoke was being dropped 300, 400, and 500 meters from where we were.

Q. That's my whole point. What happened in response to that smoke? Did the CP group check it out? You're going south and MEDINA would have been involved with this thing.

A. The destination was the smoke. On the way I can't remember whether this occurred at the destination or not. But along the way is when the incident with the woman occurred.

Q. What happened after that? Did you check out any other locations?

A. I believe we checked out one or two locations after that and as far as general direction--

Q. (Interposing) Did you find any web gear or any equipment during that period of time?

A. I don't believe we did. I can't say for sure, but I don't believe we did.

Q. While you were south of the village, can you describe as best you can recollect, what in fact the command group did?

A. After we left the southern boundary of the village?

Q. And headed towards where the woman was?

A. No. Just the generalities that you have now; that we did move in a southerly direction and checked out one, two, or three of the smoked locations. The incident with the woman did occur then and this took place probably within 30 to 50 minutes, at which time we turned around and came back in the village.

Q. You say you turned around, meaning you headed back towards the village?

A. Toward the village.

Q. Do you recall or can you recall approximately where you reentered the village?

Let me ask you this. Do you recall the medevac or the wounding of CARTER? After returning from where the MEDINA - woman incident occurred, did you reenter the village prior to arriving at the point where CARTER was eventually medevac'd from?

A. Yes, we did.

Q. Prior to his medevac?

A. Yes.

Q. Re-entered the village or traveled the east-west trail at the southern edge?

A. I believe we traveled in an easterly direction for sometime and I'm not sure what location CARTER's medevac was, but it appears to me that it would be in this area right here.

Q. That's a pretty good fix and I'll have you mark that in a moment. What did you see, if anything, between the time that you arrived back in the village and the time you reached CARTER's medevac location?

A. As far as bodies?

Q. Yes. Or anything else for that matter.

A. From the time that we left the woman I don't recollect seeing any other bodies on the way back.

Q. Other than the two that you described, the woman and the man.

A. Right.

Q. Did you see any wounded people along the trail between the point where you came into the village and the point where CARTER was medevac'd?

A. I fixed the location of the child that I saw on this east-west trail. But as far as distance from the western boundary in an easterly direction, I cannot fix what the location was along that trail.

Q. Might it have been about the same point from which CARTER was medevac'd?

A. Yes, possibly so, shortly before that.

Q. Shortly before that?

A. Yes. Travelling in an easterly direction. But as far as positively placing the location, I can't.

Q. Do you recall when you first got the notification concerning CARTER's wound? Were you at the intersection?

A. Are you speaking about this intersection here?

Q. Well, you tell me where you first got the call. Were you moving when you got the word?

A. Yes, more than likely. It was on the way back.

Q. CARTER was wounded as best as we can fix it along about 1015 or 1020 hours in the morning. Now the woman that MEDINA shot was shot sometime between 0915 and 0930 in the morning. I am trying to account for that approximate hour of time that elapsed in there, what the commander was doing. Was it, in fact, searching the area?

A. It was a search. It wasn't a completely detailed search in that we were heading for smoke primarily.

Q. But not finding anything when you got there?

A. No. If the area was marked, I'm sure there was a body count. As far as I can recollect, the only two bodies there that I remember are the woman and the man. Had there been smoke dropped on that particular location, I'm sure there must have been bodies there.

Q. Do you have any recollection of how many different locations you went to?

A. It must have been three or four.

Q. Following the MEDINA - woman incident?

A. No, there was probably only one or two after the MEDINA woman incident.

Q. The site where CARTER was medevac'd was at an intersection of the east-west trail along the southern edge of the village and the north-south trail which intersects the village, at about the center. That's about the location at which CARTER was medevac'd. Do you recall the medical evacuation that occurred?

A. No. I saw the pictures of CARTER being carried into the chopper and I really don't recollect it. I know that it did occur at about that time.

Q. But you don't recall the medevac per se?

A. No, I don't. It's very possible that I was standing there, but it's possible that it did not impress me.

Q. What did you see in and around that area?

A. Of the medevac?

Q. Anything, bodies?

A. It had been before this time that I did see this small child on the trail.

Q. Before the medevac?

A. This is something that I cannot positively fix. I am fairly confident it was before the main intersection.

Q. This is indicating west of the main intersection?

A. Right, and the other group that I saw, I believe that is the point that we moved into the village.

Q. After the medevac moved into the village?

A. Right.

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Q. Were you moving north?

A. Northeast.

Q. North or northeast.

A. Right.

Q. What path did you travel after you entered the village?

A. It's very hard to say. Again, I believe it was somewhere in this general area that we did take off from our east-west direction.

Q. And headed for the northeast?

A. Yes.

Q. That is pretty close to what Captain MEDINA recollects. Once you reached the north-eastern edge of the village, do you recall whether you halted along the eastern edge of the village, the north-eastern edge?

A. No. I remember the halt down in this area.

Q. Near the tee junction. Is that where you had chow?

A. I think chow was -- I cannot remember an actual chow break that day to be truthful with you, and it's very possible that I did eat there myself. As far as a chow break, when you are on a move in an operation like that, there is no formal chow break.

Q. Do you recall after having reached the north-eastern edge or any place on the northern edge of the village up here halting and Captain MEDINA having a meeting with his platoon leaders?

A. After we moved into the village, I know that it would be the location where the old man, the bearded old man, was being interrogated. It was somewhere in the interior of the village.

Q. Is it possible that the interrogation of the bearded old man might have occurred either slightly west or slightly east of the junction from where CARTER's medevac occurred?

A. I believe it would have been more north and east. As far as the distance that we traveled throughout the village, I cannot pin it down.

Q. You did travel from the tee junction to the north-east?

A. Yes.

Q. Getting back to the meeting, do you recall a meeting between Captain MEDINA and the platoon leaders?

A. Yes. I believe he called his platoon leaders together once we reached an area 100 meters inside the village. I don't think it was on the edge, because I remember quite a bit of tree line which would fix it somewhere around this area here.

Q. I am going to ask you to put a number 1 at the location where you believe the temporary CP was set up at the intersection, after the second lift had been made.

(The witness does as requested.)

Will you put a number 2 at the location from which you believe the command group departed in order to move to the south in response to the helicopter call regarding dead or wounded VC.

(The witness does as requested.)

A. Do you want a line?

Q. No, just a number at the approximate location where you were at the time the call came in and where you departed from the village.

A. I would say it was down in this area(indicating).

Q. Is your best recollection that you were on that trail?

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A. It's not that we were on the east-west trail. My only recollection is that we started moving south and as far as moving east-west, I cannot really remember moving east-west.

Q. Were you inside the village then at the time the call came in?

A. I don't believe we were inside. We were along the edge.

Q. Along the western edge or the southern edge of the village?

A. Right. Somewhere from the initial CP and this area down here (indicating).

Q. Just trace then, from point 2, what you believe to be your approximate path through the village before going off to the southwest in response to the helicopter pilot.

A. Well, we stayed pretty much on this major trail in a southern direction. This is a westerly direction.

(The witness was orientated in detail to Exhibit P-1, MAP-4, and MAP-8.)

Q. Having seen the engineer graphic reproduction of the hamlet of My Lai (4) as it existed on 16 March 1968, MAP 8, would you trace your general path from the temporary CP location at the southwestern edge of the village to the southern edge of the village, from where you left to go toward the woman's location?

A. As I said before, as far as the particular time of the call from the chopper to the location of the women, I cannot recollect if we moved along the village. But I would say we had continued on a southern course from securing the village to a point approximately here. Sometime we did get the call from what is a location out here that should be checked out.

Q. Let me back up a minute. Did you move behind any troops as they moved into the village?

A. Yes. There was the 3d Platoon that did move through just prior to us.

Q. Did you follow behind them for any distance?

A. Yes, we did. I believe we did.

Q. That would tend to indicate that the CP group did in fact follow them some distance into the village.

A. That is my general recollection: that we did not move north to 200 or 300 meters at the most until we proceeded into the village.

Q. The whole village from west to east is not more than 300 meters long.

A. This would make this 300 meters to the south.

Q. If you followed them, it would indicate that you got into the village before driving south.

A. Very likely and I do remember, this is really bad, but I do remember now moving through a fairly defined trail.

Q. East to west?

A. East to west and then as far as the time again, we had this radio report about the VC -- I cannot fix it. It's very possible that we moved in our western direction and then moved south again at which time we probably got the report then. And it would either be right at the junction in this area or after we had possibly started a short distance to the east, but this line here is not correct.

Q. Indicating the path east on the southwestern edge of the village. You do not remember bodies to your left?

A. No, I don't. I remember bodies inside the village.

Q. Before driving south?

A. Yes.

Q. Would you trace that there and I will disregard this line?

A. Very possibly, it would have been an eastern direction taken from this point to this point. I will trace it from this point, a south-eastern direction and then continuing south again.

Q. If you will mark with a number 2, the point where you recollect as closely as possible that you exited the village on the southern edge.

A. As close as possible would be the intersection of the main east-west trail and this north-south trail that we had traveled through the outskirts.

Q. That is not the main north-south trail. That is the western north-south trail.

A. That is the western, north-south trail.

Q. I'm going to indicate to you where the balance of our evidence indicates the incident involving Captain MEDINA and the woman occurred. That is the point generally in this area (indicating).

A. I would fix it in the center of this rice paddy dike on the northern edge.

Q. Would you mark that with a number 4?

(The witness did as requested.)

In between point 2 and point 4, you have testified that during your movement you observed the body of that one man. Would you fix the appropriate location where you saw that body?

A. As far as I can recollect, the body of the one man that I do remember very vividly was on a general north-south trail. And this was from the direction of where the incident with the women occurred to the east, so this is merely a guess as to the route we traveled. If we did receive the call at this point, we would have proceeded in this direction and along through this point in this area, I believe seeing the man would have occurred. It's very possible we could have moved.

Q. That is a trail leading south from the southwestern edge of the village and which passes immediately to the east of where the incident involving Captain MEDINA and the woman occurred.

A. It's possible that we moved in a southwest direction from this point, because I do remember being on a major trail.

Q. Could it have been on the trail where you saw the dead man?

A. Yes. It's a major trail within the rice paddies.

Q. Would you mark that as closely as you can with a number 3, please?

A. There was some tree line right here and it would have been right in this area (doing as requested).

Q. You indicated that after the incident involving Captain MEDINA and the woman occurred, you searched approximately two or three additional locations of bodies that had been marked by the choppers. What general direction did this occur from where the woman was shot?

A. I would say generally to the south and southeast. I don't believe we traveled very much more south at all. It's just the impression that I have right now. We stayed primarily in that area, searched that area, and turned back to the village itself.

Q. If you went to other locations, it would have been to the south or southeast where the woman was shot?

A. And very possibly we moved somewhat west, but I can't recall as to the direction after the shooting of the woman.

Q. Will you trace approximately the path there between points 2, 3, and 4?

A. I don't actually remember being on this actual trail very much.

Q. You are only talking of from point 3 to point 4. You are talking of a distance of 50 to 75 meters.

A. It would have been a major trail.

Q. Indicating the southwest trail running out of the southwest corner of the hamlet.

During your return trip to the village, do you remember if you retraced your steps? Did you see that body of the man again when you went back to the village?

A. No. My general recollection is that we traveled more to the east and then we returned to the village. As far as seeing the man again, I'm not actually sure now, but I look at the area and I remember there was not a treeline. So, we would have been moving in this general direction, but there was not a tree line immediately back in where the man was shot. Very possibly he could have been at this location closer to the woman than I indicated here.

Q. You want to move your number 3 down to that point then?

A. It would have been possible here. The reason I'm moving it is that I have a vague recollection of seeing the man again, but I cannot positively say that. So, the general direction we moved on was a northern direction. It was not the actual path that we took out to this location.

Q. You have a vague recollection in having seen him again when you returned, and perhaps when you moved back to the north, the group, bearing off to the northeast and approaching the southern end of the hamlet.

A. That's right. Before we got off to the point where we entered this trail.

Q. Would you trace, as best you can, your return route to the village and the approximate point where you arrived at the southern edge of the village?

A. This is again complete speculation in that I wasn't watching my map.

Q. Was it to the west of the tee junction where CARTER was evacuated?

A. Yes, very close to the tee junction, but perhaps to the west. So the general direction -- we did follow paddy dikes most of the way back which would have been in the nature of possibly this direction, entering the village at some point, but coming on the major east trail at the southern edge of the village approximately near the western boundary of the village at the tee junction.

Q. Would you put a number 5 at that approximate location?

(The witness did as requested.)

From point 5 now, will you indicate your approximate route from where CARTER was evacuated?

A. To my recollection again, and this is not helping you very much, it was an eastern direction.

Q. Traveling east on the east-west trail on the southern edge of the hamlet?

A. To a point somewhere in the very close proximity to the tee junction, possibly, very close there.

Q. As you were moving from the point where you arrived at the southern edge of the village to the tee junction, you observed the body of the boy. Would you mark the approximate location where you saw that body with a number 6, please?

(The witness did as requested.)

Do you or do you not recall specifically the general sight from which CARTER was evacuated?

A. The only thing that I remember about CARTER's evacuation was that he was being treated somewhere to the north of the main east-west trail running along the southern boundary of the village. It was somewhere approximately 10 to 20 meters off that.

Q. That corresponds with the other evidence that we have.

A. There were a few hootches in the area.

Q. Will you mark this with a number 7, please?

A. That will be at the west of the tee junction (doing as requested).

Q. Will you trace from the point of the tee junction your approximate route as you traveled through the eastern portion of the village until you arrived at the eastern edge of the village?

A. This is a point that did not stick in my mind too good, whether we did attain the eastern boundary of the village.

Q. You may not have. You may have stopped at the eastern edge and if that is your recollection indicate it on the aerial photograph.

A. Could you give me a pointer here as far as our night laagering location?

Q. Yes.

(The witness was oriented as to the night location.)

Will you put a number 8 at the point you believe Captain MEDINA designated as the place where the platoon leaders meeting was held?

A. This is also where the interrogation of the old man took place.

Q. With the two children?

A. Right.

Q. Do you recall the general direction of movement from the time that the company left My Lai (4), and the hamlets or subhamlets through which the company passed during the afternoon?

Mr. ALAUX, will you indicate as best you can recollect, the general direction of movement of the company from the time you left My Lai (4) until you reached the night defensive position where you linked up with Bravo Company? In so doing, try to indicate for the record which hamlet or subhamlets you did pass through as you were proceeding toward the night defensive position.

A. Generally, it was a northern and probably more eastern direction. The one small village to the east of My Lai (4),

we did pass through. From that point we traveled more in a north-eastern direction.

Q. How far is that?

A. Three or four hundred meters.

Q. Northeast of My Lai (4)?

A. More east than northeast.

Q. Do you recall anything of any significance occurring in that subhamlet?

A. No. I believe by the time we got to that hamlet there were very few people left in the hamlet and there were possibly one or two prisoners that eventually ended up with us in our night defensive laagering position.

Q. You do not remember any large numbers being taken with you or sent off?

A. No, not a large number. I take that back, there was one fairly good-sized group that was rounded up. They did not travel with us a great distance. It may have been to My Lai (6).

Q. What happened to them?

A. I think we left them there at the village.

Q. At My Lai (6)?

A. Yes, and some of the VC suspects traveled with us to our defensive position.

Q. Military-age males?

A. Yes.

Q. How many?

A. A total of eight.

Q. Our records indicate that you had about ten, took about ten with you into the night defensive position.

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A. And leaving the village northeast of My Lai (4) and traveled to a larger village and after leaving My Lai (6) we traveled due east to the night laagering position.

Q. Mr. ALAUX, for the record, will you identify the various locations that are depicted on the marked-up aerial photograph?

A. Location number 1 is the initial CP area after leaving the landing zone. Then we traveled in a northeast direction to point 2, at which time I believe we left the village probably and continued in a southern direction toward the smoke droppings by the helicopters in the area. Point 3 is the approximate location at which I observed one male on a general north-south trail who had been shot. Point 4 is the approximate vicinity of the incident involving Captain MEDINA and the shooting of a woman. Traveling back north to point 5 is the approximate position we came upon the east-west trail on the southern boundary of the village. From there we traveled almost due east to point 6, at which time I believe it to be the approximate location of the body of a small child on a major trail. And point 7 is the location just west of the major intersection of the east-west trail and the major north-south trail where CARTER was medevac'd from. Then travelling north, some short distance and then in a northern direction, we arrived at point 8, which is the approximate location where the CP held up and Captain MEDINA had a briefing with his platoon leaders.

Q. Was it in point 7 that you observed the one group of bodies numbering 17 or 18?

A. Yes, sir. I remember it to be north of the major trail, the east-west trail, and I can't recall whether it was on the actual north-south trail or a smaller trail.

Q. Was it outside the village?

A. No, sir. I believe it was inside the village, it was to the north of the village.

Q. Did you observe any group of bodies to the south of that point?

A. No, sir.

Q. Mr. ALAUX, we have considerable evidence that in and around My Lai (4) on the morning of the 16th, there were, in fact,

a fairly substantial number of people including old men, old women, women, children, and babies killed as a result of C Company's action. I would like to ask you for a final time and for the record if you can describe for us what you observed in the way of people who had been killed between point 1 and 2 indicated on your aerial photograph.

A. Again, as I said before, between point 1 and 2, I have no recollection. Although, it's very possible that my frame of mind at that time -- there had been a lot of shooting going on and it would not have surprised me at point 1 and 2 to have seen bodies along the way. As far as my recollection, I do not remember bodies along the way between points 1 and 2.

Q. Could you describe anything other than what you have previously described in the way of people being killed or the bodies you saw between point 2 and 7?

A. Well, primarily, the majority would have been between points 6 and 8, the number of bodies that I did see. The only ones that I recollect between points 2 and 7 would be the man on the north-south trail before the incident with Captain MEDINA and the woman. On the return back to the village, there was no instances that stick in my mind other than the fact there were quite a few livestock that had been shot out in the area just in the rice paddy and along the way. After coming back on the southern edge of the village, it would start with the small child along the east-west trail. Moving north in the village, it would be the group along one of the north-south trails and I can't be certain which one it was, and people in front of hootches, several hootches, that I did observe while traveling from point 7 to point 8.

Q. To the best of your recollection, the number observed throughout the village would have totalled what?

A. As far as the ones that you could walk through the village and see, I realize that there were probably a number that died in their bunkers because there were quite a few grenades thrown. And at the time of all of that shooting, I imagine the natural place for people to get would be in the bunker, especially after an artillery prep. But the number that could be observed from the village that I saw would number from 60 to 70. That is very sketchy.

Q. Sixty or seventy?

A. Right.

Q. Do you have at this time any additional statements or information you wish to enter in the record?

A. No, I haven't.

Q. Mr. ALAUX, will you sign the aerial photograph?

(The witness did as requested.)

And this aerial photograph will be entered into evidence.

RCDR: Identified as Exhibit P-222.

Q. Thank you very much again Mr. ALAUX.

The hearing will recess.

(The hearing recessed at 1408 hours, 10 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: HOBSCHEID, Harry E. 1SG

DATE OF TESTIMONY: 14 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: First Sergeant, C/1/20.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

The witness neither saw nor was issued the MACV cards "Nine Rules", "The Enemy in Your Hands", or "Guidance for Commanders in Vietnam" while in Hawaii (pg. 11). He remembered having the cards in Vietnam, but he did not know how he came into possession of them (pg.11).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

During February and early March of 1968 the company had a lot of casualties due to mines and boobytraps (pg. 26). They received replacements, all of whom had received training at Chu Lai before coming to C Company (pg. 27). HOBSCHEID recalled a memorial service for Sergeant COX, but was not certain what day it took place (pg. 35). He was usually not privy to operational briefings, and he did not hear the briefing preceding the 16 March operation (pgs. 28, 32). However, he heard that the company was going after a large enemy force in the Pinkville area (pg. 33). He spoke to MEDINA on the 15th, but he could not remember what was said (pg. 36). He did not know how long the operation was to last (pg. 38).

(HOBSCHEID)

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3. THE ASSAULT ON MY LAI.

HOBSCHEID thought the AO was hot on the 16th and that a number of VC had been killed (pg. 37). As he understood it, the VC KIA were mainly due to gunships (pgs. 37, 47). All he could recall was that the operation was going well (pg. 44). He heard that C Company had only one casualty, CARTER, who had shot himself in the foot (pgs. 39, 40). He did not think there had been too much contact (pg. 48). HOBSCHEID got his information from a resupply telephone line (pg. 40). Although HOBSCHEID visited CARTER in the hospital, he could not remember talking to CARTER about the operation (pgs. 42-45). CARTER explained that he had wounded himself while clearing his jammed .45 (pg. 45). The witness knew that MEADLO was wounded on the 17th (pg. 44). He thought the entire operation resulted in over 100 VC KIA (pg. 45). On the 17th HOBSCHEID tripped over a tent rope and received a concussion and thus he did not remember too much (pgs. 39, 45).

4. INQUIRIES AFTER THE ASSAULT.

The witness thought the operation was successful because General WESTMORELAND sent a congratulatory message which he saw in the newspaper (pg. 46). HOBSCHEID could not remember discussing the operation with anyone after the troops returned on the 18th (pgs. 46, 47). He heard that some civilians had been killed through the misfortunes of war, but he did not know how many (pgs. 48, 49). There was no investigation of the incident and the witness did not recall thinking one was necessary. They had never had an investigation of civilian casualties previous to this (pg. 49). HOBSCHEID never had the feeling that there was anything wrong with this operation (pgs. 49, 50, 52). He heard no rumors about what had happened on the operation and he never spoke to MEDINA or CALLEY about it (pgs. 50, 51). He knew of no measures that were taken to cover up the activities of C/1/20 (pg. 53).

5. OTHER INFORMATION.

a. Training before reaching Vietnam.

The witness described the manner in which C Company built up to strength while in Hawaii (pgs. 3-8).

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He then outlined those things which had to be done to deploy to Vietnam (pgs. 8-10). He did not recall seeing any USARV or MACV publications prior to going to Vietnam (pg. 10).

b. Assessment of C Company.

The witness thought C Company was a good unit and he rated it "above average" (pgs. 14, 15). The company won most of the competitive awards and was high spirited (pg. 15). However, several key personnel such as the company clerk, the supply sergeant and two platoon sergeants were lost before the company deployed (pg. 16).

c. Drug abuse problems in Hawaii.

There was an investigation of drug abuse problems while the unit was still in Hawaii, but nothing was uncovered (pg. 17).

d. Organizational structure of Task Force Barker.

Since Task Force Barker was an operational, rather than an administrative, task force all the administration stayed with 1/20 (pg. 19). Thus, HOBSCHEID was technically under the control of the battalion executive officer and not under MEDINA (pg. 19). Those members of the company who were with HOBSCHEID at Duc Pho were the executive officer, the company clerk, the supply sergeant and the communications chief (pg. 19).

e. Field first sergeant.

The company did not have a field first sergeant (pgs. 20, 21). In the field MEDINA worked directly through the platoon sergeants (pg. 21).

f. Destruction of records.

There was a mortar hit on the orderly room which caused it to burn (pgs. 21, 22). The witness never received replacements for the AR's which were lost (pg. 22). Records had to be reconstructed (pg. 23).

g. Disciplinary problems.

As time wore on some of the men from C Company refused to go to the field (pg. 23). One of these persons, BROUSSARD, was fined \$25.00 by a court-martial for such a refusal (pgs. 23-25). This was near the end of MEDINA's tenure as company commander (pg. 24). There were some Article 15's given to persons for things like falling asleep on guard duty (pg. 24). There were no problems such as murder, rape, or arson (pg. 25). He knew of no drug problem in the company (pg. 25).

h. Assessment of MEDINA:

MEDINA was a good company commander (pg.30). He was a hard taskmaster, but he was fair and the witness felt him to be the best company commander he ever had (pg. 30). MEDINA let the people know what was expected of them and maintained good control of the unit (pg. 30). To HOBSCHIED's knowledge MEDINA utilized the chain of command (pgs. 30, 31). Perhaps MEDINA's only fault was lack of tact (pg. 31).

(The hearing reconvened at 0910 hours, 14 February 1970.)

LTC PATTERSON: The hearing will come to order.

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

Sir, the next witness is First Sergeant (retired) Harry E. HOBSCHIED.

(1SG HOBSCHIED was called as a witness, was sworn, and testified as follows:)

Will you state your full name, occupation, and address for the record?

A. My name is Harry F. HOBSCHIED. I'm a military instructor. I live at 3145 Lincoln Street, Franklin Park, Illinois 60131.

LTC PATTERSON: Sergeant HOBSCHIED, is that how you pronounce your name?

A. HOBSCHIED, sir.

Q. Have you read the instructions, Exhibit M-57?

A. Yes, sir, I have.

Q. Do you have any questions about them?

A. No, sir.

Q. Do I understand that you are not subject to the order of the United States v. Calley?

A. No, sir.

Q. Or any order from any military judge?

A. No, sir. This is the only contact I have had.

Q. Would you state for the record when you were assigned as first sergeant of C/1/20?

A. I believe the exact date of the assignment was 10 August 1966, but I'm not sure; August 1966.

Q. And this was when C Company was in Hawaii?

A. Yes, sir.

Q. And you were first sergeant of C Company for how long?

A. From August 1966 until November 1968.

Q. Now I presume you deployed with the unit--

A. (Interposing) Yes, sir.

Q. And were with them in Vietnam for a full tour?

A. Yes, sir.

Q. I'd like to take you back to Hawaii for a moment and as we have understood, the 20th Infantry underwent a training program while they--well, after they were formed and after they were in Hawaii. Do you recall much about the training period there, from August 1966 through 1967?

A. I'll tell you what I can remember. I was one of the first ones in the company. I believe at the time there was only six officers and four enlisted men there.

Q. This was in August when you first started?

A. Yes, sir. It built up rather slowly and I would say that we probably didn't even reach a hundred men for the first 4 or 5 months.

Q. This would have put us up in early 1967?

A. Yes, sir. And I can't remember dates, it's a long time. We went to the big island of Hawaii for maneuvers in March, training in March.

Q. March of 1967?

A. Yes, sir. I think we had about 100 men. And then we returned and they sent over an AIT group with instructors from CONUS. They trained and used our billets and were assigned to the company, but they trained separately. They got their AIT training there and when they completed that, these individuals were assigned to various companies throughout the brigade. This brought our strength up to probably 130 or 140.

Q. You say this group was AIT, advanced individual training?

A. Yes, sir.

Q. How large a group was this?

A. Gee, I don't know, sir. They were billeted in different companies. I don't really know the number.

Q. Well, if you can recall--let's go back to the latter stages of 1966. As I understand what you said so far, the unit, C Company, was low on personnel?

A. Well, all the units were. It was just forming and it was one of these things where you were getting the people in as they completed training. I guess the Army had other commitments and probably didn't fill it as fast as they wanted to. It was rather small for the first few months.

Q. And then you began to fill up a little bit until your strength was about 100, you say?

A. Yes, sir.

Q. Which would have put you considerably less than your TOE strength?

A. Yes, sir.

Q. What was the mission of the unit by the time they were filling up? What were you doing?

A. Training, sir. We were going through--oh, the complete works, starting with squads.

Q. Unit training then?

A. Yes, sir.

Q. But as I understand it then, did you fill up squads? Even though you were under strength, did you fill up the squads and platoons, and just cut out one platoon?

A. Yes, sir. I don't believe we had a third platoon for the first few months. Well, we had two platoons, the weapons platoon was separate. We had one rifle platoon and as their strength built up, we activated another platoon and so forth.

Q. On or about early 1967, when you began to get up to a hundred people, did you continue in the unit training phase?

A. Yes, sir. They went through unit training all the way.

Q. So actually you were unit training from August 1966 from what you say?

A. In certain stages.

Q. I presume--

A. (Interposing) Including landing exercises and jungle training. We went through the entire--

Q. (Interposing) There were amphibious landings?

A. Yes, sir.

Q. Do you recall when you took your AIT, the approximate time? Was it in mid-1968, early 1967?

A. I don't really recall.

Q. I didn't mean mid-1968; I meant mid-1967.

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A. You're talking about brigade or battalion?

Q. Battalion ATT.

A. I don't know. We went on so many field exercises; we were out in the field just about every week. I don't recall. It would have probably, and this is strictly a guess, it would probably be in the latter part of 1967. This would be strictly a guess.

Q. Well, after this AIT group came in in early 1967, when did you get the fillers to bring you up to TOE strength?

A. To go to Vietnam, sir?

Q. Right.

A. Once again, this is going strictly on the estimates. What happened was a lot of the people were with us, say, from 1966. By the time we got ready to go to Vietnam, they were already too short to go to Vietnam. Consequently we wound up getting in, I would say, 50 people or so within the last 2 weeks or a month.

Q. And you deployed in December?

A. C Company deployed full strength.

Q. What I'm trying to do is trace or attempt to trace the training that C Company had, those people that deployed with C Company had prior to the time that they did deploy.

A. Well, sir, like I say, I can't swear to it on the figures or anything, but from what I can recall, it seems to me we picked up in the vicinity of 50 people within the last couple of weeks. As a matter of fact, we were picking them up right until the day we left because C Company had deployed full strength with the advance party of the brigade. So they took them out of other units and put them in there. So the state of training of the individual--some of them had just come from the States, had only been from the States a couple of weeks. What training they got, before they hit us I don't know. Some of them was from this new battalion, 4/21.

Q. The 4/21?

A. Yes, sir. As we got ready to go, they didn't deploy with the brigade; they stayed in Hawaii and completed their training. But we got some individuals in. Just how much training they had, I don't know, sir. But there was quite a large number of people that came in to replace the people that couldn't go, plus getting us up to strength, because we weren't at strength before then.

Q. I see. So you deployed at full strength or over strength?

A. Full strength, sir. I think we left--gee, I worked on that thing, the rosters and flight manifest, and it was right, TOE numbers-wise. I don't think we left anybody off in the hospital; we might have left one or two, I don't know.

Q. They didn't put you overstrength and send you over there?

A. No, sir. We went over full strength, like I say; there were a couple people pulled out at the last minute or something or another, that might have been.

Q. Morning report strength was full though?

A. Very close to it, and we went over with detachments.

Q. Do you recall what were the preclusions from deployment for individuals? Was it a 90-day ETS or 6-month ETS or do you recall?

A. There was some 15 or 16 different categories that could preclude a man from going, including being an only surviving son and so forth. And all the regular types--I believe it was 90 days.

Q. Ninety days?

A. I believe it was, sir.

Q. That would have really meant that anybody who was in that unit in 1966 and was not an RA wasn't going.

A. Well, we had some, sir. We must have had--

Q. (Interposing) Well, if their ETS was February 1968, they couldn't go with a 90-day. And if they were 2-year men, they would have had to have come in the Army in February of 1966. By the time they got to your unit and completed AIT--

Q. (Interposing) Well, sir, I was trying to think of who was in the unit back in September of 1966, and I guess there wasn't too many of us RA's. But there were some young RA's, first term RA's.

Q. As best as you can recall, about 50, somewhere in that vicinity--

A. (Interposing) I would say so.

Q. And the status of training on these 50 is unknown.

A. Unknown. They came from different units. We got them from--some were from established units and like I say, some just came from the States and were being put into the 4/21.

Q. Well, now at this time, when you got these 50, did you just put them into platoons to fill up the platoons or did you have to activate a new platoon?

A. No, we had the three platoons--now once again, I don't know.

Q. I understand.

A. I believe we had three platoons organized prior to this time, although they were not full-strength platoons.

Q. The TOE strength was somewhere around 150?

A. 154 or something like that.

Q. 156, somewhere in that area, so that would have meant you had a 33 percent fill.

A. I would say so, sir.

Q. And was this fairly prevalent throughout the rest of the companies in the 20th?

A. The other companies didn't fill up, sir. We had a requirement to fill because we were the advance company. So to the best of my knowledge, the other companies did not fill completely. We had the requirement and at that time were getting all the people because we did have the requirement to go over full strength.

Q. Okay. With reference to training that was going on there during 1967, you indicated it was mostly in the unit training phase. You were training the squads and platoons?

A. Yes, sir.

Q. Do you remember many company exercises?

A. Yes, sir; company, battalion, and brigade.

Q. And brigade exercises. Do you remember how many brigade exercises they had?

A. I think I can recall two specifically that were out in the training area, right there on the--

Q. (Interposing) One was a landing exercise?

A. Well, not counting that one.

Q. Not counting that one.

A. I don't remember where the landing exercise was; I can't even think.

Q. Did you have an opportunity during 1967 to get out of your office and observe any of this training?

A. Not too often. About my only trips to the field were of administrative nature of getting chow out and things like that. I did observe some of the live fire squad training, but this was earlier. I saw some of the jungle training. I went to some of the jungle sites they had there. But by and large, just the daily, everyday, routine training, no.

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It seemed like they were going out about 2 or 3 days a week but it was not training where the orderly room and everything went out. And later on, we started getting these field problems where everything went out.

Q. I believe the brigade went over to Vietnam and then brought back instructions. Do you recall the last month or so what was going on as far as the predeployment part of the training was concerned?

A. No, sir. I don't really understand what you mean. You mean the field type training or processing?

Q. Processing--well, first let me say this. As I understand it and we have other testimony to support this; some of the brigade officers of the 11th Brigade went to Vietnam in September to make a liaison visit, to arrange for the arrival of the brigade, and to ascertain where you were going, the missions and any instructions that should be brought back, and things to be done back in Hawaii prior to the time that you shipped. They came back, and according to their after action reports they had some last-minute things that had to be accomplished in the training line as well as administratively. My question to you really is, do you recall any of the type things that had to be accomplished as a result of their visit as far as you are concerned? It probably would have been within the last month.

A. Well, I don't know of anything that would as a result of any visit. I know that there were a number of things that had to be done as with any units that were deployed. For instance, the issuing of jungle equipment, the turning in of other stuff, and the shipping home of personal property.

We received the new M-16, the modified M-16's. The other equipment changed, and vehicle authorization changed. We went over to light infantry and this did away with the 106's and a few other things and it changed the entire equipment authorization. It was a pretty busy period of time as far as I was concerned in the orderly room in keeping track.

Q. What about in the line of publications? Did you start getting any publications from Vietnam, Americal Division regulations or directives?

A. Not to my knowledge, sir.

Q. SOP's?

A. No, sir.

Q. Did you have an SOP?

A. The company had an SOP.

Q. How about the brigade? You were assigned to the 20th Battalion which was assigned to the 11th Brigade. Did you have access to the brigade SOP or did the brigade have an SOP?

A. Yes, sir.

Q. You don't recall getting any Americal Division SOP's?

A. No, sir. As a matter of fact, I didn't even know we were going until then.

Q. Didn't know where you were going?

A. They never even said Vietnam. We started deploying for a movement. I guess it was just a pretty good assumption of where we were going, but this was all classified.

Q. And you didn't have access to any of the information that said you were going into the Americal Division?

A. No, sir.

Q. Did you have access to any USARV or MACV publications?

A. I don't recall seeing any until we got to Vietnam, sir.

Q. I would like to show you a couple of documents here and ask you if you've seen them. These are Xerox copies of the actual documents. They are exhibits in

the records of this inquiry. Exhibits M-2, M-3, and M-4-- they are cards, little cards, colored in some cases. M-2 is entitled, "Nine Rules;" M-3, "The Enemy in Your Hands;" and M-4 is, "Guidance for Commanders in Vietnam." The back side of the individual cards, M-2, M-3, and M-4, is on the individual second page. You see the front of the "Nine Rules" card, M-2 is on the first page and on the back side of it. It is a single card. Do you recall seeing those cards?

A. In Hawaii, sir? No, sir.

Q. Do you recall receiving bulk issue for issue to the troops of any of these cards while in Hawaii?

A. No, sir. I don't. I don't recall receiving back issues in Vietnam, I don't recall it. But I definitely don't recall it in Hawaii. They may have been there, but I don't remember.

Q. Do you recall whether or not after you arrived in Vietnam receiving any bulk issue of either M-2, M-3, or M-4 for issue to the troops?

A. I don't recall, sir.

Q. Do you recall having one yourself?

A. If I had, I would still have; I don't remember. I usually keep things like this.

Q. The "Nine Rules," then, if you'll look, read them. Do you recall hearing those?

A. I know we had the cards. I remember the cards in Vietnam.

Q. You remember the cards in Vietnam but you don't remember how you obtained them, how you came into possession of them?

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

Q. How did you deploy? What was the mode of travel?

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A. Air, sir.

Q. By air. The whole company?

A. Yes, sir.

Q. And you landed where, Danang?

A. Danang, sir.

Q. And from Danang, after you got off, can you recall what you did? Did you stay in Danang?

A. Let's see, we got--it seems we got in at night and we were trucked over to a billeting area, and then we moved out the next morning.

Q. How did you move out the next morning?

A. By air.

Q. By air?

A. Yes, sir, we flew into Duc Pho.

Q. Did you get any training there at Danang or did anybody gather everybody up and give them any speeches or provide any data for the troops to fill out that you recall?

A. I don't remember, sir.

Q. How about at Duc Pho? After you landed at Duc Pho, do you remember where you went and what you did?

A. There was another unit that was occupying Duc Pho at that time. I don't recall the unit. I believe it was part of the 4th Division.

Q. 3d Brigade of the 4th Division was the sponsoring unit.

A. And when our company came in, they billeted us in the standdown area and it was up on the hill. There was a period of orientation and training they had there. I don't

recall what they call it but I guess it was about a week, regular classes and things on Vietnam and booby traps and the whole works. Everything was given there. They may have received these things during this course of instruction, but if you ask me if I remember the bulk issue, I don't remember a bulk issue.

Q. I thought perhaps they would have come through the orderly room.

A. I believe they got these; probably, if they had this, it was given during the course of instruction on Vietnam.

Q. Did you personally receive any one of these three cards or all of them?

A. I personally don't remember, sir.

Q. Do you recall ever seeing or reading this M-3?

A. Well, I'd swear I might have. It's quite possible but I don't remember, sir.

Q. How many company commanders had C Company had prior to your deployment?

A. Prior to deployment, two, sir.

Q. Who was the first one?

A. I don't remember his first name; his last name was DOLL.

Q. D-O-L-L?

A. Yes, sir.

Q. And the second one?

A. Captain MEDINA.

Q. When did Captain MEDINA take over command?

A. December 1966.

Q. And Captain MEDINA kept the company the entire period of 1967?

A. Yes, sir.

Q. Deployed with them?

A. Yes, sir.

Q. And was commanding the company until sometime in mid-1968?

A. Well, April, I believe, was his last time. I think it was in April.

Q. Did you have any disciplinary problems in Hawaii with the members of the unit?

A. Out of the ordinary?

Q. That is a very broad question, out of the ordinary. Anything that stands out in your mind with reference to some of your young soldiers?

A. We had, I guess, about the average amount of duds that a unit has. Some people were in trouble rather constantly. At the same time, we had a bunch of fine people that were never in trouble. I don't know of any broad problem. Of course they also had--they suspected dope--that we have, and guys would get drunk on payday and get hauled in by the MP's.

Q. Well, this was your last couple of years of service. In comparison to the companies you had associated with in the balance of your time, how would you rate these soldiers?

A. Are you talking about in 1966 - 1967?

Q. Talking about 1967, mid-1967 until deployment.

A. I would say it was a good company, sir.

Q. Good company; average or above average?

A. I would say there--I would like to think it was above average. Speaking of individuals, some were good individuals. The company took most of the competitive awards. It was a high-spirited company.

Q. Do you recall when you deployed taking any of what you might refer to as problem children with you?

A. Whoever was in the company went, sir, unless they fell into one of these precluded things. There was one individual, I'm trying to think--it seems to me we had one man in the stockade that was transferred to headquarters company. I don't remember his name or if he was constantly in trouble or if it was just this one time.

Q. I think what I'm asking you is do you remember thinking about taking one or two individuals that you just would rather have left in Hawaii, or inheriting a couple just before you deployed and wished that they had been inherited by some other unit?

A. You mean a troublemaker that was palmed off on the company?

Q. Yes. When you were going through and transferring people out, leaving them behind and getting people in, the thoughts sometimes go through ones' mind: "I would just as soon have kept him and gotten rid of this fellow."

A. I guess so, sir.

Q. I'm asking you if you can recall whether or not there were one or two or three of these fellows that you just as soon would have left in Hawaii?

A. Well, this is a hard question. You ask me to try to recall how I felt about something a long time ago. It would depend on any given time or what somebody just got into. At the same time, you say we'll give this guy a break and take the good guy over there.

Q. How many companies did you deploy with as first

sergeant? This was your only one, wasn't it?

A. That's it.

Q. I thought perhaps you were doing a lot of work on this as the first sergeant. A couple of names might have just popped back into mind or might have made an impression on you at that time.

A. I don't know if I had to--this would be strictly guessing. I think it would probably have been the other way around, more in regards of losing the good people rather than taking the other ones. Because I had no choice. It's just if we had some good people that met one of these pre-conclusions, we would try to talk him into going along for the good of the company. It was more on this side, I would say. Who could I get rid of, because I had no way to get rid of anybody. So I would have to say my line of thought, say, would have been the other way.

Q. Well, do you recall losing any key people?

A. We lost a lot of key people. I lost my company clerk. He was a key people. I got a young, 19-year-old kid that could type and that was about all. I lost my company clerk, which to me was a big concern. We tried to get him to go along and the Army was rather inflexible upon certain things. He had less than 90 days. He had agreed to go over there anyhow. They wanted his signature before he went and he had just decided not to. Another key personnel was the supply sergeant. He was not eligible to go but he signed to go. We had a number of other team and squad leader types that did go.

Q. How about platoon sergeants?

A. I knew you would ask about platoon sergeants. I was just trying to think about who we had there, that was there, that did not go. We left with two new platoon sergeants. One platoon sergeant did go. I'm trying to think of who had the other platoons. I know that we had two platoon sergeants that were Vietnam veterans that did not go back, that had been with the company for quite a period of time. We picked

up two more platoon sergeants, E-7's. One of the platoons had an E-6 and it just changed because of the number of E-6's we had, the platoon sergeants changed. Sergeant LOPEZ was the platoon sergeant part of the time. I believe Sergeant MITCHELL had it part of the time. BAINES had it part of the time. The one with the E-7, we had no problem. When you get a platoon with a number of E-6's, sometimes you don't like how things operate so you switch back. In Hawaii, to the best of my knowledge, we left back two platoon sergeants, at least two. I know two for sure.

Q. You said there were some dope problems in Hawaii. Can you recall any of these specific names?

A. They investigated on it, but never found anything to my knowledge. I don't recall seeing anybody that I recognize as being on dope. The names I'm trying--one of them went to Thailand. I don't think he was with the company very long. I don't remember his name. Another one that was involved in it that they investigated was Gerald SMITH. But nothing was found. I don't recall. I know the names of certain people that supposedly were doing it. There was one individual who said he used it in civilian life, but I never knew it.

Q. What was his name?

A. ROTGER.

Q. Did KONWINSKI go with you?

A. Yes, sir, he was the clerk.

Q. He was the clerk?

A. Yes, sir.

Q. Your clerk?

A. Yes, sir.

Q. Was he the 19-year-old?

A. Yes, sir, he was the new replacement that we had.

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Q. Did you keep him as the clerk after you deployed?

A. He was pretty good if you were right there with him and kept him going.

Q. After you deployed, you said you had a training period there in Duc Pho, and I think you said you recall it being about a week?

A. I would say so. Well, what we are talking about now is formal training during the period of time before we took over an operational area. I believe it must be at least a month or around a month, anyhow, before we took over the responsibility.

Q. You were still a part of the 20th Battalion at this time?

A. Yes, sir. We were there roughly 3 weeks before the rest of the brigade got there. So maybe the period ran maybe 2 months. It seems to me once the brigade was there, it was a pretty good period of time. They had to get all these people oriented and trained. So probably from the time we arrived there until they started operations, it might have been closer to 2 months.

Q. I think the records indicate C Company advance party arrived around the 1st, 3rd, or 4th of December, somewhere in there. And the main body arrived on the 20th. There was a welcoming ceremony for the brigade on 20 December, a big formation, and the assignment to the Americal Division for the brigade. And then somewhere around the 1st of the year is when you received an operational mission. Does that jibe with your times? It's a little less than 2 months.

A. I was strictly going just on--I would say about 6 weeks or so. It seems to me that C Company received a mission but I think it strictly had to be classified as a kind of training period because it wasn't well--they were out there, no doubt about it, but we didn't have the area. The other unit still had the area. It was a patrol, sort of a break-in thing where there was a cold area,

just get your feet wet type of thing.

Q. The latter part of January, C Company was selected to be a part of a task force called Task Force Barker.

A. I guess it was in January, sir.

Q. And you moved to LZ Dottie?

A. Yes, sir.

Q. Do you recall this?

A. I wasn't with Task Force Barker.

Q. You weren't with Task Force Barker?

A. This is a technicality. Task Force Barker was an operational task force, not administrative. So the orderly room and all the administration stayed with the 1/20. The tactical part of the company was with Task Force Barker. So actually, real technically, I wasn't even under Captain MEDINA's control at this time. I was under the executive officer of the battalion.

Q. And where was this located?

A. At Duc Pho.

Q. How many people remained with you from C Company back there at Duc Pho?

A. This varied from time to time, sir.

Q. Well, in the hospital and R & R.

A. You are not counting transient people, in and out people, coming back from sick call, people returning from the hospital. R & R's of course, you have in and out all the time. The executive officer and myself and the company clerk. And we had the armorer back there and the supply sergeant and the commo chief. But normally they weren't all in this area at one time because we usually had a forward supply area that had to be manned.

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If the commo chief was up there managing, then the supply sergeant was back. If the supply sergeant was up there, the commo chief was back. The company clerk always stayed there.

Q. Did you have any part of the platoons or a platoon back there for performance of internal security?

A. No, sir. We were definitely limited in the number of people we could have. I don't remember the number established, but it was in the vicinity of five or six people.

Q. And the rest of them were all north of LZ Dottie?

A. And even the sick, lame, and lazy were generally on the forward fire base for security and maintenance there.

Q. Who was acting as first sergeant forward?

A. You mean in the field?

Q. Yes, at LZ Dottie.

A. Well, you would have to consider now, if we're talking about--do you mean where these other people are when they were not out with the company?

Q. No. As I understand it, you were back at Duc Pho?

A. Yes, sir.

Q. And you were the first sergeant. Now who assumed the responsibilities for the first sergeant for the operational elements that were forward at LZ Dottie?

A. The company commander picked one fo the platoon sergeants, sir. I don't know which ones he used or if he used the same one all the time.

Q. You didn't have what you would call a field first?

A. No, sir. Like for setting security and things like that?

Q. And for passing the word out, the control of the enlisted men and so on.

A. Captain MEDINA.

Q. He ran that directly through the platoon sergeant?

A. Once again, I don't know for sure but I believe these duties were rotated around. For instance, what platoon is responsible for getting the chow up to helicopters, I believe it was rotated. Other than things like that in the field, there was no need for a field first. The only time they would come in would be at a place like Dottie, and they are usually only in there for a couple of days.

