

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

Volume II  
TESTIMONY

BOOK 29

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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 29

ROBERTS, R.  
WATERSTREET  
WATSON  
KOREN  
ANGLE  
BURKE  
CONNELLY

COULTER  
DILLERY  
FORD, W.  
GAVAN  
GREEN  
GRUBAUGH  
GUINN

HACKING  
KEATING  
LANE  
MAY  
PREW  
RAMSDELL

14 MARCH 1970

SUMMARY OF TESTIMONY

WITNESS: ROBERTS, Randel W.

DATE OF TESTIMONY: 17 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Specialist Five, Computer of 81 millimeter mortars, Mortar Platoon, C/1/20.

1. JOB DESCRIPTION.

The witness accompanied the brigade from Hawaii. His platoon sergeant was Sergeant MARONEY (pg. 3). On 16 March 1968 he was one of five people left at LZ Uptight. They would relay messages from companies on the ground to LZ Dottie (pg. 4). The platoon had given them two radios, the company had given them one from supply, and they had borrowed one from the artillery (pg. 16). They would monitor the company net, the Task Force Barker net, the artillery net, and switch back and forth from the medevac and gunships on their fourth radio (pg. 4). They had a mask antenna set up to tune communications from the field to the TOC, and Colonel BARKER would sometimes come to use their radios as it was the only way he could reach his units (pg. 17). Lieutenant ANDERSON was with the witness monitoring the radios that day (pgs. 7, 16).

2. HIS RECOLLECTION OF TRANSMISSIONS DURING THE MORNING OF 16 MARCH 1968.

a. The CARTER medevac.

The witness recalled the request for a dustoff primarily because Captain MEDINA got mad when the witness asked him to repeat the coordinates which were not clear over the radio due to static (pg. 14). The witness stated he felt he called a medevac but if a slick was in the area it would be faster to employ it rather than have a medevac come from either Duc Pho or Chu Lai (pg.5). He did not recall

who provided the dustoff (pg. 5).

b. Transmissions by Coyote.

They did some relaying for Coyote Charlie and Coyote Bravo, but it was intermittent (pg. 5). He identified Coyote 6 as Colonel BARKER (pg. 6). He would usually recognize Colonel BARKER's voice and would not go by call signs (pg. 12).

c. Transmissions by Rawhide.

The witness identified Rawhide 6 as the commander, stating it was General LIPSCOMB (pg. 6). He identified Rawhide 3 as Operations (pg. 6). The witness was told that LIPSCOMB had left and HENDERSON was in command (pg. 6). He stated he recalled Rawhide 6 asking for a body count and receiving one of 186 (pg. 6).

d. Transmissions by Saber.

The witness could not recall to whom the call sign Saber belonged but stated he recalled hearing a transmission directing the units to a certain area (pg. 7).

e. MEDINA's transmission concerning body count.

The witness recalled someone transmitting to MEDINA about checking civilians and MEDINA responding that they were moving so fast that they had no time to distinguish between a bullet wound or a shrapnel wound on the bodies (pgs. 8, 9). The witness estimated this occurred at approximately 1000 hours, give or take an hour (pg. 9). He felt that this was at approximately the same time that he heard the body count of 186 being transmitted (pg. 10). The witness did not recall anyone calling down to stop the killing or stop the burning (pg. 10).

f. Transmission concerning civilians leaving the village.

The witness also recalled some transmissions being made during the morning concerning civilians moving along the road and being marked with smoke (pg. 13).

3. RECOLLECTION OF RADIO TRANSMISSIONS DURING THE AFTERNOON OF 16 MARCH 1968.

• a. BARKER's conversation with MEDINA.

The witness stated that in the late afternoon Colonel BARKER contacted MEDINA and asked them to laager back in the area of the original LZ, to which MEDINA replied he did not want to move because of the hour and because of boobytraps (pg. 10). The witness did not specifically recall if boobytraps were mentioned at that time (pg. 11). He also stated that the unit was to laager with Bravo company that night (pg. 11). He did not clearly recall a Saber 6 transmission that afternoon (pgs. 11, 12).

b. Aircraft accident.

The witness stated he recalled a helicopter hitting a tree with a small rear blade and returning to LZ Uptight (pg. 12).

4. INQUIRIES CONCERNING THE ASSAULT.

The witness recalled hearing nothing about an investigation into what happened at My Lai (4) (pg. 16). He stated he recalled some men in the company discussing the helicopter landing between the unit and some civilians (pg. 13), but in general they did not discuss unnecessary killings or murders (pg. 18). He stated he recalled one person talking about trying to catch a chicken, and some speaking of killing livestock, but he felt that his platoon stayed with the CP and did not do much in the village (pg.18).

(The hearing reconvened at 0845 hours, 17 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. Randel W. ROBERTS.

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

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

A. Randel Wayne ROBERTS, 1709 Boyden Street, Greensboro, North Carolina. I'm a machinist.

MR WEST: Mr. ROBERTS, before we get into any questions I'd like to tell you something about the nature and purpose of this inquiry. This investigation was directed jointly by the Secretary of the Army and the Chief of Staff of the Army for the purpose of determining facts and making findings and recommendations concerning:

(1) the adequacy of prior investigations into what has become known as the My Lai incident of 16 March 1968, and

(2) possible suppression or withholding of information by anyone who had a duty to report and to furnish information concerning this incident. In other words, whether there was a coverup.

Now, we are not inquiring into all the facts and circumstance of what happened at My Lai. For example, we are not directly concerned with whether any persons who were there committed a criminal offense. We have had made available to us and have reviewed prior official statements obtained in other investigations of the My Lai incident. For example, I notice you were questioned by a CID agent and he made a short report of his interview with you.

(ROBERTS)

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

The general classification of our report will be confidential. However, it is possible that this testimony, or parts of it, may later become a matter of public knowledge. We ask you not to discuss your testimony here with anyone, including other witnesses who may come before us, except as you may be asked or required to do before a competent administrative, judicial, or legislative body. This might include a court-martial or appearing before a subcommittee of the House Armed Services Committee, which is making some inquiries into the My Lai incident. They have been calling some witnesses in, including some who have appeared here. When we ask you not to discuss your testimony this, of course, does not apply to your appearance before a congressional subcommittee. Have you received an order in the case of the United States v. Calley or the United States v. Mitchell? These are two pending courts-martial.

A. Have I what?

Q. Have you received an order from the military judge?

A. No.

Q. These two judges have issued orders in which they direct witnesses and potential witnesses not to discuss facts of the case publicly in order to protect the rights of the accused, and insure they have a fair trial.

Mr. ROBERTS, for the record, were you a member of the Army on 16 March 1968?

A. Yes, I was.

Q. When were you discharged?

A. November 28th, 1968.

Q. On 16 March 1968, what was your grade and duty assignment?

A. I was a SP5. I was chief computer of 81 millimeter mortars for my company.

Q. Were you in the mortar platoon of C/1/20?

A. Yes.

Q. And where were you located at that time? Did you stay, for example, at Landing Zone Uptight?

A. Yes, I was there for--I don't know, it all depends, we were there in that area.

Q. How long were you with Charlie Company?

A. About 18 months.

Q. Did you come over with the brigade from Hawaii?

A. Yes, I was in Charlie Company when we were in Hawaii, and moved with them.

Q. Your platoon sergeant was Sergeant MARONEY?

A. Yes.

Q. I understand from the short statement of Mr. GRAHAM, the CID agent who talked to you, that you didn't go on the mission that day, on the operation of 16 March 1968, into My Lai (4). Is that correct?

A. That's correct.

Q. Where were you that day?

A. I was on LZ Uptight, at that time.

Q. What was your duty on that day, what were you doing?

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A. Well, they left about five people in my platoon, to fire mainly support for LZ Uptight, mainly illumination, and also we relayed radio messages that the companies couldn't get out, called in medevacs, and so forth. They didn't have quite the range with the radios they were carrying.

Q. You relayed from companies on the ground, over to LZ Dottie?

A. Yes. I guess that's where we relayed. I don't really know.

Q. It was a Task Force Barker operation, and they were at Dottie. What net or nets were you on for purposes of relay?

A. We monitored the company net, Task Force Barker, artillery, and we switched back and forth from the medevac and gunships. We'd try to cover all of them. It would just depend on what was happening at that time. We switched nets. We had four radios; we couldn't handle all of them.

Q. Our primary reason for asking you to come here is to see if you can remember some of the traffic that you monitored that day during the operation in My Lai (4), that morning. This would cover a period of 3 to 4 hours in the morning, starting at 0730. I'll jump forward a little bit. Do you remember a request for a dustoff which came in from Charlie Company, around 10 o'clock or a little after that time?

A. I don't remember it. About the only thing I can remember is--well, one reason before this is--I was there in that area so long, and monitoring radios, that's what I did, sat in a radio shack, and listened for artillery calls, and so forth. And all this goes together, but about the only thing I can remember on that day, was the dustoff for CARTER. That's about the only thing that stuck in my mind.

Q. We think that a slick came in and picked him up. Do you have any recollection on who you made the request of?

A. I think we called the medevac; but usually, if there was a slick in the area, he would come in. If fire wasn't down there, the slick would come in. They wouldn't have to worry about calling the medevac, because it would take too much time.

Q. It would save time, if somebody was in the area. Where was medevac located?

A. I think they came from Duc Pho, I'm not sure, Duc Pho or Chu Lai.

Q. You have no specific recollection, then, who provided the dustoff?

A. No.

COL FRANKLIN: Mr. ROBERTS, to refresh your memory, I am going to give you a little background of what you were hearing that morning, some of the call signs that you were hearing that morning. One would have been Shark, which were gunships. These Sharks were reporting, calling in-- I'm talking about 0730 to 0930--that they picked up certain VC. These VC had either weapons or web gear. And they were calling down to get troops over there, to pick up these weapons.

You had some Warlords in the air. The Warlords had a little operation over on Hill 85, which was to your south, or to your southeast, and they were picking up, the initial report was, some mortars, but later they turned out to be mortar rounds. C and B Companies were both on the ground, and they could only be reached from Dottie intermittently. There were some relays being done. Now, do you recall if you were relaying for these companies? Coyote Charlie, Coyote Bravo?

A. Yes, we did some, but as you said, it was intermittent. A lot of the traffic went back and forth between the companies.

Q. Between C and B Company?

(ROBERTS)

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- A. And so we didn't have to bother with that.
- Q. Okay. You had Coyote 6, do you know who Coyote 6 was?
- A. I think that was Colonel BARKER.
- Q. Right. Do you remember the call sign Rawhide?
- A. That was General LIPSCOMB.
- Q. Very good. You're right in there. It was actually Colonel HENDERSON, because LIPSCOMB had left 2 days before this. Colonel HENDERSON had taken over. Do you know who Rawhide 3 would be?
- A. I think that would be operations.
- Q. How about Rawhide 6, who would Rawhide 6 be?
- A. That's the commander.
- Q. That's the commander. Okay. Early in the morning, there was a transmission about a very large body count. Can you recall anything about that?
- A. I think the colonel, or Rawhide 6, or whoever it was, was asking for a body count, or something, and they gave a body count, I think it was 186.
- Q. Okay, how about 84, how does that--the call was 8 what, there was a little repetition of the call there, do you recall anything like that, and being surprised yourself?
- A. No.
- Q. You don't recall. Why do you recall 186?
- A. I don't know, it just--
- Q. (Interposing) Just a number that sticks in your mind. There's something very important. Do you recall, any commander getting on the air, and giving instructions to Coyote Charlie.

This would have been on the battalion or the task force push, telling them to stop doing something?

A. About the only thing I remember as to instructions given, they were throwing smoke out and marking places where, I guess, they were hiding, or running, or wherever they were, and the choppers would come over and mark the spot, and they'd tell the company commander to get their people over there, and round them up. That was about the only instruction I heard.

Q. Do you recall anything about burning or killing coming over that radio?

A. It seems like I heard something about burning, but I couldn't say.

Q. What about it, stop it, or do it or--

A. (Interposing) No, just a comment. Over there, it was very lax on the air. I think somebody said something about the smoke, or something.

Q. Do you recall anyone on the air telling Charlie Company, or anybody, to stop killing or stop burning?

A. Not that I remember, no. Another thing, there was a Lieutenant ANDERSON, he was up there with me. I didn't monitor these radios all the time. I monitored most of the time, most of the time me and him both were in there, but I might have been doing something, so I missed some of it.

Q. How about in the afternoon, do you recall--did you ever hear the call sign Saber?

A. Yes, but I don't remember who that was.

Q. Do you recall hearing Saber on the radio that afternoon, interrupting a transmission?

A. It seems like I heard something, but he was again directing a unit to a certain area or something, if that's what I'm think about.

Q. Okay. Well, this is very important to us. Really search your memory. Do you recall anything like an order being given out, and the net being interrupted, and Saber 6 giving instructions countermanding some other instructions that were being given on that net? Would this sort of strike you?

A. I can't remember.

Q. Do you recall any instructions going on the radio, or any talk, or any message on the radio, about civilians, and going back and checking civilians and checking wounds?

A. I remember Captain MEDINA, somebody said something about checking over civilians or something, but Captain MEDINA said that everything was moving so fast, that they were moving straight on through. That's about my version of it.

Q. When would this be, early in the morning, or middle morning, or afternoon?

A. No, I imagine it was about midmorning. What time did this start?

Q. It started at 0730, the first touch down, C Company was the first lift, landed at 0730.

A. I imagine this was about 1000.

Q. And what again was that?

A. Somebody, said something, about check out civilians or something to that effect. And Captain MEDINA said that everything was moving so fast, they were moving through, and they weren't checking them.

Q. This was about what time again?

A. I guess about 1000.

Q. What was your impression--don't worry about what the words were--what was your impression of what the people talking wanted MEDINA to do?

A. From what I gathered, the way they were spotting the people--the way it seemed to me, that they were civilians, or whatever they were, VC--were running off in clusters, trying to get out of the area. And the Sharks and the other slicks were marking the area, and they wanted them to gather them up, or cut off their escape, or whatever you want to call it--their route, however they're going to get away, and contain them, or something, I don't know.

Q. Do you recall anything at all now, about checking out how many civilians have been killed by artillery or gunships or--

A. (Interposing) Yes, there was something said. When they asked for a body count, or something, and they wanted to know, how many were killed by artillery, and the infantry, and they said, that couldn't be determined, at that time. That was when they was talking about moving through so fast, that they didn't have time to distinguish whether a guy was shot with a bullet or hit with a piece of shrapnel.

Q. And that was about what time?

A. I guess that must have been around 1000.

Q. Could it have been, say, 0930?

A. It could be within, I guess, an hour either way.

Q. It could have actually been within an hour either way? And they were asking Charlie Company, how many with the gunships, how many with artillery, how many by the-- and the answer was that, "We're moving too fast, we can't count them." Or, "We can't determine."

A. It was something to that effect. I'm not that positive.

Q. When that first body count was given, which you recall as 186, was there anything said about--

A. (Interposing) That's not the first one, that's the one I remember.

Q. Was there any statement, at that transmission, as to how these 186 were killed?

A. No. The way I understood it, there was a total body count, it wasn't separated by artillery killing somebody, and gunships.

Q. And you recall that was pretty early in the morning, was that before the 10 o'clock call, that you were talking about?

A. I believe that was about the same time, it might even have been in the same transmission.

Q. Again, now, try to think if you can recall anybody calling down to stop killing, or stop burning, in the morning?

A. No.

Q. Okay, think about in the afternoon, about Coyote Charlie getting some instructions to go back somewhere, and a little discussion, a little argument.

A. I think on that, Captain MEDINA had an RON picked out, it was on a path where they just came through, and I think it was Colonel BARKER who called them, and wanted them to go back, and start RON where they landed or something.

Q. Okay, that's very good. It was probably Coyote 3. It might have been Colonel BARKER. Can you remember about what time and what was said, on both sides?

A. I think it was pretty late. I think that was the main reason that Captain MEDINA didn't want to move, because being late like that, and booby traps, there was booby traps there.

Q. Do you remember him talking about booby traps, and saying there were a lot of booby traps to go back through, and arguing that he didn't want to go back, because of booby traps. Do you remember that on the radio?

A. I couldn't say if it happened then, but there was several times that booby traps were mentioned. That was a real bad area for booby traps.

Q. You do recall booby traps being mentioned, the words booby trap?

A. I couldn't pinpoint it to that time. When you're in one area like that, I don't remember how long we were there, but when you set there and listen to radios day after day, it runs in one ear and out the other. You can't retain anything. If you do--you're trying to remember coordinates and you can't do it.

Q. We certainly understand the difficulty and you're doing very, very, well at recalling what you do know, Mr. ROBERTS. In this conversation about going back, do you recall why Colonel BARKER, or that other Task Force Barker station, wanted him to go back? Can you recall the reason?

A. It might have been to RON with Bravo Company I'm not sure. I think they stayed together that night.

Q. Well, they did stay with B Company that night, that was the plan, but this transmission was going to turn them around to go back from where they came. Can you remember why?

A. They went back?

Q. No, they didn't go back, we need to know what you can recollect, about why they were told to go back. Now, do you recall somebody interrupting this message and saying, "Negative on that, continue the movement," or words to that effect?

A. No.

Q. Do you recall any Saber 6 transmissions, about this time?

A. I remember Saber 6, but I don't remember what he said, if it was even that day, or what. Most of what I remember was Colonel BARKER. I recognized his voice. I didn't really go by call signs. I usually, after I talked to them, could understand who it was.

MR WEST: I guess you understand, we are trying to reconstruct the events in My Lai (4) that morning. We need to do this to help us with our main objective, inquiring into the investigations and whether there was a coverup. Colonel FRANKLIN has indicated that one of the subjects that's not clear is the matter of body counts. Another is the giving of orders to stop the killing of civilians. However, it may have been expressed, something unusual happened there that morning. There were a lot of Vietnamese residents of the hamlet killed. The number killed is a matter in doubt, but a substantial number. After the gunships and the slicks left the area, an aero-scout team came in. Warrant Officer THOMPSON in the bubbletop, and he had two guns chasing him. Do you remember hearing a transmission with the aero-scout team, that morning?

A. I remember one of them hit a tree.

Q. That's right.

A. He landed, to pick up a BAR or something and hit a tree and he came up--and he landed on Uptight.

Q. About going to Uptight we never heard, I believe.

A. Yes, he landed on Uptight after he hit the tree.

COL FRANKLIN: Which blade hit the tree, do you recall?

A. I think it was the small one in the rear, I'm not sure.

Q. Small one in the rear?

A. Yes.

MR WEST: Earlier, before this, Mr. THOMPSON flew low over the hamlet of My Lai (4) and he saw Vietnamese people being killed, he saw many dead bodies. He got very concerned about this, quite emotional. Apparently he did a great deal of talking about it over the radio to his high gun. We've located one or two people who heard some of this. Do you recall any of this?

A. I don't remember the radio, but I remember some of the guys in the company said something about the helicopter landing between the company and some civilians, or something. I didn't hear nothing on the radio about it.

Q. Another incident involving some significant radio transmissions occurred perhaps a little earlier, around 9 o'clock. One or more of the gunships made a run on some Vietnamese, who were moving southwest along Highway 521, which is south of My Lai (4), going down in the direction of Quang Ngai. This was a Shark gunship, I think probably just one. And they made one or more passes at these civilians, old men, women, and children going down the highway. And there were apparently a number killed, perhaps as many as 10 or more. The aero-scout company was requested by Task Force Barker, to check out this movement down the highway, to see if these were VC moving along it. They reported back that these were old men, women and children. In other words, it didn't seem to be a military target. Now there apparently was a transmission about this time by Rawhide 6, Colonel HENDERSON, the brigade commander. Does this recall anything to you? Do you remember this transmission possibly?

A. It seems like they reported civilians, or a number of persons moving out up the road, and I think they marked them with smoke, but that's all I remember.

Q. One witness said that he heard a transmission from Rawhide 6 to the effect that, he wanted to be sure there wasn't any unnecessary killing. This apparently had reference to the refugees moving along the road, Highway 521. Going back again, to the dustoff of CARTER. There apparently was a significant transmission over the radio, from the pilot of that helicopter when he came in or when he left, right around that time. Do you recall hearing any of this?

A. What I remember about that dustoff was, I was the one that called it in, and I had trouble with coordinates because of static, the radio was breaking pretty bad. And Captain MEDINA got mad at me, because I couldn't get the message, I just asked him to repeat it. That was what made that dustoff stand out in my mind. We had trouble getting it.

Q. Do you recall--did you monitor through that incident--hearing the traffic about it?

A. It doesn't ring a bell.

Q. Apparently the pilot, while he was in the vicinity there, either before or after, talked to somebody over his radio, and said that, in effect, he saw a hell of a lot of bodies, obviously not VC, women, and children, and so forth. He wanted to know what the hell was going on. It struck him as being very unusual. He reported this over the radio to someone.

A. That was the medevac?

Q. Whoever it was, we think it was actually a slick. I'm not sure what net he'd be on.

A. That's what I was thinking. We usually switch one of the radios, I don't know which one. I think it's artillery, we'd switch it off, and go to medevac and then switch it back.

Q. Do you think you'd normally be on the medevac net?

A. Well, we didn't have the radios that we should have had, and we made switches. We switched off the company, and we switched off the task force. It just depended which one needed us.

Q. Well, following this transmission, someone, possibly Colonel BARKER, called Captain MEDINA, and told him to knock off the killing or words to that effect. Do you remember such a transmission? It would have been around 1030.

A. It doesn't come out. I couldn't say.

Q. There was another significant transmission around noon, between Captain MEDINA, and possibly Colonel BARKER, someone at a higher level, to turn in a cumulative body count for the morning. Do you remember hearing any of that traffic?

A. About the only thing I can remember about a body count was that--I don't know when it was--I guess around 10 or so--that 186.

Q. Now, we have one witness who was hearing Captain MEDINA's end of the transmission, who says the call had come in for a body count, possibly from Colonel BARKER. And Captain MEDINA, according to this witness gave a count of 310; didn't specify VC, just gave the count. Does this strike any chord in your memory?

A. No, I don't know why that 186. That's the only thing I remember.

Q. Did you ever hear anything about an investigation being conducted, as to what happened at My Lai (4) that morning?

A. What I heard of, it wasn't My Lai (4), it was the people were getting out in the field. It didn't have nothing to do with this.

Q. When did this take place?

A. It was, I don't know, right after this operation. We went back to Bronco and the supply was poor, you know. I could see why, we just got over there, and nothing was set up, but some of the guys, they didn't like it--clothes and so forth, we couldn't get.

Q. A problem about the food?

A. Food.

Q. C-rations, that kind of thing?

A. That, and just a poor job altogether.

Q. But you don't recall hearing anything about an investigation into what happened at My Lai (4) that morning?

A. No.

Q. How long were you stationed there at Landing Zone Uptight?

A. It must have been about 3 months, or however long Task Force Barker--I stayed on Uptight on all the operations. I didn't even leave Uptight and go on any operations--I didn't go on any field operations at all, even when we were at Bronco.

Q. Do you remember a man named WATSON?

A. Yes.

Q. Did he do some radio monitoring?

A. He was--I think there was about five of us on Uptight. There was WATSON, me, Lieutenant ANDERSON, I don't remember the other ones. The reason we kept his squad, or part of his squad up there, and some of the guys came back from the hospital or something, they stayed up there with us, to help fire illumination for LZ Uptight.

Q. I don't quite understand the setup there at Uptight. This wasn't a normal function of the mortar platoon was it; to provide this radio relay?

A. No, we did a whole lot of things we weren't supposed to.

Q. Were you working with the artillery, with some of their radios?

A. We had, I think our platoon had two radios that they left up there for us to use. And the company gave us one from supply and we borrowed one from artillery. I think artillery monitored some of this too, I'm not sure. But we stayed up there mainly as a resupply. We would--they would land a supply there by one slick, and another slick would come in. We'd separate it. We'd get the mail up there, when we got it. And we'd separate the mail.

Q. This radio relay mission, though, you were doing this essentially for Task Force Barker, I take it?

A. Yes.

Q. So that they would have good communications from the TOC out to the field?

A. We'd have a mast antenna set up to tune it right through and Colonel BARKER a lot of times--not just this operation--he'd come around, so he could talk to them on the radio. He couldn't reach them with other radios, so he'd come down and sit on Uptight and talk.

Q. Did Lieutenant ANDERSON spend a good bit of time monitoring along with you?

A. He was in there all the time that I was. Well, we slept in the bunks, you kind of go crazy after a while, so you have to leave.

Q. Did you habitually take one of the two nets and he took another, or how did it go?

A. No, it was usually two of us in there, and maybe a couple of guys that stayed on the gun, and we'd just sit and it was usually just one guy on. But if he needed help, if there was a lot of traffic, another guy would help him. But some of them, they couldn't handle the radio, because they didn't know the code.

Q. Did you sit there with a headset on, or did you use speakers?

A. No, we had speakers and handsets. I think there was one radio we didn't have a speaker on, you had to hold it to your ear, all the time.

Q. One of these little 4-by-4 speakers?

A. Yes.

Q. I think we've given you some indication of what our problems are. Can you think of anything we haven't mentioned that might be helpful to us?

A. If you asked me when I first got back, I could tell you everything you need to know. I can't remember. It all runs together, because we stayed in that area a pretty good while.

COL FRANKLIN: Just to make sure, you never heard anything about an investigation at all, nobody in the company talking about one?

A. Not about that, like I said before, I think somebody wrote his Congressman about--

Q. (Interposing) When you talked to these people, who came back from your platoon, who were on that operation, what did they say?

A. I don't know; they didn't really say that much. That was the first time they had been out in the field. And they thought it was kind of rough, they weren't in shape. And the junk they had to carry with them, they were carrying mortar with them, ammo--

Q. They ever talk about a lot of killing in My Lai (4)?

A. They said it was quite a bit, but I don't--I couldn't distinguish whether it was true or what, because these guys hadn't ever been out in the field, and you imagine a lot of things that aren't there. You build things up in your mind. Each person's going to see something a different way. They were talking about killing of livestock, and I know this one boy was talking about trying to catch a chicken, so he'd have something to eat.

Q. You don't recall, then, a lot of talk about massacres, or murders, or unnecessary killing, nothing like that?

A. Not that much. They didn't come out and say how many people they killed, or nothing like that. Most of my platoon, they stayed with the CP, and I don't think they did that much anyway.

MR WEST: Mr. ROBERTS, we thank you very much for coming in to talk to us. You've given us some clues that will be helpful. Every little bit helps when you're trying to put together a puzzle. We're very grateful to you. Thanks very much for coming. The hearing will be recessed.

(The hearing recessed at 0940 hours, 17 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: WATERSTREET, Larry E.

DATE OF TESTIMONY: 4 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Mortar Platoon, C/1/20.

1. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness attended Captain MEDINA's briefing of the company on 15 March. He said that MEDINA told them that there would be a combat assault through My Lai Hamlets (1), (2), (3), and (4). He told them they could pay the Viet Cong back for their buddies which they had lost in the area. The witness recalled the 48th VC Battalion was operating out of one of the villages in that area (pg. 2). The witness could not recall MEDINA having said anything about the killing of livestock or the burning of houses (pg. 2). The witness received no further briefing (pg. 3).

2. THE ASSAULT ON MY LAI.

a. Events during movement through My Lai.

After landing the mortar platoon personnel remained with MEDINA in the rice paddy outside the village. Firing was heard in the village during the first 30 minutes after the landing, but the witness recalled nothing in particular happening in the rice paddy (pg. 4). The witness and other mortar platoon personnel followed the command group with MEDINA through the village (pg. 6). The witness stated that he could not trace Captain MEDINA's route through the village (pg. 7). The witness remembered CARTER being lifted out and another helicopter landing and three or four people

getting out (pgs. 9, 10). The second helicopter landed before lunch, but after CARTER had been medevac'd (pg. 10).

b. Bodies seen.

The witness stated that as he moved through the village all he saw were burning buildings and hootches and dead people. He saw one group of about ten bodies near a hootch, but could not recall exactly where in the village these were (pg. 8).

c. Burning witnessed.

The witness stated that gunships were firing rockets into the southern portion of the village (pg. 5). By the time he entered the village it was already burning (pg. 5). The witness recounted that he heard someone shouting to be sure and burn all the hootches. He commented that by the time this order came all the hootches that he saw were on fire (pgs. 6, 7).

d. Radio transmissions.

The witness testified that the S3 of Task Force Barker, Major CALHOUN, came on the radio and asked MEDINA for a body count and a SITREP. MEDINA just said that there were many killed, but the witness could not recall if he stated any particular number (pg. 11). CALHOUN told MEDINA not to kill women and children (pg. 12). MEDINA then passed the same order to his men over the radio (pg. 14). The witness correctly identified CALHOUN from his picture (See Exhibit List), he recalled his call sign being Coyote 3, and he stated that he was familiar with CALHOUN's voice from a prior experience (pgs. 12, 13, 26, 27). The witness recalled this transmission as being before CARTER was medevac'd (pg. 22), however, he stated he thought it was still a bit late (pg. 31).

3. TREATMENT OF PRISONERS.

a. Maiming of prisoners.

At the company's night laager position the witness saw two National Policemen questioning prisoners. MEDINA

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(The hearing reconvened at 0940 hours, 4 February 1970.)

MR WEST: The hearing will come to order.

RCDR: The following named persons are present: MR WEST, MR WALSH, COL FRANKLIN, and MAJ ZYCHOWSKI.

The next witness is Mr. Larry E. WATERSTREET.

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

Mr. WATERSTREET, for the record, would you state your full name, occupation, and residence?

A. Larry E. WATERSTREET, unemployed, I live in Delavan, Wisconsin.

MR WEST: Mr. WATERSTREET, have you read our Exhibit M-57 concerning the nature and purpose of this inquiry?

A. Yes, sir.

Q. Have you any questions about it?

A. No, sir.

Q. Have you received an order from the military judge in the case of United States v. Calley or United States v. Mitchell?

A. No.

Q. For the record, Mr. WATERSTREET, were you a member of the United States Army on 16 March 1968?

A. Yes.

Q. Would you tell us your grade and your duty assignment and your outfit?

A. I was specialist four, I believe, or a PFC. I believe a specialist four, with the mortar platoon, C/1/20, 11th Infantry Brigade.

Q. At that time, was C/1/20 part of Task Force Barker?

A. Yes.

Q. Mr. WATERSTREET, when did you first hear of the planned combat assault on a little hamlet known as My Lai (4)?

A. The night before.

Q. Was this the occasion of the briefing by Captain MEDINA for Charlie Company?

A. Yes.

Q. Could you tell us, to the best of your memory, what Captain MEDINA told the company about the next day's operation?

A. He told us there was going to be a combat assault on the My Lai hamlets (1) through (4). We were going to work through the area, and he said we had been losing a lot of men in that area before and tomorrow we're going to get to pay them back.

Q. Anything else?

A. He said something about the reports said they knew of no friendlies in the area.

Q. Did he say what kind of mission it was?

A. I don't remember him saying that.

Q. Did he indicate how long the operation was to last?

A. I don't remember that either, if he did.

Q. Did he give any orders about what the company was to do in the villages they came upon?

A. No, he didn't. He just said--I believe he said something about the 48th VC Battalion being holed up there, in the villages. As far as orders go, no.

Q. Did he say anything about killing livestock or burning houses or anything of that nature that you recall?

A. No, not that I remember.

Q. Was there anything different about the orders for this mission than those you received before, on other missions?

A. No.

Q. I understand you were a member of the mortar platoon. Is this correct?

A. Yes.

Q. Do you remember how many members of the mortar platoon come along on this operation?

A. I think it was the whole platoon.

Q. Who was in charge?

A. Of the mortar platoon?

Q. Of those members of the mortar platoon that went on this operation with Charlie Company?

A. Sergeant MARONEY.

Q. After the briefing by Captain MEDINA, did Sergeant MARONEY give you any further briefing or instructions about what to do the next day?

A. No.

Q. Let's move to the next day, the 16th of March, 1968. Let's have the photographs please?

(RCDR did as requested.)

Mr. WATERSTREET, you now have in front of you an enlarged aerial photograph, Exhibit P-1, which shows the hamlet of My Lai (4) and the surrounding area. On your left is Exhibit MAP-4, a map with a scale of 1:25,000, which also shows the hamlet of My Lai (4).

(MR WEST orientated the witness to Exhibit P-1, aerial photograph.)

Now, does this look familiar to you at all?

A. Yes.

Q. All right. I might add, the photograph, P-1, is oriented so that north is at the top, and to you, right is the east, over towards the China Sea, and the movement of Charlie Company through My Lai (4) was from the west to the east, generally in that direction. Could you tell us, now, Mr. WATERSTREET, just what you did and what you saw that morning right after you got out of the helicopter?

A. We got out of the helicopters and waited about a half an hour. Our platoon was in the rice paddy while the company was going through. We were with Captain MEDINA. He was ordering the company from just outside of the village. He was moving the platoons.

Q. Did you set up your mortar?

A. We set it up once, but we didn't fire it.

Q. Okay. Now, had you received any hostile fire up to this time? Did you encounter any enemy resistance at all?

A. I heard firing. Whether it was the enemy or our company, from where I was in the rice paddy, I couldn't tell.

Q. Where was this firing?

A. It was in the village.

Q. Do you remember what lift you were in? Were you in the third lift, for example?

A. The last lift, the last one.

Q. And you stayed there about 30 minutes?

A. In the rice paddy, yes.

Q. Do you remember, during that time, seeing Captain MEDINA moved out to the south with a group, leave his command post and move south?

A. No, I don't.

Q. You recall anything in particular happening during this 30 minutes, when you were waiting there outside the hamlet in the rice paddy?

A. Nothing. I could see the village burning.

Q. Smoke coming up already?

A. Yes.

Q. We have a copy of the statement which you gave to the CID in January in which you mentioned that you remember the gunships firing rockets. Can you remember where they were firing?

A. It seems to me they were in the air south of the village, firing the south corner of the village.

Q. Now, did you see this while you were still in the helicopter or after you got on the ground?

A. Just after we landed.

Q. Would you tell me again where they were firing?

A. I think it was somewhere in the southern portion of the village.

Q. Somewhere in this southern portion, firing into the southern portion of the village?

A. I think so.

Q. From where you were, were you able to see just where the rockets were hitting and what they were firing at?

A. No.

Q. I believe you said that Captain MEDINA ordered the men to move towards the village. Would you know the part of the company this was?

A. The other three platoons.

Q. Are you sure this included the 3d Platoon? The 3d Platoon was supposed to have a mission to follow the 1st and 2d Platoons through. They were the lead platoons. The 3d Platoon, as one witness said, was the drag platoon. They went through later to mop up, search hootches, and to burn. Do you remember whether they went in first, right along with the others, or held back?

- A. That sounds right, but I don't remember for sure.
- Q. But your recollection is that Captain MEDINA stayed out about 30 minutes longer after the troops started moving through the hamlet?
- A. Yes.
- Q. All right. Could you tell us what happened next?
- A. We picked up and started moving through, behind the rest of the company.
- Q. Did you follow the command group? Did you stay with Captain MEDINA?
- A. Yes, pretty much so.
- Q. Mr. WATERSTREET, how well do you remember, now, the path that Captain MEDINA took through the hamlet?
- A. Not too well. We moved all around. If it was something that would have to be done over to the right, then we'd have to back track.
- Q. Now, I understand that you never did fire the mortar that morning. You had one 81mm mortar with you?
- A. Yes.
- Q. You never did fire it?
- A. Not that morning. Later on in the day we did.
- Q. Yes, but in the morning?
- A. No.
- Q. Okay, what other missions did the members of the mortar platoon have that kept you busy there that morning? Did you get some other orders as to what you were to do, beside providing support with the mortars?
- A. The only other order I heard was--all the hootches and everything was burning, and I heard the orders shouted once

that somebody said, "Pass it back. Burn the hootches." They were all burning already. It was just shouted back by five or six people. I don't know where it came from.

Q. But this was the mission at the time, then, I take it?

A. Pardon me?

Q. This was your mission at the time, to move through and burn the hootches that hadn't been burned?

A. Yes, I'd say so.

Q. Anything else?

A. Nothing.

Q. Mr. WATERSTREET, you will notice on the right rear on the wall a sketch of the hamlet of My Lai (4), prepared by the engineers, which, in effect, is the reconstruction of the area. It shows the outlines of the hamlet and the paths through it, our conventional signs and symbols, the buildings, wells, and other features of the hamlet, the green cultivated shrubbery and trees, the way it was on 16 March 1968.

The sketch is admitted in evidence at this point. If the recorder will give it an exhibit number, we will refer to it by this number.

(The sketch map as described by Mr. WEST was received into evidence and marked as Exhibit MAP-8.)

Mr. WATERSTREET, I ask you to take a look at the diagram of My Lai (4) and see if you can determine the route that Captain MEDINA took through the village that morning.

(At this point, MR WEST orientated the witness to the sketch map Exhibit MAP-8, of My Lai (4) hamlet.)

Looking at that sketch, can you recall the route that Captain MEDINA took through the hamlet?

A. I can't say. No, I don't think I could.

Q. Well, did the command group move into the village?

A. Yes.

Q. Now, we know that the command group came out of the village to the south of the center, where the trail leaves the village, and moved south towards Highway 521. We're not too clear on the route that Captain MEDINA took from the place he started, his command post, but you say he did go into the village to some extent?

A. Yes, I believe so.

Q. All right. Could you tell us what you saw when the group moved into the village?

A. Buildings and hootches were burning, and I saw dead people. That was all that was left when I moved through.

Q. In your CID statement, you said that you saw one group of dead bodies about in the middle of the village. There were about 10 bodies in this group, mixed, old men, women, and children?

A. Yes.

Q. And you still feel that was about in the middle of the village? You also said that, "The group of dead bodies that I saw was next to a hootch."

A. Yes, they were next to a hootch; just where in the village, I'm not certain. At the edge of the village or in the middle, I don't know. I don't remember.

Q. Do you remember any distinctive features around the hootch at all, a well or pagoda?

A. No, except there was an underground tunnel. It was not a tunnel--maybe a storage place that was dug out of the ground.

Q. Now, this group of 10 people, did you see them shot, or were they already dead when you saw them?

A. They were already dead.

Q. Are you sure there were men in the group?

A. I think I saw a man--I know--I'm not sure.

Q. Now, after this, did you come out of the village on the south side with Captain MEDINA?

A. Yes.

Q. Would you know anything about CARTER being shot? He shot himself in the foot and was being evacuated by a dust-off helicopter.

A. I remember the dustoff, because they moved us out in the rice paddy to secure the landing zone, but I didn't see him shoot himself or anything about it.

Q. Did you see the helicopter land?

A. Yes.

Q. Did you see CARTER put on the helicopter and lifted out?

A. Yes.

Q. Would you indicate, looking at either the photograph in front of you or the diagram on the wall, about where the helicopter landed?

A. I think it was right here (indicating).

Q. Okay, did you see anything on the path running south from the village? Did you see any bodies there?

A. No.

Q. Did you see a photographer there that morning?

A. Later in the day, not in the morning.

Q. Now, besides the dustoff helicopter that morning, did you notice other helicopters in the air over the village?

A. I don't remember.

Q. Did you know who Colonel BARKER was?

A. Yes.

Q. Did you know him by sight?

A. Yes.

Q. Would you know his helicopter if you saw it, Charlie-Charlie ship, his command and control ship?

(At this point COL FRANKLIN entered the hearing.)

A. No.

Q. How about Colonel HENDERSON?

A. Yes.

Q. Did you know him when you saw him?

A. Yes.

Q. Would you know what his command and control ship looked like?

A. It had a red star in the front--if that's what his command ship looked like.

Q. Did you see Colonel HENDERSON's command and control ship flying over My Lai (4) that morning?

A. I remember a ship landing when we were eating.

Q. Eating lunch?

A. Eating lunch.

Q. That's a little later on, now. We haven't got to that point yet.

A. Before that, I don't know if it was his command ship, but I remember a ship landing with, I think, three or four people getting out. I don't know who they were.

Q. Do you remember when this was? Was it after the dustoff?

A. I think it was after the dustoff and before lunch.

Q. All right. Now, where did that helicopter land?

(Witness makes no response.)

Just to clear up a point, Mr. WATERSTREET. It is fairly well settled, now, that the dustoff helicopter landed over here, west of the path. Later, another helicopter landed here and took the photographer out and the reporters, who were HAEBERLE and ROBERTS. Now, this other helicopter you saw land, can you tell us about where that landed?

A. It was somewhere out of the village. Exactly where, I don't know, but it was out of the main village. I think it landed near some hootches that were isolated; that was just out in the open, just one or two of them.

Q. Do you remember what kind of helicopter this was?

A. No, I don't.

Q. Was it a little bubbletop, or was it a gunship?

A. I think it was a Huey.

Q. Well, I think that's a little later on. We'll get to that. As you moved along with the command group, Captain MEDINA's command group, did you hear radio traffic coming in, messages coming in?

A. Yes.

Q. From the loudspeakers on the radio?

A. Yes.

Q. Can you remember any of those transmissions, messages coming in, maybe going out?

A. I remember one with Captain MEDINA, and I believe it was the S3 officer. He asked for a situation report and a body count. Captain MEDINA told him that the body count was many.

Q. Did you hear an exact figures, any numbers?

A. No, I don't remember that.

Q. Do you remember anything else he said?

A. The officer told him not to kill the women and children.

Q. Somebody was talking to Captain MEDINA and told him not to kill the women and children?

A. Yes.

Q. You said this was the S3 officer. How did you know that?

A. Just by his voice, because our platoon was up on LZ Uptight before that, and Colonel BARKER and this major come up there. I thought I remembered his voice.

Q. Do you remember his name?

A. No, but I would probably recognize it if I heard it.

Q. All right. We have a sheet of photographs which shows photographs of five different officers. Some of these were in Task Force Barker, and some of these were Headquarters, 11th Brigade. The S3 of Task Force Barker is among the five. We will hand you this sheet of photographs and see if you recognize anyone among them (handing the photographs to the witness).

The hearing will be recessed.

(The hearing recessed at 0955 hours, 4 February 1970.)

(The hearing reconvened at 1000 hours, 4 February 1970.)

MR WEST: The hearing will come to order.

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

MR WEST: Mr. WATERSTREET, these are photographs which have

been admitted in evidence as Exhibits P-49 through P-53. These photographs bear the names of the individuals concerned. I will mask the names on the photographs, and I will ask you if you recognize the man you referred to as the S3 officer? I show you Exhibit P-49 and P-50.

A. I think it was this officer.

Q. Let the records show that Mr. WATERSTREET indicated that Exhibit P-49, Major CALHOUN, as the S3 officer. Would you like to look over the rest of the photographs and check your-- you still think it's--

A. (Interposing) Major CALHOUN.

Q. Exhibit P-49. Okay, and it is his voice you recognize.

A. Yes.

Q. Coming over the radio? I take you back, now, Mr. WATERSTREET. Can you fix the approximate time of this transmission?

A. Maybe 11 o'clock.

Q. All right. Can you recall any events that happened around that time to help you fix the time?

A. Nothing, no.

Q. Do you recall where you were at the time you heard this transmission, where you were in the village?

A. I think we were on the south trail.

Q. The one that leads south from the village?

A. I think so, I don't know.

Q. All right. Do you remember hearing any other transmission that morning to or from Captain MEDINA?

A. Yes, not transmissions over the radio.

Q. Any orders that he gave or things of this sort.

A. Captain MEDINA told one of our men--not our men--in my platoon, he told one of the men not to kill the women and children.

Q. You mean he passed on the order he received from Major CALHOUN?

A. Yes.

Q. Was that it?

A. I believe I heard him pass that on over the radio.

Q. I see. And he also told it to some of the men in your platoon?

A. No, just another soldier in the company.

Q. I see, but you heard it?

A. Yes.

Q. You remember anything else of importance, now, that happened before lunch time, before you broke for chow?

A. No.

Q. All right. Were you with the command group when you broke for chow?

A. Yes.

Q. Do you remember where that was? Well, let me say this, perhaps to refresh your memory. We've had a great deal of evidence that this took place at the east end of the village near a big house, which is the approximate center of the east end of the hamlet. Here is the large house shown on the diagram of My Lai (4), which has just been admitted into evidence. Do you recall seeing the big house, now?

A. Yes, I remember it.

Q. Do you remember seeing some engineers work around it with some demolitions?

A. I think so.

Q. What do you remember about that? I'm just checking out your recollection. What happened as far as the engineers were concerned, the demolition men?

A. They may have had a misfire. I don't remember.

Q. Do you remember anything about one side of the house and the demolition men?

A. No.

Q. Mr. WATERSTREET, in your CID statement you mentioned that, "After lunch we continued on to the other villages." I believe you told us, when we first started out here, that Captain MEDINA talked about going through My Lai (1), (2), (3), and (4). Is that correct?

A. Yes.

Q. Up to now, we've just talked about My Lai (4). If you would look at P-1, there's a little subhamlet directly north of the northwest corner of My Lai (4). This little subhamlet about 400 meters up to the north is called Binh Tay. We know that the 2d Platoon went through there. Now, east of My Lai (4) and to the southeast 200 or 300 meters, is a little subhamlet called Trung Hoa, and then a little farther east, running up to the north there, is the subhamlet of Binh Dong, which is separated in the center by a river or stream. Now, when you spoke of moving on to the other villages, could you tell us just what other places the company went into? For example, due east, right directly east of My Lai (4) and east of the place across the rice paddy from where you had lunch, is the lower part of Binh Dong. There are some houses there, and people lived there, and the subhamlet to the southeast, Trung Hoa, people lived in there. You can see that on the diagram over there. You can see the houses. In the northern section of Binh Dong, there were other people living in there. Do you remember any movements of Charlie Company and what they did in those places, perhaps?

A. The others, no, I don't remember the others that we went, but I just remember the hootches burning wherever we went.

Q. All right. Now, you did speak to the CID agent. You said you remembered seeing one group of about 100 Vietnamese people being guarded by our troops. Could you tell us about that incident?

A. I was just walking, and I saw Captain MEDINA and his interpreter, Sergeant PHU, and about 100 Vietnamese people. They were crying, and I heard Captain MEDINA telling Sergeant PHU to talk to them and tell them move back, I think he said east, where we had just come from; that they'd be safe.

Q. Well, now, remember, you were moving from the west to the east.

A. Well, he told them to move back in the direction where he came from.

Q. Where you came from? Back towards My Lai (4) or off in that direction some place?

A. Yes, they told them to keep going.

Q. Now, do you remember where you were at this time when you saw these 100 people? You had already left My Lai (4). You had walked some distance, had you?

A. There was just one house where we were. Yes, it was after we left My Lai (4). There was just one house where we were.

Q. Let me show you Exhibit P-45. This is an oblique aerial photograph, which was taken looking in an easterly direction, a little bit to the northeast, and this was taken from about this direction, like that (indicating with his hands). You will notice you're looking generally to the east, and you can see the stream up here. This is part of Binh Dong and another part of it here. This is the area down here called Trung Hoa, and you will notice it is pretty flat east of My Lai (4) there, and you would have had lunch generally along

in here and then moved out in this direction. Do you remember how long you had been walking before you met this group of 100 people?

A. No, I don't think it was too long, but I don't remember.

Q. Was it somewhere out in the open out in the rice paddy, or was it in some trees?

A. I think I remember some trees.

Q. Do you remember whether any particular platoons of the company went into certain villages after you left My Lai (4)

A. No.

Q. Could you tell us what happened, now, the rest of that day, the 16th, as best as you can recall?

A. After that, we moved through the villages. We moved right outside of a village, it was right outside. I don't know what village it was, and we started to set up and dig our holes for the night positions.

Q. All right. Anything in particular that you remember about this time, anything happening?

A. There was some prisoners.

Q. Did you see some Vietnamese National Police at this time?

A. Two of them.

Q. What were they doing?

A. They were with the prisoners, questioning them.

Q. Did you see any American officers at this time?

A. Yes.

Q. Whom did you see?

A. I saw Captain MEDINA, of course, but I saw this other captain. I don't know what his name was. I think he was the interrogation officer.

Q. Would you describe him?

A. Short and stocky and not too much hair.

Q. Okay, anything else about him? Was he armed?

A. I don't remember.

Q. Was he carrying a pistol or any other kind of weapon?

A. I can't say for sure, but later I saw him with a knife.

Q. Okay, would you tell us what you saw at that time with reference to the knife?

A. He was questioning the prisoners, and I saw him put one of the prisoner's hand on a log or something and came down with a knife. About that time I turn my head.

Q. What did he do with the knife?

A. What did he do with the knife?

Q. Yes. When the knife came down, what happened?

A. I can't say for sure.

Q. Well, you stated to the CID agent that, "Sergeant PHU was also there, and I can't remember who else was there. I saw the captain cut off the little finger, right hand, of the prisoner."

A. Well, I said I saw him with the hand of one, and I said I saw him come down with the knife, and just when he,

you know, was making contact there, I sort of turned my head at that time.

Q. Did you look back and see what happened?

A. I think, as I remember, there was blood.

Q. How did you know he cut off the little finger of the right hand?

A. Well, I told the man that I turned my head just when the knife came down, and then I turned back and saw the blood. But he had his little finger up there, so I....

Q. Did you see that it was the little finger of the right hand that he cut off?

A. No, I can't say for sure. I just saw blood when I turned back around. He was screaming.

Q. Where did you see the blood? Where the little finger, right hand, should have been?

A. Yes.

Q. Where was Captain MEDINA at this time?

A. I don't know.

Q. How close were you to this American captain when this happened?

A. Ten feet.

Q. Were there others standing around, too?

A. Yes.

Q. You think you could recognize this American captain if I showed you a photograph of him?

A. Maybe.

Q. Well, I will show you a photograph which has been

admitted in evidence as Exhibit P-53, and I will mask the name plate. Do you recognize this man (showing the Exhibit P-53 to the witness)?

A. He looks familiar, he could be. I don't know if it is.

Q. All right. I'll show you Exhibits P-49 and P-51 with the names masked, and I'll ask you if you recognize either of these two?

A. I think the one on the right, that it was him, on the right.

Q. That would be Exhibit P-49, the photograph of Captain KOTOUC. Does this look like the man?

(NOTE: The photograph which MR WATERSTREET identified as being the American captain in question was CPT KOTOUC, Exhibit P-52, although it was inadvertently described by MR WEST as Exhibit P-49.)

A. Yes.

Q. The one you looked at first, Exhibit P-53, is Colonel BLACKLEDGE. Now, looking at those two again, which do you think it was that you saw there?

A. Captain KOTOUC.

MR WALSH: Mr. WATERSTREET, when you walked into the village and you observed a group of 10 bodies or so, do you remember if you were on a trail at the time?

A. I don't remember. I don't think so.

Q. Were you standing still, or were you moving along when you saw them?

A. I was walking in a different direction, and somebody said, "Come here and look at the bodies," so I walked over there and saw them.

Q. Were you following the CP group at this time?

A. We moved right behind Captain MEDINA through the village. I think so, yes.

Q. When you went through the village, how many bodies of women and children did you see, altogether?

A. Just women and children?

Q. Yes.

A. I can't say for sure, maybe 30.

Q. Could you tell if all of them had been killed by small arms fire?

A. Not really. Some had been badly torn apart, but I don't know what it was done by.

Q. Do you know of any reason why Captain MEDINA would not have seen as many bodies on his trip through the village?

A. Not especially, no.

Q. In other words, you followed generally the same path that he followed through the village?

A. I think so. One reason could have been because he could have been taking straight lines, and our platoon was the last platoon to come through, and they wanted us to burn everything, so we had to move all around every place.

Q. I thought you said you were following Captain MEDINA pretty closely going through the village?

A. Our platoon was, yes. We were right behind him, our platoon.

Q. Was he in sight most of the time?

A. Pardon?

Q. Were you able to see him most of the time?

A. Off and on. I saw him off and on, but I wasn't right there with him most of the time.

Q. We have pretty well established that the time that CARTER was dusted-off, that's the man that shot himself in the foot, was about 10:25. I wonder if, using that time as a reference point, whether your impression that the transmission of Major CALHOUN occurred about 11 o'clock would be changed? If

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COL FRANKLIN: Mr. WATERSTREET, you mentioned that when you were going through the village, Captain MEDINA turned to a soldier and told him not to kill any women and children. That's sort of a little funny thing for a company commander to do, to talk just to one soldier, particularly a company commander like Captain MEDINA who is strong and used his chain of command. Why did he say that?

A. I don't know.

Q. He just turned to a rifleman or a grenadier?

A. A rifleman. He was just sitting down at the edge of a rice paddy, and he was just walking by. Maybe he was just reminding him of the order.

Q. Oh, the rifleman was just sitting down, but--

A. (Interposing) No, Captain MEDINA was just sitting there, and this rifleman was walking by him, and maybe he didn't trust him, and he was just reminding him of the order that he heard from the S3 officer.

Q. And you were close enough to hear the radio on the speaker that the RTO carried? You heard Major CALHOUN tell him exactly--how do you remember that transmission, again? Your impression, not necessarily the words.

A. He said, "We don't want to kill any of the women and children." Major CALHOUN told that to Captain MEDINA.

Q. You're an assistant mortarman, assistant gunner, I guess?

A. Yes, sir.

Q. Did you spend a lot of time in the FDC up at Uptight, or most of the time outside of the FDC?

A. Outside of the FDC.

Q. How could you recognize Major CALHOUN's voice?

A. We were on LZ Uptight, and our company was in trouble out in the field somewhere, and Colonel BARKER and Major CALHOUN were up there, up top of the hill, and we were up there getting some ammunition for our mortar or doing something, so that's how I recognize Major CALHOUN's voice. I heard him talking on the radio before. I heard him once or twice later at night. When I was guard duty I would hear the FDC radio talking.

Q. You heard him a couple of times on the radio. Could it have been his call sign that you recognize rather than his voice, or in conjunction with his voice? Do you happen to recall what his call sign was?

A. Something 3.

Q. Okay, something 3. I'll give you a couple of words. Tell me which one it was. Rawhide or Leopard or Coyote or Domino?

A. I think it was Coyote?

Q. Okay, you got a good memory there, Mr. WATERSTREET. You're pretty sure, now--we know that Major CALHOUN took off; he says about noon. His memory is probably as good as yours, so he thought it was later, around noon. This is very important to us, and don't be intimidated by anything he said. Just recall the best you can. You're pretty sure that this was before CARTER got shot in the foot down there, that this transmission came from Coyote 3. You got the dustoff and you got your lunch, and those are two different times that you might be able to relate to?

A. I can't say for sure. I think it was before lunch, but I don't remember if it was before or after the dustoff. I just can't remember.

Q. Okay, could you just sort of show me on that photo where you were when you heard that transmission, then I'll be able to tell what time it was?

A. I couldn't say for sure, no, sir.

Q. Were you on a trail, or were you inside the village, or if you don't remember....

A. I don't remember.

Q. Well, that radio call obviously made an impression on you. What do you recall thinking when you heard that transmission from Major CALHOUN? Did you have any particular thoughts?

A. Nothing particular, no, sir.

Q. Well, thank you very much, Mr. WATERSTREET. We'll have a temporary recess.

(The hearing recessed at 1017 hours, 4 February 1970.)

(The hearing reconvened at 1021 hours, 4 February 1970.)

COL FRANKLIN: The hearing will come to order.

RCDR: The following persons are present: COL FRANKLIN, MR WALSH, and MAJ ZYCHOWSKI.

COL FRANKLIN: I am going to ask you some questions, Mr. WATERSTREET, which we have been asking most of the people here from C Company. Some of them call for your opinion; that's fine. Have you heard anything about killing, or did you ever hear about civilians being massacred in a place called Co Lay?

A. No, sir.

Q. When you were up in that night laager position on 16 March, did you talk to anybody in B Company?

A. No, sir.

Q. Do you ever recall anybody in B Company talking about what they did in the Pinkville operation or anybody else talking about what B Company did?

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

Q. Do you know of any investigation concerning this operation you were on, 16, 17, and 18 March? Did you ever hear about an investigation?

A. No, sir.

Q. Never heard of one? Did anybody ever ask you to make a statement?

A. No, sir, except for the one CID man.

Q. The CID man was the only one. Did anyone ever tell you to keep quiet, not to talk about that operation?

A. No, sir, just the CID man.

Q. What was the attitude of the people of C Company towards the Vietnamese people?

A. I can't say for sure. I don't think they liked them, because they had lost a lot of men, a lot of their friends, I guess, by the Vietnamese people.

Q. Were any of your mortarmen in that minefield operation when they got caught in the minefield?

A. No, sir.

Q. Well, the mortarmen probably had a little different attitude, I would guess, than some of the rifle platoon, wouldn't you think so, towards the Vietnamese people?

A. I think so, yes.

Q. What's your opinion as to why My Lai happened? Why did those people get slaughtered?

A. I can't say, because I didn't do it. Maybe--I couldn't say.

Q. Did you ever think about it or wonder why this happened?

A. Yeah, I thought about it a lot, but I wouldn't know why, exactly.

Q. What are some possible reasons that might explain why it happened?

A. Well, because we'd been losing men, and they had been getting wounded in that area earlier, and they wanted to clear it up, clear the mess up, clear the villages, so we wouldn't be losing men every time we came through.

Q. You think that was, perhaps, the major reason for it?

A. Yes.

Q. Do you have any idea why this wasn't reported or wasn't investigated? I mean, we didn't hear about My Lai until it started coming out in the press last fall. Do you have any idea why something of this magnitude or this nature, what was done by Charlie Company on this day, how that just never got anywhere?

A. No, I don't.

Q. Do you think it's sort of surprising?

A. Of what happened?

Q. Yes, what happened, and also the fact that somebody didn't really do something about it, I mean, right afterwards?

A. Yes, it's surprising, but I think it's more or less--if somebody wanted to do something about it, the Vietnamese people should have made their complaints to their government--the ones that are still alive. That's my impression.

Q. Do you feel that anything particularly wrong was done at My Lai (4), I mean terribly wrong, or do you consider this just fortunes of war?

Q. The way I look at it, some people could have done something they didn't have to do, and it could have been wrong, as far as looking at it that way. It could have been wrong. Some people may have bad tempers, I don't know.

Q. In the newspapers in November, there was a report

that certain members of Charlie Company were on pot. Was this a problem in Charlie Company at this time, anyway?

A. I don't recall it being a problem at that time.

Q. Do you recall any individual in this operation that you had personal knowledge of, or that you heard of that was under the influence of marijuana?

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

Q. Would you like to make any statements over anything that we have talked about or haven't talked about for the record here?

A. No, nothing except for--I didn't shoot anyone while I was over there. That's about all I could say.

Q. Well, we appreciate that. Mr. WALSH, do you have any questions?

MR WALSH: I just want to go back one more time to this transmission that you heard, with respect to not killing women and children. Do you remember when you overheard that transmission and Captain MEDINA passing it on, do you remember thinking to yourself that it's a little late for that? Isn't it odd that it's necessary to give the order in the first place?

A. Yes, I remember thinking that to myself; it's kind of late for that, after what I saw.

Q. After what you'd seen on the ground while moving through?

A. Yes.

Q. Did you have any impression, when you heard that, that this was a change in orders or that it was just a caution?

A. Just something that they thought they didn't want anybody to kill any of the women and children, so he thought he would remind them.

MR WALSH: I don't have anything else.

COL FRANKLIN: Thank you very much for coming down and talking to us, Mr. WATERSTREET, and we wish you good luck in whatever you decide to do.

The hearing is recessed.

(The hearing recessed at 1122 hours, 4 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: WATSON, William E. SGT

DATE OF TESTIMONY: 21 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Squad leader, Mortar Platoon, C/1/20.

1. RADIO TRANSMISSIONS HEARD BY THE WITNESS.

The witness was with the mortar platoon of C/1/20 at Landing Zone Uptight where he was monitoring the company radio in case they needed mortar support (pg. 3). He stated that he heard Lieutenant Colonel BARKER in his helicopter call Charlie Company and ask Captain MEDINA if he knew anything of civilians being killed (pgs. 5, 6, 17). BARKER stated that he had a report from higher up that civilians were being killed (pgs. 6, 7, 9). The witness stated that he heard MEDINA asking his men on the radios, platoon leaders or RTO's, if this were any of their people. The reply overheard was that the only Vietnamese who was killed was one with a BAR killed by a gunship (pg. 6). The witness noted that there was small arms fire in the background of these transmissions (pg. 6). He believed that the time of these was after 1200 (pg. 7). He testified that he had heard Lieutenant CALLEY state that they were receiving small arms fire, but that he was positive that none of his men were doing this killing (pgs. 8, 9). He also recounted that he had heard one of the Warlords directing Captain MEDINA to the Vietnamese who had been shot by the gunship (pg. 12). He further recalled transmissions stating that smoke was being dropped to mark the locations of snipers (pgs. 13, 14), and transmissions from company members that they were receiving fire (pg. 16).

2. RUMORS OF AN INVESTIGATION.

The witness stated that he had heard someone say that somebody was going to be sent to jail over what happened

(pg. 17). There were also jokes in the company about an investigation (pgs. 17, 18). Later in Charlie Company the witness stated there was much talk of My Lai. This included Specialist Four MEADLO's telling CALLEY that the Lord would punish them (pg. 20). He noted that he never heard anyone say to keep quiet about My Lai (pg. 24).

3. OTHER INFORMATION.

The witness said that he liked CALLEY and felt that he should not be charged with any crime since the villagers had been warned of the imminent U.S. invasion and should have left, if they were not supporting Viet Cong. He added that the latter was completely hearsay and he had heard this from no official source (pgs. 22, 23).



(The hearing reconvened at 1240 hours, 21 January 1970.)

MR WEST: The hearing will come to order.

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

The next witness is Sergeant William E. WATSON.

(SGT WATSON was called as a witness, was sworn, and testified as follows:)

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

A. William Earl WATSON, Social Security number , branch of service Army, grade E-5.

RCDR: What's your organization and station, please?

A. Headquarters Company, 1st of the 15th, 2d Brigade, 3rd Infantry Division, Kissingen, Germany.

MR WEST: Sergeant WATSON, before we get into any questions, I want to tell you a little something about the nature and purpose of this inquiry. This investigation was directed jointly by the Secretary of the Army and the Chief of Staff of the Army for the purpose of determining facts and making findings and recommendations concerning:

(1) the adequacy of prior investigations into what is now commonly referred to as the My Lai incident of 16 March 1968, and

(2) possible suppression or withholding of information concerning this incident. In other words, whether there was a coverup.

We're not inquiring into all the facts and circumstances of what happened at My Lai (4). For example, we're not interested in whether any member of Charlie Company there may have committed some offense.

We have had made available to us and have reviewed,

(WATSON)

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prior statements obtained in other official investigations of the My Lai incident. For example, we have a copy of a witness statement which you gave to a CID agent, Mr. MILLS, in Kissingen earlier this month.

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.

The general classification of our report will be confidential. It is possible that your testimony or parts of it may later become a matter of public knowledge. You are directed not to discuss your testimony with others except in the performance of official duty or as you may be required to do before a competent judicial, legislative, or administrative body. For example there is a subcommittee of the House Armed Services Committee which is calling in some witnesses, inquiring into the My Lai incident. Our directive that you not discuss your testimony here doesn't apply to a congressional subcommittee. Do you have any question on this at this time?

A. No, sir.

Q. Sergeant WATSON, what was your duty assignment on 16 March 1968?

A. At that time I was in the reserve mortar squad up on LZ Uptight, the mortar platoon of our company.

Q. You were in C/1/20?

A. That's right.

Q. At that time C/1/20 was attached to Task Force Barker?

A. Yes, sir.

Q. Do you remember the operations that took place on 16 March 1968, when the bulk of Charlie Company went into My Lai (4)?

A. Yes, sir, I remember.

Q. What was your duty on that day? What were you doing?

A. That day I was up on LZ Uptight and I was squad leader of the mortar that we left behind, and I was monitoring the radio in case the company did come into range.

Q. So you were keeping communications with Sergeant MARONEY?

A. Right, sir.

Q. He had a group of men from the mortar platoon with the company in My Lai (4)?

A. Right, sir.

Q. He had a group of men from the mortar platoon with the company in My Lai (4)?

A. Right, sir.

Q. Now in addition to that, were you monitoring other frequencies, other nets?

A. No, sir.

Q. Where was your radio located?

A. We had a FDC bunker that we made and it was located in there.

Q. Would you say that again.

A. It was located in an FDC bunker that we had on Uptight.

Q. Were there other radios in there?

A. If I'm not mistaken, I believe it was the only one, sir.

Q. Do you know anything about a radio relay that was operated there at Uptight.

A. Yes, sir.

Q. Can you tell us about that?

A. Well, the radio relay it was just in case our S4

element that we had at the LZ Dottie couldn't reach them. They were down, kind of lowland, so we would relay their resupply list to them if necessary.

Q. Would you relay messages between Dottie and units out in the field if necessary? Is that the way it works?

A. Yes, sir.

Q. What nets were monitored in that radio relay? Do you know that?

A. Yes, sir, the company net.

Q. Who worked that relay? Do you remember the people?

A. Well, it was between Specialist ROBERTS and myself. One of us had to be there at all times.

Q. Anybody else take part in that?

A. Occasionally, if ROBERTS or myself were sleeping, then Specialist KINCH would.

Q. How about Lieutenant ANDERSON?

A. To me Lieutenant ANDERSON was just there, I never heard him work the radio relay.

Q. He spent some time there in the bunker where the radios were?

A. He stayed there the majority of the time except when he came out.

Q. But he didn't take a turn actually monitoring?

A. No, sir.

Q. He didn't take any responsibility for it?

A. No, sir.

Q. ROBERTS was in here and talked to us the other day and he indicated that ANDERSON slept in that bunker too.

A. Yes, sir.

Q. Is that your recollection?

A. Just ROBERTS and him in that bunker. Me and my squad was in our bunker.

Q. You mentioned KINCH. We have a copy of a CID statement from KINCH in which he relates that he went on the operation with Sergeant MARONEY that day. What's your recollection of that?

A. To the best I can remember, I'm almost positive that it was KINCH and myself, KINCH, ANDERSON, ROBERTS, myself. Because KINCH had just got with us. He just come to the unit. I'm almost positive he was there with us. Him and another fellow came up. A new fellow went out.

Q. When did you go on duty that morning to monitor the radio?

A. I don't know exactly offhand what time it was.

Q. Well, was it with the start of the operation that morning?

A. At the start of the operation, all of us we were sitting in the FDC bunker waiting to get what was happening.

Q. Did you have a speaker on the radio?

A. A voice box.

Q. What's that, a 4-by-4 speaker?

A. Yes, sir.

Q. Well, we would like you to tell us, Sergeant WATSON, everything you can remember that you heard coming in over the radio that morning. We're particularly interested in operational matters, reports of enemy action, reports of body counts, people killed. If you could just think back and tell us your recollection of what you heard that morning.

A. Well, it was on this particular part that I came back in the bunker. Just as I was coming in, I heard Colonel BARKER, he called down to all the line companies that was in the operation. No, he called Charlie Company and he told

Captain MEDINA, "Do you know anything about any civilians being killed down there?" He said that he had a report from higher that there were some civilians being killed or something like that. Captain MEDINA said that he was positive it wasn't his people. After Colonel BARKER got off the net, Captain MEDINA, he called all the platoon leaders to check and make sure that it wasn't any of his people. It was either the RTO or one of the platoon leaders himself, told Captain MEDINA that the only one he had seen killed so far was this one where the gunships shot--

Q. (Interposing) Could you repeat that last part, the one that the gunship--

A. Well, it was either the RTO or the platoon leader, one of the two of them, told Captain MEDINA that the only "dink" that they had seen shot was the one where the gunship shot them, had the BAR.

Q. Do you remember about the time of this, Sergeant WATSON? About when you heard this, do you have any way of fixing the time?

A. I don't know the exact time but I believe it was afternoon.

Q. Is there any particular thing that makes you think it was that late in the day?

A. Not no particular thing. I don't know for sure.

Q. Now to refresh your memory a little bit, I believe you told the CID agent that as the transmissions came in over the radio you could hear small arms fire in the background.

A. Right.

Q. Now the firing by platoons of the company in My Lai (4) actually didn't last very long. By 0900, probably, most of it stopped, 0930.

A. I don't remember that.

Q. At this time the 3d Platoon would have been moving through just on a drag or mop-up mission. They were burning hootches, they weren't firing very much, just maybe against some stragglers. Now, at the time you heard this transmission

from Colonel BARKER, do you remember if the firing was still going on? Could you hear it in the background when Captain MEDINA came on, when he called the platoon leaders?

A. When he called the platoon leaders I heard some firing, but as far as between him and Colonel BARKER, I didn't hear anything because Colonel BARKER was in the chopper.

Q. Well, I bring this up, perhaps you could think back over the timing of this thing here. Check and be sure when you think the time of it was.

A. I still think that it was after 1200 but I could be wrong, I don't know for sure. I still think it was after 1200.

Q. When you spoke to Mr. MILLS, the CID agent, according to the written statement, you said "Sometime during the operation I heard Colonel BARKER, the task force commander, call the companies in the task force and tell them that he had received a report from higher that there was too much killing, so that there were excess people being killed or something to that effect." Is this right, is this about the way you remember it?

A. I'm almost positive he came back and asked Captain MEDINA first if he knew anything about any civilians being killed. Then he turned around and said that he just had a call from higher saying there was some civilians being killed or something.

Q. You remember the use of the word "higher"?

A. Right.

Q. Now did he call Bravo Company after this, after he talked to Captain MEDINA? Did you hear Colonel BARKER make that call?

A. I didn't hear him calling but he said he was going to call the other units, Bravo and Alpha.

Q. Well, I guess you weren't listening in on the other net anyway were you?

A. No, sir.

Q. Why was this, were you just listening in on Charlie?

A. Yes, sir, because Bravo and Alpha, they were way out of our range so we couldn't be any help to them.

Q. You didn't have any people with Bravo Company as I remember.

A. No, sir.

Q. Sergeant WATSON, can you remember any other conversation like this which took place earlier during the morning?

A. No.

Q. I guess you did listen in all morning I take it?

A. Not all morning because I wasn't there in the FDC bunker all morning.

Q. Well, you were there what, half the time?

A. I'd say I was there about half the time.

Q. Can you remember any of the other transmissions? Now, just to set the scene a little bit, maybe refresh your recollection, the first two platoons were put on the ground early. The 1st Platoon took the right, the 2d Platoon the left, and they swept through the village from west to east. It probably started through My Lai (4) around 0800, and they went through fast. The 1st Platoon particularly, probably got through the other end by 0900. There was no resistance at all.

A. I heard the platoon leader say they were getting fire. I heard, I don't know who it was, but I know I heard them come over the radio and say they was taking small arms fire.

Q. Did you know Colonel BARKER's voice?

A. Yes.

Q. Did you know his call sign?

A. I don't know what word he went by but I know it was 6. I forgot the word.

Q. Did you know Lieutenant CALLEY's voice?

A. I can pretty well distinguish his voice.

Q. How about Lieutenant BROOKS?

A. I wasn't too familiar with Lieutenant BROOKS.

Q. Lieutenant LACROSS?

A. I know him.

Q. Did you hear him during the morning?

A. Not that I can recollect other than probably calling, wanting to talk to the CO about something.

Q. How about Lieutenant CALLEY? Did you hear any transmissions by Lieutenant CALLEY during the morning? This would probably be CALLEY to MEDINA.

A. No more than when Captain MEDINA called him, when he called all the platoon leaders and asked if they knew anything about it. He told Captain MEDINA, I believe he said that he was positive it wasn't his people. Plus that he said he was taking in small arms fire, occasional small arms fire.

Q. Do you remember Captain MEDINA's words, just the question that he asked?

A. He came on and told them, he asked them about if they knew anything about civilians. Captain MEDINA explained to them why he was asking about it. That he had just had a call, he didn't use Colonel BARKER's name, but he used his call sign. He just had a call from higher saying there were some civilians being killed.

Q. Remembering Colonel BARKER's transmission, did he give any indication who higher was?

A. No.

Q. He didn't mention a call sign?

A. No, he just said higher.

LTC PATTERSON: When you were operationg with this radio setup at LZ Uptight, was this a normal method of operation? With FDC acting as a relay in some cases?

A. It all depends on what terrain the unit was working in, because they might be down in gullies or something and might not be able to transmit between Dottie or LZ Bronco.

Q. Were you asked at times to relay a message and talk to Dottie at the TOC?

A. Not that I can remember right offhand, but I'm pretty sure that either ROBERTS or Specialist KINCH, one of them, took the resupply order from them, I believe.

Q. I see.

A. No, no, they didn't. Colonel BARKER's people were handling the resupply.

Q. Colonel BARKER was personally?

A. Not him personally but his S4 was handling it. S4 is rations and all that, and S4 is clothes and change of clothes for the unit. We were supplying that, our S4.

Q. Well, how did the companies get word from where they were operating back to the TOC at Dottie with this information? Would they go through you?

A. No, not through me to get back to Dottie. I'm almost positive. I'm not almost positive, but I would say they would use some of the Task Force, S1 or S2 or somebody in that nature, to get back there for that, information on operations.

Q. I'm talking about the capability by radio.

A. They could use us because we had -- I forgot what they call that antenna, 98.

MR WEST: 98 antenna?

A. Right.

LTC PATTERSON: 295 or 98?

A. 295.

Q. 295 antenna?

A. Right.

Q. 295 comes in sections, stands up real tall.

A. Right.

Q. Okay, what type of radio gear did you have there? Did you have a PRC-25?

A. That's right, sir.

Q. One of them, or did you have two of them operating?

A. Sir, as I said earlier, I'm not sure how many we had but I know we had them.

Q. Okay, when you wanted to talk to Dottie, did you have to switch frequencies, do you remember?

A. No, our supply section was on the company freq, too.

Q. Back at Dottie?

A. Occasionally they would come on freq at a certain time so they could take the resupply list.

Q. You don't recall, then, switching frequencies on the morning of 16 March from the Charlie Company net to the Task Force Barker command FM?

A. No, I don't recall.

Q. Mr. WEST asked if you heard any call signs used other than Captain MEDINA's, which I presume was what, Charlie 6?

A. Right.

Q. Did you hear any other call signs come up on the company net that morning that sounded strange, or might have stuck with you?

A. No, not definitely stuck with me.

Q. Do you recall some strange call signs, I mean strange in that you don't hear them, wasn't used to hearing them over and over again?

A. No.

Q. How about Warlord?

A. I remember him.

Q. Do you remember him?

A. If I'm not mistaken I believe the Warlord was the gunships.

Q. What does he--

A. (Interposing) There's two of them, Warlord and Fang Bang Double Drake.

Q. Sane Drank Delta Mike, that's the swift boat.

A. Right.

Q. What about Warlord, what did they have to say?

A. The Warlords they was the gunships that told one of the platoons where that "dink" was with that BAR.

Q. Told the platoon, or told Captain MEDINA?

A. He told Captain MEDINA.

Q. Where the VC was, right?

A. Yes. He directed the platoon, at least that squad, to go around there and pick up their weapons, where it was. Also, he was popping smoke at any area where the company was getting sniper fire.

Q. Was there anything about civilians or killing, any other killing reports? Did the Warlords say anything about this to Captain MEDINA?

A. I didn't hear it.

Q. Did you hear this Sane Drank Mike calling?

A. Well that wasn't during this time but it was later on in the night because they were firing.

Q. Did you know who they were?

A. We used them a lot of times. They hung around in that area all the time.

- Q. They were the swift boats?
- A. Yes.
- Q. Navy?
- A. I don't know what branch of service.
- Q. How about other call signs?
- A. Occasionally you would hear the two other line company CO's talk to Captain MEDINA just to get his location and how the situation is.
- Q. Bravo 6?
- A. Yes.
- Q. Okay. Did you hear anything about Dolphin?
- A. Dolphin, if I'm not mistaken, that's the gunships that come from LZ Dottie. I don't know for sure, but I think that's them. Then Dolphin could be this track element, I don't know for sure.
- Q. We have reason to believe, Sergeant WATSON, that this Dolphin call sign was the call sign of the lift ships that lifted the companies on to the ground. They had with them some gunships that supported them. They were called Sharks. Now just think about it for a minute. The Warlords that I think you heard mentioned earlier, were the gunships of the aero-scout company that was supporting C Company and B Company and Task Force Barker. There were a lot of these strange call signs drifting in and out.
- A. Yes, quite a few of them.
- Q. Okay, now you told me about the Warlords, now do you remember any specific transmissions that stick in your mind about the Dolphins or the Sharks?
- A. The Sharks, they were kind of doing the same as the Warlords, popping smoke --
- Q. (Interposing) Popping smoke?
- A. Marking locations.

(WATSON)

Q. Do you recall whether or not they killed anybody?

A. No, not other than that one "dink" where somebody in this platoon said that the gunships had killed somebody.

Q. How about the Dolphins, did you hear any Dolphin call signs?

A. When you first started an operation I only heard the Dolphins saying where they were going to drop their lift, that was it, ETA time and all this.

Q. I've got something here that's really kind of important to us. I'd really like for you to put your thinking hat on here because it's an unusual incident that doesn't occur as a norm. Since you fellows there at Uptight were monitoring this resupply, you perhaps heard some transmissions with regard to resupplying or planning for the resupply by helicopter of C Company and B Company. Probably later on in the day. Do you recall the call sign of the ships that were doing this?

A. No, I don't recall.

Q. There were a couple of medevacs, dustoffs that morning. One of them, you might have known him, a fellow by the name of CARTER.

A. Yes, I knew him.

Q. Did you know CARTER?

A. Yes.

Q. Do you recall hearing anything about that dustoff or the request for it?

A. I remember them calling and saying that they needed a medevac, but they'd never said who he was. They would use it as line number. We have a company roster with line numbers. They'd call back and say line number such and such.

Q. Do you remember checking and seeing it was CARTER?

A. We didn't have one up there with us.

Q. This happened, we think, somewhere around 1030. Do you recall hearing Captain MEDINA ask for a dustoff?

A. That I can't say.

Q. Think real careful now. What usually happens when one of these dustoff ships comes in to pick up a man? Do you recall what usually happens?

A. Usually they will come up on our net and occasionally they will come upon that net he's using.

Q. About 1030 though, when CARTER--he was about the first casualty out of C Company, the net you were listening on--

A. (Interposing) I don't know what casualty he was.

Q. But I mean he was the first man that morning, wasn't he, to get hurt?

A. I can't say he was the first man because I didn't know who he was. All I knew was the line number.

Q. Okay, do you recall hearing the helicopter calling for landing instructions to pick up a dustoff?

A. No, I don't. Normal procedure would be just for him to say, "Pop smoke for the location." He'll ask you if you have the LZ secure and all.

Q. Right. Well, the thing that I'm trying to get is this. The best of our information is that CARTER was, in fact, the first casualty of C Company that morning. That's a statement of fact. Prior to this time you should have heard or probably heard, body counts being made. About 1030 the call should have come in over your radio, "This is so and so, mark for the dustoff." You would have heard a little bit earlier that somebody was, in fact, hurt. You might not have known it was CARTER at the time, I'll grant you that. But what I'm trying to do is see if you can recall any of the conversation from that helicopter going in to pick up this wounded.

A. No, I can't.

Q. You can't?

A. No, sir.

Q. You said they were taking fire?

A. Yes, sir. That's what they said they were. The gunships were popping smoke and marking locations of where they thought they were taking fire from.

Q. Did you hear any of the Charlie Company people report taking fire, or was it just the gunships?

A. No, I heard some of the people in the company say they was taking fire, like on this, at that time they had -- I forgot the name of the little radio they put on their steel pots and your squad leaders come around. Occasionally you might be able to pick up just a little bit of what they're saying on that.

Q. What is it?

A. It's a....

Q. PRC 9?

A. Yes.

Q. You also told Mr. WEST that you believe this other report that you heard, that Colonel BARKER said that based on report from somebody higher, to stop all the shooting. I know you recall it, but I'm curious as to why you deducted that it was afternoon. Why do you think it was that?

A. I'd say it was afternoon because the best memory of the scene, it was just kind of late in the evening.

Q. It wasn't early in the morning?

A. No.

Q. It was some time after the operation had quieted down? Had the transmissions kind of tapered off on the radios or--

A. (Interposing) They weren't transmitting as much as they were when they first went into the village.

Q. Did you hear anything from Charlie Company about having any people detained or capturing any VC suspects or gathering up any folks?

A. No, I didn't hear anything about that.

MR WEST: Did you hear any reports of body counts?

A. No, normally they wouldn't give a body count over the company freq. If they couldn't reach whoever was the proper channels that they would take it up to them. If they couldn't reach them they would probably try and use us.

Q. They probably were just made direct, I guess, on the battalion net?

A. The task force net.

Q. When you heard Colonel BARKER call Captain MEDINA, could you tell whether he was in his helicopter, whether he was airborne at the time?

A. Well, I'm almost positive he was because you hear the rotor splashing in the background.

Q. Later on, did you hear anything about an investigation being conducted into what happened at My Lai (4) that morning?

A. I don't know anything about no investigation, but I heard some of the jokers joking around saying they were going to send somebody to jail for what happened in My Lai and all this. I don't know what was becoming of that.

Q. Did they tell you any more about what happened?

A. No.

Q. Did anybody ever come around and talk to you and say that he was investigating what happened there that morning?

A. No, sir, I didn't. Not me personally.

Q. Do you know whether anybody else in the company was asked by an investigating officer as to what happened that morning?

A. No. I would say no because, I mean, the fellows, they're always joking about, "This joker here is a CID." And "This joker is this, and he's investigating this." You just can't believe everything you hear.

Q. Well, this would have been somebody from Task Force

Barker or brigade or division who was making an investigation, if there had been anybody at all.

A. Let me say, the majority of the time the mortar platoon wasn't with the company because the company, the majority of the time would go out. So when they were somewhere else, maybe someone was investigating then, but I can't say.

Q. But they didn't come around to Uptight where you were?

A. No.

Q. Did anybody ever talk to you about this, tell you or suggest that you keep quiet about it, not talk about it?

A. No, I mean, what more, there's no use in telling me nothing about keeping quiet, because I can't tell no more than just what happened, that is what I heard happened.

LTC PATTERSON: I'm curious about something else, Sergeant WATSON. You seem to recall quite well this business about the "Stop the killing."

A. It wasn't "Stop the killing," it was "Do you know anything about any...."

Q. I'm curious as to what your thoughts were when you heard this, what makes you recall it?

A. What made me recall it was, you know, I could hear small arms fire. I was just curious about the whole operation because everybody sounded like they was going to rush when they were sending the transmission over the radio and everything.

Q. They were going to rush, or it sounded like it?

A. Right.

Q. Did you have any thoughts about what was going on down there?

A. No, not personally, I didn't have any thoughts about it.

Q. But when the transmission came over about, "Are you doing any unnecessary killing?" This rang something in your mind?

A. In a way it rung something in my mind. But you know it's just an everyday thing, somebody said they were going to do this and do that. The first time they went out there, they didn't go all the way into the village because they got hit in the rice paddies a little way from the village. Some of the jokers would come out, they were going to get this joker. I mean they were going to get these people for the time they mortared them in the rice paddies.

Q. So did you have the idea when you heard this transmission that in fact civilians were being killed down there?

A. No, I couldn't really say.

Q. After this operation did you stay with the company for some time?

A. Are you relating to how long they stayed in the field?

Q. No, how long were you in C/1/20?

A. Until November 1968.

Q. Okay, what was your job with C Company after March?

A. After March I was, the brigade started, the task force broke up so after that we went back to our regular battalion. Shortly after that they started this thing where all the mortar platoons would go out with the line companies. So then I went to a squad. They had this other sergeant, he was an FO and then I was the squad leader in his place. And after that we went a little further up north, and the platoon sergeant picked me to go up on to see what my squad needed for support for this recon and ARVN unit that was up there. Shortly after that I got pulled off of it. And then I was switched to an FO again.

Q. Were you with C Company?

A. Right.

Q. Most of the time until November 1968?

A. Right.

Q. You didn't hear a lot of talk about the My Lai thing in C Company?

A. No, you heard a lot of talk about it. You hear one fellow say one thing, and one say the other thing. Then you hear one joker say one joker got sick, and you hear one joker say this joker told this lieutenant this. I heard quite a few of the jokers, I mean the fellows say, I believe it was private or a SP4, MEADLO, he told, I can't place which one of the lieutenant's he told, but from hearsay someone told me he heard MEADLO tell one of the lieutenant's that the Lord was going to punish them. This was shortly after they left out of the village. That the Lord was going to punish them for what they did in the village. That was it. Shortly after that, that's when MEADLO had that accident.

Q. I'd like to show you photograph P-13 and ask you if you can identify any of the people in that photograph?

A. Yes.

Q. Would you indicate whom and the position on the photograph?

A. This is SFC MARONEY.

Q. The second from the right?

A. Right, second from the right, that's our platoon sergeant, mortar platoon. And this is Sergeant PHU, our South Vietnamese interpreter. I can't quite make out who this is. I know who this joker here is, but I can't recall his name.

Q. Do you see KINCH in there anywhere?

A. I think from the way this photo looks like now, this looks like -- no, that's not him though. If I'm not mistaken, that fellow I think it is HOLLAND. I think he was still in the hospital.

Q. Who is HOLLAND, do you think?

A. The one in the background with the --

Q. (Interposing) HOLLAND? We've had other people think that was Sergeant FAGAN.

A. It could be FAGAN then. Because FAGAN, he was the FDC man and I wouldn't know what HOLLAND would be doing there.

Q. You don't see KINCH in there anywhere?

A. Not as far as I can see.

MR WEST: Do you recognize the man who's just beyond Sergeant PHU, has his hands locked behind his neck?

A. It resembled KINCH but I'm almost positive that it ain't him because there's another fellow in the company that resembles KINCH a lot to me, at least. I know this is KINCH's favorite position right there anyway.

Q. Well, we'll see him in about an hour, maybe we'll know. Sergeant WATSON, can you think of anything else that might help us that we haven't touched on in the questioning? Any statement you'd like to make?

A. No, no more than I think whoever it is -- I mean I'm positive the Army has charge of it, but I think the Army is wrong in charging Lieutenant CALLEY with all of this stuff. He was just a platoon leader. Plus I knew him pretty good. To me he was one of the better officers that we had in the company.

Q. Well I'm glad you said this. Why do you think it's wrong to charge Lieutenant CALLEY?

A. Now, okay, from my understanding, I never heard or I never saw this chopper go and this plane or whatever it was go over there, but it was supposed to have been that a chopper or a plane flew over the village and told all the villagers that were innocent, that weren't VC or VC sympathizers to clear out of the village, and that anything that would be found in there the next morning would be considered VC or something like that. That's all.

Q. So it was your understanding, then, that--

A. (Interposing) This is about this announcement on the loudspeaker, that's just hearsay, I'm just hearing this, I don't know.

Q. Were the men of the company told this, is that your understanding, that the villagers would have been warned to get out, to leave, because the Americans were coming, something on that order?

A. Would you repeat that over again?

Q. Was it your understanding that the men of Charlie Company were told that a loudspeaker plane had gone over My Lai (4) and warned the villagers to leave, that the Americans were coming in, something to that effect?

A. I couldn't say that all of them was told that the people in the village had been warned about it because I was just hearing this. I just picked it up hearing some other cat say it.

Q. But the idea was that anybody left there would be the enemy?

A. From what I heard from this joker.

Q. I believe you had a briefing the night before from the platoon sergeant, Sergeant MARONEY?

A. Right. On my statement to the CID I stated it was that night. I'm not sure, it was either that night or early the next morning.

Q. Now, could it have been that Sergeant MARONEY mentioned this during the briefing, about the people in the village having been warned?

A. No, I don't recollect hearing him say that.

Q. You got this from somebody else?

A. Yes.

Q. Any other reason why you think Lieutenant CALLEY shouldn't be charged?

A. I guess it's just a personal -- I mean a personal feeling, since the man is a friend of mine.

Q. Did any men of the company tell you what their orders were, what orders they were given before they went in to My Lai (4)?

A. Sergeant MARONEY just told us what the -- what flight everybody would be on and just what they was expecting

from the village when they hit the LZ and all this, that's all.

Q. Well, what I'm getting at is, we've had many witnesses who came in here and said their understanding of the orders was -- many of them said they were told that everybody in the village, all the Vietnamese, would be VC or VC sympathizers.

A. Right.

Q. Others said they were told to kill everybody in the village. You get different stories, but they're all -- many of them are --

A. (Interposing) Hitting on the same point.

Q. They're all to the same effect, that there would only be enemy there. Did you hear any of this?

A. I didn't hear any of this about killing everybody in the village. I didn't get nothing like that. But it's been known. At least I knew it pretty well because I had some buddies that were in there earlier before I was. They just kept mentioning Pinkville to me all the time, writing correspondence to me, said to watch out for Pinkville and something like that. Plus other units had tried to go into there before. I believe Captain MEDINA talked to us once and told us that Pinkville had never been entered in 25 years by no American unit or something like that, so they were expecting trouble.

Q. Well, after the thing was over and you talked to some of your friends in the company, did any of them tell you that they didn't meet any VC at all, what VC was in there had left earlier, before the operation started?

A. No, none of them told me nothing like this. But when they first came back in I feel the majority of them were pretty quiet.

Q. Were you present at a company formation when Captain MEDINA talked about My Lai (4) and what had happened that morning and told people to keep quiet about it?

A. No, I wasn't present, I don't recall.

Q. Do you recall hearing that word passed down?

A. To keep quiet about that?

Q. Yes.

A. I never heard anything about that, not that I can recall.

Q. Okay. Can you think of anything else, Sergeant WATSON, that might help us?

A. No, sir.

Q. Ever hear anybody say that there was a coverup, an effort being made to keep quiet, or keep it quiet about what happened in My Lai (4)?

A. No, sir, no more than that hearsay I said. I heard that somebody said some man was investigating this.

MR WEST: Okay. Sergeant WATSON, we thank you for coming and appearing before us. It's been a lot of trouble to you, I know. You had a long trip. But you helped us. We got some things on record here that may help us put together pieces to this puzzle. We appreciate it very much. The hearing will be recessed.

(The hearing recessed at 1340 hours, 21 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: KOREN, Henry L. Ambassador

DATE OF TESTIMONY: 29 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: DCORDS, I Corps  
1 January 1967 to 16 March 1968.

The witness probably left his post on 16 March 1968 (pgs. 1, 2). However, he might not have left until 19 March. He heard no report about the unnecessary killing of civilians in the eastern part of Son Tinh District (pgs. 2, 3). He recalled no conversation concerning the incident with either General LAM, General CUSHMAN, General KOSTER, or anyone else (pg. 3). He did not remember the 16th of March operation and heard nothing about an inordinate number of noncombatant casualties (pg. 3). From the middle of March 1968 until August 1969 the Ambassador had no responsibilities with respect to South Vietnam.

(The hearing reconvened at 1750 hours, 29 January 1970.)

IO: The hearing will come to order.

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

The next witness is Ambassador Henry L. T. KOREN.

(Ambassador KOREN was called as a witness, was sworn, and testified as follows:)

RCDR: Ambassador, for the record, please state your full name, your position, and your residence address.

A. Henry Lloyd Thornell KOREN; present position, Political Advisor to the Commander in Chief, Pacific; residence in Honolulu, Hawaii.

RCDR: Thank you, sir.

IO: Mr. Ambassador, we've made it a practice to actually read the instructions to all military and younger civilian witnesses. I have here a copy of the instructions which we have been issuing to all the witnesses. I'd appreciate it if you'd take a quick look at them and see if you have any questions before we start.

(The witness reads the instructions.)

Do you have any questions, sir?

A. No.

Q. Ambassador KOREN, as I recall, you were the DCORDS in I CORPS for a certain period of time. Will you indicate for the record when you were given this assignment and how long you remained in that capacity?

A. I'm not absolutely sure of the date, but it was December of 1966 when Ambassador LODGE asked me to go up there. I actually reported about 1 January of 1967 after a couple of weeks of orientation. I stayed there until March the 16th, 1968, I think it was, when I reported to Saigon to say goodbye and leave.

Q. Of 1968?

A. Approximately 15 and a half months.

Q. Yes. And who succeeded you as the DCORDS there?

A. Charles T. CROSS.

Q. Yes. Well, he must have stayed on until the current incumbent.

A. Yes.

Q. Well, frankly, I was of the impression that you had stayed longer, up until the end of the year of 1968.

A. No.

Q. Well, if you left at that time, you would actually have departed, then, prior to the time this incident is supposed to have occurred. The one we're talking about is the incident that took place in the eastern part of Quang Ngai Province on the 16th of March or the 17th of March 1968.

A. Well, I said I left on the 16th, it may have been the 19th, I'm not sure, but it was within that time frame. I just don't have the exact date.

Q. Well, from what we know--

A. (Interposing) I wasn't there after the 19th. That I do know.

Q. From what we know, most of the investigating process, and that's primarily what we're interested in, took place after that. It was initiated about that time, but as far as what happened, what went on for some time, it did not really take place until starting on the 17th or the 18th, along about that time. I can ask, though, if, at any time there prior to your departure, you had any reports of any unusual happening there, of any reports that may have been submitted by an aviator to the effect that there was some unnecessary killing of civilians in this area in the eastern part of Son Tinh District?

A. I know the district well.

Q. I imagine you do.

A. No. Since this has all come out, of course, I've

racked my brain to try and think if I had any inkling, and I honestly don't recall any.

Q. Also, for the record, in that time period, let's say if a period did exist between the 16th and your departure 3 or 4 days or whatever it may be, do you recall any discussions at all with General LAM, concerning such an incident, or with General CUSHMAN, or with General KOSTER, or with any of the people in either the American or the ARVN chain of command?

A. No, I don't. I don't have any recollection of anything untoward in this type of incident you're investigating.

Q. Do you recall the figures which came in to the III MAF headquarters as a result of this particular operation?

A. I'm afraid not.

Q. It was a little unusual in as far as the 11th Brigade is concerned. The 11th Brigade has been operating there for somewhere in the neighborhood of about 2 months, it was their biggest operation to date, that is, the most successful in the sense that on this operation they reported to have killed in excess of 100. The actual figures were 128, VC KIA, 2 U.S. KIA, 11 U.S. WIA, and 3 weapons captured. You might remember that, having been briefed at the III MAF morning briefing perhaps, which I would understand that General CUSHMAN had.

A. Well, I attended those every morning; but again in all honesty, I can't say that I remember clearly anything at that time. As I recall, that was a pretty active area from Tet on, and I could say that I remember favorable actions and they were favorable, but I couldn't pinpoint, I wouldn't be able to.

Q. But, as far as you're concerned, in your capacity as DCORDS, through the province and the sector advisory chain which operated under you, you received no report of any unusual happening down here, possibly where an inordinate number of noncombatants may have been killed prior to your departure from the post?

A. No. I do not remember any such report.

MR MACCRATE: Ambassador KOREN, after you left Saigon at this time, did you have any continuing responsibility with respect to any matters in Vietnam?

A. I had a break between the time I left and the end of last August when I was assigned to the headquarters of the Commander in Chief, Pacific.

Q. So, from the middle of March 1968, until August 1969, you had no responsibilities with respect to South Vietnam?

A. No.

Q. Thank you.

A. Just a lot of interest.

IO: The hearing will recess at this time.

(The hearing recessed at 1800 hours, 29 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: ANGLE, Gates, C. SFC

DATE OF TESTIMONY: 21 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT: Reported for duty as Administrative NCO, MACV Advisory Team 2, (Quang Ngai Province Sector) on 20 March 1968.

1. BACKGROUND INFORMATION.

The witness reported to the MACV Advisory Team 2, Quang Ngai Province Sector on 20 March 1968 (pg. 2). He was the administrative NCO in the sector headquarters (pg. 3). He was to provide complete administrative support for the five basic subsectors (pg. 3). He recalled Captain RODRIGUEZ, the deputy district advisor, and Sergeant NEUMAN being present at that time (pg. 3). He knew Lieutenant DAWKINS, the DIOCC officer, (pg. 3).