Q. Who was in there for only a couple of days?

A. The company, and everything was bunkered. Everybody was bunkered, the perimeter was fenced, and each platoon was assigned to their area.

Q. When you set up your orderly room there at Duc Pho, did you then receive Americal publications?

A. I don't exactly remember when they came in. I know that we did have publications because everything was under the MACV regulation. The morning report entries and everything else used that as an authority. As to pinpoint when we got them, how many of them--whatever we had in March we no longer had, because our place was completely destroyed. There was nothing left.

Q. What happened?

A. We got mortared.

Q. Your orderly room was hit?

A. Orderly room, supply room, and arms room completely destroyed. But then we started from scratch again.

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Q. I know I'm trying to put you back in time. When the company went forward and went operational and you rather-- I don't want to use the improper words here. You did not lose control but you did not have your troops right where you could keep your thumb on them. You probably had an opportunity at that time to get your files in order and get your orderly room set up and your AR's and some resemblance of order and so on. Do you remember the feeling you had with reference to whether or not you were getting the right type of administrative support from brigade or Americal with reference to establishing your files? Did you have the regulations in Vietnam that you had needed?

A. I don't know. I don't think I can remember any time in my military career where you thought you had everything that you thought you needed as far as the regulations. It seemed always the one you need to put your finger on is the one you haven't got. I believe we had what was required. I know that when you have got them, you don't notice it. The only time you notice it is when you haven't got them. I noticed in March, when the place burned down, C and D Company burned down entirely. I never did get any replacement on my AR's. It really wasn't that much of a problem. The orderly rooms were all lined up right next to each other. If we didn't have something we just jumped out the door--S1 was right across the little area there.

Q. I was wondering if you recall going through an index, the Americal list, at any time when you started to set up and put in your requisition?

A. I don't believe--I don't remember, but normally in a situation like that, when you first go in, you are provided without initial requisition.

Q. You did get some?

A. Yes, sir.

Q. Do you recall specifically whether or not you got the SOP from the 11th Brigade and/or the Americal?

A. Do I recall specifically? No, sir, I don't recall specifically.

Q. Do you recall ever ascertaining in your mind that you needed one?

A. Like I say, it was probably there and we probably used one. Evidently we used it, but if you say I recall specifically getting it, I don't.

Q. I would assume you would recall specifically if you didn't have it?

A. If I didn't have it - -

Q. (Interposing) And you don't recall specifically not having it?

A. Yes, sir. Like I say, up to March, and things became rather touch and go for a while. We had to reconstruct records.

Q. What was the date in March, do you recall?

A. Early. About the 4th, I guess; early in March.

Q. What about the disciplinary problems you had in the company in early 1968? Did you have many disciplinary problems once you got in Vietnam?

A. Not at the beginning, but as time wore on people refused to go to the field. This was not a problem that was confined to C Company.

Q. I understand. There wasn't anything out of the ordinary then?

A. Well, I thought it was because I don't think people should act that way. It was in other companies too. I don't know about the other battalions.

Q. What kind of problems did you have?

A. People refusing to go on a mission. I don't know if they court-martialed anybody over it or not.

Q. How were these fellows punished?

A. They pressed charges while I was there, but I don't remember. We had one individual that after all the paperwork, he got tried on it. I don't remember what type of court-martial it was. I think he wound up with something like a \$25 fine. This was nothing, he had been out in the field for months.

Q. Was this for failure to go to the field?

A. Yes, sir.

Q. Let's confine our thinking to Captain MEDINA's reign as company commander. Were any charges, court-martial charges, pressed while he had command?

A. I believe there was one that received a \$25 fine, started while Captain MEDINA was the company commander, but I don't think he was the company commander when it was turned over.

Q. So that would be late in his reign?

A. Yes, sir. Problems up until--I don't want to say something I don't know. It seems to me we didn't have too many problems in the beginning. It seems as the pressures of the combat situation and of being away, I guess, starts to build up in the individual, this is when you start to have your problems. Pretty soon, you start worrying, tension, builds up, you are out there in the jungle all the time this first few months. This is when your problems are going to start in your weaker individuals.

Q. How about Article 15's?

A. In Vietnam, sir? We had some, but they usually involved somebody goofing off, probably supposed to be on bunker guard or something, and fell asleep.

Q. How were they handled with you at Duc Pho and Captain MEDINA up forward?

A. The paperwork was made out in the rear and brought forward, and the company commander--

Q. (Interposing) And he sent the paperwork back?

A. I don't recall too many. I guess we must have had some.

Q. Then as I understand it, you don't recall any serious problems such as murder, rape, or arson?

A. No, sir. We had this one individual that shot another man. That was classified as accidental. I believe he received an Article 15 on it though from the battalion commander for accidental discharge of a weapon. He was the same individual, then, who later on refused to go in the field. He was court-martialed and fined \$25.

Q. Who was this?

A. BROUSSARD. He refused to go to the field. He complained, went to the hospital, said he was nervous or something. The doctor sent him back with a note. The doctor said he didn't believe anything was wrong with the individual. We wanted to send him to the field, and he went AWOL. We got him back and he went AWOL again, but he never did go to the field.

Q. Did you ever hear any more about the dope problem?

A. I understand it was very prevalent in Vietnam but I never--we never had anybody that was pressed for it. I used to hear about it. The company next to us caught an individual with dope. But I don't recall anybody in our company except this individual, ROTGER. I don't know, he was the type that probably would say he was using it just to--

Q. (Interposing) To be a big shot?

A. Just to make a big shot of himself. He got killed in February.

Q. Well, let's talk now about the period of February and March 1968, if we can. This was right after the company was sent forward to LZ Dottie, operating under the control of Task Force Barker. Administratively, did you still fall under the 20th Battalion or were you--

A. (Interposing) Yes, sir. No paperwork went through

the task force.

Q. And if there were any Article 15's, they would have been accomplished by the battalion commander of the 20th rather than the task force commander, I assume.

A. Yes, sir.

Q. And all of your resupply, the 20th Battalion--

A. (Interposing) I guess you would have to say it was their responsibility, but they were working out of 4/3 training area which was up at Chu Lai. This is where the resupply came from and this was why we had to have someone at the forward supply area. It wasn't resupplied from Duc Pho because of distance. They were in the--I can't say in the operational area of the 4/3, but it seems to me the 4/3 had that area before Task Force Barker moved in and took over that part of it. They had a resupply base which was on the southern edge of Chu Lai, which was much closer than trying to get the material out from Duc Pho.

Q. What kind of operational mission were you aware the company went on in February and March of 1968? Did they have some good engagements?

A. Not to my knowledge, sir. We had a lot of casualties but most of the casualties were from mines and booby traps, and to me this is not a fire fight.

Q. You don't recall ever getting involved in head to head confrontation with the VC?

A. Large numbers of them, no, sir. I don't recall.

Q. You say you had a lot of casualties from mines and booby traps. You would have got involved in this, I assume not only from your morning report--

A. (Interposing) I made all the casualty reports and I visited just about every man that went to the hospital if I would get there before he was moved somewhere. I also took care of identifications with graves registration.

Q. How about your strength, did it start to decrease or did you get fillers right away?

A. We got in a couple of replacements. It seemed to be just one or two in January or February, and in March we started getting replacements.

Q. What did you do, did you pipe them right on up or did you keep them in the area of Duc Pho and train them and so forth?

A. They were oriented, their equipment was broken down so that they had the proper equipment to go to the field, and they were moved out. The time they were in Duc Pho was probably no more than 40 hours, most cases probably less.

Q. Did they undergo any training?

A. Everybody that came into Vietnam was in country probably 2 or 3 weeks before they ever arrived at a unit. They had a training center up at Americal.

Q. At Chu Lai?

A. Yes, sir. And everybody went through that. I believe they were in country about 2 or 3 weeks before they came down. Not only for the training, but I understand an individual with a time change like that takes awhile to get adjusted back to normal. You have a time differential there when you move from one to another. You are a little disoriented in your body.

Q. Do you recall your strength getting down pretty bad toward the end of February after these casualties?

A. It was down but we were still in good shape as far as, say, other units, because we started with so many more than they did. Even though we took casualties we were still, strength wise, probably higher or even above what some of the companies were.

Q. Do you recall any figures or approximation of figures?

A. I'm trying to think now of casualties. In February we probably took maybe 20 casualties. Some of them, of course, were light and returned to their unit.

Q. Looking at your morning reports for the period February and March, your strength got down to about 119 assigned about 15 or 16 March. Does this sound about right as you can recall?

A. Well, this morning report strength, you can't argue with the morning report. I don't know if it was that. It doesn't seem it could have been. Like I say, we received replacements in March. I don't know how many, maybe 10 or 12. From then on, they started coming on a regular basis. See, we lose people other than casualties which reduced the strength quite a bit. In other words, the people who had more than 90 days to do, probably the ones that--91, 101, and 102, these were going in March and we probably lost 10 or 15 that way. So we probably might have been down to 120.

Q. Were you ever brought in on the operations briefings, brought in as to what they were going to do the next day or next week?

A. No, sir. As a matter of fact, I think on most of these operations they received their things just from day to day and from hour to hour. Where the colonel, going around in a chopper, thinks he sees something, that's where they go. They used to go out on these sweeps. I guess you call them that.

Q. Did Captain MEDINA seem to be pleased with his assignment to Task Force Barker and to be operating under that type of headquarters as opposed to the 1/20?

A. I don't know if he was overenthusiastic when he first found out about it. Once he got going on it, I think he liked it.

Q. What about the troops? Did you hear any talk about if the troops were pleased with the way things were going in February and March?

A. No, sir, I didn't have too much contact with the

rank and file individual.

Q. Even when they came back?

A. They didn't come back that often. I have been trying to think of when they came back to Duc Pho the first time. It seems to me it was way up in May.

Q. I mean the individuals coming back through. Did they say: "It's hell up there, top," or "We are having a good time."

A. I don't recall them saying they were having a good time. Mainly it was hard work, just chasing and chasing.

Q. Did any of them indicate to you or did Captain MEDINA indicate to you that they or he were anxious to get into a scrap and get out of the mines and booby trap business?

A. I don't recall any specific incident of anybody saying it, but I have the feeling that this was a normal thing if you go out and chase through the jungles for 2 or 3 months and don't see anything. This becomes kind of a fruitless thing. I imagine you could put yourself in the same situation. You don't really want to get into a fight. At the same time, you don't like to keep going and going, and get nothing.

Q. We've had a lot of reports that C Company was a real competitive unit back in Hawaii and Captain MEDINA himself was a competitive individual with a tremendous amount of pride in his unit, and what he wanted for C Company was a good job always. This is why I asked the question. It would seem there in your first operations in February, running into minefields and hit by booby traps and picked off by snipers, this wasn't quite in the same tone. And that's why I'm asking the question. Was this competitive feeling that you had in Hawaii, competition with one another, still prevalent after your first month or so of combat?

A. I don't know for sure. I don't think I would be

able to say for sure. I'd like to think it was still there. Although like I say, it was a pretty good turnover in personnel. Captain MEDINA was a good company commander. He was a hard taskmaker, but he was fair and he wanted the best for his men, and he expected the best out of them. It wasn't a onesided thing. Competition, that you have. I don't believe you really have competition in combat though.

Q. No. Certainly an aggressiveness, a desire to achieve results, which is the same type of thing, or the desire to prove that this company was as good as one thought it might have been. How would you evaluate Captain MEDINA? What kind of a company commander was he?

A. He was a good company commander, sir, probably the finest I have ever served under. He knew his job. He was a good company commander.

Q. You indicated he was a taskmaster?

A. People knew what they were supposed to do and their goals.

Q. Did he have pretty good control?

A. Yes, sir.

Q. Did he utilize the chain of command or did he control it himself?

A. Operation wise?

Q. Any kind of way.

A. Operation wise, I couldn't say.

Q. Did he use the lieutenants?

A. I imagine so, sir.

Q. How about in Hawaii?

A. Yes, sir.

Q. How about in the orientation your first month in country, 4 December, is that when you picked up your first operational mission? Was he using the chain of command, was he using his lieutenants, or was he, MEDINA, talking directly to the troops? You say he was the best company commander you have ever had?

A. I would say so, sir.

Q. If you had to fault him in some way, if you had to pick a fault, what would it be?

A. Oh, that's a hard one, sir.

Q. It is a negative question I know.

A. It is possibly one thing. If you had to pick one thing that stood out, probably a lack of tact. He was an aggressive type. Most aggressive people do not show too much tact.

Q. Was this with the men?

A. Probably more with the officers than with the men. I don't recall too many times when he jumped on individuals for things. He usually got on the platoon leader or platoon sergeant or the squad leader that was in charge for not getting it done. I don't recall him getting on individuals.

Q. What was his relationship with his platoon leaders? Did he have a good relationship with them, do you think, or was it--

A. (Interposing) Well, once again, this is strictly calling for things other than fact because I don't know for a fact. I don't think that Captain MEDINA was what you would call buddy-buddy close to his platoon leaders. He was a company commander, you are a platoon leader, and this is the way the situation is.

Q. Well, I'm sure you know on the 16th of March C Company participated in an operation with Task Force Barker. On the 15th of March, Captain MEDINA gave a briefing to C Company in the afternoon at LZ Dottie. The next day C Company along with the other two units of Task Force Barker went out about

7:30 in the morning and participated in an operation in this area. It has become known as the Son My area, Pinkville, My Lai Hamlet, et cetera. Do you recall hearing about this operation before they went out?

A. Yes, sir. I knew they were going on it.

Q. How did you find this out?

A. I was at LZ Dottie.

Q. You were?

A. Yes, sir.

Q. Did you hear the briefing?

A. No, sir, I didn't hear the briefing.

Q. Do you remember why not?

A. No, because usually when I was up there, I was up there for a reason of getting things done. I probably just wasn't there at the time.

Q. Did you hear many briefings the company received, operational briefings?

A. Not too many. I used to hear them when we were first there in Vietnam, back, say, in January, when we were operating out of Carantan.

Q. Well, do you remember what time the briefing was given?

A. No, sir.

Q. Did you have anything to do with calling the troops together?

A. No, sir. He talked strictly with his platoon leaders.

Q. It seems rather strange that there was an oppor-

tunity for you to hear a briefing, operational briefing, for a pretty good-size operation apparently. What did you hear about the operation then? What kind of an operation was it going to be?

A. They were supposed to be going out into this Pinkville area. There was supposed to be a large force of VC out there. It was supposed to be a hot operation.

Q. When did you get to LZ Dottie, on the 15th?

A. I believe so, sir.

Q. You weren't down at Duc Pho then for the change of command for General LIPSCOMB?

A. When was this?

Q. On the 15th.

A. On the 15th?

Q. At 9:30 in the morning.

A. I probably was, but I don't recall it. Because I drove back and forth--let's see, I was up--yes, sir, I was. It was around noontime.

Q. What's that?

A. The change of command ceremony.

Q. It was at 9:30 in the morning.

A. Yes, sir.

Q. Colonel HENDERSON took over the command of the brigade.

A. Do you have a date when--maybe it was the 15th. It seems to me it was the 14th.

Q. What's that?

A. The change of command.

Q. Well, it was on the 15th alright according to all the records.

A. I probably drove up there in the afternoon.

Q. But you recall being at Duc Pho?

A. My only reason for going up there was when they pulled off the LZ to get the individual gear, get their duffle bags moved out.

Q. You went up there for that purpose?

A. Yes, sir.

Q. You knew that operation was going on the next day?

A. Yes, sir.

Q. Well, how did you get word that this operation was going to take place, because this was apparently before the briefing?

A. Most likely a phone call, sir.

Q. Did you do this every time they went out?

A. Not every time. Many times the supply sergeant handled it. Sometimes the executive officer. This was not a set thing. It depended on what the individual commitments were. Many times I was committed to Duc Pho, and this was all there was to it. Whether I wanted to go someplace or not, it was not a matter of choice.

Q. You don't remember what made this particular day different from the others?

A. I really don't. Could I ask you a question, sir? Do you have the date of when Sergeant COX got killed?

Q. Sergeant COX?

A. Yes, sir. I'm just wondering if it was right in that same time area. It was rather--

Q. (Interposing) Was he killed in a minefield?

A. No, sir. He got killed picking up a booby-trapped artillery round. It is a long time, sir, when you get down to specific dates or why this happened this way on that day, and--

Q. (Interposing) The reason I'm asking you, we have had some testimony to indicate that there might have been a memorial service.

A. I believe they did have a memorial service, but I don't remember what day.

Q. You don't recall whether it was on the 15th or not?

A. No, sir.

Q. Do you remember a memorial service for the first man killed in C Company, WEBER?

A. See, during March, whenever I could get away, I was going up to Americal Division to try and reconstruct personnel data cards. They had been destroyed in the fire. This might have been my main reason for going up there.

Q. Sergeant COX was killed on the 14th.

A. I'm just trying to reconstruct my moving; it's hard.

Q. And by the way, according to the morning report, the assigned strength of your unit on the 14th of March appears to be about 117.

A. This is right because we started with about 154 and we were probably down about 30 some people.

Q. Sergeant COX, does that refresh your memory any? It would have been the next day.

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- A. It seems to me I was back and forth between Chu Lai and Duc Pho. I was up there to Chu Lai on the 14th, the day Sergeant COX got killed, because I identified the body. It seems I went back down to Duc Pho again and then came back up again.
- Q. What was Sergeant COX duty in the unit?
- A. I believe he was a squad leader, sir.
- Q. Squad leader? He was an E-6?
- A. Yes, sir.
- Q. Which platoon?
- A. I don't know, sir.
- Q. You knew they were going to have this operation the next day?
- A. Yes, sir.
- Q. You didn't participate in or hear the briefing?
- A. No, sir.
- Q. I assume then you heard after the briefing or sometime during that evening they were going into a hot area and were supposed to strike a big force. Do you remember how you got this information?
- A. I would have to imagine it was from Captain MEDINA.
- Q. Do you remember talking to Captain MEDINA any?
- A. Yes, sir. I talked to him on the 15th. I don't recall any specific conversation.
- Q. Well, Colonel BARKER's driver, a boy by the name of BEASLEY, was going to go out with C Company. Did you get involved in that any?
- A. I don't recall.

Q. Okay. What do you recall about the next day, the day that they actually went out to the field?

A. Concretely, I don't recall very much. All I can do is know what probably--I picked up the gear and took it to Chu Lai.

Q. Oh, you did not stay at Dottie; you didn't hear what was going on?

A. No, sir.

Q. Not even when they first went in?

A. I don't know. It seems to me it was hot. I must have heard this later on though, not that morning, and that they had got quite a few VC. But my understanding was mainly gunships had done it.

Q. You don't know whether you got that there?

A. Or whether it was in the conversation. If you would know ahead of time that you are going to have to remember something about it, but you don't know.

Q. Well, I'm trying to put in some logic here in an attempt to help you recall. It would seem to me, you being a first sergeant, being there, staying overnight there, knowing what they were going into, knowing this might have been their first chance to get eyeball to eyeball with the VC, you wouldn't have taken off at the crack of dawn for Chu Lai without sticking around for a few minutes when they did leave to see whether or not they did get into something.

A. I was there when the company left.

Q. Do you recall any effort to find out whether they got slapped when they got in there or whether they in fact were meeting with Charlie?

A. I don't really recall, sir. I know I was involved in gathering up and getting the 100 odd duffle bags and getting things cleared out so the next unit could take over.

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Q. What were you doing with these duffle bags? Where were they going?

A. Up to the resupply point for everybody.

Q. And what was the purpose of that?

A. They kept their personal stuff in the duffle bags and we kept them in the central area. When they came in to Dottie, we would take them down to them. Then when they would leave, we would run and get them all back up.

Q. How long were they going to be gone?

A. I don't know, sir.

Q. Did they do this every time they went out in the field?

A. Yes.

Q. Even if they were going out for the day?

A. Well, I don't recall any operations where they were just going out for a day. You mean like going out and coming back in the same day?

A. No.

Q. Oh, no, they wouldn't be picked up then. Usually if they did that, they left somebody back there because this would still be their responsibility, the fire base. In other words, I don't think if they did go out on an operation it would be the full company. It might be one platoon or two platoons would go out.

Q. Well, how long did they stay out?

A. I don't know, sir.

Q. Well, they came back in on the afternoon of the 18th?

A. It's possible.

Q. And I'm trying to question now whether or not, knowing that they were planning to come back in on the afternoon of the 18th if all of this moving of the duffle bags on the 16th would have been a logical course of action, or was it planned that they would stay out longer than that?

A. I don't know, sir. All I know is on the 17th-- I wouldn't be able to tell you anything about the 18th, but on the night of the 17th I was going down to answer the telephone and tripped over a tent rope. I smashed my head and tore the end of my nose off, had a brain concussion. I don't remember too much about that.

Q. Let's go back to the 16th. After you got the duffle bags, did you take them up to Chu Lai or have them sent up?

A. No. I would have gone with them.

Q. And then come back down to Dottie. This was a driving trip, a convoy?

A. Yes, sir, we went up to Chu Lai.

Q. From Dottie to Chu Lai. Then from Chu Lai, how did you get back down to Duc Pho?

A. I stayed at Chu Lai.

Q. Did you hear anything up there or make any effort to find out how the unit was doing?

A. Yes, sir. We got reports and we only had one casualty to the best of my knowledge.

Q. Did you hear whether or not they ran into any VC?

A. Yes, sir.

Q. Did they?

A. Yes, sir.

Q. Where were you getting this information? Did you go into the TOC, division TOC, or were you getting phone calls?

A. No, sir. They got a resupply line which they get some information over, but they were not on the operational line.

Q. Is that where you were getting your information?

A. Yes, sir.

Q. The word there was that they had run into some--the battalion or VC or whatever they were hoping to run into?

A. I don't specifically recall whether it was a battalion, but they did have some action.

Q. And one casualty?

A. I think it was only one.

Q. And who was that?

A. It was CARTER.

Q. CARTER, what happened to him?

A. He shot himself.

Q. Shot himself?

A. I understand he shot himself in the foot.

Q. Who filled out the casualty report on him?

A. Evidently the executive officer. I was up at Chu Lai at the time. I did go to the hospital to see CARTER.

Q. And on the 17th, you said you tripped and were in the hospital yourself?

A. No, sir. I didn't go to the hospital; I was incapacitated.

Q. You don't recall working on CARTER's casualty report?

A. No, sir. The casualty reports go through 1/20. They are submitted in writing from the orderly room to the S1. They are submitted as soon as they can get the information out. So in a situation like that, if I was down at Duc Pho and they had a casualty and I had a man that was up at the resupply point, then I would notify him and they would get the information and call back down. But usually most of the pertinent information came in through the normal task force chain, down through brigade on the initial call that you have a casualty and most of your pertinent information, coordinates, and times. It's just a matter of filling out the report.

Q. Where was CARTER hospitalized, Chu Lai?

A. Yes, sir.

Q. And that is where you went to see him?

A. Yes, sir.

Q. Is that where they brought him in when he was wounded?

A. Yes, sir.

Q. Do you remember that?

A. That?

Q. Do you remember seeing CARTER brought in?

A. No, sir.

Q. When did you go visit him, later?

A. Yes, sir.

Q. Three or four days?

A. No, sir.

Q. On the 17th?

A. On the same day.

Q. We have had some testimony that CARTER was brought back initially to Dottie and then perhaps transferred on?

A. He might have been, sir.

Q. How long did you stay in Chu Lai?

A. Probably 3 days. I don't remember exactly.

Q. Then you went back down to Duc Pho? Do you remember any trouble in getting the casualty report for CARTER in?

A. No, sir. I didn't make out the casualty report. I wasn't down in Duc Pho; there was probably was trouble getting it in.

Q. I'd like to show you Exhibit M-109, casualty report on CARTER. Notice that the circumstances surrounding CARTER's wound indicate what?

A. If you read that, it indicated it was a hostile round.

Q. Were these reports dated?

A. Not to my knowledge, sir.

Q. No way to tell what date that went on?

A. Just the date and the hour of the incident. No, I don't believe this form here was actually dated. There is another form that goes in when you have casualties in which there is a recapitulation of the casualties. You take the previous ones and you add on the new one in the column where it belongs, and this is a dated report. This casualty reporting thing here I don't believe was dated, evidently not.

Q. I'm curious. You seem to recall CARTER's case very well.

A. I went to see him in the hospital.

Q. Was he the only one you went to see in the hospital?

A. No, sir.

Q. Why do you recall his case so well?

A. Because he shot himself. We just didn't have too many cases where an individual shot himself.

Q. Did you make a line of duty?

A. I don't know whether one was made or not, sir.

Q. You recall processing one--would you have known?

A. I probably wouldn't have.

Q. You probably wouldn't have?

A. I should have if there was one. In a lot of these cases this thing here would give you the indication it was a hostile wound. In many instances many things that happened while engaged in a hostile situation was recorded as hostile. But the wound was a self-inflicted one.

Q. You indicated the period of time after you fell and got your brain concussion you were out of action, incapacitated for a while. How long was that?

A. I would say about 3 days.

Q. Three or four days? I ask you if you have ever seen or heard anything about that letter dated April 6 which is an inclosure to M-109. This is M-109, and the casualty report that I showed you earlier was an inclosure to M-109. Do you recall getting involved in a late report on CARTER?

A. No, sir. It appears on here the report was submitted to brigade, and somewhere between brigade and division it was lost. In other words, this would indicate that brigade received the report.

Q. You don't recall having to redo one of these on CARTER at some period in April?

A. No, sir. I don't.

Q. The reason I asked, it is peculiar that on a self-inflicted wound which would require a line of duty investigation of some sort, the 130-R reflects gunshot wound, hostile, which would not require an investigation of any sort, and that the report was apparently lost or late. The date of the reporting of the casualties on CARTER is unknown in the form, but it is indicated by this letter that it was submitted at a later time or someone submitted it or misplaced this particular report, which is the only one that appears to have been misplaced during this period in time. Your absence from the unit would explain why it might not have been submitted and perhaps at some later time when it was submitted the business of the self-inflicted wound could have been looked over.

A. It's a possibility but I don't recall.

Q. Do you recall any other casualties on the operation?

A. There was another casualty but I don't recall it being on that day.

Q. How about the next day, the 17th?

A. I don't know. We had one other man that was hit out there, a man by the name of MEADLO. I don't recall when he was hit.

Q. Okay. Let's go back to--you're in Chu Lai on the 16th. Now you're hearing talk about how they got something going down there. Did you hear any facts or figures or get any more information? What kind of talk did you hear on the 16th?

A. I don't specifically recall anything except that the operation was going well. As far as I was concerned, it was going real well because we didn't have many casualties.

Q. You indicated you talked to CARTER?

A. Yes, sir.

Q. What did CARTER tell you about it?

A. About the operation? I don't remember him saying anything about the operation.

Q. You don't remember him talking to you about what was going on or asking him what was going on?

A. No, sir.

Q. Did he indicate that he in fact had a good action, that in fact it was hot?

A. I don't recall any conversation.

Q. How about how he was wounded?

A. Yes, sir. That was what I was checking on. He said his .45 had jammed. He was attempting to clear it and it discharged and hit him in the foot.

Q. Did he indicate a time or where he was? Well, you had then an impression that it was a pretty successful show?

A. Yes, sir.

Q. Do you remember hearing about how many VC that they had killed?

A. Not in specific numbers, no, sir. Later on, there was a report of over 100.

Q. For C Company or for the whole--

A. (Interposing) For the operation.

Q. Okay. On the 17th, you were still at Chu Lai. Do you remember hearing any more talk about it up there at that time or what they were doing?

A. No, sir.

Q. On the afternoon or the evening of the 17th, you tripped, had the concussion, and you stayed in Chu Lai for a couple of days, 3 days, and then went back down to Duc Pho?

A. Yes, sir.

Q. When did the duffle bags go back down to Dottie?

A. I don't know.

Q. You weren't involved in that?

A. No, sir.

Q. As I indicated to you earlier, the troops came in from the field on the 18th, but you don't recall being involved? Where were you, in the hospital, or were you--

A. (Interposing) No, sir. I was in the resupply point.

Q. Were you on duty or were you lying down resting?

A. Yes, sir, I was.

Q. What's the first time that you remember hearing any more talk about what occurred out there?

A. I don't recall any specific time.

Q. Well, what specific--what talk do you recall hearing about the operation then later?

A. Just that it was a successful operation. I thought everything was fine because General WESTMORELAND sent down a congratulatory message.

Q. Do you remember seeing that message?

A. It was in the paper.

Q. Do you remember getting anything down through channels on it?

A. Yes, sir.

Q. Do you remember anybody back at Duc Pho, any of the companies or the battalion talking to you about it?

A. No, sir.

Q. None of the other first sergeants mentioned it?

A. Not to my knowledge.

Q. Did any of the officers back there talk to you about it?

A. I don't recall anybody, sir.

Q. How about Lieutenant STORMS?

A. I don't recall any specific conversations. He was at Duc Pho at that time.

Q. I mean this is after you got back to Duc Pho. The troops were in of out the field now back at Dottie and you were back at Duc Pho. Did any of those first sergeants or any of the officers there at Duc Pho ever mention it to you?

A. There was probably a conversation, but I don't recall specifically.

Q. Well, this operation reportedly killed 128 VC. Total loss of U.S. personnel was one KIA, I guess two KIA by booby traps, and several wounded. There was one self-inflicted wound in C Company which was the only wound in C Company on the 16th, and MEADLO the next day stepped on a booby trap. It is very peculiar that of the few U.S. casualties of Task Force BARKER on the operation of 16 to 18 March, not one man was wounded by hostile, small arms fire, and 128 VC KIA were reported. The most successful, in terms of body count in reference to U.S. casualties, operation conducted by the Americal Division since their organization.

A. I wasn't aware of that.

Q. And there wasn't much talk about it?

A. I imagine there was talk, sir. I don't specifically remember anything. I was under the impression that most of the casualties were inflicted by the gunships.

Q. Well, where did you get that impression?

A. I don't know.

Q. It was just an impression?

A. It was just an impression that the actual contact wasn't so great.

Q. Well, you see, what we are having trouble reconciling here, is that here is a competitive company, which did very well in Hawaii, and a very aggressive company commander, an outstanding company commander who is aggressive and a unit itself that is aggressive. They are aching for a fight and they get into combat. They have lost people to booby traps and sniper fire. And in their first fight they get a tremendous body count, 84 of the 128 were reported killed by C Company.

A. I don't know.

Q. This was the biggest show, the one they have been waiting for, and suddenly no one seems to recall the first success in combat with the VC. Nobody recalls talking too much about it.

A. Well, I really don't, sir.

Q. The Trident, do you know what The Trident is?

A. Yes, sir.

Q. That gave it quite a play on several days because of what I have just indicated. The Americal News Sheet gave it quite a play. The Observer and The Reporter gave it quite a play, and it even appeared in the Stars and Stripes. Do you ever recall hearing any rumors or any talk concerning what actually did happen on 16 March 1968 as far as your company was concerned?

A. No, sir.

Q. Do you ever recall hearing whether or not there were women and children killed?

A. I recall there were civilian casualties.

Q. How many?

A. I don't know any figures.

Q. How did you hear that, do you recall?

A. Just through conversation.

Q. What were your thoughts about that?

A. My thought about it? I thought it was one of the misfortunes of war. These people are probably very easy for somebody to shoot when they are not wearing uniforms in a heated battle.

Q. Do you recall thinking that maybe there should be an investigation or somebody should check it out to make sure there was nothing wrong?

A. No, sir.

Q. Did you ever hear about anybody wanting to do that?

A. I don't know, sir. I don't recall any investigation coming through battalion. There may have been an investigation that went through from brigade to task force.

Q. Do you recall thinking that perhaps there should have been one?

A. No, sir.

Q. Even with civilian casualties?

A. Most civilian casualties--there were civilians hit before. I don't recall them writing an investigation of it.

Q. Do you know or are you familiar with the regulations pertaining to civilian casualties, directives from Americal Division, from the 11th Brigade, from MACV, or from USARV?

A. No, I guess I'm not.

Q. There are regulations that were in effect. It indicated that any time noncombatant casualties occurred, an investigation was required to ascertain the facts; not to pin anybody but to ascertain the facts, to make sure it was an honest error, that's all. Do you recall having the feeling that something was wrong with this operation?

A. No, sir. I don't recall anything that would--

Q. (Interposing) As far as you are concerned, everything--

A. (Interposing) As far as I read, it was a good operation. Being a member of the company, I guess this was what I wanted to see.

Q. And this is what you recall hearing and the feeling that you have? You don't recall anything about some dissension there in the troops, MEADLO talking to CALLEY, Lieutenant CALLEY, when MEADLO got his foot blown off? You don't recall hearing any rumors about what he said to CALLEY?

A. No.

Q. No rumors about any of the young soldiers of C Company involved in any other of the activities not directly related with the conduct of combat operations, such as rape or dope?

(Witness indicates a negative response.)

Well, 128 people were reported killed out there. They were called VC. After talking to some 350 odd witnesses here, it's a little inconceivable that what did occur at My Lai on 16 March was not better known at least by the top enlisted man in the C Company organization. You know of no investigation?

A. No, sir. I do not.

Q. You heard nothing, no rumors of any sort concerning what occurred?

A. I don't recall any, sir. This is the truth. I can't help you.

Q. Captain MEDINA never said anything to you about it?

A. I didn't see Captain MEDINA too much after that operation. I went on R&R early in April. When I came back, we had a new company commander.

Q. Lieutenant CALLEY?

A. I talked to CALLEY.

Q. He never mentioned anything?

A. No, sir.

Q. Your clerk never mentioned anything about it, KON-
WINSKI?

A. No, sir.

Q. Lieutenant STORMS, supply people, people you dealt
with at these resupply points either at Dottie--

A. (Interposing) You mean about something not being
right?

Q. Something being wrong, something not jibing. Right,
something not ringing true about your association of 18 or so
years with the United States Army and what is right and what
is wrong?

A. I don't recall any specific conversation or even
rumors about it. Evidently if there was such a thing happened,
they were probably reluctant to talk about it. If I had done
something that was wrong, I don't imagine I would go around
broadcasting it.

Q. What about the people that didn't do something
wrong? Do you know BERNHARDT?

A. Yes, sir.

Q. What kind of a soldier was BERNHARDT?

A. BERNHARDT joined the company just before we left
Hawaii. He didn't want to be in the company in the first
place. He got out the first day after we got there. He was
a long range patrol man and he just didn't think a regular
rifle company was it.

Q. There is some reason to believe there were quite
a few young men in that company who saw a lot of things

they didn't agree with, and they did a lot of talking or I wouldn't be sitting here today--neither would you. When you left Vietnam in November of 1968, you had no reason to believe that anything was wrong with any of C Company's operations, specifically 16 March, 17 March, or 18 March 1968?

A. No.

Q. STANLEY never talked to you about it?

A. STANLEY? I don't recall STANLEY, sir.

Q. How about Sergeant SMAIL?

A. No, sir.

Q. BUNNING?

A. BUNNING? I don't even know if BUNNING was on the operation.

Q. Sergeant BACON?

A. No.

Q. MITCHELL? No one that you can recall; you had no drift or rumor that anything wrong had occurred?

A. I don't recall anybody talking to me about it, sir.

Q. No. I'm asking you for your thought, just whether or not in your heart, inside of you, you thought that something was not right?

A. No, sir.

Q. You don't recall?

A. No, sir.

Q. I want you to think and I'm not trying to pressure you and I don't mean to intimidate you in any way, but you have read what the purpose of this inquiry is. I want you

to think very carefully before you answer this next question. Do you know of any attempt by any individual to cover up the activity of C/1/20 on 16 March?

A. No, sir.

Q. Do you have a feeling or did you have a feeling that anybody did cover up the activities of C/1/20?

A. I can't honestly say I had a feeling like that, sir; I know it wasn't discussed much. All I heard about it was that it was a successful operation, and I don't really recall any feeling that there was something hush-hush. I know that there wasn't much talk about it other than the initial thing that it was an operation and it was successful.

Q. Did you participate in any way as an accessory to or an accomplice to any attempt to cover up or suppress the information concerning the activities of C Company on 16 March 1968?

A. No, sir, I did not.

Q. Very strange. Rapes were common in that unit. All you have to do is read the papers to read about that.

A. The first I heard about it is when they charged those two individuals with rape.

Q. Do you know those two individuals?

A. HUTTO, yes, sir, I know him. I can't think of who it was that was charged.

Q. Do you have any questions that you would like to ask or anything you would like to state for the record before we adjourn?

A. No, sir. I know that things like rape--I didn't know a thing about it.

Q. Rape is only a small part of it.

A. Yes, sir.

Q. The investigation is not complete and the facts aren't all in and we won't know what occurred until we have completed the investigation. Of course, I am just assisting General PEERS, who is the man to make the final determination as to what actually did occur. But it was not a successful operation in the terms of success as the United States Army would believe success to be. It is very incredible in my own personal view that the events that have been alleged and reported by members of the unit, many members of the unit, can be as horrible and as shocking as they are, and people that are in positions to know or should know, don't know or don't recall. I would like to caution you or ask you not to discuss what we have discussed here today with anyone except a properly constituted body, judicial, administrative, or legislative, to include Congress. In other words, what I'm saying, in a court of law or another inquiry of an official nature or in front of Congress, you can discuss whatever you know.

Do you have any questions about that?

A. No, sir.

Q. Anything else you would like to add?

A. No, sir.

LTC PATTERSON: The hearing will recess.

(The hearing recessed at 1011 hours, 14 February 1970.)

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SUMMARY OF TESTIMONY

WITNESS: KERN, William H.

DATE OF TESTIMONY: 31 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Corporal, Artillery Recon Sergeant, attached to C/1/20.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

The witness stated that he felt that more training should be given on illegal orders using examples such as the incident at My Lai (pgs. 23, 24). The witness recalled receiving training in the handling of prisoners of war and noncombatants and said that he thought that the men in the company understood this "sometimes" (pg. 25). He stated that he did not recall anyone being shot off hand and used this to show that the men understood that they were not to shoot Vietnamese who were not offering resistance (pg. 25).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness attended MEDINA's briefing on 15 March (pg. 2). He did not hear MEDINA say to go out and kill, but he did recall a remark that it was a chance to get even with the 48th VC Battalion (pg. 2). He thought that MEDINA described everyone in the area as being VC or VC sympathizer (pg. 2). He did not recall MEDINA saying that the orders came from higher headquarters (pg. 2). The witness did not recall any difference between a search and destroy and a search and clear operation (pgs. 2, 3). He stated that the men were

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prepared for a "stiff fight" and he said that he carried more ammunition than he did before (pg. 13).

3. ASSAULT ON MY LAI (4).

a. The witness' duty assignment.

The witness was attached to Captain MEDINA's command group and worked with Lieutenant ALAUX (pg. 3). MARTIN, his RTO, had a radio which they would use (pg. 4). He stated that he recalled two engineers that accompanied the command group (pg. 4). He identified one as PLUMMER who was called "hot shot" (pg. 4). He stated that PLUMMER came from Louisiana (pg. 4). He could not remember anything about the other man (pg. 5). He recalled that after lunch they came to a big cement house in the village which was locked and the two engineers tried to blow the door down (pg. 13). Their first charge was not enough, so they put in two pounds of C4 which destroyed the entire house (pg. 13).

b. Landing and initial movement.

The witness recalled landing and remaining outside the village while another group came in (pg. 5). The mortar platoon set up to their south (pg. 5). He had come in on the second lift (pg. 5). While they were waiting he recalled Captain MEDINA making a trip to pick up some weapons (pg. 5). This was after BERNHARDT had discovered a box which contained a radio (pg. 6). The witness was to the rear as the command group moved to the south and he did not ever reach the point where the weapon was (pg. 6). He did not recall MEDINA shooting anyone (pg. 6). After the trip south they returned towards the village (pg. 7). He stated they had continuous gun protection the whole day (pg. 8). Aside from hostile fire which they thought they encountered when they first landed they did not meet any resistance the rest of the day (pg. 7). The witness stated he saw the first and second platoons begin to move into the village firing as they did (pgs. 10, 11). Artillery was not called in during the day. It was only used that night (pg. 7).

c. The presence of a photographer.

The witness recalled FLYNN, a forward observer for the 4.2 and stated that FLYNN moved with both the command group and the platoons (pgs. 8, 9). He recalled being joined by a photographer and a reporter from the PIO Detachment but he did not recall the reporter speaking with FLYNN (pg. 9).

d. Activities in the village.

The witness stated that as they moved into the village he remembered that hootches were burning and he heard a pig screaming (pg. 10). He saw 'ARCOREN throw a hand grenade into a spider hole (pg. 10). He did not recall seeing any bodies on the trail outside of the village (pg. 12), nor did he hear any transmissions over MURRAY's radio (pg. 12). He did not hear MEDINA issue orders to stop the shooting (pg. 12). He saw a bunker with clothes piled on the outside and possibly "somebody inside" (pg. 13). After they moved through the village they came upon CARTER (pg. 13). He did not see any bodies on the trail between the south side of the hamlet and the spot where CARTER was lifted off (pgs. 13, 14). He did not recall crossing a ditch with bodies in it (pg. 14). He stated that he observed the soldiers destroying crops (pg. 15). He did not see any Vietnamese people being shot and only recalled seeing one group of people near the area where they broke for lunch (pg. 15). These people were told to go towards Highway 1 (pg. 15).

e. Activities in Binh Dong.

The witness stated that he was aware of people being in the subhamlet of My Lai (4) because there was someone to their right flank (pg. 17). He thought that it was the third platoon (pg. 17). He did not recollect if Binh Dong was burned, but he did believe that they found some Vietnamese people (pg. 17).

f. The night laager position.

The witness stated that they laagered near a temple type of a building (pg. 18). He recalled the

National Police being with them and stated that one of them shot a Vietnamese (pg. 18). He did not actually see the man being shot but he saw the body afterwards in a ditch (pg. 18). He recalled Captain KOTOUC being present and stated that the captain had a knife (pgs. 18, 19). He did not see the captain use the knife in any way (pg. 19).

g. Activities on 17 March.

The witness stated that the next day they moved down the river, setting the village on fire (pg. 19). He was not sure whether this was My Khe (3) or My Khe (1) (pg. 19). He stated that they also burned My Khe (2) (pg. 19). They were lifted back to the landing zone on 18 March (pg. 19).

4. INQUIRIES CONCERNING THE ASSAULT.

The witness did not recall being met by an officer when they returned and he was not spoken to by anyone (pg. 19). He did recall MEDINA telling the company not to talk about the incident (pg. 20).

5. OTHER INFORMATION.

The witness stated that it was possible people were under the influence of marijuana but he did not know anyone who was using it (pg. 21). He did not think there was a marijuana problem in the company (pg. 22).

(The hearing reconvened at 1852 hours, 31 January 1970.)

MR WEST: The hearing will come to order.

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

The next witness is Mr. William H. KERN. (Mr KERN was called as a witness, was sworn, and testified as follows:)

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

A. William H. KERN, student, 85 62d Place, Long Beach, California.

MR WEST: Mr. KERN, have you read our Exhibit M-57 which outlines information as to the nature and purpose of this inquiry?

A. Yes, I have.

Q. Do you have any questions about it?

A. Not at this moment.

Q. Have you received an order from the military judge in either the case of the United States v. Calley or the United States v. Mitchell?

A. No, I haven't.

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

A. Yes, sir.

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

A. E-4, corporal, Artillery, attached to C/1/20.

Q. At that time was Charlie Company a part of Task Force Barker?

A. Yes, sir.

Q. Mr. KERN, when did you first hear of the planned combat assault on My Lai (4)?

A. I don't remember exactly when I first heard it. I imagine the first time was when we were told on--

Q. (Interposing) Did you attend the briefing by Captain MEDINA on the afternoon of the 15th of March, 1968?

A. Yes.

Q. Would you tell us just what you remember that Captain MEDINA told Charlie Company that afternoon?

A. I had a CID man come and talk to me, and as I told him I don't remember that much about it.

Q. Just the impressions that you got?

A. The impressions I got and from what I heard naturally through the news media and everything--I did not hear him say to go out and kill, shoot. I believe it was stated that this is our chance to get even with the 48th VC Battalion, which was true. This was our chance to get even. We knew that it was going to be a hot area.

Q. You expected there was going to be a fight in there?

A. Right.

Q. Did he say anything about everyone in the place would be VC or VC sympathizers? This is something we've heard from many witnesses?

A. Yes, I think he said it.

Q. Do you remember anything being said as to whether the orders came from higher headquarters?

A. No, I don't.

Q. Did he describe it, for example, as a search and destroy mission? We've had many witnesses tell us that this was Charlie Company's first search and destroy mission. Others had been search and clear?

A. I don't recollect any difference at all. I just didn't-- that didn't occur to me at all.

Q. That evening, you spent the evening at Landing Zone Dottie?

A. Right.

Q. That evening when you were with the other men in the company, what impression did you get of their understanding of the orders and what they were to do the next day at My Lai (4)? Do you have any recollection of that, talking to them?

A. The impression I had of going in there was that it was going to be a stiff fight. I was more prepared then than I was at any other time. I carried more ammo than I ever did before, and I was carrying bandages for one of the medics. I really don't remember anything.

Q. Many witnesses told us that they had the impression that they were to go in there and just wipe out everything and everybody, and this was their belief the night before. Did you hear any such talk yourself?

A. If I did, I don't remember.

Q. Let's move to the next morning then, 16 March 1968, on the insertion of the company by helicopter. Mr. KERN, this is, as you can see, an enlarged vertical, aerial photograph of My Lai (4) and vicinity. It's oriented so that the top of the photograph is the north.

(Orients witness on Exhibit P-1 and Exhibit MAP-4.)

On your left is a 1:25,000 scale map which also shows My Lai (4) and its vicinity. Could you tell us, first of all, what were your exact duties there that day?

A. I was the artillery recon sergeant. At the time, I was attached to Captain MEDINA's command group.

Q. Did you work with Lieutenant ALAUX?

A. Yes.

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Q. We have talked to Lieutenant ALAUX, and he apparently stuck pretty closely with Captain MEDINA's command group?

A. That's the way we operated and I was right--

Q. (Interposing) Did you operate the same way?

A. I was with him the whole time.

Q. Did you have your own radio communications? Did you have a separate radio of your own?

A. Our RTO had a radio.

Q. That was MARTIN?

A. Right.

Q. Did you have you own radio?

A. No, that was his.

Q. Do you remember two engineers being with the company that morning or at least part of the time being with the command group?

A. Right.

Q. Do you happen to know their names, either of them?

A. No. The only thing I know of one of them was that his name was either "Hot Rod" or "Hot Shot". That's what we called him. That's the only thing.

Q. He's "Hot Shot". He's a black man. We now think his name was PLUMMER.

A. He comes from Louisiana because we always argued about Lake Pontchartrain being the largest lake in the United States.

Q. Well, that's another clue. We've been trying for weeks to locate these two. We think its a man named PLUMMER, and he has been most difficult to find.

A. That was the only way I knew him. Lake Pontchartrain is one of the things that we argued about.

Q. Can you give any clue on the other man?

A. No, I can't remember anything about him except he was white.

Q. Mr. KERN, can you tell us just what you did and what you saw of the operation after you got out of the helicopter there that morning?