2. MAINTENANCE OF THE FILES.

a. The witness stated the files for Mr. MAY and Colonel GUINN were maintained by him in that they were integrated in his file room (pg. 4). He did not know if they maintained their own files elsewhere (pg. 4).

b. Upon his arrival he stated there was a poor filing system in existence. The largest file in the office was labeled the "I don't know what" file (pg. 5). The witness attempted to build a filing system to account for all the various types of correspondence, guidelines, and investigations that they received (pg. 5). He stated that secret documents were the only ones that were logged in (pg. 6). Vietnamese documents would be interpreted by Le TAM, who was Mr. MAY's interpreter (pgs. 6, 7). Another interpreter named Co AHI would translate unclassified and routine documents (pg. 7).

He stated he would identify the classification of a Vietnamese document from the word "MAT" which meant secret (pg. 7). If it was classified he would turn the document over to the province advisor or the deputy and when they were through with it they would return it to him for filing (pg. 8). The witness explained that if Exhibit M-34 had come across his desk he would have given it to Le TAM to translate (pgs. 8, 9). He would not have been able to tell from whom it came until translation (pg. 9). The witness stated that he did not recollect seeing the exhibit (pg. 10).

c. He stated that the documents came to the office from various channels such as the embassy and the mobile SIA, S3 operations, and Vietnamese channels (pg. 10). He created a file for dealing with "terrorists activities" and incidents of that type (pg. 11). Those files would not be cleaned out. It was the military files of no value that he would go through and destroy (pg. 12). The witness stated that if TAN's letter was addressed to the MACV sector and marked personal, he would probably not open it (pg. 12). He also stated there would be no reason to register it or to log it, because it had no specific classification (pg. 13). Exhibit M-30, a statement of RODRIGUEZ, was shown to the witness, he vaguely remembered some mention of Son My Village in a conversation between Major GAVIN and Captain RODRIGUEZ (pg. 14). He could not recall what the incident was that had occurred and only remembered the name Son My (pg. 14). The witness had never heard of Tu Cung. He had heard mention of Co Luy and of Pinkville (pg. 15). He stated that Colonel GUINN and Mr. MAY were also in on the discussion of Son My. They talked for a long time, "for a couple of days" (pg. 15).

d. The witness vaguely recalled getting reports concerning women and children being killed (pgs. 16, 17). He also recalled an allegation aimed at American troops (pg. 17). He did not recall the village chief's name (pg. 20). He stated the allegation against the American forces concerned artillery and deaths within Son Tinh District (pg. 21). He did not know if he had heard "Task Force Barker" mentioned (pg. 21).

e. The witness stated that on about 28 March 1968 he typed the monthly province report on a stencil to have it run-off (pg. 19). This was the monthly report to CORDS and MACV. It was classified confidential and the copies

were sent via a Marine courier who picked up 25 to 30 copies (pg. 20). The witness thought he recalled an incident in the report concerning the Son My area (pg. 19). The witness was shown Exhibit R-14 which was the province monthly report dated 31 March 1968 (pg. 23). He stated that the report would have had separate district reports as annexes (pg. 24). The annex would have a section for advancement and for problem areas and also a section for security. He felt the Son My incident would be in the security section (pg. 24). He did feel that it should have been lifted from the Son Tinh District report and included in the province report, however (pg. 25). It also could have appeared in the action section of the report indicating what actions were being taken to correct the situation (pg. 25). The witness stated the information would also be contained in the top drawer of his locked file cabinet in a file which was labeled Son Tinh (pg. 27). The witness again stated that he thought it was an artillery incident (pg.28), and was included in the file he mentioned (pg. 33).



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(The hearing reconvened at 1604 hours, 21 January 1970.)

COL ARMSTRONG: The hearing will come to order.

RCDR: The following persons are present:

MR MACCRATE, COL ARMSTRONG and MAJ LYNN.

The next witness is Sergeant First Class Gates C. ANGLE.

(SFC ANGLE was called as a witness, was sworn and testified as follows:)

RCDR: Sergeant ANGLE, for the record will you please state your full name, your grade, and your Social Security number?

A. Gates C. ANGLE, Jr., Sergeant First Class, United States Army, my Social Security number is , organization is Strategic Communications Agency, MTMTS, Washington, D.C.

COL ARMSTRONG: Sergeant, have you read and do you understand the preliminary remarks and instructions provided you prior to this hearing?

A. Yes, sir.

Q. Do you have any questions?

A. No, sir.

Q. All right. There are several people in the room who may question you. Mr. MACCRATE and myself are assisting General PEERS. Mr. MACCRATE represents the Secretary of the Army, providing legal guidance to General PEERS, and I represent the Chief of Staff's Office, and have been appointed to assist General PEERS. I must advise you, since you are part of the military establishment, not to discuss your testimony here or anything that takes place in this hearing with others including other witnesses in this investigation

except in the performance of official duties or as you may be required to so do before a competent judicial, administrative or legislative body. In addition you are cautioned that if you are subject to the orders issued by any military judge in a general court-martial case of the United States v. Calley or any other such court-martial which might result from investigation of the so called My Lai incident, any testimony which you give here will have no bearing whatsoever on appearing before such a court-martial. I would also like to point out to you that a military affairs subcommittee of the House is investigating the matter and they may ask you to come and see them too. Anything that you have said here will not affect in any way your appearing before them. You will go and appear just as you normally would. Mr. MACCRATE will probably conduct most of the investigation and ask you most of your questions, but I'm liable to do so also.

Would you please explain to us what duties you performed around the middle of March 1968?

A. Well, sir, I reported for duty the end of March 1968 at Quang Ngai Province advisory group. During the middle of March I performed no duty other than processing in through Saigon and Danang and receiving my assignment, which I did not know until the latter part of March, I would say up until 20 March. When I did get my assignment and reported for duty it was with the Quang Ngai Province Advisory Team. Actually, it was with MACV Advisory Team 2 with duty at the Quang Ngai Sector, as it was called at that time.

MR MACCRATE: You indicate that your assignment was with Quang Ngai Sector. Were you stationed in Quang Ngai City or were you out at Son Tinh District headquarters?

A. No, no. I was stationed at Quang Ngai City. Let me elaborate on this a little, will you. I'm a little nervous and I'm very scared and I want to be sure--

Q. (Interposing) Now just relax and tell us about what you were doing there. I just returned from Vietnam with General PEERS and we spent time around Quang Ngai City. We've been out to the soccer field and we've been over to the

MACV compound. We've been to province headquarters. We've been over to the 2d ARVN Division compound, and then we've been on out Route 1 to Son Tinh District. We've been up on the hill there, so we're talking about an area that I've recently come from. If you could, explain where you were, what your duties were, beginning as you say at the end of March 1968?

A. Okay, in March 1968, what is now know as Quang Ngai Province Advisory Team was then just the Quang Ngai Sector and the military people assigned to it were assigned to MACV Advisory Team 2. We were based at the compound there at MACV compound number 2. I did work in the sector headquarters, as it was called at that time, as the administrative NCO, and this was my main home or my main desk you might say. My job as administrative NCO was to provide the complete administrative support that people needed in the various subsectors, Son Tinh, Binh Son, Minh Long, the five basic subsectors. Then, as I stayed there a little longer, we grew in size, and we acquired five more subsectors out in the highland districts. The team changed to the Quang Ngai Province Advisory Team with the MACV CORDS concept of organization. I did travel, yes, quite extensively to Son Tinh to see Colonel GAVIN, then Major GAVIN, who was a personal friend of mine, but also to support the enlisted people and the officers in the field. This, I felt, was my responsibility.

Q. Do you remember who else was there at Son Tinh District headquarters?

A. I'd say fairly well. I know most of them. CPT RODRIGUEZ, if I remember, was deputy district advisor, I think they called him. At any rate he was the second-in-command. The enlisted people, I'm not real sure about. SGT NEUAMANN was there. That's about it that I can remember. Later on there were more. These I remember, the ones that were there when I left, but the people that were there in the beginning I don't really remember all of them.

Q. Do you remember a Lieutenant DAWKINS?

A. DAWKINS, Lieutenant DAWKINS, he was the DIOCC officer. I remember him. I had an extremely difficult time getting him the CIB. I remember that one.

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Q. Did you have the administrative responsibility for maintaining the files at sector?

A. Yes, sir. I did.

Q. Did this include maintaining files for Colonel GUINN?

A. I'd say yes.

Q. If materials came in from the GVN, from Quang Ngai Sector, they would come across your desk as they would come into the office?

A. No. I can't say yes to that one, because some would and some wouldn't. It would depend upon the nature of the material. It would depend upon whether it was Vietnamese material, written in Vietnamese or English, originated by anybody in the subsector, or whether it went to a particular individual in the sector. For instance your DIOCC people. Let's say their correspondence communication channel went to another person, not to me. I only saw and dealt with the normal administrative paper and household chores, you might say, of running a sector, including any mail that was received through Army mail.

Q. Were you also responsible for the files of the province senior advisor, Mr. MAY?

A. Well they were all integrated. Yes, sir.

Q. They were all integrated together, both materials of Mr. MAY or his successor, Mr. BURKE?

A. Yes, sir. They were all integrated into one file room that I built for security purposes, although they may have maintained some sort of file at home or some sort of a file somewhere else. This I don't know really.

Q. When reports were received, do you recall what filing system you had for various reports, what files of reports you maintained? I know this is going back now a few months but it would be helpful for us, because one of the things we've been doing is looking for papers and going to certain files to search them. We have found various files, and it would be helpful to us to have an idea of what your filing system was.

A. Pardon me for laughing, sir. I'm not laughing at you. What my filing system was is unique to Army standards. When I went there in March 1968, the biggest file they had was in one drawer, and believe it or not, it was labeled the "I don't know what" file.

Q. That whole name was the name of the file?

A. That was it, sir. I tried to build a file system under current regulations for establishing the Army functional files, but you have an odd organization in a place like that. You have Vietnamese papers and documents that I couldn't read. You have civilian correspondence from the Ambassador and guidelines, pacification guidelines and even investigations. Yes. I remember investigations of minor allegations made against a truck that ran over a sheep or a cow or something like this. But all these papers didn't fit in a military functional files system. I mean there is no place to put them except under an odd-ball title or you make up one, so my file system, as I established it, was the best I could do. It was oriented toward a military line but yet I did leave, if I remember correctly, two file cabinets full of what I called CORDS files. As a description file really, because they were whatever the heading was. It was the description. The rice program, the IR8 rice program, was real big.

Q. Golden Fleece?

A. That's part of the--

Q. (Interposing) Protection of the rice by the U.S. forces?

A. That was some sort of military operation or something.

Q. Yes.

A. Well this would come under something else, you see, because that was an operation and that was it's classification. It's kind of hard to say, I did maintain an adequate file or complete file of investigations.

Q. We're not really directing ourselves to assessing the quality of your files. What we're seeking is information as to where things were and where they could be found. Did you maintain any log of material that was received?

A. A log of secret documents, yes.

Q. Only documents that upon receipt were classified as secret?

A. Well, yes, in a few cases, the embassy house, Mr. KEATING, occasionally had a document he brought up to the province senior advisor that the province senior advisor wanted to forward. In this case, it might be that Mr. KEATING originated the document and in such a case I would then originate it's secret classification. He would classify it secret by his authority and I would have to establish it in the log.

Q. In addition to the logging-in of secret documents, would you log other documents in or make any record of the fact that they were received?

A. No, sir.

Q. If you were to receive a report, a copy of a report that had been made from the district chief to the province chief with a copy going to Quang Ngai Sector, if that came in to your desk, where would you file it?

A. I really couldn't tell you sir, I'd have to a--

Q. (Interposing) I know this is going back quite a ways but this is--I'm going to show you in a moment such a document--

A. (Interposing) Where I'd file it, I don't know. It'd depend upon a key word in that document. If it were written in Vietnamese, of course, I'm sure that I would have given it to--there was a man that worked there, a Vietnamese that was theoretically cleared, Le TAM.

Q. How was that spelled?

A. I think it was L-e and then T-A-M.

Q. T-A-M?

A. Yes. I'm not sure; I think that's it.

Q. He was here during this period?

A. Oh, yes. He was Mr. MAY's and even Mr. BURKE's interpreter and right-hand man as far as the Vietnamese side.

Q. If there was a Vietnamese document that needed a little--

A. (Interposing) Translation, he was the man.

Q. Did you have anyone else there who filled that function?

A. None for classified material. We had a girl by the name of Co AHI.

Q. Could you spell that for us?

A. I could try. I think her name was C-O A-H-I.

Q. She was for unclassified and routine translations that came in?

A. Right.

Q. What would be your procedure when something came in of this character, a communication from a district chief to a province chief. An untranslated Vietnamese document which you received a copy of, and you had no idea of what was in it, but you might see the district chief's signature on it. You could see quickly enough that it was directed to the province chief, but you didn't know what was there. What would you do with it?

A. If it was not classified?

Q. How would you know whether it was classified if it was all in Vietnamese?

A. I learned that little word. A three letter word, M-A-T if I remember correctly it means secret.

Q. Okay.

A. I'm not sure that's correct at this time. They had classifications as same as we did.

Q. Yes.

A. I would give it to TAM if it did not have a classification. If it did, I would give it directly to Mr. BURKE or to the senior province advisor or to either the deputy province senior advisors, Colonel GUINN or Colonel GREEN or after Colonel GREEN left, the person that took over after him. After they had taken action, or whatever was needed to be done with it, then they would generally give it back to me, and I'd say, "What did it deal with?" I would file it in what ever file it dealt with.

Q. So that if it were classified you say you would give it either to the province senior advisor or his deputy?

A. Yes.

Q. Without translation and let them worry about the translation. But if it were unclassified you'd have Mr. TAM translate it in the first instance?

A. Yes.

Q. Well this is very helpful to us and I realize we're going back a long period of time here trying to recall these procedures, but we are trying to follow some papers around sector headquarters or province advisory headquarters.

A. I destroyed a lot of them.

Q. When you were doing this file clearing?

A. Well, I cleansed the files from the day I was there until the day I left mainly, because they were so old and nobody ever used them so they didn't have any use at all. Mind you, before I destroyed them, I never destroyed on my own, I always obtained the proper clearance as to whether the file was useful or not.

(IO entered the hearing room.)

Q. I'm going to show you the Vietnamese of Exhibit M-34 and ask you, if this document came into your desk what would you do with it according to your established procedures?

A. According to my procedure? I would give it to somebody to find out what it meant.

Q. You told me that without knowing what it meant, you had a certain procedure for handling it. That's why I wanted you to look at this document. See what you can recognize on it without examining the English, so we can put it into your usual processing channel.

A. Well as far as I can tell it's not a classified document. So therefore I probably would give it to Le TAM to translate, telling him that this just came in from somebody.

Q. Well, from whom did that come in, could you tell that?

A. No, not really, sir.

Q. You don't recognize the signature line and also the addressee to whom it was sent?

A. No, because I just didn't learn Vietnamese that well. I mean I can see Son Tinh and I can see Quang Ngai.

Q. Can you see up on the date line that if comes from Son Tinh and that it is addressed to anyone in particular?

A. Not really sir. I'm not that familiar with their type of correspondence. I never did get familiar with it.

Q. So that if something like this came in--

A. (Interposing) I wouldn't handle it in a shoddy fashion is what I'm saying.

Q. But you'd turn quickly to the interpreter and--

A. (Interposing) Yes, I would give it to the translator because he could tell me more about it than what I know, and then I could decide what to do with it.

Q. Now, if you will turn to the English translation, I would like you to read that and tell us if you have a recollection of having seen a translation of that letter?

(Witness did as requested.)

You'll note down in the lower left that "copy MACV, Quang Ngai Sector" is noted. It is our assumption that a copy of this did come into your office.

A. No, I don't remember seeing anything about this. By the same token, would a copy come to Quang Ngai Sector?

Q. Well a--

A. (Interposing) Or did it come directly from the district chief to the province chief, from the province chief to the mobile SIA section.

Q. Well, as you know--

IO: (Interposing) What's the mobile SIA?

A. The mobile SIA, sir, was our intelligence.

Q. But looking at that document just a minute, it doesn't say Quang Ngai Sector, it says MACV, Quang Ngai Sector, there.

A. Yes, sir.

Q. That's not the province chief, it has nothing to do with the province chief.

A. I realize this, sir, but what I'm saying, sir, is the way that documents came into our office from Vietnamese channels I know nothing of, for one thing. I don't know where they came from or how they got there or the means of communications.

Q. They delivered them bodily?

A. I do know that quite often a document pertaining to one field, such as pacification, was delivered to another element. We had so many different people in Quang Ngai City in such places as the embassy and the mobile SIA, S3 operations. Now, let's see, when I first went there, S3 operations was in the back room of Quang Ngai Sector. Quite frequently documents were delivered through the S3 operations and their interpreter. The mobile SIA had interpreters, and quite frequently documents were delivered to them.

MR MACCRATE: Now this is a document from the district chief to the province chief with a copy to MACV, Quang Ngai Sector. You've indicated to me that your responsibility was as the administrative NCO for Quang Ngai Sector. If this document came in from the Vietnamese channels, I would assume that there would be a messenger who would deliver it. Presumably it would be in an envelope, and you'd see it that it was opened and then as I understand--

A. (Interposing) If it was delivered to me, yes sir.

Q. Then you would turn it over to a translator. Now do you have any recollection of having seen a letter translated of this content?

A. No, sir.

Q. If you had to file this in accordance with this filing system that you tried to evolve, where would you have filed such a document?

A. There was one file that I created for terrorist activities or something of this nature.

Q. Terrorist?

A. At any rate, it dealt with this type of incident.

IO: I suppose that if you talked about terrorist activities that would generally focus on the enemy activities though, would it not?

A. No, sir, this particular file. Oh, I can't think of the damn name of the thing. It was a "lump all file." It didn't deal mainly with enemy terrorist activities. It dealt with also, one thing I can remember, a motorcycle accident, a truck running over a motorcycle. Now, that piece of paper was in there, and it was from the Americal Division. Letters such as this, allegations such as this. Allegations to the effect that--well this type in the first paragraph is not too infrequent. I do remember seeing letters, "On such and such a day an Army unit entered this area and killed 14 cows or something of this nature." These letters went into that file and that was not under the army functional file, that was under the CORDS files, probably under Mr. BURKE's or Mr. MAY's personal file.

MR MACCRATE: Now, you indicated that from time to time you cleaned out the files. Do you recall if you, at any time, cleaned that particular file or would that be one that would be left intact?

A. No. I wouldn't touch any of those files. The only files that I cleaned or purged were old military files that were of no value, and very old CORDS files that were of no value; or projects that had been completed years before in 1963, 1964, and 1965. Anything from 1966 on up I didn't touch.

Q. Do you have any recollection of Captain RODRIGUEZ coming into your office at or about this time and talking about any such letter as this?

A. No, sir. I don't.

Q. Do you have any recollection of a letter such as this or any information of this character being translated in your office?

A. I can truly say, no, sir. I don't.

Q. I'd like to show you--

A. (Interposing) It may have happened but I have no recollection of it being done.

IO: Before we go into that, Bob, let me pick up that point just a little. If, let's say, this letter was addressed to province with a copy to go to MACV, sector and recognizing Vietnamese habits, could this not have been addressed directly to let's say the MACV sector commander, sector advisor, "personal"?

A. I don't recall ever seeing "personal" on any, sir. It could be addressed as commander or advisor.

Q. Well, in that event, it was probably personal, meaning that you would--if it were marked personal would you open it?

A. No, sir.

Q. Probably not?

A. No, sir. If it was marked personal I would--

Q. (Interposing) Probably make sure that it would go directly to him?

A. Yes, sir.

Q. Whether or not it got into your files would depend upon what subsequent action he took, would that be a correct assumption?

A. This is true. Yes, sir.

Q. Now suppose that for the delivery to your Quang Ngai MACV sector that the copy was given to the subsector advisor at Son Tinh, and it was up to him to deliver it. Could he have not hand-carried it directly to the MACV sector and bypassed your office as far as any degree of logging?

A. Definitely. Well as far as I can see, there was no reason to register it or log it. There's no specific classification on it.

MR MACCRATE: Sergeant ANGLE has explained to us that the only documents that were logged-in were the secret documents.

IO: Yes.

Q. But even if they were not secret though, if it came to you, you would process it and forward it on. If it was an important document, even though unclassified, very likely it would have entered your log?

A. No, sir. I logged no document except secret.

Q. All right.

MR MACCRATE: It's our understanding Sergeant ANGLE, that out at Son Tinh District there was very little typing capability. They may have had one typewriter, but there was a limited number of people there to do any typing. From time to time, in providing assistance to the district headquarters did you do some of the material work, typing?

A. No, only as it pertained to military awards and decorations, request for an extention, request for leave, military personnel matters. I never got into their typing of operations orders or anything of this nature. No, sir.

Q. I'd like to show you Exhibit M-30. You'll find a clearer copy of the document underneath.

(Witness examines document.)

I ask you if you ever recall seeing, at sector headquarters, a copy of that document?

IO: What you want to do also, Sergeant ANGLE, is visualize that document on onion skin and with the signature as it appeared on the front page. A flimsy, in other words, with a signature on it.

MR MACCRATE: Do you have any recollection of any such document, the preparation, hearing about it?

A. Vaguely. Vaguely I recall something. Not of My Tinh or My Lai or how ever it's pronounced, but this Son My Village, that vaguely, in the back of my mind, sticks for some reason or other. The document itself, no. No, I had no knowledge of this. I know it seems to me early in April, or the latter part of April, sometime, Captain RODRIGUEZ was down to see me quite frequently and the same with Major GAVIN. Not to see me personally, but in the province headquarters, and drop by as a friend, over some incident that had taken place at Son My. This is all I could say. I did no typing for them on it or for that matter I can't remember really doing anything for Colonel GUINN on it.

Q. Now this is very helpful. You say that you have this recollection that sometime during the month of April Major GAVIN and Captain RODRIGUEZ were down on something that had happened in Son My Village?

A. Some incident that had happened. What it was, I just don't know.

Q. Do you remember with whom they were speaking or what they were doing. What sticks in your mind about the events of the time?

A. Nothing except the name, sir, nothing except the name Son My. That is the only thing that sticks in my mind for some reason or other.

IO: Did you hear anything about Tu Cung?

A. Nothing.

Q. Don't be too hasty in answering. Just think now. Tu Cung, and I'll show you that Tu Cung is really the village of My Lai (4).

A. No, sir.

Q. Did you ever hear of another one called Co Luy or Co Lay?

A. Now that does ring a bell.

Q. Did you ever hear them talk about Pinkville?

A. No. I started to say yes, but I have because of the newspapers.

Q. I know, I know.

A. That's the only--

Q. (Interposing) I'd like you to, if you could, just put your mind on this particular thing, that conversation, where it took place, and so forth. Things might start to fall back into place.

A. All I can say, sir, is the name Son My rings a bell because of some incident I may have heard and Major GAVIN and Captain RODRIGUEZ coming down and Colonel GUINN and Mr. MAY discussed it. Now what they discussed I don't know. The four of them sat down and talked for a long, long time, for a couple of days really, sir.

MR MACCRATE: Well, you remember the four of them discussing it, Mr. MAY, and Colonel GUINN, and Major GAVIN, and Captain RODRIGUEZ?

A. Sir, I'm not going to say they were discussing this incident that you are investigating.

Q. Oh, we understand that.

A. They were discussing something. I do not know the contents of their discussion.

Q. Well, I understand you weren't participating in the discussion as it went on, but that they were there together in a somewhat lengthy discussion over a period of a couple of days. Is that what I understood you to say?

A. Yes, it was about something that took place in Colonel GAVIN's district, and he told the Americal general to stay the hell out of his district or something because of this. They intruded on his property or it may have been that his conduct of operations was not along the lines with the way the province wanted them, Colonel GAVIN wanted them. It seems to me that he at one time conducted an operation where he shouldn't have conducted it. This was all while Colonel GAVIN was there, so I know that this was in the early part of my tour of duty.

Q. You arrived at the end of March and so when you're speaking about April it's just the beginning of your tour.

IO: Well, I just want to point out to you here that this is a map which Colonel GAVIN used. Major GAVIN used one and I would understand that Colonel GUINN used one quite often, because it shows the Vietnamese names for these different places. Such as here, Tu Cung, My Khe, Co Luy, My Lai, but this is all Son My Village. Do you remember people carrying maps like this?

A. Oh, yes, sir.

Q. The object here is to be able, when we hear these strange names and things, to be able to find out where they are.

A. I just now learned this, sir. Well there was something about one of the villages. Well there was always something about this area in here. As I understand, this area in here was always a troublesome sore spot.

Q. Do you remember seeing or getting any reports concerning women and children being killed or anything like that?

A. I seem to, vaguely.

Q. From the village chief?

A. Vaguely, I remember something about it. Whether it's hearsay or whether it was a written report, honest to God, I don't know.

Q. Yes.

A. There's something sticks in my mind, as I said sir. I have to go back and look behind for it, (witness looks at the clear copy of Exhibit M-30) Son my, there was an allegation aimed at the American troops had done something. I hope to God that I'm right, that this is not something that is coming from what the newspapers have been saying. I have been going over this in my mind. It is just something in the back of my mind that sticks on it really.

Q. Well, I think what we want to do, very frankly-- Sergeant ANGLE, where are you located?

A. I'm in the NASSIF Building here in DC, sir.

Q. Where?

A. At the NASSIF Building.

Q. Well, I think we want to finish this, and then we want to give you a day or two to think this over. Then along about Saturday I'd like to sit down and to have you focus on this one scene where you're getting these people together, to try to recollect everything you can and it'll probably come to you at the strangest times. See if you can remember specifically who was there and where they may have been sitting or what they were talking about and anything of this nature. This, frankly, isn't something we had not known of before, because we have the documents and we know a great deal about this, but putting all the bits and pieces together is difficult. It will be helpful to us if we have your bird's-eye view of this as it took place at that time.

A. I just don't know how I can be helpful, sir, because how can I be sure of what I saw? I'm not saying that I'm a liar, believe me, but how can I sit down and remember something that is of small value to me really because I had no need to remember?

Q. That's why it is important to us.

A. I'll try.

Q. All right.

MR MACCRATE: Well in this connection, do you recall any discussion about VC propaganda, about something that had happened there, any copies of VC propaganda that were being translated or translations of it being talked about?

A. No, sir.

Q. All right.

A. It would all follow a pattern if it would be.

IO: A couple of other things may have been mentioned that may be of interest here. Whether or not there was any discussion from time to time of the fact that the commanding officer of the 2d ARVN Division may be aware of this, Colonel TOAN. Whether or not the name of the district chief, Lieutenant TAN was ever discussed?

A. I cannot recall.

Q. All right.

A. It just draws a blank now, sir.

Q. We understand. As I told you, I hope nobody asks me what I did 2 years from this date.

A. I'm going to remember from here on out, sir.

MR MACCRATE: Sergeant ANGLE, I would like for you to look at this translation of a piece of VC propaganda, part of our Exhibit R-1 and ask you if you have any recollection of it. Please look at its two pages, and this would also be on onion skin paper. As you see, it is just two pages, single spaced. Do you have any recollection of typing such a translation of VC propaganda, seeing something like that? If you will just look at those pages I showed you please?

A. I'm sorry.

Q. I want you to focus on those first off.

IO: Before you look at those Sergeant ANGLE, would you tell us just what you were going to tell us about that time?

A. You know, this was the admin--I was going back to the receipt of correspondence.

Q. Well, you were just about to say something?

A. Yes, I was, sir.

Q. What were you going to say?

A. You are familiar with the monthly province reports that were submitted?

Q. Yes, I am. I am well familiar with them.

A. Well, so was I. I called them my monthly periods. In one section, it related only incidents that happened, that took place, and if I'm not mistaken, when I first went there the first one centered on an incident that took place in Son My. Either the first or second province report I typed up.

Q. When would you've typed that up?

A. Well they had to be on the plane at the end of the month, so the day I got there I started typing the thing. Probably about 25 or 28 March. It was a very bloody job because it was on a stencil and I remember I had the thin, hard type.

Q. What did it say, what did you type?

A. Well it was a monthly province report.

Q. I know what it is, exactly. Yes I know that report very well.

A. It seems to me that either the first or second one that I typed, in one section of it had a paragraph pertaining to an alleged incident in Son My district, Son My village or sector or whatever it was called.

Q. That's your monthly report to CORDS, MACV, right?

A. Right.

MR MACCRATE: Would that be forwarded through Danang or--

A. (Interposing) Oh, yes. It was classified confidential by me or by authority given me by Colonel GUINN and

sent to III MAF, Danang. Then 25 or 30 copies from there went to CORDS, MACV for consolidation and then forwarded to the States.

IO: Did you not also send a copy direct to CORDS, MACV?

A. No, no. No, a courier came by. A Marine courier came by on a CORDS aircraft and picked these up, and I bundled up between 25 and 30 copies and gave those copies directly to him.

Q. Yes.

A. The only other distribution I made was one copy to each of the input offices, mobile SIA, S3, PSYOPs, and in another minute I'll remember everybody there, PSYOPs and the Embassy House and the refugee people. Each of those got a copy. That's the only other distribution.

MR MACCRATE: Now back to the document I handed you a moment ago?

A. I don't have to read the whole thing. I can read two paragraphs, it's not familiar.

Q. Well go over to the top of the second page and see that it becomes a little more specific.

(The witness did as requested.)

A. I wish that I could recall, picture it in my mind. This isn't what I have been speaking of. It had something to do with a village chief.

IO: Was there any talk about the village chief being in a refugee camp or did they mention his name? Was his name--

A. (Interposing) Even if you mentioned it it would not be familiar, I don't think anyway.

Q. Was it anything like NGUYEN? Does that mean anything?

A. No. It might have been a village chief that was killed due to poor defenses that were set up.

MR MACCRATE: Had the village chief gone in to see Major GAVIN, Captain RODRIGUEZ?

A. No, no. I wouldn't know anything about that.

Q. Well, was it in this context that you--

A. (Interposing) No sir, pardon. What I'm trying to remember is what the General has asked me to remember, and I keep trying to put a piece together and a piece together there. I said with all sincerity it was an incident that occurred, and to me it was an incident of some type of allegations against American forces. It was within Son Tinh District and it was in the first part of my tour of duty.

IO: Did it have to do with people getting killed by artillery or gunships?

A. It might have been artillery, it might have been. There was during my tour of duty an incident of artillery or deaths due to artillery somewhere within the province.

Q. Well this would not be just one. This would be one of some magnitude.

A. This as I remember was of pretty big magnitude and the artillery, but I don't think it's the incident.

Q. Did you hear anything about Task Force Barker mentioned in the conversation? Or C/1/20?

A. I might of heard of Task Force Barker but I couldn't say honestly. I may have heard it in just a passing sense or overheard it really. No one spoke to me of it.

Q. Well, I recognize that really what you're sort of doing is reporting on a little eavesdropping or listening. Working and listening out of one ear, which is quite normal, because you are working in a very tight space there. I know where you were working and we understand the situation there.

A. Right. Understand, sir, that my main job--the only reason I went to that damn place in the first place was to go out in the field, because I am a 71F, administrative supervisor. I had been told by many people that people were not getting a good break so I passed up a desk at the MACV compound. I went to the field and my main mission the day I stepped in

(ANGLE)

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there, and I think if you asked Colonel GUINN he'd tell you the same thing, was to support the military soldiers. And I did. The eavesdropping, if I did, could very well be because I had to at the same time run the efficiency of the paperwork for the province headquarters.

Q. Now you understand, when I mentioned you overhearing something, and maybe eavesdropping is a poor word, you can't help but hear.

A. That's true. I wholeheartedly agree, sir. You have to be in a little bit of everything, and I was in on a little bit.

MR MACCRATE: Well you might, Sergeant ANGLE, take a look at this further piece of VC propaganda, Exhibit M-35, and see if this rings any bells for you? Ties into anything you can recall now?

(Witness examines document.)

A. I couldn't tell from looking at this, sir.

Q. I turned it first to the Vietnamese, now if you will turn the page you'll have the English translation.

(Witness does as directed.)

A. The document itself is not familiar.

Q. What was that statement?

A. My statement was that the document itself is not familiar. I'm not familiar with the document and I'm not familiar with the contents of the document either, except as a rumor or somebody told me one little word back here, the Korean people, something about the Koreans. I remember a group of Koreans just north of Son Tinh between there and Binh Son and somebody told me that they were pretty brutal. That's about all.

IO: Have you looked at the Vietnamese version of that, Sergeant ANGLE?

A. Yes, sir. I did.

Q. Well, it has quite a strange format to it, with the title at the top and so on?

A. It looks like pieces of paper that I received before from the Vietnamese, really. I really don't know their format. The "cao" I seen on quite a bit of stuff. What it means I don't know.

MR MACCRATE: Sergeant ANGLE, I show you a copy of a document headed Confidential, Office of the Province Senior Advisor, Quang Ngai Province, I Corps, CORDS, 31 March 1968, subject; Province Monthly Report, and ask you if this is the document with which you're familiar?

(Witness examines document.)

A. Well, sir, I think you'll find that this is my typing. This is the monthly province report.

MR MACCRATE: I note on the last page there is a list of inclosures.

A. Yes.

Q. District reports. Now, would you also have typed those?

A. They all fell within a standard format. We designed the format and the information that we would get from the district, we would always, and I say we, I must clarify this because Lieutenant Colonel GREEN who is, I guess you would call him the adjutant really at that time.

IO: He was the deputy sector--

A. (Interposing) Advisor, that's correct.

Q. That's right. You're talking about Lieutenant Colonel GREEN, a tall, colored chap?

A. That's right he was. That's an odd title too, he was the deputy sector advisor, and Lieutenant Colonel GUINN was the deputy province senior advisor.

Q. That's right. He also had the title of senior sector advisor?

A. Senior sector advisor. He was a colonel without a home at that particular stage of the game.

MR MACCRATE: But this report, as you prepared it, in its complete form, would've had the annexes, the separate district reports?

A. Yes, sir, as edited by Colonel GREEN and myself.

Q. Do you have any recollection as to where, in the body of the report, would it have appeared, this information you recall as to something occurring in Son My? Would that be in the text of the body of the report, or in the Son Tinh District annex?

A. The annex, if I remember correctly, had two or three different parts to it, advancement and problems areas. It was a report of advancement in the district or report of stagnation as far as pacification was concerned. It was a report of initiated enemy incidents which stopped the pacification program. Sir, I don't think it would have been in there.

Q. Well could it--

A. (Interposing) If it had been in here, it would've probably have have been under security somewhere.

IO: Let me refresh your memory a little there. I've been fairly closely associated with those too. The reason you typed them is the fact that you had to put them on mats, didn't you?

A. Yes, sir. At that time I was stenciling them.

Q. For reproduction?

A. Right.

Q. They all had to be in generally the same format. Even the districts would use the same format, not too far different from this, by going down and stating progress and then covering problem areas. In many cases, they did get down to the nitty-gritty of not having enough people to do their job and this that and the other.

A. Yes, sir.

Q. Then from these, somebody pulled out all the meat and put together this report and wrote the overall progress within the province.

A. That's correct.

Q. So it had to be a major point in the Son Tinh District report. It should have been lifted out and also included within the body of this report, correct?

A. It should have been. Yes, sir. I would say it should have been, yes.

Q. I would agree with you.

A. However, if I'm not mistaken, the last paragraph on this is required actions.

Q. That's right.

A. Under required actions, a comment could be made pertaining to an incident that occurred in a district, that action was being initiated to correct it.

Q. Possibly, yes.

A. I think the incident that I'm trying to recall would have been under security. Somewhere under the security segment of it.

Q. Yes, that paragraph 4. It could've also, I believe, from the way you described it, might have appeared under 4. That has to do with security, which is correct. It could have appeared in your general paragraph. It could also have appeared in my view, under subparagraph d, which has to do with friendly situations, 4d.

A. Possibly. Yes, sir.

Q. You can see from what you've reviewed here this afternoon that we are not going to leave a single stone unturned on this anyplace. So this is the reason why any little bits and pieces will be very helpful for us, why we're asking you to wrack your brain to help us.

A. Well, I want to do what I can, sir. It's my Army too.

Q. Right.

A. I just can't remember.

Q. I know.

A. Evidently the incident did occur or something.

Q. I'm going to have to leave Sergeant ANGLE, and before I do leave, I'd like to ask, once again. You almost, I think had it right on the tip of your tongue, but you didn't quite come out with it, the name of that file again where you filed away these reports for people. Oh somebody clobbered somebody on Highway 1 with a motorcycle or somebody a--

A. (Interposing) This was a fact, that incident was a fact.

Q. I know, I'm trying to see if I can't get the name of that kind of file, so I can get somebody to look for that kind of file there.

A. It is in the top drawer, sir, of the only secure container that I had. It was about midway back and I think it was called VC initiated incidents or, I think that was actually the name of it.

Q. Was it VC or was it friendly initiated incidents?

A. Incidents?

Q. Incidents probably isn't the word because you're talking about when one of these Americans as far as I can see--

A. (Interposing) There was no file in there of friendly initiated incidents but the word incidents is probably part of the title.

Q. It was in the top drawer of your locked file cabinet?

A. The one with the combination.

Q. Yes.

A. I only had one with a combination. The top drawer of that file cabinet contained personal files of the province senior advisor and right behind it were the CORDS files that were very pertinent to the operation. The next drawer down had last years files which would have been 1967 files. Now of course there was a file for each subsector under the military functional file system, sir, especially 1968 which I did not remove. There was a regular file now, and all it said was Son Tinh across the top, and Tu Nghia and Binh Son. There were those five little files with correspondence in each.

Q. They fell much short of what was required didn't they? The information was submitted and you would take it and prepare the report?

A. The information from each sector, sir?

Q. Yes.

A. That's true, sir. We rewrote almost 90 percent of them. Colonel GREEN said fine because we didn't have the capabilities to return to the field at that late time really.

Q. I know. You see I used to--among other things I was I Field Force commander, and I use to have these reports for every province and every district in II Corps.

(General PEERS departed the hearing.)

MR MACCRATE: I ask that there be marked for the record the monthly report of Quang Ngai Province dated 31 March 1968 together with the District Report for Son Tinh District of the same date.

RCDR: This will be entered into the record and marked as Exhibit R-14.

MR MACCRATE: I ask that the Quang Ngai Province monthly report dated 30 April 1968 together with the Son Tinh District report of the same date be entered into the record.

RCDR: It will be entered into the record and marked as Exhibit R-15.

MR MACCRATE: I ask that Quang Ngai Province monthly report dated 31 May 1968 together with the Son Tinh District Report of the same date be entered into the record.

(ANGLE)

RCDR: It will be entered into the record and marked as Exhibit R-16.

MR MACCRATE: I ask that the Quang Ngai Province monthly report dated 30 June 1968 together with the Son Tinh District report of the same date be entered into the record.

RCDR: It will be entered into the record and marked as Exhibit R-17.

MR MACCRATE: Sergeant ANGLE, I would like you to look at the four exhibits that have just been marked and see if you can find at this time the information which you have testified as having been considered for inclusion in a monthly report shortly after your arrival?

A. In the back of my mind there was an allegation of an incident and it was connected with artillery somehow. I'm not saying it was totally artillery but there was an incident involving artillery, and at the same time involving people and damage to property due to firing into an area where they were not supposed to be firing. They had been ordered out of the area by the Son Tinh District chief and did not leave the area and because of this there were people killed. Now that is, that's what I've been trying to remember. That's the incident that I've been trying to remember. Now let me think. Now I'm almost positive that this happened in Son Tinh District but it seems to me that it happened between Son Tinh and Binh Son someplace. It doesn't seem to me that it was on the--well I don't know, you see I never looked at much--at a map as far as orienting any of the areas. So if I said that Son Tinh was here and Binh Son was north of it I would mean directly above it. It seems to me that this was the case of the incident that I'm trying to recall. That it was some where between Son Tinh and Binh Son but a little bit out in the free-fire zone. I know there was an established free-fire zone and a territory that was called no-man's land, really. I don't remember it as Pinkville. I can remember it as being called the 47th. I think it was the NVA 47th area of operation because this was where our main threat, as far as the MACV compound was concerned, came from.

Q. This was where the 48th VC Battalion operated? You remember that?

A. Well, numerical designation I don't know. One of the NVA or VC battalions operated exclusively in this area just south of Son Tinh or just along the coast line in Son Tinh.

Q. Well, that would describe precisely the area with which we're concerned.

A. Somebody told them to move out of the area that they were going to shell it and it was considered a free-fire or free zone, what ever they call it. They didn't and because of that there was some substantial property and life lost. There was definitely some paperwork on this. I don't remember making a reply. I don't remember processing the paperwork. I remember seeing it.

Q. Can you in any way relate this, which you have been describing to us, to any discussions that you may have overheard among Major GAVIN, Colonel GUINN, Captain RODRIGUEZ or--

A. (Interposing) I think Colonel GAVIN might have mentioned it to me, but in the respect he was angry because of the inefficiency as he termed it, of the inability of the province to act.

Q. Do you have any recollection of Major GAVIN being on leave around this time in the spring of 1968, shortly after you arrived; perhaps around the last part of April?

A. Yes, he would be on leave. He would have been either going on or coming off of leave. Now, was it leave or R&R?

Q. Do you remember him saying I want to take off by Easter for leave or anything like that?

A. Oh, no. I couldn't recall a statement like that, now. They went out on an operation. I don't know when this was. I'm going to have to work on this one to remember it, probably was in the fall of the year. He extended for--

Q. (Interposing) There were several operations weren't there?

A. There were numerous operations, yes.

Q. One that was around 11 to 13 June?

A. This I couldn't tell you sir. Now what I'm trying to remember, you asked me if he was on leave. Yes Colonel GAVIN was on leave while he was there. I made a morning report, such as it was, and I don't know if I made it at that time or not, that he was on leave. But in the back of my mind I know that he was on leave at one point during my tour in Vietnam,

because when he came back from the leave he reported that he had been wounded prior to going on leave. He'd fallen off an APC at the end of an operation and had received a fractured rib. I authenticated it and got him the Purple Heart for it, which is the reason I can remember the leave. Also he got married on one and then very shortly afterward he took another leave and was divorced on it. As for the dates of those I can not tell you. I'm not much help to you I'm afraid.

Q. You're being very helpful Sergeant ANGLE in helping to fill in some of the pieces here, and it gives us dates around which we can relate things, which is exactly what we're faced with doing at this time. This is very helpful to us.

A. Well it was the same operation that Sergeant NEUAMAN got hit, and he was medevac'd to Chu Lai. I know there was an entry made on that. I made a casualty report on it. I also made one on Colonel GAVIN when he came back. Now the Red Cross would substantiate the second leave because it was a leave due to a death in the family. His first leave on an extension. Now I think that Colonel GAVIN, he might very, very possibly have been on an R&R for a normal 7 day leave when I first arrived in country, just going or just coming, or he could have been going to Hawaii for Easter for R&R. I don't know really.

Q. Well, the records we have examined indicate a leave beginning on 15 April.

A. It's very possible really. I mean I could take a look at the morning report entry that I made and verify it. But I can't verify it without looking at it. I'll take your word for it, sir.

RCDR: Sergeant ANGLE, do you remember NEUAMANN's first name or rank or anything like that?

A. SFC.

Q. SFC? His first name?

A. N-E-U-A-M-A-N.

MR MACCRATE: N-E-U-M-A-N?

A. Wait a minute. N-E-U-A-M-A-N. No, I don't remember his first name. A wild guess, for some odd reason or other, I would say Paul.

Q. Do you know where he is today?

A. No, he was medevac'd to Chu Lai and from Chu Lai to Japan. I have no idea where he went. This has been some time ago. I wouldn't mind knowing where he is, really. He was a very fine soldier.

COL ARMSTRONG: When was this in your tour, do you recall?

A. Pardon?

Q. About what time period was this in your tour? Do you recall?

A. Well, I was trying to place it, sir. It seems to me it was around August, September, October, November, somewhere in there. August would be too early.

Q. In other words you had served with SGT NEUAMANN for a period of time?

A. Oh, yes.

Q. Was he there when you arrived or did he report in after you arrived?

A. No, he came in afterwards, he came in after I arrived. I made friends with the people at Son Tinh, more so than I did with anybody else because they were closer and to go up there and spend the night was like going to the big city. It gave me a chance to just get out in the field and enjoy a quiet evening loading mortar tubes for them, you know. But I spent quite a bit of time with the people at Son Tinh really. I didn't go up there for business although I did conduct business. The extent of it was just enjoyment. So therefore I kept track of them a little more than I did the others. That's the reason I know Colonel GAVIN and his problem of getting married and Captain RODRIGUEZ got out of the Army. I helped him process his discharge or it wasn't a discharge. He retired from service. He'd served as an enlisted man and then got a commission and had a very difficult time retiring because of lost paperwork. In fact, MACV kept him in Saigon for a month and then sent him back to Danang and

kept him for another month and then sent him back to Saigon. I was well aware of his problem there.

MR MACCRATE: Have you been in touch with Captain RODRIGUEZ since that time?

A. Oh, no. His home is one of the islands, Puerto Rico or some place and I've never heard from him after that.

Q. Have you recently been in touch with any members of your old team?

A. Yes sir, I have. I've seen Colonel GAVIN. Colonel GAVIN lives right in Alexandria and my wife and I were guests of his one night for his famous Bloody Mary drink and also I wanted my wife to meet him. I'm very fond of Colonel GAVIN. I think he's a very good soldier.

Q. When was this Sergeant ANGLE?

A. During the Christmas season, just before or just after. I know it was between New Years. I couldn't tell you the exact date, though it was a couple weeks back.

Q. Did you--

A. (Interposing) It was after he had been here, sir. Although we didn't discuss it he told me he had been questioned. The articles in the newspaper related this to me because his name was in the newspapers. This was the extent of it. We talked about old times. That was about it, listened to music.

Q. Had you seen him prior to that time?

A. I had talked to him on the phone prior to that time several times. He was working in Belvoir and quite busy and I was just getting started too. We hadn't had a chance to get together until Christmas.

Q. After this broke in the papers and was a matter of public attention and prior to the time that you actually met with him during the Christmas period, had you had any conversations with Colonel GAVIN?

A. When I came back, some time in May I called him to tell him I was back in the DC area and I talked to him two or

three times after that over the phone, and we talked about, well after he left, the things that happened. We lost people and I told him of this and I told him that his successor, the man he left in charge, was doing a good job. We were talking about awards and decorations and he wanted to know where they were and I told him I had processed them. I mean it was strictly this type of conversation, really. Of course I was concerned about his personal life, how he was getting along. He was asking me how I was getting along.

Q. Have you been in touch with any of the other members of the team?

A. No. No, I haven't seen one really.

MR MACCRATE: Sergeant ANGLE, you have indeed been helpful in sharing your recollections with us today and helping us put a few things together. As General PEERS indicated to you, we would like you to continue to focus upon this if you will, and see if any further bits and pieces fit together for you. We know where you can be reached, and you know where we can be reached. We would like to keep an open line between us at this time. There may be some additional questions that we may have for you after we have followed up on what you have given us today and places to look, file names and such things and--

A. (Interposing) There was a file on incidents and other things and the title I can't say. There is somewhere a piece of paper dealing with what I said about the free-fire zone, moving the people out somewhere around Son Tinh, the artillery shelling them and having damage. There is an incident relating to this, otherwise I wouldn't know what the hell I was talking about and I wouldn't make it up. That's recorded somewhere on some piece of paper, in that file.

MR MACCRATE: Well, we will recess at this time.

(The hearing recessed at 1757 hours, 21 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: BURKE, Robert T.

DATE OF TESTIMONY: 21 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT: Senior Advisor, Quang Ngai Province  
(25 May 1968 - June 1969).