A. Okay. We landed there and we stood outside the village and I believe there was another group that came in after we did. The mortar platoon set up south of us.

Q. Could you mark with the white grease pencil the approximate place where Captain MEDINA set up his CP? Some people have told us it was in the approximate center of the west edge of My Lai (4)? You have no clear recollection of the place?

A. You say that this was right in here, right (pointing)?

Q. Yes, that was the landing zone. We've had witnesses tell us that Captain MEDINA set up his CP approximately along here somewhere in the center of the west edge.

A. I know it was a tree line. I know we were in that little tree line. I guess I'll have to go along with that. I'm not positive, but it sounds right.

Q. Do you remember what lift you were in?

A. The second lift.

Q. During the time you were there waiting at the west end of My Lai (4), do you remember anything unusual occurring, for example Captain MEDINA making a trip out to pick up some weapons?

A. Yes. We went down--

Q. (Interposing) Did you go along with him?

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A. Yes. We went down, just the command group. Just before that, someone found a radio. I think it was BERNHARDT.

Q. That's the incident of the box? Do you remember the box there where he put a rope around it and pulled the box, and there was a radio in it?

A. Right.

Q. When the command group moved south they went down as far as the point which I will mark as 1 down here. Do you remember that?

A. Yes, the stream. Right.

Q. Do you remember anything unusual occurring there involving Captain MEDINA?

A. No.

Q. Do you remember his shooting a girl?

A. No. I don't remember that. I heard it on the radio or the television when he mentioned it on an interview, but I don't recollect seeing him do it.

Q. Where were you now? You said the whole command group moved down there?

A. I was towards the end of the group most of the time. That is where I would be. I never got to the point exactly where they said the weapon was.

Q. Lieutenant ALAUX was there with Captain MEDINA. How did you function exactly? Did you sometimes go out with a platoon leader and act as a forward observer for him? Was this your principal function?

A. Yes, sir.

Q. So you were being held there in reserve, perhaps to go out--okay. I take it up to this time you hadn't had any duties to perform yet?

A. I didn't do anything on the whole operation.

Q. Was any artillery ever called for here on the operation?

A. Just that night.

Q. I mean during the day, on the 16th?

A. No.

Q. Did you encounter any hostile fire at all?

A. We thought we did when we first landed.

Q. But after you landed?

A. No.

Q. Was there any resistance whatever?

A. I didn't see any.

Q. After the trip down south after the weapon, what happened after that?

A. We started back towards the village and--

Q. (Interposing) Let me interrupt you there for a minute. While you were down there across the ditch, at the point where Captain MEDINA had gone to retrieve a weapon, did you see a bubbletop helicopter hovering low?

A. Yes. He was the one that called us in there.

Q. Do you know who that was?

A. No.

Q. Did you know what aero-scouts were?

A. I think that's what it was. It had two 60's on it.

Q. Did you notice two gunships protecting him flying around?

A. Yes. We had gunship protection the whole day that first day, almost continuous.

Q. Did you know Colonel BARKER?

A. No, I just saw him a few times.

Q. Did you see his helicopter there that morning hovering overhead? We have been told by one witness that he could be picked out from other helicopters because he wore a white helmet all the time and sat on the left side of his command and control ship, Charlie-Charlie?

A. Most of the colonels that I saw did. I don't remember specifically seeing Colonel BARKER at the time. Maybe I did, but I don't remember.

Q. I'm sorry I interrupted you. Would you go on please?

A. That's okay. Well, we went back towards the village and CARTER shot himself in the foot or got shot.

Q. That occurred about 10:15. Can you tell us what happened between the time you came back and 10:15?

A. What time did you say we were down here then? All I can remember is that we were down here (pointing), and we went towards the village and it was--

Q. (Interposing) Did you go back to the point where you originally set up?

A. No, we went this way (pointing). I know there was a trail along here and we came along there a little bit and we stopped. There was a guy shot, shot in the foot, and we stopped there. There was a little, brick house or cement house, and after that there was a dustoff and we moved on again.

Q. Do you know a man named FLYNN? I think he was a forward observer for the 4.2?

A. "Four-deuce," right.

Q. Do you remember his first name?

A. No, I don't.

Q. Did he move with your group also?

A. He moved with the command group. I'm not sure if he was there with us at that time. He also went out with the platoons. He was more or less always with one platoon, and once in a while he was with the headquarters.

Q. I wonder if he would have moved with the men of the mortar platoon? Sergeant MARONEY was there and had about eight or nine men with him from the mortar platoon?

A. Right.

Q. Do you suppose he would have marched along with them?

A. No. I don't believe so because he was with the 4.2, and what we had there was the 81. I believe he was with 3d Platoon, because from the 81's JOLLY was with the 2d Platoon. I don't know who was with the 1st Platoon as an FO.

Q. Well, do you remember a photographer and a reporter from the 11th Brigade PIO detachment with your group?

A. Right. There was someone there that came in that morning from Dottie and joined us.

Q. ROBERTS was the reporter and he knew FLYNN. FLYNN was one of the few people he knew there that morning, and he saw FLYNN there and talked to him?

A. FLYNN was with the headquarters platoon at the time, the command group?

Q. Well, you would deduce this from what ROBERTS said. I don't believe we asked him this specifically?

A. I thought he was with the 3d Platoon.

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Q. Well, that could have been. At the time ROBERTS mentioned talking to FLYNN, this was around the time when CARTER shot himself, and by this time this was after 10 o'clock. The operation was over and the village had been overrun except for continued searching of houses and burning of hootches. Quite a few men were milling around, and the 3d Platoon was in. They were the trailing platoon and they had a mission of searching and burning, and they were going through. Now, Mr. KERN, I've been doing most of the testifying up to this point. Do you recall when you got back up to My Lai (4) going into the village to some extent?

A. Yes, the command group did go in. I don't know where, but we did go in.

Q. We understand this was before CARTER shot himself. I wonder if you could search your recollection and see if you could remember?

A. I know that we came along that trail and then we stopped. I don't remember going in the village before. I remember going in after that, and we went through a little place across here. We went in there and we saw some burning hootches and stuff and one--heard a pig screaming. I know I felt kind of bad with the pig screaming and the burning hootch or barn.

Q. Did you see or did you watch the dustoff?

A. No, I did not. No, I do remember. We did go into the village at first someplace, and I remember ARCOREN threw a handgrenade into a hole.

Q. ARCOREN?

A. Yes. He threw a handgrenade into a spiderhole.

Q. Okay. Going back a little bit now when you had just gotten out of the helicopter and you set up on the west end of the village, did you watch the 1st and 2d Platoons start to move through?

A. Yes, they started.

Q. What were they doing as they moved into the village?

A. They were like shooting.

Q. So, it was a sort of a reconnaissance by fire as they were marching and firing, as they moved forward?

A. Yes.

Q. At that time, you stayed. You didn't go in with them?

A. No, we stayed out and we kind of held on.

Q. You came back?

A. We stayed right off the LZ.

Q. Was it perhaps an hour before you moved in after you landed?

A. Into the village or down to this point where we--

Q. (Interposing) Down there and back and then going in, how long do you think that took?

A. It was a good amount of time because I remember there was a stream there or something and this ditch. We had to go back across a couple of times, and we walked along there and we were all the time looking around.

Q. Now, as you moved down there and back across the stream and the ditch, did you see any people killed or did you see any dead Vietnamese people?

A. No, I don't recollect seeing any. If I did see it, I don't remember. I mean, it just didn't occur to me that they were just shot down. That's the thing--I remember that--it seems if you see all these people piled up like the picture, I could remember it. But I just don't remember it, unless it didn't make an impression on me.

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Q. Going back to the time that you do recall when you did go into the village a ways and you saw ARCOREN throw a handgrenade in a spiderhole, could you tell us about where that was in the village if you recall?

A. I don't really recall. Looking at this, I couldn't really tell you.

Q. Let's go back now. After the dustoff, the helicopter was about in here when it picked up CARTER and took him away. Do you remember seeing some bodies on this trail about perhaps 20 or 30 meters south of the south edge of the village over there (pointing)?

A. That's the trail where they had the pictures of the--

Q. (Interposing) Yes, that's right?

A. That's the one that I meant, where the bodies were that I couldn't remember.

Q. At some point just after CARTER's dustoff, do you remember hearing a transmission, probably over MURRAY's radio something to the effect that the dustoff pilot says there are bodies all over the place and what the hell is going on?

A. I wasn't close enough to MURRAY or Captain MEDINA to overhear anything.

Q. Do you recall that they had loudspeakers on the radio so you could hear?

A. Yes. They had loudspeakers on the radio, but I was quite a ways back and couldn't hear it.

Q. All right. About this time, did you hear Captain MEDINA issue orders to stop the shooting or stop the killing or words to that effect?

A. We didn't--really, you know.

Q. You said you did go into the village after CARTER's dustoff?

A. Right.

Q. Would you tell us about that please?

A. Okay. What I remember is the burning hootches, and we heard a pig screaming and all kinds of burning and shooting into hootches. I remember seeing a bunker--there was clothes on the outside, a big pile of stuff on the outside, clothes. I think there was someone inside, but I'm not sure if there was or it was just more clothes. There was a lot of stuff just laying around. I don't know if it was just drug out of there from the house. I remember that. I remembered that since I talked to the CID, but I'm not sure if there was a person there or not.

Q. What happened after that?

A. We moved through the village as I remember, and after a while we stopped for lunch.

Q. Do you remember where that was?

A. No, but there was a big house, a big, cement type house that was there, and it was all locked up. The two engineer people that were with us tried to blow the door down, and the charge wasn't enough. So they put in 2 pounds of C4, and the whole house came down. There was stuff all over our food.

Q. Were you sitting near Captain MEDINA when you had lunch?

A. I was pretty close, yes.

Q. Do you remember hearing any radio transmission about a body count about that time?

A. No.

Q. Between the point on the south side of the hamlet where you were after CARTER's dustoff and the point where you had lunch, did you observe any dead Vietnamese people?

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A. I don't remember seeing any. The only thing I can remember is seeing that bunker and I can't recollect if there was something in there or not.

Q. Did you follow the command group?

A. Yes.

Q. Do you remember crossing a ditch with some bodies in it?

A. No.

Q. Did you know KINCH?

A. He was in the mortar platoon.

Q. He was in the command group with the others?

A. He was in the command group?

Q. He was one of the members of the mortar platoon, but he followed along with the command group?

That's rather remarkable, Mr. KERN. We've talked to quite a number of witnesses who were with the command group and moved along with them from that point up to where you had lunch, and most of these witnesses saw many bodies here and there.

A. That's what the CID man told me also.

Q. When did you make a statement to the CID?

A. It was at my house just before Thanksgiving. He told me the same thing. I think he got very uptight about the whole thing because he said: "It seems like you're holding something back," which I'm not doing because I just don't remember.

Q. I'm not saying you are either, but it is a curious thing.

A. That's the same thing he told me, and I figured you'd say that. That's what he said, but I don't remember seeing a lot of people.

Q. Going back to the place where you saw ARCOREN throw a grenade in the spiderhole, did you see other members of the company around there and other soldiers?

A. Yes.

Q. What were they doing?

A. They were knocking down crops and cutting down banana trees and stuff.

Q. What were they doing with regard to the Vietnamese people that they came across?

(Witness gave no response.)

Did you see anybody shot?

A. No, I didn't see anyone shot.

Q. Did you see any groups of Vietnamese people rounded up?

A. The only group I really recollect and remember seeing was a group back where we broke for lunch. We told them to go towards Highway 1.

Q. I mean before that.

A. No.

Q. There was a cease fire order given during the morning, and perhaps you know when it was. It's rather clear that at least after CARTER's dustoff the operation changed rather radically. Up to that point, the Vietnamese people were rounded up and taken someplace. Some were taken prisoners and taken along, but prior to that time you had not observed any Vietnamese person being killed?

A. I didn't see any.

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Q. Could you tell us what you observed after lunch, and where the company went and what they did?

A. We went across this rice paddy--

Q. (Interposing) You broke for lunch on the east edge of My Lai (4)?

A. Then we crossed these rice paddies and a dike where these people were walking, and we went to another village. This one right here (pointing).

Q. This is the subhamlet of Binh Dong. It's spread out. Part of it is across the stream, and part of it isn't. Was this a dry stream at the time?

A. No, it's not.

Q. There was water in it?

A. Yes. Before that the first time we--with Lieutenant CALLEY's platoon we were down in this village here. We got shot at from over here, and we set up right across from this village right in here someplace (pointing). There was a well there and some water.

Q. I'm not clear on when this was.

A. You mean over here (pointing)?

Q. Yes.

A. It was around Valentine's Day.

Q. I see, this was an earlier time?

A. Yes, it was an earlier time when American forces went in here. We were down here and went around this way and up through here, and we went back up.

Q. You took fire from across the river?

A. Right, and we called in artillery up in that area.

Q. This day now, the 16th, would you indicate what part of Binh Dong you moved into? Was it the lower part here directly east of My Lai?

A. No, we didn't get up there. It was right there.

Q. The lower part?

A. Yes, the lower part. We were across the river.

Q. Did you observe any part of the company going into this subhamlet that is southeast of My Lai (4)?

A. I believe so, yes. I'm pretty sure, because I remember people going--I think we walked this way. I know there was somebody on our right flank.

Q. Do you happen to know what platoon this was?

A. I think it was the 3d Platoon, but I'm not sure.

Q. Now what, if anything, occurred when you moved through this lower part of Binh Dong? Did you find any Vietnamese people there, do you recall?

A. I believe we did.

Q. Did they burn the place?

A. I don't recollect that either. I don't remember if we did or not. I don't think so because we had a lot-- we got some mats and stuff that we used that night. I remember that we dug some foxholes and we used the mats from the village to line them with. I know they had these round things that they used to dry their rice on. It was a round--

Q. (Interposing) Sort of flat baskets and woven?

A. Right. It was. We just got that stuff out. I remember having that stuff.

Q. During the morning, did you see any visiting officers from Task Force Barker, brigade, or division?

A. On the ground?

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Q. Yes.

A. No.

Q. Do you remember where you laagered in for the night with Bravo Company, somewhere around My Lai (6)?

A. Right. There was--we laagered right in here. This was done from this village. It was right down here (pointing). There was a little temple type thing, not too big.

Q. Did you see any National Police that afternoon?

A. Right. We had National Police with us and we stopped someplace that day. Okay, and there was National Police with us and one of them shot somebody, a Vietnamese.

Q. I was going to ask you if you observed them interrogating any VC suspects?

A. Yes, they were interrogating them and they were hitting them. I heard that he shot one. Someone said he took his .357 Magnum and just turned his head and just shot him, and somebody else went over and shot him in the head. His face was just blown away.

Q. Did you actually observe that?

A. I didn't see him shot, but I saw the body afterwards. He was in a ditch.

Q. Did you see any American officers with them at the time?

A. Right, there was Captain KOTOUC, I think his name was, with them.

Q. Do you remember how Captain KOTOUC was armed? What arms he was carrying, what weapons?

(Witness made no response.)

Q. Did you see him carrying a Bowie Knife?

A. No, I was thinking he had a knife, but I don't think it was a Bowie Knife. I think he had a knife, though. I'm pretty sure he did.

Q. Did you see him use it in any way?

A. No, I didn't.

Q. Do you remember the events of the next two days; 17th and 18th?

A. The night laager position, we moved south. We went down this way to My Khe (3) or something like that.

Q. You moved on down to the river actually?

A. Right. We moved on down to the river. Back up-- we spent the night. This village here was set on fire. I'm not sure about this. I remember there was an old lady that was sitting there and everybody was gone. I think that was burned out. I'm not sure if it was (3) or (1).

Q. My Khe (3) or My Khe (1)?

A. Right. I know it was burned.

Q. The other one on the coast that you indicated was burned was My Khe (2)?

A. Right. I'm pretty sure that was burned also.

Q. Do you remember being lifted back to Landing Zone Dottie on the next day, the 18th?

A. Right, we crossed the causeway onto the island.

Q. When you arrived back there at Landing Zone Dottie, do you remember being met by an officer who talked to you about the morning of the 16th at My Lai (4)?

A. No.

Q. You don't remember talking to anybody?

A. I don't think so.

Q. Do you remember later on the meeting of the company, called by Captain MEDINA, or else the meeting of the platoon leaders and squad leaders called by Captain MEDINA?

A. Yes, I think it was.

Q. What did he tell the company?

A. He said something about don't talk about it or answer any questions, or if anybody has any questions let him know. He said that our company was in trouble for something, and they were asking questions about it. I'm not sure they said that Colonel BARKER knew--I think they did. He told us that he would stick up for us and stand by us, or something like that. After that, I heard something later on that we got a commendation from WESTMORELAND.

Q. Now, as to what Captain MEDINA said, what was the problem? There was some difficulty and there was going to be an investigation? What about?

A. I imagine it was the people that were killed, at least that was the impression I got.

Q. Up to this point in your testimony, you have hardly seen anybody killed?

A. That's true.

Q. Were you aware at this time that a lot of Vietnamese people had been killed?

A. Yes, because they said we had a high body count. They said it was three hundred and something.

Q. Where did you hear this figure?

A. I imagine it was at Dottie.

Q. From whom did you hear it?

A. The specific person?

Q. This was another member of the company?

A. All I know is there was something about it in the paper that there was a hundred and something--

Q. (Interposing) The count that was reported in the division newspaper and later on in the Stars and Stripes was 128 VC KIA. This included not only Charlie Company's body count, but Bravo Company's too.

A. I heard that 300 was it.

Q. This was from some other member of the company?

A. Yes.

Q. Did any investigating officer ever come and talk to you about that morning in My Lai? Do you know whether any investigating officer ever talked to any member of the company?

A. No, I do not. The only thing I remember is Captain MEDINA went down to the TOC, and I think Lieutenant ALAUX went down. I'm not sure. I know they were going to the TOC or something.

Q. Did anybody tell you to keep quiet about it other than Captain MEDINA?

A. No.

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

A. We just heard that it was kind of forgotten about, and it never came up. I never gave it a second thought until--

Q. (Interposing) The recent publicity?

A. The television.

Q. There was a newspaper story in November to the effect that the men of Charlie Company may have been, or some of them, under the influence of marijuana that morning at My Lai. Do you know anything about this?

A. No, but it's possible. I don't know anybody that was taking grass.

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Q. Was there a marijuana problem in the company?

A. Problem, like a lot of excess?

Q. Yes?

A. I don't believe there was excess. I know there was a lot of it being smoked. I tried it myself, and then I enjoyed drinking just as much and I still do, plus it's legal.

Q. Mr. KERN, can you think of anything that you could tell us that would be helpful to our investigation that we haven't covered in the interrogation?

A. Such as?

Q. Anything that would come to mind.

A. I'm trying to remember.

Q. Our main purpose here is to inquire into the adequacy of the investigation that was made at the time and whether there was any coverup. If you can think of anything that you know of this aspect that would help us, we would appreciate it?

A. After that, we left there and we came back to Dottie, and I think we spent a night there or 2 nights or something and went out again. Then we came back in, and they told us we were going to go back out there. Nobody wanted to go back out there.

Q. You mean back to My Lai (4)?

A. Yes. Pinkville. We didn't. We just went back out into platoon-sized patrols at night and ran ambushes. I don't remember hearing anything about it after they told us to come back in.

Q. Let me ask you one other thing. When you got back to Dottie on that afternoon of the 18th, do you remember seeing any officers there in the landing area where you-- did you come in on a slick or a Huey?

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A. Right.

Q. When you got out of the helicopter, did you see a group of officers standing around there, two or three?

A. No. I was with MARTIN. I didn't see anyone.

Q. Did you know PARTSCH?

A. It sounds familiar.

Q. PARTSCH? He was with the 2d Platoon? You don't remember being in the same helicopter with him?

A. I don't remember, no. I might have been. It is very possible.

Q. Mr. KERN, we appreciate very much your coming in. I know it's been a lot of trouble for you, and it's been a long trip.

A. It's not been any trouble at all. I just wish I could really be of some substantial help.

Q. You've given us some clues here and there. It will all fit in, and we are very grateful. We're determined to get to the bottom of this and get at the truth.

A. I keep thinking of what Captain MEDINA's lawyer said on TV. The next time somebody wants to shoot someone, he is going to have to call his lawyer first. That's my personal opinion. Let's face it, you have to draw the line somewhere.

Q. Let's go into that point a little bit. Do you remember back in your training of a discussion of the necessity of obeying orders, but at the same time you are not required to obey an illegal order? Do you remember being told that?

A. Also you hear--there was someone that said--he was a lieutenant at Normandy, and some soldier didn't do what he told him and he shot him.

Q. In your instructions, did anybody ever give you an example of an illegal order which you are not required to obey?

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A. I think basic training was something that you just sat there, mostly junk and worrying about having to run back from the rifle range.

Q. Do you think it would be helpful in future training if there were more discussion of illegal orders that you are not required to obey?

A. Yes, now, especially after this incident. Of course, a lot of people might say it's an order. SIMPSON said it was an order and he obeyed it because it was an order. Mr. BAILEY said call your lawyer before you shoot anybody. That seems like it would be a good thing to incorporate into basic training.

Q. Maybe give some actual examples?

A. This might be a good example right here. A lot of people have heard it, and people who are going to be going into the service would have heard it.

Q. Did you recognize, at least after this was over, that what happened there was a war crime or atrocity?

A. No, it never entered my mind. The only time it entered my mind was when I heard it on the TV later, and I thought it is ridiculous. Why even bother to bring it up? That was my opinion at the time.

Q. Did you realize afterward that many women and little children had been killed?

A. What about the little children who tape handgrenades under a truck, and when you are driving along the truck blows up.

Q. I understand that. I was thinking of toddlers 2 or 3 years old and babies, infants that couldn't even walk?

A. I understand that, and I can agree there.

Q. Did others tell you afterward that this had gone on and this had happened?

A. I think they did, but I just don't--who told me? It seems like someone said there were a lot of people killed, they mentioned that. Someone said they shot a whole bunch of people, but I don't remember who said anything.

Q. Did anybody tell you that there was any resistance offered by any of these people or that they bore arms?

A. No, I don't think so. I didn't see them. Like I said, we went in there really ready for it and nothing at all happened at least where I was concerned. It was just when we first landed.

Q. Do you remember in your training about the treatment of prisoners of war and noncombatants that it was contrary to orders and a violation of the rules of land warfare to shoot or mistreat a prisoner of war, a person, even though he is an enemy, who is not resisting and has surrendered and is not offering resistance. That would include noncombatants of course. Do you remember that training?

A. Yes.

Q. Do you think the men of the company understood this?

A. Sometimes.

Q. Even if the Vietnamese person was regarded as an enemy, VC or VC sympathizer, if he was not offering any resistance or doing anything hostile, you were not supposed to kill him?

A. Right.

Q. Do you think the men understood that?

A. Yes. I don't remember anyone for no reason at all being shot just offhand. Now, that brings to mind the CID man that came to see me. He said something about when we were down on the river, that we had a VC platoon leader I think it was. He had been a VC since 1948 and was a real good find. Captain MEDINA shot at him three times, and then he was shot. My recollection is that he was put on a helicopter and sent in because he was what he was.

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Q. That's the way I understand it too.

A. That he was sent out with a Viet Cong nurse.

Q. Captain MEDINA and others have told us how he fired several shots, coming closer and closer to the man's head, in order to get him to talk, and he didn't kill him. Apparently that's the way it ended.

A. I was told--someone said he was shot.

MR WEST: Well, as I said, we are very grateful to you, Mr. KERN.

The hearing will be recessed.

(The hearing recessed at 0945 hours, 31 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: MARTIN, Louis B.

DATE OF TESTIMONY: 27 December 1969

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: C Battery, 6th Battalion, 11th Artillery, 11th Infantry Brigade, attached to C/1/20 as Lieutenant ALAUX's RTO.

1. PRIOR TRAINING IN RULES OF LAND WARFARE.

The witness recalled possibly an hour or two of training in Hawaii, but he could not remember the subject matter (pgs. 43, 44). He was given a "Geneva" card, but never read it (pg. 43). He did not receive any in country training. He had seen Exhibit M-2, but did not recall seeing Exhibit M-3 and knew he never saw Exhibit M-4 (pg. 45).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

a. Memorial Service.

MARTIN recalled two memorial services. One left several men in tears. He did not recall a memorial service on 15 March at LZ Dottie. His memory fixed a service several days prior to the preoperational briefing (pgs. 3, 4, 10).

b. MEDINA's operation briefing.

In his preoperational briefing, Captain MEDINA told the troops of C/1/20 that this was "strictly an enemy village, everyone in it was enemy. People not directly fighting for the Viet Cong were sympathizers or supporting them....

everything would be killed, that people that were innocent had been warned to get out of there and there would not be innocent people in the village.....He said to destroy all livestock, cattle, and anything alive" (pg. 5). Orders to burn the village were given after they were in it (pg.5).

The impression that MEDINA left was to kill everything that moved (pg. 6), including civilians (pg. 41). They were also told an enemy battalion had its headquarters in My Lai (4) and controlled the area (pg. 6).

The men of C/1/20 were looking forward to retaliating after their past casualties caused by mines (pgs. 6, 7). They were eager for a fight as they had never had a good fire fight with the enemy (pgs. 6,7,8).

3. ASSAULT ON MY LAI.

a. Combat Assault.

MARTIN believed that he came in on the same lift with MEDINA as he was part of the command group and this was normally the case (pgs. 12, 15). His testimony was contradictory as to whether the artillery prep hit the village (pgs. 12, 13). No ground to air fire was heard (pg. 13). On disembarking from their lift ship, C/ 1/20 was already in line preparing to sweep.

In MEDINA's command group were MARTIN, Lieutenant ALAUX (FO), CAPEZZA (a medic), two PIO personnel, and a man from MI. The RTO's rotated. They were PAUL, MURRAY, and WIDMER. He did not know which of the three was missing on 16 March (pg. 15).

Although he did not see the actual shooting, he remembered that MEDINA chased down and shot a suspect (pg. 15). An OH-23 helicopter was dropping smoke nearby (pg. 17).

b. Scenes in My Lai (4).

Prior to entering the village, MARTIN could hear steady shooting. Even though he could not see, he realized what was occurring (pg. 17). He knew they were killing civilians because there was no hostile fire (pg. 30). The command group, including MEDINA, walked through the village

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4. INQUIRIES CONCERNING THE ASSAULT.

Nobody in an investigative capacity talked with MARTIN. He did not recall Colonel HENDERSON talking with them at LZ Dottie following their extraction (pg. 39), nor did he recall any radio order to resweep to make a body count (pg. 53). No one ever told him to keep quiet about the My Lai operation (pg. 41).

MARTIN's reason for not reporting what he saw was that everyone knew a disinterested warrant officer had reported it and an investigation was to be conducted. If the Army would not put credence in the warrant officer's report, no one would listen to him (pg. 44).

5. OTHER INFORMATION.

a. CALLEY's RTO was killed on 12 February (pg. 9).

b. The troops in C/1/20 did not talk a great deal about My Lai (4) afterwards. The nature of their acts had occurred to them (pg. 42).

c. MARTIN believed that ALAUX told him that if people knew about it that they would be charged with war crimes (pg. 43).

d. MARTIN was of the opinion that no one was under the influence of marijuana or drugs (pg. 40).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-2	MACV Card, "Nine Rules"	Wit had seen.	45
M-3	MACV Card, "Enemy in Your Hands"	Wit does not recall seeing.	45
M-4	MACV Card, "Guide for Commanders"	Wit had not seen.	45
P-3	Miscellaneous Scene	Identified Sergeant PHU.	46
P-8	Miscellaneous Scene	Identified himself and MEDINA.	36
P-9	Miscellaneous Scene	Identified CARTER and WIDMER.	37
P-10	Miscellaneous Scene	Identified CARTER.	46
P-13	Miscellaneous Scene	Identified ALAUX and MARONEY.	46
P-15	Miscellaneous Scene	Identified ALAUX and throwing rocket into fire.	48,49
P-31	Miscellaneous Scene	Trail was same one used when CARTER was medevac'd.	48
P-32	Miscellaneous Scene	Could not identify as person shot by MEDINA.	37
P-40	Miscellaneous Scene	Representative of scenes saw in My Lai (4).	52
P-56	Miscellaneous Scene	Identified WIDMER.	50

(The hearing reconvened at 1102 hours, 27 December 1969.)

MR WEST: The hearing will come to order.

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

Sir, the reporter will be sworn.

(The reporter, PFC Joseph L. LAVIERI, was sworn.)

RCDR: The next witness is Mr. Louis B. MARTIN.

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

RCDR: Please state your full name, occupation, and residence.

A. Louis Bernard MARTIN, police officer, Modesto, California.

MR WEST: Mr. MARTIN, before we get into any questions, Colonel MILLER will give you a short explanation of the purpose of the inquiry for the record.

COL MILLER: Mr. MARTIN, this investigation was directed jointly by the Chief of Staff, United States Army, and the Secretary of the Army for the purposes of determining facts and making findings and recommendations in two major areas:

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

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

While we are inquiring into the circumstances of what happened at My Lai, our main thrust is toward those two things which I have just mentioned.

We have had made available and have read prior official statements made by witnesses in other formal investigations of the My Lai incident.

(MARTIN)

Today your testimony will be taken under oath and a verbatim record will be prepared. In addition, we are having a tape recording made.

The general classification of our report is confidential, but there is certainly the possibility that some or even all of the testimony may later become a matter of public knowledge.

We request that you not discuss your testimony with other people, including other witnesses in this investigation, except as you may be required so to do before a competent administrative, judicial, or legislative body. Are you subject to the order of the military judge in the general court-martial case of the United States v. Calley?

A. I received a letter, sir.

Q. Your appearance before this inquiry in no way affects the applicability of that order. And your appearance here and your testimony here is within the limits of permissible testimony under that order. You are not in violation of it, in other words, by being here. Do you have any questions?

A. Sir, this has absolutely nothing to do with the upcoming trials, is that right?

Q. That's right, it's entirely separate.

A. No, I don't have any questions then.

MR WEST: The hearing will be recessed briefly.

(The hearing recessed at 1106 hours, 27 December 1969.)

(The hearing reconvened at 1108 hours, 27 December 1969.)

RCDR: All persons present when the hearing recessed are again present, with the exception of COL MILLER.

MR WEST: I understand, Mr. MARTIN, that you were in the military service in March 1968?

A. Yes, sir.

Q. Would you tell us what your position was at that time and where you were assigned?

A. I was assigned to Charlie Battery, 6th Battalion, 11th Artillery, 11th Infantry Brigade, and from there attached to C/1/20.

Q. Where were you stationed?

A. We were working out of LZ Dottie.

Q. In South Vietnam, I take it?

A. Yes, sir.

Q. What was your grade?

A. I was a PFC at that time.

Q. At this time you were an RTO?

A. Yes, sir.

Q. Who were you RTO for most of the time?

A. Lieutenant Roger ALAUX, exclusively.

Q. What was his duty?

A. He was the artillery forward observer.

Q. When did you first hear of the planned assault on the My Lai (4) hamlet?

A. As I recall, there was a briefing, I believe the night before. I'm not sure it was the night before.

Q. This would be on the 15th?

A. Yes, sir, in the evening, I believe.

Q. We have received evidence that before this briefing, there was a memorial service for a member of Charlie Company who had been killed, perhaps for a man named WEBER.

A. Yes, sir, he was the first one in that company killed over there. We had a memorial service at LZ Dottie. I don't recall exactly when it was, but it was prior to that.

Q. Did you attend the service?

A. Yes, sir.

Q. Do you remember who the chaplain was who conducted it?

A. I don't remember his name, but I'd remember if I saw him. I believe he was a major and a rather short guy. I don't remember his name.

Q. This helps. We've been trying to determine his name.

A. I know his assistant came from our artillery battalion. Bernard, I don't know his name, came from C/6/11. He was transferred before he went to Vietnam.

Q. Could it have been Major CRESWELL?

A. I wouldn't know the name if I heard it.

Q. He was the 11th Brigade chaplain. Is that your recollection?

A. Yes.

Q. Could you tell us what effect, if any, this funeral, this memorial service, had on the men in Charlie Company?

A. Well, it had quite a bit of an emotional effect. Everyone was, as I recall--there were quite a few people in tears at the end of the memorial service.

Q. Was he the first man of the company that had been killed since they came over from Hawaii?

A. Yes, sir, it was just outside Pinkville, I believe.

Q. Just outside Pinkville?

A. Yes, sir.

Q. And did the briefing follow right after the memorial service, the briefing on the 15th?

A. Yes, I think the memorial was a week or two before this, as I recall.

Q. I see. We had some testimony that it was the same afternoon.

A. I don't believe so. I think there was at least a week or two that elapsed.

Q. Good. This is one thing we've been trying to determine.

A. In fact, I think it was more than a week, maybe 2 or 3 weeks, because I believe we had some more services after we hit the minefield, and that was 3 or 4 days before My Lai.

Q. You don't remember a service on the afternoon of the 15th just before the briefing?

A. No, sir.

Q. I understand from your prior statement that you were present at the briefing?

A. Yes, sir.

Q. Could you tell us who conducted the briefing and what was said, please?

A. Well, before we went into any operations at all, or any major operations for any extended period of time, Captain MEDINA would brief us as to what was expected of us, what the operation entailed, et cetera. As I recall, he said something about it was strictly an enemy village, everyone in it was enemy. People not directly fighting for the Viet Cong were sympathizers or supporting them. He said when we went in there everything would be killed, that people that were innocent had been warned to get out of there, and there wouldn't be any innocent people in the village. This is what I can remember. He said to destroy all livestock, cattle, and anything alive.

Q. Was anything said about burning that you can recall?

A. It seems to me there was, but I don't recall. I know he gave orders when we were in the village to set hootches afire. I don't recall at the briefing itself what was mentioned.

Q. Was it your impression that his orders were to kill the inhabitants of the village that the company might find there?

A. My impression was to kill everything that moved; that was the order.

Q. Was there an intelligence briefing along with Captain MEDINA's briefing, or did he cover that himself?

A. As for what the intelligence reports indicated, he covered that himself, I believe. Captain MEDINA was, as I recall, the only one who ever briefed us on anything prior to going on operations.

Q. Do you recall what he told you about the enemy in the hamlet?

A. Well, I recall he said something about--I don't recall 48th, but that's what I've been reading. I recall he said something about a VC battalion controlling the area, or headquartered around there or something--some enemy battalion in the area being in control.

Q. Did he give any indication of strength?

A. Yes, but I don't recall.

Q. What was the general reaction of the men in the company as a result of the briefing?

A. We had never been in a major fire fight. This was just after the minefield, and everyone had that in their minds. I think everyone was looking forward to a bit of retaliation. That was the general consensus.

Q. Did they have the impression that there was going to be--

A. (Interposing) They had the impression that there was going to be quite a bit of blood.

Q. A real tough fight coming up, that kind of thing?

A. Yes, sir.

Q. What was the frame of mind the men were in that you could tell; were they scared, or eager for a fight, or tense?

A. I think probably eager for a fight; that best describes it. Quite a few popular fellows were lost in that minefield incident and that was on everyone's mind. And then every time we'd come within 200 or 300 feet of Pinkville we were pinned down by sniper fire.

Q. Did you spend the night with the company; you stayed with them?

A. I stayed with them for about 5 months.

Q. How did most of the men spend the evening there, do you recall?

A. We slept in a cemetery.

Q. You mean the evening of the 15th?

A. Oh, the night before that. The night before we spent on a fire base, in bunkers.

Q. This was LZ Dottie?

A. Yes, sir.

(COL MILLER entered the hearing.)

COL MILLER: You indicated there was a feeling there would be quite a bit of blood. Did you mean, by this, you expected quite a bit of resistance, or just what was the feeling?

A. I don't know what I thought myself, because I never really got emotionally involved in anything that was going on. I didn't know the fellows very well, and most of the briefings I didn't even go to because it didn't affect me. I just followed the guy in front of me. When they wanted artillery they'd call for it. What I mean by blood was that it was my opinion that we were going to go in there and we were going to be shooting people. Whether there was resistance or not, I think most of the fellows expected a little resistance when we went in, and it was a matter of overpowering the village.

Q. Do you feel that the men felt they were in for quite a fight the next day?

A. I don't know. I didn't even think about that myself. I think everyone thought their primary objective was to go in and overpower the village, maybe a little bit at first; but with the numbers we had, going in from all directions, they were pretty confident they could take the village.

COL FRANKLIN: Are you sure that you really remember this, that Captain MEDINA said, "Kill everything that moves"?

A. Yes, sir. I don't remember those words exactly, but I remember he said words to that effect. And I remember him saying that people knew they were not supposed to be in there. I don't know whether he said leaflets were dropped or if word had been distributed to the people in the village.

Q. Did this seem like a particularly unusual order at the time? Did this strike you as somewhat peculiar?

A. As far as the potential slaughter?

Q. Yes, "Kill everything that moves."

A. Well, I didn't really think too much about it. I don't know. Like I say, we never saw any real big fire fight or had any orders to go in and overpower some specific area. We had been on search and clear missions and that's all, more or less on the defensive. This was the first mission I recall when we were in strictly offensive.

Q. You'd be involved in anything that people got in fighting; you'd be involved because they'd probably want fire. What's the biggest size outfit you ran against? Two guys? A bunker? Squad? As far as people receiving small arms fire? I'm talking about semiautomatic weapons. How many times did that happen to C Company before this?

A. It didn't happen at all until we moved into the Task Force Barker area and then, all of a sudden, after about 3 weeks, it seemed like we were getting sniper fire, sporadic sniper fire every 2 or 3 days pretty regular. You'd just be walking along and all of a sudden here it came. Heavy resistance or heavy sniper fire was rather unusual. Usually I had the feeling there was just one or two guys up there with an AK-47 or something.

Q. Did you fire heavy artillery when you got this type of sniper fire?

A. Yes, sir. Usually it was coming from the heavy foliage or underbrush.

Q. You say WEBER had been killed around Pinkville. You are RTO of the FO, so you are used to looking at a map. Did you know where you were all the time?

A. No, I didn't usually carry a map. Lieutenant ALAUX did. I had nothing to do with plotting missions. I radioed them.

Q. Did you ever fire missions yourself?

A. Yes, I've adjusted fire before. I called in missions. I don't consider myself very accurate with a map, unless I know exactly where I am. We'd come in for defensive targets or something; if I found out where my position was, I didn't have any trouble plotting the mission, but taking one from scratch I'd have a little difficulty.

COL WILSON: According to the morning report, William WEBER was dead on arrival at the hospital from gunshot wounds on the 12th of February.

A. I don't recall the date. I know it was a considerable amount of ime.

Q. William WEBER?

A. WEBER, I believe he was CALLEY's RTO.

Q. Now, on the 25th of February the morning report shows a loss of 12 men and, in going over the names, most of these men were lost as combat casualties. Would this be the time that you hit the minefield?

A. As I recall it's right around there someplace. It's within a week or two weeks. WEBER, I'm sure it was at least that much time. That was the first casualty.

Q. The morning report also shows Bobby WILSON and Gustavo ROTGER deceased from fragmentation wounds. Were there two men killed in that minefield?

A. There were more than that killed, I believe. ROTGER was killed either the next day or later in the afternoon. I think it was later in the afternoon when we already came out of the minefield and were on our way back. He hit a 105 or something in his leg. I remember ROTGER. He was a pretty popular fellow.

Q Well, I'm trying to determine, since this occurred after WEBER's wound, had there been similar ceremonies for ROTGER and Bobby WILSON before this?

A. I remember there was definitely a memorial for the first guy. I believe there was another one after the minefield because we stayed out a few more days and immediately after we came in, there was a memorial. There was all kinds of people coming in; we had colonels, and General LIPSCOMB.

Q. And this memorial you're talking about was the one after the minefield incident?

A. Yes, sir. I don't recall specifically, but I feel certain--I'm reasonably sure that memorial occurred.

Q. WEBER was killed before that?

A. There was a memorial just for him, I think.

Q. I can't get the sequence.

A. I believe there were two separate memorials, now, the more I dwell on it. I believe the primary memorial was after the minefield incident. I know there were memorials, but I'm not sure of the dates and times. I know it was conducted at LZ Dottie, but I don't recall the sequence.

Q. I'm trying to really find out if this memorial that was held the day of the 15th of March was for the individuals who were killed in the minefield or whether it was for WEBER. There seems to be more people involved in the minefield incident. Now maybe they had it for all three?

A. I don't think so, I think there were two separate ones.

Q. It was strictly for WEBER?

A. I believe so. I know WEBER was our first fatality and maybe if it wasn't a memorial, maybe Captain MEDINA gave us a pep talk. But I know there was something after WEBER's death.

COL FRANKLIN: You don't mean on the 15th?

A. Immediately after WEBER's death there was some kind of service, within a day or two. It might have been just MEDINA gave us a talk.

COL WILSON: Let me call off the names of a couple or three chaplains that were assigned to the brigade back in 16 November 1967. They may or may not have been with you at the time. The brigade chaplain carried at that time was David M. JOHNSON, a major. One of the assistant brigade chaplains was John C. CAREY, a major. Another assistant brigade chaplain was Raymond T. HOFFMAN, a major. Do you recognize any of those names?

A. No, CAREY sounds the most familiar, but I don't know if it's just something about the name. I don't know. Do you have the names of the assistants?

Q. Those were the two assistants.

A. You mean chaplain's assistants?

Q. This is an officer's roster.

A. I know a chaplain's assistant; if I heard his name I'd know who he goes with.

Q. Do you recall if the mortar platoon was physically on this operation? Did you ever work in your artillery preparations with the mortar people?

A. No, we had nothing to do with the mortar people. They came on very few operations. I don't recall if they came that day or not; I believe they may have. I know there were operations right around there. When we started receiving resistance, we started having the mortar platoon come with us. They started coming with us pretty regularly for a span of 4 or 5 weeks and I believe they probably were with us.

Q. You think they were with you?

A. Yes, I think they were, but I couldn't say positively. It was rather irregular when they came with us.

MAJ ZYCHOWSKI: Mr. MARTIN, do you recall what the strength of the company was at this time?

A. I don't recall. It was very low. I don't recall the number.

Q. Low?

A. I'd say a rough estimate was 70, 75, between 65 and 75.

Q. Short?

A. Total manpower in the field excluding supply personnel.

MR WEST: Let's move now to the day of the operation on the 16th of March. Mr. MARTIN, could you describe what happened on that day from the beginning of the operation?

A. Going into My Lai and Pinkville?

Q. Yes.

A. Well, specifics are a little beyond me. Overall what happened, we were airlifted in early in the morning on the outskirts of the village.

Q. Do you remember what lift you went in?

A. I was with Captain MEDINA, sir. I don't know what lift that was. It was towards the beginning, I believe. We weren't the first ones to go in. We followed somebody else going in, but I think we were towards the beginning. We waited on the outskirts.

Q. You were on the same chopper with Captain MEDINA?

A. I don't recall exactly. I always was; I assume I was.

Q. As you approached the landing zone, did you hear or see any artillery preparations?

A. There was an artillery preparation. When we were en route to a landing zone, you could see it going off in the village; it was going off where we landed.

Q. Around you, hitting the landing zone?

A. Yes.

Q. Did you receive any hostile fire as you moved in?

A. No, not that I know of. There were gunships firing away, I don't know what was what, but I don't think we did. I didn't hear any distinct crackling from an AK-47 or M-1.

Q. Do you have any idea how many gunships accompanied the lift?

A. No, this was a fairly large operation. I think there was more than what usually accompanied us, as I recall. We had some of those bubble choppers come in. We had very few gunships, which was rather unusual. We usually had just one or the other.

Q. Can you estimate the number of gunships there were?

A. No, I have no idea at all.

Q. Mr. MARTIN, here is an aerial photograph of the My Lai area, and here's a 1:25,000 scale map which has been admitted into evidence as MAP-4. Notice here is the village, My Lai (4), corresponding to the photo here, and this is the river. This is Highway 521. Does this look familiar to you?

A. Well, it looks vaguely familiar. I'm not very well oriented here. Could you tell me where Dottie is from here?

Q. Well, this is north, so it would be up north, clear up in here (indicating). It would be northwest of the hamlet. You might refer to MAP-1 on the wall, to your rear. Colonel PATTERSON will point it out.

LTC PATTERSON: (Referring to MAP-1) Dottie, Highway 1, this is the coast, here's Pinkville by color.

MR WEST: On the aerial photograph, 1 inch equals about 100 meters, so you can have an idea of the size. Now we've had evidence that the landing zone for this operation was just to the west of the hamlet, in this rice paddy (indicating).

A. Well, I would have said either over here or in here (indicating), because I know it was on the opposite side of the ocean. I didn't realize there was a peninsula like that.

Q. The China Sea is off to the east here. The landing zone was to the west of the hamlet in the rice paddy here (indicating). Does this orient you now?

A. Basically I'm oriented, but I'm not too good with an overall concept of the picture here.

Q. Would you tell us, if you will, what happened after you landed there on the landing zone? Just describe your movement.

A. When we first got there, I remember Captain MEDINA chasing somebody. I don't recall if that was when we first got there or after we had been there 10 or 15 minutes. It was the beginning of the operation.

Q. Let me stop there just a moment. When you first got out of the helicopter, were the members of Charlie Company anywhere near you? Could you tell what they were doing?

A. As I recall, there was a sweep going on. They were on line coming into the village like that.

Q. Were they firing?

A. I don't think they had started firing. There was all kinds of noise because of the gunship, but after we landed I don't believe they were firing, not immediately.

Q. But they formed a line and moved into the hamlet?

A. Yes, sir.

Q. You don't recall whether they were firing as they moved?

A. Well, they were ready. I don't know if they were firing or not. They were ready for firing.

Q. I take it you were with Lieutenant ALAUX as forward observer at this time. Please go ahead then with what happened after this.

A. I recall Captain MEDINA chasing someone. I think maybe we went into the village and something came over the radio or something, that the helicopter had somebody spotted. I couldn't hear the radio. I wasn't his RTO. In fact, I was toward the end of the line of march in the command group, so I couldn't hear what was coming over the radio. But all of a sudden I saw him start running towards the outskirts of the village. I don't know which way, I just know it was outside the village, out in the field. We went across the big dike.

Q. He was running after someone?

A. Yes, sir.

Q. Could you see who it was?

A. No, I was too far back. I didn't even know. All of a sudden I saw him take off running and I didn't know what was going on. I just heard somebody else saying he was after a VC.

Q. Did you and Lieutenant ALAUX follow?

A. Yes, sir. I was the last one to catch up because I had a load with the radio.

Q. Did you eventually catch up to Captain MEDINA?

A. Yes, sir, but there were shots fired up there; a suspect was killed, as I recall.

Q. Did you see the suspect? Did you see who it was?

A. I saw it, but I don't recall.

Q. Was it a man or a woman?

A. To be honest, I don't recall. I'm told it was a woman; I have no reason to doubt it.

Q. But you don't recall whether it was or not?

A. No.

Q. Could you tell us who else was in the command group there with you?

A. The order of march was Captain MEDINA, Specialist PAUL, Specialist WIDMER.

Q. What were their duties?

A. They were both RTO's. Now MURRAY was in the command group. I don't know; they alternated between RTO's. Somebody was sick. I think MURRAY had a back injury or malaria or something. I think WIDMER was sick too. Those three fellows were "RTO'ing" and if they weren't, they were "rifling" in the command group. There was a medic, CAPEZZA, Lieutenant ALAUX, and myself.