The witness replaced Mr. MAY, who left before the witness arrived (pg. 2). He was not aware of anything unusual occurring in the Son My area, and he did not know of any investigations by Colonel KHIEN (pg. 5), but he recalled one time when KHIEN spoke at length with the villagers (pgs. 6, 7). He described the public opinion survey (pgs. 8-11), but stated that it produced no information on the Son My incident (pg. 10). He was not aware of KOSTER communicating with any Vietnamese personnel about an investigation (pg. 13). He stated that KHIEN would probably have informed Colonel SWEARENGEN, if this were a serious problem (pg. 14).



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(The hearing reconvened at 1056 hours, 21 January 1970.)

COL ARMSTRONG: The hearing will come to order.

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

Sir, the next witness is Mr. Robert T. BURKE.

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

COL ARMSTRONG: Mr. BURKE, sir, have you read and do you understand the initial instructions (Exhibit M-57) that Major LYNN handed to you?

A. Yes, I do.

Q. To our military witnesses, we direct that they not say anything, but in your case of course, sir, we request that you not discuss any testimony that you may give here unless you are requested to do so or required to do so by appropriate administrative, judicial, or legislative bodies which may be investigating this matter.

Mr. MAACRATE, is the Secretary of the Army's representative. He volunteered to assist General PEERS or the Secretary of the Army to reach an outsiders view in this matter. I've been designated by the Chief of Staff to assist General PEERS.

General PEERS unfortunately, was called over to the Hill just a few minutes ago. He may come back in, but we will continue on and investigate. General PEERS is certain to know the substance of your testimony.

A. On this talking about the testimony, is there a general guidance on talking to the press in general? I've gotten a few calls which I'm not particularly delighted to get from a newspaper man. I'm just wondering what - -

MR MACCRATE: (Interposing) In view of the fact this is a confidential investigation the request has been made that the testimony given here not be discussed, and that it not be discussed particularly with other witness. Anything that finds its way

(BURKE)

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into the press, indirectly finds its way to other witnesses. As an aid to us in attempting to get all the facts that we have and trying to get recollections that have not been affected by interchange of ideas which can tend to color--

A. (Interposing) Right. If they ask if I've appeared before this group, it's alright for me to say so?

Q. Oh, yes, indeed. In fact, at the end of each day a list of witnesses who appear before us is made public.

A. If they ask in general about the incident then what's the general guidance? Can I say that I prefer not to discuss it because the matter is under investigation?

Q. That would be an entirely appropriate response.

A. That's the one I'd like to make, so that's fine.

Q. Mr. BURKE, you were the province senior advisor of Quang Ngai Province for what period of time?

A. From 25 May 1968 until June 1969.

Q. I believe that you replaced as province senior advisor Mr. James MAY, did you not?

A. Yes, sir.

Q. During the period that you served as province senior advisor who was your deputy?

A. My deputy was a Lieutenant Colonel George SWEARENGEN.

Q. He had actually taken over that position by the time you arrived on the scene?

A. No, sir. When I arrived neither the senior advisor Mr. MAY nor his deputy, Colonel GUINN, were there. They had both left. I think Mr. MAY had gone about a week or two before Colonel GUINN, perhaps a week before that. Colonel SWEARENGEN arrived about a week or two after I did.

Q. Who was it to whom you turned in this transition period to bring you into the scene?

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some strain or lack of rapport between Colonel KHIEN and both the senior advisor and the deputy senior advisor which might have worked its way out. But really from the Tet attack to the time they left was only a couple months. I had been the deputy senior advisor in Pleiku before coming to Quang Ngai and had to come to the realization, at least the personal belief, that the best way to work with a province chief was first of all to try to get oriented on what he was trying to do and what his problems were. I was certainly against going in and starting to give him advice or interference or even to heavy presence I'd say, initially. I tried to make it clear to him that I wanted to help him, that I was there to learn, et cetera. So I spent a period of the first 2 or 3 months just sitting in with Colonel KHIEN on his meetings, accompanying him on visits to the field, visiting all the service chiefs that he had on the civilian side of the government and trying to get a feel for the problem. I certainly didn't propose programs to him or anything of that nature in that period.

Q. Do you speak Vietnamese?

A. I speak French and not Vietnamese.

Q. Do you have any recollection at the time of your arrival or shortly thereafter of any discussions about the area in the eastern part of Son Tinh District over in the Son My Village area? Any discussion of the conditions there or of military operations that had been in that area?

A. I was not aware of anything specific about that area in the early months that I was there. It was pretty generally accepted that so-called Pinkville was a VC area. I heard references to it and so on. There were operations which were conducted intermittently in Pinkville both by the Americal Division and the 2d ARVN Division. Every few months, I got the impression, maybe every 2 months, they didn't amount to very much in that they were sweeps through the area and never any attempt made to hold it, never any lasting effect. I was certainly not aware of anything unusual about any particular operation having gone in there.

Q. Do you have any recollection of an operation into the Son My area in June of 1968 shortly after you arrived in which Colonel KHIEN personally participated?

A. No, sir.

Q. Do you have any recollection of an operation during which there was a collision of U.S. helicopters and Colonel BARKER was killed? This would be about 13 June 1968. Does this strike any responsive chord?

A. No, sir. I may have heard about it, but it doesn't really connect with anything that I was close to or involved in.

Q. Do you have any recollection of a few months after that, perhaps August, September 1968, you're going out into the Son My area along Route 521, the coastal road that comes up from Quang Ngai City and out through Pinkville or My Lai (1) to the sea? Do you have any recollection of proceeding out there with Colonel KHIEN and engaging in discussions with villagers along the road?

A. No, sir.

Q. Are you able to locate this Highway 521 and the citadel which is that square block on the left hand side of the road as you're proceeding to the sea. Then down to the south of the road and further to the east you have Hill 85 about where the coordinate number 77 appears in that orange space on the map. We understand that there was an observation hill there. Does any of this bring back the recollection?

A. I went on one observation of an operation with Colonel KHIEN. It was shortly after I arrived. I just can't pin it down, but we went along the road which goes from Route 1 out toward Nui Ngang. We went out past the mountain which is here (referring to Exhibit MAP-1) and the 17th RF Group assigned to the capital was out there and had some contact with the VC. Well, they were stopped and either Colonel KHIEN and I went out there together or he was out there and I came out later, I don't remember. I remember we were both there. My recollection was it was only a kilometer or so east of Buddha Mountain which would place it somewhere in here.

Q. And you had not yet reached the point on the road where it passes the citadel?

A. That's right. Yes, sir. I remember I was impressed by the fact that Colonel KHIEN spent a lot of time talking to the

villagers. It was one of the first times that I had been out with him in the countryside that way. They were kind of taking cover I guess. There was a little bit of firing going on. He spent a lot of time talking to small groups which was his habit. I don't know what he said to them. Many times he would ask them about the VC: what they were doing, where they were, and also ask them about themselves, where they came from, et cetera.

Q. But not speaking the language you weren't able to understand the questioning?

A. That's right.

Q. Did you have an interpreter with you?

A. I don't believe so, no, but I was out there talking to our advisors. I wasn't really that close. I wasn't standing with Colonel KHIEN and trying to ask him about what he was saying. I just was aware of the fact that while I was talking to the U.S. advisors he was over talking to the villagers.

Q. Do you have any recollection of Colonel GREEN on this occasion urging you to move out of an exposed position, and that after he had gotten you and Colonel KHIEN to move that mortars actually did fall in the vicinity of where you had just been?

A. Yes, sir. That's the incident that I'm talking about. It didn't seem very hazardous at the time. I was surprised to hear that they had mortared the same spot that we had stopped in. I went along as a demonstration of support for Colonel KHIEN in interest. I didn't really pore over the maps or discuss the locations particularly so. I'm perhaps a little vague about the exact location except that it seemed awfully close in to me. I had no question we were nowhere near the Pinkville area.

Q. Well, as you appreciate the distance from Quang Ngai City to the coast is really a relatively short distance to travel. Although, as we understand, there was substantial dividing line between the secure area and the VC area to the east, still it was all compressed within a very short distance.

A. Yes, sir.

Q. Did you talk to Colonel KHIEN regarding any of his questioning on that day? What information that he may have been

gathering from the villagers?

A. I don't recall, but if I did it was in very general terms. He may have said he was asking them where the VC were or something of that sort. There was certainly no reference to any problem with U.S. troops or any particular past event. As far as I was concerned this was part of the general, almost regular, movement of the VC coming down, coming in close to Son Tinh District and then moving back out again. The purpose of the operation was to try to push out, open the road, set the groundwork for pacification again. There was no reference at all to a specific purpose of grievances of the people or any event or anything that happened to them that I was aware of.

Q. Do you remember him identifying the villages or hamlets or subhamlets of any of the individuals that he questioned. Do you have any recollection of his talking about strange names of places that weren't necessarily the names that you were accustomed to seeing on the map?

A. No, sir.

Q. It is our information, Mr. BURKE, that the names by which the hamlets and subhamlets were known by the people living there were in many instances quite different from what we're accustomed to seeing on these maps.

A. Yes, I think lots of times there's confusion between village and hamlet names and so on.

Q. Subhamlets?

A. Yes, sir. There was no discussion at all that I was aware of specific hamlets.

Q. Mr. BURKE, I'm going to hand you Exhibit R-1 and invite your attention to the inclosure: two page piece of VC propaganda. I think you'll find on the first page what I have heard described as the usual dialectic, but as you turn to the second page you'll see a paragraph at the top of that page with somewhat greater specificity of information than might be generally found. I'd like to inquire if you have ever encountered a similar piece of VC propaganda?

A. I haven't seen this to my knowledge. I was in the

embassy in Saigon for 3 years before this latest tour. I've seen a lot of this propaganda. This pattern is so familiar that I'm afraid that if I saw this it might not make any impression on me. There's a constant deluge of this sometimes with dates and sometimes with times. I'm sure that if there's anything to indicate that this was within Quang Ngai Province and there was something to it, I would look at it very carefully. The flow is so great that it's hard to pick out one item and say this is significant.

Q. Well, we understand that the general character of propaganda that's reflected here is quite common, but some have indicated to us that something as specific as appears on the paragraph or in the paragraph of the second page is somewhat unusual in this type of propaganda.

A. Yes, right. I would assume that if we saw something like this just out of interest we'd check with the district to see if something happened on that day. But as I say, I certainly was not aware of it.

Q. I'd like to show you another piece of VC propaganda and ask you if you ever recall seeing that piece?

A. No, sir. I never saw this, or never recognize it as such.

Q. Well, if you had seen that particular piece you would recognize it would you not?

A. Yes, I certainly would. But again, the leaflets were being dropped. Broadcasts were being monitored. There was a constant flow of these things. I don't think any single item would really have caused attention to be put to it unless there was something about it that indicated that it was based on actual events.

Q. Yes, but this did give a kind of detail and relationship that would be remembered.

A. Yes, sir. We had five cadre who were assigned to the province to do a public opinion survey. Are you aware of this program?

Q. Well, it would certainly be interesting. Let's hear your description of it.

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particular substantiation for. A lot of this just fell into the rumor category.

Q. Did you ever hear from Colonel KHIEN or from anyone on your American team about a report that had been made by the district chief of Son Tinh District to Colonel KHIEN in April of 1968 relating to what had occurred in the Son My Village area?

A. No, sir.

Q. Did you ever hear that Colonel KHIEN, at the direction of then Colonel TOAN, the commanding general of the 2d ARVN Division, was conducting an investigation into that area to obtain information as to what had gone on in the course of an American operation in March 1968?

A. No, sir.

Q. I'd like to show you Exhibit M-34 which is a copy of a letter from the district chief of Son Tinh to the province chief Colonel KHIEN of 11 April 1968. I'll ask you to read that please? Do you have any recollection of ever hearing of such a thing?

Q. No, sir.

A. I'd like to show you Exhibit M-30 which is a copy of a statement dated 14 April 1968. You'll see that there is a more legible copy underneath the rather poor copy on top. You will note that M-30 is signed by Captain Angel M. RODRIGUEZ. Do you recall Captain RODRIGUEZ?

A. Yes, sir. He was the deputy district advisor under Colonel GAVIN.

Q. Out at Son Tinh District?

A. Yes.

Q. Were you ever aware that Captain RODRIGUEZ prepared such a statement as this?

A. No, sir.

Q. Were you aware at any time that either United States representatives or ARVN or GVN personnel were conducting an investigation with respect to what had taken place in the Son My area in March of 1968?

A. There was an Army Colonel from the inspector general's office in Saigon who came to Quang Ngai, I would think it's about March 1969 or February 1969 and--

Q. (Interposing) Possibly a little later, March or April 1969?

A. Yes, sir. I don't recall the exact date. Thinking back on it, I think he referred to Task Force Barker, but I must say that at the time what he referred to was unknown to me. He said, "Do you know anything about Operation X," and I said that I didn't. He put me under oath, in fact he opened by putting me under oath, and said I want to ask you this. It rang no bell with me. Afterwards he asked if there were anybody else who might have known about it. I think I asked Ed DILLERY. It did not ring a bell with him. When we had been told of the visit, they said it was a psychological operation. It was conducted for psychological purposes whatever that was. I referred him to Sergeant CARTER. He spoke to Sergeant CARTER at length. I think an hour or so. We were put under the same prohibition about not discussing it. So I didn't discuss it with Sergeant CARTER afterwards. Frankly it was not until the papers started talking about My Lai that I assumed that that was what he was investigating.

Q. In addition to that interrogation by the IG in the spring of 1969 were you ever aware at any other time of a U.S. or ARVN, GVN investigation of something in the My Lai, Son My area?

A. No, sir.

Q. I gather that General KOSTER had left the Americal Division or was in the process of leaving the Americal Division at the time you arrived as province senior advisor?

A. Yes, I met General KOSTER. I think he came to make his farewell visit on Colonel KHIEN. I met him briefly, once or twice, and then he left.

Q. I gather from what you said that you were never privy

to any communications between General KOSTER and either Colonel TOAN, now General TOAN, or Colonel KHIEN regarding any investigation into this matter.

A. That's right. I was not aware of it.

Q. Do you have any recollections of visits by Colonel HENDERSON, the commanding officer of the 11th Brigade in Quang Ngai?

A. Well, I knew Colonel HENDERSON. I'd known him before. I saw him occasionally, usually at ceremonies. He would come to Quang Ngai at times to see the province chief. I think all the brigade commanders did that from time to time. I'm not aware of any specific visits or certainly not along these lines.

Q. Is there anything now with benefit of what I've shown you today that tends to fit something back into a picture that you did not have without the benefit of hindsight and this other information regarding any activity of Colonel KHIEN relating to an investigation? It is our information that Colonel TOAN directed such an investigation, and also spoke with representatives of the Americal Division in this connection. Is there anything that comes to your mind from your period there that would suggest that such had gone on just before you arrived or perhaps with even continuing into the period you were there?

A. No, sir. We had an integrated team. I certainly tried to keep up-to-date on everything whether it was military or civilian. There's no question that the normal military chain of liaison with the Americal Division, et cetera, was carried on a day-to-day basis by the military officers and usually by the military deputy, Colonel SWEARENGEN, and by myself. It's conceivable to me that there could be a minor incident, payment for war damage, or mortaring or something or this sort which would be handled routinely and that I might not know of it. If there were any major problems of this nature I would certainly have been interested in it. I think it would have made a great impression on me and that I would have investigated it, et cetera. There was nothing that I recall that in any way indicated that anything of this sort was happening.

COL ARMSTRONG: Not knowing Colonel KHIEN, could you give me your evaluation of what kind of man he was. Was he the kind

of man who would have talked to you and let you know about something of this nature or anything that was going on?'

A. Yes, sir. I think so. I think that our relationship got successively closer. In the beginning he may well have been somewhat aloof. But for instance towards the end of my tour there he started a campaign against corruption which was quite a dangerous thing to do. He gave me all kinds of information of who he was removing and why. He spoke frankly to me about many of his problems which I would say were out of a mainstream, problems of a province chief. He's a very fine officer. He had an appreciation of the fact that in wartime there's going to be incidents between the Americans and the Vietnamese, and that there's going to be casualties, et cetera. My impression is that he would certainly not try to magnify or make an issue of a minor incident. If there were a real problem and if he felt that there had really been a serious breach, then I think he would either have come to me or to Colonel SWEARENGEN. He was very close to Colonel SWEARENGEN. He made this differentiation a little bit about military and civilian. It could well be that he would go to Colonel SWEARENGEN and not myself.

Q. When did Colonel SWEARENGEN join the team in Quang Ngai?

A. I think it was probably in mid-June.

Q. Was there any close bridge to Colonel TOAN in this period immediately before your arrival. Were you aware of anyone who remained on the team or having heard of anyone who had just left the team who had enjoyed some degree of rapport in relationship with Colonel KHIEN during the spring of 1968?

A. Colonel TOAN?

Q. No, with Colonel KHIEN.

A. No, I can't think of anyone who had more than the kind of official relationship. I can't think of anyone who was particularly close to him.

Q. We've sensed that this is one of the problems of the period that we have. This thing seems to have occurred during a

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period when the relation between the province and the advisory team was not functioning most effectively.

A. Yes. That could well be.

Q. Colonel FRANKLIN has joined us, Mr. BURKE.

Well, Mr. BURKE, we certainly appreciate your coming in today. If you have any questions you would like to direct to us or any statements you'd like to make for the record or anything you feel you can add to our investigation at this time we would certainly welcome it?

A. Well, thank you. I appreciate the opportunity to give you what I know, but really, I don't think that I have enough direct information to really help you in this regard.

Q. You don't have any indirect channels to suggest to us?

A. Well, of course I would be very interested in what Colonel KHIEN has to say. I found that essentially the problems that we wanted to find out what was happening particularly in a matter that involves a civilian population that it's really the Vietnamese who have the best sources. If they trust and feel rapport with the American we can usually find out what happened. I haven't had an opportunity to talk to Colonel KHIEN.

Q. We did speak to him when we were in Vietnam. He was very helpful to us. I think I indicated to you for example that this statement of 14 April was provided to us by Colonel KHIEN. This came from his files and--

A. (Interposing) This is the one by Captain RODRIGUEZ?

Q. Yes. He gave us much helpful information as did Colonel, now General TOAN. We had fine cooperation from the 2d ARVN Division from province and from Son Tinh District.

A. And you've talked to Colonel GAVIN, I assume?

Q. Yes, yes, we have.

A. How about Colonel SWEARENGEN?

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Q. Do you know where Colonel SWEARENGEN is today?

A. He's in the Pentagon.

Q. But he did arrive on the scene only at about the same time you did?

A. Yes. He arrived later than I did. About 2 or 3 weeks I would say.

COL ARMSTRONG: I think we'll recess at this time.

A. Thank you.

(The hearing recessed at 1200 hours, 21 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: CONNELLY, John V.

DATE OF TESTIMONY: 24 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Senior Medical Advisor to the Quang Ngai Provincial Hospital.

1. THE QUANG NGAI PROVINCE HOSPITAL.

a. Area served.

In March 1968 the hospital was the only civilian hospital for the entire province serving 650,000 people with only a 500 bed capacity (pg. 4).

b. Admittance procedures.

The hospital could be entered at the discretion of the admitting nurse, through military hospitals, or directly from the field (pg. 4). It serviced civilians only (pg. 4).

2. KNOWLEDGE OF THE MY LAI INCIDENT.

The witness was unaware of a great influx of patients in mid-March 1968 (pg. 5). He had no knowledge of anyone reporting an unusual occurrence in the Son My area (pg. 5). He added that he was never questioned by anyone, U.S. or Vietnamese, regarding any such incident (pg. 6). The doctor noted that his concern was the treatment of sick and wounded and he seldom asked questions about military operations (pg. 7). Although the witness lived with other advisors in the area and attended the daily briefings, he heard nothing concerning the operation or investigation (pgs. 8, 9).

3. OTHER INFORMATION.

a. The witness stated that admittance procedures were quite simple and records were not well kept (pgs. 11, 11).

b. It was noted that many helicopters bringing patients into the hospital landed in the village soccer field (pg. 12). He added that there was little cooperation with the local military hospital (pg. 13).

c. Exhibits shown to the witness are listed below.



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(The hearing reconvened at 1340 hours, 24 January 1970.)

IO: The hearing will come to order.

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

Sir, the next witness is Doctor John CONNELLY.

(DR CONNELLY was called as a witness, was sworn, and testified as follows:)

Dr. CONNELLY, for the record, will you please state your full name, occupation, and residence?

A. My full name is John Vincent CONNELLY. I'm a physician, at present a student at the School of Public Health and Tropical Medicine, Tulane University. My present address is 1300 Canal, New Orleans, Louisiana.

IO: Dr. CONNELLY, have you read the instructions (Exhibit M-57)?

A. Yes, sir. I have.

Q. Do you have any questions concerning them?

A. No, I haven't, sir.

Q. Dr. CONNELLY, on my left is Mr. Robert MACCRATE. Mr. MACCRATE is a civilian attorney and he's volunteered his services to Secretary RESOR to assist in this inquiry and also to provide legal counsel to me and to the other members of the investigation team. On my right is Colonel ARMSTRONG who has been designated by the Chief of Staff as an assistant to me in this inquiry. Either of them may possibly ask questions of you this afternoon. Besides this group which you are with at the moment we have other comparable groups that are taking testimony from other individuals. I, however, will have the task of assembling the report and weighing the evidence and determining the findings and recommendations. We have been directing military personnel who are testifying before this group not to discuss their testimony with others. We do not, of course, have the same right to direct or order that you not discuss your testimony, but we would request that

(CONNELLY)

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you not discuss your testimony in this investigation, particularly with those who are giving testimony to this investigation, except as may be required in the performance of official duty or as you, in your instance, may be required to testify before competent administrative, judicial, or legislative bodies. I do not imagine that you will have to appear before any of the congressional committees.

A. (Interposing) I hope not.

Q. In the event that you do, it would probably be the investigative subcommittee of the House Armed Services Committee. In any event, your testimony here or your appearance here would in no way preclude you from testifying before such a body. I would also feel certain that you have not been cited by the military judge in the general court-martial case of the United States v. Calley or contacted by that judge. I would not assume that you have been or will be, but just in case you are, I would say that your testimony here would in no way change either the effect or the applicability of any instructions which such a judge may issue to you.

Do you have any questions at this time?

A. No, sir.

Q. Doctor CONNELLY, would you indicate what your position was in South Vietnam in the spring of 1968?

A. I was the senior medical advisor to a team of medical advisors to the Quang Ngai provincial hospital, civilian hospital.

Q. How long had you been in that capacity?

A. In March of 1968 I'd been there 5 months.

Q. How long after March did you remain in that position?

A. I remained there until August 1969, 21 months approximately.

Q. Yes. Well, we are familiar with the fact that you were assigned there. Mr. MACCRATE has been very interested in this so I would defer to Mr. MACCRATE to ask some questions about the hospital, concerning certain activities in the hospital.

A. All right.

MR MACCRATE: Dr. CONNELLY, would you describe for us your duties as senior medical advisor?

A. I had operational control of a team of USAID nurses who were assigned to the hospital. A chief nurse plus five others. I also had direction of a group of International Rescue Service personnel which included one male nurse, a midwife, and a contract surgeon. In addition to these people, I had operational control of a MILPHAP unit, now called MILPHAP Team 21.

Q. Could you describe what a MILPHAP team is for us?

A. Well that's an abbreviation for Military Province Hospital--let's see, Provincial Hospital Assistance Program (Military Provincial Health Assistance Program) and in March of 1968 I believe we had two medical officers, one MSC, administrative officer, and approximately 12 enlisted medical specialists. These people work in the hospital and also in the Provincial Public Health Program. They are attached to the hospital. Do you need any more information?

Q. Does that about describe the extent of the medical advisory team of which you were the senior advisor?

A. That's the make up of it, yes.

Q. So there were in toto about how many medical personnel comprising the team?

A. Approximately 20.

Q. Could you tell something about the area served by the Quang Ngai Province hospital?

A. This is the only civilian hospital for the entire province and the province itself has a population of approximately 650,000 people. There are 10 districts in Quang Ngai Province with 11 district dispensaries, and the hospital itself is approximately a 500-bed hospital. As far as the land area, I really couldn't really give you an estimate of how big it is.

Q. What were your intake procedures?

A. Well, of course, this was a Vietnamese thing. We simply were there in an advisory capacity. They had at least three means of admitting patients to the hospital. There's the outpatient clinic through which patients could enter the hospital at the discretion of the admitting nurse. They had an emergency room through which people could also enter the hospital and finally I think that came a little later, but patients were brought in by helicopter, particularly transfers from the Chu Lai military hospital. Sometimes casualties came in direct from the field and these were civilian war casualties that were brought to the hospital.

Q. Well, actually we have information as to one civilian child that was brought from the area of Son My Village, My Lai (4) on the day of the incident about which you've heard so much in recent months and we were interested in the way in which someone, a civilian, brought in by helicopter would be brought into the hospital and processed?

A. A person of that sort would probably be brought to I'll say the helicopter pad or the rear portion of the hospital compound and carried by stretchers into the emergency room where such a person would be held until seen by a Vietnamese nurse. They would be logged in a book that they keep there in the emergency room and then, depending on the extent of their injury, they would be directed into surgery or they would be taken directly to a ward.

Q. We have, through interviews in South Vietnam, some seven or eight examples of Vietnamese who we believe arrived at the Quang Ngai Province hospital and were treated for serious wounds on the day of, or on the day following, the operation in question. We have been informed that some had been taken in by relatives; some were taken in by unidentified villagers; others were taken in by ARVN or PF soldiers. I was interested in how such persons arriving at the hospital would ordinarily be brought in and taken care of?

A. Well, anyone who appeared to be an acute injury even a day or two days after they had this injury would probably go directly to the emergency room. Where they would, as I said before, be seen by a Vietnamese nurse. It would be up to him to decide how they would be handled. Very rarely were there Vietnamese physicians available. Occasionally this contract surgeon would be available to make a decision as to whether or not surgery was indicated. I said, they would come to the emergency room, they would receive perhaps initial treatment there, and then they would be admitted to the hospital.

Q. We are actually talking about mid-March 1968.

A. Yes.

Q. I believe you understand?

A. Yes.

Q. Some of the examples that have been cited to us; fingers amputated at the hospital, a left arm amputated, 4 months of treatment for a gunshot in the right foot, another serious wound in the upper right forearm, another shot in the neck and shoulder and fingers amputated on the right hand, another shot in the left thigh, another with undefined wounds. These are specific examples that we have through investigators picked up. These were stories told to the investigators by people living in the area who say they were among the victims of the operation on 16 March in Son My Village and went within the next 24 hours to the hospital. Were you at any time aware that there had been an unusual influx of patients coming out of the Son My area at or about this time?

A. No, sir.

Q. In some instances we know relatives were accompanying the individuals who were brought in. I would assume there were people there in the hospital who themselves had information about what had been going on out in Son My. Had you any indication from anything that was said at the hospital at that time, passed on to you or circulating among the staff, that something unusual had transpired in Son My Village at that time?

A. No, sir. I don't remember any such stories.

IO: I would like to say, Mr. MACCRATE, which I think maybe Dr. CONNELLY can clarify a little bit too, is that as far as relatives and so forth accompanying individuals to the hospital, is this abnormal in South Vietnam?

A. Oh, no. No, the relatives stay with the patient usually throughout their hospital stay.

MR MACCRATE: Were you at any time questioned by ARVN, by civilians advisors, members of the Quang Ngai Province advisory team or by any military personnel, either on the advisory team or from the 11th Brigade in Duc Pho, or the Americal Division in Chu Lai, or the Son Tinh advisory team at the district headquarters regarding anything that might have gone on in Son My area of which you might have knowledge at the hospital?

A. No, sir.

Q. When was the first time that you had any suggestion that there might have been an unusual incident in Son My Village in March of 1968?

A. When I read about it in the newspapers.

Q. Have you any insights for us as to how it could be with the Quang Ngai Province hospital, 5, 6, miles distant? We realize the very unusual circumstances and division of territory that existed in this area at that time, but can you give us some insights as to why if something of an unusual character had gone on with a substantial number of casualties resulting from it, casualties among the civilian population, that you as the senior medical advisor and members of your team might not be aware that it had occurred.

A. As I can remember March 1968 in Quang Ngai Province, the level of military activity both in the GVN side and on the Viet Cong side was extremely high during each 24 hour period. One incident followed another so closely that we really didn't have time to evaluate any particular incident. What was actually happening in the field was something that as a civilian, and I think I can say the other civilians, really didn't know what was taking place. Security wasn't that good. We couldn't move around in the city with any degree of freedom.

Q. You're referring to personal security at that point?

A. That's correct, yes. So we felt quite relieved when we saw the sun come up each morning. We didn't ask many questions and we didn't get much in the way of information as to the military operations that were taking place.

Q. I gather from what you say that your concern was with the physical fact of what had to be treated?

A. Right.

Q. And not with the circumstances that might have produced the particular event?

A. That's correct. Yes, sir.

Q. On the other hand, was there not a certain flow of gossip around the hospital and rumors of what was going on that reflected in some measures the ebb and flow of events? You'd been through the Tet offensive the end of January 1968. You had experienced the overrunning of positions and the movement of Viet Cong and other forces into Quang Ngai City itself. Was your hospital affected by the Tet offensive physically? Was there any invasion of the perimeter of the hospital?

A. Well, at the time of the Tet offensive, I don't believe they occupied any of the hospital itself. However, they were in the little hamlet immediately adjacent to the hospital. That is, the Viet Cong were in the hamlet immediately adjacent to the hospital. The only physical damage that the hospital sustained was mostly by interchange of fire. Who was firing on who we don't know, but we did get some small arms damage in the hospital itself.

Q. But after the Tet offensive and the restoration of a larger measure of security to Quang Ngai City and the immediate environs, I would assume that you were aware of the improvement in the security of the city and the area in which the hospital was located, that you had a constant flow of general information as to circumstances. You were aware that you had a little greater freedom of movement as the weeks passed by and was there any indication among the staff which you were ever aware of or among the flow of patients that there had been anything unusual out in this Son My area to the northeast?

A. No, sir.

Q. Did you at any time that you can recall get reports of atrocities, either Vietnamese or alleged U.S. operations, that people were leveling charges as to what had been done, over reaction or disregard for the civilian population? Were you conscious of such charges or allegations?

A. No, sir.

Q. What was your relation with the U.S. advisory team to the province? Did you attend daily or weekly briefings?

A. That's correct, yes.

Q. Which? How often would you attend?

A. Daily, and they had a morning briefing each morning and then at the end of the week they usually had a summary briefing. I attended all of them.

Q. Did you live in the hospital complex or did you live elsewhere in the city?

A. I lived in the city, not in the hospital.

Q. Did you live with other members of the advisory team?

A. Yes.

Q. With some of the medical advisors or with some of the other advisors?

A. Well, I lived in what they called the doctor's house. We had volunteer physicians. In fact, I think we had some in March of 1968 living there and the contract surgeon was also living there, Dr. PONCI.

Q. You ever remember hearing from Mr. MAY, Colonel GUINN, or any other members of the advisory team anything about an investigation that they were conducting or that the ARVN were conducting or that the province chief was conducting with respect to an incident in Son My Village, Tu Cung, Co Luy, or any part of that area out toward the Batangan Peninsula?

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A. No, sir.

IO: Just a couple of questions if I may, Dr. CONNELLY, mostly for information. I'm a little amazed at the size of your hospital; 500 bed is a huge hospital. How many Vietnamese doctors did you have?

A. In March of 1968 we had either two or three assigned, one of which was full time and the other two were part time. In addition to which we had volunteer, and you can put this quotation marks, "military physicians" from the military hospital across the street, who came over and made rounds on some of the wards.

Q. You mentioned the term a few times and I'm not familiar with it, and that is the term contract doctor. Is that a U.S. or is this a Vietnamese?

A. No, I'm talking about the International Rescue Committee which is a private organization with headquarters in New York City. They employ foreign nationals who wish to work in Vietnam. I don't believe there is a very large group of them in Vietnam at any time. Doctor PONCI was working as a general surgeon on an 18 month contract at Quang Ngai Province hospital.

Q. Did many of your personnel speak Vietnamese?

A. None of them spoke it well. I think our chief nurse advisor, Miss STENSLIE, might have been about as competent as anyone to communicate with them.

Q. Well, I'm very interested in what you say because I was quite closely associated with some of the hospitals in II Corps where I was, as you will probably remember.

A. Yes.

Q. We also had the hospital for the CORDS and II Corps and we had a very fine hospital in Nha Trang. As you also know, we had the model hospital that was built in Phan Thiet which was pretty well torn up in Tet so I was somewhat accustomed to how the people work and how they lived and so on. They lived very closely with the Vietnamese and I think that's really what Mr. MACCRATE is indicating. We also had a very fine group of Vietnamese nurses on some occasions and Vietnamese interpreters. I would say that, from my knowledge

(CONNELLY)

of it, that you lived much closer on a person-to-person basis than let's say a military unit did or even the rest of the advisor groups in most cases. So the purpose in addressing these questions to you is, living as close to the community and so forth as you did, and with these people coming into the hospital, whether or not there might not have been some drain off of information concerning the area out here, Son My Village, that might have come into the hospital group?

A. Well, there wasn't any particular reference to this particular incident, nor can I recall at that time a reference to any kind of unusual incident occurring.

Q. Yes. Another question that I might ask, to be very honest, is a matter of opinion. Suppose somebody did come in from out this way, which is out in Viet Cong territory, I just wonder how much talking they would do?

A. Well, it would depend, of course, if they were classified as a so-called innocent civilian.

Q. Yes, well, suppose they came in on their own volition?

A. Well, they would have to be identified, of course, in the hospital. Most Vietnamese have some means of identification.

Q. Yes.

A. Other than doing that, giving their district and possibly their village, they really wouldn't have to say much more than that in order to be admitted to the hospital.

Q. Yes. But you had a unique situation, did you not? Looking at the map to the rear of you Dr. CONNELLY (indicating MAP-1) the area that is shown in orange generally speaking is the village area of Son My. This is not exactly correct, it misses it by a kilometer, because this is really the operational area of Task Force Barker during this particular period, but it generally encompasses the area of Son My. This area generally speaking is Viet Cong area. Everything within that area was considered to be Viet Cong.

A. Yes.

Q. At the same time, however, across the river from Quang Ngai there was one road that went off to the right which was Highway 521. It went out to the northeast toward this area of Son My. Further up about a kilometer you had Highway 5B which went to the west. In this general area along Highway 5B, along Highway 1 and along the adjacent to Highway 1 and on Highway 521 there were several large refugee camps. These refugee camps had large numbers of people from this area, from Son My. As a matter of fact, the village chief lived in one of the refugee camps. So Son My was there, and it was also there. Some of the people were in GVN territory and some of them were out in the VC territory. So with that in mind, just because people came from Son My wouldn't necessarily indicate that they came from there, that they might have come from one of the refugee camps.

A. That's correct. They would give their home village.

Q. Yes. And if they did come from the VC area and were let's say VC supporters or sympathizers in a government province hospital, would you expect that they would do much talking?

A. No.

Q. Now granted this is a hypothetical situation, but is this the situation that existed at that time?

A. Yes. No, they wouldn't do much talking. In fact there wasn't, so far as hospital intake was concerned, there isn't any such thing as doing a complete history and physical on a Vietnamese patient in a Vietnamese hospital. Admission procedures are very simple. The treatment is usually quite elementary and the records are not well kept. There isn't much to them.

MR MACCRATE: We have actually been to the hospital looking for hospital records and this was our experience in what we were able to find.

IO: I would ask you one question though, Dr. CONNELLY. Back in March of 1968, if the helicopter did bring in a patient at that time, let's say on 16 March 1968, would that have been an unusual occurrence?

A. No.

Q. You had a helipad going then?

A. I feel certain that we had what we call dust-off arriving and departing from the rear section of the hospital at that time. It was not unusual to receive helicopter loads of patients two or sometimes three times a day.

Q. Well, I think this is helpful right here because it was somewhat our impression, I know it was mine, that this may have attracted a degree of attention, this young boy being brought in. Actually, as I would understand it, he was brought into an area referred to as the Soccer Field.

A. Well, that's separate from the hospital by approximately half a kilometer.

Q. Yes. How he was taken from there to the hospital I'm not sure. As a matter of fact, with this particular pilot, I think it was miraculous that he found any place to put down. He did not know Quang Ngai and did not know where the hospital was or anything about it, but some way or another he must have arranged it.

A. Well, the Soccer Field would be an obviously open place in the center of the town and there might have been other helicopters landing and taking off because this was a usual point for helicopters to arrive and depart.

MR MACCRATE: We have recently landed there ourselves.

IO: At the hospital did you have the normal helicopter markings, with the "H" and so forth on the rear of the hospital?

A. I'm not certain, General, whether we had this concrete pad built by that time or not, but we do now have a concrete pad with markings on it.

Q. Yes.

COL ARMSTRONG: Sir, did that military hospital across the street from you ever take civilian patients to your knowledge?

A. They didn't admit them, no. They might have come in there by helicopter and then been immediately transferred across the street to our hospital.

Q. In other words, in case of high loads at one or both hospitals you didn't equalize or try to help or assist each other out?

A. No, we did not.

IO: Dr. CONNELLY, we appreciate very much your coming in. We recognize the fact that you haven't given much information, but in this instance negative information is quite valuable to us, and I'd like you to know that so that you don't feel that your trip was for naught.

A. Thank you, General.

Q. Right. If you do by chance at some time or other remember something, or if some of this we've been talking about helps fit into place, we'd appreciate knowing about it.

A. I certainly tried to remember, but March of 1968 is a long time ago now.

Q. Yes.

A. I've never been able to recall anything that really would connect with this incident.

MR MACCRATE: Quite frankly, Dr. CONNELLY, we have information that suggest that other members of your advisory team did have some information about this and we are therefore very interested in any indication of or suggestions that came to you with the benefit of hindsight that you might be able not to relate to and indicate to us?

A. Well, it just does not come to me at all.

IO: We will give you an opportunity if you'd like, Dr. CONNELLY, to ask any questions or to enter a statement into the record.

A. No, I don't believe I have any questions or statement to make.

Q. Thank you very much.

IO: The hearing will recess at this time.

(The hearing recessed at 1421 hours, 24 January 1970.)

FOR OFFICIAL USE ONLY

SUMMARY OF TESTIMONY

WITNESS: COULTER, James SGT

DATE OF TESTIMONY: 31 December 1969

PLACE OF TESTIMONY: Chu Lai, Republic of Vietnam

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Medical Advisor in Mo Duc District, Quang Ngai Province, Republic of Vietnam.

1. HIS JOB DESCRIPTION.

On 16 March 1968, the witness had been the medical advisor in Mo Duc District for about 10 months. He rotated on 22 March 1968 (pg. 3). He returned two or three times a week to the province hospital in Quang Ngai for supplies (pg. 4), but did not recall a large number of patients coming in from the Son My Village (pg. 3). He thought a Dr. CONNELLY worked at the hospital then (pg. 5).

2. HIS KNOWLEDGE OF THE INCIDENT AND INQUIRIES CONCERNING IT.

He knew nothing of the incident and was never questioned (pg. 4).

(The hearing reconvened at 1230 hours, 31 December 1969, Chu Lai, Republic of Vietnam.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR MACCRATE, and CDR DAVIS.

The next witness is Sergeant James COULTER.

(SGT James COULTER was called as witness, was sworn and testified as follows:)

RCDR: Would you state your name in full?

A. James COULTER.

Q. No middle initial?

A. No middle initial.

Q. Your grade?

A. E-7.

Q. Social Security number?

A. .

Q. Branch of service?

A. Army.

Q. What branch?

A. Medic.

Q. Organization?

A. Team 17, Quang Ngai.

Q. Your station?

A. Tri Bong, Vietnam.

IO: Before we have any questions, Sergeant COULTER, I'll inform you of certain matters. First, this investigation was directed jointly by the Secretary of the Army and the Chief of Staff, United States Army for the purpose of determining facts and making the findings and recommendations concerning two matters:

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

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

This investigation is not being conducted to investigate all of the facts and circumstances of what happened at My Lai. It is directed to those specific purposes which I just mentioned. 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. A verbatim transcript will be prepared. Verbatim notes are being taken by the reporter.

Although the general classification of the report will be confidential, it is possible that testimony or at least some parts of the testimony may, at a later date, become a matter of public knowledge. Aside from myself here today, I have with me Mr. MACCRATE, who has volunteered to the Secretary of the Army to serve as my legal counsel and he may also direct questions to you. You are ordered not to discuss your testimony in this investigation with others, including other witnesses for the investigation, except in the performance of official duty or as you may be required to do before a competent judicial, legislative or administrative body. In addition, you are cautioned that if you are subject to the order issued by the military judge in the general court-martial case of the United States v. Calley, your appearance here in no way changes the applicability and effect of that order.

I don't believe that you are under any order in this later case are you?

A. No, sir.

Q. Sergeant COULTER, will you state what your duty assignment was on the 16th of March 1968?

A. Sir, I was a medical advisor in Mo Duc District in Quang Ngai Province, which is about 25 miles south of here.

Q. In Mo Duc?

A. Yes, sir.

Q. And how long had you been in that capacity?

A. About 10 months, sir.

Q. How long did you stay on that job?

A. About 10 months, sir.

Q. How much before the 16th of March 68 and how much after the 16th of March?

A. I rotated on the 22nd of March.

Q. Right after that you rotated back to the States?

A. Yes, sir.

Q. When you were at Mo Duc, did you hear of any unusual activities that may have taken place in My Lai(4) or Tu Cung or in the village of Son My?

A. No, sir, not a thing.

Q. Did you ever return here during this period and work in and out of the dispensary or the province hospital?

A. Yes, sir, quite often; at least two or three times a week in Quang Ngai.

Q. While you were doing that, do you recall any large number of patients coming in from Son My village?

A. No, sir, I do not.

IO: Before we have any questions, Sergeant COULTER, I'll inform you of certain matters. First, this investigation was directed jointly by the Secretary of the Army and the Chief of Staff, United States Army for the purpose of determining facts and making the findings and recommendations concerning two matters:

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

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A. No, sir.

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A. Sir, I was a medical advisor in Mo Duc District in Quang Ngai Province, which is about 25 miles south of here.

Q. In Mo Duc?

A. Yes, sir.

Q. And how long had you been in that capacity?

A. About 10 months, sir.

Q. How long did you stay on that job?

A. About 10 months, sir.

Q. How much before the 16th of March 68 and how much after the 16th of March?

A. I rotated on the 22nd of March.

Q. Right after that you rotated back to the States?

A. Yes, sir.

Q. When you were at Mo Duc, did you hear of any unusual activities that may have taken place in My Lai(4) or Tu Cung or in the village of Son My?

A. No, sir, not a thing.

Q. Did you ever return here during this period and work in and out of the dispensary or the province hospital?

A. Yes, sir, quite often; at least two or three times a week in Quang Ngai.

Q. While you were doing that, do you recall any large number of patients coming in from Son My village?

A. No, sir, I do not.

Q. Were you at any time ever questioned by anybody concerning anything that you might possibly have known concerning that?

A. No, sir.

Q. Did you ever hear that an investigation was being conducted into something which may have taken place at My Lai (4)?

A. No, sir, not until it became published in the newspapers.

Q. Well, I take it then, Sergeant COULTER, since you were in Mo Duc, quite separated from here, that any knowledge you had would have been quite incidental.

A. Definitely, sir.

Q. I don't have any more questions.

MR MACCRATE: Just by chance sergeant, did you happen to be at the hospital here in Quang Ngai on the 16th of March? Any recollection of a helicopter pilot coming in with a young child?

A. No, sir. See, I was directly in Mo Duc and that was my district. The only reason I would come up here was either for supplies or to make a visit. Actually, I didn't even work in the province hospital. I was working for team 2 at that time. Most of my business was conducted with the dispensary for American supplies. The only time we went was to pick up American supplies.

Q. So you would have no contact with the patients at province hospital?

A. None at all, sir.

IO: Well, any information you might have would be hearsay, or through the grapevine so to speak?

A. I think I went through the hospital once or twice the whole time I was there.

MR MACCRATE: Do you recall who your counterpart was in Quang Ngai?

A. No, sir. I guess I can find out very easily. He was at province hospital, a civilian.

Q. He was a civilian?

A. Yes, sir. I think Dr. CONNELLY was here at the time. He was rotated. He was advisor to the team. But like I said, sir, I never heard anything about it until it was in the paper. I was surprised to know anything went on like that.

IO: Do you have any additional questions? Well, before we excuse you Sergeant COULTER, if by chance you do recall anything that you heard or saw, anything of that nature concerning this incident, we would like very much to know about it. If anything comes to mind, I would appreciate it if you would get in touch with us.

(The hearing adjourned at 1250 hours.)

SUMMARY OF TESTIMONY

WITNESS: DILLERY, Carl E.

DATE OF TESTIMONY: 15 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT: 20 April 1968 - 1 June 1969 served as Administrative Executive Officer to the Quang Ngai Province Advisory Team. 1 June 1969 - 3 December 1969 served as Province Senior Advisor.

1. KNOWLEDGE OF INQUIRIES CONCERNING THE ASSAULT.

a. Investigations by the South Vietnamese.

As executive officer to Mr. BURKE, the Province Senior Advisor until June 1969, social welfare and refugee programs were among Mr. DILLERY's duties (pgs. 3, 9). However, he had no contact with census grievance teams (pgs. 4, 10). DILLERY was unaware of an investigation of an incident occurring in March 1968 until the spring of 1969 when an IG representative made inquiries (pg. 4). He was not privy to or knowledgeable of an ARVN or GVN investigation until November 1969 when Colonel KHIEN showed him his file (pg. 5). DILLERY also learned of the VC propaganda at that time (pg. 10). Among the documents was a hand written note reflecting 125 VC and 20 civilians killed in My Lai (pg. 11). According to KHIEN the civilians were perhaps killed by artillery and from the air (pg. 19). DILLERY believed that KHIEN told him that the data (eg., 125 VC KIA, two US KIA, three weapons captured) was received from U.S. sources (pg. 21).

b. South Vietnamese operations in the My Lai area.

The witness was aware that an operation had been conducted by KHIEN in the My Lai area in June and

September of 1968. However, he did not find out from KHIEN until November of 1969 that the reason for one of the operations, probably the one in September, was to investigate the alleged atrocities in My Lai. KHIEN said that because of enemy resistance that he was unable to reach the hamlet (pgs. 6, 9). There was another operation in the spring of 1969 in the area that was related to the model village program. DILLERY was not aware of any inquiries being made during the latter operation regarding the My Lai incident (pg. 24).

2. DILLERY'S INVESTIGATION.

After he became aware that an incident had occurred in My Lai, DILLERY instructed Mr. MOSSE and Mr. MANKE of his staff to make contact with local Vietnamese officials, e. g., Army officers, teachers and local politicians, to query their awareness of the incident. Many were aware, but did not show great concern over the fact that many civilians were killed (pgs. 14, 15). However, none appeared to be aware of KHIEN's file (pg. 14).

3. OTHER INFORMATION.

a. The only indication of American knowledge that U.S. atrocities possibly occurred in My Lai was RODRIGUEZ's statement (pg. 15).

b. DILLERY attributed the lack of discovery by the U.S. advisory team and other private service groups in 1968 to the aftermath of the enemy's Tet offensive. Our normal processes of information had been dislocated. He did not believe there was any malice or intent on the part of Vietnamese officials to protect the U.S. from discovery of having committed war atrocities (pgs. 18, 19).



(The hearing reconvened at 1630 hours, 15 January 1970.)

IO: The hearing will come to order.

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

Sir, the next witness is Mr. C. Edward DILLERY.

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

Sir, for the record, would you please state your full name, occupation, and residence.

A. My name is Carl Edward DILLERY, foreign service officer, and my residence is 4249 31st Street North, Arlington, Va.

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

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

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

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

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

Your testimony will be taken under oath. A verbatim transcript will be prepared. A tape recording is being

made in addition to the verbatim notes being taken by the reporter. Although the general classification of this report will be confidential, it is possible that the testimony or parts of it may later become a matter of public knowledge.