Q. Did Captain MEDINA have an interpreter with him at this time?

A. As I recall we did; I don't know. PHU was the interpreter. He kind of came along if he wanted to.

Q. All right. Do you remember anyone else with you at this time?

A. There were two PIO people.

Q. Do you happen to remember their names?

A. I don't remember the names; I know what the names are from reading them. One was HAEBERLE, and somebody else.

Q. We've had evidence that Sergeant HAEBERLE and Specialist ROBERTS were there. Did you see a Lieutenant JOHNSON there, an MI man?

A. I recall an MI man there. I don't recall too much; but I think there was maybe seven or eight outsiders that might have been MI people, PIO people, just for this operation.

Q. Before we leave that point, could you locate the point on the aerial photograph where you saw the suspect after the shots were fired and finally caught up with Captain MEDINA?

A. Well, if we landed here--I don't know. What is this, a highway? No, I know it was out some place, away from the village. It was in the outskirts of the village but I'm afraid I can't locate the point.

Q. Could you tell us what happened after this point then, after you saw the suspect lying on the ground?

A. She was down and I was quite a ways back. I

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was walking and everyone else was already there; what actually took place, what was searched, and what was recovered, I don't know. I recall them saying either bandages or grenades or something was taken off her, but I didn't see them in her possession.

Q. You didn't go right up there to the place?

A. No, as I recall, when I came up, there was a dike there that I had to go across. She was shot just adjacent to the dike, about maybe 10 or 15 feet. And I didn't cross the dike; I didn't see any reason to go over there.

Q. Well, just before the shooting occurred, do you recall seeing smoke at the spot?

A. Yes, sir. I recall an OH whatever-it-was, the bubble chopper.

Q. H-23?

A. H-23. I recall seeing that it was very low to the ground. In the distance, I caught occasional glimpses of the person he was chasing. I could see in the distance the chopper was staying with it.

Q. The chopper dropped the smoke; is that it?

A. Yes, sir, I believe there was still smoke coming up, whenever I got up there where I could see smoke.

Q. What happened after this?

A. The sequence I don't know. This could have been the end of the day. I don't know. It was the beginning or the end of the day. I think we went back to the village. I know we went in the village. As I recall very vaguely, I could hear shots, steady shots being fired in the village; and even though I hadn't been in the village, I knew what was going on. I knew people were being shot.

Q. Men from Charlie Company, at this time, were in the village?

A. As I recall, sir.

Q. Just tell us what you did and saw next?

A. Well, we didn't do anything. We walked through the village bringing up the rear. We'd light an occasional hootch or something. The command group, everything--there was bodies all over the place.

Q. All this time you were with the command group, with MEDINA?

A. Yes, sir.

Q. Generally, how close did you stay to MEDINA?

A. I stayed in our normal line of march. I stayed within 30 feet I guess, 30 to 35 feet.

Q. Was it Lieutenant ALAUX's duty to stay with him as the forward observer?

A. Yes, sir.

Q. And of course you were with Lieutenant ALAUX? Would you just describe what you saw there at this time?

A. I saw bodies all over the place. I couldn't estimate how many I saw, but they were very numerous and they were dead. Quite a bit of blood; men, women, and children. In fact, there were very few males, very few military-age males. As for the actual shooting, I saw one occurrence where there was a gathering outside a hootch where two or three fellows lined up probably about 10 people and, with an automatic, shot into them. I saw that, but I don't know who that was.

Q. You don't know who did the firing?

A. No, I don't.

Q. These people that were lined up, they were Vietnamese?

A. Yes, sir.

Q. Could you describe whether they were men, women, or children?

A. I believe they were older women, younger women, and children, and a few old, bearded males.

Q. Would you say this was about 10?

A. It was a large group. I don't know. It was not in excess of 10, and I don't think it was less than 7. I just recall the group being shot.

Q. What were they shot with?

A. M-16's. I don't know if one guy did the shooting but there were three or four guys standing around. I don't know if they all shot or just one guy did.

Q. Where was MEDINA at this time?

A. I don't recall. I was with the command group and I never went astray of the command group. So, I guess he was right around there someplace.

Q. Do you recall about where this was in the village, in the hamlet?

A. This is at the first. I think it was just after we went in. Where, I don't know, because I think this was-- I heard all the shooting going on. I kind of knew what was going on, but that's the first sight I actually saw.

Q. That's the first killing you actually saw?

A. Yes.

Q. You had seen bodies before this time as a civilian?

A. Prior to this incident, no. Prior to this incident, I had not seen dead bodies.

Q. I don't mean that. You testified a little earlier that there were bodies lying all over the place.

A. I think this was towards the beginning of the village. I went in and saw this and then afterwards, that's when I saw other bodies. I don't think I'd seen any large amount of bodies prior to that shooting that I witnessed. There were quite a few bodies around, just one or two off by themselves. And then after that there were other groups around.

Q. Could you tell, aside from those you saw shot, when you came across other bodies later, could you tell

how they were killed?

A. M-16, there was no doubt because the type of wound the M-16 creates. I couldn't see how it could be anything else. It goes in in a small hole and rips up the back; quite a bit of flesh is thrown out, characteristic of the M-16.

Q. At any time during the morning did you encounter any enemy resistance, any small arms fire, or any kind of resistance?

A. When we first got in somebody said there was shooting. I wasn't one of the first people to go in so I don't know. I didn't myself. I heard there were a few shots fired prior to our going in.

Q. But you were never under fire yourself, or the command group?

A. No, sir.

Q. Did you see anyone with MEDINA or anyone in the command group shoot anybody?

A. No, I believe WIDMER took a shot at a group or at one person, but I don't recall seeing that. I would say WIDMER was capable. If anyone in the command group would take part, I would say WIDMER was the most capable.

Q. But you don't really actually recall seeing it yourself?

A. No.

Q. What about taking photographs? Anybody in the command group taking photographs? I'm not talking about HAEBERLE, now.

A. No, I can recall who carried cameras, but I can't recall who took pictures. I know WIDMER carried a camera. And Captain MEDINA carried one in his ammo case. Lieutenant ALAUX had a 30 millimeter camera.

Q. In an earlier statement, you did mention that you had seen WIDMER taking some photographs of bodies.

A. I think I said I observed WIDMER taking pictures of bodies in the past. This struck me as being rather odd.

Q. In various operations. You aren't necessarily referring to this one, I take it?

A. You'd come across a grotesque body that had been lying out for 2 or 3 weeks, and a picture being snapped.

Q. But you don't recall whether WIDMER took any photographs?

A. No, the only one I saw taking any pictures was people from PIO.

Q. Do you recall the incident about CARTER being shot in the foot?

A. I recall going over with the medic, and then the medic treated him.

Q. Was this CAPEZZA?

A. Right. I don't recall the circumstances. I heard on the radio CARTER accidentally shot himself.

Q. Looking at the aerial photograph of the hamlet, could you tell about where CARTER was?

A. I'd know if I saw the area, but picking it out from here--I remember it was on a trail, it was on a big trail too; but where it was--maybe over here someplace (indicating). I don't know. Along here (indicating). Where's Dottie from here? Dottie's up here (indicating).

Q. Let the record indicate that the witness pointed to the north edge of the hamlet.

A. In fact I'm positive it was right along in here because I remember Dottie was right along in there (indicating).

Q. Do you remember an incident of a little boy about 8 or 9 years old who was shot by someone in the command group?

A. No, I recall at the end of the day, when we

got back to Dottie, I guess it was the next day, we were on a bunker where we were talking about what was happening and a couple of us were talking with WIDMER about something he did. I don't recall exactly what it was though. I believe that was PAUL, MURRAY, and myself, sitting on the bunker talking about that. I know WIDMER did something; but as a witness, I don't exactly know what he did.

Q. During this time you were going to the hamlet and you saw bodies lying around various places, was Captain MEDINA with you at this time?

A. Yes, sir.

Q. He was in a position to see these bodies?

A. Yes, sir.

Q. Did you hear him issue any instructions during this time about shooting people?

A. No, the operation was moving along on its own, I guess, because we were just pulling up the rear and as I recall the radio was rather quiet. I remember him calling somebody and telling him to knock it off. I don't remember exactly what it was, but that was at the end of the day, towards the end of the operation.

Q. We had some indication that this took place after the company had moved through the hamlet.

A. The order to stop?

Q. Yes. Is that right?

A. Right.

Q. How much of this did you hear?

A. I don't recall. I remember Captain MEDINA seemed quite upset whenever he was yelling. I think he gave it once and then came back 3, 4, or 5 minutes later and was yelling over the radio to stop.

Q. Do you know why he gave the order?

A. No, I've read reports, but I don't know myself why.

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Q. Did the company take any prisoners?

A. I don't recall. I don't recall if it was then or if it was the next day. I don't think so.

Q. Did they evacuate any civilians that came out of the area?

A. No, I don't recall.

Q. Were there any civilians wounded that were treated by the medic?

A. Towards the end of the operation I remember a little girl being treated by a medic. I think she was treated by a medic. Quite a few fellows were sitting around.

Q. Was this after the word had been passed to stop the shooting?

A. Yes, sir.

Q. About how long prior to that time?

A. No, I don't recall any aid being given to anyone in the village prior to that time.

Q. Did you see any Vietnamese alive at this time?

A. No, I got the impression that everyone was dead that was shot. I didn't see anyone that was walking.

Q. Do you recall anything else that happened on the 16th that could be helpful to us here in this inquiry?

A. No, I can't think of anything myself.

COL MILLER: To your knowledge, did Captain MEDINA personally set fire to any of these buildings in My Lai?

A. Yes, sir.

Q. Did you see him do it?

A. Yes, sir.

Q. Did he give orders to other people?

A. Yes, sir. I believe I set a few on fire myself.

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A. I believe that's the way it was.

Q. Perhaps I misunderstood you, but could you describe that?

A. Well, as I recall, the first incident where I had seen bodies--it's hard to put it in any type of sequence, but I believe that was the incident where people were gathered up coming outside of a hootch and they were shot. I would say there were about 10, 7 or 10 people.

Q. Did you see anything else of this nature occur?

A. That's the only actual shooting that I witnessed.

Q. Did you see other groups of bodies together later?

A. I didn't strain to look. I couldn't hazard a guess on that.

Q. Do you remember a man named CONTI and another man named SIMONE?

A. Yes, sir.

Q. Could you tell us a little about these men?

A. Well, certain groups were rather wild around the villagers in reference to the women and beating and stuff. And these were a couple of guys who were more involved than the other guys.

Q. You're speaking of CONTI and SIMONE, anybody else?

A. SIMONE, I assume so because he was part of the crowd. He was kind of boisterous; but CONTI, I had seen him pulling hair and stuff and slapping people around, and I had heard hearsay going around that he had raped a few women, quite a few.

Q. Anything of this nature occur during the assault on My Lai (4)?

A. I don't think so. I don't think anyone was-- I think everyone was just shot. I don't think there was any delay. I don't know. I wasn't with the lead platoon whenever that happened.

Q. You mentioned in an earlier statement that there were five or six guys in the company with helmets decorated with braids of hair they had cut from girls' heads.

A. I don't know how many there were. I remember somebody asking me about that, and I recall a few fellows wearing those braids.

Q. Was it also your recollection that CONTI was one of these and SIMONE another?

A. I believe so. I'm relatively positive that CONTI was. SIMONE, I think he was, but I'm not positive.

Q. Do you recall the names of any others in this little group?

A. There was a guy killed about 2 or 3 months before. It starts with an R. You mentioned-- ROTGER, he was one. And there were a few Negroes, but I don't know their names. I know their names because they were brought before either the CO or Lieutenant CALLEY or somebody complaining about them. That's one of the reasons I can remember their names.

Q. Before the operation?

A. Yes, sir.

COL FRANKLIN: What's your impression of C Company? What kind of memories do you carry of C Company?

A. Well, I thought C Company was very disciplined and held together pretty well compared to how the company was when Captain MEDINA left. I thought he had a strong hold of the company and he knew what was happening all the time. That was a credit to him, to be interested in everyone.

Q. You mentioned WIDMER; what do you think of WIDMER?

A. As a guy, I thought WIDMER was okay; but there were a few instances there, looking back on it, that kind of made you wonder about the guy, in reference to what his likes and dislikes were, blood, et cetera.

Q. You've got people cutting off hair and there's talk of some rapes, and this didn't seem to strike you as particularly--

A. (Interposing) I don't recall WIDMER taking part in any rapes or anything like that. I recall he was kind of fascinated by blood. We'd come across a grave or something and we'd have to dig it up. I found something like that really repulsive. WIDMER just kind of ate it up. He'd dig and they'd pull out an arm and he thought it was a big joke. I found it rather repulsive.

Q. You say when you heard that fire initially you knew what was going on. How would you know what was going on?

A. Well, I knew before we went in there that we were given orders to kill everything that moved. And then it started sinking in just exactly what was happening. I think most of the fellows when they got the briefing to go in and kill everything that moved, I don't think it sunk in. I don't know how the other fellows felt about it, but it didn't sink into me until I actually heard shots being fired. And then I realized what was happening.

Q. Why didn't you think it was VC?

A. Why didn't I?

Q. Yes.

A. Well, I didn't have any thoughts one way or the other whether it was VC or not, or whether it was civilians. I didn't hear anything coming back and I didn't hear any comments over the radio that there was a big fire fight going on. I could tell the difference between an M-16 and an AK-47 or an M-1. I didn't hear anything else.

Q. Are you pretty sure there was no artillery in the village?

A. I'm positive.

Q. You're jammed into this helicopter and I doubt if you got a door seat; you've got an armor vest maybe, and you've got a rucksack and a radio, and two other radio operators are there in--

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A. (Interposing) I recall seeing the prep going on. I could see the dust flying up and I could hear the impact.

Q. The whole 3-minute prep, or 5, or whatever it was?

A. No, I didn't see the whole thing, but going into the village there were no craters. 105 rounds leave definite craters. There was none at all inside the village, that I recall. Prior, there may have been, but there were no fresh craters.

Q. Is there any doubt in your mind that Captain MEDINA knew, when you were with him, that people were shot down?

A. No, he knew. Captain MEDINA knew.

Q. There was talk of the wounds; that these people were shot at close range. How do you know if somebody is shot at close range?

A. Well, I said that because of the one incident I saw. I relate that to what else was going on. I don't really know. But there were large groups and it was rather rare to see somebody off by themselves. It was there, most of the people were in groups, and I would assume that the groups were fired on up close rather than a distance away.

Q. You mentioned that some of these guys were pretty tough. Do you know of any other occasions where C Company went in and shot unarmed people that they'd captured?

A. No. Captain MEDINA had a strong hold over the company. If something like that happened, he'd know about it, he'd be giving the order. People didn't--when people acted, they acted at the orders of Captain MEDINA, that's what I would say, rather than acting as individuals or acting on their own. That's the impression I have. But that's a conclusion rather than a factual statement.

Q. Well, how about these--I think you said CONTI is alleged to have raped a lot of women and that hair was being cut off. How does that jive?

A. Well, that's different. As a command group

we'd be coming along--I don't recall seeing--I think we came around a corner one time and CONTI was doing something to somebody and Captain MEDINA chewed him out, really gave him a good chewing. And I think most of the fellows knew they didn't do that kind of thing in front of Captain MEDINA. Captain MEDINA may have been aware of it, but if it wasn't in his immediate presence, he didn't strike me as prying to come up with any facts or any discipline.

Q. When MEDINA took off running was he carrying a rucksack?

A. I don't recall.

Q. Was it hot this day or cool?

A. It was a warm day, but I think this was earlier in the morning. I don't think the temperature had set yet.

Q. So you think somebody could run 100 meters, or 200, or whatever it was?

A. It was quite a ways. Captain MEDINA was in outstanding shape. He's 10 or 15 years older than I am; but he's probably two or three times better shape than I am, I would say. Of course he didn't have all the weight I had. I carried a radio--I don't know what the weight is-- and my ammo, and a few things for Lieutenant ALAUX. Captain MEDINA didn't have any weight compared to us, the RTO's.

Q. When you joined up with B Company, up there by the graveyard, who was around to see? Who would see what you saw?

A. Lieutenant ALAUX, I believe; I was always with him. WIDMER, I know he was there; and MURRAY. Those are the ones that are definite. PHU, the interpreter, was there; and I believe there was someone from another company, another CO. I don't recall if KERN was with us. KERN was the recon sergeant of our FO party, and he would rejoin us at night sometimes. He rejoined us, but I don't recall if it was just before that or just after that.

Q. Where did you go after you were FO RTO for 5 months?

A. I went into FDC.

Q. Back at which battery?

A. I was back at C/6/11 for a couple months. And then I was infused.

MR WEST: What were KERN's duties?

A. KERN, he'd go out with another platoon. We'd separate and he'd go out with one of the other platoons and he'd do about the same thing Lieutenant ALAUX did with the command group.

Q. Functioned like a forward observer?

A. Yes, sir.

Q. Lieutenant ALAUX was in charge of the artillery for the company and KERN was more or less second in command?

A. Yes.

Q. Were you occasionally his RTO?

A. No. I think I was with him maybe once or twice.

Q. Did he have a regular RTO?

A. I don't believe so, no. I think they used the command net if he needed something.

COL WILSON: Do you remember if there were any engineers attached to the command group?

A. No, I don't recall. Engineers only joined us once or twice. It was back around that period sometime, but I don't remember if it was that day or not.

Q. Do you know normally which unit provided the squad of engineers that went with C Company?

A. No, it was something from the 11th Brigade, I believe. I know the guy's name; he had a real common nickname, but I don't know his real name. A colored fellow went with us; I think twice he came with us. But I don't recall his name.

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Q. If the mortars were with the unit on the combat assault, would they normally have an FO with the company commander or with the platoons?

A. With the platoons I believe.

Q. Do you know of any mortar FO's that were with them that day.

A. I don't know personally who they were. I think it was normal when the Heavy Weapons Platoon was out, I think it was still normal to have a recon sergeant even though the platoons weren't there.

Q. Did you make any report through your net, through your communications, on artillery casualties that day?

A. No, the only thing that was mentioned on our radio was our location, which we were required once an hour or so, or once every thousand meters, to call in. That's the only thing that ever came over.

Q. All day?

A. Yes, sir.

Q. You don't remember your frequency?

A. No.

Q. Did it change often?

A. It didn't change for a long time and then it started changing once every 2 or 3 weeks.

Q. About every 2 or 3 weeks?

A. Once it started changing. We kept the same frequency for a long time, for 2 or 3 months; and then it started changing fairly regularly. Then they had a procedure where they'd change it once a month.

Q. What was the communications system you were on? What net were you on?

A. I was on the artillery net.

Q. Were you in communication with Captain VAZQUEZ?

A. He was our liaison officer; yes, sir, I believe he was.

Q. Did you communicate with him at any time?

A. I don't know if it was him. I think his call sign was 60 or 70. We'd call his station and give our location. That's who we'd give our location to. I don't know if it was him or one of his RTO's.

Q. Do you know his RTO's?

A. Not personally.

Q. Do you remember the names of his RTO's?

A. I remember one; one was ENGLAND.

Q. ENGLAND?

A. Yes, he was a real dud. I remember him pretty good. I remember they said we were going to change places. They were going to send him out to take my place, and I couldn't see him in the field.

Q. The Task Force Barker Journal indicates that a man was shot in the foot at 1020 hours (I'm trying to fix the time and location.) and was evacuated, according to the division journal, at 1025. Do you remember, when CARTER was wounded, how long a time it was between the time he was wounded and the time he was treated?

A. I would say it was more than 5 minutes; because wherever it happened, we were always back, one way or another. I think we were back this way (indicating). It happened over here, probably over here someplace (indicating). It took us, I'd say, at least 5 minutes to reach him; because the senior aids had to get to him to treat him, and then it was another 10 or 15 minutes. I remember sitting down and taking a break. I don't usually sit down. I stood around for a few minutes and it looked like a wait, so I sat down and took off my gear.

Q. You don't consider these times accurate, do you? Five minutes?

A. Well, it wasn't an unusually long time; but for the record, I would say that's good enough. In actuality, it was probably 15 minutes or so.

Q. Does 10:20 sound like about the time when CARTER would have been wounded?

A. I would say so. It was towards the end of the invasion of the hamlet. That sounds like it. I don't think it took more than 3 hours for the whole thing, so that sounds about right.

Q. How far were you into the hamlet? Were you halfway through it or three-quarters?

A. When his wound occurred?

Q. When his wound occurred.

A. I don't recall, but I remember we walked along this trail (indicating). If this is where it happened, we walked along a major trail for quite a ways. I don't know where we were; we were probably back here (indicating).

Q. I show you Exhibit P-8. Do you recognize that area? That stream?

A. Yes, sir. This is the same photo as in the Americal newssheet, Southern Cross or whatever it is. I'm right here in the back here.

Q. Are you in this photograph?

A. Yes, sir. That's me sitting down right here, without the helmet.

Q. Is Captain MEDINA in this?

A. Yes, sir.

Q. Can you see what he's wearing?

A. It looks like he has quite a bit of gear on. He has a flak jacket on, and it doesn't look like a rucksack. It looks like an Army issue pack. No, I think it is a rucksack.

Q. This is a photograph of CARTER when he was wounded and this would have occurred sometime around

10:20, at that particular location?

A. Yes.

Q. You can't, with that photograph, locate this on the map?

A. No, I can tell if this is the trail. This is all a trail right here (indicating), a big one, and it's right on the outskirts of the village. I don't know if it's this one or it's up here (indicating) but I believe that's the trail.

Q. Are you pointing to the northern portion?

A. If Dottie's over here (indicating), I remember the correlation between Dottie and the village. It was on the outskirts of the village on a large trail.

Q. I show you Photo P-32. Is this the person MEDINA shot?

A. I couldn't remember. I don't know. I remember the person was white, or in something light.

Q. I show you P-9 showing Sergeant CARTER being evacuated.

A. No, he wasn't a sergeant. He was a PFC.

Q. I'm sorry, CARTER being evacuated.

A. This is WIDMER. I don't know this other guy.

Q. Did you see him being evacuated?

A. I was right there. I don't recall exactly his being transported over to the ship, but I know I was there.

Q. How far was the location at which he was wounded from the pick-up point?

A. From right there to the helicopter?

Q. Yes. From P-8 to the helicopter.

A. This was all open over here, so the ship came in right here. It wouldn't be very far.

Q. We're talking about a few feet? Twenty-five?

A. If the approach was from this way then they'd probably have to come in on an angle, through these trees; and they wouldn't be more than 50 feet away, I don't think.

LTC PATTERSON: I presume you had a PRC 25?

A. Yes, sir.

Q. And it was tuned, as you said, on the artillery net. Did you change at any time during the day to any other net?

A. I don't believe so.

Q. You would have remembered, I presume, because there's a little trick to it.

A. I wouldn't do that because it's on my back. Somebody else would come up and, I don't know--Lieutenant ALAUX maybe came up and changed it for something. I don't think so. I strongly doubt it.

Q. Do you remember having lunch that day?

A. Very vaguely. I remember opening some C-rations.

Q. Were you in the village?

A. I think we were in the village. I think it wasn't too long after this. That's when I think I said something about somebody assisting a little girl, or something. That was about that time, we broke for lunch. There was a girl found.

Q. Did you all just sprawl out and take a break, or did you maintain some tactical integrity?

A. There was some kind of perimeter. There was always a perimeter when we broke for lunch, unless the operation was still going on. I don't recall.

Q. Do you recall anybody keeping any diaries or notebooks or writing down anything?

A. Not that particular day, no.

MR WEST: Mr. MARTIN, do you know anything about an investigation that followed right after the incident at My Lai (4)?

A. I think everyone was aware that there was a complaint made by the helicopter pilot, by the guy in the bubble, when MEDINA shot that gal, I guess.

Q. Did anybody ever come talk to you?

A. No, sir.

Q. Did you know Colonel HENDERSON?

A. He was our brigade commander. I never saw him personally.

Q. All right, we had evidence that after Charlie Company was extracted and taken back to Landing Zone Dottie, Colonel HENDERSON talked to some of the men just after they got back. Do you recall such an incident?

A. No, sir. I was kind of looked at as an outsider in the company. If there was something wrong in the company, something going on, I don't think anybody would come to me to ask my opinion.

Q. Did you stay with the company throughout the balance of the operation? Our information is that it lasted a total of 3 days, the company being extracted on the 18th.

A. I stayed with the company until I returned back to my unit.

Q. Several witnesses seem to think the company was pulled out on the 17th. Is your memory clear on this point?

A. No.

Q. Do you recall, for example, spending 2 nights in the field before you were lifted out?

A. No, I recall definitely 1 night in the cemetery. I don't recall what happened after that.

Q. Was anything outstanding in your mind about the balance of the operation? We've had some evidence, for example, that the company moved south through some other hamlets and burned hootches. Do you remember any of this?

A. No. It's hard to say from day to day what happened. It seems to me we may have--no, I can't say when what happened.

Q. Do you recall an incident on either the 17th or the 18th when Colonel HENDERSON came out in a helicopter and talked to Captain MEDINA?

A. I thought General LIPSCOMB came out. If Colonel HENDERSON was our brigade commander, then I think so. I remember the brigade commander coming out.

Q. The fact is that Colonel HENDERSON assumed command on the 15th. He was in command at the time. We have testimony that he came out in the afternoon just before the company was extracted, and talked to Captain MEDINA. He had some people with him. Colonel LUPER was with him. I thought perhaps, if you were still in the command group at this time, you might have recalled this.

A. No, I don't remember that. I remember Colonel LUPER. Colonel LUPER was my commanding officer. I remember he came out with somebody at one time. There was only one time that I ever saw him out in the field. I assume this was it.

Q. We've had some indications that perhaps smoking marijuana was somehow involved with the events that happened at My Lai (4). Do you have any knowledge of this?

A. I'd say that's a very illogical conclusion. I would say no one was under the influence or substantially under the influence of any narcotic.

Q. You said illogical?

A. Yes.

Q. You know of nothing to support this?

A. Nothing at all.

Q. Do you have any knowledge of what happened to C Company after My Lai; what the company did after this; or what kind of missions it had?

A. No, I don't recall any fire fights or major operations and certainly nothing like this. I think it went back to the routine of search and clear.

Q. How long were you attached to the company after the 16th of March?

A. Until some time in May, May 1st or 2nd.

Q. I've asked about whether there was any investigation of this thing. Did anyone ever tell you to keep quiet about what happened at My Lai (4)?

A. No, sir.

Q. I want to ask you some general questions which will call for an opinion. This could conceivably be very helpful to us. Could you characterize for us what actually happened at My Lai (4)? In your opinion, what caused such a thing to happen?

A. What led up to it? What's the basic cause of My Lai?

Q. Yes, what do you think?

A. I don't think this would have happened when we first went over there. I think it was a combination of orders, a combination of people not knowing exactly what they were doing when they went in there, how to handle the situation, resentment toward the Vietnamese in general. In fact, I would say that's the biggest factor, the resentment those people had. Especially this specific area. Numerous times we'd been pinned down by sniper fire coming from the village. We knew it was coming from the village.

Q. Was it your impression that the men were under orders to kill every living thing, including the civilian inhabitants of the village?

A. Yes, sir.

Q. I don't want to put this in your mind.

A. That's definite. There's no doubt in my mind that people were under orders. People weren't acting as individuals; they were doing what they were told to do.

Q. There has been some suggestion that the men were just out of control, sort of ran amuck. Is this in accord with your recollection?

A. I didn't actually see this. I'd say you might be able to draw that conclusion about a person's attitude or something. But this reason for doing it, for getting started, wasn't some irrational behavior. Once a job got started maybe it might have appeared that way; people were enjoying it to a certain extent, but the initial starting of the shooting wasn't an irrational act, in my opinion.

Q. You had indicated a little earlier in your testimony that Captain MEDINA kept well in control of things?

A. Yes, sir.

Q. Do you think the men were under his control during the sweep through My Lai? Do you think he was in command all the time?

A. Yes, sir. I don't know if he was aware of everything that was going on, but I'm certain he knows what I know, about what I saw. He was aware of what was going on.

Q. In your opinion, Mr. MARTIN, why was this incident not reported? Why didn't it become known?

A. I don't know. I know there was a complaint made by the helicopter pilot. Why something didn't go from there is beyond me.

Q. If you were around the company for a good while after that, what was the general feeling and attitude of the men? Did they talk about it a lot?

A. No, it wasn't something they talked about. I got the impression that the guys didn't even know what they were doing. They were going through with the orders, and they did the act, and then it dawned on them later what happened. It dawned on me what was going on when I first saw that first group shot. But I don't think everybody felt what I felt.

Q. Could you describe the general feeling of the men towards what they had done? Was there a feeling of remorse afterwards or shame perhaps?

A. Well, I didn't really associate with the company that much. We'd come in to Dottie or something and I'd go back with friends of mine in artillery; so the only people I ever talked to about opinions were the people in command group, PAUL, and MURRAY, and a couple of other guys. We had a little discussion about it.

Q. I did want to come back to that. I believe you said after you got back to LZ Dottie you got together and talked about this. Do you recall what was said at that time?

A. I don't recall what was said exactly; but I recall that PAUL, MURRAY, and myself were talking about what took place that day in a negative sense, and WIDMER was kind of standing up for it, what took place.

Q. But the rest of you didn't approve?

A. No. I don't know if it was that common or not in the rest of the company.

Q. Did you and Lieutenant ALAUX talk about what had happened?

A. I don't recall. Lieutenant ALAUX was rather compassionate. I think he looked on with a little disbelief too.

Q. Did he make any comments to you about it?

A. I think he said something about war crimes or something. He said if people knew about this, they'd be charged with war crimes, or he said this is war crimes, or something like this. War crimes came up.

Q. In that connection, do you recall what training you had with regard to the treatment of prisoners of war and noncombatants?

A. No, I don't recall any training at all. I remember being given a Geneva card which tells me how to act, but I don't even know what's on the Geneva card. We're just handed them with a bunch of other paraphernalia, and I put it in my pocket.

Q. But you don't recall any periods of training on the Geneva Convention, the rules of land warfare?

A. I don't in Vietnam. I think I recall some in Hawaii before I went over, perhaps an hour or two. I don't recall anything about it.

Q. Anything specific about treatment of noncombatants?

A. Well, I'm aware that you don't -- that Army regulations pertaining to humane treatment of prisoners are in effect. I think I was aware of that before I went into the Army. I don't know where I got the information from.

Q. You don't remember any in-country training on this subject?

A. I don't remember any training at all in Vietnam about this.

Q. Can you think of anything you'd like to add?

A. Everyone was aware that there was an investigation being conducted, that there was a complaint being made by a warrant officer. I felt as PFC that if the Army is not going to listen to a warrant officer who doesn't have anything to do with the company, it's not going to listen to a PFC who's a member of the company. I think that was common at that time.

MR WEST: Mr. MARTIN, we certainly appreciate your coming here. I know it was a great inconvenience to you. You've been very helpful to us. We're very grateful. If you should think of anything after you return home, find any papers, photographs, or anything of that nature that will be a help to us, we'd appreciate hearing from you. I would remind you that we would also appreciate it if you would not discuss the proceedings of the board here. Our proceedings are confidential and we desire to keep it that way. The hearing will be recessed.

(The hearing recessed at 1300 hours, 27 December 1969.)

(The hearing reconvened at 1301 hours, 27 December 1969.)

RCDR: The following persons are present: COL WILSON, LTC PATTERSON, and MAJ ZYCHOWSKI.

COL WILSON: Mr. MARTIN, I show you Exhibit M-2 entitled "Nine Rules." Have you ever seen this card?

A. Yes, sir, I've seen it.

Q. Where did you see it?

A. This was distributed, I think, when I first got to Vietnam, I believe. I've seen it, I guess it was in Vietnam with this insignia. I know I was given one.

Q. Did you get it after you got in country, or did you get it while you were in training back in Hawaii before deployment?

A. I don't remember.

Q. You remember having the card?

A. I didn't carry the card; I remember their distributing them.

Q. You mentioned a card on Geneva conventions?

A. I think I still have that.

Q. May I see it?

(The witness withdrew a card from his wallet and handed it to COL WILSON.)

Q. Where did you receive this card?

A. In Hawaii.

Q. This card is entitled "Armed Forces of the United States, Geneva Conventions Identification Card." This card is issued in accordance with the provisions of the Geneva Convention of August 12th, 1949. It's DD Form 528, dated 1 November '64.

(To LTC PATTERSON) Would you make a facsimile of that please?

(To witness) I show you Exhibit M-3. Have you ever seen that card?

(The document was handed to the witness.)

A. I don't recall this card. It may have been distributed with that one, but I don't recall it. I recall

(MARTIN)

something with phrases like this, but I don't recall if that's the card or not.

Q. This card is entitled "The Enemy in Your Hands." I show you Exhibit M-4 entitled "Guidance for Commanders in Vietnam." Have you ever seen that card?

A. No, I don't think I've ever seen this one. I recognize some of the statements on here, but I don't recognize anything on this card.

Q. I want to show you a series of photographs that are Exhibits P-2 through P-70. Now, as you look through that series of photographs, if you find one that you can identify from something that you have seen before, put the photograph aside and just pile the others up in one place starting with P-2 through P-25. I'll help you separate the ones you might have seen in LIFE magazine.

A. If I recognize personnel, do you want me to set that aside?

Q. Yes.

(The witness examined the series of photographs.)

Q. This photo number 3, what do you recognize about that photograph?

A. That's our interpreter, Sergeant PHU.

Q. That is Sergeant PHU?

A. Yes, sir.

Q. Photo number 10 is CARTER again. Do you recognize individuals besides CARTER in that photograph?

A. No, I don't know these two guys. I know they're with the company. Just CARTER is the only one.

Q. Photo number 13, what do you recognize about that?

A. This is Lieutenant ALAUX.

Q. Lieutenant ALAUX is the first man in the column, is that correct?

A. Yes, sir. This is Sergeant -- I can't think of his name offhand. He was in charge of the mortar platoon.

Q. The second man in the column in in charge of the mortar platoon?

A. Yes. The third one is Sergeant PHU again.

Q. The third one is what, Sergeant PHU?

A. Yes. That might be me right there. I don't know.

Q. With the helmet off?

A. I should be right around Lieutenant ALAUX; maybe I'm out of the picture there to the right.

Q. Does photo number 13 show the command group of C Company? Is that what this is?

A. He usually didn't go with the command group.

Q. You're talking about the sergeant with the mortar platoon?

A. The mortar platoon usually followed directly behind the command group, but not attached to it. That was their line of march, so if we'd stop for a rest we'd be together. Yes, that would be the command group.

Q. The command group of C Company. Can you identify this photograph as being a photograph taken during the operation on the 16th of March?

A. I don't think so. No, I can't see enough of the background to tell.

Q. Is that Sergeant MARONEY?

A. MARONEY, right, he's the platoon sergeant of the mortar platoon.

Q. If this photo was taken on this operation, would his presence indicate that the mortar platoon was on the operation?

A. Yes, sir, he'd never be away from the platoon because he supervises the setting up the tubes.

Q. What do you recognize about number P-15?

A. I believe this is Lieutenant ALAUX. I think this is; there is another photo like that I'm sure is Lieutenant ALAUX.

Q. This is very difficult because the man's back is facing you. Now how do you identify this?

A. If I could have the other one I could better explain. This one I picked out as being very similar to the other one.

Q. We'll put this aside until we get to the other one. What do you identify about number P-26?

A. I believe this is adjacent to Dottie, the take-off at Dottie. This is a big open field. I remember coming in. Usually we'd have four or five helicopters and this particular day we had 16 or 17. We had a lot.

Q. Do you believe this photograph was taken on the 16th of March?

A. I don't have any way of knowing, that's where we lifted from, that's the same area we were lifted out of on the 16th of March.

Q. This is LZ Dottie?

A. Yes, sir.

Q. What do you identify on number P-31?

A. Well, I saw a scene something like this. I don't know if this is the one or not but I remember this trail right here. My Lai is right in here, I'm positive, and this is the same trail where CARTER was lifted out of. I don't know if it was in here; it could have been 600 or 700 feet down further, but it was that same trail.

Q. This photograph shows three bodies along the road. This road or trail which you refer to is the same trail that the helicopter landed on?

A. For CARTER? I believe so.

Q. For CARTER?

A. I believe so.

Q. Do you remember seeing these three bodies?

A. I remember seeing scenes like that. I can't specifically recall if that's the same scene I saw.

Q. This is a similar photo to number P-15. Is this the one you're talking about, the man throwing the basket into the fire?

A. I'm sure this is Lieutenant ALAUX because that's the way he wore his rucksack. And very few people had one of those water sacks. I know I followed a lot of people trying to get one of those water sacks. There were just a few guys with rank that had those. They were issued but everyone wrecked them.

Q. A water sack?

A. There's a plastic thing that goes inside an OD-colored sack, and it contains water. You have, I don't know what you call that kind of cover, whenever it lifts up it sounds like it's ripping. I don't know if those were issued or not, but they were very unusual in the company.

Q. The way you indentify this photograph is by that piece of equipment that Lieutenant ALAUX had?

A. That, and there weren't very many people that wore their pants bloused. Lieutenant ALAUX always wore his pants bloused. I know that's vague, but I feel reasonably certain that's Lieutenant ALAUX.

Q. On number P-37, the man in the well, the body in the well--

A. (Interposing) This isn't something I saw in My Lai. I thought maybe this was a picture of an earlier occurrence involving Lieutenant CALLEY. This I don't recognize.

Q. What do you recognize about number P-56?

A. The only thing I recognize here is this person; that's WIDMER in the back. I can't make out who that other one is.

Q. WIDMER in the back? Who is the man throwing the hand grenade?

A. The fellow picking it up there?

Q. Yes.

A. I don't know.

Q. Is this in My Lai (4)?

A. That's awful hard to tell. I don't know, it looks like the general area.

Q. What do you recognize about number P-57?

A. This is -- I can't think of his name -- a Spanish fellow, platoon sergeant of 3d Platoon.

Q. LOPEZ?

A. LOPEZ, right.

Q. What's going on here?

A. I don't know. Or when this was taken, I don't know.

Q. I have a question regarding his equipment. He seems heavily loaded with munitions. Was this the normal combat load for that unit?

A. Not for the unit; it's rare. But Sergeant LOPEZ, he had some kind of phobia about he was going to get hit or something, and he carried more ammo than anybody else. It was not unusual for him to carry a lot of ammo.

Q. What about number P-60?

A. This is the 3d Platoon commander, Lieutenant LACROSS. I didn't see this occur; but this represents a scene that I saw take place quite a bit, lighting the hootches.

- Q. Can you identify this as being My Lai?
- A. No, I can't tell.
- Q. Do you remember Sergeant Kenneth HODGES?
- A. I remember the name.
- Q. What do you identify about number P-64?
- A. That looks like the landing zone outside of My Lai, although it is hard to tell. We landed in an area something like this, I believe.
- Q. Do you recognize any of the individuals in this photograph?
- A. I recognize them, but I don't know their names.
- Q. Are they C Company?
- A. Yes, sir. I can't definitely make out these fellows in the back, but I know he's in C Company (indicating).
- Q. Can you identify this as occurring on the 16th of March?
- A. I would say that it represents a landing zone outside of My Lai. It could be another landing zone also, I suppose.
- Q. What about number P-66?
- A. I picked this out because I recognize some of the individuals, Sergeant PHU.
- Q. Sergeant PHU is the first man on the left?
- A. That's MURRAY.
- Q. MURRAY's the first man on the right?
- A. I recognize these two fellows, but I don't know their names.

Q. The two men in the back you recognize, but you don't know the names? Both are Negro?

A. Right.

Q. Do you remember seeing this scene?

A. No, sir.

Q. Just the people? Can you identify this as being My Lai (4)?

A. No, not positively?

Q. Just for clarification, the second man is who?

A. I don't know who that is; that looks like an outsider. Let me see this a little closer. I would say that's a Vietnamese. I don't know who it is.

Q. And what about number P-67?

A. I picked this out because I recognize Sergeant PHU.

Q. Sergeant PHU in number P-67. Can you identify the Vietnamese he is talking to?

A. No.

Q. You were somewhat skeptical about number P-40. What about number P-40?

A. Well, she looks familiar and the scene looks familiar, but I can't say that I definitely saw it. This represents scenes that I observed when I was in My Lai; people crying, hysteria, and kids being held by mothers. She looks familiar but I can't positively say I recognize this photo.

Q. Of any of those photos that you have seen, could you identify those photos in relation to this aerial photograph as to the area that the photograph was taken?

A. No, not definitely. I can't recognize this as My Lai.

Q. Can you recognize the photo to your rear on the right wall there as My Lai (4)?

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A. I'm better able to observe that as possibly being My Lai, but if you didn't tell me that was My Lai I wouldn't be able to pick it out. If you mixed it in with a bunch of other photos of Vietnamese villages, I wouldn't be able to pick it out.

Q. Is there any way that we can identify any portion of My Lai (4) as to your presence at any time from either of these two photographs?

A. No.

MAJ ZYCHOWSKI: Mr. MARTIN, I'd like to ask you one question, if I could, please. While you were with the command group during this operation, did you hear any orders or any radio communications about the company going back into My Lai (4) to make a body count?

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

Q. You didn't discuss this at all with the RTO for Captain MEDINA or any of the other RTO's?

A. No, sir.

COL WILSON: Do you have anything further, any further testimony, or any additional statements to make?

A. No, sir. I have a hard time with specifics. If I'm asked a question I try to answer it, but bringing it out on my own is kind of hard to do.

Q. One other question. When you came in country, with the unit, did you go through the combat center?

A. No, sir.

Q. Were you given a period of in-country training when you arrived?

A. No, sir.

Q. You came in country and you went immediately into your operations?

A. Well, C/1/20 was a member of the advanced party. We flew over. Everybody else came over by boat. As far as training, I think members of the company---I know some fellows were sent to some kind of Americal station at Chu Lai for some kind of training, but those were the select few. I think those were just squad leaders, but not the whole company.

Q. You don't remember a period of training taking place at Duc Pho?

A. Now that I think about it, yes. I can remember instructions in how to board a helicopter. I went down and rode a helicopter around a base. It was set up on an LZ. That's the only training I can remember.

Q. You don't remember any classroom training?

A. Very vaguely. I remember now that there was instruction.

Q. Do you remember any legal instruction that may have been given?

A. No, it may have been given, but I don't recall that.

Q. Do you remember when you were issued the cards, the one which you recalled earlier?

A. No. That was the only training I can remember having. I assume the cards were probably handed out.

Q. Mr. MARTIN we appreciate your coming very much and unless you have any further statements to make, this terminates the interview.

(The hearing recessed at 1324 hours, 27 December 1969.)

SUMMARY OF TESTIMONY

WITNESS: MEDINA, Ernest Lee, CPT

DATE OF TESTIMONY: 4 December 1969

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: Murder of Vietnamese civilians; disobedience of orders and regulations; misprision of felonies, specifically murder.

COUNSEL: F. Lee Bailey and Gerald Alch, civilian attorneys, Center Plaza, Boston, Massachusetts, and Captain Edwin Richards, military counsel, stationed at Fort Benning, Georgia.

DUTY ASSIGNMENT ON 16 MARCH 1968: Commanding Officer of Company C, 1st Battalion of the 20th Infantry, attached to Task Force Barker.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

a. Training received by MEDINA's unit on treatment of prisoners and noncombatants.

Prior to its arrival in South Vietnam, MEDINA's unit had not received any training on the Geneva Conventions, war crimes, or things of this sort (pg. 76). At no time were MEDINA's men given any handouts dealing with war crimes, the reporting of war crimes, or the prevention of noncombatant deaths (pgs. 73, 74). The only training received incountry was a one day orientation (pg. 77), covering tagging and evacuation of prisoners of war, methods of halting fleeing persons, and orders not to shoot women and children (pg. 73).

b. Cards issued to troops covering prisoners of war and noncombatants.

The unit had received training in securing prisoners of war while still in Hawaii (pg. 76). However, the troops were not issued Exhibit M-3 which is a card covering this topic (pg. 75). While MEDINA had seen this card (pg. 75),

he had not seen Exhibit M-4 which was a comparable card prepared for all commanders by General WESTMORELAND (pg.75). MEDINA was familiar with the card containing the nine rules, but it was not issued to the unit (pg.75). However, relative to the information contained on the latter card, the men had been instructed that they were guests of the country and that they were there to help the South Vietnamese (pg. 75).

c. Unit SOP's on the handling of prisoners and non-combatants.

There was no task force SOP pertaining to the handling of the prisoners of war, but there was a battalion and company SOP (pgs. 75, 76). This latter SOP did not contain any information as to reporting or dealing with atrocities (pg. 76). It did not contain any information relative to the general treatment of noncombatants (pg. 76).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

a. Aerial reconnaissance.

Prior to the operation MEDINA, and possibly Captain MICHLES (pg. 78), accompanied Lieutenant Colonel BARKER on an aerial reconnaissance of the area (pg. 7). BARKER instructed him to burn and destroy the village, to destroy any livestock and to close wells (pgs. 18, 78). The reason for this was to deny the village to the 48th VC Battalion which had been operating out of it (pgs. 7, 9). BARKER told MEDINA that he had obtained permission from the senior district province advisor to destroy the village (pgs. 19, 20).

b. Instructions and information MEDINA had on treatment of noncombatants.

MEDINA was not issued a written combat order (pg. 18). He was given no instructions concerning the civilian population since he was told that all civilians would be gone to market as of 0700 (pg. 18). Although he was not told what to do with noncombatants should they return to the village during the operation, MEDINA knew the SOP which was to send them to the province headquarters at Son Tinh or Binh Son with instructions to report to the district advisor of the South Vietnamese Army there (pg. 19).

c. Operations order given by MEDINA to his unit.

In giving the operations order, MEDINA told his company that the 48th VC Battalion was located in the village, that its estimated strength was somewhere between 240-280 men, that they would be outnumbered two to one, and that the landing zone would be hot (pg. 7). He attempted to convey to the men his expectation of heavy contact and the probability that they would sustain heavy casualties (pg. 8). He emphasized aggressiveness in closing with the enemy, as he had been told by Colonel HENDERSON that lack of aggressiveness resulted in failure to secure enemy weapons (pgs. 7, 8). He also emphasized preventing surprise VC rear attacks by a thorough check and clearing of all enemy bunkers and positions (pgs. 7, 8).

d. MEDINA's knowledge of Task Force SOP's on the use of smoke.

MEDINA did not know the Task Force SOP for the use of smoke. However, he did know that on this operation it was going to be used to mark the locations of Viet Cong with weapons (pg. 24). MEDINA was not aware of a Task Force SOP to use smoke for marking wounded soldiers or wounded noncombatants (pg. 24).