IO: Mr. DILLERY, aside from myself I have on my left Mr. Robert MACCRATE, who is a civilian attorney and who has volunteered his services to the Secretary of the Army to assist me in the conduct of this investigation and also provide legal counsel for me and other members of the inquiry.

On my right is Colonel FRANKLIN, from the Office of the Deputy Chief of Staff for Military Operations, who has been assigned to this investigation team by the Office of the Chief of Staff to assist me in the investigation.

Both these gentlemen may address questions to you this afternoon. Aside from this particular group, we have other teams who are likewise conducting investigations and taking testimony from witnesses.

However, the final analysis lies primarily with myself. I will assemble the report and make the findings and recommendations which will be submitted to the Chief of Staff and to the Secretary of the Army.

For your information, we are directing that the military personnel who appear before us as witnesses not discuss their testimony with others. Now in your particular case you are somewhat beyond the purview of what we might refer to as military justice. But we would ask that you do likewise, that you not discuss your testimony in this investigation with others including other witnesses who may appear before this investigation except as you may be required to do so before any administrative, legislative, or judicial body. Do you have any questions?

A. No, sir.

Q. Mr. DILLERY, would you tell us what your assignment was in South Vietnam about the middle of March 1968?

A. Actually I did not arrive in Vietnam until 6 April 1968. I was assigned to I Corps and found out during the week

of 14 April that I was to be assigned to Quang Ngai. I arrived at Quang Ngai, 20 April 1968 and served as executive officer to the advisory team to Quang Ngai Province. On 1 June 1969 I became province senior advisor and so served until 3 December 1969.

Q. For 6 months in 1969 you were the PSA then?

A. That's right.

Q. But you say it was June?

A. From, 20 April 1968 through the end of May 1969, I was the executive officer.

Q. And then what were you from that point until such time as you became the PSA?

A. Right away, just one day to the next. On 30 May I was the executive officer, and on 1 June I took over as province senior advisor.

Q. Well, when you first joined the province, what were your duties then?

A. At that time I was coordinating all of the developmental activities of the province team, including social welfare and refuge work, public health, information programs, and the normal developmental programs such as agriculture, education, and so forth.

Q. Would you also be responsible for handling such things as refugees?

A. Yes, that's correct.

Q. Would you also have something to do with the RD cadre team?

A. No, the RD cadre team was handled by an executive officer for operations. They came under his coordination, although I was very well acquainted with the things they did.

Q. Did you have anything to do with census grievance teams?

A. No. That would also fall under the operations executive officer.

Q. You were located at Quang Ngai? What were your relations with the districts?

A. No direct relationship except that I visited all of the districts on a regular basis. The civilian district representatives that we had in each one were closest to me in terms of their point of contact in headquarters itself, so that I had contacts with Mr. SITTIG who was the district representative in Quang Tinh.

Q. When you were there, starting in the month of April, did it ever come to your attention that investigation of any kind was being conducted into the area of Son My?

A. As of April 1968?

Q. No, as of April 1968 for something that might have taken place in the month of March 1968.

A. Right, I understand. No, the first time I was aware of any investigation, I'm afraid I can't remember the date, was when a representative of the IG came through. I believe it was the spring of 1969. I was peripherally aware of the fact that they were investigating an incident in Son Tinh although I don't think I was aware of Son My or My Lai. I realized later that this is what the investigation was about.

Q. Did you meet this investigating officer at all?

A. I was present at one meeting at which he was also present.

Q. I would imagine that this would probably have been Colonel WILSON?

A. I believe it was, although I'm not really certain of the name.

Q. Well, we would understand, Mr. DILLERY, that this so-called investigation and various parts of it continued after the incident itself which took place about the 16th of March and continued on sometime into April and on up into May. Also that there

was some relation with the ARVN and with the province in connection with something that may have happened at My Lai. In your capacity, did you become aware of anything that may have been associated with the My Lai investigation, either by the ARVN or the GVN?

A. Nothing ever came to my own direct attention until November 1969 when, in the course of the investigation, Colonel KHIEN, the province chief, showed me his file on the subject. I didn't read it, but I observed that there was a memorandum to him from Captain TAN, the district chief, supported by a flimsy yet original copy of a small report by the deputy district senior advisor, Captain RODRIGUEZ, I think it was. Again I did not observe the contents of this, but seeing those two pieces of paper then was the first time that I was aware that there had actually been a Vietnamese inquiry or investigation of My Lai.

Q. The copy of the flimsy report that you saw which had been prepared by RODRIGUEZ, was it signed?

A. I can't remember; I think it was.

Q. I have here a copy of then Lieutenant TAN's report to the province chief as of 28 March. This has been entered into the record as Exhibit M-28. An English version is on top with a photostat of the original Vietnamese copy underneath. Do you recall having seen this in the file of Colonel KHIEN?

(IO hands document to witness.)

A. Yes, I think this is the document that I found in the file.

Q. I have here another one prepared by the district chief. I'm not sure at the time whether he was a captain or a lieutenant. He signs himself as a first lieutenant. It is dated the 11th of April. And this has also been entered into the record as M-34.

(IO hands document to witness.)

A. I don't recognize this one. I'm trying to remember looking at that file. And I saw it in Vietnamese, of course; no translations. It looks a little similar, doesn't it?

Q. Yes, they do, especially the Vietnamese versions.

A. Right. The things that we would notice, the headings and so forth, are all very similar. I kind of think I remember seeing then Lieutenant TAN's signature on this. But not knowing what the content was, I'm really not sure; I'm sorry.

Q. I have here now a document dated the 14th of April, headed "Statement" and signed by Captain Angel M. RODRIGUEZ (Exhibit M-30). Here is a very poor photostat of the document with a version underneath which has been typed out in clear and may be more helpful in reviewing.

A. Yes, this is the document I saw. I'm sure this is the document I saw in Colonel KHIEN's file.

Q. You don't recall whether or not the copy you saw was signed?

A. Yes, I think now that I remember it was signed.

Q. Do you recall seeing in Colonel KHIEN's file a copy of a directive from General TOAN, then Colonel TOAN, dated, I believe, the 15th of April? The directive I'm speaking of is entered into the record as Exhibit M-32.

(IO hands document to witness.)

A. No, I don't remember this.

Q. Do you recall an operation being conducted by province or by sector under Colonel KHIEN or his deputy for military operations, deputy sector commander, into the My Lai area in about the middle of June in 1968?

A. Yes, I remember an operation in that area. The reason that I remember it was that the then province senior advisor, Mr. Robert BURKE, and the deputy province senior advisor, I believe then Lieutenant Colonel George SWEARENGEN, accompanied or went out to the CP of the operation and that area received mortar fire. I remember it stuck in mind because Mr. BURKE was wearing a white shirt and so forth. It was a personal anecdote, and I know that this operation did take place with the CP about--

Q. (Interposing) Just to refresh your memory here, across the Song Tra Khuc River from Quang Ngai, the road going from there out to the My Lai (1) area is called Highway 521 (referring to Exhibit MAP 1) half way out, roughly 5 kilometers, you have the citadel on your left. As you go about 3 kilometers further, you have the one promontory there which is Hill 85. And north of that you will see the village of My Lai (4).

A. Yes, I think that the place where the CP was, as I understand it, was at this small area right here (indicating), this small hill, little flat space right here. And we later went to install some Marine combined action platoons who were going to work in this area, and we had a ceremony there. I remember them saying that this was the same place where they had the CP of all the operations in that area. So this was the place that had received the shelling and where the province chief had gone in about June 1968.

Q. Could this have been on two separate occasions? The one operation that I have reference to took place between the 11th and 13th of June. Although it was originally directed at the village of My Lai, it was later re-oriented to the rescue of personnel involved in an airplane crash between one helicopter and a fixed-wing.

A. That doesn't sound like the same one I'm discussing. It could have been two. I remember also the operations involving the rescue of people. And it seems to me that's not the same one I was just discussing, although the timing on it is fuzzy in my mind.

Q. Well, can you indicate anything which you remember from going out with Colonel SWEARENGEN and Mr. BURKE about what happened out there in the area of that hill?

A. I should make that clear. I did not accompany them. The reason that I remember this is because they discussed it after they came back. I just know the operation took place in that area and Colonel KHIEN was personally there. I don't know what happened during the operation.

Q. Do you know what they went out there for?

A. I don't know that, no, except for what Colonel KHIEN later said. In discussing this in November 1969 when looking back on it, he later said that he had conducted this operation for the purpose of trying to get to My Lai to conduct an investigation.

Q. That's very interesting. Did he talk about drawing any mortar fire or anything out there?

A. He said that he had gone out with the hope of reaching the hamlet, but that he was unable to because enemy activity was so heavy that they were unable to get to the objective. Therefore, he did not pursue the investigation at that time.

Q. I think it would be helpful to us if you could sort of fix that in time.

A. That's kind of tough. The best I can really say is that it was the summer of 1968. He was really discussing this in November 1968, and, of course, I remembered a whole slew of incidents. One thing is that when Son Tinh subsector had operations, they always used the same CP, and they would run little operations out around to the east of the citadel and put their CP there. But Colonel KHIEN did not normally go. This one particular one that I'm discussing is the only one that I personally remember him going on. But again, just the exact date of it, or even more closely isolating it, I just can't do it.

Q. We've heard--we know that they conducted this one operation in June because we have records where awards were issued to some of the personnel who were involved in trying to rescue the personnel. So we're able to pin that one down pretty tight. Now we have had indications that a group did go out including Colonel KHIEN and the deputy for operations at that time, Colonel GREEN, also accompanied him. We talked to Colonel KHIEN and he indicated that he had an operation in June which was directed at the village, but it was diverted because of the aircraft. But he indicates he had another one in September. Could this one have been as late as September?

A. It could have been as late as September. It seems to me that it was after Mr. BURKE had been there for a certain

time. So it could have been as late as September. In fact, that seems more reasonable to me. I just don't recall that the airplane incident had to do with the personal visit by Colonel KHIEN. So I would think September was a more logical date than June.

Q. Do you remember the time when Mr. BURKE took over as the PSA?

A. Yes.

Q. Could you give us the approximate time period when he did take over?

A. Mr. MAY left on 25 May. I think Mr. BURKE did not arrive until about 1 June because there was a several-day "underlap", or whatever you wish to call it, when they were both not there.

Q. (Interposing) But Mr. BURKE did take over sometime in--

A. (Interposing) It should be in June, yes. If not, then it was the last couple days of May.

Q. As I recall, Colonel GUINN who was the deputy at the time, departed around the first part of June.

A. He departed before Mr. BURKE arrived also. Both the deputy and the province senior advisor left. I guess that Colonel GREEN, who was still there, and I were sort of in charge.

Q. How long did Mr. BURKE remain the PSA?

A. He left on 30 May 1969. I'm sorry, he left on 1 June.

Q. He stayed for just about a year then?

A. That's right. He had previously been in Pleiku for about a year, so this was the fulfillment of his 2 year assignment.

Q. Do you recall anything further about the operation out there with Mr. BURKE and Colonel SWEARENGEN?

A. I think I've told you just about all I know about that.

Q. Did you ever, around about this time period, or after that as a matter of fact, hear about or see any VC propaganda, either in terms of that which came out over broadcasts, that which may have been published in leaflets, the use of slogans, posters, banners, armbands or any other thing which would have focused on My Lai or upon Tu Cung or Co Luy or the general village of Son My?

A. No, I did not. The province chief stated in November 1969 that there had been VC propaganda, but it had never come to my attention before that point.

Q. To your knowledge, had the census grievance people ever told you about any information which they got through their channels concerning anything which may have happened?

A. No, they had not. However, I really had nothing to do with census grievance. They worked almost directly for the Office of Special Assistance people, and during much of this period, I didn't have any contact at all with them. Then after I became the senior advisor in June of this year, it was never requested by the OSA.

MR MACCRATE: Can you recall the circumstances under which Colonel KHIEN first showed you this file?

A. Yes, it was when the investigator from Criminal Investigation Division came in November of this year.

Q. Investigator from where?

A. Criminal Investigation Division.

IO: For the record, I think you meant last year, didn't you?

A. Yes, 1969. Then it was during one of our preliminary conversations with him, Mr. FEHER, that Colonel KHIEN brought that file in, and I actually saw the inside of the file, although I wasn't given an opportunity to really

read it at that point. It was all part of the discussion. So that's the first time I had seen it. That was the circumstance.

MR MACCRATE: As he produced the file or talked about it, do you recall what he said about it by way of background or explanation?

A. At that point he was saying he had received this inquiry from the district chief and had forwarded it to the 2d ARVN Division. However, he did not have a copy of the letter which he had forwarded to the 2d ARVN Division in the file. It seemed to me like there might have been a handwritten note in the file which said something about the 125 VC killed and 20 civilians, something on that order, a hand notation of some type.

Q. A hand notation of 125 VC killed, 20 civilians?

A. Yes, something like that. And he discussed that he said that the results of his investigation of this matter then had been that this was approximately what had occurred.

Q. Did he indicate where he had gotten that information in his handwritten note?

A. No, he did not.

Q. Did he indicate that he had talked to any United States personnel at an earlier time about this?

A. No, except that representative of the IG who came through earlier. He never mentioned it when I was present. He never indicated any other time to me that he had discussed it with any other American personnel.

Q. But he did show you the statement signed by Captain RODRIGUEZ?

A. That's right. He never explained, and I guess it just didn't occur to me at that point to ask how Captain RODRIGUEZ got involved. I just didn't pursue the point. I don't think Captain RODRIGUEZ was in the habit of talking to the province chief. You see at that time, the senior advisor, I think, was not present and Captain RODRIGUEZ was.

Q. Was Major GAVIN?

A. Major GAVIN, at that time, yes.

Q. Major GAVIN was not available?

A. When I first arrived, I believe he was on a rather extended leave, his extension leave, I think. He'd extended for 18 months.

Q. So that it would be your recollection that Captain RODRIGUEZ was the senior officer present at the district?

A. Yes.

Q. Do you recall the name of the Phoenix lieutenant who was out at the district headquarters in Son Tinh?

A. At that time?

Q. At that time.

A. I don't think we had a Phoenix--the Phoenix Program wasn't started at that time.

Q. We have had an individual identified as a tall, slender lieutenant who worked out in the Son Tinh District and have heard that he was in some way affiliated, perhaps at a later time, with the Phoenix Program.

A. It must have been because the Phoenix Program didn't start up until the summer of 1968, and I don't think we assigned officers in there until the fall of 1968. He could have been with Mobile Advisory Teams or something like that.

IO: I think it varied from district to district. If you remember, they started them, Mr. DILLERY, and as they could get hold, get the Vietnamese and the U.S. to work together--it was sort of a haphazard arrangement of building blocks. But there wasn't any magic figure.

A. Right. I'm afraid Quang Ngai was a little slow in getting Phoenix started because I can remember in the late summer discussing with the Phoenix coordinator getting things organized before he had his people on board. But maybe I could sort of rack my brain a little bit.

MR MACCRATE: The name that's been given to us, only a last name, is Lieutenant DAWKINS. And he is described as having a Georgia accent.

A. Oh, DAWKINS, yes, sure. I kind of think he was a MAT leader, though. Although he might have been with Phoenix.

Q. (Interposing) Do you recall his first name?

A. No, but I could certainly find someone who knows.

Q. It would be very helpful to us.

A. (Interposing) It might take me a few days. I might have to write a letter or two, but I know there are people who could find that for me. I would be very pleased to do it. As I recall, I think he was promoted to captain before he left.

IO: That might very well be, particularly in this time.

A. I'll do that.

MR MACCRATE: In your conversation with Colonel KHIEN, did you get any impression as to the way he looked upon this file? Is this something that you had the impression that he kept pretty much in his personal possession up to that time? Something that was rather private to him?

A. His staff kept it, not he, because when he wanted it, he asked for it from his staff. But this is strictly opinion now.

Q. Yes. Getting your impression, was this something that you think he may have shared with others before or was he bringing it out, sort of revealing something, as you got the impression?

A. No, I don't think it was revealing so much as-- my own feeling is that the question arose and he did the necessary and that was the purpose for the file. I really didn't have much of a feeling that he passed it on to anyone. I mean the Vietnamese, at all levels that I ran into, seemed to be singularly uninformed about it. So I would say that he kept it rather close. That would be my impression.

Q. When you say the Vietnamese were singularly uninformed about it, what Vietnamese did you speak with?

A. The people in the province, the secretary of the permanent staff of the pacification council, and the deputy province chief--they were not aware of this. I didn't talk to the deputy sector commander who at that time had gone. I think a lot of people were aware of the incident, but aware of the file? Nobody had ever mentioned that Colonel KHIEN had a file.

Q. You say a lot of people were aware of the incident?

A. (Interposing) What am I basing that on? When we started, one of the things that we did after the case came to everybody's attention was to determine if there was any political or public opinion reaction to this in Quang Ngai Province at all. What effect would it have on the pacification program? We had a young man on the team who specialized, along with his refugee duties, as a political reporting officer.

Q. Who was that?

A. His name was George MOSSE, and he's still on the team. He'll be leaving fairly soon to go to Da Nang to be political reporting officer for I Corps.

Q. He's still on the team there?

A. He's still on the team there, that's right. There also might be another young man who came through at this time named Hugh MANKE who was an IVS volunteer. He was in the education program and had a great many friends among the younger people. So I asked him to feel out their contacts, to find out what the reactions were to this. First of all, one of the interesting things was that there were no discernible reactions at all in Quang Ngai Province. And there was a sense to the things that they got. A number of the people that they talked to had been aware of this, of the alleged incident. When you would remind them of it, they would say, "Oh, yes, the incident in Son My Village." So, in other

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words, the fact that there had been something that had happened seemed to be, I wouldn't say common knowledge, but there--

Q. (Interposing) This was talking to villagers?

A. No. This was mostly talking to people who would be like young Army officers, education people and politicians, local politicians.

Q. Various local Vietnamese?

A. Various local Vietnamese, not however, I'm afraid down to the local villager level. We never got down quite that low. We just didn't have contacts among them. But it would be school teachers, the village chief and the hamlet chief. Of course, they spoke in a very matter-of-fact way. When we first raised it with the Son My village chief, when the CID investigator came, and said that he would like to have an interview with the Son My Village chief, there was a meeting of village chiefs in the province that day, so I went to the province chief to see what I could set up. He said, "Maybe he's here right now." And he called, "Is the Son My Village chief here?" And then he spoke to him a bit, and I gather what he said was, "Look, there's an investigator here who wants to discuss with you the incident that took place back in the spring of 1968." And the guy said, "Oh, what do you mean? The one when all the people were killed? Oh, yes, sure. When do you want me to come?" In other words, it wasn't something he had to dredge up in his memory nor was it something he was particularly exercised about. It was just sort of a historical fact, not of any great moment.

Q. But all of this searching was out in the Vietnamese community? Did you find any indication that it had gotten across the bridge, so to speak?

A. To Americans?

Q. To any of the advisory personnel?

A. No, none I polled. As I'm sure you're well aware, we have some civilians who are still there. Mr. GOVE in Tu Nghia District was still there and Mr. HILL,

and Mr. WHITE on the province staff. Miss STENSLIE, the nurse was there at the time, and the hospital would have been one place that she came. Of course, the Quakers would have been there and would have been some of the first to notice this. They are also at the hospital. Allegedly part of the investigation, I understand, revealed that certain persons did come to the hospital, the province hospital, with their wounds, and none of those people had heard it.

IO: How about Mr. MOSSE and this other political reporter.

A. No, Mr. MOSSE and Mr. MANKE. Mr. MANKE had been there at the time by the way. He was there in March of 1968.

MR MACCRATE: In the IVS?

A. He had been there in the IVS, so he had many, many contacts among the Vietnamese. And he was not aware. I found no indication that any American, except Captain RODRIGUEZ, was ever associated with--

IO: (Interposing) I'll show you this report (Exhibit M-34) again. Look down at the bottom.

A. That's right. I know that that file is there, but I never saw a copy of that in our files. But on the other hand, I guess I didn't search our files before we left. And I would not have been present on 11 April. So maybe a file search would turn it up. I probably should have done that before I left. In any case, we went through our files from time to time. Some of the file people might have been aware, but none of the substance people, when I was there, had ever mentioned it to me. Some of them I couldn't ask either, like Colonel GUINN. I haven't seen since I was--

Q. (Interposing) Who would be a knowledgeable file clerk? We have certainly searched files.

A. Okay, I guess you probably searched the sector, our own files. The sergeant who really was in charge of the files was a Sergeant ANGLE.

IO: ANGLE?

A. A-N-G-E-L-L (sic), I believe it was. He would have been in charge of the filing operations at the time.

Q. Was he in operations?

A. (Interposing) You see this Quang Ngai sector would be Advisory Team 17 now. In other words, it should be--

Q. Colonel GUINN, then?

A. That's right. I would have been Colonel GUINN's files. You see, by this time we had already had the CORDS set up and so I think we were still called Advisory Team 2 at that time, or part of Advisory Team 2, but it was the Quang Ngai Province advisory team and the Vietnamese just used the old designations for a long time. This MACV Quang Ngai Sector means the province advisory team. So it should have been in those files that were right there at Quang Ngai, in the advisory team itself.

Q. Do you remember Sergeant ANGLE's first name?

A. That's another one I can certainly find out.

Q. Well, it would be real helpful to us.

A. In fact, I might even have a letter with his name on it. I did find a letter, and we lost it. We had a security violation that he was probably involved with, and we were trying to check back on who was sending a letter to him. He's still in the military.

MR MACCRATE: Is he in the military in Vietnam?

A. No, he's back, and I just can't quite remember where he is.

Q. This would indeed be helpful to us.

IO: You will also notice that a copy of that memo (Exhibit M-34) went to 2d ARVN Division headquarters, which completes the loop as far as KHIEN is concerned. He didn't have to send a copy forward.

A. That's right. Albeit, he even, at this point, really is not under divisional command.

Q. But he was at that time.

A. I see, maybe so. That was in the transition period.

Q. Right in the transition period. And even whether he was or wasn't, if one tried to pin it down according to the Combined Campaign Plan for 1968, you'd find out that, no, that wasn't the case, or it was debatable. But the Campaign Plan was late coming out on the one hand, and, on the other, it took a long time for that to sink in.

Q. It was really an entirely appropriate thing for him to do and certainly does cover....

MR MACCRATE: Mr. DILLERY, as someone who spent a number of months in this area and is familiar with the way in which information was passed, the way you would get intelligence, as to what was going on or what had gone on, or what was in the minds of the people, or what seemed to bother them, or where pressure points were, or what things seemed to be of less concern, what would be your opinion as to the reason, assuming that there was such an incident, that it seemed to be a well-known fact among the local citizenry once they were inquired of by Mr. MOSSE and Mr. MANKE, and your having gotten very quickly reports back: "Oh, yes, this had gone on." Why do you think that not even the private service groups, the hospital and otherwise in the area, were made aware of this back in 1968? What were the circumstances that would tend to keep this information private?

A. Well, I think that the situation during that particular period in 1968, in March and April, and so on into May was that the province was the scene of a lot of intensive action by the communists as well as by us. Everything had been so shattered by Tet. I think that there were numerous things going on, not all of which were necessary. I'm sure we were doing our proper intelligence reporting on enemy activities and so forth, but the whole province was really in flux at that time. The many normal sources of information pulled back, including RF who before Tet had actually been out. Colonel KHIEN told me at one point that there had been RF in the area. I don't know if you'd say in Son My, but nearby Son My. They had pulled back. Really, our sphere of influence was close to Highway 1 at this time, and everything was dislocated. I can only suppose that it was this

kind of dislocation of everything during this period that kind of interrupted normal flows. By the time things became normal again, the incident had not necessarily been forgotten, but it just was no longer an issue. I think that would be my evaluation.

Q. Now, of course, Colonel KHIEN did know something about this. He indicated to you in November of 1969 that he had conducted some investigation. Did you get any insight as to why he may not have been making a great fuss about it at an earlier time?

A. Well, his investigation, whatever it might have consisted of, reveals that there were 125 VC killed and 20 civilians, perhaps, by artillery and air. And that's what he stuck by. When I said that he was aware of these things, what I should say, and all the people were aware of, was that there were reports that this had happened. In other words, the number, the 500 number and so forth, these were reports, but yet really kind of unevaluated and maybe even reduced in validity by the fact that the VC had used this for propaganda. So I think he really tended just to discount it for a long period of time.

When we again had access to these people from Son My, I just think the issue was dormant enough that no one who thought to raise it with any of the people, the ones who might have been witnesses. Then when we did have access to them again, it just sort of died a natural death. But I suppose really that it was just discounted. I don't think there was malice or hope to protect us or anything like that. I think it was just discounted.

Q. If a letter such as that letter of 11 April 1968 had been in the hands of people in Son Tinh District headquarters in April, and they were attempting to prepare a statement of the kind you see Captain RODRIGUEZ' name on, how do you think they would go about preparing such statements? What resources were available, as you understand, at Son Tinh District at that time?

A. I think what they would have done was to speak with the village chief and the hamlet chief who were residents, not in the village, but back in the secure area. That would be the normal approach.

Q. And who were the district personnel that might be available to Captain RODRIGUEZ at that time?

A. You mean the American district personnel?

Q. Yes.

A. Well, he probably would have spoken with the district chief, and he might have asked Mr. SITTIG, although I kind of tend to doubt that, because Mr. SITTIG never mentioned it to me. I would have thought he would have later on. I'm not really sure if he was there at that particular moment.

Q. He may have been at Da Nang at the hospital at that time.

A. He probably would have done it himself, I would guess. This is the type of thing that he would probably just talk to the district chief about. If we had a Phoenix person, he probably would have used him at that time. But I just feel that we did not at that time. Now, we would.

Q. Do you know if Mr. BURKE spoke to any villagers when he went out in that particular instance?

A. No, I do not.

Q. We've had a report that he did go out in that area at the time with Colonel KHIEN and that they had been talking to villagers along Highway 521.

A. Colonel KHIEN almost always speaks with villagers and when we're with him, with our interpreter, we usually listen in on the conversations.

Q. (Interposing) You don't recall when they came--

A. (Interposing) Mentioning it, no.

IO: I'd like to cover two points. One, getting back to the notation that Colonel KHIEN had on the memorandum, could Colonel KHIEN have said that this data was given to him by American personnel? And I'm referring to, up in the upper

right-hand corner, written in blue ink, "125 KIA, 2 U.S. KIA, 3 weapons captured."

A. That's what I'm thinking of, exactly that. It seems to me that he said that this is what he'd gotten from American sources.

Q. Well, this I think is of little importance as compared to that. This is what turned up as a result of his investigation.

A. Right. I don't know, but just frankly speaking, I think that probably was his investigation. I have no basis for that.

Q. Well, at that particular time, Son My was still pretty well occupied by the VC. It's conceivable that he was trying to talk to some people from the area, and we know that there were more than a few of them that were already back in Quang Ngai. As a matter of fact, this is the same information upon which the village chief, Mr. LUYEN, had based his report. He had never been out in the area.

A. I guess I can't really swear that he said that, but my recollection is that he did say that it was from American sources. Then again, I just don't know what else his investigation was composed of.

Q. Well, the reason I mention this is the fact that the statistics from the log of the Americal Division that day which came from Task Force Barker to the 11th Brigade and on up indicated 128 VC KIA, 3 individual weapons captured, 2 U.S. killed by hostile action, 10 U.S. wounded by hostile action. Generally speaking these are consistent with what he had written in the upper right-hand corner. There is one other point which has to do with the establishment of the Son My Model Village. If you were there from the times you've indicated, you undoubtedly are well familiar with the background and development. Can you explain that a little bit?

A. All right. First of all, I think it is a model village, but that gives it a dignity which I think is a little undeserved.

Maybe if I have just a couple of minutes here, I'll say that when the Operations Russell Beach and Bold Mariner began in January of 1969, six villages were involved, one of which was Son My Village. It was a coordinated operation by five battalions with ARVN and United States Army and Marines as well as a sea force. It was for two things really. One was to try to neutralize one of the best VC battalions which was in the province which was the old 48th Local Force Battalion, but secondly, to bring the area under GVN control and also to attack the heartland of the VC one of the strongest communist areas in the whole province.

When the troops went in, I can't quite remember, but I believe that it probably was one of the Army battalions which was in this area. When they went in in January of 1969 and as they arrived at these areas, the people were asked to assemble, and a short interrogation was conducted at that point. Then they were brought back by Chinook helicopter to a holding area outside of Quang Ngai City. We slightly underestimated. I think we thought there was going to be 4,000 people in the six villages, and there turned out to be 12,000. But we managed to keep them all.

This was done mostly for the security of the people. In other words, hoping that we would have an engagement with this enemy force and that, therefore, these people would be out of the way when the shooting started. And as I recall, the casualties among the civilians were very light. At this time, of course, the policy was nongeneration of refugees, so part of the whole plan was to take these people back near their own areas or into their own areas, if possible. We were hoping to do this after two or three months.

In March we actually did start this return-to-village program, but unfortunately the province could not commit enough forces to the area to really permit all these villagers to return to their own village. So it became necessary for the three villages in Son Tinh which were Son Hia Village, Son Quang Village, and Son My Village to all be located in Son Hia Village which is the area north of what is called on our map as Pinkville.

In fact, Son My was located at a little place on the map called An Ky. They accomplished this in March. They were brought back by sea.

We had another little incident, just as an aside here, in which the North Vietnamese accused the Americans and South Vietnamese of drowning a number of people in this return. They had dropped propaganda about this and I, being present and having some of our refugee officers on most of this lift, stated categorically that there were no drownings in this. One LCM, Vietnamese LCM, foundered on a rock, empty, after delivering a load, and had to be helped back to the mainland and so forth, but there were no casualties.

The whole objective all the time was to try to get these villagers to return to their own village. So Son My was the first one of these displaced villages which was actually replaced back and actually I guess in part of the hamlet of Tu Cung. By going back to a centrally located area in the village, they could still go out to their fields and farm, which they had not been able to do at An Ky, but they could come in for security at night and be protected from the Communists and also from friendly and all kinds of fires.

About September, the people, under the direction of the district, did pick up their houses and carried them some ten kilometers, I suppose, down to the beach and then back inland about 2 or 3 kilometers to the northwest corner of Hill 85, where they established this village. The village then was still composed of the same three of four hamlets. They are now located within the one perimeter and are protected by two PF platoons, a Marine combined action group, a platoon, and then there's an RF company nearby.

Basically that's it. I think Colonel KHIEN's idea in this was that located in their old areas they were all spread out, and it just would be impossible for a number of GVN troops in a marginal area like this to give them security.

But by consolidating them into this group, they could still work their fields and be safe from the communists. This was the idea behind it.

Q. There was no connection, then, between this which took place in, let's say, in the spring of 1969 as compared to the investigation of Colonel KHIEN in maybe September, beyond that rise out there where the CP was located?

A. That's correct. The operation in question took place in the fall of 1968, and the other operation took place in January of 1969. I would say there was no connection at that time. Now Colonel KHIEN could have had his own people making inquiries, but I was not aware of it.

Q. You were sort of an observer of ARVN military activities. We received some impressions from people who were on the scene in the early part of 1968 that, even though the 2d ARVN Division and specifically the 4th Regiment which was in the neighborhood of Quang Ngai may have done well during the battle of Tet, there was some people that did not think too highly of them. As I would look at the situation now, and just listening to people and getting the general impression of some experienced military people, the 2d ARVN Division at the present time appears to have quite a reputation, a good reputation. Can you explain a little bit of this evolution or the change from one to the other as you saw it from your position?

A. Yes, sir. I think that in my mind the most significant thing that led to this development was something that took place in the spring of 1969. I couldn't give you the exact date, but before that time the areas of operation of the Americal Division had included a portion of the northern part of the province and the central part of the province was the 2d ARVN area of operation, the southern part being another Americal area of operation. And the tendency during this period was for the 2d ARVN Division, really, to operate as a palace guard. They were close enough so that if they went on an operation it was real close to come back to the province. I can't recall their really staying in the field for a very long time. My recollection is that a battalion was always near the city or in it, and one might have been in Nghia Hanh District which is just 4 or 5 kilometers to the southwest, never really west of the railroad tracks

in Son Tinh District, and conducting sort of minor operations out toward Pinkville, but never really going into My Khe which is Pinkville. They never really swept through to Pinkville that I can recall. No, I have no particular reason why they did it this way.

But in April the areas of operation were changed so that the regiments of the 2d ARVN Division were collocated, in a sense, with the brigades of the Americal Division. This gave them a bigger area of responsibility, and they really responded very very well to this. I think General TOAN worked very hard on it, too. I think he exerted a good deal of personal leadership. I think also having the same AO's kind of increased a little spirit of competition. It made it necessary for them to station their battalions a little farther from the province capitol, and I think this probably gave the regimental commanders really more incentive to move ahead because it was more apparent what they were doing. They were out there. They started working really far away and started going west of the railroad tracks, started going all the way into the mountains, and just became a good deal more active. I think it was a case of having more opportunity, for one thing, and good leadership.

Q. One of the things that you mentioned was competition which would indicate competition between them and the American brigades.

A. Right.

Q. But at the same time, it might have really elicited something a little bit different from competition in terms of cooperation.

A. Yes, and I don't mean to indicate that at all. When I say competition, what I meant to say was that now working really with the Americans, they wanted to perform well, I think, and the cooperation was really excellent. The 198th Brigade which was in the northern half of the province was actually collocated with the 6th Regiment at that time. They had their headquarters at the same fire base. The 4th Regiment, which was to the south, did not, yet they had almost daily contact between the commander of the regiment and the commander of the brigade.

Often many, many joint operations involved units from both groups. There's no question that this also helped them. It was my own impression that just giving them more responsibility is really important.

Q. Well, at the same time, if I may add just something to your explanation which I think is a very, very good one, I think the fact that when they did start working with the American forces it also made available to them all forms of transportation in terms of helicopters, in terms of fire support, artillery, tanks, APC's, and things which they had only in limited numbers prior to that. This greatly enhanced their capability.

A. One of the regiments was making use of what they called eagle strikes which were heliborne attacks on a target, which they couldn't have done, of course, on their own.

Q. Well, Mr. DILLERY, we want to thank you for coming in. You have been most helpful to us in filling some of the gaps. We would appreciate it if you could provide these names of individuals for us as you think over this thing. Now I'm sure we've done a little bit to refresh your memory. If you can remember any additional thing which might be helpful to us, we'd very much appreciate hearing from you so that we can make this a matter of record. Do you have any questions to ask? If you would like to make a statement for the record, fine, you have the opportunity to do that.

A. No, sir.

IO: Thank you very much. We will recess at this time.

(The hearing recessed at 1735 hours, 15 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: FORD, William

DATE OF TESTIMONY: 22 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Senior Advisor for a Mobile Advisory Team in Quang Ngai Province.

1. OPERATIONS IN THE MY LAI (4) AREA.

a. Purpose.

Mr. FORD was an Army major at this time. His job with the Mobile Advisory Team was to organize RF/PF units to protect different sections of Quang Ngai Province. His team consisted of a lieutenant and three enlisted men (pgs. 3, 4). As the witness understood it, the sole purpose of the 13 June operation was to establish an outpost on Hill 85 (pg. 14). My Lai (4) was not an objective until the airplanes were shot down (pg. 15). He never received any information that one of the purposes of this operation was investigative. FORD asserted that if a reason for the operation was to investigate he would have known about it (pgs. 15, 16).

b. Entry into My Lai (4).

Although he led an operation in the Son Tinh District to retake Hill 85 in mid-April, he did not enter My Lai (4) until the day Lieutenant Colonel BARKER was killed (pgs. 4,5,8,9). FORD's unit received considerable hostile fire while north of the village. Upon entering the village, his troops detonated a couple of booby traps (pg.12).

c. Appearance of My Lai (4) on 13 June 1968.

The houses in My Lai (4) apparently had been

demolished by artillery fire (pgs. 13, 24). There were numerous enemy entrenchments. From its physical appearance, the witness opined that My Lai (4) was a fortified village (pg. 13). He did not see numerous graves adjacent to or east of the village (pg. 23). He was never east of My Lai (4) (pg. 23).

2. REPORTS OF ATROCITIES IN THE SON MY AREA.

FORD testified that he never heard any reports of anything unusual transpiring in My Lai (4). He said that if an incident had occurred in VC controlled territory the South Vietnamese officials would not have been interested in investigating it (pgs. 18, 19). Even if women and children were killed there, they would consider them dead VC (pgs. 17, 18). The witness never heard any U.S. advisor mention indiscriminate killing in the My Lai (4) area. He never saw any VC propaganda focused on My Lai (4) or Tu Cong (pg. 19). After being shown the propaganda attachment to Exhibit R-1, FORD stated that he had never seen it. He stated further that had he seen it he would remember it (pgs. 19, 20).

3. VC ATROCITIES IN THE AREA.

In July or August of 1968 about 70 women and children, dependents of RF/PF troops, were murdered by the VC near Hill 85. Lieutenant Colonel GAVIN should have knowledge of this incident since it occurred in his district (pgs. 25-27).



(The hearing reconvened at 1139 hours,  
22 January 1970.)

IO: The hearing will come to order.

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

The next witness is Mr. William FORD.

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

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

A. William FORD, student, University of Maryland,  
1826 Metzert Road, Apartment A5, Adelphi, Maryland 20783

IO: Mr. FORD, have you had an opportunity to read the  
instructions (Exhibit M-57)?

A. Yes, sir, I have.

Q. Do you understand or have any questions concern-  
ing this?

A. I understand the briefing sheet that I got from  
the Major LYNN there. My only question is my part. What is  
the particular scope of this for me individually? How do I  
enter into the picture as I understand it now through the press,  
the My Lai incident?

Q. Well, the way you enter in, conceivably could enter  
into the picture, is that a--what is commonly referred to  
as My Lai is in Son My Village which is part of Son Tinh  
District which is part of Quang Ngai Province and we are  
interested in obtaining information concerning what trans-  
pired at province with respect to the Vietnamese in terms of  
information. What information did the U.S. advisory element  
have concerning what may have transpired? We have talked

to many people from your advisory team, from the PSA's on down, and we have gained a considerable amount of information as to how much was known at this time. This is of considerable value to us in performing the function which this investigation was organized for. If you remember, that sheet said that I was to look into previous investigations into the My Lai incident, and subsequent reviews of the investigation which may have resulted from it and all, to determine whether or not any attempt was made to coverup the My Lai incident. Now, does clarify it for you?

A. Yes, sir.

Q. Beside me here, Mr. FORD, I have on my left Mr. MACCRATE who's a civilian lawyer, who has volunteered his services to the Secretary of the Army to assist me in the conduct of this investigation and also to provide legal counsel to me and other members of the team. On my right is Colonel ARMSTRONG, who has been designated as an assistant to me by the Office of the Chief of Staff. Both these gentlemen may address questions to you this morning. Besides this group we have other groups that are likewise taking testimony from other individuals. However, the responsibility for putting together the report and weighing the evidence and determining the findings and the recommendations will be mine. For your information, we are directing that all military personnel who appear before this inquiry not discuss their testimony or this investigation with others. You being a civilian, we can not direct you, but I would request that you not discuss this investigation with others, including other witnesses for the investigation, except as may be necessary before competent administrative, judicial, or legislative bodies. There is a possibility that you may be called before one of the congressional committees, specifically, the investigative subcommittee of the House Armed Services Committee. If you do get called your presence here will in no way affect your testimony before such a body. Do you have any questions at this time?

A. No, sir.

Q. Mr. FORD, would you indicate what your assignment was in March of 1968?

A. At the beginning of March 1968 up until the 16th, I was with 4th Brigade of the 196th Light Infantry Brigade. About 16 March 1968 I was levied to go to the advisory school at Di An to be a senior advisor for a Mobile Advisory Team. I did attend this school for two weeks, graduated, and returned to the I Corps area on 30 March, subsequently arriving at Quang Ngai Province on the last day of March.

Q. Yes.

A. And the first 2 weeks of April saw me out on operations in Quang Ngai Province until when I left in the first week in December of last year.

Q. Where in Quang Ngai Province were you located?

A. I was located initially in the district of Ta Nghia. Just down the road about 8 or 9 miles from province headquarters. Helped organize the--oh, well, I suppose the--37th RF/PF Group. I was subsequently brought back to Quang Ngai City.

Q. When did you come back to Quang Ngai?

A. Quang Ngai City? I don't recall. It's probably somewhere after the 16th of May. Yeah, some where after the 15th of May I was brought back to be the senior advisor to the 17th RF Group, then in Quang Ngai City.

Q. In Quang Ngai City? Did they operate outside Quang Ngai City?

A. Yes, we did. The organization there with the RF, Regional Forces--it was my duty to brief these people, had to do with getting a Vietnamese officer to organize his regional/popular forces personnel to provide security for different districts of Quang Ngai Province, and we did work in several districts.

Q. What was your rank at that time, major? You were a major? You had a team of five working with you--

A. (Interposing) No, sir. I had a lieutenant with me and three enlisted men, and a Vietnamese interpreter.

Q. Mobile Advisory Team.

A. We practically lived with them, ate with them, and a everything else.

Q. Did you enjoy it?

A. Yes, sir, I did. I had quite a place there.

Q. Could you speak the language?

A. I could not speak the language. I could speak English and then quite a bit of Vietnamese with them and knew quite a bit about the customs. I knew certain words, like "Danger" but that's all that was necessary for me.

Q. Did you ever work with the RF group that you were later associated with in May out in the Son My area? We have it fairly well marked here. The area of operation that had been temporarily attached to Task Force Barker (indicating on Exhibit MAP-1).

A. After my arrival in Quang Ngai City, the first operation I went on, the first time I went out into Son Tinh District area was on Hill 85. This was my first objective, here.

Q. What time was that Mr. FORD?

A. This was in the second week of April.

Q. Reoccupied Hill 85?

A. Right. We took the hill but did not reoccupy it because the hill itself had been mined by the VC. So we abandoned this post and made arrangements to blow it up.

Q. The second time what did you take out there as far as troops?

A. Well I had, troop-wise--I had four companies of ARVN's here, plus a few RF platoons with me. I'd say this is comparable to our regiment in size.

Q. Yes. Or battalion?

A. Regiment.

Q. Regiment. Four companies, a regiment?

A. I must have had close to 5 battalions--

Q. Yes, that's what a group was normally.

A. Yes, because one of their companies consisted of about 122 people.

Q. Well you missed by one; 123.

A. Oh?

Q. Can you tell me how you approached the hill, from which direction?

A. Yes, we had a night movement and this was my third incident of getting fired at. I was an advisor, the third time I had gotten fired at in about 14 days. We made a night march. Coming across the bridge they dropped us off here. Previous to this, we were working out in this area (indicating).

Q. Yes. Working south of the Song Tra Khuc?

A. Right. Song Tra Khuc. We were working out here.

Q. Mr. FORD, if I may, what I want to do of course is get this on record. It's pretty hard to say, "Here," and for the record, to know what that means on the map. So, whenever you can, try to pin it down to location.

A. Well, we moved from the vicinity of the My Lai (1), My Lai (2) area of operation back to Quang Ngai, night march at about 2200 hours, crossing the Song Tra Khuc bridge, where we debarked at An Binh (2). At An Binh (2) we got off the trucks and we walked from An Binh (2) down Route 521 up through the citadel at Chau Thanh right there. We grouped overnight for about 2 hours and moved out the next morning down that road to Hoa My (3) along grid line 77 and attacked in this manner, actually, over on Hill 85 without any return fire from enemy. Upon securing the objective, Hill 85, one of my companies got into it, went on top of the hill at about 1100 in the morning, disregarded orders to look out for mines, tripped a mine, killed approximately 6 and wounded about 13. I conducted a med-evac for two choppers. It was the first time I've had two chopper loads of wounded taken off that hill. We were subsequently brought off the hill--

Q. (Interposing) Which way did you go off the hill?

A. Came back down in this--

Q. (Interposing) What I'm interested in is whether you noticed the hamlet of My Lai (4) or anywhere near that village, that hamlet, at that time?

A. This is in April?

Q. Yes.

A. No, not in April.

Q. No, all right, fine. So you went down off the hill, went back to this?

A. The next day and a subsequent a--in fact, they cancelled the operation. I went back to Quang Ngai and went back out in the pacification program in the Tu Nghia District. I can't recall if we ever went out there again. The next time I went out with either the 35th or the 17th, they change numbers so fast. I went back out again, again on a night march, debarking at about the same place.

Q. Do you know the time period, about?

A. This should be--

Q. (Interposing) You moved back to province in May you indicated?

A. About the first part of May. This is about the middle of May. We moved right around this operation, coming through Son Tinh District, and at this time we would debark in trucks way back here, on this route here. I made another night march with my counterpart, and we walked to here and we took the French citadel; we stayed overnight there. The next morning at 0430 we jumped off and we started for this village of Hoa My, that should be Hoa My (2) or (1). This is where we received fire. This was a combined operation, where I took my group and my counterpart's and we sort of exchanged fire there, all day long. In the meantime, another group came in this direction right up here at this particular crossroad.

Q. That's a crossroad about a--

A. (Interposing) Crossroad about 698792. They received fire here from this vicinity because the RF/PF Forces broke and ran in the rout, ran through my position. I of course salvaged the senior advisor's from that particular movement, we in turn joined forces. We'd been there, about eight Americans on the ground. We managed to get vehicles to run down here to take the Americans, a couple of them wounded. In the meantime, I was questioned very vigorously by a senior advisor from the 2d Division as to what was going on out there. What was actually happening, my troops were running and I was frankly being left, being abandoned out there. So it boiled down to where we had about 8 Americans and maybe around 30 Vietnamese troops around. Of course, with the senior advisor of the 2d Division getting a hold of the division commander and providence advisors, they got more forces out here. We in turn were able to regroup these people and thank goodness get back to the citadel. This is in one days operation.

Q. Who was the senior advisor to the 2d Division at that time? Would it have been Colonel HUTTER?

A. Yes, HUTTER. Colonel HUTTER and I had a conversation over the radio for about 15 or 20 minutes. He asked me point blank what was going on and I had to tell him. At the time that we had this conversation, I was under fire. As I mentioned previously, this other MAT team had been abandoned by their forces. It was just a matter of picking up a few Americans and taking them back, so it looked like this citadel--I'll always refer to this as the French citadel--that night, again, talked to our counterparts and we attacked again the next day. At this time we went past this village. We were past this village and I was walking right into here. I believe Task Force Barker was working up in here somewhere. Now I can see why, the town was crawling. Colonel BARKER's chopper the day before had brought a lieutenant of mine, picked him up and joined me in the field, his command chopper. The next day out here, while we were in an operation they came out of this village and I was--I'm right in here.

Q. Just west of Ky Tay.

A. I was in this village and what happened here is an operation was going on here, in the vicinity, probably right here. If I remember correctly, we had one of these observation airplanes shot down. That's where we lost two airplanes that day. I was called and asked I see the planes fall? No, because at this moment, I was talking to the aerial observer; he and I had played bridge two or three night before. He and I were talking he was telling me about there was VC over here somewhere; go get them, mortar crews, and that sort of thing. I probably was the last man he talked to because I was just telling him turn to his left, go back over, because I was thinking I was getting some fire from this hill. At this time I was informed by my radio that he had been shot down. I said that's ridiculous I was just talking to him. I subsequently learned that Colonel BARKER was the chopper that this plane fell over. What actually happened, his chopper came through this way, he was flying this way. He went in right here. Approximately in this area. Of course, my orders then were to move in here--

Q. (Interposing) In the area of Ky Tay?

A. Right here. We moved from here, through here, and up into this area to about here. Through here, right here, it's about 500 meters from the site of this downed aircraft.

Q. Would you indicate the coordinate of where you thought either the helicopter or the fixed-wing went in?

A. Okay. It should be coordinates 712798.

MR MACCRATE: That was the fixed-wing plane?

A. Fixed-wing and the chopper. Major HACKING at the time made this overland route march to get to the actual site over there. And he was passing by me while we were having all this shooting over here. In the meantime, we were getting quite a bit of light machinegun fire and of course we had artillery going on this hill. Subsequently, we moved to My Lai (4) down this particular road right here, right here, where I had another medevac. That would be at coordinates 713785, I had the choppers come right in here to pick up four or five wounded that we had in my particular operation.

Q. Where had they been wounded, back in Ky Tay?

A. They got wounded coming through here, coming through here, because I moved on this side--

Q. You were north of My Lai (4)?

A. Yes, I just walked across the paddy field. Walked right here. I was right here somewhere, because as I looked over here. There was a little village, a little temple or something right here. HACKING and the rest of them were just yakking back and forth. Now this particular village, at the time you could walk right through it.

Q. Did you walk through the village at that time?

A. Yes, sir.

Q. Let me show you that little village. I have here an photograph of My Lai (4) (Exhibit P-1).

Just to tie you in, let me have that map (Exhibit MAP-4). Some of the distinguishing features here; you notice the shape of the hamlet, you notice Highway 521, you notice this curve in the road, right here. You were evidently over in Ky Tay, which is in this area, and Hill 85 is down about here. Now one inch equals about 80 meters (indicating P-1).

A. Okay, this village--this little crook in the road over here right to about this--this one right here, a jeep could come up to this far, because they had--

Q. (Interposing) Well, just mark on there and I'll have somebody sit down with you to tie it in later. (Witness marked on P-1, later entered into the record as Exhibit P-187)

A. You could come right up to here. You could come right up to here in the road. And this is the town, what it is, Ky Tay?

Q. Ky Tay.

A. You could come up to this far. From here on out to this area there are barriers in the road. They had ditches dug in the road. You'll notice right here's where there's a big ditch where they dug it out and knocked the bridge out. This road I was telling you about from that My Lai is this road right here.

Q. Then you came from here and walked down here and came--

A. (Interposing) I came from this village just like this. Walked right across, it doesn't appear wet in here, walked across in here came up just like this. Walked across the village came in through here and I walked down and over here right here is where I had lunch. One of our boys killed a pig over here or something like that. This is where I was sitting. Right here. Then when we came back out again we came back through here.

Q. Did you cross this rice paddy and across this--

A. (Interposing) I never got as far as here. Some of my troops were blocking and this plane should have been somewhere

up in this--

Q. (Interposing) This actually doesn't show up very well on that map, it does show up on here. Here is the area that you have indicated, about up in here.

A. Right in here. This is where that--

Q. (Interposing) Well, you see, this stream is actually right here. You can see it weaving around below. You can see it's an obstacle actually, and it's got water in it, and parts of a farm so it's a sort of an intermittent structure.

A. Well, it's in this part over here. It's in this part right because when I was sitting, I was looking in this direction. I was probably looking right at it, so maybe it's about 60 feet.

Q. When you came back out of village which route did you take?

A. I came back this way. Just walking right along the edge of the village. Just like that. This is where we had my medevac, right here.

Q. Right there.

A. Just had the chopper to come in. He came over these trees right here and picked him up right there.

Q. We'll have Colonel ARMSTRONG sit down with you to mark one of these maps up when we're through. Tell me, when you were in that village we refer to as My Lai (4), which actually, according to Vietnamese is not My Lai(4) at all but is known as village of Tu Cung. This being the hamlet of Tu Cung, this being Thuan Yen (indicating).

A. Ah, that's familiar.

Q. This is Binh Tay? This is Binh Dong. This is Cong Hoa, and this is Cong An. Do those register?

A. Those names register. My Lai doesn't register.

Those are the names that you mentioned here. This is the village I was in.

Q. What did it look like when you were in there?

A. When I went in it just had, like any typical village, had been shelled with artillery and this particular place here--

Q. (Interposing) Use that in terms of the road.

A. This particular place was a little temple, I believe, where a "papa-san" was out fixing up his cattle or some stuff. This is where I walked into it, because we exploded a couple of mines going in, booby traps, we found, and the Vietnamese troops exploded them. They told me to be very careful walking in the underbrush and I stayed on the path, hitting in the branches and could have damned well blown myself up. There just happened to be a little temple at this point, probably had four or five direct hits from artillery.

Q. See many people in there?

A. No.

Q. How many would you say you saw? Just recollecting?

A. Oh, for that days operation, I'd say--

Q. (Interposing) No, in that village.

A. I'd say less than 20.

Q. Women and children or--

A. (Interposing) Women and children.

Q. Old men?

A. Very old men. Women and children, very old men. No young men. Or young women.

Q. How's this pretty--

A. (Interposing) Demolished.

Q. All the houses?

A. The houses were demolished. There were quite a few VC entrenchments there. It showed where they had been digging and this was a VC village and dug in to be defended. What I mean by that, around the village you see a lot of fox holes and as you come on up some of these paths you see a lot of tunnels leading into houses and things. This was a typical VC village.

Q. Fortified village?

A. Fortified village, that's what it was.

Q. You say you killed a pig in there. Did you see many animals around in there at all?

A. They had chickens and stuff. In this particular spot right here, one of my soldiers, Vietnamese soldiers, caught a pig. They had about three pigs there, a little white one and he shot him. Of course I talked to my Vietnamese commander, and I told him this is not right. They shouldn't do this. He agreed and sort of kicked the soldier. A typical on-the-spot remedy. He just kicked him. In the meantime, we wrapped up all the three pigs and we brought them back. Working with the RF/PF, this is how they operate. Half of my time out here, in this particular area, that's where I was. The reason for pushing out this far was because of the chopper and plane that went down over here. My troops sealed off the area and frankly we didn't get too much farther from that. Not too much farther after we walked into there. But we were getting a heck of a lot of it when you're standing over here trying to go in this area. There was another element somewhere getting mortar or something. But we were getting a lot of fire from this village because we walked in with about 200 or 300 RF/PF troops, and nothing.

Q. That's been very helpful.

A. This time frame should be about the middle of--

Q. (Interposing) Think when you came back now. You indicated before that you didn't come back to province until about the middle of May, and so would this be the middle of May then you're talking about?

A. Right. What has happened is on the first operation, I can remember these incidents out in Son Tinh, about the first time I went out there coming through that village, Hoa My, I got shot at and this is where we got almost left out there. And the third incident is when I went actually through the village of My Lai because Colonel BARKER had been killed.

Q. Well, this is the reason I'm trying to fix it down a little tighter for you, to refresh your memory. We know for example, FORD, that you started this operation on 11 June.

A. I did?

Q. Yes, and the day you're talking about is 13 June.

A. I was off 30 days.

Q. As far as I know, you would have been--this is generally the area that we are looking into. In my estimation, from my knowledge, you were the first one back into this village from the time the operation was alleged to have been conducted, in mid March.

A. I was? I didn't know that. Well, I walked through the path indicated on this, that's my path. It enters into and out of that village. This is what they call My Lai (4).

Q. That's My Lai (4), on the map at least. Were you ever aware of what this operation had been initiated for, the operation that you were on that started on the 11th. Did they give you--

A. (Interposing) No.

Q. No reason for it?

A. The reason for it is for to re-establish outpost 85. That's all.

Q. Yes.

A. Now My Lai (4) was not even on my order of battle at the time. This particular village was not even one of my objectives. And this particular village--came over radio to move out, some 1,500 or 1,600 yards further to the east, just because of the incident with the plane being shot down.

Q. Had the group commander you were advising been directed to detain some people out in this area, to seize prisoners or to interrogate people? Anything of this nature that you know of?

A. Not that I know of. There was Dai-Uy, I had a captain at the time, a Vietnamese captain. No, he had not received any instructions like that. He was told through my interpreter to set out and move a perimeter to secure the area. Upon further orders from province headquarters they would tell us when to come back.

Q. I'd like you to think, you have a good recall, have you ever heard at the time, about the time this operation started, that the purpose of this was to make an investigation of this area as well as perhaps going on Hill 85?

A. No, sir. No, sir, I never heard that from the Vietnamese themselves. I never even got an indication. My particular interpreter, he used to level with me quite often and we used to get rumors to the effect about enough food and that sort of thing. I'm talking from the Vietnamese standpoint, now.

Q. My point is that you were right in this village, you were in around and through the village, and if the purpose had to been to conduct and investigation of anything that may have transpired in this area you were certainly right in the heart of it weren't you?

A. I would have known. Knowing my Vietnamese that I'd been working with for about 2 or 3 months at the time, I would have known. I probably could have known by the actions of these particular soldiers in the group, because they act

different when something like this is going to happen, when they go into an area. I didn't get this indication at all from them. Neither from my interpreter.

Q. Actually you were away at school, received your 2 weeks training at Di An. Had you heard of the results of the operation of Task Force Barker into this area on 16 March?

A. No, I hadn't. The last briefing I attended on LZ Bronco with the Americal was between 14 and 16 March, and we were talking about Que Son Valley, different enemy activity--, but I knew there was a Task Force Barker in operation in the area south of Chu Lai. This comes all the way down from Binh Son all the way down through the Khuc River. They were in this area. Their body count was "blaa-blaa-blaa."

Q. When you returned and you came back with your MAT team, did you hear about the operation they conducted out there at all? Did you read about it in The Stars and Stripes?

A. Well, I heard Task Force Barker had ended up this operation and they had such a big body count--

Q. (Interposing) Do you remember the figures? Something like 128 VC KIA?

A. That figure is either 128 or 118, they got on a particular operation, Pinkville, I believe.

Q. Well, you're looking at Pinkville right there.

A. This is the area right here?

Q. Well, the whole thing is Pinkville.

A. Now this is what they had in The Stars and Stripes. They had a big body count or something.

Q. You'd remember that because this was in the area that you knew.

A. Yes, I was in the Americal, this is my area, and you're quite interested in which one of the elements had a big body count of 100 and something.

Q. Now when you were in there and you had this close working relationship with the Vietnamese, did you ever hear of any reports that were coming in from anybody that something unusual may have taken place out here? In the middle of March?

A. No, a--

Q. (Interposing) A lot of civilians got killed?

A. No, I never heard this. And this is what my first reaction was when I saw this story break in the papers. I said this is ridiculous, because I never heard anything like that. First time I ever heard of a My Lai incident is when I read it in the newspaper, and I said, I was there for 8 months, and I of course personally had been up to My Lai, once or twice if I can recall, and I've never heard the Vietnamese talk about somebody being, what they called it, massacred. They do talk about these things. You only have to have a Vietnamese child at your truck and they'll talk about it, and I'll know about it. It's just how they are. I'm quite sure if the Americans had killed that many people I would have known about it because we had a few convoys come through the town of Quang Ngai and just bumped a couple of kids up at Son Tinh or Binh Son, I would know about it, because my interpreters tell me that so and so in town got hit. It's just how sensitive these people are to what we do as Americans.

Q. Well now, let's try to see if there is a line, a wall, if we have to. A line we have to draw or a wall we have to build. That which is along Highway 1 is GVN controlled territory, isn't it?

A. Right.

Q. Now, when we move out on Highway 521 we reach a point where it ceases, and the time period that you were there it ceased being GVN controlled. Did they have the same degree of interest and concern for things beyond that line, or that wall? Now that's the point that I'm asking you.

A. Okay, to answer your question quite bluntly, when you went into VC territory, from the attitude of the Vietnamese,

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broadcast form and was taken down and written out. You might just glance through the first page, it's my judgment rather typical VC propaganda, broad in scope. Now you might look at the second page and if you'll notice, it starts to change.

A. No, I'm not familiar with this.

Q. If you had seen that you would have remembered it?

A. Yes, I would have remembered this. This particular bit of VC propaganda.

Q. You'll notice also one of the interesting things about this is when you get down to the end you'll see that this is really addressed to the ARVN and the RF and the PF, for them to turn on their American friends, i.e., yourself.

A. I trained a VC company. We lost 52 of them and they told me that the reason I wasn't killed was because they like me.

Q. Yes.

A. I wake up nights now thinking about it.

Q. You mean you trained Kit Carson Scouts?

A. I trained these VC people and we put them out on station out south of Tu Nghia District and 52 of those people did not come back. We captured one of the sergeants and he told the province chief that Thieu-Ta FORD was supposed to have been killed, but the reason we didn't kill him was because we like him, because he showed us how to shoot the M-16 and everything else.

Q. You mean they were RF and PF?

A. They were VC who infiltrated into the PF ranks. And this happens quite often. This happened with one company and I trained them and we never did find them either. No, I'm not familiar with this.

Q. All right. Well, let me show you another one. This is not a leaflet. This is a proclamation or notice. This was put out on 28 March 1968 by the National Liberation

Front Committee of Quang Ngai. Here is a Vietnamese version, which, as you can see, is rather blurred, three pages of it, and then the English translation on top of it. I would ask if you ever saw anything like that?

A. This is known as an intelligence brief from the--

Q. (Interposing) No, this is not an intelligence brief. This is a notice which is put out by the National Liberation Front, by the Viet Cong.

A. I never saw this.

Q. Well, it evidently was posted. Some of the people carried it as a leaflet.

A. No, I didn't see this. I would probably have been in a different frame of mind if I had known this.

Q. Let the record show that Mr. FORD indicated that he had seen neither the inclosure to R-1 nor had he seen M-35.

A. Because in my initial action in Quang Ngai, the first 2 weeks, I went on operations mostly in the southern portion of Tu Nghia District, which is south of the Tra Khuc River there. As I indicated, Ba La (1), (2), (3). We Opened up these areas because we had a pacification program, we were building something out there. We wanted to put the people back out and all that sort of stuff. And had I known this was happening--I would have been told. I would have been told, because the interpreter I had happened to be from I Corps and he had never come from Quang Ngai. He was just as straight as I was, because he didn't know anyone there, Vietnamese interpreters, and we used to exchange. I used to ask as to what was going on. He told me that we were going to put some more people back in this village. No VC or we had VC. This type of thing. But those messages indicate there--if that had been the case, I probably would have asked my senior advisor at the time, a different tactic rather than have five Americans who were to be sacrificed, if I knew the feeling was that bad. If the populace were like that the only thing that would have happened, as soon as we got 5 or 6 miles out of Quang Ngai we'd have been dead, no if, and or buts about it. I wouldn't be here talking.

Q. So in your opinion this couldn't have happened? That's what your telling me.

A. No, sir. I'm not saying that this incident as alleged in My Lai couldn't have happened--

Q. No, I don't mean that. It couldn't have happened without you knowing it?

A. I'm saying this. That if this had happened I would have known about it. I would have known about it because being the first mobile advisory team, I got the briefing as to what was going on, political schemes in particular. I was more interested at this time after Tet in the military posture. What was the military significance? What was going on? We got a briefing as to the VC activity and they did not tell us, tell me, either at the province level or the "Team 2" level, not even when I got down into the district level.

Q. When you went through the village, did you have an interpreter with you?

A. Yes, we did.

Q. Did he talk to that old man down there that you saw by that temple?

A. Yes.

Q. Right here?

A. The My Lai (4) temple?

Q. He talked to the old man right here?

A. Yes. Let's see, he went over and asked that guy what happened. "Anymore VC?" He says, "Yes, we had a machine-gun crew, they had a mortar crew but they 'di-di'." When they saw all the--of course I put them out on the line and made them go. Whereas if you come in a single file line, they'd tear you to pieces. I had them spread out and we actually took about 180 degrees of My Lai (4) when we went in there, so when the VC looked up, all he saw was troops coming.

Q. Did the old man mention anything about you being

the first outfit unit, that's been in here for some time or anything like that?

A. No, he didn't. The conversation from my people, "Where are the VC, how many is in here, you know? Where did they go, do they have any rice?" We found a couple of rice caches there, a little bit of rice. "Where's the ammunition, where's the weapons, and where are the mortars." We were looking for an 82 milimeter mortar that was firing at us. I think we got the base plate but we didn't get the tube of the darn thing.

Q. You stayed in there for a little while now Mr. FORD. In operating in this area did you ever get any further out here on Highway 521?

A. The farthest I've ever been, myself personally, on the ground, is to walk, I slept here one night, with my troops, and I walked down this path here, and came back, walked the ridge line over here and came back across the rice paddies and back into here.

Q. Did you ever get up to this area? To put it very directly, were you ever out in this area, to the east of My Lai?

A. Not ever.

Q. Your troops were around in this area. Like so.

A. This is the farthest my group had ever gone when I was with them. That's the farthest.

Q. Could you look out into the distance and see a lot of graves right up in this area?

A. Not that I can recall. Not from the ground level. I couldn't tell. The only thing conspicuous from the ground level looking like this you either see a--not unless they have the little houses that they paint white, something of that nature. But you couldn't tell, not unless the ground was sloping up like this.

Q. And that was June, that would probably be covered with grass by that time. All right.

A. This village here. As I said, I don't know what the condition of it was when you went through it, but it just showed evidence of where there had been artillery, it showed more artillery damage than anything else. Artillery fire. "155", "8 inch" damage, but not the bomb type, when you have bomb damage, well you just have a big hole that blots out one of these villages.

A. Like you did in the center of what I would refer to as An Hoa. You have a hole right in the middle of the village with either a thousand pounder or two thousand pounder.

A. Right there.

Q. You remember that one?

A. Yes, sir, I was down there.

Q. Well, Mr. FORD, you've been quite helpful to us to explain what happened as far as these operations are concerned. I'm sure that today we refreshed your memory on some of the things that happened, and memories are fleeting things. If what we've indicated to you today calls back anything that would be considered important to looking into what took place there or the investigation, the review and report of it, if any of that comes back, something that you heard from somebody about something happening out there, things of this category, I'd very much appreciate it if you'd get in touch with us, so that we can get somebody with you to take advantage of that additional information.

A. I will and insofar as this incident, as to an alleged massacre by American troops out in My Lai, I can recall nothing that I ever heard of. I probably shouldn't say this but Hill 85 sticks in my mind because there's an incident reported that the VC took the dependents of wives and children of the RF/PF and massacred them.

Q. When did that take place?

A. Oh, this took place--

Q. (Interposing) During or before Tet?

A. No, sir, this was after Tet. This was between May and July.

Q. Is that right?

A. It's interesting, because the company that was put out there on the hill had their families with them and they were attacked one night and something like 70 some men, women and men, women and children were taken out and they haven't seen them since.

Q. Off Hill 85?

A. That's right. At that outpost, sir. You know how VC operate with the women and children of RF/PF troops. We haven't heard hide nor hair of them. That's when I left Quang Ngai.

Q. And that was when?

A. The last operation I had out there was July or August.

Q. July or August of 1968?

A. Yes, sir, and I went down--I went on another operation there to reinsert, I think they used the term, this RF company back up there. Then there was people streaming out of the village at the time. They were telling us about the atrocities of the VC upon this particular company. Now, I don't know whether that'd have any bearing on My Lai or not.

MR MACCRATE: Are there any rosters of personnel, any way of identifying any of these people that were reported to you as having been massacred by the VC at that time? Is there any way that you can suggest that it might be traced down?

A. Yes, you can--17th RF Group, and that would be the 17th RF Group out of Quang Ngai Province, Major GIAO. If he's still alive, I hope. He's the one I advised.

IO: What was the company that was on the hill at the time do you know? You probably know your company number.

A. I'm not too sure, but it should be 723 Montagnard Company?

Q. A Montagnard Company?

A. It'll probably end up being 725, I don't know. I had three or four of them that I advised. But it's interesting, because the subsequent observation--and the only time frame I had, after Colonel BARKER was killed things settled down a little. This thing happened, because our pacification program was going beautifully as far as getting back out and moving people back in. All of a sudden, wham, we lose an outpost. Then there were people that came in and my interpreter came in and told me, well, so many women and children were murdered. Now, I'm in Quang Ngai mind you. This happened in some town. Now, my interpreter is telling me, and I'm not on an operation. And subsequently, a week or two weeks, we go back out there to reestablish an outpost. As we approach this place right here, I didn't go this way, as we approached this village right here--I came out on this type operation, got mortared right here a couple of times, got fired on by the heavy machinegun they have, and we walked through this village here--

Q. (Interposing) Nha Hoa?

A. As we came right here, and right in this direction. Of course my troops were coming up this way, were steaming from right here. I don't know, I would estimate there were--the time, about 1030 in the morning until 1400 in the afternoon--there must have been a couple of hundred people stream past us, running out of this village.

Q. Out of An Loc?

A. Out of this area right--

Q. (Interposing) An Loc, My Khe?

A. My Khe area. This is when the province chief--you know the Vietnamese, they get like tight-mouthed when something like this happens. I knew there was something up and my interpreter started yakking and they started talking about what had happened, to the women and children on this hill.

Q. Did they indicate where these people were buried or anything?

A. No, they didn't. Not at that time. They were scared to death. I saw the women and children myself. They were scared. They were frightened.

Q. Were these no--

A. (Interposing) These are Vietnamese--

Q. (Interposing) Well, what about the women and children and so forth of the Montagnard company. Were those the ones you were seeing or were these other ones?

A. These are other ones. These are not the Montagnard families.

Q. I see. But those people, to your knowledge have never been heard from?

A. Not to my knowledge.

Q. You had heard that they were murdered?

A. They were just captured. Some were shot on the spot. Kids were shot. Killed on the spot and the Montagnard people in Quang Ngai would tell them about it. I didn't take in the Montagnard company on this operation for the simple reason we didn't want this eye-for-an-eye, tooth-for-a-tooth business. That's the way they operate. Now, had I taken the Montagnard company out there, we wouldn't have been able to control them, because they would have gotten here, heard about their families and we'd just have a renegade outfit operating out there until they got justice. That's the way these people operate. But we didn't take them out on this particular operation.

Q. You say the figure that sticks in your mind was 70 or 77.

A. It's a figure between, seriously speaking, about 70 maybe 86. Those figures seem to be significant to me. And at the time, should be with the mobile team advisor who was, I forget, probably with the 34th RF Company of Son Tinh. Colonel GAVIN at the time, or Major GAVIN, probably a Colonel now, was his district advisor, he would know about that. This is an incident where he--

Q. (Interposing) He didn't know about it.

A. He would know about, he would know about it because it happened in his district. It happened in his district.

Q. And this is what month again?

A. This should be if I remember, sir, you may correct me, I don't know--

Q. (Interposing) Well, we got back to the time about the middle of June now on that one post. I can say almost positively, and I can show you a paper that provides a decoration, an American decoration, to the major who commanded the RF forces for his part in assisting in the rescue and so forth of the helicopter. So I can pin this one down quite tightly.

A. Well, this happened right after Colonel BARKER was killed at Task Force Barker. But that--he was killed--but that particular operation just went--

Q. Can you put a time period down, a week, 2 weeks?

A. I'll say within a week, within a week, you should be able to get that particular operation out on line, going back to 4 July--it won't be over the second week of July.

Q. Be sometime in the first half--

A. (Interposing) We changed it sometime in the middle of June and the first 2 weeks of July. That's when I went out there with that group to reinsert them, that particular RF company back on our left, on that particular outpost.

Q. The remainder of the RF company which was Montagnard and their families, aside from 70 or 80 odd people that your talking about, they were able to escape off the top of the hill and--

A. (Interposing) Some were able to escape. But we went out there to relieve them and as we were going we saw some of the Montagnard soldiers that were left. Those did

not run. We did run into a few of those. But I didn't get a chance to talk to one of the sergeants. He was telling, "shoum, shoum", this sort of thing as he was coming back. And the event sticks in my mind because the people, and all operations I've been on with them, were unusually afraid on this particular day. Unusually afraid, which made me nervous. I knew there was a VC in the area, probably NVA type who only puts that type of fear into the populace. Regular force troops, not VC. Regular force troops put that type of fear into the common man in the street. They were scared to death. And they was running out there like mad. You know, when you go into--which is unusual, one of the few times it happened to us. As soon as they saw that it was us, we started getting all these refugees, bicycles, pigs, kids- and everything else. The soldier was trying to ask the women and men to stop and they were just to nervous. Everybody wanted to....

Q. Did you get into My Khe there, the village of My Khe (1) at all? This is just below the 4/3? You were pointing right about that area which is a little bit--

A. (Interposing) No, I never did go into here. The reason why I stopped here was because one of these--that's where I almost lost my interpreter. Troops had a nasty habit, everytime he sees a chicken there, he runs after it. This particular place I almost lost a sergeant, because there was a booby trapped house in here. He started to go run after this chicken. Quite fortunately a Montagnard troop at the time, this is on a previous time, beat him to it. Also, he just tripped off a claymore mine. We lost the soldier right there, because of a booby trap, by running after a chicken. I didn't go any further there because I was intending to walk down this road, because one of my men, if I'd have hit the road, this particular road which is pretty good, this one right here and it comes back to the face of that mountain, it's pretty good, we were trying find--catch them with this mine.

Q. Did you go up that road at all?

A. No, sir, I've never been on this road. The closest I've gotten was right here.

Q. Before we close Mr. FORD, I'd like to again remind you of what I asked you about at the very beginning, that you

not discuss this incident or your testimony unless you are required to do so before administrative, judicial, or legislative bodies. Our report will come out in due time when we have all this together which will probably explain much more of it to you.

A. I hope I've been able to help and sorry for the faulty knowledge, but it was the best I could do.

Q. Well, we appreciate it very much.

A. The only things I can recall is just certain incidents at the time that stick in my mind.

IO: Well, as I've indicated before, if anything does come back, please get in touch with us.

(The hearing recessed at 1210 hours, 22 January 1970).

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SUMMARY OF TESTIMONY

WITNESS: GREEN, John LTC

DATE OF TESTIMONY: 14 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Deputy Sector Advisor of Quang Ngai Province.

1. BACKGROUND INFORMATION.

The witness arrived in late January 1968 and became the Deputy Sector Advisor of Quang Ngai Province, a capacity that he remained in until late September 1968 (pg. 3). He worked under Colonel GUINN and then under Colonel SWEARINGEN (pg. 3). He had tactical duties in that he was the advisor to one of the deputies for the province who was in charge of the RF/PF (pg. 4). He dealt with Mr. MAY who was his efficiency indorser (pg. 5).

2. HIS KNOWLEDGE OF TASK FORCE BARKER.

He stated that he did not have particular knowledge of the operation in Son My Village but that they would normally give the Americal a block to operate in (pg. 6). They would not know because of security reasons when the Americal was going to operate in that area (pg. 6). He did not recall Colonel HENDERSON who had taken over the 11th Brigade discussing an operation in the Pinkville area with Colonel KHIEN (pg. 6). The witness gave a description of the activities in the Quang Ngai Province during the Tet and post-Tet period and their effect on the operational situation (pgs. 7, 8).

3. OPERATIONS IN THE MY LAI AREA BY HIS UNIT.

The witness stated they conducted operations into the Pinkville area and were conducting one on the day that

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Colonel BARKER's chopper had a collision with his "Jake 42" (pg. 9). He described the area as being a VC stronghold and that in several operations they had not penetrated too deeply into My Lai (pg. 11). Normally they would set their CP up on Buddha Mountain and they could observe the area known as the Citadel (pg. 11). He did not think an operation they had in the area from June 11th to 13th had any particular significance (pgs. 11, 12). He described in detail the collision between BARKER and the other airplane (pgs. 13-15). He was not familiar with the Vietnamese report on the operation, with any interrogation reports from individuals that had been captured (pg. 16). He stated that Colonel KHIEN was not present on the operation leaving him as the senior ranking officer, and he therefore felt that it was not an operation to investigate an incident in My Lai (pg. 16).

#### 4. INVESTIGATIONS CONCERNING THE ASSAULT.

The witness was shown Exhibit M-28, a copy of the letter from the District Chief to the Province Chief which he had not seen before in his capacity as the deputy of the MACV Quang Ngai sector (pgs. 9, 10). He stated if he had seen it he would have remembered it and he felt that possibly it was carried directly to Mr. MAY or to Colonel KHIEN (pg. 10). He did not recall the subject ever being mentioned at a briefing nor did he recall Exhibit M-30 which was RODRIGUEZ's statement (pg. 10). He did not recall any conversations between Colonel HENDERSON or General YOUNG with the Province Chief, Mr. MAY, or Colonel KHIEN (pg. 11). He did not recognize the VC propaganda inclosed in Exhibit R-1 (pgs. 16, 17). He stated that he had typed Exhibit M-39 (pg. 18). In discussing the report of RODRIGUEZ the witness stated that he did not think RODRIGUEZ had written it because RODRIGUEZ was a poor writer and the document was too well written (pg. 23). There was an intelligence officer, a lieutenant, who was also present at the district who could have written it (pg. 23).

#### 5. OTHER INFORMATION.

a. The witness described Colonel KHIEN as a most conscientious officer who was active and energetic (pg. 8).

b. The witness mentioned an incident during the Tet offensive when Colonel KHIEN indicated that events were

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(The hearing reconvened at 1113 hours, 14 January 1970.)

IO: The hearing will come to order.

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

Sir, the next witness is Lieutenant Colonel John GREEN.

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

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

A. Lieutenant Colonel John GREEN, , stationed at United States Army Intelligence Command, Fort Holabird, Maryland.

RCDR: Colonel GREEN, before we proceed with any questions I've got some things I'd like to discuss here. This investigation was directed jointly by the Secretary of the Army and the Chief of Staff, United States Army, for the purpose of determining facts and making findings and recommendations concerning the following:

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

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

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

General PEERS has had made available to him and has reviewed prior official statements obtained in other investigations of the My Lai incident. Your testimony will be taken under oath. A verbatim transcript will be

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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.

IO: Colonel GREEN, aside from myself here this morning, I have on my left Mr. Robert MACCRATE who is a civilian attorney. He has volunteered his services to the Secretary of the Army to assist me in this inquiry and also to provide legal counsel to me. He may also address questions to you this morning. We also have other members of the inquiry team who are conducting interrogations at various places at this time. However, you should know that in the final analysis I will have the responsibility for completing the report and making the final findings and recommendations. You are ordered not to discuss your testimony in this investigation with others, including other witnesses for this investigation, except as it may be necessary in the performance of official duty or as you may be required to do so before a competent judicial, legislative, or administrative body. To the best of my knowledge you have not been cited in the general court-martial case of the United States v. Calley. I believe that is correct, is it not?

A. It is correct.

Q. If you are so cited, your appearance here would in no way change the applicability or effect of that order. Do you have any questions thus far on any instructions you may have received?

A. No, sir.

Q. We'll recess briefly at this time.

(The hearing recessed at 1116 hours, 14 January 1970.)

The hearing reconvened at 1117 hours, 14 January 1970.)

IO: The hearing will come to order.

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

(GREEN)

IO: Colonel GREEN, would you state what your duty assignment was on 16 March 1968?

A. I was the deputy sector advisor of Quang Ngai Province.

Q. How long had you been in that capacity?

A. Since late January of that year.

Q. Late January 1968.

A. Yes, sir.

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

A. Until late September 1968. I arrive back in CONUS 20 September 1968.

Q. Initially, you evidently worked for Colonel GUINN?

A. Colonel GUINN, yes, sir.

Q. Now when he left did your position change?

A. No, sir it did not. Just for an interim period I was the acting sector advisor until Colonel SWEARENGEN arrived.

Q. What was your grade at that particular time?

A. Lieutenant colonel.

Q. You were a lieutenant colonel?

A. Yes, sir.

Q. From the time the My Lai incident became a matter of public knowledge in the latter part of September or October 1969 have you had any conversations with anybody who may have been connected with the province advisory team or with the Americal Division or anybody that may have been associated with the operation?

A. No, sir.

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Binh Dinh Province, working primarily in the Tuy Hoa area.

Q. In Tuy Hoa?

A. In Tuy Hoa, yes.

Q. Was that Binh Dinh, or Phu Yen then?

A. It was, well, our division headquarters, the division advisory team was Binh Dinh and Qui Nhon.

Q. Qui Nhon, right.

A. Our battalion was kind of detached and we were the roving battalion. We worked quite a bit around Tuy Hoa, that particular area.

Q. Do you speak Vietnamese?

A. No, sir. I don't.

Q. I take it, then, you normally carried on your relation with your counterparts most generally through an interpreter?

A. Not extensively because I was fortunate with the Vietnamese I worked with, except for the first tour, to have Vietnamese who spoke pretty good English, and we were able to converse like that.

Q. How about your relationships within the province advisory group? Was this a smooth functioning outfit?

A. Yes, sir. I would say it was.

Q. You obviously worked quite closely with Colonel GUINN. Did you also have much dealings with Mr. MAY, who was the province senior advisor?

A. Yes, sir, Mr. MAY was my endorser on my efficiency report. I worked kind of directly with both. It was, I wouldn't say a bastard set up, but it was a set up where the civilian side of the house had a deputy, the military side of the house had a deputy. Colonel GUINN was the deputy to Mr. MAY and also Mr. MAY had a civilian deputy, more or less, to take care of

the civilian side of the house. So I sat in there and I pronged straight in there to Mr. MAY or to the military side. I worked both sides of the fence. In fact after things such as the Tet offensive I undertook the security for the civilian compound, building the bunkers, contracting the building of bunkers, taking weapons and radios to tie the houses in with communications to NCS which we put in Mr. MAY's quarters, things of that nature. I was just between the two.

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

A. I was aware of Task Force Barker and I have met Colonel BARKER. When you say an operation in that particular area, we would give the Americal a block. This was for security reasons for one thing so they wouldn't have to tell us when they would come in, and it wouldn't be broadcast. We'd know when they were in, but not necessarily that they were going in at 0600 on such and such a day. We would block out an area for the Americal and give them an operations AO.

Q. Separate AO then?

A. That they would operate in, so we wouldn't fire into it because that's their piece of real estate. Whether they had an operation going on at that time, at that particular time I would assume only from what I hear in the newspapers, because I don't have notes or records that they were in there. In our daily briefings, we would know when they were in.

Q. We understand that Colonel HENDERSON took over the 11th Brigade on the 15th of March, the day before this operation was initiated. We also understand that at about noon, or shortly before noon on the date of the 16th that Colonel HENDERSON called upon the province chief, then Colonel KHIEN I believe. At that time he acquainted Colonel KHIEN with the fact that they had initiated an operation in the My Lai or what people sometimes refer to as the Pinkville area. Were you by chance present at that time?

A. I don't recall. With the Americal Division we had people coming in and out of the area at all times. I'd see the province chief, Mr. MAY, and Colonel GUINN, coordinate operations for relief for maybe a hamlet that was overrun or

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time after the Tet offensive on. We conducted operations into My Lai, or the Pinkville area. In fact we were conducting one the day that Colonel BARKER's chopper had a collision with my Jake 42.

Q. Well, I want to get around to that, during this period of the middle of March were you ever aware that an investigation of any kind was going on concerning something that may have transpired in Son My on 16 March?

A. No, sir.

Q. Were you aware of a letter from the district chief to the province chief concerning what may have transpired in that operation?

A. No, sir, I was not.

Q. Would you give me the letter of the 28th and the 11th, please?

I have here a document which has been entered into the record as an exhibit which is from the district chief of Son Tinh District to the province chief of Quang Ngai Province and you will note that a copy of this was also sent to the S2 and the S3 of Quang Ngai Sector headquarters. We have entered this into the record as Exhibit M-28. This is the English translation of the Vietnamese letter which appeared directly behind it. I would ask if you had ever seen this or had ever heard of it?

A. No, sir.

Q. I have here another letter from the district chief to the province chief dated 11 April which is entered into the record as Exhibit M-34.

A. No, sir. I have never seen this before.

Q. In looking at that document, Colonel GREEN, you will notice that a copy of it is sent forward to the 2d ARVN Division, and you'll notice that a copy of it was sent to MACV Quang Ngai Sector.

A. Yes, sir.

(GREEN)

Q. Now you were the deputy of MACV Quang Ngai Sector and this is the reason I would ask you to think very specifically whether or not this letter was ever called to your attention?

A. No, sir, it was not. Something of this would have been out of the ordinary of a day to day operation or a day to day activity and I would have remembered this if it had come through administrative channels or distribution. It could have been hand-carried straight from upstairs to Mr. MAY's office or to Colonel GUINN. Correspondence did not necessarily route through a message center like it would in our distribution system.

Q. You had daily staff meetings at the Quang Ngai advisory group however. Do you recall this ever being a subject of conversation at any of these staff meetings?

A. No, sir.

Q. I would like to have the directive from the 2d ARVN Division and also the statement, please, of 14 April.

I have here another Exhibit dated 14 April which is a statement signed by Captain Angel RODRIGUEZ which has been entered into the record as Exhibit M-30. This is the actual photostatic copy; here is a plain copy, Colonel GREEN.

A. No, sir. I have talked to Captain RODRIGUEZ on several occasions and this was never mentioned.

Q. Do you know that Captain RODRIGUEZ either spoke or was able to read or write Vietnamese?

A. No, sir, I do not know it. I would assume that he spoke different words that most of us know, how to count. But his fluency, I had no knowledge of his fluency.

Q. I have here another postal message dated 15 April. It's addressed to the Quang Ngai Sector, comes from headquarters of the 2d ARVN Division, and I would ask if you had ever seen an English translation of this message which has been entered into the record as Exhibit M-32?

A. No, sir. I haven't seen this.

Q. Do you ever recall any discussion between Colonel HENDERSON and Colonel GUINN or Colonel HENDERSON and Colonel KHIEU concerning the operation into the Son My area?

A. No, sir.

Q. Do you remember any conversations perhaps of General YOUNG or General KOSTER with the province chief or with Mr. MAY or with Colonel GUINN in this regard?

A. No, sir.

Q. We would understand that sector conducted an operation into the My Lai area during the period 11 through 13th of June. It's also a matter of record that you along with certain other individuals from the sector advisory team accompanied that operation. Do you know why that operation was conducted?

A. Well as it's a VC stronghold, the entire Pinkville area, and this was one of our regular operations that the joint RF/PF forces would conduct in this particular area. We had prior to this time conducted several operations in this area, not penetrating too deep into My Lai, but around the fringes. Normally these operations would be joint with the Americal forces laying in a blocking position north of the river. We operating from the west coming into the east. Normally we set our CP up on Buddha Mountain there.

Q. What you call Buddha Mountain, is that hill 85?

A. This hill up here (indicating). And from that position we could just about observe all the area, not in the Pinkville area but in the close-in areas, here.

Q. That is known as the citadel?

A. Yes, sir, in the citadel. Sometimes we set our entire CP up in the citadel area there and were pretty secure in that close. ARVN forces would always go up so far; they'd reach a line up in here and they'd stop (referring to grid line 71). It would get dark, and we would come back. The next day we'd try again. So that particular operation on that day in June had no special significance other than it

was an operation, a continuing thing to try to clean out the people in that area. I would say that the Americal Division always had more success in penetrating into the Pinkville area than we did. I mean the RF/PF forces. They'd receive one or two rounds of sniper fire and call for jets, artillery, and everything else and after they got it they'd start in again. They'd receive one or two more rounds, and they'd just repeat the process. But that particular operation, in answer to your question, was nothing of any major significance that was any different than our normal operating procedures.

Q. You had a pretty good size force that day as I recall. You had two of your RF group headquarters along and each of the groups commanded three companies, plus certain PF platoons that were along. That makes a pretty sizeable operation.

A. Yes, sir. It was a pretty good size operation. We had just recently formed the RF, this new concept of the five-man RF/PF advisory teams, and at that time we were just getting them together, had just completed our organization of these teams and training phases of these teams. This was one of the first operations that they went out on as a RF/PF group you might call them, combined operation.

Q. You are referring to the MATs teams?

A. The MATs teams.

Q. Military assistance teams?

A. Yes, sir, and I only recall one field grade officer we had on the ground. That was Major FORD, with the forces on the ground. I was with a lieutenant colonel that I can't name, a Major David HACKING who was the RF/PF advisor, and Major FORD who was the operations officer. There were the three of us and one or two enlisted men. I say one or two, they were actually the medic and the jeep driver, and what not that Major FORD had left behind with his field, and I'd say the command group consisted of eight bodies, eight or nine bodies total. We were conducting a sweep through east of where that chopper went down.

Q. You can see marked there the village of My Lai (4).

A. Yes, sir. We were not that far up. In fact I was hoping I could pinpoint where BARKER's chopper went down. We were further west, on this side over here, by the river over here, and our CP was on the hill along the road here, south of the road, Highway 521. I can't see the hill on here. I'd say our CP was along the road in this area, someplace south of the road on the hill. I can't see the hill.

Q. Is that the hill about a kilometer east of the citadel, you'll notice the little knoll sticking up there, to the east of the citadel up along Highway 521 to the south.

A. It was south of the road. Our CP would have been on I believe Hill 10, and we were working up this way with the RF/PF forces to our east, up in the woodland to our east. When the chopper went down we were sitting up on Hill 10.

Q. And the objective of the RF and the PF was the village of My Lai (4)?

A. No, sir. It was in this particular area right about there.

Q. Well, that is the village of My Lai (4) right there.

A. It was right up in the woodline, the forces were going right into the woodland right up through here (indicating).

Q. What day was it that they finally reached the area up around the village of My Lai (4)?

A. Well actually we never did go into, stop in there, because during the morning period things were a little slow. My Jake said he was going up and see how the Americal forces were positioned, and I gave him an okay and he went up toward the Americal forces who were forming a blocking force to the north of the river. About a half hour later Major HACKING was hit by the interpreter who immediately hit me. He saw a plane going down. I took out my compass and shot an azimuth to the position where the chopper was disappearing over behind the trees. We called for the Jake to take a look-see, and we couldn't raise the Jake.

Q. What are you referring to as the Jake?

A. It's the O-2, our aircraft, O-2 aircraft, Air Force piloted. So I found out later that the Americal forces on the ground had seen the mid-air collision and called back to the Americal Division. Americal Division had radioed the 9th, and that's who we had started calling because we couldn't raise our Jake. We were going back to the 9th and they told us there had been a mid-air collision of two aircraft.

Q. Which two aircraft were these now?

A. It was Colonel BARKER's C&C chopper and my Jake 42. At that time I asked the Vietnamese commander if he would be willing to go with us through that area. He thought it over a while and said, "Okay." Then Major REID as the radio operator, Major HACKING as the point, I behind Major HACKING, and the Vietnamese command element took off on the azimuth toward the point where the chopper was seen to go down. At that time I also called Major FORD who was with the Vietnamese forces on the ground, told him what had happened, and told him to converge on that point and provide us cover from the right flank. He was well in front of us at the time. He was up in this area, short of My Lai (4), and I told him to swing left and head toward that particular coordinate. I estimated it to be at about 2,500 meters. He was to break all contact and move toward the two aircraft, so being a small element, we soon overtook them on the flank. We went by them on the flank and got to the river. I could see we hit right between the two aircraft. I could look off to my right, I saw the chopper down in the woodline. By that time Americal choppers were circling their downed chopper. Off to my left I saw the O-2 nose down in the river. So I didn't go over to the Americal chopper because they had people coming in. We swerved and went over to our aircraft and secured the site, stayed there until Americal dropped a platoon in, brought a platoon in. Then when my chopper came in and picked us up. We had the forces, Vietnamese forces, Major FORD's forces, hold until such time that everything was secure. Then they pulled back and came back into Quang Ngai. Otherwise the operation did not go as it had been planned. We came back into Quang Ngai City, and the forces came back into Quang Ngai City.

Q. Were there any survivors of the airplane crashes?

A. No, sir, from what I could see in the plane, the motor, the O-2 had the motor in the back of the pilot. It had broken loose and hit the pilot and he was way down. We tried to move parts of the aircraft. We were a little nervous about moving it too much because the guns were hot. I'm sure the guns were hot. You could see the blood oozing up out of the water, but we could not get to him. From what I heard from the Air Force people, the people who came in to move the aircraft, it took them another day or 2 before they got the aircraft out of there.

Q. Do you recall the Vietnamese report on this operation?

A. No, sir.

Q. Results?

A. No, sir. I did not read the Vietnamese report on it. I do know the Vietnamese lieutenant colonel received a Commendation Medal with a V as a result of the operation. I said that because I put him in for it, because he didn't have to go with us. At one time I felt he wasn't going, and whether he went or not there would have been 3 of us going, that would have been Majors HACKING, FORD, and I. And I know we were going through an area that we had been trying to get troops into for eons and it was kind of touch and go situation. I recommended the Bronze Star, but it was knocked down to the Commendation Medal.

Q. We have some indications, Colonel GREEN, that the RF/PF report, or the sector report, indicated that they captured 3 PWs, also they had about 20 detainees, individuals that had come out of the village and they also reported killing 20 VC and capturing I believe 8 weapons.

A. Now, in that I would say they might have had one or two kills, in the movement toward the airplane crash site. There was some fire going off to our right rear. As I said, we had bypassed the preponderance of forces on our right. I remember when we were sitting around the aircraft, there's a little hamlet just on the water's edge.

Q. Did you go clear up to the Diem Diem River or up--

A. (Interposing) Across it. Our aircraft was on the other side of it, so was BARKER's chopper. It was on the far side of the river. Now I remember that because I can't swim. So I took Major HACKING's M-79, his ammo and everything from him and let him go first. I told him when his head disappears I would slow up. I was a little taller than he was, but his head never disappeared, so we went the entire route. When we were there at the crash site, I heard some firing from my rear, because I had to caution the Americal boys. They were ready to start firing back into that particular area and I cautioned them not to fire because I had troops back in there. Now there was, I would not deny, a possible 2 or 3 kills in that movement forward but as far as detainees, 20 detainees, I never saw the detainees.

Q. Did you ever see any interrogation reports of the three individuals that they had captured?

A. No, sir. I did not.

Q. We were informed that the purpose of this operation was based upon the directive which Colonel KHIEN had received from Colonel TOAN to investigate the My Lai situation and to report. This is the reason I'm asking if you were aware of the purpose of this particular operation?

A. I wouldn't have said that that would be, Colonel KHIEN was not there. I was with the senior ranking officer at all times. The Vietnamese officer on site, and he is one that spoke pretty good English. We talked together quite a bit sitting on those hills. This was never mentioned. If there was going to be anybody investigating I don't know who was going to do the investigating because they weren't with us.

Q. Were you aware, at any time, of any VC propaganda which may have been directed at the U.S. operation in that area, about the middle of March?

A. No, sir.

Q. I have here an Exhibit R-1, and it has as one of its inclosures a piece of VC propaganda which was known to exist along about the latter part of March or the first part of April 1968.

A. No, sir, I haven't seen this before.

Q. The first page, as you will notice, is addressed to the Vietnamese soldiers, but it's rather innocuous, but the top of the second page, and particularly the second paragraph, it does come down to specifics?

A. No, sir. As I said, if something such as this, there was never a kill, even when the Americal conducted an operation we would get the information through our operations channels. We could feed in the information at our daily staff briefings and if anything like this, and I sat at, I don't think I missed one staff briefing. Many of the staff briefings when Colonel GUINN was present I would sit in on the staff briefings with the 2d ARVN Division with the advisory team there, Colonel ULSAKER. I would sit in his staff meetings. So between the two, anything jumping out of the ordinary like that would have stuck with me. I never heard anything like that.

Q. I have here a notice issued by the Quang Ngai Liberation Front Committee dated 28 March 1968 which has been entered into the record as Exhibit M-35. I would ask if this was ever called to your attention or if you were aware of an information of this nature?

A. No, sir, and it's pretty different. If this, such as the other exhibits, now in thinking back if it had come into the headquarters, one way or another, I would have seen it. I controlled the safe where everything was locked, myself and my sergeant. I'm not a peeper, but Mr. MAY would be away for extended periods of time. I would screen his in-box to see if anything was dying on the vine in his box. I would screen Colonel GUINN's box, not peeping because he'd know, I'd just walk in there and start looking through from top to bottom. One way or another if it came into the headquarters I would say chances are very good I would have seen it, including this if it came into the headquarters.

Q. Let the record indicated that Colonel GREEN indicated that he had seen neither of the items of propaganda that are included as an inclosure to R-1 or that is included in M-35.

I have here a memorandum dated 20 June 1968 from the senior advisor of Advisory Team Number 2, APO 96260, to

COMUSMACV attention MACAG-PD, APO 96222, I would like to have this entered into the record and marked as exhibit.

RCDR: This will be entered and marked as M-39.

(The document admitted as Exhibit M-39 is a copy of a recommendation for award of the Bronze Star to MAJ Nguyen Dinh HOAI which was prepared for signature by COL GREEN.)