3. ASSAULT ON MY LAI.

a. Actions at the landing zone.

On the final approach to the landing zone, which was 150 meters to the west of the village (pg. 11), MEDINA saw rounds from the artillery prep landing in the village (pg. 11). (He had been told that the village would be prepped (pg. 11). On landing, MEDINA reported the LZ to be cold but was corrected by a helicopter pilot who reported incoming fire (pg. 11). He reported this to his platoon leaders (pg. 17). MEDINA instructed the platoon leaders to caution their people to move carefully, to check every hole, and to get moving (pg. 17).

b. MEDINA's initial movements.

While the platoons moved through the village, sweeping from west to east, MEDINA established his command post on the west side (pg. 17). He ordered the second platoon to retrieve two weapons from dead VC who were lying just outside the village (pg. 22). Having no one else

to send for other weapons marked by the helicopter pilots, MEDINA set out by himself to collect the weapons following orders from Major CALHOUN that someone be sent to get them (pg. 23). When MEDINA got to the first position marked by the helicopter pilot, he found a dead man, woman, and child who appeared to have been killed by the prep (pg. 23). At the second position he found an unarmed woman whom he shot when she made, what he felt, was a threatening motion toward him (pg. 24).

c. Bodies MEDINA saw during the 16th.

MEDINA then began his return to the village (pg.25). As he was moving from west to east on what appeared to be a trail between two rice fields, he observed a group of possibly 20 to 24 dead men, women and children (pg. 36). This was the area through which Lieutenant CALLEY's platoon had passed (pg. 80). MEDINA observed the bodies from a distance of 25 to 50 meters but did not examine them to determine by what type fire they had been killed (pgs. 36, 42, 79). He assumed that they were killed by small arms, artillery fire, or fire from the gunships (pg. 36). He did see one small boy whom he believed from the nature of the wound to have been killed by small arms fire (pg. 36).

d. Body count during the day.

By noontime, the gunships and the company had about a 90 body count, the majority of which came from the 1st platoon (pg. 43). A body count of 69 was due to the artillery fire and was reported back to headquarters (pg. 46). MEDINA did not think this to be an unusually high number for this type of artillery fire (pg. 46). He did not see any VC bodies or wounded as he moved through the village at noontime (pg. 48). This did not create enough doubt concerning the count for him to question CALLEY concerning the bodies CALLEY was reporting (pg. 48). MEDINA merely forwarded the figures given him by his platoon leaders (pg. 48). He did not know how they arrived at their figures (pg. 82). The rule for a body count was that to claim an individual VC killed you had to see the body (pg. 81). The normal body count is made up from reports of the men of the company (pg. 81).

e. Landing of helicopter.

On exiting the east side of the village at noon, MEDINA saw a helicopter on the ground in the area in which

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CALLEY was moving his men (pg. 37). MEDINA told CALLEY to put security around it (pg. 37). The helicopter had not crashed and MEDINA did not know if it had been hit by small arms or what (pg. 38). He saw the pilot and one of the gunners examine the rotorblade, climb back into the aircraft and take off (pg. 38).

f. MEDINA's actions after being informed of civilian casualties.

During the assault, MEDINA was contacted by Major CALHOUN who informed him that a helicopter pilot thought he had seen civilians killed (pg. 39). He told MEDINA to make sure that this was not being done (pgs. 39, 79). MEDINA ordered his platoon leaders to put out the word that civilians were not to be shot (pg. 39). Receipt of this transmission was acknowledged by the platoon leaders (pg. 42). Major CALHOUN did not give MEDINA instructions to stop the burning of the village or the destruction of the livestock (pgs. 39, 78).

g. Later movement.

After the noon break, the company moved toward its NDP (pg. 44).

4. INQUIRED CONCERNING ASSAULT.

a. MEDINA's report of civilian casualties.

MEDINA did not report any civilian casualties until between 1530 and 1600 on the 16th (pg. 43). Prior to making the report, he asked his platoon leaders if they had seen any dead civilians other than those he had observed himself. He received a negative report (pg. 44). In receiving MEDINA's report, Major CALHOUN ordered MEDINA to return to the village to get a count of the dead in the village (pg. 43). This order was countermanded by General KOSTER, who was monitoring the radio net (pg. 44).

b. MEDINA's meeting with Colonel HENDERSON in the field.

MEDINA met with Colonel HENDERSON in the field on the 18th to discuss the incident (pg. 69). Lieutenant Colonel BLACKLEDGE and Colonel LUPER were present at this time (pg. 62). Colonel HENDERSON asked MEDINA if he had killed a woman and asked if MEDINA knew of any atrocities that had

been committed (pg. 61). MEDINA explained the circumstances of shooting the woman, but denied knowledge of a massacre (pg. 61). These were the only questions HENDERSON asked of MEDINA (pg. 63). He did not question anyone else at this time (pg. 63). Colonel HENDERSON never again questioned MEDINA on the subject (pg. 69). MEDINA was never placed under oath or asked to give a statement by anyone (pg. 70).

c. Report prepared for BARKER by MEDINA.

After the company had been extracted on the 18th, MEDINA was asked by Lieutenant Colonel BARKER to conduct an informal investigation to see what, if anything, had happened (pg. 64). He questioned his platoon leaders who denied any knowledge of atrocities (pg. 64). Since the helicopter pilot had reported seeing a Negro sergeant shooting civilians, MEDINA questioned Sergeant MITCHELL, a Negro NCO (pg. 64). MITCHELL denied the allegation (pg. 64). On completion of these inquiries MEDINA told BARKER that he suspected something might have happened because of the accusations made by the helicopter pilot (pg. 64). He suggested that someone other than himself should conduct the investigation (pg. 64).

d. Statement made by MEDINA to unit as to discussing the incident.

BARKER told MEDINA to advise his people not to discuss the matter among themselves or with anybody else unless it was the investigating officer (pgs. 65, 66). MEDINA told the company of the investigation, told them he was being investigated, and advised them not to discuss the matter among themselves (pg. 65). He did not suggest that they withhold information or refuse to talk to an investigating officer (pg. 65). He did advise an EM named BERNHARDT, whom he felt had a tendency to write his congressman too frequently, that it would be better not to write his congressman because anything that was to be brought out should be brought out by the investigation then being conducted (pg. 66).

5. REPORTS OF INVESTIGATIONS.

MEDINA's company did not prepare an after action report (pg. 66). He did not see the combat action report of Task Force Barker dated 28 March 1968, and could not explain why the civilian losses or noncombatant casualties were not

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-1	LIFE Magazine. Picture on pg. 38 similiar to P-41	Wit did not recall bodies being stacked up as they were in picture,	
		but otherwise scene was very similiar	37
M-2	MACV Card, "Nine Rules"	Had seen card and was aware of it,	
		but had not read it was not issued to unit.	74
M-3	MACV Card "Enemy in Your Hands"	Had seen card and was aware of it,	
		but had not read it; was not issued to unit.	74
M-4	MACV Card "Guide for Commanders"	Wit had never seen document before	75
M-6	Americal Log	Wit questioned from log.	13, 25, 45-47
P-2-7	Miscellaneous Scenes	Wit had never seen before.	27, 28
P-8	Miscellaneous Scene	Wit had seen photo in Vietnam in	
		Americal Divisions Southern Cross	
		Newspaper and identified persons	
		in photo.	28, 32
P-9-14	Miscellaneous Scenes	Wit had never seen before.	28
P-15	Miscellaneous Scene	Wit stated he had probably seen phot before.	
			28

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-16-31	Miscellaneous Scenes	Wit had never seen photo before.	29,30
P-32	Miscellaneous Scene	Wit had seen photo in TIME magazine.	30
P-33-34	Miscellaneous Scene.	Wit had never seen photo before.	30
P-35	Miscellaneous Scene	Wit saw photo on TV during Nov 1969.	31
P-36-38	Miscellaneous Scenes	Wit had never seen photos before.	31
P-39	Miscellaneous Scene	Wit had seen photo in TIME magazine but not in Vietnam.	31
P-40	Miscellaneous Scene	Wit saw phot in TIME magazine and on TV but not in Vietnam.	31
P-41	Miscellaneous Scene	Wit saw photo in TIME magazine but not in Vietnam. Wit could not state if photo represented what he saw.	31,37
P-42	Miscellaneous Scene	Wit had never seen photo before.	31
P-45	Large Oblique Photo	Wit did not recognize photo as My Lai. Photo entered into evidence.	26
P-44	P-1 as annotated by MEDINA	Although witness did not recognize area from photo, he did make some annotations on it.	33,34

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(The hearing reconvened at 1418 hours, 4 December 1969.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR WEST, MR STOKES, COL MILLER, and MAJ LYNN.

The next witness is Captain Ernest L. MEDINA.

(CPT Ernest Lee Medina was called as a witness, was sworn, and testified as follows:)

RCDR: Captain MEDINA, are you represented by counsel?

A. Yes, I am.

RCDR: Will counsel please state his name and address for the record?

IC: Civilian counsel for Captain MEDINA is myself, F. Lee BAILEY, Center Plaza, Boston, Massachusetts, 02108, and Mr. Gerald ALCH, of my office, and military counsel is Captain Edwin RICHARDS, Fort Benning, Georgia.

RCDR: Thank you.

IO: Captain MEDINA, before we proceed with any questions, I shall inform you of several matters.

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

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

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

(MEDINA)

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APP T-5

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This investigation is not being conducted to investigate all the facts or circumstances of what happened at My Lai. It is directed at those specific purposes of which I have just stated. Would you like those repeated?

A. No, sir.

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

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

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

Do you have any questions at this time?

A. No, sir.

Q. Colonel MILLER of The Judge Advocate General's Office will advise you as to your rights.

COL MILLER: Captain MEDINA, General PEERS has just stated the purpose of this investigation. You will recall that one aspect is to investigate the accuracy of investigations conducted and the reporting done in the chain of command immediately after this My Lai (4) incident and whether there was any improper suppression of information.

You were in command of an infantry company that took part in the assault of My Lai on 16 March 1968, and our inquiry might disclose facts tending to show that you

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failed to comply with regulations concerning the investigation and the reporting of war crimes or even that you yourself are guilty of dereliction of duty in this regard.

We are not here directly concerned with whether crimes against the laws of war or offenses against the Uniform Code of Military Justice were committed during the My Lai (4) incident. However, we must necessarily inquire into the events of 16 March 1968 at My Lai (4) in order to conduct this investigation which was ordered by the Secretary of the Army and the Chief of Staff of the United States Army.

On the basis of information that is available to us, as of this date, we have reason to believe that inquiry into the My Lai (4) incident, for background purposes, might disclose facts tending to establish that you may have committed one or more or all of the following offenses on 16 March 1968: murder of an unknown number of Vietnamese nationals, civilians; disobedience of orders and regulations; misprision of felonies, specifically murder, assault with intent to commit murder, and aggravated assault.

Now, before we ask you any questions, I want to make certain that you do understand what your testimonial rights are before this board.

First of all you have, of course, the right to remain silent.

Any statement you make may be used against you in a criminal trial.

You have the right to consult with counsel. In this case you have your civilian counsel present, and I believe they are all lawyers, is that correct?

IC: Affirmative.

COL MILLER: And you have the right to consult with your counsel during the questioning.

You have a right to have individual counsel at your own expense, or military counsel appointed for you at no expense. I see you already have both.

Inasmuch as you are subject to the Uniform Code of Military Justice, these appointed counsel may be military counsel or counsel of your own selection, if reasonably available.

Do you understand this and are you satisfied with your counsel that you now have present?

A. Yes, sir.

Q. Do you understand what I have told you so far?

A. Yes, sir. I do.

Q. Would you like me to further explain this?

A. No, sir.

Q. You may, at any time during this questioning, of course, consult with your counsel, and any time you decide to do so you may, in accordance with Article 31 and the Fifth Amendment, not answer any further questions. Understanding what I have said so far, do you want any further counsel appointed or made available to you?

A. No, sir.

Q. Do you want at this time to make a statement?

(Witness conferred with his counsel.)

IC: May counsel put a question in order that I may properly advise Captain MEDINA? The only statement that he has made earlier was a statement made in May to Colonel WILSON, in the inspector general's investigation. If there are other statements that General PEERS is referring to -- he said that he had examined prior statements -- I am unaware of them.

IO: Well, with respect to Captain MEDINA, the only one that I am familiar with is the one which he gave to Colonel WILSON of the inspector general's department.

IC: The other question that I have is, will the verbatim record of the testimony taken here today be available, on an official basis, to Captain MEDINA so that he

may, at some point in the future, examine it for the purpose of testimony which he may give in other proceedings?

MR WEST: I think that will be up to the Secretary of the Army. There has been no occasion to decide this as yet, but if it should come up, we had better check this out.

IC: I was inquiring of Colonel MILLER whether or not he will have a transcript of what he says?

COL MILLER: I didn't even know you asked that question. I presume that you would be able to see what he said. Whether he will get a transcript is, in truth, a matter for the Secretary.

IC: Well, my concern is with access. If he is called to testify later, let him have access to what he says here today to refresh his recollection in order to avoid the possibility of any contradictions due to any failure, that's all.

MR WEST: I don't think there will be any problem.

IC: All right.

MR WEST: You do understand our legal procedures? Have I answered your question?

IC: Yes, I understand that fully.

COL MILLER: (To IC) Each time we ask him a question, he may consult with counsel before he answers.

IC: Do you want a narrative statement from the witness or do you want to put questions to him.

MR WEST: That's not necessary unless you have one.

IC: The colonel asked if you have a statement you would like to make.

MR WEST: That's in the form of the procedure.

IC: Having been advised of his rights under Article 31, he has expressed a desire to testify.

MR WEST: I might ask you also that you be sure that the reporter hears you. The rest of us should be able to hear you also.

A. Yes, sir.

IO: One other point, and also in clarification of your question: that is, of course, when we get through here, all this transcript will be typed and prepared, and Captain MEDINA will have an opportunity to go over it and make sure of exactly what was said, and I will ask you for a verification of the transcript.

Captain MEDINA, please give me your duty assignment on 16 March 1968?

A. On 16 March 1968 I was the commanding officer of C/1/20, attached to Task Force Barker.

Q. And how long had you been in that capacity?

A. I became commanding officer of C/1/20 on 19 December 1966.

Q. And you stayed in command of that company from December of 1966 until the 16th of March?

A. No, sir. I stayed in command of that company from 19 December 1966 until April the 24th of 1968, at which time I was airlifted from LZ Ryder and went on R&R.

Q. In other words you continued on in command after this operation?

A. Yes, sir.

Q. On 16 March did you accompany your company on the operation in the Son My area with Task Force Barker?

A. Yes, sir. I did.

Q. Would you explain to me the instructions, the directions, the briefings, which you received prior to this operation and also any reconnaissance or like missions that you may have gone on pertaining to the operation?

A. Yes, sir. Prior to the operation, one or two days prior to the operation, Colonel BARKER took me up in his command and control helicopter and he had given me an

aerial reconnaissance of the village and where the LZ was located. We did not overfly the village itself, but we were off to the north of it within the Task Force Barker AO. Colonel BARKER indicated that intelligence reports indicated that the 48th VC Battalion was located in the My Lai (4) Village. He also told me that Charlie Company would conduct a combat assault, indicating the rice fields directly to the west of the village which would be utilized as our landing zone. He also told me that intelligence reports indicated that the 48th VC Battalion would be there and that this may be the last time that we would have to go into that area and fight the 48th VC Battalion. From there we went back to LZ Dottie.

I gathered my company to issue--the entire company--an operations order so that they may understand what the operation was about. I found out in the past that many of the soldiers, particularly in combat operations in Vietnam, search and clear, search and destroy operations--that individuals who would be informed by their platoon leaders and platoon sergeants or squad leader as to the upcoming operation--there were so many changes that after 3 or 4 days in the field many of the troops began to wonder exactly what was taking place --why we were wandering in circles or if the leaders actually knew what was taking place. This is the reason why I normally tried to give the big picture of what was taking place to the entire company. So that they would have some idea of the length of the operation and what the operation was about.

I informed the entire company that the intelligence reports indicated that the 48th VC Battalion was located in My Lai (4) Village. I told them that the estimated strength of the VC Battalion was somewhere between 250 and 280 and that I did not know the exact strength of the 48th VC Battalion. I told them that we would probably be outnumbered fairly close to two to one and that we could expect the landing zone to be hot as the first lift touched down on the landing zone.

Previous instructions from the brigade commander had been that failure in the other operations, to secure numerous weapons was the lack of aggressiveness of the troops to close quickly and rapidly with the enemy and

pick up the weapons. Therefore, the men, women, or children, or other VC soldiers in the area could pick up the weapon and get away. So, I emphasized that aggressiveness of closing with the enemy and insuring that they did not by pass any bunkers or any enemy positions without thoroughly checking them first, either by sending in a tunnel rat or asking the individuals to come out, and clearing the bunkers with hand grenades, so that the enemy could not pop up behind them and shoot them in the back or engage them from the rear, as it had been done on other occasions when other companies had conducted operations in that area.

I was definitely sure that we would make heavy contact that morning. I felt that we would probably take heavy casualties. I was quite concerned about it, and I tried to convey this same message to the people in Charlie Company. I told them to make sure that their weapons were thoroughly clean; that they were carrying the prescribed load of ammunition; that they were carrying hand grenades and light anti-tank weapons, such as the M-72, and other equipment that is normally utilized in a combat assault operation.

I told them that the plan of the operation was that an artillery prep would be fired on the village, My Lai (4), beginning at 0720 hours in the morning; that the ships would land onto the LZ at 0730 hours--I used a stick or a shovel to more or less draw the outline of the landing zone on the ground and where the village was located; and that the 1st Platoon would be utilized as the assault platoon in the initial assault onto the village; that they would take the right-hand side of the village sweeping the enemy out to the open area on the east side of the village. The 2d Platoon would sweep through the left-hand side of the village and sweep the enemy out into the open on the eastern side of the village. The 3d Platoon would be utilized as a reserve platoon, and they would provide rear security at the landing zone and, in providing rear security, could also be utilized as the situation developed, either to commit them on the right or left of the village. They would also be utilized as the search and clear team in going through the village after the people--the enemy--had been swept out. They would go through and search the bunker complexes, the tunnels, the houses, for weapons, equipment and whatnot in the village.

Q. I think we have enough of that. I think what you're saying is that you're sure that your people were briefed on the details of the operation as you saw them at that time.

(The witness confers with his civilian counsel.)

A. The other information that I received from the task force commander was that intelligence reports indicated that the 48th VC Battalion would be in the village; that the reason that the combat assault was being conducted at 0730 hours in the morning and the artillery prep being placed on the village at 0720 hours in the morning was that the women and children in the village would be out of the village and gone to market, either at Son Minh or Quang Ngai.

Q. Did you receive an intelligence briefing, you and the other company commanders and other commanders associated with the operations, prior to the operations, by the G2 or somebody associated with the G2 of Task Force Barker?

A. We received a briefing that the 48th VC Battalion operated in the area. It was located in My Lai (4) and we were informed that the combat assault onto the LZ at the village would be accompanied by gunships which would provide suppressing fire onto the LZ.

(The witness conferred with his counsel.)

I received part of the briefing from Colonel BARKER and another part of the briefing, as to the intelligence of the 48th VC Battalion being located at My Lai (4), from the S2.

Q. Did they indicate, either the S2 or --and/or Colonel BARKER, that the entire 48th Battalion was suspected to be located within My Lai (4)?

A. Yes, sir. They did.

Q. Did you receive an operational briefing, either by the S3 of the task force or by the task force commander, prior to the operation, you and the other commanders?

A. Yes, sir. We did.

Q. When did you receive that?

A. I believe it was the day prior to the actual combat assault.

Q. Did anybody else talk to you?

A. The brigade commander, Colonel HENDERSON, was there, and he stated that in the past two operations the failure of the operations was that the soldier was not aggressive enough in closing with the enemy. Therefore, we were leaving too many weapons and that the other enemy soldiers in the area, as they retreated, the women and children in the area would pick up the weapons and run and therefore by the time the soldiers arrived to where they had killed a VC that the weapon would be gone. He emphasized that he wanted the troops to be aware of this and that they should be aggressive in closing with and destroying the enemy.

Q. Was there anything said, in any of your briefings, which might have led to extra strong suppressive actions against My Lai (4)?

A. Other than that-- it was also stated, I believe, by Colonel HENDERSON that the intelligence report also stated that the women and children would be out of the village at 0700 hours and they would be gone to market. And this 48th VC Battalion would be located in My Lai (4) and this should probably be the last time that Task Force Barker elements would have to go into that area since the intelligence information pointed that they would be there and we had a good chance of catching them and engaging them in combat.

Q. Where is the market used by the people of the village of My Lai (4)?

A. From the information that I received the market that they would be going to would either be at Son Tinh or Quang Ngai.

Q. Would you describe your participation in the operation the following day? I may interrupt you from time to time to ask you questions as you proceed.

A. The day following the combat assault into My Lai (4)?

Q. No. The morning of the 16th when the combat assault took place.

A. Yes, sir, the combat assault. I don't remember the exact time that we were to make the initial lift out of the pick up zone at LZ Dottie. The command group was riding in the fourth ship, the fourth ship in the vee of eight or nine helicopters that were being provided for the combat assault. We departed the landing zone, or rather the pick-up zone at LZ Dottie and started off in a westerly--a southwesterly direction from the LZ. This is so that the helicopters--

Q. (Interposing) I'll interrupt you a moment. Do you really mean it was southwesterly? Why don't you refer here to the map which we have for use in discussing the operation?

(The witness utilized Exhibit MAP-1.)

A. Yes, sir, we started off from LZ Dottie, that was the pick up zone, and we picked up into a southwesterly direction.

Q. Okay.

A. The reason being that the artillery was firing from LZ Uptight and the helicopters would not be in the gun-target line between the landing zone and LZ Uptight. The ultimate reason for doing this was that if any VC elements with any type of radio communications equipment, would see the combat assault lifting from LZ Dottie, and it was more or less like a feint, so as to make them think that we were moving into another direction.

We proceeded from LZ Dottie and started to make the swing around in this direction (moving his finger along grid 63 down from LZ Dottie four or five grid lines then in a half circle over to grid line 71 up near My Lai (4)). I could see the artillery being placed onto the village. I say this because I was told that the artillery would be placed on the village and as we started the swing, I could look out the door of the helicopter and I could see the rounds landing and the smoke, and it appeared like they were hitting right on the village.

Q. Now where were you at the time you could see it hit on the village.

A. I was riding in the helicopter, the fourth helicopter on the left-hand side.

Q. At an approximate range of how many kilometers?

A. It would be roughly 7 kilometers, sir. Six or seven kilometers. I do not know the exact route. That's a rough estimation. I do not recall any particular landmark that we flew over. I did know that as we came in we crossed the river and then started our approach into the landing zone. As we started our approach into the landing zone the helicopter gunships began the suppressing fire. That is, the miniguns were firing, the 40 millimeter, the rockets, I believe there are 2.75 rockets on the gunships. The gunships were firing, placing suppressing fire on both sides of the landing zone, the landing zone being a small rice field located right outside the village. As we got out of the helicopters on the landing zone--

Q. (Interposing) How far outside the village was the LZ?

A. The LZ from the village would be approximately to the farthest point, about 150 meters--a rice field right outside the village.

Q. Now, the helicopters that you are referring to, the gunships, these were the gunships that supported the assault helicopters. Correct?

A. Yes, sir. The assault helicopters being the slick helicopters, the ones that ferried the troops. Also, as we came in, the doorgunners on the outside were also firing their M-60 machineguns from the slick helicopters, placing suppressing fire on to the LZ. The LZ was located right outside the village. Approximately, I would say, the furthest point to the western side of the LZ, would be 150 meters.

As the helicopters touched down, we jumped out. They lifted off. I did not initially hear any rounds that sounded like incoming fire. My initial report to the task force 3 was that the LZ was cold, and about that time one of the helicopter pilots broke in and reported: "Negative, negative. The LZ is hot. You are receiving fire. We are receiving fire. We are engaging the enemy soldiers with weapons running from the village."

Q. Was this on the first lift?

A. This was on the first lift.

Q. On the very first lift?

A. On the very first lift. The first lift that touched down, the eight or nine helicopters that came into the landing zone. I was riding on the fourth helicopter.

Q. At this point I would like to enter into evidence a log of the Americal Division with a date of 16 March 1968.

RCDR: The Americal log of 16 March 1968 is entered into evidence and marked as Exhibit M-6.

IO: For your benefit I will read from this log and I will show it to you. This entry: "11th, C/1/20, combat assault, first lift PZ 0715, LZ BS 711791, LZ cold. Second lift, PZ 0715, LZ hot, received fire from southeast of LZ." I show you this entry in the log.

(IO handed the exhibit to the witness.)

So, as far as you know, it was initially a cold LZ, but I think you intimated that shortly thereafter it turned from a cold LZ to a hot LZ when you started receiving fire or at least you were informed that you were receiving fire?

A. Sir, as we came in on the first lift we disembarked from the helicopters on the landing zone. I did not hear the initial crack or the familiar sound of a bullet whining near or being shot at me. I reported to the battalion S3 that the area was cold. But shortly thereafter a helicopter pilot reported: "Negative, negative. The LZ is hot. You are receiving fire. We are taking fire. There are VC with weapons running from the village. We are engaging now." Words to that effect.

Q. Who was the command and control of the assault?

A. Sir, the command and control, the individual in the command and control ship was Colonel BARKER, the task force commander.

Q. And where was his helicopter located?

A. I do not know the exact location of where it was located. Normally they are located somewhere above the landing zone or the objective area.

Q. But he did control the combat assault from his helicopter. He was not back at LZ Dottie, but he was there controlling the operation at this point?

A. Yes, sir. He was somewhere in the air.

(The witness conferred with civilian counsel.)

Sir, in going into a landing zone the standard procedure for the task force was that we would have one radio set on the company command frequency. We would have one radio set on the battalion or the task force command frequency. This was normally monitored and controlled by the S3 at the tactical operations center and could also be monitored by the task force commander or the battalion commander in his helicopter. However most of the time that I knew Colonel Frank BARKER as a task force commander, he either carried one or two radios. He had no type of console, per se, that he could monitor two transmissions and switch a button and talk on one. So I did not know what type of communications he had. There was also another radio that was set on the task force air-ground net and this is utilized as we come into the LZ. The gunships can talk directly to company commander and the company commander can talk directly to the gunships. The task force commander or the battalion commander, who is above the objective area, can break in and talk to either one of them. This is a good means of controlling the gunships and the people on the ground.

Q. Colonel BARKER did not have a console of any variety?

A. If he did have a console, it was not one that I know of. It was either homemade or one that was made by the United States Army that would fit into a command and control helicopter like I have seen now at Fort Benning and the ones that they are now getting in Vietnam. If he had any type of radio equipment, it was a PRC-25 or he had a hand set. I know the many times I was with him in his command and control helicopter he would only have one, or possibly two PRC-25's.

Q. From the ground were you able to contact Dottie directly, LZ Dottie?

A. Yes, sir. I could contact LZ Dottie from the landing zone.

Q. Did you do it direct or did you have to go through a relay station?

A. It was direct communication, sir.

Q. You had no problem with communication to LZ Dottie?

A. I had no problem with communication from the landing zone, from My Lai. Now there were instances where the units were operating along the Batangan Peninsula in the vicinity of My Lai (4) and to the east of My Lai and to the south of My Lai (4), where communications became difficult and we had to use a relay station with the weapons platoon of one of the companies stationed at LZ Uptight. I do not remember utilizing that relay during the operation.

Q. How long before you went into the LZ had the artillery prep lifted?

A. The artillery prep lifted a matter of minutes before we started into our final approach on the landing zone. I do not know the exact time. I would estimate that it would have been approximately 1 minute. It was lifted as we started our final approach and the gunships started their run in for the suppressing fire.

Q. Do you know the plan for the artillery prep? How long it was to last? How many tubes were firing? How many rounds were to be fired?

A. I am not sure of the number of rounds. I could take a guess at the number of tubes because I've been stationed on LZ Uptight and I knew that there were only four 105 millimeter howitzers that are in Delta Battery of the 6/11 Artillery at LZ Uptight. And from what I understand the type of artillery -- I do not know the number of rounds that were fired. The LZ was prepped utilizing fused VT and HE quick. I do know that as we started the final approach, I could see the explosion of the rounds. The dirt and debris coming up, I looked on the village, and I could see the flashes. I can not definitely say whether they were fused VT or were assault HE quick, but--

Q. (Interposing) Who was adjusting the artillery prep that morning?

A. It would probably have been a sergeant in charge of the--whose duties were that of the artillery liaison officer in any other infantry battalion.

Q. Well, did Colonel BARKER normally carry a forward observer with him to adjust his fire in of preps?

A. Yes, sir. Normally on a combat assault he kept somebody to adjust the artillery onto the LZ. At one time he did have an artillery liaison officer. Later on all he had, I believe, was a sergeant E6 who was acting as the artillery liaison officer and I'm assuming that he is the one that adjusted the artillery fire onto the village.

Q. How many people were in your command and control group and who were they?

A. I believe that in the initial lift the people in the command and control group, that were in the fourth helicopter, were myself, the company commander, the two radio operators--

Q. (Interposing) Did you have two radios or two operators and one radio?

A. I had two radio operators and two radios. One that was in the command net and the other was in the task force net. The artillery forward observer, a second lieutenant assigned to the company, and the artillery radio telephone operator. I normally place his radio in the air-ground net. See, he was not normally adjusting the artillery. And, I had the senior medic of the company, a total of six men.

Q. They normally stayed with you as a command and control group throughout your operation?

A. Yes, sir. Then as the second lift came in, I believe that's when PFC or Spec 4 BERNHARDT joined me and he was acting as the demolitions and booby trap man for the command and control group.

Q. Your first lift, what combat element did it bring in?

A. The first lift?

Q. Yes.

A. The combat elements it brought in were the elements from the 1st Platoon and the command and control group and possibly part of the 2d Platoon, sir.

Q. Go on, please.

A. Normally the aircraft cargo load is about six people. There might have been a couple of people from the 2d Platoon on the first lift.

Q. What were you using that morning, H models or S?

A. UH-1D's and slicks.

Q. Go on with your story, please.

A. We landed at the landing zone. I reported it cold. The helicopter pilot said, "Negative, it's hot. We are receiving fire. People are running from the village with weapons. We are engaging them." I immediately reported to the platoon leaders that the LZ was hot. They were to inform their people to move with extreme caution and to be careful, to check every hole and to get moving. I stayed in the vicinity of the center of the landing zone and waited for the second lift to start coming in. After they made their final approach, I popped smoke to mark the landing zone and direction of wind and the helicopter came in and discharged, what I believe by that time, was the remainder of the company. I only had 100 or 105 people.

Q. You had only two lifts to move in the company?

A. I believe that I had 105 people for the combat assault, so if I had eight or nine helicopters then an aircraft cargo load was six, I could have done it in two lifts, sir. As soon as the last lift was in on the landing zone the 1st and 2d Platoons started proceeding through the village. The 3d Platoon had taken up a security position on the west side of the LZ to the rear of me. I moved from the landing zone to the west side of the village which was the east side of the landing zone and that's where I established the command post. Now the reason I remained in this location was that many times during our training exercises we had operated with one platoon and from lessons learned in Vietnam, from NCO's and officers who had been in Vietnam, we were told that the best way to clear a village is to send a sweep team through

very rapidly and fast pushing everybody out of the village and clearing as many people out of the hootches as we possibly could, getting them all out on the other side of the village. Then our search teams would start going through the village searching in each individual hootch, or house, or straw house, the tunnel complexes, the bunkers, and whatnot, being very methodical and careful about it. Then the 3d Platoon was going to follow through and we were then going to burn the village, as per the instructions I had received.

Q. Who issued those instructions to you?

A. Colonel BARKER instructed me to burn and destroy the village; to destroy any livestock, water buffalo, pigs, chickens; and to close any wells that we might find in the village.

Q. I'd like to regress for just a minute. Come back to your instructions and directions and so forth. Did you have a combat order issued to you in written form?

A. No, sir, I did not.

Q. Did you receive any instructions concerning what you were to do with the civilian population when you burned the village?

A. No, sir. I did not receive any instructions what to do with any civilian population. From what I was told there would be no civilian populace in the village. Any men, any women and children, would be gone to market at 0700 hours.

Q. No plans were made to take care of these women and children and others that might have been out to market and come home to a burned village?

A. No, sir. There were no plans made. There were no instructions issued to me as to what to do in case there were any civilians.

Q. Would you question Colonel BARKER's directive to burn the village?

A. No, sir, I did not. I asked him if-- he told me to burn the village, to kill the livestock, and water

buffalo, pigs and chickens, and whatnot, and to close the wells, the reason being that this was a headquarters of the VC. The village was the headquarters of the 48th VC Battalion. We were going in to completely clear the area out so that they would not have a base of operations to work from.

(The witness conferred with his counsel.)

Although, sir, I didn't have any general directions as to what to do with any civilian populace we might encounter, the normal procedure was for any civilians that we did find in the area of operations of this type, was to instruct them to move directly, either to one of the province headquarters, Son Tinh or Binh Son, and to report to the district advisor of the South Vietnamese Army there. This destruction of the village and destruction of the livestock had been cleared by Colonel BARKER with the senior district advisor-- the ARVN senior district advisor of the province. He normally conducted all of his coordination with these people either at Son Tinh or Quang Ngai, and this had been cleared since it was a VC village in a free-fire zone and the order was given that it was to be cleared out.

Q. That's what I wanted to be sure of, that you were aware of the procedures that had to be followed before a village was to be destroyed or burned.

A. I, at no time in any operation or in Task Force Barker or any other, burned any village without first requesting permission from the task force. I would inform the task force 3 or Colonel BARKER. They would in turn go--have to go to province, whether it was in Binh Son Province or Son Tinh Province, and they would have to get ARVN, South Vietnamese Government's permission to either burn or destroy a particular village. We did not do that on our own.

Q. If I am not mistaken you mentioned Son Tinh or Binh Tinh Districts, did you not?

A. Binh Son.

Q. These are districts not provinces?

A. Districts.

Q. In this instance are you sure whether the permission came from Son Tinh or whether it came from the province chief at Quang Ngai?

(The witness conferred with his counsel.)

A. Sir, I do not know exactly who he did coordinate the instructions with or who he had gotten his instructions from. I only know what he told me.

Q. Well, we will come to that perhaps later. Proceed with your story.

A. The command group was located outside on the western edge of the village in the vicinity of some trees in a hedge-row. The helicopters and gunships were orbiting the village. They were engaging VC that were fleeing from the villages. As the troops began pushing through the village the helicopters began making further sweeps out. They reported that a large group of VC were fleeing toward the east or toward the coastline. And apparently this is the reason why B/4/3, was air lifted into a landing zone east of My Lai (4). And this was the plan. In case we encountered any resistance in the village and there was any group that would be moving from the village they would be moving into an LZ blocking position. The combat assault of Bravo Company began, I don't know what time. I don't know how Colonel BARKER determined at what time to start it and at what time to end it.

Q. The gunships you are referring to, were these the gunships from the combat assault unit or these the aeroscouts or a scout unit that supported you?

A. For this particular operation we had either eight or nine slicks that either came out of Chu Lai or Duc Pho, from one of the aviation companies or aviation battalions. We had gunships from Duc Pho, which I believe is the 178th Aviation Battalion which is referred to as the Sharks, because of the shark teeth that are painted on the front of the gunships, and we were also supported by the Americal aeroscout company or aero-scout platoon. They also have gunships and they also have some slick helicopters for moving and employing one infantry platoon which is called aeroscouts.

Q. And they always have some --

A. (Interposing) OH-23's, I believe, with one pilot

and two machinegunners.

Q. All right. Now do you recall which of these groups, whether it was the aero-scouts or whether it was the Shark helicopter gunships that indicated that these people were moving out to the east from the village?

A. No, sir, I do not know exactly who indicated or which group indicated it, there were both type helicopters in there.

(The witness conferred with his counsel.)

I do not know which gunship or which helicopter indicated that the LZ was hot, or that we were receiving fire, and I also do not know which helicopter--which one of the helicopters indicated that the people were fleeing toward the east.

Q. Did they give you any idea of the size of the group and the composition of the group, whether they were VC or whether they were armed, civilians, or otherwise?

A. Not that I recall, sir.

(The witness conferred with his counsel.)

The helicopter gunships had engaged people that were fleeing from the village. They were armed and carrying weapons.

Q. You don't know the size of this group, the group moving to the east? You recall that?

A. No, sir. I do not recall the exact size.

Q. Fine. Continue with your story. About what time was this now? You landed about 0730.

A. This is somewhere between after we had landed, I believe the last lift was complete at 07--

MR WEST: (Interposing) I believe we can say this, according to the record it was 0750.

A. This would be somewhere in between that and probably 0825 hours.

Q. All right. Please go ahead.

A. Bravo company began their combat assault, and the gunships began covering the area between my position and the surrounding area around the village and they also began providing cover for B/4/3.

The helicopters were marking various locations where VC with weapons were located, were lying, and I was sending--I had been instructed to make sure to get people over to those areas to pick up the weapons from the VC so that nobody else would get them and get away with the weapon. The 2d Platoon, they had received a report--I can show you on the map.

IO: Very well.

(The witness pointed out the location on Exhibit MAP-1)

A. Near My Lai (4), right here. There is a small village located north of My Lai (4) which appears to be covered by this thing here, there were two VC with weapons killed in this area. The 2d Platoon was initially supposed to sweep through the right-hand side of the village pushing everybody out and establishing defensive positions on the outside, on the eastern portion of the village. I did not want to send a--

Q. (Interposing) The 2d Platoon was on the right?

A. On the left-hand side of the village, excuse me. The 2d Platoon was on the north side of the village and I received a report from the helicopters that there was two VC with weapons killed right outside the village. I did not want to send one squad over in that area because of the open rice field between this village and this other one here. (Indicating). I did not want to take the chance of having one squad pinned down by cross fire from either My Lai (4) or the other village. I thought that it would be better to send the entire platoon. They would be able to have better fire power and be able to at least fire and maneuver in case they met any resistance from the village or the rice paddies, or the hedgerows in this area. So I gave instructions to the 2d Platoon leader to begin moving his 2d Platoon and pick up

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those weapons there. About this same time I had received another transmission from another helicopter that they had also killed or had engaged three VC with weapons, a couple of them were carrying some ammo boxes, running toward the southwest of My Lai (4) in the vicinity of a ditch, in this

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area here (indicating); that he had engaged and killed one VC with weapon and that the other had dropped the boxes and that they were trying to engage the other fleeing VC. They were marking the area with smoke. I dispatched one squad from the 3d Platoon which was in reserve to start moving over toward this area, which was not very far from my position, to pick up the weapon and the ammunition boxes. They could not find the location so they started coming back. The helicopter pilot in the meantime had come back and re-marked the location and more or less hovered over the area until they went back and secured the weapon.

Q. Did they secure the weapon?

A. Yes, sir.

Q. How many weapons did they secure?

A. They secured one weapon and two ammo boxes with ammunition and we had picked up a couple other weapons on this side over here (indicating).

There was one helicopter, an OH-23, with one pilot and two machinegunners, one on each side, that was popping smoke in various areas throughout the area indicating where there were more VC with weapons. He had radioed a couple of times that he had marked a location with smoke and that nobody had gone over there to pick up the weapons. About that time Major CALHOUN the task force S3, informed me that the helicopter was marking the location with smoke and that I should get somebody over there immediately. I informed him that I did not have anybody at that time that I could get over there. He said then to get somebody over there right now and get those weapons. So I told him that I was going to go myself from my headquarters element and pick up this one weapon. The first location was approximately, maybe 400 to 500 meters from my position. When I got there I did not find any weapons whatsoever. I found one man, a woman, and a child, and they had been killed, not by small arms fire, but either by artillery or 40 millimeter grenade round, or rocket fire from possibly the gunships, because of the way the bodies were torn up. Large pieces were missing from the body to indicate that it was done by shrapnel and not by small arms. I moved from the location on to where the helicopter was hovering over a VC with weapon. I went to that location and as I approached the location he started moving back approximately 100 to 150, I guess, meters from the location where he was

hovering over where he said there was a VC with weapon. As I approached there was a small incline and another trail. There was a rice field, and as I approached I noticed that it was a woman and there was no weapon. I did not see a weapon, as he had indicated in his transmission that he had marked and that he was hovering over this individual with a weapon. I turned around and I started to leave and, as I turned around, I saw her arm starting to move and the first thing that went through my mind was she either has a weapon or hand grenade and you damn fool you've turned your back on her and you've had it. I immediately spun and I fired two shots. I assume, I do not know, that I killed her. From there--

Q. (Interposing) May I stop you here? May I interject here just a minute? On the use of smoke, what is the brigade SOI or SOP, say, concerning the use of smoke for marking?

A. I do not recall what the task force SOP for the use of smoke was. I know that at this time they said that they would mark locations of VC with weapons with smoke and they used any color from white, red, green to yellow.

Q. Did they also--

A. (Interposing) Even violet.

Q. Did they also use smoke to mark other identifications such as wounded soldiers, wounded noncombatants and so on?

A. No, sir. I was--I'm not aware of any SOP the task force had that indicated any use of this type of smoke.

Q. Who did you receive the transmission from? Did you get the transmission directly from the scout helicopter concerning the individual that you were to check into?

A. I don't believe so, sir. I think the transmission would have been back to Major CALHOUN, and he was the one who told me that they were marking with smoke.

(The witness conferred with his counsel.)

I heard the transmission from the helicopter complaining to the brigade S3--to the battalion S3, that they were throwing smoke throughout the area and nobody was getting over there to pick up the weapons.

Q. I'd like to clarify this one point. They said to pick up the weapons? Was there any reference to wounded or noncombatants?

A. No, sir. There was none.

Q. How many--you say in going into this area you saw how many additional people?

A. Moving from my position to where I shot the woman?

Q. Yes.

A. There was a man, a woman, a child and the woman that I killed or shot.

Q. There were four there then, all told?

A. At that point of time, yes, sir.

Q. All right. Proceed with your discussion, please.

A. Then we began moving back toward the village, approximately 800 meters away. As we were approaching the village I received a report that there was an individual that had been wounded and as I came up to where the individual was I noticed that he had been shot in the foot. I asked him what happened and asked him if he had shot himself since the wound was in the foot. He said, "No sir, I did not." At that time there was an individual that came up and said, "It was an accident. I had borrowed his .45 to go through and check out a tunnel complex and when I came out the weapon was jammed. I gave it back to the individual to clear. He said he could clear it and as he did it discharged and he was shot in the foot."

Q. Referring again to the exhibit of the log (Exhibit M-6)--pardon me for just one minute while I read this and then I would like to verify some things that I am concerned about. The entry which is dated 1030 having to do with C/1/20. "11th, C/1/20, vicinity BS716788 1025 hours 1 U.S. WHA, evacuated enlisted shot in foot, has been dusted-off." Is that approximately the correct time, this is at 1025 in the morning?

A. Sir, I'm not definite of the time, sir, that they dusted-off. By the time that I got there he had been treated and bandaged. It only takes about 15 or 20 minutes to get the dustoff from Chu Lai to the area where we were located.

It normally takes 15 to 20 minutes so....

(The witness conferred with his counsel.)

No, sir. I did not hear the shot. After I got there I found out that he had been shot.

IO: I would like to have one blowup of the village, please.

I have here a blowup, an aerial photo purportedly of the hamlet of My Lai (4). I would like this entered into the record as evidence.

RCDR: This photograph is entered into the record and marked as Exhibit P-45.

IO: I show you this and ask you if you can identify that this is the village of My Lai (4).

(IO handed exhibit to witness.)

We will take a short recess while the witness is reviewing this photo.

(The hearing recessed at 1533 hours, 4 December 1969.)

(The hearing reconvened at 1542 hours, 4 December 1969.)

RCDR: Colonel WILSON has joined the hearing. Captain RICHARDS is not with us at this time. All other persons who were present when the hearing recessed are again present.

IC: The witness will waive his right to have Captain RICHARDS here.

IO: Let the record so state, that after review and analysis of the oblique aerial photo presented to him, that he does not recognize it as My Lai (4) hamlet.

RCDR: The record will so state.

IO: Captain MEDINA, approximately where in the hamlet of My Lai (4) did you go to see this soldier who had been wounded in the foot? Excuse me, I don't think you indicated

he had been shot in the foot. You indicated he had been shot. If you said in the foot let the record so state.

A. I said, I believe I did indicate, he was shot in the foot. The location where I went to where he was shot in the foot was in the vicinity of a small--there was a trail junction, a trail that ran through the village in the vicinity of my initial position that I had on the west side of the village. And there was a trail junction with a small type--there was a small Buddhist temple or whatnot, but this is the area that I went to. It is located on the southwest side of the village.

Q. Southwest side of the village?

A. Yes, sir.

Q. In the village or on the outside of the village?

A. On the outskirts of the village.

Q. On the outskirts of the village? Had he been wounded in that immediate vicinity?

A. I do not know, sir. That is where I first saw the individual. I did not know if he was wounded in that immediate vicinity or not.

Q. How far was this point from your initial Charlie Papa?

A. It will have to be an estimation. Maybe 150 meters, sir, 200 meters, sir.

Q. I have here a set of photos which have already been entered into the record. I would like you to look at these photos to see if you have ever seen the photos before. Not if you can recognize anything in the photos but whether you have ever seen the photos before.

(The IO handed the photos to the witness.)

They are Exhibit P-2 through P-25?

RCDR: That is correct, sir.

A. Exhibit P-2. No, sir.

Exhibit P-3. No, sir.

IO: The other one is on the reverse side. Some of them are front and back.

A. Exhibit P-4. No, sir.

P-5. No, sir.

(Captain RICHARDS reentered the hearing room.)

Q. Let the record state that Captain RICHARDS has reentered as military counsel.

A. P-6. No, sir.

P-7. No, sir.

IC: Sir, am I correct in advising Captain MEDINA that the question put to him is whether he has ever seen the photographs before?

IO: That is correct.

A. P-8. Yes, sir.

Would you like me to separate them?

Q. That's fine.

A. P-9. No, sir.

P-10. No, sir.

P-11. No, sir.

P-12. No, sir.

P-13. No, sir.

P-14. No, sir.

P-15. I may possibly have seen this one on T.V.
I don't know.

(Captain RICHARDS leaves the hearing room.)

I have not seen an 8-by-5 of this, no, sir.

Q. I am not referring to the size of it or this particular photo. I'm referring to--I will enter another one to clarify that particular picture for you.

IC: The confusion is if he had seen it. For instance, I know that this ran in Life magazine. If he has seen this photograph in another form do you want him to inform you of that fact?

IO: Yes. I have here two additional sets of photos which have been entered into the record. Might we put that one aside and we will come back to that. Shall we complete that, it was P-15.

- A. P-16. No, sir.
P-17. No, sir.
P-18. No, sir.
P-19. No, sir.
P-20. No, sir.
P-21. No, sir.
P-22. No, sir.
P-23. No, sir.
P-24. No, sir.
P-25. No, sir.