IO: Colonel GREEN, I show you this document and ask if you are familiar with the contents of this paper?

A. Yes, sir. I wrote this, I typed it in fact from-- it's Major HOAI, that's the Vietnamese officer.

Q. How do you pronounce it?

A. HOAI.

Q. How do you spell it?

A. H-O-A-I.

Q. H-O-A-I, HOAI.

A. HOAI, pronounced like "why."

A. What was the date again of the incident of My Lai?

Q. 13 June.

A. June.

Q. Colonel GREEN, you have indicated to us that you had no knowledge that anything transpired in the area of Son My on 16 March 1968.

A. No, sir.

Q. Just in reflecting back now, do you recall anything at all which may have aroused your suspicion or caused you to wonder if anything had taken place there?

A. Nothing, sir, and I say that with long consideration because when this My Lai incident first was known to the newspapers I thought back and I thought and thought and thought and I couldn't think of anything that would have

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was a time Colonel GAVIN wasn't there. This was after, well after Tet. I used to go up and work with them on the hamlet evaluation report which was something new about that time frame, and "Rod" would always have trouble. That's another way I probably would have picked up anything. If they had listed kills and the security of areas and had an evaluation report gone in I might have picked up something, but there was nothing even in that. I would talk to RODRIGUEZ; I talked to him. A lot of times I could run up to his district headquarters and be there in about 15 minutes.

Q. Did he frequently come over there, to Quang Ngai City?

A. Yes, sir.

Q. Back and forth between the two?

A. They picked up their rations out of the mess there on the compound. They would come in for PX, they would come in for the movie, so it's just like--

Q. (Interposing) Well, if he were going to prepare something of this sort, which you will see is a statement in reference to the letter dated 11 April 1968 from the Son Tinh District chief to Quang Ngai Province chief, with whom would you expect him to work in putting such a statement together? Recognizing that the 11 April letter would be the letter, the statement is 14 April. You will notice in the first paragraph of the statement it refers to a letter of 11 April from the district chief to the province chief. Now, if Captain RODRIGUEZ were preparing such a statement, referring to a letter in Vietnamese, with whom would you expect him to work, upon whom might he call, who would be available to him in order to get such a statement as this together?

A. Well, he would be working with the Vietnamese district chief there and the personnel were co-located right on top of the hill.

Q. That would be Lieutenant TAN at the time?

A. Now that you, I'm looking at this statement, I

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MR MACCRATE: Could he also write well?

A. He could write well, I think he could write very well. This is not Captain RODRIGUEZ's writing.

IO: He did sign it, though?

A. He signed it, but mentioning help, somebody helped him.

MR MACCRATE: Any other individuals that you might think of that might have helped him out with something like this?

A. No, I think in the absence of Colonel GAVIN, when Colonel GAVIN was away from that hill we depended on that lieutenant to run the hill. (The exhibit they were referring to was Exhibit M-30.)

IO: Colonel GREEN, you have been very helpful here, and I know we're trying to take you back a period of 20 to 21 months, and it is hard to put all back data together. But based upon our discussion here this morning if you should have anything come to mind which in your judgment would be helpful in our inquiry we'd like for you to get in touch with this office so we can have the benefit of any additional information you may have. In the same sense, if you can think of any document, any photographs, maps, or other materials that might be of assistance to us we'd like to know about those, too.

A. I'd like to ask, just mention one other thing. There was a time when Mr. BURKE was present, and that's the time that SWEARENGEN had come in. Mr. BURKE was there. Mr. BURKE starts on something he could really get results. The province chief and Mr. BURKE and myself went out into an area out here by vehicle one day. I couldn't understand why the province chief and Mr. BURKE were to be out there while we were drawing fire from all around here. There was supposed to be VC on this hill.

MR MACCRATE: Hill 85?

A. Hill 85, and Major FORD was there with an RF/PF element. They were operating in front of us. In fact, they were shooting all around us while we were standing there. The province chief had a group of civilians on the side of the road and he had his intelligence officer with him. They must have talked barring bullets, and in all they must have stood there and talked a solid 15 or 20 minutes. What it was about, I don't know.

IO: When did this happen?

A. This was, I would say, after the formation of the RF/PF teams because Major FORD was there. I was pushing him to hurry up and get out of there before they started registering mortars in there on us and I did. No sooner than we got out of there they did start firing mortars right in there where we were standing. So it was something important enough for the province chief to stand in there and do this talking to the civilians around that particular area. What the conversation was about I don't know, but it was something that the province chief did not normally do, is to go into a hot area and stand there and talk to those civilians for that period of time. Mr. BURKE was with us also. He might know what the purpose was, I don't.

Q. Was this before or after the operation of 11 to 13 June?

A. This was before the operation of 11 to 13 June. It was prior to that time, I'm sure. The reason it sticks out in my mind is because the area was hot, and it was something the province chief did not normally do, is to go in there. They were popping rounds all around our feet, and he was standing there. I was getting nervous trying to get him out of there. He was standing there talking, and it was a group of the civilians standing there.

MR MACCRATE: What position did Mr. BURKE occupy at that time?

A. He relieved Mr. MAY. He was the province senior advisor. I think Mr. MAY left in May.

Q. 20 May 1968.

A. Because we had to read and endorse all the--he was leaving about the same time, he and Colonel GUINN were leaving about the same time. Colonel GUINN had rated all six of the district chiefs, district senior advisors, and Mr. MAY had endorsed them. In fact I had him sign them as he was walking out of his door.

IO: Colonel GUINN left sometime around the early part of June.

A. Yes, sir.

Q. Either late May or early June.

A. Well, then I would fix the time, it could have been after the 15th, it was then after the 15th of June that this incident with Mr. MAY and the province chief took place. It was after that operation.

MR MACCRATE: Why do you fix it as being after?

A. Because there was a lapse, a period of time in there before Mr. BURKE came on deck after Mr. MAY left. I'd say maybe a couple of weeks when Mr. BURKE came on deck. Then there was also a lapse period of time between the time Colonel GUINN left and the time Colonel SWEARENGEN came so it would have been after this date, I'll stand corrected, from that day on I never saw a frown on the province chiefs face, for some reason.

IO: Were you familiar with any plans to develop a Son My Village or Son My model hamlet?

A. Yes, sir. We had about two or three of those we were thinking of. Let's see, that was the one south of, was it Mo Duc or Duc Pho, east of the highway, yes, sir.

Q. I'm talking about Son My now. I'm not taking about Mo Duc or Duc Pho. I'm talking about Son My.

A. I'm trying to get the location of Son My, I was

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trying to get the location, I mean not in here there was no model hamlet to be developed, no, sir. We were discussing developing model hamlets south of Quang Ngai but nothing in Son My.

Q. Any additional information you may have we'd like to have it, Colonel GREEN, and this has been helpful to us. If you have any questions you'd like to ask or anything additional you'd like to enter into the record.

A. No, sir.

IO: This hearing will recess at this time.

(The hearing recessed at 1230 hours, 14 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: GRUBAUGH, William R.

DATE OF TESTIMONY: 28 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Deputy Senior Province Advisor for Revolutionary Development of Quang Ngai Province from December 1967 until July of 1968.

1. KNOWLEDGE OF THE OPERATION.

GRUBAUGH was familiar with the AO extension for the My Lai operation (pg. 5). The enemy was very active in the Son My area at the time it occurred (pg. 6). Although he remembered the operation, he did not recall a body count as high as 120 (pg. 5). The witness heard of no unusual events occurring on this operation (pg. 6). He saw no VC propaganda about it (pg. 7). He never heard about a report from the Son My Village Chief to the Son Tinh District Chief or of a report prepared by the latter for the province chief (pg. 8). He never saw RODRIGUEZ's statement (Exhibit M-30) (pg. 8). He theorized that such a report could have been passed along to the province advisory administrative officer, Lieutenant Colonel GREEN (pg. 10). However, he knew of no disagreement between Lieutenant Colonel GUINN and Mr. MAY over a complaint they had received from the Vietnamese (pgs. 11, 12). The only reason he could provide for not hearing anything about the incident was that he was involved with civilian matters while the allegations involved military matters (pg. 12). He saw no report from the Census Grievance Committee alleging U.S. atrocities (pgs. 12, 13). He knew of no investigation conducted by U.S., GVN, or ARVN authorities around the middle of March (pg. 13).

(GRUBAUGH)

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2. OTHER INFORMATION.

a. Since the incident became a matter of public knowledge, the witness had not discussed it with anyone from the advisory group or the Americal Division (pg. 3).

b. His function was to supervise all of the civilian advisory personnel in such activities as the refugee program, education, and civil operations, and he advised Vietnamese officials (pg. 3). The witness was deputy to Mr. MAY on the civilian side and Lieutenant Colonel GUINN was deputy on the military side (pg. 3). GRUBAUGH was also in charge of psychological operations (pg. 4).

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(The hearing reconvened at 1055 hours, 28 January 1970.)

IO: The hearing will come to order.

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

Sir, the next witness is Lieutenant Colonel William R. GRUBAUGH.

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

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

A. William Robert GRUBAUGH, Lieutenant Colonel, United States Marine Corps, , Marine Barracks, Naval Weapons Station, Concord, California.

IO: Colonel GRUBAUGH, have you had an opportunity to read the instructions?

A. I have, sir.

Q. Do you have any questions on them?

A. No, sir.

Q. On my left is Mr. MACCRATE who is a civilian attorney. He has volunteered his services to the Secretary of the Army to assist in this investigation and provide legal counsel to me and to other members of the investigation team. On my right is Colonel ARMSTRONG, an Army colonel, who has been designated by the Office of the Chief of Staff as an assistant in this investigation. Aside from myself either of these two gentlemen may address questions to you this morning. We have other groups such as this that are taking testimony from other individuals. I of course will be responsible for putting the report together, weighing the evidence, and making findings and recommendations.

(GRUBAUGH)

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As a military officer you are directed not to discuss your testimony in this investigation with others, including other witnesses who appear in this investigation, except in the performance of official duty or as you may be required to do so before a competent administrative, judicial, or legislative body. With respect to the legislative body, it is possible that you may be requested to appear before one of the congressional committees. More specifically, it is more likely that you would be called before the investigation subcommittee of the House Armed Services Committee, in which event your testimony here will in no way preclude your testifying before such a body. Do you have any questions at this time?

A. No, sir.

Q. Colonel GRUBAUGH, would you indicate what your duty assignment was in South Vietnam in March 1968.

A. Yes, sir, I was the Deputy Senior Province Advisor for Revolutionary Development.

Q. For RD?

A. Yes, sir.

Q. Of Quang Ngai Province?

A. Quang Ngai Province.

Q. And how long had you been in that capacity?

A. Since December 1967, sir.

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

A. Until July 1968.

Q. July 1968. A period of about 6 months, roughly?

A. Yes, sir.

Q. Since this matter of the My Lai incident became a matter of public knowledge, which took place about 5 months ago, by radio and television, and so on, have you had any conversations with anybody concerning what may have happened

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in this area, as we know it the Son My Village or the Pinkville area.

A. I have, sir, in a general conversation.

Q. Would you mind telling us with whom you had your conversations; and I'm referring only to people who were familiar with the area, from Quang Ngai Province, the advisory group or the district advisory group, or the Americal Division?

A. No, sir, with no one in that category, no one who I experienced while in Quang Ngai Province. I've had no conversation with any person of that nature, only with people who know that I had been in Quang Ngai and said, "Do you know anything about this," and of course a conversation in that manner.

Q. Now, you were the deputy for RD activity. Would you mind indicating just exactly what the function encompassed and what your responsibilities were?

A. Yes, sir, in general I supervised all of the civilian advisory personnel in all of our activities, such as the refugee program, education, civil operations, and advised the corresponding Vietnamese officials in those various areas, the province supply and so on. I was deputy to Mr. MAY on the civilian side, and in that capacity I acted as his chief of staff, so to speak, for his operation in Revolutionary Development.

Q. In the same sense that Colonel GUINN, although he was also the deputy to Mr. MAY on the overall basis, but he was also the assistant, he was you might say the sector advisor on the military side?

A. Yes, sir, for RF/PF forces.

Q. I have here a document which has been entered into the record as Exhibit M-25. I ask you if this is the organization upon which you were working?

A. No, sir, I would have to say there are some terms used in this organizational chart which we did not use at that time. For instance, deputy for political warfare, we did not have that.

Q. Of course this is the Vietnamese side.

A. Oh, the Vietnamese channel, I see. Quang Ngai Sector, I see, I'm sorry, sir, I was thinking that it was the province advisory. This then I would be familiar with, on the Vietnamese side.

Q. On here would be the province organization as compared to the sector organization which has been entered as M-26. Now, I'll show you another chart which has been entered into the record as Exhibit M-27, which I believe more properly displays your organization and where you fit into the picture.

A. Yes, sir.

Q. Is it correct that this is your position here, deputy for revolutionary development?

A. Yes, sir.

Q. Were these following six or seven major functions under you?

A. Right, as you can see I also handled psychological operations at the same time, which was my original job in the province. I was originally detailed for it through MACV and then on to the joint U.S. Public Affairs Office in Saigon.

Q. Had you had that job before you became the deputy for revolutionary development?

A. Yes, sir.

Q. And how long before December for example had you had that particular job?

A. Four months, sir, from August through November.

Q. And then you took over as the deputy for revolutionary development?

A. Yes, sir.

Q. I see, fine. In your capacity as deputy for revolutionary development were you aware of Task Force Barker, which was organized within the 11th Brigade of the Americal

Division to operate generally to the northeast of Quang Ngai City?

A. Yes, sir, I knew of Task Force Barker. I recall knowing of it.

Q. Were you familiar with the approval of this AO extension (indicating on MAP-1) by the 2d ARVN Division and also by province into the eastern part of Son Tinh District, including the Son My Village area? This giving the AO to Task Force Barker took place sometime along about the middle of March?

A. Yes, sir. I recall in one of our morning briefings by Colonel GUINN's staff the fact that they had chopped a portion of Son Tinh off and given it to Task Force Barker.

Q. Do you recall the operation which took place in about the middle of March which was reputed to be a highly successful operation in which the task force was reported to have killed about 128 VC in the Son My area?

A. I recall generally having heard of the operation. I do not recall the specific figure, and my knowledge seems to me to have been less than that size kill. I don't recall a kill of that size reported in the briefings. I was not always present at all the briefings, but I managed to make 90 percent of them. I cannot recall a figure of 120 or any figure, but as I recall a lower figure would have been--

Q. (Interposing) This wasn't the first time they operated there. They had had two operations. One the latter part of February was reasonably successful; the body count was somewhere in the neighborhood of 78 or 79. Then this operation followed about 3 weeks later. You were in Quang Ngai in this area during Tet and the period immediately after Tet on up to July and so on. What's your appreciation of what the friendly and the enemy situation was during this period?

A. In this particular area, sir?

Q. Yes, and as this relates to all of Son Tinh District and Quang Ngai Province for that matter?

A. Through March it was very tight as regards enemy activity as it refers to Revolutionary Development. I knew that our efforts had been pretty well wiped out during Tet in this particular area. Previous to that we had had some success out towards the Batangan Peninsula, but as a result of Tet we were constricted into a much tighter operating zone. Many of the hamlets which we had previously considered in some category of classification were lost completely. In this particular area Son Tinh was one of the hardest hit. Of course during Tet they had completely come all the way into Son Tinh District headquarters and the approaches to the bridges across the Song Tra Khuc. I would consider during that period enemy control fairly significant in the area.

Q. At least the GVN didn't control it. The enemy controlled it?

A. Yes, sir, without hesitation they (the GVN) didn't control it.

Q. How about the enemy that was out there? We've heard quite a bit about this enemy. Did this appreciation of the enemy reflect into province headquarters as well?

A. Yes, sir. The fact that they were very active in the area and that much of the activity to hamlets actually further west, towards district headquarters, and action in the area of district headquarters was emanating from this particular area.

Q. Subsequent to the middle of March and going on into April and way up into May, did you hear of anything or see any reports which would indicate that something unusual may have taken place in the Son My, Pinkville area at that time?

A. No, sir, I saw or heard nothing of any untoward or any unusual events, no.

Q. How closely did you work with Colonel GUINN and Mr. MAY on what might be considered semi-military matters?

A. Probably, the definition of time and place as to closeness would define it. But I was reasonably close. I would always try to stay abreast of the military situation.

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One of my jobs was to, at all times, to take care of all the civilians that were there. If there was any threat to the provincial town of Quang Ngai then I would take measures to assure their protection and security. So in that respect I would keep abreast as much as possible as to what was going on, sir, attending briefings. Of course if there were some imminent threat, Colonel GUINN or one of his staff would always get hold of me to bring me up to date, keep me current if it was a recent or current happening.

Q. Did you ever hear of any Viet Cong propaganda in any form, whether it was broadcast, whether it came out as leaflets, whether it came out as a slogan on armbands or other forms of display on uniform, or posters or anything, which would indicate that something unusual had taken place in that area?

A. No, sir, I don't recall seeing anything of that nature. I don't recall seeing it.

Q. I have here an exhibit which has been entered as Exhibit R-1, dated 24 April which has an inclosure, a 2-page piece of Viet Cong propaganda. Actually we would understand that this was broadcast and subsequently transcribed in this form. With your interest in psychological operations, even though you have much broader scope, I would ask if you had seen anything such as this, along about the late March, early April time period?

A. No, sir, I do not recall this particular document. The ones of this nature, discrediting American forces, that I did see were much shorter and I don't believe nearly as well prepared or written as this seems to be. Generally they would contain much of the same type of propaganda, but in a much shorter and much more crude form.

Q. Well, as I say this was published in a rather odd form, in the sense that it was broadcast and then transcribed into English in this form.

A. No, sir.

Q. You are not familiar with that?

A. No, I am not familiar with that.

Q. Do you recall any other piece of propaganda which--

A. (Interposing) Whenever they were required or we got these things, they were usually brought to me for my examination to refer them to our PSYOPS people in Saigon, if I felt that they were worthy, and of course to the appropriate intelligence agencies within the province through my own channels. The ones that I did see were more crude, but less specific I'd say. They might have carried the same message as this does in a different way, "The Americans are barbaric etc.," that sort of thing.

Q. Well that's the sort of broad accusation.

A. Yes, sir, and they came -- I can't specifically say as to what particular area. I remember getting them -- Binh Son, north of Son Tinh, the Duc Pho area, and even in the city itself, Quang Ngai City. I can't remember a specific one coming from Son Tinh on a specific date is what I'm trying to say.

Q. Did you ever hear of a report that went from the village chief of Son My Village to the District Chief of Son Tinh, and the district chief preparing another report to the province chief?

A. No, sir, I did not hear or have no knowledge of such a report.

Q. Did you ever see or hear of a statement which was prepared by the assistant district advisor at Son Tinh, Captain RODRIGUEZ, which relates to the area of Son My Village?

A. No, sir.

Q. Tu Cung or Co Luy and so on?

A. No, sir, I did not see it.

Q. I have here a statement which was prepared on 14 April 1968. This is, you will notice, a photostatic copy which has been entered as Exhibit M-30. It's not a very good copy, but a true copy is attached there to it; that I believe is much more legible.

A. No, sir, I have not seen this.

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Q. You had not seen the letter of the district chief to the province chief, a copy of which was also sent to MACV, Quang Ngai Sector?

A. No, sir. I have not seen it.

MR MACCRATE: I understood you to say, colonel, that you attended the morning briefings at Quang Ngai that were conducted by Colonel GUINN?

A. Yes, sir, as often as possible. On occasion I would have to be out early on one project or another, but 90 percent of the time I would be there.

Q. Did you from time to time visit Son Tinh District headquarters?

A. Yes, sir.

Q. And when you went there, where would you go? Would you go up on the hill or down to the office on Highway 1?

A. Both places, depending upon my reason for being there. I did not go to the place on the hill more than twice, maybe three times, that I can recall that I had been there.

Q. On the advisory team side, your principal contacts there would have been with Mr. SITTIG?

A. Yes, Bill SITTIG.

Q. Rather than with Major GAVIN or Captain RODRIGUEZ?

A. Yes, except that I did, as a matter of course, stop at their headquarters on occasion. For what specific purpose I cannot recall at this time.

Q. Well, in the documents that you have just examined you see that there was a complaint passed from the district chief, Son Tinh District to the province chief. And a copy of this complaint came into the hands of Quang Ngai Sector. From your knowledge of the operation of the advisory team, how would you expect that such a complaint received by Colonel KHIEN and received simultaneously, or a copy of it presumably received simultaneously by Mr. MAY and Colonel GUINN, or by

their office, would be processed? Who were the individuals in the office as you recall at that time who would receive such a paper?

A. A report coming from Captain RODRIGUEZ or Major GAVIN would come probably to the OPS officer.

Q. Well now actually, this originated with Lieutenant TAN, who was the district chief.

A. It would go direct to Colonel KHIEN.

Q. Yes, but then a copy of it in Vietnamese was directed to MACV, Quang Ngai Sector which would presumably be Mr. MAY or Colonel GUINN.

A. Yes. Who would in the normal course of events handle it.

Q. Yes, as that office operated at the time.

A. This is one of those areas that it would be hard to pin down, because the set matter in which any document would be handled I could never tell from day to day as a matter of fact. A document of that nature, coming not through a normal chain, I would say -- may I ask a question? Was it delivered directly from Lieutenant TAN or through his auspices to the office of Mr. MAY?

Q. We are not entirely clear on that and we are just trying to follow the alternative courses.

A. Whoever delivered it may have walked in and if he walked in, why the -- I'm trying to think of the admin officer who was there. It was a lieutenant colonel at the time, I believe. I can't remember his name.

Q. GREEN?

A. GREEN. Colonel GREEN would be sitting there. He may have well have handled it to Colonel GREEN who would have given it to the major who was the OPS officer or brought it to the attention of Colonel GUINN himself, or had it translated. I'm sure that it had to be translated at some time.

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Q. Where would the translation of an important paper usually be done?

A. Well, we had a briefing room, Colonel GUINN's office, Mr. MAY's office, my office, and then GREENS's office in front of all those. They had a space where the interpreters stayed and the OPS office. I imagine in the OPS office would be my guess.

Q. It was suggested to us that Le TAM was the interpreter that would handle the important papers coming in, but we have interrogated Le TAM, and he knows nothing about having received such a paper.

A. He was the best of the interpreters and probably the most trusted by Mr. MAY and most used by him in all of his dealings.

Q. Did Colonel GUINN possibly rely upon another interpreter, do you recall?

A. They had them, but I would have to say that TAM was probably the best for a document translation. I'd have to say that my guess is that he would be if it was of that length. I'd have to know how the document was marked, whether we could discern that it was a document of that nature just by looking at it until we started getting the interpretation from it. I say we, that's as a matter of the staff. I would not think that's the way the Vietnamese handled things like this. As a rule, they would walk in and hand this thing to somebody there. Unless it had a big red flag on the thing, you'd never know really what it was.

IO: I have here Exhibit M-34 which has been entered into the record. Here we have the copy of the memo from the district chief to the province chief with an English translation on top. I know it's hard to remember all these things, but you might take a look at this to see if you've seen either the Vietnamese version or the English translation?

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

MR MACCRATE: Do you have any recollection of a bit of a flap in the office between Colonel GUINN and Mr. MAY where they were possibly on 2 consecutive days dealing with some sort of a complaint that had come in from the Vietnamese side?

A. No, sir, I don't know about this. It was this time that I was on R&R; it must have been from the last of March to the first of April that I was gone for a period of 1 week, 7 days on R&R. I can't remember the exact dates, but it was in that period. It was about the 30th of March that I did go on R&R. If it was in that period, I would have no knowledge of it. I don't have any knowledge of a flap of that nature. No, no.

Q. It is our information that when received this was referred to district for information. It would certainly seem that something would have been said at this time in the advisors office, that it could not have been something that was just treated lightly.

A. I wouldn't think that it was treated lightly. It may have been just one of those actions or specific documents which was passed by me or through me, or I may not have been there at the time it occurred. I don't have any recollection of seeing the document or of this specific incident, or of a flap arising out of this particular thing.

Q. Well, assuming that you were there at the time, do you have any explanation how you could be without any awareness that such a complaint had come into the province advisory team and had been referred down to a district advisory team for investigation?

A. Only that it was strictly in a military light and did not involve the civilian side, Mr. SITTING for instance, and that it was strictly on a military channel. That's the only explanation I could logically give you why I wouldn't be. This was just a clean cut report through military channels, report of a military action.

JO: We have knowledge also, Colonel GRUBAUGH, that the census grievance people had some information about this at this time. Was this ever called to your attention? A report generally speaking along about the same line as that which you have just seen?

A. This would be through the RD teams?

Q. Well the Census Grievance Committee.

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A. Yes, sir, they operate from that--I don't have any recollection of it, no, sir. I just don't recall it. I recall having been briefed on reports on census grievance. It was not one of the particular areas that I had particular say in, it was generally conceded to be outside of the normal RD operations that I had.

Q. Do you ever remember seeing a rather small statement or letter which when translated indicated that some figure of a thousand or 1200, or maybe 1500 had been maybe killed out here in the Pinkville area by the Americans, which conceivably you or your census grievance people could have passed on to Colonel GUINN or to Mr. MAY?

A. I do not recall it. No, sir.

Q. Do you have any knowledge at all about an investigation of any kind through GVN or ARVN channels. Did you ever hear of any investigation being made by U.S. forces on any incident that may have taken place at this area along about the middle of March?

A. No, sir.

Q. No knowledge of any investigation at all? Have you ever had any comments or statements or anything that would cause you to suspect anything unusual had happened?

A. No, sir. My clear recollection is I just can't recall if there was anything during that period that I feel was unusual, or that I know about that would have struck me as being unusual. I know of operations in the area and the information I had appeared to me at the time that this was normal operations that were being carried out. No, sir.

Q. Well we appreciate very much you coming in all the way from California, Colonel GRUBAUGH. You should know that we are trying to leave no stone unturned in trying to find out what has happened in all this process in reporting and in investigations and so on, which is our primary objective. If based upon what we have been talking about here today, the general line of the questioning and so forth, you recall anything that you might think of that would be of assistance to us, we'd like very much to know about it. Additionally, if you can think of any document, papers, memoranda,

or anything of this sort that would be helpful to us we'd like to know about those. Before recessing I'll give you an opportunity to ask any questions which you'd like to ask, or if you'd like, to enter a statement into the record.

A. No, sir. I have one question, if you have interviewed a captain, now Major Carl SPELTZ who was a member of Colonel GUINN's staff? I worked with him in PSYOP, in reference to the PSYOP material. He and I worked -- he was on their end of it; my position in PSYOP was working the the Ministry of Information a good deal.

MR MACCRATE: Would you give us the spelling.

A. Carl SPELTZ would be on the military side, sir. Here, Captain SPELTZ, S5.

Q. S-P-E-L-T-Z?

A. Yes, He's now a major at Fort Knox, or was in their career course. I haven't heard from him in about a month or so. He possibly would have recollection of some of those documents, as he worked with the Vietnamese counterpart in this area. He and I worked several PSYOP operations together, directed of course to the civilian populace primarily.

RCDR: I would like to enter the extract of LTG CUSHMAN's, and Mr. MAY's notes from the PSA Conference of 23 February 1968 as Exhibit M-76.

IO: The hearing will recess at this time.

(The hearing recessed at 1137 hours, 28 January 1970.)

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atrocious actions on the part of U.S. ground troops (pgs. 22, 53). He was also under the firm impression that Task Force Barker, the unit involved in the allegation, had not operated as far south as the coordinates given in the report (pg. 51). He reiterated that he had no faith in the veracity of the report (pg. 54).

c. Informing Colonel HENDERSON of the report.

The witness stated that he went to see Colonel HENDERSON, commander of the 11th Brigade, at Duc Pho and informed him of the report (pgs. 7, 32). He told HENDERSON that he did not believe the report, but stated that since the 11th Brigade was involved he felt that HENDERSON should know about the allegations (pgs. 27, 33). He further noted that he was under the impression from HENDERSON's reaction that this was the first that he had heard of the allegations (pg. 28). He added that his report to HENDERSON was oral and nothing in writing was shown to him (pgs. 34, 38, 47). HENDERSON told the witness that he would check out the allegation (pg. 34). He believed that he passed the information to HENDERSON sometime in April (pg. 48). HENDERSON's leg was in a walking cast when he spoke with him (pg. 49). The witness further noted that he made a special trip to brigade to speak with HENDERSON and relate this information to him (pg. 56).

d. Possible sources of the intelligence.

The witness stated that he did not recall ever seeing a copy of the letter from the Son Tinh District Chief to Lieutenant Colonel KHIEN, dated 28 March (pgs. 11, 43), nor did he believe that the information that he passed to HENDERSON could have come from that source (pg. 48). He further stated that he recalled nothing about this incident being reported by any hamlet or district chief (pg. 52).

2. KNOWLEDGE OF REPORTS OF THE INCIDENT.

a. HENDERSON's report.

The witness stated that Colonel HENDERSON told him that he would check out the report (pgs. 7, 45). Later someone told the witness that the incident had been investigated (pg. 8). He never saw either Exhibit R-1, HENDERSON's report, or its inclosures (pg. 12). He noted that he would not have expected HENDERSON to have let him

know the results of his investigation (pg. 18). The witness added that the only report that he had heard of was the one which HENDERSON conducted and that the only knowledge that he had of that was HENDERSON's statement that he would investigate (pgs. 29, 45).

b. Knowledge of other reports.

The witness stated that he did not recall ever hearing of any investigation being conducted at the Americal Division (pg. 28). He did not recall ever discussing the incident with Lieutenant Colonel KHIEN, Colonel TOAN, General YOUNG, or Mr. MAY (pg. 43). He further stated that he was not familiar with any U.S. reports, except for the one that he heard HENDERSON had made (pg. 13). Upon questioning about his prior statement to the IG, he stated that he may have had this My Lai incident confused with another incident when he made the statement (pg. 44). He had told the IG that he was familiar with a report of the incident from the Vietnamese to the Americal and a reply concerning an investigation being sent back to the 2d ARVN Division (pg. 31). He now stated that he did not even know where the information came from that HENDERSON had conducted an investigation (pg. 31), except for HENDERSON's assurance that one would be made (pg. 45).

3. ARTILLERY CLEARANCE.

The witness stated that there was no liaison between the 11th Brigade and the advisory teams in the area, only between the Americal and the 2d ARVN Divisions (pg. 17). He did note that Task Force Barker would have obtained clearance for artillery fire through the Son Tinh District, not through his office (pg. 23). The designation of a free fire zone allowed the U.S. forces to fire in that area without prior approval of the ARVN forces (pg. 23). The ARVN's would fire at will into what they considered a free fire zone, but the U.S. forces were only to fire at known targets (pgs. 23, 24).

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SUMMARY OF RECALL TESTIMONY

WITNESS: GUINN, William D. Jr. LTC

DATES OF TESTIMONY: 11, 13 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: Withholding information, falsely testifying, failure to obey or violation of general regulations, and dereliction of duty.

COUNSEL: Martin E. DOLLINGER, CPT, JAGC, appointed military counsel, stationed with the Office of the Judge Advocate General, Washington, D.C.

DUTY ASSIGNMENT ON 16 MARCH 1968: Deputy Province Senior Advisor, Quang Ngai Province, Republic of Vietnam.

The witness was advised of his right to counsel and he decided to exercise that right. Upon being provided with military counsel, the witness refused to make a further statement or answer any questions of the interrogators.

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(The hearing reconvened at 1606 hours, 17 December 1969.)

IO: The hearing will come to order.

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

Sir, the next witness is Lieutenant Colonel William D. GUINN.

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

Colonel GUINN, please state your full name, grade, Social Security number, and organization?

A. William D. GUINN, Jr, , Infantry, assigned to OCRD here in Washington, Lieutenant Colonel.

IO: Colonel GUINN, before we proceed with any questions, I will ask Colonel MILLER, on my immediate right, from the Office of the Judge Advocate General, to inform you of several matters.

COL MILLER: Colonel, this investigation was directed jointly by the Secretary of the Army and the Chief of Staff of the United States Army for the purpose of determining facts and making findings and recommendations concerning two major subjects:

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

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

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

(GUINN)

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APP T-24

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General PEERS and the rest of us have had made available and have reviewed prior official statements that have been obtained in other official investigations of the My Lai incident. This does include your prior statement.

Your testimony today will be taken under oath. A verbatim transcript will be prepared. In addition, a tape recording is being made.

Although the general classification of the report is confidential, it is possible that all or at least parts of the testimony may later become matters of public knowledge.

In just a moment I will tell you who will or can ask you questions. First of all, General PEERS, who is the Investigating Officer, has the sole responsibility finally of weighing the evidence and making findings and recommendations. On his immediate left is Mr. MACCRATE, and to your left Mr. WALSH. They are both civilian attorneys who have been made available by the Secretary of the Army as legal advisors and counselors to General PEERS. Over here is Colonel FRANKLIN and myself. Any one of us may be asking you questions today.

You are ordered not to discuss your testimony in this investigation with others, including other witnesses for this investigation, except as you may be required to do before a judicial or administrative body.

I do not believe that you now have orders from the military judge in the general court-martial case of the United States v. Calley. In the event you do get such an order, your appearance before this inquiry and your testimony here in no way changes the applicability of that order.

A. Right.

IO: Do you have any questions at this time Colonel GUINN?

A. No, sir.

(COL MILLER retired from the hearing room.)

IO: Colonel GUINN, what was your duty assignment on the 16th of March, 1968?

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A. Sir, I was the deputy province senior advisor, also senior sector advisor. I really wore two hats in the Quang Ngai Province Advisory Team.

Q. Who was the province senior advisor at that time?

A. At that time it was Mr. James A. MAY.

Q. And how long did Mr. MAY remain province senior advisor subsequent to that time?

A. Mr. MAY remained there until May or June of 1968. It was about May when he left.

Q. And who took his place?

A. A Mr. BURKE took his place. However, there was no overlap between the two individuals. I remained there about 2 weeks after Mr. MAY left, and in June I left and went home on a leave, 30-day extension leave, and then came back. During that time Colonel GRUBAUGH was the province senior advisor, or should have been. I assume he should have been at that time.

Q. What time was that?

A. This was in June.

Q. What time in June? Do you recall when you went home on your extension leave?

A. It was in the first of June, sir. I can't give you the exact date--early June 1968.

Q. How long had you been there as the deputy province senior advisor and as the senior sector advisor?

A. I arrived there on the 17th of June, 1967.

Q. How long did you remain there in the area of Quang Ngai?

A. I was there for the whole year.

Q. Whole year?

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A. Yes, sir.

Q. Did you return to your same job after your extension leave?

A. No, sir. After my extension leave I returned to command 1/20.

Q. Who did you replace?

A. I replaced Colonel BEERS.

Q. Colonel BEERS?

A. Yes, sir.

Q. We had it that prior to the time he was killed, Colonel BARKER had taken over for a time--the 20th.

A. No, sir. Colonel BARKER I don't think commanded 1/20, not to my knowledge. I don't know that he ever did. As far as I know Colonel BEERS commanded it from the time the battalion arrived in country until I assumed command on the 4th of July, 1968.

Q. Well, this is something that we will have to clarify in our records, exactly which battalion Colonel BARKER commanded.

A. Colonel BARKER commanded the 4/3, sir.

Q. 4/3?

A. And I always thought that when he was killed he commanded 4/3.

Q. That's a sister battalion in your brigade?

A. Yes, sir.

Q. Colonel GUINN, I know that you have much background concerning this area, concerning the enemy situation in the area,

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things about it. Number one, I remember because it was so poorly translated; that's one reason I remember it. The second thing that makes me remember is that it referred to an operation by American forces, and it referred to the My Lai area. Now whether it was called My Lai specifically, or not, I don't recall, but it was that area. And then the coordinates that were given on the report did not match up with the My Lai area; that's the third thing that makes me remember, because I went to my map and tried to determine exactly where it was, and--may I go to the map?

Q. Yes, if you will.

A. The report indicated this general area, however the coordinates were down here at the mouth of the river.

(Witness indicated on Exhibit MAP-1.)

And this is the reason I remember this incident, because I just couldn't put the two together. They just didn't match, and I tried to match it up, both with our maps, you notice it gives the -- I don't know where these names came from. These maps have American names that we came up with, and then we had a Vietnamese map that gave perhaps the names that you have here. I tried to marry it up with this map, and I also tried to get some of the Viet Cong names for these hamlets because they had different names, but it never would match up. The coordinates still checked up here at the mouth of the river, and the area described in the report was up here in this general area. The second thing I remember about it is that it stated that American troops operating in the area had killed, and here I'm again foggy, but the number that sticks in my mind is 1,200. And I remember it was over 1,000, and the number 1,200 sticks in my mind: that American troops operating in this area had killed this number of civilians. And then the next thing it said, by bombing and artillery. There was no indication in there that they had been killed by small arms or ground action, but it was bombing and artillery. I didn't believe the report because this was the typical report that we got frequently. There were days when we would get a stack of reports an inch to an inch and a half thick, and they were usually very unreliable. They were usually Viet Cong propaganda, but we couldn't discount any of them, but at the same time we had to take all of

them with a grain of salt. Anyway, because of the incident, we had, allegedly at least, killed these people. American troops, that is. That day or the next day, or within another day or two, as soon as I could get a helicopter, because we couldn't travel the roads then, I went to Duc Pho, and I passed this information on to Colonel HENDERSON. And I told Colonel HENDERSON at the time the source of it and how much reliability I placed on the source because they were unreliable and you couldn't believe them. And I told him that I had my trouble on matching up the description and the coordinates; they did not match. And I also told him because of the allegation made against his men, I thought I'd better pass it on to him. And he said he'd check it out. And that was the end of the report. We later heard--by we I mean the advisory team--that it was checked out and there was nothing to it. To be honest with you I didn't believe it to begin with. And we never put any stock into it. If there is anything that transpired with the advisory team between Colonel HENDERSON or anyone in the Americal Division, and Mr. MAY, I don't recall. I don't know whether he even knew about it or not in May, because this was a typical report. Well, it wasn't typical in that this was the first one we ever had wherein it alleged that we killed this number of people. But by "typical" I mean it appeared to be propaganda, and it appeared to be completely exaggerated, which was typical of the reports that we got from this source. So I put no confidence in it. I didn't believe it, and, in fact, I forgot about it. I didn't even remember it until this incident came to light again back in the summer.

Q. When you related this to Colonel HENDERSON, what did he say to you? Do you recall?

A. I do remember he expressed disbelief and said he would check it out, and I don't remember any other conversation other than that. I told him I didn't believe it, but I thought I should pass it on to him because of the allegation.

Q. Who told you that this allegation had been checked out and it could not be supported by fact?

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A. I think he had confidence in me, because I had confidence in him. I think--I'm not trying to downgrade Mr. MAY, certainly not, because I think the world of him, but I think I had more rapport with Colonel KHIEN than Mr. MAY did.

Q. With this degree of rapport, if there were an ARVN investigation or GVN investigation at this time, were you not made knowledgeable of it?

A. I don't recall it, sir. No, sir. Even though I had more rapport with him, there were several days that could go by without my even seeing Colonel KHIEN. We were physically removed from him. Well, we were in the same building, but he was in one wing and I was in another, and there were days when I didn't even see him. As I stated, we were all quite busy at the time. He was busy doing his job and usually, if there were any occasion to see him, Mr. MAY was the one who would see him.

Q. What were your contacts on province level with Task Force Barker, with the 11th Brigade, and with the Americal Division? Was this relationship just like you had free and open discussions or exactly how were they carried out?

A. There was no formal contact between the brigade, the division, and province. There was formal liaison between the division and the 2d ARVN Division. And for military matters, usually we would go through their liaison, Americal Division's liaison with 2d ARVN Division. There was informal coordination, infrequent I would say in most cases. General YOUNG was down frequently, and during that time he was usually talking with Mr. MAY. I would be in on the conversations sometimes and sometimes I wouldn't be. More frequently, I was not in on the conversations. There was no formal coordination between province military side and the civilian side with Task Force Barker. I know that Colonel BARKER did contact Colonel GAVIN of the advisory team at the district level--I would say frequently, because he was operating in that area. I think he might have been down to the province only on special occasions, but I would say this was rare. There was practically no coordination between province and the 11th Brigade at Duc

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Q. No, not within Charlie Company, whether you heard any rumblings in there of anything that took place within the company or within the battalion--

A. (Interposing) No, sir. I have never heard anything.

Q. Which might cast suspicion or doubt upon something which they reported as of the 16th of March 1968?

A. No, sir. I did not. Because at that time the main structure of that company, the leadership, had completely turned over I would say. I don't recall whether there were any platoon leaders left in that company or not that were in that company at the time this incident took place. I don't think there were.

Q. There were probably a lot of men though?

A. I'm sure there were a lot of men. I can't even recall who the platoon leaders were at the time I took over because we had quite a turnover at that time because they had been there--they had been in the country for approximately 6 months at that time. But I never heard any rumors, rumbles, or anything of that nature, from the company, or any company. An incident of this nature, that civilians had been killed indiscriminately or that there was indiscriminate shooting, or anything of that nature, I never heard it. I had no reason to suspect it. In fact, I did not know that this was the company in particular--I knew one company from my battalion had been involved in Task Force Barker, but I didn't even know which company it was. I never--well, I take that back, I did know that C Company had been up there, but I didn't know how long, and I had no reason to suspect that anything out of the ordinary had gone on.

Q. How did this company perform after you took it over?

A. Well, they performed as well as the company commander who commanded them, sir. I had a good company commander in there. He was a young captain there on his second tour. He had been an advisor before. I would say he was my second best company commander.

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Q. What was his name?

A. WEBB, sir.

Q. WEBB? W-E-B-B?

A. Yes, sir.

Q. Do you remember his first name?

A. No, sir, but I will think of it before we leave here.

Q. Do you know where he is assigned at the present time?

A. No, sir, I do not. I might add, I don't know who the company commander was when I took over Charlie Company, I mean when I took over the battalion, but Captain WEBB came to me right after I took over the battalion. I put him in that company. I don't remember who the company commander was on the day I assumed command, because he wouldn't have been in there too long.

Q. Yes. The individual who commanded the company in March and that period was MEDINA.

A. MEDINA was in the battalion, but he did not command that company at that time.

Q. Not commanding the company at that time?

A. He was my S2.

Q. Yes.

A. And I knew MEDINA, I had him for about a week, week and a half, and he was reassigned to division after I had been there about a week and a half.

Q. Do you know where he was assigned in division?

A. Yes, sir. He was assigned to G3 section.

Q. G3.

A. Yes, sir.

Q. And that would have been about along in mid-July?

A. It would have been along mid-July sometime, yes, sir. It couldn't have been over 2 weeks, I think, after I took command, because he was moved out a very short time after.

Q. Colonel GUINN, you are familiar with MACV regulations and directives concerning the safeguarding of civilians, noncombatants, handling and treatment of POW's, and so on. Probably not much reason to go into those. In your capacity, I would be sure you well understood how these people were to be treated. Were you also familiar with MACV Directive 20-4 which required the reporting of any alleged atrocity or war crime?

A. Yes, sir.

Q. I refer you specifically to paragraph 2 and paragraph 5a.

A. Paragraph 5a, sir?

Q. Paragraph 5a.

A. Yes, sir.

Q. You are familiar with this?

A. Yes, sir.

Q. You did not consider this report you had received would have fitted into the terms of an allegation?

A. No, sir, I didn't consider it a war crime. I considered it, the report indicated to me that these people had been killed by an act of war, because the report said by bombing and artillery. And to me that was an act of war because that was a free-fire zone out there, and they were operating in that area. To begin with, I didn't believe it.

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and I didn't consider that any atrocity had been committed. There was no indication to me that there was any atrocity.

Q. You indicated that this area was a free-fire--

A. (Interposing) Well, free-fire, some of it was free-fire, some of it was a controlled-fire zone. I can't recall exactly what it was. Colonel GAVIN, I'm sure, can tell you about this because I'm sure he had it on his map.

(At this point in the hearing the witness indicated on the wall map that the free-fire zone was somewhere in the area of from north-south grid line 72 out to the coast, and behind that area was a controlled-fire zone.)

Q. I would like to know what your interpretation of a free-fire zone would be.

A. All right. A free-fire zone, as far as we are concerned at that time in the MACV advisory detachment, free-fire meant that anyone had authority to shoot up there, provided they had a target, without clearance through ARVN channels, through the province, or through the district chief. Now this didn't discount rules of engagement. They still had rules of engagement to follow. But the zone itself meant that they did not have to come through us to get clearance to shoot.

Q. Let's say Task Force Barker, would they normally come to you or would they go direct to Son Tinh District?

A. They would usually go straight to Son Tinh District, because I think at that time they had a couple people there at the district headquarters with the advisory detachment that were liaison for them for this specific purpose. Of course if they had an AO extension this gave them authority. This was about the same thing as a free-fire zone. In other words they didn't have to come through us to the Vietnamese to get clearance to shoot. They were still, of course, subject to the elements of engagement.

Q. What would this mean to you? Could they therefore fire into an inhabited village?

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Q. What was his reaction?

A. His reaction was disbelief.

Q. Did he make any indication to you in any way that he had been looking into such a matter?

A. No, sir.

Q. Did he indicate this is the first he ever heard of anything?

A. Yes, sir. He didn't say this is the first time he ever heard it, but from his reaction I assumed this was the first time he had ever heard it.

Q. Now, I think that in your statement you gave Colonel WILSON, back in May of this year--

A. (Interposing) Yes, sir.

Q. That you indicated at that time that you understood that this matter was being investigated in several places. What is your recollection in that regard?

A. I don't recall anything like that. It was being investigated in several places.

Q. You have no recollection at this time of being aware that this was being investigated in several places?

A. No, sir, because we weren't investigating it. You mean the Americal Division?

Q. What do you recall that you knew at that time, with respect to this information and its investigation?

A. Well, at the time I passed it on to Colonel HENDERSON, this was the first knowledge I had of it. I don't recall even saying that I knew it was being investigated because I didn't know what the status on it was.

Q. Did you at any time thereafter learn that it was being investigated at some other place?

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A. I don't recall. I do not recall that it was ever investigated. As I said earlier I tried to put this thing back together and I can't do it. As best I can--

Q. (Interposing) Don't you recall saying last May, "I know that Americal Division attempted to conduct an investigation, how far along they got I don't know. It was out of my hands, I didn't stick my nose into it, but they did conduct some type of investigation."

A. Well, I said that, yes, based on what Colonel HENDERSON told me. He said he would investigate it. He told me at that time he would look into it. I don't remember whether he said he would investigate it or look into it, but he told me that he would.

Q. Are you telling me now that what you were referring to here was simply your conversation with Colonel HENDERSON?

A. Yes, because that's the only time I recall, as I said earlier, we heard--the source, the channels I don't recall--that it had been investigated, that it had been investigated and there was nothing to it. Because--I don't recall the details.

Q. Do you also recall that in May you said that the province chief and the 2d ARVN Division commander, also the division commander of the Americal Division, made an effort to investigate and find out what happened? Do you recall saying that?

A. No, I don't, and I'm not trying to cover up anything. I do not.

Q. And you have no way of recalling what was the background or what was your recollection last May that led your answer to be reported in that way?

A. The only justification I can give for the statement that I made that way, or however I made it, is that it did come to us from some source and it had to come through Americal Division. But it came to us that the matter had been investigated and there was nothing to it. I cannot recall all the details of it, and I'll be honest with you. I tried to, but I can't do it. I can't put this incident back together at all.

Q. Where did you find out that the province chief was investigating it? Wouldn't that have been information that you would have gotten directly?

A. Not necessarily. When the report came in to us, I'm sure it came through the province chief and through Americal through the province chief. But how much he got into the investigation, I have no idea.

Q. Do you remember saying last May, "I think General TOAN at that time or Colonel TOAN who commanded the 2d ARVN Division passed this information to General KOSTER, who commanded the Americal Division"? Do you remember--

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

Q. Do you remember stating that around May 28 to Colonel WILSON?

A. No, sir. I don't remember that. If I said it I'm sure it's in there, but I don't recall it.

Q. Well, is that true or is it not true?

A. I think it is true, yes, sir. I think there was something between 2d ARVN Division and Americal Division but I don't know what.