Q. May I see the picture, P-15?

Let the record so state that we are looking at picture P-15. The set of photos which you have is a set of black and white photos that were reported to have been taken by HAEBERLE, from the PIO detachment of the brigade. These are the black and white pictures which HAEBERLE had which were turned in to the PIO and came through official channels. HAEBERLE also was reported to have taken a set of colored photos. We have here a set of black and white pictures from the color photos some of which appeared in the Life magazine article, which I am sure, feel sure, you are familiar with.

IC: I am. I think the record should reflect that he had not seen the Life article.

IO: You have not seen the Life article?

A. I have not seen the Life article, sir.

Q. In looking at these photos which I am giving you an opportunity to see, you may review them. You will note, and I would like you to tell me, whether, before, when you were in South Vietnam, you saw any of those photos?

A. P-26. I guess it is P-26?

Q. Yes.

A. P-26. No, sir.

(Witness conferred with his counsel.)

P-27. No, sir.

P-28. No, sir.

P-29. No, sir.

P-30. No, sir.

P-31. No, sir.

P-32. Yes, sir.

Q. Let the record so state that Captain MEDINA indicated that he had seen the photo P-32.

A. Sir, you said before if I had seen this particular set at any time while I was in South Vietnam.

Q. Right.

A. The answer to P-32 is that I have not seen it while I was in South Vietnam. I think I saw it in Time magazine.

P-33. No, sir.

P-34. No, sir.

P-35--

(Captain RICHARDS reenters hearing room.)

IC: Let the record show that Captain RICHARDS has a trial at Fort Benning and the witness consents that he depart at this time since he has to get back.

IO: The record will so state.

(Captain RICHARDS was excused and withdrew from the hearing room.)

(The witness conferred with his counsel.)

A. Sir, P-35, I did not see while I was in South Vietnam. However, I did see this one on television within the past month and P-15 which I had referred to earlier as having seen, I have not seen.

P-36. No, sir.

P-37. No, sir.

P-38. No, sir.

P-39. I believe I have seen it in Time magazine, but not in South Vietnam.

P-40. I have seen in Time magazine and I believe on television, but not in South Vietnam.

P-41. I have seen in, I believe it was Time magazine. I have not seen this photograph while I was in South Vietnam.

P-42. I have not seen.

Q. I think we can put Exhibit P-32 aside, you indicated, if I'm not mistaken, that you had previously seen that in Time magazine?

A. Yes, sir, I believe I did or in a magazine.

Q. A magazine?

A. Yes, sir.

(The witness conferred with his counsel.)

Q. Would you explain how you had seen the picture numbered P-8 in South Vietnam?

A. Sir, the picture numbered P-8 is the only picture-- out of all the pictures I have seen here today, it is the only picture that I had seen in South Vietnam. The photograph P-8 was printed in the Americal Division Southern Cross newspaper.

Q. Can you identify the people in photo P-8?

A. The individual talking on the radio is myself, Captain MEDINA; the operator that is carrying the radio that I'm talking on is Specialist Fourth Class--

(The witness conferred with his counsel.)

The individual standing at the rear of the photograph with captain bars on his helmet, talking on the radio, is Captain MEDINA; the individual that is carrying the radio, standing directly to the captain's right is Specialist Four MURRAY; the individual to the right rear of Specialist MURRAY, I'm not sure I recognize him; the individual that is in the left center, with his helmet off, I don't recall his name. However, he was the radiotelephone operator for the artillery liaison officer. The individual standing in the right rear of the photograph, whose face is not showing, I do not recognize. The individual that appears to be in the right center of the photograph, between the individual with the bandaged foot and the medic is, I don't recognize, his back is toward me, it might have been the other radio operator. The individual on the left front is the company senior medic, I do not recall his name and the individual with the bandage on his foot and the one that is being marked as having had a shot of morphine is CARTER.

(The witness handed the photo, P-8, to the IO.)

Q. This then, will put you in this particular location in accordance with the evacuation at somewhere between-- it was indicated that he was dusted-off at about 1025.

A. If the Americal Division's log indicates that he was dusted-off at approximately 1025, I was talking to the dustoff helicopter as they were getting ready to approach,

so it would be very close to 1025.

A. All right, good. May we get these back in order, please?

RCDR: Yes, sir.

IO: We will take an administrative break for a few minutes.

(The hearing recessed at 1602 hours, 4 December 1969.)

(The hearing reconvened at 1613 hours, 4 December 1969.)

IO: The hearing will come to order.

RCDR: Let the record reflect that Mr. ALCH is absent and Colonel WILSON is absent. Otherwise, all persons who were present when the hearing recessed are again present.

IO: I have here an aerial photo, taken from the vertical position, of the My Lai (4) village area which I would like to introduce into evidence.

RCDR: This photograph (Exhibit P-1 later to be annotated by CPT MEDINA) is entered into the record, and it will be marked as P-44.

(The IO handed the photo, P-44, to the witness.)

IC: May we know the compass directions?

IO: The compass directions are north to south. This is Highway 521 here, south of the village. As you can plainly see there are roads coming out in the same pattern.

(The witness conferred with his counsel.)

MR WEST: Let him answer the question.

IC: I asked him if he had ever been over My Lai at this altitude and if he could recognize fair representation or not. I am anxious that he use it to clarify testimony for that purpose.

MR WEST: There should be no reason that he cannot use it

as a map of the area.

IC: If you recognize it, you say so.

A. No, I have not seen it from that vantage point, other than the time we made the reconnaissance and that was off at a distance.

IO: Do you recognize the terrain or where your LZ was located?

A. No, sir. I do not.

Q. Do you recognize the area where you went over to the south to pick up the weapon from the individual which subsequently turned out to be a woman?

A. I don't recognize the exact location on the ground from the aerial map here. However, I do believe the general area was somewhere in this location here (indicating).

Q. Would you use this pen to put a dot on the spot and mark it with the number 1?

(The witness did as directed.)

Would you indicate what that--I would like to know if you agree to have the record so indicate--that that is the spot where you saw the woman with the movement and where, when you were walking away, you had turned and fired into that area.

A. I believe that that is the location where I went to get the VC with weapon.

Q. Would you also mark, with a figure 2, a number 2, the general area where you saw the other bodies? While you were going, as I recall, you saw three or four additional bodies.

(The witness did as directed.)

Q. All right, fine. That figure 2 shows the spot where Captain MEDINA, the general area, where Captain MEDINA, had seen the additional bodies.

Now, would you indicate with the letter 3, the

area where you were when the photo was taken with CARTER? I believe you indicated the man's name was CARTER, who had shot himself in the foot?

A. Yes, sir.

(The witness did as directed.)

Q. Fine. All right. Now, it takes a little time to get there, but we have you there now about 1030 in the morning?

A. Yes, sir.

Q. Give or take 10 or 15 minutes. Would you go ahead now and explain what transpired?

A. Once the individual was dusted-off, I proceeded to move with my command group on down the trail, running from west to east, and then I started moving toward the center of the village.

Q. Would you mark the course as you recall it?

A. Now, it will not be with pin point accuracy on this map. However I will mark the route from the location where the individual was dusted-off.

IC: Do you want arrows to indicate the direction of travel?

IO: Yes, that would be helpful.

(The witness did as directed.)

IO: All right. Now during this--about what time did you arrive at the far side of the village, the east side of the village?

A. We were out in the open area on the far side of the village somewhere approximately, I don't know the exact time. It was very close to noon time.

Q. Yes?

A. And we had stopped there. The other--the lead element

had already started moving across the open area. I told them to hold up, set up a security, and that we would take a lunch break. We were having C-rations for the noon meal.

Q. When you passed through the village, did you see anything which would cause you alarm? Did you see--give me a count of the VC that you saw or the dead that you saw.

A. Approximately in this area here?

Q. If you will mark each of those with succeeding numbers I would appreciate it and the record will so indicate.

A. Now this might have come up a little more because this trail is very, very predominant here. In the vicinity of number 4 it appeared to be a trail between two rice fields. There appeared to be a group of possibly 20 to 24 men, women, and children that had been killed between the--on the pathway there.

Q. On the path?

A. Yes, sir. There was one small child at the intersection that had been hit in the stomach. His intestines were protruding out. He was dead, though.

Q. What did this look like to you?

A. I could not indicate, because I did not examine the bodies to what they had been killed by, but from the individual that I had seen before in the vicinity of number 2 and the artillery preparation and the gunships, I assumed that they had either been killed by small arms or artillery fire or fire from the gunships. I believe that the small child that I saw at the intersection, had been shot by small arms fire because it was a small hole, the type hole with the intestines protruding and it was not one--I didn't turn him over, or anything like that, to see what was in back of him, but I assumed that it might have been from small arms fire.

Q. How many, again, did you say were along the road?

A. In the vicinity of number 4 and the child that I saw at that intersection of the trail junction, it would be anywhere from 20 to 24.

Q. May I have the set of black and whites from the magazine?

(The recorder handed the photos to the IO.)

I refer here to Exhibit P-41, does this have any resemblance to what you saw on the road?

(IO handed exhibit to witness.)

A. I didn't see it from this way.

MR WEST: I have Exhibit M-1 which has been introduced into the record, a copy of Life magazine, 5 December 1969. On page 38 there is a color photograph corresponding to Exhibit P-41.

(IO handed the exhibit to the witness.)

A. I can't say, yes, this was the scene, but yes, it was a scene very similar to this one here. As I recall the bodies were not stacked up like that. I was maybe 25 to 50 meters away. I did not count the bodies, I estimate from 20 to 24. The distance that I viewed the group of bodies on the trail between the two rice fields was at a distance of approximately 25 to 50 meters.

Q. What was the name of the platoon leader who had your right platoon?

A. The platoon leader of the platoon on the right, the southern portion of My Lai (4) was First Lieutenant or Second Lieutenant William CALLEY.

Q. Did you see Lieutenant CALLEY from the time his platoon came into the LZ? When did you next see him during the operation?

A. I saw Lieutenant CALLEY the next time during the operation as I exited the village. There was a helicopter that had either hit a tree or something and damaged the rotor blade and the chopper had come down, and as I came out in the open area I saw Lieutenant CALLEY moving his people and I hollered at him and told him to put out security around the chopper.

Q. Where was the chopper?

A. It was in the open area as we came out. It was in the open area, I know this. I am marking that area that I believe the chopper came down or halted, with a 5.

Q. What type of helicopter was it, Captain MEDINA?

A. It was an OH-23 with one pilot and two machine-guns, one on each side.

Q. Was it crashed?

A. No. The chopper came down and landed and they had gotten out and were looking at the ship. I didn't know whether the ship had been hit by small arms or what. I had seen Lieutenant CALLEY and I told him to spread his people out and provide security for the helicopter while it was downed, and then I saw the pilot and one of the gunners examine the rotor blade. I saw where it apparently had hit a tree branch or a tree or something. They got back in, cranked the helicopter up and were airborne again.

Q. The rotor blade had not ceased--had not stopped turning, was still turning?

A. Yes. Yes, sir, the rotor blade was still turning when I first saw the helicopter.

Q. Did it stop at any time?

A. I am almost sure that they stopped because they were examining the rotor blade.

Q. And this was approximately what time?

A. Close to noon time, I believe, sir. I'm not definite on the time.

Q. Did you see any of these people leave the vicinity of the helicopter?

A. No, sir. They did not. They checked, the pilot and one machinegunner checked the rotor blade and they got in the helicopter and took off again.

(Mr. ALCH reentered the hearing room.)

Q. Did you recognize this helicopter?

A. I recognized the helicopter as an OH-23.

Q. Did you recognize the pilot or any of the occupants?

A. No, sir, I did not know the pilot or any of the occupants.

Q. Up to this particular time had you received any instructions from Colonel BARKER or from the G3, Major CALHOUN, to stop burning in the village?

A. No, sir, I did not at any time receive any instructions to stop burning or the destruction of the village.

Q. Did you receive any admonition or queries concerning the number of civilians or noncombatants which may have been hit, or been admonished to make sure that you stopped killing civilians?

A. During the movement, I believe, from position 3 or it might have been the vicinity of--from 3, I will mark the general area with a 6. It was after I had left the area where the kid was dusted-off. Major CALHOUN, the task force S3, notified me that he had received a report from a helicopter pilot that he thought some innocent civilians or civilians had been shot and killed and he told me to make sure that this was not being done. I notified all the platoon leaders of the radio to make sure and put the word out to their people that if there were any innocent civilians, or any women and children who were not armed, make sure they did not shoot them.

(The witness conferred with his counsel.)

Q. Would you identify the place where you first met Lieutenant CALLEY?

A. It was in the vicinity of the area that I marked with the number 5.

Q. Would you indicate the direction from the helicopter?

A. The chopper landed going toward the east, so I would say that he was right here, I guess.

Q. Would you mark that with a number?

A. The location where I believe I'd seen Lieutenant CALLEY I will mark with the number 7, and I was located in the vicinity of the position that I marked with the number 8.

Q. Where did the unit have its lunch break and what was the general area that the unit put out its security?

A. I will have to draw the security pretty much in the rough. The 1st Platoon was on the right hand side, out of the village across the open area, I don't know the exact location where they were.

Q. They were to the east then?

A. They were to the east.

Q. Put down the approximate location.

A. I don't know the exact location, but they were to the east somewhere between here and there and I've marked it with a "1st Platoon."

Q. They are in their security and so forth for your noon break?

A. I'm not sure if that's how they--you know they were not maybe in a straight line posture or they were probably spread out. I don't know exactly where they were.

Q. Where was the 2d Platoon?

A. The 2d Platoon was on the right-hand side somewhere between in this general area here. I have marked on the left-hand side the north-hand side of the village, which I will indicate with the "2d Platoon." Again I do not know the exact location where they were.

Q. Where was your 3d Platoon at this time?

A. The 3d Platoon was in the rear. I don't know the exact location of where the platoons were, as I had them spread out, but they were toward the rear of me somewhere. Within the village like this, I guess. I will mark that with the "3d Platoon."

Q. I'm sure that we recognize that you are not giving the exact plot, only a general location and the record will so indicate.

A. A very general location. I was located in the vicinity of the--which I will mark with the number 9. Now this is the vicinity where the command group was when we broke for chow.

Q. When you saw Lieutenant CALLEY, did you ask him anything about the killing of civilians or how many civilians he had seen killed?

A. No, sir, I did not.

(The witness conferred with his counsel.)

The initial inquiries that Major CALHOUN made as to the chopper pilot stating that I had--that innocent civilians or civilians were being shot, in my own mind was, I thought, prompted by the query about a statement from the helicopter pilot saying that I shot the woman and I had not seen any women or any children, innocent civilians shot or killed and--

Q. (Interposing) You had not seen them killed? You had seen the bodies though?

A. The bodies that I indicated earlier, yes, sir.

Q. Somewhere in the neighborhood of 24 to 28 up to this time?

A. Yes, sir. Anywhere between 20 to 28. However, Major CALHOUN gave me the instructions to be sure that they were not doing this and I put the word out to the platoon leaders to tell their people not to shoot any innocent women, children, or any innocent civilians if they were not armed.

Q. That order and directive was put out by you? How was it put out?

A. It was put out over the radio. Over the company command net.

Q. There was no doubt but that the platoon leaders received this directive from you?

A. Yes, sir. They all rogered it, sir.

Q. When you were passing through this area up to this point, aside from seeing the bodies, you had not seen any noncombatants that were shot?

A. No, sir.

Q. That were shot--that were in the process of being shot?

A. No, sir. I did not.

Q. You did not approach the area which you have marked as 4 any closer than 25 meters, is how you would explain it?

A. No, sir. I did not.

Q. You did not physically inspect the bodies?

A. I did not physically inspect the bodies. I did not approach them any closer than the distance that I have already stated.

Q. When you reported--when did you first make your SITREP report to the TOC at LZ Dottie or to Colonel BARKER?

A. What do you mean by SITREP report?

Q. Your first operations report saying what your results were up to that particular time.

A. Well, there had been a continuous flow of information. The first report, I believe, was stated--Sir, it was so long ago that I don't remember the numbers. The first report was that the LZ was cold and then

Q. (Interposing) I am referring primarily to the report of enemy and friendly casualties.

A. The first report, probably, of any enemy casualties would have been somewhere between 0800 and 0830 and this was, I believe a total of 15. I'm not definitely sure of the number. Sir, I have not refreshed my recollection of any logs that the task force or the tactical operations center kept, or of the official log the Americal Division kept at their tactical operations center.

Q. By the time that you had proceeded through the village do you recollect about what the casualty count was?

A. I believe the total number was--this was including the gunships and ones that we claimed for Charlie Company--I believe about 85, 85 to 90.

Q. Do you recall which platoons the figures came from?

A. The majority of the figures came from the 1st Platoon. There were some from the 2d and a few from the 3d. The remainder of the numbers--of the total, I believe the number was 128--came from B/4/3.

Q. Were any of the civilian casualties reported as civilian casualties?

A. Not at that time, no, sir. I did not report them as civilian casualties, sir. But I did later on.

Q. Do you recall when you did?

A. We had married up with Bravo Company in the night defensive position. I guess it was close to about, somewhere between 1530 and 1600 hours.

Q. Do you remember the noncombatant count--the count of noncombatant casualties you reported?

A. I reported--Major CALHOUN had asked me for--he wanted to know how many civilians had been killed. I told him that I did not know exactly. He said I want you to move back into the village and get a count. I want to know how many males, how many women, and how many children are dead in that village. And I told him that due to the time and the distance that I did not recommend moving back from my location to the village to attempt to do this with the time that we had, because we were trying to prepare our night defense position, digging in, getting in our resupply and what not.

Q. What time did he direct you to return to the village?

A. Again, I would estimate the time would be 1530 to 1600 hours. Somewhere between that time. I'm not definite on the time. Sabre--I believe the call sign was Sabre 6--was the

division commander. He was somewhere in the vicinity in his helicopter. He broke in on the radio and he said, "Negative, don't send them back there going through that mess. There is no need for them to go look at that mess," or words to that effect. "How many does the captain say or how many does the 6 say he's actually seen?", and I gave him the figure of somewhere between 20 to 28. And Sabre 6 said, "Well, that sounds about right."

Q. At that point of time you had evidently resumed the operation and were moving toward your link-up with B/4/3?

A. Yes, sir, that had already been completed and we had already married up with B/4/3.

Q. When you provided the information as to the number of noncombatant casualties, had you queried your platoon leaders as well as used your own personal knowledge?

A. I inquired if there had been any other civilian casualties and I received a negative report. I just asked them if they knew of any women or children or civilians that had been killed, and to try to determine a number and well, I got a negative report. I turned in the number that I had seen.

Q. Going back to the village of My Lai (4) again, Captain MEDINA. When you passed through the village and you were moving through there, did you see any casualties that you would say were specifically VC or NVA because of their uniform?

A. The males of military age, or the males that I have seen killed, that were dead, were in the normal black-type uniform. We have killed VC wearing the black-type pajamas. There was some web gear that was found along with hand grenades, so it would be very hard to distinguish whether he was an innocent civilian or a VC.

Q. Did you see any bodies then, aside from the ones that you have indicated here, that could have been VC?

A. No, sir. I did not.

Q. Would you describe the equipment that was captured in the village?

A. The equipment, military equipment, that we turned in that was evacuated from the night defensive position as I recall was three M-1 carbines, two M-1 rifles, a .50 caliber type ammunition can, U.S. Army type, full of documents and equipment and some web gear with hand grenades and ammunition pouches on them.

Q. This brings us to a convenient place to take a break. We will take a break at this time and we will reconvene when you are through Mr. BAILEY.

(The hearing recessed at 1652 hours, 4 December 1969.)

(The hearing reconvened at 1728 hours, 4 December 1969.)

IO: The hearing will come to order.

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

IO: Captain MEDINA, I have here the log from the Americal Division. I would like to call your attention to certain specific entries. If you will notice entry number 10 states that "11th, C/1/20, vicinity BS716788 at 0757 hours located documents and equipment, 14 VC KIA?"

A. Yes, sir.

Q. A second entry, number 13, states that "0815, 11th, C/1/20 vicinity BS716788 at 0803 hours captured short wave radio set on frequency of 7.3, documents and complete medical bag."

A. Yes, sir.

Q. Item number 20, "0938, 11th, C/1/20, vicinity BS716788 at 0820 hours detained 23 VC's for questioning."

A. Yes, sir.

Q. Item number 28, "0940, delayed, entry, 11th, C/1/20 vicinity BS 714794 at 0930 hours element counted 69 VC KIA as a result of artillery fire this morning. In process of policing up weapons and equipment. Additional bodies from previous counts."

A. Yes, sir.

Q. Also item number 31, "0910, 11th, C/1/20 vicinity BS 716788 0757 hours found three weapons, one M-1 and two carbines. Reference Journal item 10." I call these to your attention to see if you recall these body counts being reported to either Colonel BARKER or to task force TOC?

(The witness conferred with counsel.)

Are you familiar with these reports being submitted?

A. Yes, sir. I believe that the reports are correct. They were submitted to the task force S3.

Q. With respect to item number 28, "69 VC killed as a result of artillery fire this morning," did this seem like a normal result that you would obtain for this type of artillery fire?

A. Well, sir, I was told that the artillery was going to be placed onto the village for a 10 minute preparation. I didn't know the total number of rounds that were fired or the type of rounds that were fired. It did not seem a large amount at the time, no, sir.

(The witness conferred with counsel.)

I felt that they were the results of the artillery being placed onto the village from 0720 to 0730 hours, that the count could very well be true, very likely.

Q. Were the 14 VC KIA reported at 0750 in addition to this 69? This is entry number 10 on the first page.

IC: General, may the witness specify whether he recognizes it as a report he made or whether he does not?

A. I do not recognize item number 28 as a report that I made. Where it says additional bodies as to previous count, I would feel that the entry number 10 or 14 would have been included in that. And if I can remember correctly, 14 VC KIA at 0750 hours were primarily from the gunships.

IO: The 14?

A. Yes, sir.

Q. Prior to this particular operation, had you ever had a body count similar to this?

A. No, sir. Prior to this operation we did not have any body counts similar to this.

Q. You passed through the village and you saw Lieutenant CALLEY on the far side of the village and up to this time you were reporting some quite large body counts from the artillery and the whole thing put together?

(The witness conferred with his counsel.)

Will you indicate, then, up until this point of time when, let's say, well at 0930, would the 69 be the figure that you submitted to the TOC?

A. I believe that is correct, yes, sir.

Q. And from the artillery fire?

A. As stated in item 28, yes, sir.

Q. Now may I also call your attention to item number 20 which has to do with 23 VC's detained for questioning? Did you--were you familiar with this entry? This at 0820?

A. I don't recall that. I do not recall that, sir.

Q. Had you reported any VC's that you recall? Had you reported any VC's captured or detained up to let's say 0930 in the morning?

A. I don't remember, sir. I know that there were VC suspects that were taken in the operation, but I do not remember if it was reported by 0930 hours.

Q. Item number 13 and item number 31, did these--one having to do with a short wave radio which was captured and the other having to do with the three weapons, were these proper entries?

A. Yes, sir. They are.

Q. All right. Now coming back to my question; had you been in an engagement of this magnitude before?

A. No, sir. We had not.

Q. Now up until this time, even accepting the 69, it was quite a sizable figure that you were getting for enemy KIA, right?

A. Yes, sir.

Q. Yet, as you passed through the village you did not see any of these as I recall your previous testimony?

A. No, sir. I did not.

Q. Did this not create some doubt? Did you ask Lieutenant CALLEY where are these bodies that you are reporting?

A. No, sir. I did not.

Q. What time, to your recollection, did the firing in My Lai (4) subside?

A. Well, there was sporadic small arms firing throughout the morning in My Lai as water buffalo, and pigs, and livestock were killed.

Q. Did you hear any weapons, enemy weapons, firing?

A. It would have been hard to distinguish between the small arms firing that I heard and enemy weapons firing unless--well, I did not hear any enemy weapons that I could identify as enemy weapons firing.

Q. Of course you did capture three U.S. weapons according to the record, from the VC.

A. I believe there were three carbines and two M-1's that were captured.

Q. As far as the entry is concerned, as I can see here, up to this time, there were three weapons, one M-1 and two carbines. It is obvious that if these had been fired, they would have sounded like U.S. weapons, however, distinctive from the M-16 and the M-60.

A. Yes, sir.

Q. When did the heavy firing cease? Was there a time when there was a sort of a definite break or did it just continue on throughout the morning?

A. Well there was sporadic firing throughout the morning. I would estimate the time that it subsided would be about 1115 hours in the morning, and the time is an estimation.

Q. Aside from your company, Captain MEDINA, what other units or individuals did you have along with you on the ground?

A. On the ground there were the two photographers--

Q. (Interposing) I'm sure that you were aware that they were there?

A. Yes, sir. I don't know if they came in with the initial lift in the combat zone or if they were--I think they came in with the last lift. I'm not definitely sure.

(The witness conferred with his counsel.)

There were two photographers, an interpreter--

Q. (Interposing) An interpreter?

A. Yes, sir.

Q. An ARVN interpreter?

A. Yes, sir. He was attached to the company.

Q. Was he part of your command to the company.

A. Yes, sir.

Q. What was his name?

A. A Sergeant PHU.

Q. P-H-U?

A. I believe so, sir.

Q. Did you have any intelligence personnel with you?

A. I'm trying to think of his name. There was another Vietnamese interpreter and a lieutenant from the MI detachment. His name, I believe, was Lieutenant JOHNSON.

Q. Did he have anybody with him?

A. His interpreter.

Q. Just an interpreter?

A. Yes, sir.

Q. Were you accompanied by any other forces, U.S. or ARVN or PF or RF?

A. I had two demolition men from the engineer platoon, from the engineer company, that was assigned to the brigade, and those are the only allied forces, ARVN or American additional forces, I had with me.

Q. You didn't have any National Police Field Forces or National Police?

A. Not at the time of the combat assault, no, sir.

Q. Not at the time of the combat assault?

A. No, sir. I later received, not just myself, myself and Captain MICHLES from Bravo Company, received some National Police from--I don't know exactly where they came from. They were National Police and they were brought into our night defensive position.

Q. And how many of them were there?

A. I believe there was a total--I don't know the exact number, sir. I know there was National Police. I don't know the exact number.

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Q. One or two or a platoon or a squad or--

A. (Interposing) There were more than two. I had some with me. Some were accompanying me on the following day's operation. Captain MICHLES had some with him also. Now, I am not sure of the exact number that came in though.

Q. There were more than two, but it wasn't a huge number?

A. No, sir. I don't know the exact number but it was more than two and it was not a large number.

Q. All right. Let's continue on now. Beyond the village, what did you and your company do after lunch?

A. We continued to conduct sweep and search operations from the village of My Lai (4) to the vicinity of the graveyard where we were going to set up the night defensive positions with B/4/3.

Q. Would you point that out on the map for us and show us where you met up with Bravo Company?

(The witness did as directed.)

A. In this general area here, sir. There was a graveyard here. About in this general area here, sir.

IC: Let the record show that he is indicating an area about an inch above the area that says "OBJ" (Exhibit MAP-1).

IO: The record will show that it was in the southeast corner of objective 1.

Q. Well, now will you indicate what happened here, Captain MEDINA, please?

A. Well, as we began conducting our sweep operation toward the night defense position where we were going to marry up with B/4/3, we came across part of the lead element, I believe, of the north platoon, which would be the 2d Platoon, that had rounded up a number of civilians. I estimate the number to be somewhere between 80 to 85. I did not count them. Now, they were old men, women and children, we took the young military-age males with us and I told my interpreter to tell the rest of them to move in a southwesterly direction from this location to

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Q. What did he tell you?

A. That we were supposed to continue our sweep with Charlie Company making a turning movement toward the south on the east side of Hill 85, and Bravo Company would go back across the graveyard in the vicinity of what we termed the Pinkville, across the foot bridge, and move down the coast line, in the vicinity of Co Lay, My Khe (4), Co Lay (1), Co Lay (2) and Co Lay (3), and with Charlie Company conduct a sweep of the vicinity of My Khe (3), My Khe (1), and My Khe (2). And I do recall that the task force S3 had instructed that I send one platoon to the vicinity of Hill 85 to establish an observation post, where they could observe any movement to the rear of both companies. I don't remember if I got this over the radio or if the S2 gave it to me. I believe the S3 did, but I don't recall him on the ground. Anyway, my concern was that Hill 85 would be mined and booby trapped and I asked him not to send a platoon up on top of Hill 85. So, he told me to send them as far as they thought they could get, to a good vantage point where they could observe the rear of the companies to prevent anyone from sneaking up behind and coming in behind us. The 1st Platoon, Lieutenant CALLEY's platoon, was to move in the morning from the night defensive position to establish an observation post in the vicinity of Hill 85, and the 2d and 3d Platoons would conduct a search and destroy operation from the night defensive position to My Khe (3), My Khe (1), and My Khe (2). We departed in the morning to--

Q. (Interposing) One minute, if I may. When were you issued the instruction that you would return back to My Lai (4)?

A. To go back to My Lai (4)?

Q. You covered it earlier. And you said, as I recall, you had been given such instructions by the 3.

A. I believe the time that I had received the transmission was somewhere between 1530 and 1600 hours.

Q. And had you reached the objective areas yet?

A. I was in the night defensive position, yes, sir.

Q. You were in your laager positions?

A. Yes, sir. We were there. We were starting to dig in. We were starting to prepare our night defensive position.

Q. You were already somewhere in the neighborhood of 2 kilometers or more to the northeast of My Lai(4)?

A. Yes, sir.

Q. What transpired then? You indicated that you were initially directed to--

A. (Interposing) Major CALHOUN told me to go back to My Lai(4), and he wanted to know how many women and children, innocent civilians, had been killed, if any, and he wanted me to go back to My Lai(4) and make a body count, women, children, and men. I stated that I did not think that it would be wise for me to start moving from the defensive position to My Lai(4) to do this because of the distance involved. In trying to do this, the possibility of encountering the enemy in trying to do this, we would not be able to complete the job and return back to the night defensive position. He says--Major CALHOUN told me he wanted me to go back and get an accurate body count of the civilians that were killed. About that time the commanding general was in the vicinity somewhere with his helicopter--

Q. (Interposing) The commanding general?

A. Sabre 6, I believe, was his call sign.

Q. Who was Sabre 6?

A. He was the commanding general of the Americal Division. And he stated, I do not know exactly where he was, I did not see his helicopter, I know he was in the area because he broke in on the--he came in on the radio and he said, "Negative. I do not. Don't send them back there. I don't want them going through that mess." He says, "What does the captain say the number of civilians that he saw killed was?", and I gave him a count of 20 to 28 and he said, "Well, that sounds about right," and that was it.

Q. Now this was still all on the afternoon and evening of the 16th?

A. Yes, sir.

Q. Well, explain in brief your operations to the south, and then I want to know when was it the next time that you saw Colonel HENDERSON or Colonel BARKER?

A. Yes, sir. The morning of the 17th we left the night defensive position with the 1st Platoon moving to establish an observation post in the vicinity of Hill 85. I took the other two platoons and conducted a search and destroy operation in the vicinity of My Khe (3), My Khe (1). We had reached a vicinity in the area of My Khe (3) and My Khe (1) when I had received a radio report from the 1st Platoon that they had run into some mines and booby traps and that they had suffered two casualties that had to be evacuated. We requested a dustoff that got the people out of the mined area and I informed Major CALHOUN that they had run into a minefield and I didn't think it would be wise for them to go up any further or try to establish a position in the minefield from which to observe. Major CALHOUN told me to have the 1st Platoon--that platoon to marry back up with us--with the company. I waited for the platoon to marry up with me somewhere between My Khe (3) and My Khe (1).

Now, all these villages were completely deserted. There was nothing there, and maybe a better term for it would be hamlets, because the number of houses or black dots or hootches indicated on the map were not represented on the ground in that number. We found evidence of bunkers, positions, or spiderholes, and everything was completely gone in the entire area. We had received permission to destroy these villages, or the hootches, and we burned them down. We continued our operation south on the day of the 17th to the vicinity of My Khe (2). We had quite an area to cover, an open area with rice fields. Bravo Company was moving down along the coast line burning My Khe (4), Co Lay (1), and I started entering and sweeping two platoons through My Khe (2) leaving the 1st Platoon behind to catch anybody that came out, for it is a tactic of the VC to let you just sweep through the area, and then come out behind you. They hide and as the Americans go through they just get up and move out behind you, and they picked up four VC that way, trying to move out of the area. One was a woman, a nurse, and three males. We had reached the edge of the water at My Khe (2). People were starting to fill up their canteens and we were to set a defensive perimeter there, and there was some type of ARVN junk boat or junk fleet in the mouth of the river there.

Q. Would you point My Khe (2) out for the benefit of the record?

A. Yes, sir, My Khe (2) (pointing to My Khe (2) on the map.) There are some kind of Vietnamese junk boats, in here, that were firing a .50 caliber out in this direction here, firing the machinegun of the junk boat in this direction here (indicating).

Bravo Company had moved down to vicinity of Co Lay (3) and the one Vietnamese woman, the nurse, and the three men were brought to my position. The woman did not have a blouse on. All she had was pajama bottoms. I did not know if she ever had one on or if it was ripped off of her. A GI was carrying her. She was acting like she was out of her mind and she was kind of bubbling at the mouth. It was like a child bubbles. I looked at her and I knew she was faking. My medic said that she was faking. So we laid her on the ground and I asked him if he had any ammonia capsules. We put an ammonia capsule in her nose and she immediately snapped to. I took the blouse off of one of the VC and I placed it on her to cover her up. There were two individuals that were definitely VC. The two that you could identify as VC, we started going through their pockets. One had a small embroidered cloth that had, I think the translator said, "Honor to the VC," or "Death before dishonor to the VC," or something like this. The other one would not talk. The other individual was very mature, an executive-looking individual. He was not the type of individual that you would find out in the hamlets or villages in that area. He was definitely not a rice farmer. My interpreter told me that possibly--well prior to that, while we were talking to the other two--we had them separated, the woman was in one position and then we had the three males in a diamond shape, so that they couldn't really talk to each other. They were tied up. The executive-looking individual, for a better term to describe him, shouted out a command. It was definitely a command. It was not like the normal Vietnamese sound, talk, and I turned around and I told him, in American, that he was to shut up and be quiet. I hit him with the back of my hand. I cracked his skin open on the forehead. It was starting to bleed very profusely and I didn't hit very hard. It was running down his nose. Can I confer with my attorney just a moment?

Q. Certainly.

(The witness conferred with his counsel.)

A. Sergeant PHU, my interpreter, told me, "Keep the National Police away from him." I don't know the reason why.

He said, "This individual, here, seems to be very important." And he says, "I think if you can scare him you can make him talk." So I had a .38 pistol with me. I had removed all the ammunition from the chamber. The individual did not see me do this. I showed him one round, pretended to put it in the weapon and put it up to his head. Now, apparently, he knew that the weapon was empty because I could not scare him. And Sergeant PHU says, "I think if you shot at him very closely he might talk," and he says he was not a Viet Cong guerrilla. So I told Sergeant PHU, "Okay." I put him up against a tree, a coconut tree, and I moved back approximately 10 to 15 meters and I took my M-16 weapon-- rifle--and I told Sergeant PHU to tell him that I was going to ask him one time and he'd better talk or I would shoot him. He would not say anything, so I propped him up against the tree and went back about 10 to 15 meters. I took very careful aim with the M-16. I am a fairly decent shot with it, and I placed a round approximately eight inches over his head, somewhere in that area, into the coconut tree. We went back and we both walked up to the individual and Sergeant PHU had stepped off to the side. We both walked up to the individual and asked him if he was ready to talk and the individual said, "No." The VC was facing me, as I had him up against the tree. I told Sergeant PHU to ask him again if he was ready to talk. The individual said, "No." I walked back 10 or 15 meters from him, raised my M-16 rifle, took very careful aim and cut the distance in half between the first round and his head which was approximately another 4 or 5 inches. I went back to the individual and Sergeant PHU asked him if he was ready to talk and the individual said, "No." He had nothing to say so I propped him up against the tree sideways, and I showed him where the two rounds were with my fingers. I put my finger in the last hole and then I put him up against it and somehow or other, it came almost between his eyes indicating that the next round, the third round, was going to be right between his eyes. So I propped him up against the tree, facing me, I walked back 10 to 15 meters. I raised my M-16 rifle and the individual started talking. The weapon was on safety the third time. I would not have killed the individual, have shot him in cold blood. If he hadn't broken and talked he would still be alive today. By that I mean I don't know whether he is dead or alive.

The individual started talking. He said he was a card-carrying member in the Communist Party for 13 years. He stated that he was trained in Hanoi in North Vietnam and that he had left there in 1963 and infiltrated into

South Vietnam and was equivalent in the VC infiltration structure to the district chief of Quang Ngai Province. He was--the infrastructure of the VC was very similar to the Vietnamese Government, and he indicated that he was very, very high up on the list, and he also stated that the 48th VC Battalion had moved from the area, that they had gone to the west of Highway 1. We had his hands tied and he turned the map around, oriented it with his toes, he was using his toe to indicate various positions. He stated that the woman, the nurse, was a VC nurse of the 48th VC Battalion. He stated that one of the other individuals was a propaganda teacher for the VC, to teach the villagers, and show them--and the other was an instructor in guerrilla tactics. He stated that he had executed a man to show the villagers. He had--he didn't know whether the individual was an American or Australian but indicated that he was Caucasian, the individual that he beheaded to teach the people. I asked him how or what they did with the wounded personnel that they had from our engagements, from the other companies and he stated that My Lai (4) was one of the areas--was a VC village--and that they did use this as an area for bringing in their wounded personnel. They would hide them during the day, treat them the best they could, and then at night infiltrate them to the west across Highway 1 to the mountains where the VC and NVA base camps were located, where they could take better care of them.

Q. Did he indicate when the 48th Battalion had left My Lai (4) and moved to the west?

A. I'm not sure, sir. It might have been the day before. I'm not exactly sure because that was--once I realized who the individual was, I immediately notified the brigade or the task force S2 that if there was any way that they could break a helicopter or a C&C ship loose, I strongly recommended that the S2 come out and pick these individuals up.

Q. Did they do that?

A. Yes, sir. They did.

I also asked him how he could move around the area while the Americans were conducting operations, or how he could move around the area while VC were moving through the area and they could distinguish him as being one of their leaders.

He said that it was very simple, that he wore a belt underneath his blouse of his black pajamas and when no Americans were in the area the belt was on the outside of his shirt and this identified him as a leader of the infrastructure. And that when Americans were in the area that they just simply pulled their shirt over their belt and they were never bothered.

Q. Well, he was removed and we could go on on this particular for a long, long time, but I don't think it's quite relevant to what we want to get down to.

A. Then we moved from that area--I'm sorry, sir.

Q. Yes. Would you describe very briefly your movements? Well just let me ask one question? Did you burn and did B/4/3 burn the villages that you had mentioned?

A. Yes, sir. We did.

Q. Had you been instructed to do so?

A. Yes, sir. We had received instructions from the task force to burn the villages.

Q. In the same sense as you received instructions to burn My Lai (4)?

A. Yes, sir. With the exception that there was no livestock or anything in the village. They were completely empty and just hootches in my area. I do not know about My Khe (4), Co Lay (1), Co Lay (2), or Co Lay (3), sir.

Q. Describe very briefly your movements from there to the point where Colonel HENDERSON came in to see you?

A. Well, sir, we were advised to move back from My Khe (2), the task force S3 gave me a location to set up a night defensive position. We moved back to that location. Bravo Company moved back up and then the next morning or that evening I was notified to begin--I believe it was the next morning, I was notified to move from the night defensive position we had in the vicinity of My Khe (1) in the graveyard--

Q. (Interposing) You both were laagered in there overnight?

A. Just my company, sir. Bravo Company, I think, was up in the vicinity of Co Lay (1). I was told to move from here across the causeway in the vicinity of My Lai (3) to a PZ. This is where they were going to extract the company. I began conducting a search and sweep operation toward that area because we weren't going to be extracted until about 1400 hours. I received a call that Colonel HENDERSON was en route to my location and to secure a PZ or an LZ for him--for his helicopter. This was done in the vicinity of this location in here. The general area here, sir (indicating).

IC: Can that be described for record?

IO: Give the coordinates.

A. (Exhibit MAP-1) Vicinity coordinates 735806, I secured an LZ. Colonel HENDERSON came in, in his helicopter. I believe there were three individuals that got out of the helicopter: Colonel HENDERSON, the brigade commander, Lieutenant Colonel BLACKLEDGE, the brigade S2, and I believe there was a Lieutenant Colonel LUPER who was the commanding officer of the 6/11. The helicopter went back up and Colonel HENDERSON and I moved to an area where we would be covered in case we received any small arms fire. Colonel HENDERSON said that he had received a report from a helicopter pilot that I had killed a woman and that there was a possibility of some atrocities that had been committed in My Lai (4). He asked me if this was true, if I knew anything about it. I told Colonel HENDERSON that, yes, I did shoot a woman. I explained to him circumstances. He said that he understood, or this was understandable. He asked me if I was aware of any atrocities in My Lai (4). I told him no. He asked me if my people were aware of it, and he asked me if I thought my people could do such a thing, and I told him I did not think American soldiers would do such a thing. He said, "Okay. We are going to conduct an investigation of this." Then he called for his helicopter and left. I continued on moving toward the PZ across the causeway.

Q. He only asked about whether or not you knew about any atrocities and also mentioned the woman that had been killed?

A. Yes, sir.

Q. Did he mention helicopters marking wounded, and did he mention large groups of people in a ditch or anything of this nature?

A. No, sir. He did not. We continued to the PZ--

Q. (Interposing) What time of day was this, now?

A. This was--we were being extracted, I believe, from 1400 or 1500 hours, sir, so it had to be somewhere in that time frame. I am not sure of the time, sir. It might have been about 1330 in the afternoon. We secured the PZ--

Q. (Interposing) May I ask you one question while we are on this. Was what you told Colonel HENDERSON there, in the presence of Colonel BLACKLEDGE and Colonel LUPER?

A. Yes, sir.

Q. You told him about the shooting of the woman, and the circumstances surrounding it?

A. Yes, sir.

Q. At that time, when this took place, did you have your command group with you?

A. They were scattered throughout the area providing security for myself and Colonel HENDERSON and his people.

Q. I'm referring to when the woman--when you shot the woman who made the--appeared that she was making a movement.

A. They were somewhere spread out moving up behind me. They were not even with me.

Q. You are not sure where they were, except that they were in the vicinity?

A. Yes, sir.

(The witness conferred with his counsel.)

Q. At that time did Colonel HENDERSON mention anything

about having had an allegation that a colored sergeant fired into a group of people?

A. No, sir. Not at that time.

Q. All right. Very rapidly, the time that we are talking about is sometime late in the morning or early in the afternoon.

We will take an administrative recess.

(The hearing recessed at 1825 hours, 4 December 1969.)

(The hearing reconvened at 1847 hours, 4 December 1969.)

IO: The hearing will come to order.

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

IO: Captain MEDINA, for a moment I would like to go back to the discussion between yourself and Colonel HENDERSON in the area north northwest of what is commonly referred to as Pinkville, in the field. At that time did Colonel HENDERSON mention anything to you about you returning to My Lai (4)?

A. No, sir. He did not.

Q. Did he talk to anybody else besides yourself?

A. At the location that I gave to you by grid coordinates, where he landed the helicopter, no, sir.

Q. B/4/3 was not in this immediate vicinity?

A. No, sir. They were not in the immediate vicinity, they--

Q. (Interposing) They weren't in the LZ area?

A. No, sir. They were not.

Q. So he would be talking to you and Captain MICHLES. Is that the correct name?

- A. Captain MICHLES was company commander of B/4/3.
- Q. You and Captain MICHLES were not together at that time?
- A. No, sir. We were not.
- Q. He did not talk to anybody else?
- A. No, sir. He did not.
- Q. He did not place you under oath or anything at the moment?
- A. No, sir. He did not.
- Q. All right. Now explain the movement to your PZ and your extraction?
- A. We continued to move, conducting a search and sweep operation to the vicinity of the designated pick-up zone. I arrived there with two platoons, one platoon that was trying to locate a rice and weapons cache--they had detonated a mine. I believe there were two individuals injured and were dusted-off. The platoon arrived in the vicinity.

of the pick-up zone, and we began extracting with three slick UH-1D type helicopters, ferrying us from the pick-up zone to LZ Dottie. I remained on the pick-up zone to make sure that the entire company was cleared, that no one was left behind. On subsequent pick-ups, during the extraction from the pick-up zone, one of the helicopters developed maintenance trouble or had to go someplace. Anyway, we ended up with only two. Along with me I kept a total of two to four machineguns on the ground with me and the radio operator, to secure the area while the two helicopters came in and continued to extract the people back. The last load was myself and the individuals that I had with me. It was a total, I believe, of about seven, possibly eight because the ship did come in and said that he would take everybody that was left, while one ship continued to provide aerial cover by flying overhead.

We were extracted back to LZ Dottie. When I arrived there I was informed that Colonel HENDERSON, the brigade commander, had been there to meet the people as they arrived and that he conducted inquiries of the people as to whether they had seen or they had committed any atrocities in My Lai (4). And Colonel BARKER--by the time I got there Colonel HENDERSON was not there--Colonel BARKER told me of the accusations of the helicopter pilot, and of my shooting the woman, and he also stated there was a colored NCO, a colored soldier, that he had seen shoot into, or point his weapon shooting into the bodies of dead civilians or shooting into civilians. Colonel BARKER asked me to conduct an informal investigation to see if I could find out if any of this took place. I asked my platoon leaders again if anything had actually happened, if they had seen any of their people commit any atrocities, if they had ordered any civilians killed. I talked to one colored NCO, a Sergeant MITCHELL. He denied ever shooting any civilians. I did not inform or read the rights of Article 15 to any of my platoon leaders. I did not read Article 15 to Sergeant MITCHELL. Sergeant MITCHELL denied ever shooting anybody. He said that it could have been any colored sergeant, so why was I picking on him. I said: "Just forget about it. Right now, I'm not accusing you of anything or anything like that."

I told Colonel BARKER that I suspected that something might have happened because of the accusations that were made by the helicopter pilot and that somebody should, other

than myself, conduct an investigation. He said, "Ernie, you have been doing a real fine job. Go on back to the company and just continue doing the good work that you have done." We were preparing to move out later on, on to a rice

harvest operation where we were going to break down into squad-size elements, and conduct squad-size ambushes at night, trying to protect the rice harvest and marrying up during the day so that the platoons can get resupplied with water and stuff during the day. He told me that I should advise the people not to discuss it among themselves or with anybody else. I felt that since it was this type of operation, where squad-size elements were going to be operating on the rice harvest that it was--people would have to be very much on their toes. They would have to be much on alert. They would have to be working together and I called the company together to tell them what type of operation it was. I told them that there was an investigation being conducted into the alleged accusations, there were atrocities committed at My Lai (4) and that I myself, as the company commander, was being investigated. I told them that it would be best if they did not discuss it amongst themselves or with anybody else and that the investigation would be conducted.

(The witness conferred with his counsel.)

No, sir. I did not refer to or imply that they should not discuss or talk to any investigating officer that might approach them on the subject.

(The witness conferred with his counsel.)

I did not suggest that they withhold any information for the best of the company. We continued to conduct operations in the vicinity--

Q. (Interposing) One individual about this time-- if I'm not mistaken, I believe his name was BERNHARDT?

A. Yes, sir.

Q. Did you give him any particular admonition?

A. Sir, the term admonition is--seems to be a little bit harsh. BERNHARDT had written his Congressman on a couple of other occasions. One I believe was an officer of the company had used foul language, he may have been referring to me. Another one was that he didn't think the distribution of Coke and beer rations to the company while we were in the field was fair or something to this nature. I'm not sure if this was exactly it or not, but anyway Lieutenant BROOKS, the

platoon leader--

Q. (Interposing) Which platoon is this?

A. Lieutenant BROOKS is platoon leader of the 2d Platoon. He told me that he thought, possibly, BERNHARDT was going to write his Congressman about it. One, or I guess a couple of days later, I guess we were on our way to the messhall and I saw BERNHARDT walking toward the messhall and I called him over. Lieutenant BROOKS was there with me, and I said, "BERNHARDT, I understand that you may be wanting to write your Congressman with reference to the alleged atrocities at My Lai (4) or the investigation at My Lai (4). I am not telling you that you shouldn't write your Congressman. I'm only saying that it would be best that you don't write your Congressman because an investigation is being conducted and it should be brought out in this manner. There is no need to start arousing Congressmen and everybody else." And he said, "Okay." So we left it at that.

(The witness conferred with his counsel.)

I also felt that this was proper advice to give the individual since I had been told that-- by Colonel BARKER that individuals should not discuss it with--amongst themselves or with anybody else unless it was with the investigating officer.

Q. Would you give me the Combat Action Report for 28 March, please?

(The recorder handed Exhibit R-2 to the IO.)

I have here an exhibit referred to as R-2 which is a Combat Action Report of Task Force Barker dated 28 March, covering a 1-day period. Have you ever seen this particular document?

(IO handed exhibit to witness.)

A. No, sir. I have not seen this particular document.

Q. I would ask that you read the document through.

(The witness did as requested.)

The first question that I would like to ask you is, upon the termination of your operation did your company

specifically prepare an after action report?

A. No, sir. I did not.

Q. Have you ever seen this particular report?

A. No, sir. This is the first time that I have seen that particular report.

Q. Would you have any reason why the civilian losses or noncombatant casualties were not included?

A. No, sir. I do not.

Q. Considering the ratio of 128 enemy KIA to 2 U.S. KIA, does this not appear unusual?

(The witness confers with his counsel.)

A. Could you state the question again please?

Q. I asked if the ratio of an enemy KIA of 128 to 2 U.S. KIA for this operation appears unusual?

(The witness conferred with his counsel.)

A. Sir, I have never conducted another operation of that magnitude, so I really have no way of comparing whether the losses were appropriate or equal in an operation of this type.

Q. Do you know what your--what you might say your normal casualty ratio was, friendly to enemy?

A. No, sir. I would not.

Q. In the same sense, with a 128 enemy KIA and three weapons captured, does this seem to be an unusual figure?

A. With the past operations that were conducted in that area and the number of enemy killed and the ratio of weapons captured, it did not. It doesn't seem to be too out of proportion, sir.

(The witness conferred with his counsel.)

And the reason being that on previous operations

we had been told that failure to close with the enemy fast enough resulted in the weapons being lost, the VC picking up the weapons before the American forces closed with the enemy.

Q. What was your normal weapon ratio to enemy KIA or captured in action?

A. It would, in the particular Task Force Barker AO, it varied very much because if you--normally if you killed a VC he would only have web gear or a hand grenade or a document on him, if he was a VC, in moving from one place to another. If weapons were captured in the area, I do not know what the ratio would be for Task Force Barker as far as killed and weapons captured would be, sir.

Q. Colonel HENDERSON and Colonel BARKER, from your previous testimony here today, indicated that an investigation was going to be made into this?

A. Yes, sir.

Q. What is your recollection of what transpired next in the terms of an investigation being made into the My Lai (4) incident?

A. On April 8th of 1968 while conducting the Golden Fleece Operation, Rice Harvest Operations, I was notified to secure a pick-up zone for approximately 15 to 18 helicopters. Task Force Barker dispatched elements from the armored platoon that they had attached to help secure the PZ. My company was picked up and moved in an air combat assault to an operation. I'm not sure of the name, whether the name was Norfolk Victory I or Champagne. The operation might have been called Norfolk Victory I. It was to the southwest of Quang Ngai.

Q. Southwest of Quang Ngai?

A. Yes, sir.

Q. All right.

A. The operation was being conducted by the 1/20. That was the first time since January of 1968 that I had been back with my parent unit and Task Force Barker was shortly disbanded, and then I never did see Colonel BARKER again, and I know of no other investigation other than

when I was approached in April by Colonel WILSON at Fort Benning, Georgia.

Q. April of --

A. (Interposing) April of 1969.

Q. Colonel HENDERSON never returned to talk to you any further about the operation at My Lai (4)?

A. No, sir. He did not.

Q. I have here Exhibit R-1 which has already been entered in testimony, a report of investigation dated 24 April. I would ask if you would review this document?

(The witness examined the document.)

It has two inclosures.

(Witness examined the inclosures.)

Have you ever seen this report before?

A. No, sir. I have not.

Q. Were you aware that such a report had been prepared?

A. Prior to my coming here, sir?

Q. Prior to your leaving the 11th Brigade?

A. No, sir. I was not.

Q. After Colonel HENDERSON talked to you in the area northwest of My Lai (4), or the area that we refer to as Pinkville, on or about mid-day of the 18th of March 1968, did he again query you concerning the incident at My Lai (4) Village or hamlet on 16 March?

A. No, sir. Colonel HENDERSON did not discuss the matter or incident at My Lai (4) with me after that.

Q. Did he ever ask to have from you a statement?

A. No, sir. He did not.

Q. Did he ever place you under oath?

A. No, sir. He did not.

Q. For the purpose of taking testimony?

A. No, sir. He did not.

Q. Inclosure 2 to Exhibit R-1 is an English translation of the Vietnamese document, obviously a VC propaganda leaflet. Have you seen this document before or its translation?

A. No, sir. I have not seen either the VC propaganda document or a translation of that document.

Q. When you left the 11th Brigade, then, up to that time you had not seen or heard of the VC propaganda or this particular leaflet pertaining to the My Lai (4) incident?

A. No, sir. I had not.

Q. Were you aware of any other report that may have been submitted concerning the My Lai incident of 16 March?

A. No, sir. I was not.

Q. With respect to the first inclosure to Exhibit R-1, dated the 14th of April, (hands to witness) here is a statement, have you ever seen that particular document before?

A. No, sir. I have not.

Q. Do you know who the author of that document is?

(The witness attempted to look for a signature block and the civilian counsel asked him if he knew the author of his own knowledge.)

A. No, sir. I do not.

Q. Did Colonel BARKER contact you to indicate that he was conducting any investigation of the My Lai (4)

incident of 16 March 1968?

A. No, sir. He did not.

Q. Did he ever tell you that he had been directed to make such an investigation?

(The witness conferred with his counsel.)

A. No, sir. He did not.

Q. Did he ever place you under oath for the purpose of taking testimony?

A. No, sir. He did not.

(The witness conferred with his counsel.)

Colonel BARKER did not state to me that he had been ordered to conduct an investigation into the My Lai incident. He did tell me that an investigation was going to be conducted.

Q. Now the statement that you are making at the moment, at what point of time did he make that statement?

A. This was after we had returned to LZ Dottie and Colonel HENDERSON had talked to the company, as they were arriving at LZ Dottie, to determine if any atrocities had been committed.

Q. This then would be sometime around the 18th to the 20th of March?

(The witness conferred with his counsel.)

A. The question again, please, sir?

Q. I'm trying to fix the date, or about the date, that Colonel BARKER told you that an investigation was being conducted of the My Lai (4) incident of 16 March?

A. That would be the day that--he informed me of this the day that we returned to LZ Dottie.

Q. That would be the 18th?

A. Yes, sir.

Q. Did he ever again tell you another investigation was being made, in the latter part of March, in April or in May?

A. No, sir. He did not.

Q. Did anybody else query you concerning the My Lai (4) incident?

A. No, sir. Not until April of 1969 when Colonel WILSON questioned me at Fort Benning, Georgia, sir.

Q. April or May of 1969?

IC: May we have the date of Colonel WILSON's interrogation?

A. I believe it was April.

MR WEST: May.

IO: We might get a clarification of this. When Colonel HENDERSON talked to the people coming in from the operation, were you present at that time?

A. No, sir. I wasn't.

Q. Do you have any idea--was Colonel HENDERSON still there when you arrived?

A. No, sir. He was not.

Q. He did not talk to you that day?

A. No, sir. He did not.

Correction, he did talk to me in the vicinity of the Pinkville where I saw him.

Q. Right. Subsequent to that time on that day?

A. He did not talk to me at LZ Dottie, no, sir.

Q. I believe I asked you before if you knew who was

flying the helicopter the morning of the 16th of March, hovering over the individual that you came up to inspect?

A. Yes, sir. You did ask me that question.

Q. Would you repeat your answer, please?

A. No, sir. I did not know the individual, and I don't know who he was. I do not know the identity of any of the helicopter pilots on that operation, from seeing them, or that I knew were there at that time, sir.

Q. Did you ever hear of an ARVN investigation into the My Lai (4) incident during the period that you were with the 11th Brigade?

A. No, sir. I did not.

Q. What directives were issued for the indoctrination of personnel concerning atrocities, the killing of noncombatants, war crimes, and reporting same?

(The witness conferred with his counsel.)

Q. The question is whether you can identify, from your recollection, any documents concerning the training of personnel and indoctrination of personnel in the matter of war crimes, and preventing the killing of noncombatants, women and children, atrocities and reporting such incidents?

A. We did not have any documents of that type issued to us that I know of. The unit was given a class by the NCO School of the 3d Brigade, 4th Infantry Division at Duc Pho on our arrival in country in Vietnam. Some of the points that were covered were the--an individual that is fleeing, you tell him to halt. If he doesn't halt you fire a warning shot. If he doesn't stop then you shoot primarily to wound him and bring him down, not necessarily to kill the individual. We were told not to--that you don't shoot women and children.

Q. Did you have any special indoctrination in the treatment and handling of PW's?

A. The extent, as far as handling and treatment of

POW's was to tag them, classify them, where we got them, and evacuate them.

Q. I show you a facsimile of an exhibit, actually this size, roughly 2-by-3 inches foreside, backside. I would ask you if you have seen this document before, Exhibit M-2?

A. I have seen this document, was aware of it. I have not read the rules other than having seen the document and being aware of its existence. My unit was not issued this type of document.

Q. Were your people indoctrinated in it.

A. Not by me.

(The witness examined the document.)

My people were given certain portions of this, not in the detailed aspects of the nine rules that are laid out by this card, but they had been informed to remember that we were guests of the country, that we were there to help the South Vietnamese. We weren't there to rob them, or to beat them up, or to take any of their goods, or--and to be polite with them, in that respect.

(The witness handed the document to IO.)

(The witness conferred with his counsel.)

Q. I might say that this was made from the card comparable to this. This is the form that the card is made from. I have another document, which I'll present, of this same form, which has been entered into testimony as a facsimile. Here is an original of the card. I would ask you if you have seen this document? Exhibit M-3, have you seen that document before?

A. I have seen the document. I had not read it completely, as I have now.

Q. Were your men issued copies of this particular document?

A. No, sir. They were not.

Q. What instruction did they receive in the contents of this card?

A. The instructions in the contents of the card, that my men received were key phrases of halt; the Vietnamese phrase of "lai day, lai day," if I remember correctly it's come out, come out; and I think the other phrase was "di di mau," leave, leave this area.

Q. On the reverse side, which cites the five rules, did your people receive special instructions in that?

A. Any instructions that were received on the handling of prisoners of war would be the five "S's"--search, silence, segregate, speed, and safeguard. Not in the same wording that is on the back of this card.

Q. Would you say that it had basically the same meaning?

A. Yes, sir.

Q. I show you another exhibit, Exhibit M-4, which is a comparable card, front and back, prepared by General WESTMORELAND for all commanders.

(The witness examined the exhibit.)

A. No, sir. This is the first time that I have ever seen that document.

Q. Were you issued such a card?

A. No, sir. I was not.

Q. Did your task force have an SOP?

A. Yes. It did have--my company did have an SOP.

Q. Your task force, Task Force Barker?

A. Not that I know of, sir. I have never seen an SOP for the task force.

Q. Did your battalion have an SOP, standing operating procedures?

A. Yes. It did have.

Q. Did your company, in its SOP, cover such matters as the handling of prisoners of war, treatment of noncombatants, and reporting such things as atrocities?

A. The SOP had information pertaining to the handling of prisoners of war. It did not contain any information as to reporting or dealing with atrocities. It did not have any information as to the manner and procedure of handling civilians, or any refugees generated from combat inside Vietnam.

Q. I am referring primarily to the general treatment of them, rather than the refugee aspect, the treatment of women, children, the noncombatant type of individual.

A. No, sir. It did not.

Q. Before your unit arrived in South Vietnam, had you received training in handling PW's and noncombatants and things of this particular category, dealing with the Geneva Conventions, war crimes and things of this category?

A. The company had received instruction on the five "S's" regarding prisoners of war. We had not conducted any instructions as far as pertaining to war crimes, or atrocities, or things of that nature, sir.

Q. Do you consider the training of your unit to have been adequate by the time that you arrived in South Vietnam?

A. The unit that I deployed with from Schofield Barracks in Hawaii was selected to go as the advance company for the brigade. We departed Hawaii on 1 December of 1967. We flew to Danang, South Vietnam, and from there to Duc Pho where we established a fire base for the brigade at Carantan. My unit was filled up rather rapidly by new personnel from within the brigade--new arrivals within the brigade. I had a large turnover of personnel that were not eligible to go, that had been with the company quite some time, because of ETS, sole surviving sons, the only son in the family. So, therefore, I received a tremendous input of new personnel within the last month prior to my departure. There was not much time left for training as far as tactics, classroom type of instruction. We were busy packing and drawing equipment during the month of November for departure in December.

Q. What percentage of your company turned over prior to your departure?

A. Sixty to seventy percent, sir, would be my best estimate.

(The witness conferred with his counsel.)

I would say that approximately 60 to 70 percent of the troops were new. I had had the company since 19 December 1966 and we had a lot of new people that went with me to Vietnam, with the company, so therefore I would estimate approximately 60 to 70 percent. We--also the personnel that we received were what we refer to as McNamara's One-Hundred Thousand, which I believe the Army refers to as a class IV type of individual that has been given special training, so that he meets the lowest requirements to come into the service.

Q. How many of that category of personnel did you receive?

A. I do not know, sir. A check of the company rosters would indicate, by serial number, beginning with 67, this amount, sir.

Q. When your unit arrived in South Vietnam, how long was your period of indoctrination?

A. I arrived in South Vietnam on either 1 or 2 December 1967. We left Hawaii on 1 December 1967. We arrived there I guess on 2 December 67. We stayed overnight and departed for Duc Pho on 3 December. By the, I believe the 5th or the 6th of December, we had moved from the 3d Brigade, 4th Infantry fire base at Duc Pho to the brigade fire base at LZ Carantan, where we immediately began conducting small, squad-size patrols. We manned the entire brigade perimeter during the day and the night, and we constructed bunkers during the day.

Q. How long was your period of indoctrination with the 3d Brigade of the 4th Infantry Division?

A. The indoctrination that was given to us at the NCO Academy as I can recall, was a period of one day.

Q. Just one day?

A. Yes, sir. Starting in the morning and ending in the afternoon.

Q. I think that it will be in order to take a short recess and when we reconvene we will be able to close it off.

(The hearing recessed at 1946 hours, 4 December 1969.)

(The hearing reconvened at 1956 hours, 4 December 1969.)

IO: The hearing will come to order.

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

IO: One point I would like you to clarify for me is where did and at what time did Colonel BARKER issue you the instruction to burn the village of My Lai (4)?

A. The instructions I received from Colonel BARKER as to burning the village, destroying the livestock, and the closing of the wells, was while we were conducting the aerial reconnaissance from his helicopter.

Q. Was that part of the instructions also issued in his combat order to you on the night before the operation, or the evening before the operation?

A. I don't believe that he used the same words as to burning the houses. As he called it, "Destroy the village, and kill the livestock and close the wells." But, he had given me these instructions, sir.

Q. Who was in the helicopter with you on the reconnaissance?

A. I believe that the other individual, and I'm not definitely sure of this, was Captain Earl MICHLES.

(The witness conferred with his counsel.)

During this burning and killing of the livestock in My Lai (4), at no time did I receive any instructions from Colonel BARKER or the task force or anyone else to stop or discontinue burning of the village and destroying of the livestock.

Q. During the entire time that you were in My Lai, there was no caution or additional instruction concerning the preservation of the village--stop burning or anything of this category?

A. No, sir. Not reference to the destruction of the village or destruction of the livestock.

Q. I believe that Mr. WEST has some questions that he would like to present to you.

MR WEST: Did Major CALHOUN call you that morning and say to stop the atrocities?

A. No, sir. Major CALHOUN did not. He called me and told me to make sure that the civilians were not being--innocent civilians--were not being killed.

Q. Was this in connection with the complaint from the helicopter pilot?

A. I believe that this was probably from the complaint of the helicopter pilot.

Q. Now, with regard to the bodies that you saw along the road, I believe you said there were 20 to 24. Is that right?

A. I estimated approximately 20 to 28, sir.

Q. Okay, 28. You were about how far away from them when you saw them?

A. Approximately 25 to 50 meters, sir.

Q. In your combat experience had you ever seen anything like that before?

A. No, sir. I had not.

Q. Did you make any efforts to determine how these people were killed?

A. No, sir. I did not. I did not go over near the bodies and I did not try to determine how they died.

Q. Why not?

(The witness conferred with his counsel.)

A. My previous combat experience up to that time, I've had nothing to indicate anything of this nature, sir.

Q. Then it was quite unusual in your experiences?

A. Well, I had never seen anything in my previous combat experience of this nature.

(The witness conferred with his counsel.)

IC: I ask that he be allowed to describe his combat experience for the record.

MR WEST: Go ahead.

IO: You will be the one to respond to the question (indicating to the witness).

A. My combat experience previous to My Lai (4) has been such that I had never seen anything of this type. There was no large-scale type operations of this nature where my unit was going to engage such a large force as the 48th VC Battalion.

MR WEST: I believe that you testified that you talked with Lieutenant CALLEY later in the day?

A. Yes, sir.

Q. On the 16th?

A. Yes, sir.

Q. Did you discuss with Lieutenant CALLEY that there were some bodies along the road, the 20 to 28 bodies?

A. No, sir. I did not.

Q. Was the pile of bodies in the area of Lieutenant CALLEY's platoon?

A. The pile of bodies--well, the 20 to 28 bodies that

I saw on the trail were on the south portion of the village in the direction that Lieutenant CALLEY's platoon had passed through.

Q. In his sector?

A. In his sector.

Q. Captain MEDINA, is it possible during the morning prior to this time Lieutenant CALLEY's men engaged in considerable killing of noncombatant civilians and you would not have known about it?

A. I don't know, sir.

Q. You were there in the area. The men were dispersed. In your judgment is it possible that this could have happened and you would not have seen it or heard about it at the time?

A. It is possible that it could have happened. I did not see it. I did not hear about it.

Q. I know you so testified. I'm just trying to get your judgment. You were on the ground. Did you know that there had been many reports that many civilians were killed here at My Lai (4)? What was the body count SOP in the company? How did you make your body count? What was the rule?

A. Well, the rule for a body count was that to physically claim an individual VC killed you had to see the body.

Q. Would you take an ARVN report or did it have to be of a U.S. source?

A. I have never had the opportunity where I would take an ARVN report for none of them ever worked with me. But if it was given to me by their commander, I would have no reason to question his body count.

Q. But normally the body count would be made up from reports of your men in your company?

A. This is correct.

Q. I am referring back to the Exhibit M-6, the Americal Division Log, of 16 March 1968, in item 28, referring to the 69 VC KIA. According to the company SOP of body count rules, how would this have been made up? This would have been based on what type of reports? Would it be from the platoons or --

A. (Interposing) I received this from the platoons. How they arrived to the number, I do not know, sir.

Q. I am presuming that the platoon commander-- that you just took the report from them?

A. Yes, sir.

Q. Now we have had some evidence in other statements that you ordered your men to destroy every living thing in My Lai (4). I think there has been, stories to that effect in the news media, the press. Did you receive such orders?

A. No, sir. I did not receive such orders from Colonel BARKER. I did not issue any such order to my people. The information that I had received was that the 48th VC Battalion would be in the village and that the civilians, the women and children, would be gone at 0700 hours to market. This is the information that I passed on. I tried to prepare my soldiers, both physically and mentally, to be prepared to engage the 48th VC Battalion when they hit the ground.

Q. How well did you know Lieutenant CALLEY?

A. Lieutenant CALLEY was assigned to my company in August or September. I believe it was September of 1967.

Q. So in March, he had been with you 7 to 8 months?

A. He was absent from my company for a period of approximately 2 weeks during the month of December, when he and the 2d Platoon had gone to Qui Nhon to guard the brigade equipment supplies as they were coming in. He was gone for approximately 9, I am not exactly sure, days in

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February, 9 to 11 days I guess, on a 3-day R&R to Vung Tau, in-country R&R.

Q. Well, did you know him well? Did you know how he functioned as a platoon leader?

A. I did not know him as well as I did some of my other platoon leaders. I had originally--Lieutenant CALLEY had the 2d Platoon of the company. I felt that he was losing control of the platoon and the people were not functioning properly under him. I had assigned him to the 1st Platoon and made some adjustments within the company in the end of December of 1967. This was also so that we would have a better combat posture to be able to go out and meet the enemy.

Q. Were his NCO's capable within the platoon?

A. Sir, the NCO's within the platoon--well as a matter of fact in the entire company--again a close check of the records would indicate that there were not many experienced NCO's with any great length of service. I had many PFC and SP4 squad leaders or fire team leaders. He had the NCO's that--he had the best NCO's that I had in the company.

Q. Were they combat experienced?

A. Well, I had moved a couple of people, squad leaders, from the 1st Platoon, to the 3d. I felt initially that the 1st Platoon was the strongest as far as the people were concerned and that's one reason why I placed Lieutenant CALLEY in the 1st Platoon.

Q. Because you had NCO's there that could support him, is that it?

A. I felt that they could, yes, sir.

Q. Were they combat experienced noncommissioned officers?

A. I don't think there was a single individual that had prior combat experience in that platoon, no, sir. Lieutenant CALLEY, neither, had combat experience.

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Q. So you had a platoon commanded by an officer and supported by NCO's, none of whom had combat experience?

A. Right, sir. Also, one night in defensive position while placing out a claymore mine, two of the NCO's that had been with the company for quite some time, they were fairly young, were good NCO's, were wounded by a mine and were evacuated so this cut him down as far as squad leaders were concerned.

Q. In the early stages of your assault on My Lai was there an infantry fire fight?

A. I initially reported the LZ as being cold. Then I got the report from the helicopter that negative, it was hot. I placed the word out to the platoon leaders that the area was hot, to move with extreme caution. If there was an exchange of small arms fire between the VC, the fleeing VC from the village, and my people, I do not know, sir.

Q. Did the men go through the village with marching fire, firing as they moved?

A. I do not know, sir. I did not see that, sir. Initially, when we received word that the LZ was hot, that we were receiving fire, there was a volume of fire that was placed out toward the village.

Q. Is it possible that Lieutenant CALLEY's men could have gotten out of control during their movement through the village and killed some civilians, many civilians, as well as killing of the livestock and you would not know about it?

A. It could have been possible, sir. I was not in the immediate area of the village. I had left my original command post where I originally set up to go get this weapon with the dead VC.

Q. You didn't discuss this possibility with Lieutenant CALLEY at that time or later on?

A. No, sir. I did not.

Q. Did anyone ever tell you, anyone of superior

authority, not to talk about what happened at My Lai (4) on 16 March 1968?

(The witness conferred with his counsel.)

A. Sir, a superior asked me not to talk to whom about the My Lai incident?

Q. You were operating under Task Force Barker, so the commander of Task Force Barker or Major CALHOUN, the S3, or anybody in brigade that was of superior authority to you or on up the line.

A. Did they tell me not to discuss it with whom, sir?

Q. Did anyone ever tell you not to discuss the events that took place on 16 March 1968 with anyone at all?

IC: Excuse me, I am trying to advise the witness that the question can be answered both ways.

Q. I am really not trying to cross-examine him.

I will rephrase it.

There have been statements and allegations that Captain MEDINA told his men not to talk about it--the killings that took place in My Lai (4). There has been some indication of that and mainly we are trying to find out whether there has been any suppression of facts all the way down the line by anybody. Now, with that prior statement, were you ever instructed not to talk about killing the civilians at My Lai (4) on 16 March 1968?

A. No, sir. Not to the extent of trying to cover it up. If I had been asked by an investigating officer such as Colonel WILSON did in May--I answered his question then, sir, and I would have to answer any investigating officer any time between the 16th of March and the time that I talked to Colonel WILSON, sir.

Q. Did you want to finish your answer?

A. Yes, sir. No, sir. I did not receive any

instructions not to discuss this incident at My Lai from any superior officer with anyone or with an investigating officer. I instructed my people as Colonel BARKER directed me, to inform my people not to discuss it amongst themselves or with anybody else because an investigation was being conducted.

IO: I think we have covered that point pretty well, thank you.

MR WEST: I don't think I have anything else.

IO: Along that same line I would like to clear up a couple of points. Did you ever discuss the My Lai incident with any of the other members of your company, other than that which you have already indicated with your platoon leaders?

A. It might have been possible that the incident was brought up but I never, we never, went into any detail with anybody about it. You know, whether it would be a private or an officer or anything like that, because they were not investigating the thing.

Q. One question. A point you mentioned while Mr. WEST was questioning you. You had indicated to your company they could expect to find the 48th Local Force Battalion in My Lai?

A. Yes, sir.

Q. You had also indicated to them, at least you had been told, that the people, the women, and the children, and the other people would have cleared the village and would be on their way to market or already in the market?

A. Yes, sir.

Q. Is that correct?

A. That is correct, sir.

Q. Could it have been interpreted by the people in your company that since you told them the people, the noncombatants, were going to be gone that everything that

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was there, by deduction, would therefore be 48th Local Force Battalion? My question is--and also the fact that they had been keyed up for this operation--they had been told to be aggressive, to move rapidly. Could this have been interpreted by them to mean that they were to go in and clean up the area?

IC: May I make a point for the record, General?

Q. No. He can make a point for the record but --

IC: (Interposing) Unless the advice I give him is put in the record I will advise him not to answer that question. I will not permit him to do so. I will not advise him to speculate. It would be more damaging to him.

MR WEST: You do appreciate the fact that this is an administrative hearing. We are not really governed by--

IC: (Interposing) I have asked to put a point in the record. I would like for him to answer that question but I will not have the witness answer it in the form in which he can not--I think I know what you are driving at, and I think there is a proper answer, and I will be glad to have the witness give it.

IO: We will enter that matter into the record, and when we review the record we will determine whether the question will stay in the record or not or whether your qualifications will stay in.

IC: All right. Put it in the record or he can give it to you informally if you like--the answer that I will advise the witness to give.

MR WEST: The hearing will recess.

(The hearing recessed at 2027 hours, 4 December 1969.)

(The hearing reconvened at 2029 hours, 4 December 1969.)

IO: The hearing will come to order.

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

IO: Captain MEDINA, in your instructions to your unit and with the circumstances that existed, was there anything which was said which might have incited the members of C/1/20, to, say, extra-aggressive actions when they entered the village to the point of committing atrocities?

(The witness conferred with his counsel.)

A. No, sir. I did not say anything that would indicate to an individual in a proper state of mind--I did not say anything that would indicate that he was to go in and slaughter women and children. Any reference made as to what we might find in My Lai (4) was that of the 48th VC Battalion. The women and children would be gone to the market at 0700 in the morning. I was trying to prepare them mentally and physically to meet a VC main force battalion that outnumbered my people approximately two to one. Now my recollection was of a VC battalion being approximately 250 to 280 men. And I was trying to build their morale up, get them psychologically prepared to go in and do battle with the 48th VC Battalion.

Q. During the remainder of the time you were in South Vietnam and with C/1/20 did you hear any rumors or anything within the unit itself which might have indicated that something unusual took place at My Lai (4) on the 16th of March?

A. No, sir.

Q. From all the inquiries, the questions which had been addressed to you by Colonel HENDERSON, by Colonel BARKER, and so on, did you ever have reason to suspect that something in the line of a major atrocity might have been committed in My Lai (4)?

A. From the questions that were directed to me by Colonel HENDERSON, and by Colonel BARKER, I did have suspicions to believe that something had happened. As to what or to what extent, I was not aware of and I was under the impression that an investigation was being conducted to bring these things out.

Q. That will terminate the hearing this afternoon, Captain MEDINA.

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The hearing will recess.

Before we recess I would ask you if you have any statements that you would like to enter into the record of this particular hearing and if you would like to, after my recess, I will give you ample time during the recess and you can discuss it with him so he will have an opportunity to present it.

(The hearing recessed at 2033 hours, 4 December 1969.)

(The hearing reconvened at 2037 hours, 4 December 1969.)

IO: The hearing will come to order.

RCDR: All persons present at the time the hearing recessed are again present.

A. The statement that I would like to make is reference to Colonel Frank BARKER who I thought was a tremendous and an outstanding task force commander. I do not feel that Colonel BARKER in any of his intentions or any of his directions to me at any time intended to cover up any of this and he did not indicate for me to try to cover up any of the incidents at My Lai (4). I honestly think that Colonel BARKER thought that there were no atrocities committed. He was an outstanding individual, in my opinion.

IO: I am sure that his family will appreciate what you have just said.

Do you have anything further?

A. No, sir.

IO: The hearing will recess until 0830 tomorrow morning.

(The hearing recessed at 2040 hours, 4 December 1969.)

(An 8-by-10 contact print of negatives from which photo Exhibits P-2 through P-25 had been printed was subsequently received and entered into evidence as Exhibit P-43.)

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SUMMARY OF TESTIMONY

WITNESS: MURRAY, Roger D.

DATE OF TESTIMONY: 27 December 1969

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1969: RTO, C/1/20

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

The witness stated that he did not undergo any training in Vietnam as to the rules of land warfare, since he was part of the advance party and the brigade came later (pg. 44). The witness stated that he was familiar with Exhibit M-2, "Nine Rules" but could not recall whether it was distributed in Hawaii or in Vietnam (pg. 44). He could not recall either Exhibits M-3 or M-4 (pgs. 44, 45).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

a. Captain MEDINA's briefing.

The witness stated that although he did not hear the complete company briefing, he recalled Captain MEDINA saying that there was an NVA and a VC battalion in the My Lai area (pgs. 3, 5, 8). The witness stated that the orders for 16 March were to search and destroy. He noted that this included the burning of hootches, the killing of livestock, and the destruction of anything that the Viet Cong could use (pg. 24). These orders did not entail the killing of the inhabitants of the village (pg. 24). The witness added that his impression of a search and destroy mission was that first the area was searched and then it was destroyed (pg. 28). He said that he did not hear MEDINA's instructions to the various platoons (pg. 5).

b. Morale of the company.

The witness related that the men of the company were scared about going into the area where such a large force was expected (pgs. 5, 6). He replied to questioning that he did not know whether or not the company was in the frame of mind to kill civilians on the 16th (pg. 24).

3. ASSAULT ON MY LAI.

a. The landing at My Lai.

The witness stated that he could not recall whether or not the doorgunner on his ship was firing as the helicopter approached the landing zone (pg. 31). The witness marked with the number "2" on Exhibit P-71 where he recalled the initial command post was established (pg. 13), and noted that it was on the edge of the village about 100 to 150 yards from where the helicopter had touched down (pgs. 8, 31). He said that this was set up about seven thirty to seven forty (pg. 10).

b. Movements of the command group.

The command group stayed in the initial CP for a half hour to an hour and then moved to the southeast along the edge of the village (pgs. 8, 11, 34). The witness marked Exhibit P-71 with the number "4" where the command group set up for lunch (pg. 14). He noted that the command group preceded the third platoon through the village (pg. 25).

c. Private First Class CARTER's wounding himself.

The witness stated that CARTER was near the southern edge of the village when he shot himself (pg. 13). He noted that he was about five to ten minutes away from CARTER when the call came that he had been wounded (pg. 32). The witness stated that he felt CARTER was wounded about an hour after the start of the operation, although the log showed that it was about three hours (pg. 33). He noted that it took some 10 to 15 minutes for the helicopter to pickup the victim after the wound was inflicted (pg. 33).

d. The landing of the helicopter.

The witness recalled that a helicopter landed because, he opined, of engine trouble. A perimeter was set up around the ship (pg. 20). He mentioned no conversation

and stated that the helicopter took off in about ten minutes (pg. 20).

e. Later movement of the company.

He related that the company moved to the southeast and set up in a cemetery for the evening (pg. 39). He added that he did not recall seeing any Vietnamese detainees being interrogated that evening (pg. 39). It was indicated that the company set up in the area southeast of My Khe (4) on the second night out, and that they operated near Hill 85 on the following day (pg. 40). Two persons were captured that day, one of whom was a Viet Cong colonel (pg. 40).

f. Radio transmissions of Captain MEDINA.

The witness was the RTO for C Company operating on the battalion net (pg. 5), but he noted that all he did was carry the radio, MEDINA did all the talking (pg. 29). He stated that MEDINA remained in fairly constant touch with Lieutenant Colonel BARKER who was flying overhead (pg. 29), and added that he knew that MEDINA spoke with BARKER while in the initial CP, although he knew nothing of the conversation (pg. 11). The witness added that he could not remember the battalion call sign, but could recognize BARKER's voice (pg. 38). He did not know Major CALHOUN's voice (pg. 38). He testified that he did not recall MEDINA transmitting a body count (pg. 29), nor the receiving of any orders over the radio to stop the killing (pg. 21). The witness noted that there was direct communication with Landing Zone Dottie when the whip antenna was used, but that this was only used when a CP was established, not when they were moving (pgs. 35, 37). He added that he did not remember the division commander breaking in on the battalion net (pg. 30).

g. Bodies seen by the witness.

The witness recounted that as he walked through the village with MEDINA he saw a few burned hootches and some bodies. The bodies were men, women, and children, although he could not tell if they were soldiers or civilians (pg. 14). He stated that he did not know how they were killed (pg. 14). He testified that he saw 25 to 30 bodies, but he saw no one actually shot (pgs. 16, 25, 26). He added that the number mentioned was the total number that he had seen, and that he had seen no bodies piled up. He had seen a group of bodies outside the village to the south (pgs. 17, 18, 19).

These were on the road and in the adjoining rice paddies (pg. 19).

h. Burnings and shootings witnessed.

The witness opined that he did not see anything unusual on this operation, but noted that this was his first real combat operation (pg. 28). He stated that he saw a few burning hootches in My Lai, but did not see MEDINA set any on fire (pg. 27). He did not recall seeing MEDINA shoot a woman (pg. 21). He did relate that he saw a helicopter kill a Viet Cong and that an element of the third platoon was sent to retrieve the weapon (pgs. 16, 17). He stated that he recalled nothing being burned after the company left My Lai (4) (pg. 41).

i. Miscellaneous recollections.

He did not recall the interrogation of an elderly man on the 16th (pg. 28). He did not recall seeing MEDINA go into a rice paddy after a weapon (pg. 12). He could not remember whether or not a lieutenant from the MI Detachment accompanied the command group (pg. 34). He recalled seeing Second Lieutenant LACROSS on the 16th, but did not remember seeing Second Lieutenant CALLEY (pg. 25). He testified that he did not see any National Police there until the evening (pg. 34). He stated that he did not think that Captain MEDINA ever lost control of the company during the assault (pg. 24).

4. INQUIRIES CONCERNING THE ASSAULT.

He recalled nothing being said in the company command group about the bodies seen in the area (pg. 19). He testified that he remembered Colonel HENDERSON speaking to MEDINA on the 17th, but did not know the subject of the conversation (pg. 41). He did not remember anyone discussing the killings at My Lai, and he never heard it brought up in the company headquarters section (pgs. 26, 30). He added that although no one told him to keep quiet, he never discussed the operation with anyone until he was interviewed by Colonel WILSON (pgs. 22, 42).

5. OTHER INFORMATION.

a. Exhibits identified.

The witness identified the exhibits noted on the following pages.

b. Opinion of Captain MEDINA.

The witness opined that MEDINA was a great leader (pg. 23).

c. Use of marijuana in the company.

The witness termed as ridiculous the possibility of the use of marijuana in the company (pg. 23).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-2	MACV Card, "Nine Rules"	Wit familiar with.	44
M-3	MACV Card, "Enemy in Your Hands"	Wit not familiar with.	44, 45
M-4	MACV Card, "Guide for Commanders"	Wit not familiar with.	45
M-19	C/1/20 Roster, corrected 16 March	Entered into evidence.	55
P-3	Miscellaneous Scenes	Wit identified PHU.	45, 46
P-6	" "	Wit identified PFC CARTER.	46
P-7	" "	Wit recognized PFC CARTER with medic.	46
P-8	" "	Wit recognized MURRAY.	35, 46
P-9	" "	Wit recognized WIDMER.	35, 47
P-10	" "	Wit recognized CARTER.	47
P-11	" "	Dustoff picking up CARTER.	47
P-13	" "	Wit recognized, MARONEY, PHU, ALAUX.	36, 48
P-14	" "	Identified as burning hootches.	49
P-18	" "	Identified ALAUX.	49
P-23	" "	Identified LITTLE, ALAUX, & PHU.	49, 50
P-26	" "	LZ Dottie on recon of 16 March 1968.	50
P-41	" "	Not recognized.	36
P-60	" "	Wit recognized a member of C Co.	51
P-64	" "	Wit recognized PFC SMITH.	52

(The hearing reconvened at 1419 hours, 27 December 1969.)

MR WEST: The hearing will come to order.

RCDR: The following named persons are present: MR WEST, COL MILLER, COL FRANKLIN, COL WILSON, LTC PATTERSON, MAJ ZYCHOWSKI, and MAJ COOP.

Sir, the next witness is Roger D. MURRAY.

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

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

A. Roger D. MURRAY. I work at Sears, Roebuck & Company. My address is 127 North Victory, Waukegan, Illinois.

MR WEST: We appreciate your coming in, Mr. MURRAY. Before we start asking any questions, Colonel MILLER will give you some preliminary guidance on the nature of this inquiry and what we are doing.

COL MILLER: This investigation was directed by the Chief of Staff of the Army and by the Secretary of the Army of the purpose of determining facts and making findings and recommendations in two major areas:

(1) the adequacy of prior investigations and inquiries into, and subsequent reports and reviews within the chain of command, of what we now call the My Lai incident of about March 1968, and

(2) the possible suppression of information or the withholding of information by any person who had a duty to report the facts they knew about this My Lai incident.

The investigation is not being conducted to investigate all of the facts and all of the circumstances as to exactly what went on at My Lai although we do get into a significant number of them. We are keyed to the two purposes that I have just mentioned.

We have had made available to us and we have read statements by many witnesses, which statements were made before other official investigating bodies.

Today your testimony will be under oath. A verbatim record will be kept. In addition to the reporter we do have a tape recorder.

The report itself carries the classification of confidential unless some higher classification is required for some part of it. However, there is at least a possibility that some or all of the testimony could become a matter of public knowledge at some later time.

Before we go any further I would like to make a comment in respect to your testimony in this hearing today. We would request that you not discuss this testimony with other witnesses who you know of that may have been here or may come here or otherwise except as you might be required to do so before an administrative, legislative, or judicial body of competence. Are you a witness or have you been given notice by the military judge in the court-martial case of the United States v. Calley?

A. Yes.

Q. Your testimony here comes within the limits of that order. In other words, that order does not prohibit your testifying here. The military judge in that case has so ruled. Furthermore, the fact that you appear here does not otherwise affect that ruling. It goes on as it was.

Do you have any questions on anything that I covered today?

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A. No.

MR WEST: I understand, Mr. MURRAY, that in March 1968 you were a member of the Army?

A. Yes.

Q. Your grade at that time?

A. Spec 4.

Q. What was your assignment?

A. RTO.

Q. What was the unit and where were you stationed?

A. With the C/1/20, Vietnam.

Q. Was C/1/20 at that time assigned to Task Force Barker?

A. Yes.

Q. Do you recall an operation involving the combat assault on the hamlet of My Lai (4) on 16 March 1968?

A. Yes.

Q. We have had evidence to the effect, that the day before this operation Charlie Company was briefed by Captain MEDINA on what the operation was about, what to expect, and to give them their orders and so forth. Were you present at the briefing?

A. No, I was on the radio. I believe I was there part of the time. Some of it I heard. Some of it I didn't hear.

Q. What do you mean you were on the radio? At the TOC for example?

A. No, I was taking care of battalion radio, and we had to have somebody on the radio at all times.

Q. Where was that located? Was that in the TOC?

A. No, we had our own little CP bunker.

Q. A radio shack? A radio bunker?

A. Right.

Q. Do you recall, before we go back to the briefing given by Captain MEDINA, do you recall anything about a memorial service for one of the men of the company along about this time? We have had some testimony that there was a funeral service, a memorial service just before the briefing on the same day. Other testimony that this occurred at an earlier time. I wondered if you had any recollection of this?

A. No. I don't remember any service like that before a briefing.

Q. There was a memorial service, I believe, for a man named WEBER, who was the first member of Charlie Company who was killed, and Mr. MARTIN, who has just testified and I believe you knew. He placed this action in February. That's his recollection. Do you recall the services for WEBER?

A. In February I think I was still down at Sa Huynh. I just joined the company about 2 weeks prior, before going into Pinkville.

Q. You knew this as Pinkville. This particular operation was it called Pinkville?

A. I think I got the nickname afterwards. I picked it up afterwards, I believe.

Q. I know it has been referred to in the press as Pinkville. Would you tell us, please, what you heard at the briefing? As much of it as you recall, the part of it that you heard.

A. I believe there was supposed to be two divisions. One was NVA, one was VC. I can't remember what divisions they were that were supposed to be in this village. That's mostly what I heard.

Q. So you heard some part of the enemy situation?

A. Right, the enemy situation.

Q. Did you hear Captain MEDINA's orders for the company? Did he tell them what to do?

A. As far as which way the platoons were going?

Q. Yes, and in general what their mission was in the assault.

A. That part I didn't hear. I don't remember that part.

Q. You were Captain MEDINA's RTO?

A. Yes.

Q. Didn't he have more than one radio operator?

A. He had two.

Q. Which radio did you have?

A. Battalion.

Q. What, to the best of your recollection, was the mood of the men of the company on the night before the assault after they had received their orders and were looking forward to the next day?

A. It wasn't cheerful. I can't really tell you, to be truthful, what kind of mood the company was in.

Q. Yes. For example, were they scared or were they intense or were they fevered?

A. I imagine they were scared as much as I was.

Q. Had it been represented that there was a strong force in there?

A. Yes, anytime you get information like that, a strong force, you kind of worry about it.

COL FRANKLIN: You say you had been the RTO for about 2 weeks?

A. I was the RTO for 3 months for Captain MEDINA. Up by Duc Pho I fell into a ditch and tore my nail off, and when Task Force Barker was formed I couldn't go with it. I had no nail. The medics kept me back, so I was with the company when they went over to Vietnam, but I was in Sa Huynh for about 2 months.

Q. When I was with a battalion, Mr. MURRAY, the guy that probably knew more what was going on in that company than anybody else was the guy on the battalion push. This was the guy that was very, very close to the company commander. A guy that was aware of all the messages that went back and forth, and I have seen on at least two occasions where he was the guy most capable of running the company when the company commander was away or hurt. So, I would just like to say we are very fortunate to have you because you must know an awful lot of what went on this day.

COL WILSON: How often would the chaplain come through at fire base Dottie? Do you recall ever seeing him there?

A. I recall seeing him once, I believe.

Q. Was this the brigade chaplain?

A. I don't think we had a brigade chaplain as I recall.

Q. You don't remember the chaplain's name?

A. No.

Q. Do you recall whether there were any engineers attached to the unit on the 16th of March at fire base Dottie?

A. I can't recall on that, because I know we had engineers with us before, but I don't know whether we had them afterwards or before.

Q. Did they normally stay with you at Dottie or did they go back to another location?

A. No. They usually stayed at Dottie.

Q. Right at Dottie?

A. Right.

Q. Do you remember any of the people who were connected with the engineers that supported C Company?

A. Names? No.

Q. Do you know whether the mortar platoon of C Company was at Uptight or at Dottie?

A. I believe that they were up at Dottie. I can't remember for sure. It was Dottie or Uptight.

Q. Did the platoon sergeant or the communicator from the mortar platoon meet with the company commander's headquarters command group? Do you remember anybody from the mortar platoon normally being with you on this type of operation?

A. No.

MAJ ZYCHOWSKI: Mr. MURRAY, just one question to clarify something. You mentioned enemy on the 15th, the briefing that you attended. Did you say these were two VC divisions?

A. No, one was a NVA. I think one was an NVA the other was a VC.

Q. Divisions?

A. Or battalions. Battalions I mean.

MR WEST: I take it on the next morning when the company was lifted into the assault you were in the same helicopter with Captain MEDINA?

A. Definitely.

Q. Do you recall, did you observe any of the artillery preparation as you came into the landing zone?

A. No.

Q. After you landed and everybody got out of the helicopter, did you move out with the command group?

A. Yes.

Q. Can you tell us who composed the command group to the best of your recollection?

A. I was with headquarters section, and I believe the 1st Platoon went in first. We set up a CP at the edge of the village, and that's where we stayed.

Q. All right. Can you recall who was with you in the command group. You and Captain MEDINA, there was another RTO. Do you remember his name?

A. John PAUL was the company RTO.

Q. Actually, WIDMER was there, too, that day. We have had other testimony that he was present. What other people--who else made up the headquarters section?

A. Our head medic, MARTIN--

Q. (Interposing) CAPEZZA?

A. I don't know his name but that sounds like it.

Q. I think that was the one. Who was the other man you mentioned?

A. MARTIN.

Q. Who was he?

A. You just talked to him, I believe.

Q. He was actually the RTO for the--

A. (Interposing) Artillery.

Q. Was there anybody else who was an actual member of the company in the command group?

A. I can't remember anybody else.

Q. Do you remember an interpreter being with Captain MEDINA?

A. Our interpreter. I don't remember his name, though.

Q. Were there any National Police with you in the command group at the time you first landed?

A. As far as I remember I don't think there was.

Q. Mr. MURRAY, that's an aerial photograph (Exhibit P-1 later received in evidence as Exhibit P-71) of the area in and around My Lai (4). This is a map 1:25,000 map of the area. This is Exhibit MAP-4. If you'll notice here is the little hamlet of My Lai (4). This is the same photograph. Here is a little stream meandering around in here. This is north and the scale is 1 inch equals about 100 meters. Does this area look familiar to you at all?

A. Yes, it does.

Q. Now, we have had other testimony which makes it rather definite that the landing zone was west of the hamlet in this rice paddy here. With this pen could you mark on the aerial photograph where the company initially set up the CP?

A. You mean along the edge of the village?

Q. Yes, wherever it was. I believe you testified that right after landing you did set up a little CP. This is north. Perhaps to orient you a little further, Mr. MURRAY, we have two black photographs on the wall over here. Let the record show that the witness is looking at Exhibit P-45.

A. It's right in here somewhere. I'm not for sure.

Q. Could you put a circle there with a 1 inside of it? Do you remember about what time this was? The records show that the initial landing took place about 0730 in the morning.

A. About 0730.

Q. So it was right after that when you set up your CP?

A. It didn't take us more than 10 minutes to get down there.

Q. All right. By this time the 1st Platoon moved on into the hamlet.

A. Right.

Q. Do you recall as you landed there and the two platoons moved into the hamlet, was there any enemy fire? Do you recall?

A. I believe there was. There was some firing going on.

Q. Could you tell whether it was friendly or enemy fire?

A. To my own knowledge I think it was enemy fire.

Q. Could you tell us please what happened after you set up your company CP there?

A. I think we stayed there for about an hour, maybe a half hour and we moved. I think we moved toward the southeast along the village.

Q. All right. Before we move away from there during this time was there any particular radio transmissions over your net, the battalion net?

A. Captain MEDINA was talking on the radio.

Q. Do you recall any of his conversation?

A. No.

Q. Who was he talking to?

A. It could have been Colonel BARKER.

Q. Colonel BARKER was the commander of Task Force Barker.

A. Right.

Q. But you don't recall any of the substance of the conversation?

A. Whenever he got a call I would hand the phone to him.

Q. I see. At most you would only hear his side of it anyway.

A. Right.

Q. During this time did Captain MEDINA move out into a rice paddy somewhere to pick up a weapon? Do you recall such an incident?

A. I don't remember that.

Q. All right. Would you then go ahead and tell us what occurred after you moved out from the company CP?

A. We moved along the village to about this point.

Q. Could you trace with the marking pen trace the route you took through there to the best of your recollection?

COL FRANKLIN: One inch equals one hundred meters.

A. I believe there is a road that goes through that village. A small path, a heavy path.

MR WEST: Mr. MURRAY, I direct your attention to a sketch of the hamlet of My Lai (4) which has been made by an artist from the aerial photograph. Do you recognize this as a representation of My Lai (4)?

A. Yes.

Q. Looking back at the aerial photograph in front of you can you trace the path of Captain MEDINA and the command group now in your initial CP?

A. I think the command group was down farther. I can't remember. I think the command group was down farther here, (indicating) because I think a "gook" ran across here. There was trees over here, and we had one dustoff in the rice paddy, so it would have to be here.

Q. All right. Why don't you mark it where you now recall the CP was. We'll mark it number 2 wherever you think it was.

A. It could have been up there. We moved down that far. I don't remember or else it could have been right about in here somewhere.

Q. And that's where you think the initial CP was. Could you tell us what occurred after you left the initial CP?

A. We moved along the village here, and we had to call for a dustoff.

Q. Can you trace the route?

A. I believe we cut through like this.

Q. You went to the southern edge of the village?

A. Right. And the dustoff occurred in here somewhere.

Q. All right. What occurred there?

A. I don't remember his name. But he accidentally shot himself in the leg with a .45.

Q. Was this CARTER?

A. Right.

Q. PFC CARTER?

A. Right.

Q. What did you see now as you walked along? I believe you were following Captain MEDINA. What was taking place? What did you see as you went along the hamlet?

A. I saw a few burnt hootches. I saw a few bodies laying around.

Q. Were these civilians or Vietnamese people you are talking about?

A. I couldn't tell if they were civilians or not.

Q. Well, were they men, women, children?

A. Men and women.

Q. Did you see any children?

A. No.

Q. Could you tell how these people had been killed?

A. I couldn't, no.

Q. What occurred after the incident involving CARTER and the dustoff?

A. We moved on to the east side of the village and set up there for lunch.

Q. Would you trace that route? Just to the best of your recollection.

(The witness did as directed.)

Before we leave that point would you mark it. Let the record show the dustoff point is marked number 3, and would you mark as number 4 the place where you set up for lunch? Was the command group with you at this point?

A. Yes.

Q. At this point, Mr. MURRAY, let me say this. We have had a good bit of testimony as to what went on in My Lai (4) during this period from the time of the initial landing till around 1000-1030 in the morning. The first two platoons went through the hamlet in probably less than an hour. The 3d Platoon came along behind and mopped up. The evidence is rather clear there wasn't any resistance whatever, and there were quite a few civilians in the hamlet men, women, and little children. A substantial number of them were killed. The testimony is varied as to how many. The testimony varies as to whether any survived. There is substantial testimony that none survived. There is substantial testimony that the company command group saw many dead bodies in the hamlet. Saw some of the killings. Captain MEDINA was present at much of this. Captain MEDINA testified that along the trail south a little bit east of the point marked number 4, somewhere in that vicinity, he saw at a distance of about 30 meters a cluster of bodies on the road.

A. Right in here?

Q. No, it's just below the point marked number 3. I give you this background, because I want to advise you that you, when discharged from service--well, first of all, you are not suspected of any offense whatever. You have been discharged from the service and could not be tried for violation of an article of the Uniform Code in any event. There is some possibility that some people, as a result of this incident, might be charged with an offense in violation of the law of war, but nobody who only saw things could be charged with such an offense. I make this statement just to clarify matters in the event that you are somewhat apprehensive when we are questioning you about these things. With this background I would like to take you over this route and see if you can't recall some of the things that you have been told about by other witnesses and by other testimony.

This morning Mr. MARTIN told us when he was with the command group, they were following Captain MEDINA. He saw a group of some 7-10 people shot down by soldiers with M-16's. Did you see such a thing?

A. I didn't see nobody shot. Bodies, but nobody shot.

Q. All right. How many bodies did you see altogether?

A. About 25 or 30.

Q. Could you tell how they were killed. For example, were they killed by artillery fire or small arms fire?

A. To be truthful I couldn't tell. I didn't get that close to them.

Q. How did they appear to you?

A. They were kind of scattered. I don't think it was artillery myself, but they did have gunships in the area firing upon the village if I am not mistaken. It possibly could have been gunships also.

Q. Yes, I wanted to ask you about that. After you set up your initial CP, did you hear or see fire from the gunships in the area in and around the hamlet?

A. Well, I know one if I am not mistaken. One gunship got a VC over here and one rifle from a VC.

Q. Could you indicate a point on the map and give it a number 5?

A. If I'm not mistaken it was to the west of us.

Q. Could you say again what happened there? I'm not sure I understand.

A. One of the gunships had called, I heard this afterwards, that they were chasing a VC, and they shot him, so we sent a small element from the 3d Platoon, I believe, to pick up the rifle.

Q. This was a VC killed and you send out an element of the 3d Platoon to pick up the rifle?

A. I'm sure it was the 3d Platoon, because they were behind us.

Q. Was there any other instance of that nature out to the west of the hamlet? I believe earlier you mentioned about, I think you said a "dink" chasing across the rice paddy to the southwest?

A. Yes. The reason that I remember it is because there is a village here. I believe it is a village. A small one. It was right there towards the hootches over there. That's the reason why when I looked at the map I recalled where the CP would be at.

Q. Would you mark the point about where you saw him. Number 6, I guess?

A. Right about there.

Q. Did this man get away?

A. Right. We just caught a fast glimpse of him. That was all.

Q. Could you indicate, as best you can, Mr. MURRAY, on the photograph where in the hamlet you saw bodies. You said you saw 25 to 30.

A. Total.

Q. Total, I understand. Were they scattered out individually or were there some in groups?

A. There was one small group, but they were kind of scattered though. They weren't piled up.

Q. Do you recall about where that was?

A. It was in the village somewhere, but I don't recall where it was.

Q. Was it outside the village or inside the village?

A. I believe it was outside.

Q. I know it is difficult. It's been about 21 months.

A. Right. Too many operations.

Q. One reason we ask you this in this detail is because very often this will fit in with what other witnesses have said and help us to establish the facts.

A. I think it was at the south end of the village. I know it's the south end of the village.

Q. Would it help to recall whether it was near CARTER's dustoff?

A. I seen it afterwards. I'm pretty sure. It seemed like it was up here somewhere.

Q. Was it inside or outside?

A. It was outside of the village.

Q. Now, we have testimony about a ditch with a number of people in it. Could this be what you are thinking of?

A. No.

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Q. Was it just a few people? Were they on the road? In the rice paddy?

A. Some were on the road. Some were in the rice paddy.

Q. Do you think you recall well enough to mark the approximate place?

A. I'm guessing. Number 7.

Q. About how many people were there do you recall?

A. I think there was about, I would say, five or ten. I'm just guessing because I spotted them fast and I looked to one side.

Q. Had you ever been on an operation before where you saw this number of civilians killed?

A. No.

Q. Did the members of the command group, as you went along, did you talk about this? Was there any comment made?

A. No.

Q. All right, Mr. MURRAY, going back to point 4 when you set up on the east edge of the hamlet, we got indications that the company, after moving through the hamlet, had set up a perimeter to the east, approximately on the other side of this rice paddy which lies to the east. Do you remember seeing a perimeter? Do you know about how the men were lined up?

(Witness responded in the negative.)

You don't recall anything like that?

During the morning, after you reached the east end of the village, do you remember seeing a helicopter land around there? A bubbletop helicopter?

A. You mean after they moved out?

Q. Well, after you set up on the edge of the hamlet here at point 4.

A. I remember one landing right here. We set a perimeter around him because he had trouble, engine trouble or something like this. I think we may have set up a CP right here for lunch. I might be wrong on that.

Q. Instead of where you had it?

A. Right, now that you mention the helicopter.

Q. Go ahead and mark that number 8.

A. It could have been either of these two spots. We moved out a little ways and this chopper had to come down. He didn't call anybody. He just came down and said he was having problems. So, we set a small perimeter around him. About 10 minutes later he took off. When you mentioned a helicopter it brought it back.

Q. Do you know why he landed?

A. If I'm not mistaken, I may be wrong, he had a problem running or something like that, because nobody went up to talk to him. We set up a small perimeter to protect him. We were in the middle of the rice paddy when it happened.

Q. I see. You don't remember a helicopter landing in this rice paddy just to the east of, roughly between points 4 and 8?

A. No. He was farther out, I'm pretty sure.

Q. Do you remember an incident that morning in which Captain MEDINA shot a woman, a young lady, a young woman?

A. That I don't remember.

Q. We have had several witnesses to this including Captain MEDINA?

A. I know. I heard it on TV. I just couldn't remember what happened.

Q. This didn't refresh your memory?

A. No.

Q. But you were with Captain MEDINA all the time?

A. As far as I can remember I was, but he is a fast walker.

Q. There was a time, and I mentioned this earlier, when apparently he left and went across the rice paddies to pick up a weapon. He testified that he didn't have anybody to send at the time so he went out and got it. I wonder if you recall this?

A. Maybe it was that rifle at number 5?

Q. I don't know, but he told us about it.

A. Of course, we got, I believe, five weapons that day. I can't remember if he did or not, to tell you the truth.

Q. Just after the company finished moving through My Lai (4), perhaps around 1000 or 1030 in the morning, do you recall a message coming to Captain MEDINA, and he then issued the orders to stop the shooting or stop the killing or words to that effect?

A. It could have, but I don't remember anything like that.

Q. Did at any time after 16 March 1968, did any investigating officer talk to you about what happened that day?

A. The first time I was talked to was, I believe it was in April.

Q. Was this by Colonel WILSON?

A. Yes.

Q. Back in South Vietnam, did anybody ever talk to you?

(Witness responded in the negative.)

Would you know Colonel HENDERSON?

A. No.

Q. The brigade commander?

A. I knew who he was, but that was all.

Q. He never talked to you? Colonel BARKER?

(Witness responded in the negative.)

Did anybody ever tell you to keep quiet about what had gone on that day in My Lai (4)?

A. No.

Q. Captain MEDINA told us that he had called the company together and told them that this incident was under investigation and that it would be best not to talk about it while the investigation was going on. Do you recall that happening?

A. When was this supposed to happen?

Q. Well, this was shortly after 16 March. I don't recall--

A. (Interposing) Because a lot of times when he called the company together I would have to stay on the radio. We had to monitor the radios at all times. I might not have been there.

Q. How long did you stay with Charlie Company after 16 March?

A. Until November 5th.

Q. All the way through November? What sort of assignments did Charlie Company have after that? Do you remember?

A. Well, we went back to the 1/20. I don't know how long afterwards though. Regular assignments.

Q. Same sort of thing, search and destroy?

A. Well, search.

Q. Was the company assigned to a rice-denial operation? That doesn't ring a bell?

A. What was that?

Q. Rice-denial. It was to deny food to the VC.

A. You mean when we were still down at Dottie.

Q. Well, I'm not sure when this was.

A. I know that we went on one operation and it was during the harvesting of rice. During that time.

Q. This perhaps was it, then. There has been a story in the press to the effect that perhaps the men in the company the day that they went into My Lai (4) were under the influence of marijuana, were smoking marijuana? Did you ever hear of such a thing?

A. That's ridiculous.

Q. You never heard any such thing?

A. No.

Q. How did you feel about Captain MEDINA as a commander?

A. I think he was a great leader.

Q. You got to know him pretty well?

A. He was a good man. He looked out for his company.

Q. Had he issued orders to burn the houses in My Lai (4) or the hootches?

A. Our orders were search and destroy.

Q. Well, does this involve burning the hootches?

A. Yes, sir.

Q. How about the livestock?

A. Anything that the NVA or the Viet Cong can use.

Q. How about other foodstuffs? Growing crops or anything like that?

A. I'm not sure if they did anything to the crops or not. That I can't be positive.

Q. All right. How about the inhabitants? Were they to be killed too?

A. No.

Q. You knew nothing of such orders at all?

A. No.

Q. In your opinion was Captain MEDINA in control of the company throughout the operation?

A. As far as I can remember he was. To the best of my knowledge. As long as we had radio contact.

Q. Well, some statements have been made that he lost control of the company. Some members of the company as a result of this killed a lot of civilian noncombatants. This is one thing that we were looking into. Could this have been possible?

A. I can't say whether it could have been possible or not.

Q. Did you know Lieutenant CALLEY?

A. Yes, sir.

Q. Did you see him that day?

A. I saw him before we took off, and I saw him when we made our night CP. I'm pretty sure. I'm trying to remember if I saw him in the village or not. I don't think so.

Q. We understand that the 3d Platoon had a mission of following through and mopping up. In general, did the command group follow the 3d Platoon through the village? Do you remember?

A. I think the 3d Platoon stayed behind us. I know right after we got into the village they advanced in front of us.

Q. Do you know the platoon leader of the 3d Platoon?

A. I believe it was Lieutenant LACROSS.

Q. Do you remember seeing him there that day?

A. I saw him that day sometime, but I don't remember when it was, though.

Q. Now, one reason why this particular inquiry was started was because it had been alleged that there may have been a coverup of the incident. When the first widespread publicity about this incident occurred in November of this year, almost immediately there were statements that people were alleging that there had been a coverup in the Army. This is because the headquarters in Saigon and the Headquarters, Department of the Army, never heard of it until this past March or April. Do you have any thoughts as to why this killing of maybe quite a number of civilians was not reported?

A. I can't answer it because the only number I saw was about 30. This ditch you are talking about, I never saw that, so I can't say that there was more than 30 killed.

Q. Well, I appreciate that and I remember your testimony. This is one of the questions that we are trying to answer as to why this, say even 25 or 30 dead civilians--civilian noncombatants is quite a serious matter.

A. I would like to ask a question. The trouble is, how do you know that they were civilians? That is the thing about it.

Q. Well, perhaps you are right, but we have a good deal of testimony that most of the dead people were women and children, quite a number of children, some babies, most of the men were elderly. Particularly with the children, the small children, there seems little doubt that they were non-combatants and innocent. We appreciate the fact that many women and children can be an enemy. They can set booby traps, throw grenades, but we have a good bit of evidence that something quite serious of this nature did take place. Quite a number of noncombatants killed, and yet no report of it ever got out of the division. I wondered if in your experience, maybe the attitude or the reaction of the people in the company would indicate to you why the matter was not reported?

A. I wouldn't know.

Q. Was there any particular talk in the company about the My Lai assault afterwards? About the civilians who were there?

A. There was no talk in the headquarters section that I know of. I didn't have that much, actually, to do with the company. The guys in the company. I knew them, but I hung around with the guys in the headquarters section mostly. What I can remember there wasn't any talk about this at all.

COL MILLER: You said Captain MEDINA walked pretty fast. About how far would you say was the greatest distance between you during the time you were going through My Lai? I realize this is an estimate. You are trying to draw on your recollection. That's all I'm asking, to the best that you can recall it. Nothing more certain.

A. Like when we got the call that there was a dustoff, the CARTER dustoff, he took off running because one of the men were hurt. Like I say, he was a good hundred yards in front of me. He could really pace out. I'm carrying a radio, and that's a bit heavier.

Q. Was there much radio transmission coming over your radio? Coming in or going out or both?

A. About normal for any operation. When you first land at the LZ you always had contact with the brigade. They are asking questions and stuff like this at all times.

Q. How about when you were going through the village?

A. We had a few calls.

Q. Was Captain MEDINA taking all of them and answering?

A. Right, I answer it and give my call sign and hand it to him.

Q. Was there anything at all unusual, that seemed to be unusual to you, that was coming over on the radio traffic, judging by either Captain MEDINA's remarks or by his action?

A. I can't recall any.

Q. There is some testimony indicating that the village of My Lai was burning quite a bit. Did you notice any such thing?

A. There was a few hootches on fire.

Q. Did you see Captain MEDINA set any of those on fire?

A. No.

Q. Or tell anybody to do so?

A. Not that I can remember.

Q. Did you have specific instructions, not you personally but the company, to destroy the village?

A. I believe the orders given were search and destroy, which is you search it and destroy it.

Q. Now, there was an RTO with the artillery observer. Do you recall him being along with your command group?

A. Lieutenant? He was a lieutenant wasn't he?

Q. A lieutenant, and he had an RTO with him also.

A. MARTIN.

Q. Did you and he discuss this matter at all? What was going on at My Lai?

A. I don't remember if we did.

Q. At the time you went through the village did you get the feeling that this was rather unusual operation in any sense of the word?

A. No.

Q. It seemed to be just a normal type of operation?

A. This was really the first combat that I was in, because I spent 2 months at Sa Huynh.

Q. Was it anything like you expected it to be?

A. I didn't know how war was until I actually got into it.

Q. Do you recall seeing an old man, perhaps at your CP location, before you had started to move into the village? You were either at the bank or just moved into the village after you left the LZ. Do you recall an old man being brought in and questioned?

A. I don't recall one, no.

Q. Do you recall any situation either early or later in the move through My Lai where either Captain MEDINA and you came upon or, after you got to an area, an old man was brought to you?

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A. I can't remember that.

MR WEST: Was Captain MEDINA in pretty constant communication with Colonel BARKER during this operation?

A. I believe Colonel BARKER was over the area, if I'm not mistaken, flying his chopper.

Q. And they talked--

A. (Interposing) Back and forth, yes.

COL FRANKLIN: I want to ask you about some radio transmissions. Early in the morning on the 16th somebody called back to your battalion TOC and reported 69 KIA's. Who made that call?

A. It would be Captain MEDINA. He made the call.

Q. Were you there to carry the radio, MURRAY?

A. To carry the radio.

Q. And you never talked to anybody? You just carried it?

A. He did all talking. That's the way he wants it.

Q. Do you remember him calling back that they had 69 KIA's?

A. I don't remember.

Q. You probably would be standing there carrying the radio. This is a fantastic thing. Somebody yells 69, or 84, or 53, or whatever the hell it is. That's a lot of bodies isn't it? You don't remember that the first time in combat in a real fire fight?

A. I don't know.

Q. You don't remember?

A. No. He could have made it. I don't remember.

Q. Do you recall any reports, you're right next to the guy, the RTO on the company push, do you recall a lot of reports coming in giving body counts from the 1st and the 2d Platoon?

A. John wasn't that close to me.

Q. How far away from you was he?

A. Ten or fifteen feet. We kept spread apart when we were set up.

Q. Did you guys talk to each other. When you got a report that there was 10 or 15 VC killed didn't he yell over to the company commander? Don't you hear that?

(Witness responded in the negative.)

Did you remember anybody discussing anybody killed at all. A report coming in from a platoon? If you didn't see the bodies and you don't recall reports coming in, I want to find out where this report came from. It came over your radio.

A. I don't remember it.

Q. Do you remember late in the afternoon when anybody said to you anything about the division commander breaking in on the radio transmission, and do you recall being told to come back into My Lai (4) and the division commander into your net? Does that strike a bell anywhere with you?

A. No.

Q. Do you ever recall the division commander breaking in on your net?

A. No.

COL FRANKLIN: I have been in two wars, platoons, companies, battalions, and brigades, and I never saw an RTO who wasn't one of the outstanding men in the company. Like I said before, you know less than any of these guys. That's all I have.

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COL WILSON: Do you know the division commander's call sign?

A. I don't remember it.

Q. Did you change your frequency often on the battalion net?

A. I think it was every 4 weeks or 6 weeks. I think we changed it about every 6 weeks.

Q. What did you do with the old SOI?

A. I believe we handed it to Captain MEDINA.

Q. When you went in on the combat assault, I believe before you were sitting on the inside of the helicopter?

A. Correct.

Q. When you left the helicopter and went to the edge of the village to the CP, do you remember the distance?

A. I think it was about 100 to 150 yards. I'm just guessing.

Q. Did it take you very long to move in? Did you run or did you walk or what?

A. We started running. More or less a fast trot.

Q. The doorgunner in your aircraft as you approached the landing zone, was that doorgunner firing?

A. I heard some firing outside. It could have been the gunships or him.

Q. The doorgunner in the aircraft? You don't know whether he was firing or not?

A. I couldn't say for sure.

Q. Did you notice whether your aircraft was in the right or the left of the forward part of the vee?

A. I think it was in the forward part of the vee.

Q. The forward aircraft?

A. I believe so. I'm not sure.

Q. You remember very distinctly the fact that CARTER was wounded and that he was dusted-off. How were you notified, and when I say you, I mean also the company commander, notified that CARTER was wounded?

A. By company radio.

Q. It came over the company net. It wasn't somebody hollering for a medic?

A. I'm pretty sure it came over company net.

Q. Do you remember the, I suppose it was PAUL carrying the company radio, PAUL telling the company commander that CARTER was wounded or that a man was wounded?

A. I know PAUL turned around to me and said he had a man wounded and that was all. Captain MEDINA took the phone and talked with the, I think it was CHRISTIAN. He could have talked to Lieutenant CALLEY or else he could have told Captain MEDINA.

Q. Now, from the time that you received that message until the time you got to CARTER, how long was that?

A. Five or ten minutes, about five minutes I would say.

Q. When you got to CARTER was CAPEZZA there, or did he come up with you?

A. He came up with us. I think the 1st Platoon medic was working on him if I am not mistaken. I'm not sure. The head medic and the 1st Platoon medic too.

Q. Who was the 1st Platoon medic?

A. I don't know.

Q. From the time you got to CARTER until the time he was dusted-off, how long was that?

A. About 10 or 15 minutes I'd say, maybe shorter.

Q. The logs, the division log and the Task Force Barker log, show CARTER was wounded at 1020 that morning and dusted-off at 1025. Does that sound reasonable?

A. That sounds about right.

Q. That he would have been wounded, bandaged and dusted-off in 5 minutes?

A. Well, your dustoff ships come out of Chu Lai, but I believe that they didn't use a dustoff ship. I think one came out of the Dottie, if I'm not mistaken.

Q. Does the time of the wound and the time of the incident sound right, at 1020 that morning?

A. I couldn't tell what that was.

Q. I mean I'm trying to trace back now. We made this assault at 0730. Now, from the period from 0730 to somewhere 1030, which is 3 hours, this is the time that from the time you hopped out of that helicopter until CARTER was wounded. Does that seem about right? A 3-hour period to move, from what we have been able to determine, about halfway through the village by the command group?

A. I thought it happened about an hour after we landed.

Q. You think it was that close?

A. I think it was sooner than 1020.

Q. That's when it was recorded as happening. It seems that if it took 3 hours to move halfway through the village it would have taken a good deal of time to move through that village. That's the time the command group reached the location where CARTER was wounded, which you place as somewhere halfway through the village somewhere on the southside. If the command group, you already sketched it on there, you didn't go into the village, but you were moving mostly on the perimeter.

A. Mostly on the perimeter.

Q. Do you remember any personnel from the military intelligence detachment being with the command group, for instance, a first lieutenant?

A. He might have been with us, but I don't know.

Q. Do you remember anybody from the National Police being with the command group?

A. I think they joined us afterwards. I don't think they went with us. They might have gone with the platoons.

Q. But you did see them?

A. That night.

Q. But not in the village?

A. They could have been with one of the platoons.

Q. But you didn't see them, or did you?

A. I can't remember whether they were with us or not.

Q. When you communicated that day, did you know whether you were communicating with the tactical operations center back at Dottie or whether you were communicating with a relay at Uptight or whether you were communicating with the command and control ship?

A. We talked to Dottie a couple of times, calling locations I believe.

Q. Direct?

A. I believe it was direct. I'm pretty sure it was.

Q. Would you have known if it went through a relay at Uptight?

A. It would have been one of the stations we relay through. I'm pretty sure we didn't go through a relay.

Q. Have you ever acted as a relay position at Uptight?

A. I never was at Uptight.

Q. Was the mortar platoon ever at Uptight?

A. I believe so.

Q. Are you in this photograph (Exhibit P-8).

A. Yes.

Q. Which one?

A. Right there.

Q. Standing to the rear with a helmet on?

A. Right.

Q. This is Exhibit P-8. How far was the distance from the place where CARTER was wounded to the dustoff as shown here in P-9 being evacuated? How far was that from where he was wounded to where the helicopter took off?

A. About 75 to 100 yards.

Q. From your description, CARTER was wounded at the southern edge of the village. Is that correct?

A. Right, a little bit in though.

- Q. Slightly into the village?
- A. Slightly in, I believe.
- Q. Who is evacuating CARTER besides WIDMER?
- A. I know him but not by name. I don't remember his name.
- Q. Was he with C Company?
- A. Yes.
- Q. Was he in the command group?
- A. No.
- Q. Was he in the 3d Platoon?
- A. He could have been. I can't tell you which platoon he was in.
- Q. This is Exhibit P-13. Do you recognize anyone in this photograph?
- A. Yea, that's Sergeant--I can't remember his name though.
- Q. MARONEY?
- A. MARONEY.
- Q. Was this photograph taken in My Lai (4)?
- A. I couldn't tell you for sure.
- Q. I show you a photograph, Exhibit P-41. Was this group of bodies--did you ever see those?
- A. Those don't look like the same ones I seen.
- Q. You didn't see this group of bodies?
- A. I don't think that is the same group that I saw. That's on the road, isn't it?

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Q. This is on a road. Can you identify that road?

A. You mean the one in the picture there?

Q. The one in this photograph.

A. No.

Q. I have no further questions.

COL PATTERSON: I have a couple. I would like to get into something that hopefully, as an RTO, you should be pretty familiar with. Your PRC-25, do you have a long antenna or short antenna on it?

A. Short. We only used the whip at night.

Q. And you used the short during the day?

A. Right. It was too hard moving.

Q. Would the short give you communications back to Dottie okay?

A. We weren't that far from Dottie.

Q. I ask you to recall whether or not you did talk to Dottie with the short antenna on?

A. Well, when we set up CP's I always put the whip on, but when we were moving we used the short. If we did talk to Dottie we'd have to use the long antenna.

Q. At any of the places that you have marked on the photograph, do you recall setting up the tall antenna?

A. I set up for lunch, I know that. I'm pretty sure. I think when we set up the first CP when we landed at the village. Everytime we stopped and set up CP for a while I would put up the whip antenna.

Q. What was the call sign of where you talked to at Dottie?

A. I don't remember.

Q. Who was Charlie 81?

A. It could have been the 1st Platoon.

Q. Charlie 81 could have been the 1st Platoon?

A. I don't recall.

Q. Do you remember the call sign of the relay site that you called to relay to Dottie when you could not communicate directly?

A. No.

Q. Did you have any presets on your PRC-25, any method where you could switch frequencies quickly?

A. I believe we did have, but I don't remember them.

Q. What were they, or do you remember what stations they might have been on?

A. No.

Q. Would you recognize Major CALHOUN's voice on the radio?

A. No.

Q. You wouldn't?

A. No.

Q. Would you recognize Colonel BARKER's?

A. I recognized Colonel BARKER's.

Q. Did you know who Major CALHOUN was?

A. No, I didn't.

Q. Were the photographers with you in the CP group?

A. Yes.

Q. Were they with you all the time?

A. I don't remember if they were or not. They could have been. They could have left and wandered off. I don't know if they were or not.

Q. Was there anybody else there that had cameras that were taking pictures?

A. As far as I know there was nobody else except the ones that were sent with us.

Q. You didn't have a camera?

A. No.

Q. Captain MEDINA?

A. As far as I know he didn't.

MR WEST: Mr. MURRAY, do you remember what took place in the afternoon of the 16th? What the movements of the company were?

A. After the village?

Q. Yes.

A. We moved straight, maybe a little bit southeast, and we set up CP in a cemetery for the night.

Q. In and around this area did you observe any National Police interrogating some Vietnamese detainees?

A. No, they could have, but I don't remember anything like that.

Q. Do you remember anything about the operations on the following day? We have been told that the company moved down south through several little hamlets.

A. Down in here (indicating on map).

Q. This is My Khe (1) and so forth.

A. Yeah, we moved over here, and then we had to go back because the artillery couldn't reach. We set up CP for the second night around here (indicating).

Q. Around My Khe (1). Let the record show that the witness indicated that they laagered for the second night somewhere in the vicinity of southeast of My Khe (1), as indicated by the witness on Exhibit MAP-4. Could you describe what the company did as they moved through these little hamlets? Did you encounter any resistance that day?

A. The second day out?

Q. Yes.

A. We set up CP, and the next day we moved out of the cemetery, and we moved more or less in a southwest direction and then back and there was at--

Q. (Interposing) You went over to Hill 85?

A. That's where that old Korean fort was at, and we worked around that. We came down to here. We caught, I believe it was three or two. One was a woman and one was a man, and he was a colonel.

Q. These are VC you are talking about?

A. VC right. I think it was VC. We caught them and transported them back to Dottie.

Q. That was around what village? My Khe (2)?

A. It was right around this area in here, if I'm not mistaken, because it was pretty close to this right here.

Q. I didn't understand what you said about the little action around Hill 85?

A. That's where MEADLO lost his leg. He stepped on a booby trap.

Q. What about these little hamlets you moved to? Were they burned? Do you remember if the company burned the hootches?

A. I don't think we burned anything after we left Pinkville.

Q. By Pinkville you mean My Lai (4)?

A. Right, My Lai (4).

Q. Did you encounter any resistance on the 17th? Run into any fire? Hostile fire?

A. I don't remember. I can't remember if there was or not.

Q. The next day, the 18th, it has been indicated to us that the company was extracted during the afternoon sometime, but before that happened Colonel HENDERSON came out in a helicopter and talked to Captain MEDINA. Do you recall that incident?

A. The day we were extracted?

Q. Yes. Colonel LUPER, an artillery colonel, was with him. They came down in a helicopter, and they immediately lifted off. They talked to Captain MEDINA for a while, and then they came right down. Do you recall that at all?

A. It could have happened, but I don't remember. Oh, yes, I remember now. We were in a small cemetery when they came down.

Q. Did you hear any of the conversation?

A. No.

Q. When you were lifted out of the area and taken back to Landing Zone Dottie, did Colonel HENDERSON speak to a group of you there at LZ Dottie after you got back?

A. He could have, but I don't remember.

Q. How long were you with Captain MEDINA?

A. I was with him from Hawaii until he left the company.

Q. What was your duty in Hawaii?

A. I was at Hawaii for about 2 months. I was with the 3d Platoon, and they made me an RTO. I was picked.

Q. You stayed with him then until 6 November 1968?

A. He left before that.

Q. How long were you in service altogether?

A. Two years.

Q. You were drafted, inducted?

A. Yes.

Q. When was the last time that you talked to Captain MEDINA?

A. The day I left Chu Lai, 5 November.

Q. And you saw him in Chu Lai before you left?

A. Yeah, I went up and saw him.

Q. Have you talked to him since?

(Witness responded in the negative.)

MAJ ZYCHOWSKI: My Lai (4) and this whole area was well known to be heavily mined and booby trapped. Do you recall at all any instructions or orders coming from anybody or Captain MEDINA instructing to go back in and making a body count after they had secured My Lai (4)?

A. I don't recall him doing that. He might have mentioned it to the platoon leaders. When he had a meeting like that he would go to one side. I wouldn't know what was going on. If there was a call for him I would just go and interrupt. I didn't hear anything like that.

Q. After you got back from this operation, did you discuss this with anybody anything about it at all?

A. No.

Q. What was the reaction of the troops after they got back after this operation?

A. I couldn't really say.

MR WEST: Mr. MURRAY, we very much appreciate your coming in and talking to us.

A. I'm sorry I can't remember more. I can't remember numbers and stuff like this. I might have talked to MEDINA a couple of times, but I just don't remember what was said on the radio.

Q. It's been a long time. I know it is difficult. I would like to ask that you, if you should remember some things after you get home, if you do remember anything that you feel would help, or if you run across any maps or anything of that sort which you think might help us in this inquiry, we would appreciate it.

A. Before, when they came up to talk to me in April, I remembered a few things since then. It's been in Life magazine and in the news. Things have been brought back. There are still a lot of things that I can't remember.

Q. Well, as I say, if you do remember some things that might help us we would appreciate your getting in touch with us. We are primarily interested in the preliminary investigation of the incident. Whether there was any so-called coverup. We are interested in what happened at My Lai (4) and if that's relevant to whether there was any effort on the part of people to suppress information about it. We are going to call a short recess here. After that, Colonel WILSON would appreciate having a few more minutes with you primarily to look at some more photographs.

MR WEST: The hearing will be recessed.

(The hearing was recessed at 1604 hours, 27 December 1969.)

(The hearing reconvened at 1606 hours 1606 hours, 27 December, 1969.)

COL WILSON: The meeting will come to order.

RCDR: COL WILSON and MAJ COOP are present.

COL WILSON: I show you three exhibits. Exhibit M-2 which is entitled, "Nine Rules." Did you ever see that card?

A. Yes.

Q. Where did you see it?

A. They handed them out to our company I believe.

Q. Do you remember where you got it?

A. If it's the same card, it was either before we left for Vietnam or after we got to Vietnam. Can I read the rules on the back?

Q. Yes. They're on that facsimile if you want to turn the page.

A. I'm pretty sure I still have that card at home.

Q. But you don't recall whether you were issued this card in Hawaii or whether you were issued it in Vietnam?

A. Right.

Q. Do you remember when you came to Vietnam whether you went through a training period?

A. No, I didn't. I didn't go through any training period because we went over as a brigade from Hawaii, and I was part of the advance party and Charlie Company was advance party.

Q. You didn't go through any week's training then?

A. We landed at Chu Lai and stayed there for, I believe it was, 5 days because the roads were closed.

Q. What did you do for that period?

A. Sat around.

Q. I show you Exhibit M-3 entitled, "The Enemy In Your Hands." Have you ever seen that card?

A. I don't know if I have seen that card or not. I couldn't say if I got that card or not.

Q. You don't remember a card with Vietnamese phrases on it?

A. No.

Q. I show you Exhibit M-4 which is guidance for commanders in Vietnam. Have you ever seen that card?

A. I don't remember that one either unless they had different crests on them.

Q. I want you to take these photographs and look through them and those photographs which you can identify any part of, people and places, put in one pile. Those photographs that you know nothing about put in another pile. I'm not interested in whether you saw these photographs in Life magazine. I'm not interested in that. I'm interested in whether you can recognize the place or the individuals that are in the photographs, and when you get those separated as to whether or not you can find any in here that you can identify, I'd like to ask you some questions about it.

A. All right.

COL WILSON: We'll recess while he looks through the photographs.

(The hearing recessed at 1612 hours, 27 December 1969.)

(The hearing was reconvened at 1620 hours, 27 December 1969.)

COL WILSON: The hearing will come to order.

RCDR: Those present when the hearing recessed are again present.

COL WILSON: Mr. MURRAY, as I show you each photograph I would like you to describe to me what from that photograph you recognize. Photo 3?

- A. That's our interpreter.
- Q. Do you remember his name?
- A. No.
- Q. Would the name Sergeant PHU mean anything?
- A. PHU, that's it.
- Q. Is that Sergeant PHU?
- A. Yes.
- Q. Photo 6?
- A. That was CARTER.
- Q. Is the location where he was wounded?
- A. I think they carried him up to that location, but I'm not sure. I can't be positive.
- Q. Number 7?
- A. That's CARTER again.
- Q. Who is that bending over CARTER?
- A. I think it was our head medic if I'm not mistaken. I could be wrong.
- Q. Do you see anything written on his helmet?
- A. Right.
- Q. Does that mean anything?

(Witness responded in the negative.)

P-8 you identified before as the photograph that you are in?

- A. Right.
- Q. Number 9: Can you identify the individuals helping CARTER into the helicopter?
- A. Fred WIDMER.
- Q. Who was the other one?
- A. I don't remember.
- Q. Was he in C Company?
- A. Right.
- Q. Here's CARTER again in number 10. Do you recognize the people over him?
- A. No.
- Q. And number 11 shows the dustoff ship?
- A. That might be. I didn't think we had a dustoff ship, just a regular chopper.
- Q. Well, it shows the evacuation ship for CARTER. Can you locate this position on the map on the overlay?
- A. It was right about here.
- Q. Would that be point number 5 (on aerial photo later received in evidence as Exhibit P-71)?
- A. Right.
- Q. Would you put number 11 which would be photo 11 by that point?

(The witness did as directed.)

Can you locate the location of point number 8 or photo number 8 which shows you--

A. (Interposing) Right there (indicating).

Q. Photo 13?

A. I know Sergeant MARONEY there, but I don't know where it is at.

Q. Sergeant MARONEY was the second man with his helmet off?

A. Right.

Q. Do you recognize anyone else?

A. It looks like Sergeant PHU but, I can't be positive.

Q. Which one would be Sergeant PHU?

A. The third one.

Q. The third one in the column?

A. Right, and I think this here is the artillery officer. I can't remember his name.

Q. Is that the first man in the column that you are talking about?

A. Right.

Q. Is that Lieutenant ALAUX?

A. ALAUX. I think that's him. I'm not sure. It looks like him. I can't be positive.

Q. Is this photograph anywhere near the location where CARTER was evacuated?

A. I don't remember.

Q. Do you recognize that road?

A. No.

Q. Photo 14?

A. I don't know the guy in there, but the reason why I took the picture was because of burning. I don't know where it happened at. I didn't see it actually happen.

Q. You don't recognize the man or the place?

A. No. I know him. I recognize him, but I can't think of his name though.

Q. Was he in C Company?

A. I believe so.

Q. But you don't know the location?

A. No.

Q. Photo 18?

A. I think that is Lieutenant ALAUX. It looks like him, doesn't it. Maybe it's not. No, it's not.

Q. Do you recognize the location?

(Witness responded in the negative.)

Do you recognize any of the Vietnamese?

(Witness responded in the negative.)

Number 23?

A. It looks like Sergeant LITTLE.

Q. Which one?

A. The second one to the left.

Q. Do you recognize anyone else in the photograph?

- A. That could be the artillery lieutenant. I don't know. I can't be positive.
- Q. ALAUX.
- A. ALAUX. That is Sergeant PHU.
- Q. Do you know where that location is?
- A. No.
- Q. Number 26?
- A. It looks like Dottie when we took off.
- Q. Why does it look like Dottie?
- A. It looks like blacktop. They had surfaced that chopper pad.
- Q. This photo shows eight choppers. Do you recall how many came in there that morning?
- A. No. There could be more on the side. I think they used between eight and ten.
- Q. Photo 68?
- A. I know the guy in the center.
- Q. Who is that?
- A. I can't remember his name.
- Q. Was he in C Company?
- A. Yes.
- Q. Was he in headquarters?
- A. No.
- Q. Was he in the 1st Platoon?

- A. The 3d Platoon I think.
- Q. He was in the 3d Platoon?
- A. I think.
- Q. What type of bandoleer is that he's wearing?
- A. M-60.
- Q. Would you identify one of the grenades hanging on his pack as CN? Tear gas?
- A. No, that would be a smoke bomb.
- Q. A smoke grenade?
- A. A smoke grenade.
- Q. Do you know the location of this photograph?
- A. No.
- Q. Was it anywhere near CARTER or where CARTER was wounded?
- A. I don't think so.
- Q. You can't remember his name?
- A. I keep wanting to say SMITH, but it is not SMITH.
- Q. If I showed you the roster would it help?
- A. It might.
- Q. I'll bring the roster in when we go to work on these photos. Photo 60?
- A. He was in Charlie Company, but I can't remember what platoon he was in.

Q. Was that Lieutenant LACROSS?

A. No, that's not Lieutenant LACROSS. It looks like him, but it's not. Lieutenant LACROSS is a little bit taller and thinner, much thinner.

Q. Do you know which platoon he's in?

A. I think he was in the 2d Platoon if I'm not mistaken. I'm guessing at that.

Q. 64?

A. SMITH is the first one, and I know the second guy's name, but I can't think of his name.

Q. SMITH is the first one?

A. I think that's his name, SMITH.

Q. Where was he in the unit?

A. Third Platoon.

Q. Third Platoon. Which squad? Do you know?

A. No, I don't know.

Q. Do you recognize this area?

A. I don't recognize the area, but I recognize the first two guys.

Q. The second one was also in the 3d Platoon?

A. Right, and he's the one I can't remember his name. He's the one I keep wanting to try and call SMITH.

Q. But the first one is SMITH?

A. I think so. I'm pretty sure.

Q. We'll put that aside until I get the roster.

A. I never knew that one guy's name right there. I knew him but, I don't remember his last name though.

Q. Photo 66?

A. That's our interpreter to the left and MARTIN to the right.

Q. The man on the right of the photograph?

A. To the left of the photograph, that's our interpreter. The man to the far right with the radio on his back is MARTIN.

Q. The man who is on the far left of the photograph as you face it is the company interpreter, Sergeant PHU?

A. Yes, Sergeant PHU.

Q. Do you know the man in the center?

A. No, I don't know who he was.

Q. He apparently is a Vietnamese soldier?

A. Yeah, I guess he did go with one of the platoons then.

Q. Did you ever hear of Sergeant MINH?

A. No.

Q. Is this your photograph on the far left?

A. No, that's MARTIN. I never wore a watch.

Q. On the far left side of the photograph or the right side as you face it is MARTIN?

A. Right.

Q. Was this on the edge of the village or inside the village?

A. I couldn't really say. It looks like it's a little inside.

Q. Number 69?

A. I know that guy, but I can't place him. He's in 68.

Q. The same man is in photo number 68?

A. Yes.

Q. What is this?

A. A log.

Q. Number 67?

A. It looks like Sergeant PHU in the back.

Q. I see that Sergeant PHU, on his helmet, wears the insignia of the Americal Division.

A. Correct.

Q. Do you know who he was talking to or the purpose of the discussion with the Vietnamese?

A. No.

Q. Now, there are only two photographs in that group that you could locate fairly reasonably on the aerial photograph. That is number 8 and number 11 which concerns CARTER's wounding and CARTER's evacuation. Is that correct.

A. Right.

Q. You can't identify any others location-wise?

A. No.

Q. Now, I'm going to get a roster and see if you can find this guy's name. I would like to introduce the C Company unit roster dated 18 April 1968, C/1/20, 11th Light Infantry Brigade. This roster has been revised to 16 March 1968 to reflect the assignment of personnel to C Company at that time.

RCDR: The roster will be identified as M-19.

Q. Mr. MURRAY, I show you the C Company roster, Exhibit M-19. Would you look in there and see if you can pick up any names. Let me describe how that roster is made. It is alphabetical by rank. Captain MEDINA, the officers, the senior NCO's, and alphabetical from that point on.

(Witness studied the exhibit.)

A. I can't find his name.

Q. Could you locate his name?

A. No. There are a few names rubbed out, and I can't read.

Q. Mr. MURRAY, I would like for you to look at the position of the aerial photo in association with the one that you originally made. I reproduced it on the basis of the same numbering system which you had, and I introduced two photograph numbers, photograph 8 and photograph 11, which you identified as being the place where CARTER was wounded and the evacuation area, the dustoff, and I ask if that is essentially how it is with what you stated in your testimony?

A. You have number 11 over here.

Q. Yes, but you had it right at the point of number 5. Did you mean it to be below number 5?

A. I'm sure that dustoff was right in here.

Q. We'll see if we can adjust that. The dustoff was below 5?

A. Right.

Q. Point number 11 was the location where the helicopter lifted CARTER from. Is that the location?

A. Right. Well, it wasn't on the road. It was in the rice paddy actually. Right there. You have 5 on the road. I think it was to the west.

Q. At this point? Here?

A. Right. No, in between. At the rice paddy.

Q. Right in here?

A. No, right about in here. As far as I know.

Q. Oh, back in here?

A. Yeah, it was in the rice paddy when the chopper came down.

Q. Using the symbols that I used, would you prefer to put this on another photo yourself? You probably would be more accurate than I am. Let me set this up where you can see it. Can you see that all right?

A. Yes.

Q. Just use the legend as shown here. We're making all the blue entries either the route of march or C Company's CP or the numbered events which occurred in your testimony. The green of course is the numbered photograph and you only have two here which is 8 and 11. We'll redo this and what we have here at the top is "Prepared from memory at Washington, D.C., 27 December 1969," for your signature underneath. Would you do that, or do you want me to do it?

A. I'd rather have you do it. I'm not much of a writer.

Q. I want to be exact now. Let me come over there. Mr. MURRAY has completed aerial photo dated 27 December 1969. I would like to introduce this as an exhibit.

RCDR: The photograph will be identified as Exhibit P-71.

COL WILSON: Mr. MURRAY, I believe Mr. WEST gave you the opportunity to make any final statements or giving any further testimony. Do you have anything further to offer at this time?

A. Not right now.

Q. I ask you again, if you run across anything in the line of documents, tape recordings, photographs, or anything like this that might assist us in this investigation we would appreciate hearing from you. You can address your correspondence to Peers Inquiry, Pentagon, Washington, D.C., and we will call you back if you give us an indication that you have got any further evidence. We appreciate your time involved in coming here. Thank you very much.

The hearing is recessed.

(The hearing recessed at 1702 hours,
27 December 1969.)