Q. Upon what did you base that statement last May?

A. Sir, I based that statement last May on what I could remember of the incident. And since that time there has been so much in the papers. I've read so much that it's all foggy in my mind. I'm not trying to cover up anything.

Q. Well, Colonel GUINN, ordinarily when things are discussed and you hear people talking about them they tend to refresh your recollection. They don't bury things, and last May you indicated some information which went to General KOSTER. In December you now tell us that things have become foggy. You don't know.

A. I don't. And I'm not trying to hide anything. I don't

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recall what transpired between 2d ARVN Division and the Americal Division on this thing. It came back to us and Mr. MAY may be able to clear this thing up--that this incident had been investigated and there was nothing to it. And I know that when it came back that it had to come through 2d ARVN Division. Americal Division was involved in it. But I don't remember the exact source of the report, nor do I remember whether the report came down verbally or whether it--I'm sure it didn't come in writing. But who brought it, I don't recall.

Q. Between last May when you gave the testimony to Colonel WILSON and today, have you discussed this matter with anyone?

A. I discussed it with the press. I was cleared to do that. But I haven't discussed it with any of the principals, no, sir.

IO: I'd like to reread what you said in May, Colonel GUINN.

A. Yes, sir.

Q. You seem rather affirmative in your statement. You say also the information came in to the--

"I believe the province chief received it. I'm not sure how we got it. Also it went to the 2d ARVN Division, and from there I don't know. I'm only speculating in this case. I think General TOAN, at that time Colonel TOAN, commander of the 2d ARVN Division, passed this information on to General KOSTER, who commanded the Americal Division." Then you spelled out KOSTER, and said "KOSTER."

A short while later you said, "I know that the Americal Division attempted to conduct an investigation. How far along they got I don't know, because it was out of my hands and I didn't stick my nose into it. But they did conduct some type of an investigation."

You went on to state, "I know that the province chief, Colonel KHIEN," which you spelled out, "in conjunction with Colonel TOAN, 2d ARVN Division commander, had attempted to get more information to find out what happened. When I left there,

which was in May, at that time they had not come up with anything on this as far as I know, and I think they had even dropped it as being unfounded because they couldn't get any hard, firm information on it."

And then there goes on some questioning concerning where did the information originate initially. So you seem-- Mr. MACCRATE indicated you seem quite positive then that this information had come to Colonel KHIEN and then to Colonel TOAN, but now you disassociate yourself.

A. Well, let me say it this way. As I said earlier, I know that the report by some means came back to us, that the report had been investigated and nothing had been found to it. And I know it came through 2d ARVN Division or Colonel KHIEN. I don't know how it came. They knew about it. I'm positive they knew about it.

Q. Why are you so positive now, and just a minute ago you couldn't recall this?

A. It came back through a source and I don't know what the source was.

MR MACCRATE: How can you be sure that it wasn't Colonel HENDERSON?

A. I can't be sure, sir, because I don't remember.

Q. Well, I understood you were sure now that it came back through Colonel KHIEN?

A. Well, I'll retract that statement because I'm really not sure. The only thing I am sure about is the report did come back, and there was nothing to it.

Q. Well you are clear that you went to Colonel HENDERSON on one occasion?

A. Yes, sir.

Q. You're clear that was Duc Pho?

A. Yes, sir.

Q. How do you fix that visit, time, place, and circumstances?

A. I can't fix the time, only the circumstance, because I just happened to remember that report. I know it was within a couple or 3 days when I went down there. I can't remember the date.

Q. That little bit comes back to you clearly, that you went down and said, "Here, I'm handing this to you, this is for you to worry about. I'm not going to stick my nose into it any more." Was that your approach at that time?

A. No, sir, no, sir. I passed this on to Colonel HENDERSON simply because the allegation had been made. And I told him that these reports were usually very unreliable because of the source, and I didn't put any confidence in it at all. I told him that the report said the people had been killed by bombing and artillery. There was no indication to me that anyone had been killed as anything other than an honest act of war. There was no massacre that I knew of.

Q. Why did you even bother to give it to him?

A. I thought he should know about it. It alleged that they killed a lot of so-called innocent civilians out there. Probably if they had been killed I assumed it had been unintentional, but I thought he should know about it. He was the brigade commander.

Q. And you have a clear recollection of this meeting? Where was it, at Duc Pho?

A. It was outside his office.

Q. Outside his office?

A. Yes, sir.

Q. Not in his office?

A. No, sir. He was going somewhere and I caught him on the way out, I do remember that.

Q. Did you give him a piece of paper?

A. No, sir, I didn't. I don't think I had any paper with me.

Q. Well, did he make any note of his meeting you and getting this information?

A. I don't think so.

Q. Well, how did he know when he got back to his quarters, the information he had? Here you catch a man walking down a path and you give him some information that you think he ought to know, and you don't give it to him in writing. He isn't in the situation where he can make any notation of it. You still thought that it was information he ought to have.

A. I couldn't quite order him to go in his office and write it down, sir. I just assumed he would take it and act on it.

Q. But it does seem like a terribly casual way to give information that you thought and describe in your testimony last May as being of sufficient seriousness that you wanted to bring it to Colonel HENDERSON's attention.

A. This report came in in a casual manner. And these reports --

Q. (Interposing) But you did have a piece of paper that you didn't even bother to take to him you tell us.

A. Sir, that piece of paper was nothing more than a scratched note pad. I could hardly read it myself.

Q. Well, did Colonel HENDERSON say he would investigate it?

A. Yes, sir.

Q. Well, how did you expect him to follow up on that investigation? What had you given him? What leads had you given him that you thought he could follow up on?

A. The only thing I gave him was what I got out of this report. I had nothing more than what this report said. And that wasn't too exact, even.

Q. Was it subsequent to that time or prior to that time that you learned that the Americal Division was looking into this?

A. It had to be subsequent to that time, because I didn't know that the Americal Division itself looked into it. I assumed Colonel HENDERSON looked into it. I didn't know that Americal Division, as a division, was looking into this. I assumed Colonel HENDERSON looked into it himself.

Q. When did you speak with Colonel TOAN about his passing the information to General KOSTER?

A. I don't think I ever discussed it at all with Colonel TOAN. I never discussed it with Colonel TOAN. He was 2d ARVN Division commander and I was completely removed from him.

Q. You have no idea today what the basis for your statement last May was.

A. No, sir. I don't recall now, other than the fact that I must have remembered something about the final report in some way coming in, and that it had been looked into and there was nothing to it.

IO: Colonel GUINN, earlier in the hearing you were asked if you had talked to anybody since this information had broken in the news and your response was that you had been given permission to provide an interview or information to a newspaper.

A. Yes, sir.

Q. Questioning went on to say had you talked to anybody else and you indicated, "No."

A. None of the principals, sir, I haven't. It's been discussed. What I mean, I haven't discussed this in official terms, with principals. I've tried to avoid it, but I can't avoid discussing it when people come up and ask me questions, because I was there.

Q. Can you give us a brief of what you told the newspapers and what was printed in the newspapers?

A. It was Mr. BRAESTRUP who was the reporter of The Washington Post. He called me one afternoon and asked me if I would make a statement. He said he called the PIO people, and I called them and they said they cleared him, and I told him --

Q. (Interposing) When was this now?

A. About 2 weeks ago. I told him what the general situation was in the area. This is one thing he wanted to know. I told him what I knew from having been there as advisor, enemy situation, friendly situation, so forth. And I told him generally what I have told you, that I did receive a report, which was passed on to Colonel HENDERSON, and that's about what I told him.

Q. What else did you tell him about your report.

A. Sir, I can't recall.

Q. You say that above and beyond that though, that you have talked to no one, any of the principals?

A. I did. I talked to Colonel HENDERSON. Colonel HENDERSON asked me, I remember he called me one day and asked me, when I gave him that report, when I came down to see him. Now this was, I don't remember when it was, but I do remember I talked to him and he asked me. That was all I said to him, that I had come to Duc Pho and passed this information on to him. I did say that to him.

Q. What else did you tell him?

A. Sir, the only thing that I can remember I told him is what generally the report consisted of, and that's all I remember. It was a very brief telephone conversation. Oh, I saw General KOSTER at dinner at West Point, some 3 or 4 weeks ago, and just spoke to him, and he said something to the effect that this thing was under investigation, and I said, "Yes, I know it's under investigation," and that's about all I

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A. Sir, I'll try. I have tried ever since this thing opened but it's impossible for me to recall specific details on this thing.

Q. Yes.

A. I'll do the best I can. I've been trying for several weeks to put it together.

Q. Well, you can probably straighten out this conversation which has only taken place a few days ago in your mind.

A. With Colonel HENDERSON, sir?

Q. Yes.

A. I think I can straighten this conversation out. I had forgotten about it. He called me and asked me -- I wasn't there -- and asked me if I would call. Someone said that Colonel HENDERSON wants you to call. He asked me, he said he had read this item in the Post, and he said, "I don't remember your giving me a report." And at that time I said, "Well, I came down to see you there a couple days after I received the report and gave it to you verbally." I know I didn't give him anything in writing because I didn't have anything in writing except that handwritten note that I received. So he did not receive any formal report from me. It was verbal.

Q. Well, what do you mean then in your conversation with Colonel HENDERSON where you say it was reported that over a thousand civilians had been killed in the My Lai area, that "I carried that down to Duc Pho and handed it to you"?

A. No, I don't think I said, "handed it," because I didn't have anything to hand. I don't recall handing Colonel HENDERSON any report, piece of paper, or anything.

Q. Well, we're hung up a little bit on this particular point, and we're also hung up on this other point we were discussing here, with respect to your testimony before Colonel WILSON.

A. Yes, sir.

(COL MILLER entered the hearing.)

Q. In May, with respect to Colonel KHIEN, Colonel TOAN, and their knowledge of the incident or at least also checking into it for additional information, you don't seem to recall at the present time, although you certainly appeared very affirmative in the month of May. So rather than go into detail at this particular time, I would like to recess to give you time to refresh your memory.

A. Well, I'll try, sir, but I don't know whether I can do any better than what I have done so far.

Q. Would you have any guidance to offer, Colonel MILLER?

COL MILLER: Yes, sir. Earlier in the hearing you were advised with respect to not discussing this and you are directed not to discuss this either directly or indirectly through others with any people who were or might be witnesses, who have, to your knowledge, knowledge about the My Lai incident. At the moment we are discussing the time between now and when you are next called as a witness. Of course, the same thing will go on. The essence of it is don't discuss this with anybody.

A. Right, yes, sir.

Q. That's all.

IO: We'll recess until 0830 tomorrow morning. We'll tell you when we want you back.

A. Yes, sir.

(The hearing recessed at 1826 hours, 17 December 1969.)

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(The hearing convened at 1345 hours, 19 December 1969.)

IO: The hearing will come to order.

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

Sir, the next witness is Lieutenant Colonel GUINN, who is being recalled.

(LTC GUINN, previously sworn, was reminded that he remained under oath, and testified as follows:)

IO: Colonel GUINN, if you recall, when we recessed during your last appearance we were at that time discussing the data which you had provided the inspector general concerning the fact that the province chief, Colonel KHIEN, and Colonel TOAN had attempted to get information to find out what happened, and there was also something concerning the Americal Division attempting to conduct an investigation. At that time you indicated that you had no recollection of ever having made a statement of this at all. We recessed to give you some time to refresh your memory, to find out exactly what had transpired.

A. Sir, I made some notes and this concerns discussions I have had with three different people I'd like to bring out. Colonel GAVIN called me 3, maybe 4 weeks ago when he found I was in the area. He didn't know where I was and I didn't know where he was. He called and invited my wife and me up to his house. At that time I asked him if he remembered anything about this situation and he said, "No," and that ended that discussion there. I also had a call a couple weeks ago from a Major HACKING who at that time during that incident, I believe, was the RF/PF advisor. He's now on duty at CONARC, and he just called up to pass the time of day and asked me what was going on. I asked him if he knew anything about the incident and he said he didn't, he couldn't -- he wasn't really in a position to know anything about it. I was just asking him if he knew anything about it. About 2 weeks ago I had a call from a former lieutenant who is now out of the Army by the name of FROSCH, F-R-O-S-C-H, first name of Frank. He works for one

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of the wire services. He's a reporter, and he's writing a book. He was one of the intelligence advisors at that time. He called me to refresh his memory on Quang Ngai in general, to see if his recollection was the same as mine and so forth. He really didn't call about the incident because he had all the information he wanted on that, but he reminded me of something that I had forgotten completely. I see the map is down. That was the location of the 48th Battalion. When I talked to the IG I made them a map. I don't know whether you have that or not, and at that time I made a sketch and I believe I showed the 48th Battalion as being --

Q. (Interposing) We have a map here we can use.

A. Yes, sir. As being in the Batangan Peninsula area. Lieutenant FROSCH reminded me that our intelligence at that time was carrying the 48th Battalion back in the mountains. Again, this was right after the Tet offensive. The 48th Battalion had been hit awfully hard just north of the river, north of Quang Ngai City. When I say our intelligence, I'm speaking of the sector-provincial intelligence. It carried the 48th Battalion in the mountains to the west (indicating on the wall map) of north-south grid square 50, that far back.

Q. 30 or 40 kilometers west then?

A. Yes, sir. And he reminded me of that. I had completely forgotten that. But that was really the only thing he did help me out on, that. But that was a point, and I think the other day, a couple weeks ago before General STILWELL appeared before the House or Senate Armed Services Committee--I don't remember which one it was he appeared before--he had several of the Quang Ngai people or people who were familiar with that area in his office. At that time I drew another map, I believe, for them. I think at that time I also drew the 48th Battalion in the Cape Batangan vicinity. Again, our intelligence indicated that it was to the west and the Americal Division was carrying it in the Batangan area, so there was a difference in our two intelligence reports. Sir, could I see the document that you showed me yesterday? That was the letter from Colonel KHIEN concerning the incident.

Q. Colonel KHIEN?

A. Could I see that again, sir?

Q. I think you are referring to this letter from Lieutenant TAN to Colonel KHIEN?

A. Yes, sir, that's the one. I've seen that and that was the letter I saw in General STILWELL's office. I just wanted to read this and see if it, if I had seen this thing before, and I know I saw it that day. I think it's the same one. I'm just trying to refresh my memory if I have ever seen this. Of course, this is a good translation and it would be very different from the translation that we got. I'm just trying to remember if I have ever seen this before, and the only time I can ever remember seeing this is when I saw it in General STILWELL's office the other day.

Q. How recently has this been?

A. This was about 2 weeks ago, sir, before General STILWELL and, I think, Mr. RESOR appeared before the Senate and, I believe, House Armed Services Committee. He had several of us in to discuss Quang Ngai in general because he thought it might refresh his memory. I'm just trying to remember if I had ever seen this and I don't think so, other than that time. I'm trying to determine in my own mind if this was the report that might have come in to me with, of course, an entirely different translation on it, and I can't match the two. Of course, I don't read any Vietnamese at all. No, sir, I can't. Now as far as what I said with the IG, obviously I said it or it wouldn't be down there. But I have been trying to determine in my own mind why I said that I knew this was under investigation. And I can't do it because I can not recall ever discussing this with Colonel KHIEN. I can't recall ever discussing it with General TOAN. And certainly not with General KOSTER, because I very rarely saw General KOSTER. I'm trying to recall if and when I ever discussed this with Colonel HENDERSON except the first time that I indicated I talked to him about it. And I can't recall any time that I ever discussed it again with Colonel HENDERSON. I can't recall ever having discussed it with General YOUNG. General YOUNG was down -- I don't know with what frequency he came down to visit with Mr. MAY. Usually when he came down the subject was: "What can we do for you in the way of logistical

support and this sort of thing?" Of course, during these discussions many things were discussed, but I don't remember this subject ever coming up. I don't even remember ever discussing it with Mr. MAY, the province senior advisor. I can't recall when I was present with any of these individuals when the subject was discussed. I'm also trying to remember if I ever discussed it with Colonel HUTTER, the division advisor I think he was. I think it was Colonel HUTTER. I don't recall discussing it with him.

Q. Colonel H-U-T-T-E-R?

A. Yes, sir.

Q. Do you remember his first name?

A. Dean HUTTER, I believe. Something like that. That sounds right. I'm trying also to determine in my own mind if what I talked about with the IG and what has since come to light were really in my own mind the same incident. Because at that time I was not aware and I really don't think I was ever aware that any incident of this type, and I'm speaking of a massacre, had taken place. The only incident that I can recall is the one that I talked to Colonel HENDERSON about on that one occasion. Somewhere in the back of my mind we heard, and I still can't recall when, where, or how, that this incident, and I'm not sure now which incident we are referring to, had been investigated, and sir, that's the best I can recall.

Q. Do we have a clean copy of Colonel GUINN's testimony? To refresh your memory of what transpired between yourself and the interrogator, start at the bottom of page 536 (IG report testimony).

A. 536, sir? Oh, yes, sir.

Q. Go through the next two pages.

A. All right, sir. Yes, sir, I've gone through this.

Q. 537 and 538?

A. Yes, sir.

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from the district chief. It could be the same one, but the translations are so different that I would never be able to marry the two up.

Q. Do you recall when you went to see Colonel HENDERSON?

A. No, sir, I don't. Because I don't remember when the message came in. Now this one is dated 28 March I assume. I don't know, I don't recall the date.

Q. Had you met Colonel HENDERSON before the time you went to see him?

A. Yes, sir. I met Colonel HENDERSON. I had been down there before and had lunch with Colonel HENDERSON one time with Mr. MAY, when the other brigade commander was in command and Colonel HENDERSON was the deputy. I've forgotten who it was, Brigadier General--

Q. (Interposing) LIPSCOMB?

A. LIPSCOMB, yes, sir. General LIPSCOMB was in command. Mr. MAY and I went down and had lunch with them one day and that was the first time I think I ever met Colonel HENDERSON. I don't remember ever meeting him from the time we had lunch on that occasion until this particular occasion. I don't remember, I think Colonel HENDERSON was up to see the province chief sometime after he took command. This was customary, for all new commanders to come in and pay respects to the province chief, and I think he was up to see Colonel KHIEN. When he was up to see Colonel KHIEN, I can't recall that. I just have a faint recollection of Colonel HENDERSON coming up to see Colonel KHIEN.

Q. Do you recall Colonel HENDERSON ever coming up and interviewing you for a prospective assignment to the 11th Brigade?

A. No, sir.

Q. Did you ever go down to see him?

A. Yes, sir.

Q. For that?

A. Not for an interview, no, sir. I was never interviewed.

Q. Did anybody in the Americal Division see you before you were assigned to the division?

A. Yes, sir. I knew General KOSTER and General YOUNG. I knew them, but there was no interview per se.

Q. Yes, but did anybody come up to see you to find out, to size you up so to speak?

A. No, sir, not to my knowledge. I don't remember it. Through association there for the several months, I had gotten to know General KOSTER. He knew who I was at least. I had gotten to know General YOUNG because, as I said, he came down, I don't know with what frequency, maybe once a week, maybe a couple times a month, I don't remember. I had gotten to know General GALLOWAY, of course. I knew General GALLOWAY before, when he was G3 of V Corps. He didn't come down too often. General YOUNG was usually the representative that came down to visit, but there was no interview with me.

Q. Relating back to your delivery of this information to Colonel HENDERSON, we were discussing before whether you had given him a piece of paper or whether it was transferred verbally to him. Although there is a possibility that a piece of paper had been handled in the transaction, the best of your recollection was that it had been passed on verbally?

A. Yes, sir.

Q. Or orally. We discussed this with Colonel HENDERSON who had read this item that came out in the newspaper in which you were quoted, and evidently based upon the telephone call between Colonel HENDERSON and yourself.

A. Yes, sir.

Q. Colonel HENDERSON indicated in his most recent testimony that he does not recall ever having had any information such as this delivered to him at any time.

A. Yes, sir. Well, I can't explain that, sir.

Q. The impression that I gained from your previous discussion was that this was a few days after the 16th of March?

A. Yes, sir. It had to be a few days because this source of information wasn't that responsive. I know it couldn't have been, well don't let me say I know, I don't think it could have been responsive enough that it would have been the next day or within hours. I don't know how long.

Q. Can you associate your visit to Duc Pho with Colonel HENDERSON with your subsequent transfer to the brigade?

A. In what respect, sir?

Q. In terms of time, yes?

A. No, sir. This was sometime before I had transferred to Americal Division.

Q. As I recall, you indicated you took over the battalion on the 4th of July?

A. Fourth of July, yes, sir.

Q. Could this have been as late as April, May?

A. I don't think so, I don't think so. I left in May and I was gone all during the month of June on leave and I got back in country in the latter part of June. I don't remember the day I left country. It was either early May or late April; it might have been April when I actually left country on my 30-day extension leave.

Q. Well, if you went for 30 days, you wouldn't be gone for 60 days though, would you? You wouldn't be gone through the entire months of May And June?

A. Right, sir. I was gone through the entire month of June. I'm sorry, sir, it was sometime during May that I left. I think the latter part of May. All the travel time considered, I was home a full 30 days. So that would have been March and April, say from the middle part of March at least, the full month of April, and then sometime up in May that I was there after this incident took place. I don't think it was that late, I really think it was a matter of days. I can't remember how many days because I don't remember the dates at all.

Q. Do you remember the circumstances under which you passed this information to him?

A. Yes, sir. I'll recall it as best I possibly can. As I remember, I met Colonel HENDERSON when he was on his way somewhere. He was in a hurry and he was standing outside his little office. I caught him there and just passed this on to him at that time, but it was outside the office. It was not inside. I think he was on his way to his helicopter, but I'm not sure where he was going.

Q. Was his leg in a cast at that time?

A. I believe it was. I saw Colonel HENDERSON a couple of times with his leg in a cast, and I don't remember, but I believe it was. I think, I said earlier, I think Colonel HENDERSON came up to see Colonel KHIEN, and I believe when he came up to see Colonel KHIEN his leg was in a cast. But I can't recall the date.

Q. Do you recall him being on crutches?

A. No, sir. I don't think he was using crutches. He had a walking cast on, I believe.

MR MACCRATE: Colonel GUINN, you indicated that when you delivered this information to Colonel HENDERSON, you indicated that there were discrepancies in it.

A. Yes, sir.

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Q. This hearing will be in session for some time. And it is conceivable that as time passes and you think of these things, some of these events might sort themselves out. Accordingly, if they ever do, we would like you to reappear before this investigation to make them known.

A. Yes, sir.

Q. Any facts, any documents that you might have, or any materials or anything, we'd be appreciative of having.

A. Yes, sir. I have no documents. I didn't keep anything.

Q. Before we recess, do you have anything, additional facts that you would like to bring to the attention of this investigation?

A. No, sir. The only thing I can say is that I was not aware, and I don't believe any member of the provincial team was aware, of any atrocity taking place in this area. I don't know of anyone that was and I'm speaking now of atrocity. I'm not speaking of the incident that I talked to Colonel HENDERSON about--pure and simple atrocity of Lieutenant CALLEY, C/1/20. I don't recall anything of this nature had taken place.

MR MACCRATE: What do you understand to be the difference between what you describe as atrocity and what you were reporting to Colonel HENDERSON? Now are we just playing here with definitions. What were the facts that underlay the message you were delivering? Now you had questions as to those facts? What was the information you were providing?

A. Sir, the message that I remember indicated that the people had been killed by bombing and artillery.

Q. So what you are distinguishing is the way in which the people were killed?

A. Yes, sir.

Q. You were delivering a message that there were large civilian casualties and you delivered this message, but added to that was the statement that they had been killed by bombing and artillery.

A. Yes, sir. This is the way the message read.

Q. So that you're simply distinguishing the manner in which they were killed?

A. Yes, sir.

Q. Not the fact of a large wholesale killing of civilians?

A. Yes, sir. Plus, as I said, I didn't believe it because the area that this indicated--there were nowhere near that many people in that immediate area--at least our reports didn't indicate they were in there.

Q. Well, you were aware, were you not, that the killing of civilians by whatever military means presented certain requirements of report as far as MACV was concerned?

A. Well, in this case I didn't feel that the incident had actually taken place. I think there was a difference, there is a difference, between unintentional bombing if it would have taken place, unintentional air strikes or artillery, and I knew they were very careful about where they put air strikes and artillery. That just didn't match up.

Q. What information did you have that suggested in any way that the artillery fire had been unintentional?

A. None.

Q. Wasn't there a standing requirement for reporting of artillery incidents?

A. No, sir. This didn't strike me as being an incident that would have called for any report through our

channels. Sir, have you seen the Hamlet Evaluation Reports? Have they--

IO: (Interposing) I'm well familiar with the Hamlet Evaluation Reports.

A. Yes, sir, I mean the ones that we submitted?

Q. No.

A. Well, I don't recall anything ever going in on these.

Q. This is not an intelligence report.

A. Yes, sir, I know. But this is a source of more information about that area.

Q. Yes.

A. And I don't recall ever having put anything in the report of this nature.

Q. Well, this should have been reported through intelligence channels.

A. Yes, sir.

Q. In that regard, what again was the name of your intelligence officer?

A. Lieutenant FROSCHE, sir. He's a civilian now. Frank FROSCHE.

Q. F-R-O-S-C-H?

A. I think that is the way he spells his last name. I believe you'll find him in Atlanta, and I think he is-- well, he's working for one of the wire services. He told me which one, but I don't recall.

Q. Well, we had better run that one down.

COL MILLER: Could I ask a couple of questions, sir?

IO: Yes.

COL MILLER: I wasn't here yesterday. Did you make a special trip down to tell Colonel HENDERSON about this particular report?

A. Sir, I made a trip, yes, sir.

Q. Just for that purpose?

A. I made a special trip over from our sector team. I visited the subsector team, I know, because that's where we always landed, and I went on over to see him.

Q. Because of this report or this information?

A. Yes, sir.

Q. Did it seem important to you at the time?

A. No, sir, it didn't. I thought it was propaganda.

Q. Did you normally make special trips for one item?

A. No, sir.

Q. Can you tell me why you did in this case, if you recall?

A. Well, it said that we killed 1,200 or 1,500 people, I said 1,200 and I said 1,500 too, but I think it was 1,200. I just thought this was good grist for the propaganda mill, and Colonel HENDERSON's troops were involved, and I thought he should be aware of it.

Q. Now, you mentioned a few moments ago that the report you saw had something about being killed by bombing and artillery?

A. Yes, sir.

Q. My question: do you recall specifically that that was in there, or was that just an assumption you may have read into it?

A. No, sir, this was in the translation. Which was, as I said, almost unreal.

IO: Let me cite another thing. You stated that you knew that they didn't bomb or put in air strikes unintentionally. At the same time, as we were talking a couple days ago, this was a free-fire zone.

A. Yes, sir.

Q. Does that go hand in glove?

A. No, sir, it doesn't.

IO: Any more questions?

(No response from any of the members.)

IO: This hearing will recess at the present time.

(The hearing recessed at 1434 hours, 19 December 1969.)

(The hearing reconvened at 1809 hours, 11 February 1970.)

IO: The hearing will come to order.

RCDR: The following persons are present: LTG PEERS, MR WEST, MR MACCRATE, MR WALSH, COL MILLER, COL FRANKLIN, LTC ROGERS, and MAJ LYNN.

Sir, the next recall witness is Lieutenant Colonel GUINN.

(LTC GUINN was recalled as a witness, was reminded that he was still under oath, and testified as follows:)

IO: Colonel GUINN, since your last appearance before this investigating committee on the 17th of December, we have assembled a considerable amount of information concerning the so-called My Lai incident of 16 March 1968, the reporting of it and the investigation of it. In addition we have assembled a large number of documents that relate to these same functions with respect to the incident. All total, from the day we started taking testimony from witnesses we have interrogated approximately 350 individuals, so we do have quite a large amount of information concerning what transpired and so on. In addition to all that, we have taken the opportunity to visit South Vietnam where we have visited MACV headquarters, USARV, I Corps headquarters, General LAM, III MAF, Americal Division headquarters and the 11th Brigade headquarters. We've also talked to General TOCAN, formerly Colonel TOAN as you probably knew him, and some other individuals at his headquarters, and we've likewise visited Son Tinh District and talked to the the district chief, Lieutenant TAN now Captain TAN, and of course we visited LZ Dottie. We also had the opportunity to visit My Lai (4), as it's known in the newspapers, which we find is actually Thuan Yen subhamlet of Tu Cung hamlet of Son My village. So at present, and we had an opportunity to fly over this area, we've talked to some of the people that were in the area and also we've talked to, I think, about a total of 30, 31, or 32 Vietnamese citizens. So we do have quite a bit of information, and now we're coming down to the point where there are some gaps that we want to fill, and one of the reasons for calling you in is to try to fill some of these gaps and also to expand on some of the testimony which you have previously given. Prior to going into this I would like Colonel MILLER to explain to you again your rights and also to inform you of what we may suspect of you.

A. Yes, sir.

COL MILLER: Colonel, when you appeared and testified in December you were not suspected of having committed any offenses or violations of the Uniform Code of Military Justice. Since that time testimony of many witnesses has been considered and also many documentary exhibits. On the basis of information now available, you are suspected of several offenses in violation of the Uniform Code of Military Justice. In just a moment I shall state those to you briefly and explain to you your rights to counsel and your right to either testify or not testify. If you have any questions please feel free to ask them.

First of all you are suspected of having withheld information and of having given false testimony under oath before this investigation when you appeared here in December. The other matters have to do with your action or inaction with respect to the military operation in the Son My (Tu Cung) area from approximately 16 to 18 March 1968, what you did and did not do then and thereafter with respect to material that came to your attention. More specifically you are suspected of violation of or failure to obey general regulations concerning the reporting of information and reports pertaining to alleged or suspected war crimes.

Second, you are suspected of dereliction of duty with respect to your actions or your failure to act on reports and information concerning alleged unlawful killing of Vietnamese civilians by American troops, in this case Task Force Barker personnel, in the Son My area on or about 16 March 1968. Now that was the approximate date of the incidents, and your actions or inactions, of course, occurred at a later time as this material became available to you and you had the opportunity to take action.

Under the circumstances you, of course, have the right to remain completely silent and to answer no questions whatsoever. Any statement you do make can be used as evidence against you in a criminal trial. You have the right to be represented in here and to have present with you and to consult with counsel. By counsel I mean a qualified lawyer. This can be a counsel of your own choice, a civilian counsel that you employ at your own expense. Alternatively, military counsel will be appointed for you if you wish to have one. If you wish you can have both civilian counsel, whom you employ, and a military counsel will be made available. If you have a

particular choice of military counsel, and he is reasonably available, we will try to make him available to you. You may decide at this time that you do not want any counsel and that you are willing to answer questions. Even if you do this you may stop answering questions at any time or you may refuse to answer any particular question or series of questions or questions on a particular subject. You also would have the right to request counsel at any time even though you begin answering questions without having counsel present. Do you understand the general nature of the offenses and your right to counsel, your right to testify or to remain silent?

A. Yes, sir.

Q. Your right to counsel or to refuse to answer questions is up to you and you may invoke it at any time regardless of whether you have counsel present or whether you proceed without counsel. Would you like to have me go into this any further? Would you like further explanation?

A. I'm trying to decide in my own mind if I should request counsel.

Q. I will get around to that in just a moment. If you have any questions you want to ask to help make up your mind, if I can answer them I will.

A. No, sir.

Q. Would you like to have either time to secure a civilian counsel or to have military counsel made available to you?

A. I think I would like to have military counsel made available, sir.

Q. All right.

A. May I ask, am I being charged or am I--

Q. (Interposing) You are not charged with any offense. Under Article 31 of the Uniform Code of Military Justice any person who is subject to the Code, and that includes, of course, General PEERS or people who are representing the Government, who suspects you of having committed any offense, if

you are questioned you are entitled to be apprised of the general nature of their suspicions. There are no charges of any sort against you at this time.

A. I would like to have counsel, sir.

Q. All right.

A. If this is the case, if I am suspect then I think I should have counsel, sir.

IO: Very good. If there are any questions about the three items, you have then--

A. (Interposing) I would like to hear those again, if I may.

Q. Please review them, Colonel MILLER.

COL MILLER: First; that when you appeared before this investigation in December you withheld information and that you gave some false testimony, under oath, before the investigation when you did testify. If you in fact did this, this constitutes the offense of false swearing.

A. I understand that.

Q. The second was failure to obey lawful general regulations concerning the reporting of information or reports that came to your attention concerning alleged or suspected war crimes. More specifically, in Vietnam there was MACV Directive 20-4 which required any person who had knowledge of alleged or suspected war crimes to report this to their commanders as soon as possible.

And third is dereliction of duty concerning your actions or your failure to act on reports and information that came to your attention concerning the alleged unlawful killing of Vietnamese civilians by Task Force Barker. It probably didn't come to you in that precise way but as the alleged killings in the Son My and Tu Cung area in the middle of March 1968. In your position, if this information came to you, you had certain duties to act and you are suspected of not having acted or not having acted as you should in the performance of the duty that you had. Does that straighten everything out?

A. Yes, sir.

Q. Now after you have had an opportunity to consult with counsel you will be called back and at that time we will ask you whether you are then willing to give testimony, make a statement, and answer some questions. Your decision may be deferred until that time.

IO: I think it's also fair to say that, in order to prepare yourself with your counsel, we will make available to you your prior testimony.

A. Yes, sir.

Q. There being no further questions the hearing will recess at this time.

(The hearing recessed at 1822 hours, 11 February 1970.)

(The hearing reconvened at 1657 hours, 13 February 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR WEST, MR MACCRATE, MR WALSH, COL MILLER, COL FRANKLIN, LTC ROGERS, and MAJ LYNN.

Sir, the hearing recalls Lieutenant Colonel GUINN.

(LTC GUINN was recalled as a witness, was reminded that he was under oath, and testified as follows:)

Colonel GUINN, do you have counsel?

A. Yes, sir, Captain DOLLINGER.

RCDR: Will counsel state his full name, rank, Social Security number, organization, and station.

IC: Martin E. DOLLINGER, Captain, , Office of the Judge Advocate General here at the Pentagon.

COL MILLER: Colonel, yesterday or the day before yesterday when we recessed you had been advised of your right to counsel

and the offenses of which you are suspected. You requested counsel be appointed. Captain DOLLINGER has now been appointed. You are a lawyer, Captain DOLLINGER?

IC: Yes.

Q. Are you satisfied with the appointment of your counsel?

A. Yes.

Q. At this time I'd like to ask you whether you are prepared to make a statement and answer questions.

A. Sir, acting on the advice of my counsel, I respectfully invoke the privilege accorded me by the Fifth Amendment of the Constitution and Article 31 of the Uniform Code of Military Justice and refuse to make any statement or answer any questions.

IO: I can appreciate that; but I'd like to talk to you for just a few minutes, not only to you, but to your counsel, because I'm not sure that you really recognize the gravity of this situation and the enormity of the incident that took place and the responsibility that has been placed upon this investigation team. We're investigating a situation wherein at the present moment we can say that we know practically beyond a doubt that well over 200 Vietnamese noncombatants, women, children, and old men, maybe up to 500 of them, were killed and that isn't all of the story. There were numerous rapes that took place; the houses were all destroyed. As a matter of fact, five--six additional subhamlets were burned to the ground. All of the animals were destroyed, maybe there were a few strays, but they were all killed. So the purpose of this investigation, it goes way beyond you and me and your trial counsel, not trial counsel but your legal counsel. In effect what is happening right now and particularly when the findings of this board are made known, it's just not the people of Task Force Barker that are on trial in the eyes of the American public, it's the Army, it's you and it's me and it's everyone and everything that we know, that we think kindly of. And it even goes beyond that because it includes the entire Defense Department. And it includes our country, and it includes our people in the eyes of the world. I can tell you flatly that I have no intent whatsoever to purposely incriminate you. Nor would I ask

you to testify against yourself, but I think what you can add to this testimony aside from anything that may tend to incriminate you would be highly important in putting together the entire picture of what took place in this instance at Thuan Yen hamlet, subhamlet on 16-17 March. When I say subhamlet, I can include the entire village of Son My. And it just isn't like anybody sitting here. You see, in my view and in the view of the American public, we've got a senior U.S. Army officer sitting here who does have responsibilities, who has moral responsibilities. You also, when you came into the Army, swore certain things as far as the defense and the protection of this country. And your appointment was approved by Congress to the effect that you were going to be an officer and a gentleman. So I don't think it would be fair to put you in the same light as some ordinary civilian citizen so to speak. Now another thing I think is highly important here, you'll recall when I first talked to you, within the instructions I brought out that although our report is going to be confidential, the one that I submit to General WESTMORELAND and to Secretary RESOR, that there is a great chance that it will be made a matter of public knowledge. Certainly we know that certain elements of Congress will be asking for these reports including the testimony and it may in fact go well beyond that, in time, to let the entire American public know what has transpired. So I think before you come in and give me a response that you want to remain silent that I should give you another opportunity to get together with your counsel or if necessary to give you a more experienced counsel. Now would you like to have time to confer with your counsel?

A. Yes, sir.

IO: We'll recess at this time, we'll let you have an opportunity to step out at this time. I'll ask Colonel MILLER if you need some additional assistance in the legal side. Colonel MILLER will be happy to join you.

IC: Well sir, I think in the interest of saving time, I think that the colonel has discussed this with me extensively and I think he's aware of his responsibilities, understands the gravity of the situation, and his statement represents a well thought out, well reasoned approach insofar as he's concerned and insofar as I'm concerned. I will encourage him at the recess to continue to exercise this privilege. I think it's only fair to tell you that. I don't know that he has anything to add. As I've said this represents a well reasoned, well thought out, over I might add a considerable period of time, position on the part of the colonel, and I'd have to support it.

MR WEST: I suggest that you go out and discuss it thoroughly and be sure your views are--represent your own conclusion.

LTC GUINN: I have nothing to hide, I have never felt that I had anything to hide, I've tried to tell you as best I could what I remember. Some of it I could remember, some of it was vague, some of it I couldn't remember at all. I don't feel--

IO: (Interposing) We'll recess at this time.

(The hearing recessed at 1707 hours, 13 February 1970.)

(The hearing reconvened at 1715 hours, 13 February 1970.)

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

IO: We have recessed here, Colonel GUINN, so that you may have an opportunity to discuss matters with your counsel and to determine which course of action you care to follow.

A. Sir, acting on the advice of my counsel I respectfully invoke the privilege afforded me by the Fifth Amendment of the Constitution and Article 31 in the Uniform Code of Military Justice, and I choose to make no statement or answer any questions.

MR WEST: Colonel GUINN, we think there are some areas in which you could answer some questions without in any way incriminating yourself. And we certainly do not want to-- would not ask you to answer any question that would incriminate you. Mr. MACCRATE will ask you some questions based on the subjects and I suggest you listen to these and see if you can't help us by answering some of these questions.

IC: Mr. WEST, I think the colonel invoked the privilege and I'd like to object to any questions that might be asked of him at this time. I think it was an all encompassing invocation.

MR WEST: I understand the advice you have given him and the basis for it and the objection will be recorded. Mr. MACCRATE.

MR MACCRATE: First, I would like to enumerate the subjects on which we would like to propound the questions to you, Colonel GUINN. First of all, in your prior testimony before

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Q. You indicated that you did not recall seeing the district chief's letter of 28 March 1968, and you asked for an opportunity during your interrogation to examine that document on two occasions and stated that you had not seen that document. We have now a further document which is a letter from the district chief of Son Tinh District to the province chief of Quang Ngai Province of 11 April 1968. I would like to show you a copy of that letter and inquire if you received that letter which shows on it that a copy went to MACV Quang Ngai Sector which I understand to be the identification of your office. Would you also decline to answer that?

A. Yes, sir.

Q. I then propose to ask you with whom you discussed the letter of 11 April 1968 when it was received? I would inquire about your conversations with Colonel KHIEN, Mr. MAY, Colonel HUTTER, Major GAVIN, Colonel GREEN, Captain RODRIGUEZ, Lieutenant FROSCHE, Sergeant ANGLE, Colonel PARSON, General KOSTER, General YOUNG, Colonel HENDERSON, and Colonel BLACKLEDGE. Would you similarly decline to answer any questions as to those?

A. Yes, sir.

Q. We have received testimony that you gave instructions for a report to be prepared on the 11 April 1968 letter. I ask you whether you would be prepared to tell us the instructions that you gave with respect to the 11 April 1968 letter?

A. No, sir.

Q. We are informed that you received, on or about 14 April 1968, a report or statement prepared by the assistant district advisor of Son Tinh District, and that you thereafter, it would appear, furnished such statement or a portion thereof to the commanding officer of the 11th Brigade. Would you state for us the circumstances as to its receipt and its further transmittal to the commanding officer of the 11th Brigade?

A. No, sir.

TC: I'd ask that the fact that the witness has asserted the privilege against self-incrimination of refusing to answer a question, that it be indicated that that can't be considered as raising any inference unfavorable to the accused. I'd ask that that be inserted into the record.

MR WEST: Very well.

IO: Before we recess, I would like to again caution both of you that you are hereby ordered not to discuss either your testimony or the procedural matters that have taken place in this inquiry except in an official capacity or as you may be required to do so before competent administrative, judicial, or legislative body. I think the impact of that is well understood. Do you understand that?

A. Yes, sir.

IC: Yes, sir.

Q. The hearing will recess at this time.

(The hearing recessed at 1736 hours, 13 February 1970.)

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SUMMARY OF TESTIMONY

WITNESS: HACKING, David MAJ

DATE OF TESTIMONY: 22 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Operations Advisor, Quang Ngai Province Advisory Team (April 1968-Advisor to Chief of Staff, Regional Forces/Popular Forces).

1. BACKGROUND INFORMATION.

The witness remained with the Quang Ngai Province Advisory Group throughout his tour in Vietnam (pg. 3). His counterpart was the S3, and he ran the operations center (pg. 4). The witness' primary function was to advise the S3 on any operations conducted by the provincial forces and to assist in the operation of the TOC. The witness was also the primary officer in control of the advisory team operation center (pg. 4). The advisory TOC was located behind the provincial headquarters building and the RF/PF portion was directly across the street from the headquarters (pg. 4). There were no U.S. files kept over there at the time (pg. 5). Sometime in June or July the two groups moved together and formed a combined TOC (pg. 5). Major HOA who was the RF/PF commander for Quang Ngai Province, worked with the witness, who also worked with Major MINH, the chief of staff (pg. 5). The witness described his job as that of maintaining communications, providing means of control of the district advisory teams, and running the aspects of relief for refugees, civilian complaints, and compensation (pg. 15). He did not normally become involved in specifics unless it dealt with some aspect of the use of the RF/PF (pg. 15).

(HACKING)

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2. OPERATIONS CONDUCTED IN THE AREA OF THE INCIDENT.

a. Knowledge of the Task Force Barker AO.

The witness stated that requests for AO extensions would be coming from Task Force Barker either directly through the Americal Forces or through the U.S. Advisor team (pg. 6). As for the My Lai operation, the witness knew only that the AO extension had been granted and that Task Force Barker intended to operate in the Pinkville area (pg. 6). He did not see any operations order which indicated the specifics of the operation (pg. 6). The witness was not aware of Colonel HENDERSON briefing Colonel KHIEN, the Province Chief, on this operation (pg. 7). After the operation began, they had no way of following the progress of it and received only second-hand reports through 2d ARVN Division advisory personnel (pg. 7). Their initial knowledge of the results of the operation came at the morning briefing conducted at the 2d ARVN Division on 17 March. The witness normally attended the briefings (pg. 7). He recalled little about the results of the operation other than U.S. casualties had been taken primarily from mines and booby traps (pg. 8). He did not recall the U.S. casualties and did not recognize an enemy KIA of 128 (pg. 8). The witness did recall that a large number of captured weapons were brought in (pg. 8). This indicated that there was a VC main force battalion located there (pg. 8). The witness stated that there was a weapons display set up in Quang Ngai later (pgs. 8, 9). When the witness was given the actual figures for the operation he said that he recalled the U.S. casualty figures as being very low (pg. 9). He did not recall reading about the operation in The Stars and Stripes, The Trident, or The Americal News Sheet (pg. 9).

b. His knowledge of reports on the incident.

The witness stated that he would receive reports from all of the districts (pg. 10). Usually these complained about the traffic on Highway 1, and the congregation of refugees in Son Tinh (pg. 10). He recalled one artillery incident occurring in Tu Nghia and he stated that it was promptly handled by the Americal Division (pg. 11). The witness never heard of any report from the village chief to

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the district chief or of a report of the district chief to the province chief (pg. 11). He had not seen Exhibits M-28, M-30, M-32, or M-34 (pgs. 11-13). He stated that, in his opinion, reports such as these would have been handled directly between Colonel KHIEN and Mr. MAY (pg. 12). He stated that he was "reasonably sure" that the copy sent to MACV Quang Ngai sector of Exhibit M-34, would be sent directly to Mr. MAY (pg. 12). He described Colonel GUINN as being more of the sector advisor, taking care of military matters (pgs. 12, 13). The witness recalled many conversations pertaining to census grievance reports and complaints (pg. 14). He did not normally become involved in anything other than operational aspects of the province, but he did accompany Colonel GUINN a few times on matters such as this, although he could not recall any specifics (pg. 14). He did not recall ever being present at a meeting between Colonel CROMWELL, Colonel GUINN, and the G2 and G3 advisors from the 2d ARVN Division (pg. 14).

c. Meetings between Americal personnel and Mr. MAY and Colonel GUINN.

The witness stated that General KOSTER visited them two or three times, although he did not recollect any discussion from the one meeting that he attended (pg. 16). He did not attend any briefings that General YOUNG came to (pg. 16). Colonel HENDERSON came in several times, including at least one visit for a meeting with Mr. MAY and Colonel GUINN (pg. 16), but the witness never saw HENDERSON's leg in a cast (pg. 17).

d. The recollection of VC propaganda.

The witness stated that the VC propaganda came out through the provincial Phuung Hoang organization (pg. 19). It was a propaganda ploy to circulate stories indicating that large numbers of civilians were being killed indiscriminately by U.S. soldiers (pg. 19). The witness had never seen the propaganda inclosures to Exhibit R-1, the propaganda indicated in Exhibit M-35, or any propaganda dealing with this incident (pgs. 19, 20).

3. RF/PF OPERATIONS IN THE MY LAI AREA.

Approximately a month after the incident an RF company

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was put into the citadel and an operation was conducted (pg. 20). The PF platoons suffered approximately 20 casualties and lost 20 weapons (pg. 20). The witness described the operation in which Colonel BARKER's helicopter collided with an O-2 while the RF/PF were operating in the area (pgs. 24, 25). Major HOA, along with Lieutenant Colonel GREEN and Major REID, were with the witness on this operation (pg. 27). The witness stated that the primary purpose for the operation was to provide the Son Tinh District Chief with a degree of security and a morale boost (pg. 29). It was also a test for the group organization to see how they would function (pg. 29). The witness knew nothing of any direction on the part of Major HOA or Colonel KHIEN to interview or interrogate people in the area (pg. 30). He did not see any interrogation reports of any PW's (pg. 30). He did not recall Major EARLE mentioning anything about discussions with Major PHO about the VC propoganda in relation to the Son Tinh District (pg. 31).

4. OTHER INFORMATION.

a. The witness stated that because of friction between MAY and GUINN and KHIEN, there was less cooperation with the advisors all the way up and down the line (pg. 35).

b. The witness recalled a conversation with Colonel GUINN prior to his appearance before the board in which he contacted GUINN concerning his application for Regular Army and GUINN asked him if he recalled any specific actions that took place during this time (pg. 3). GUINN asked the witness if he had received any reports pertaining to the incident to which the witness replied he had not (pg. 4).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-17	The TRIDENT (22 Mar)	Wit did not re-call seeing.	9
M-23	Americal News Sheet (17 Mar 68)	Wit did not re-call seeing.	9
M-28	TAN's letter to KHIEN, 28 Mar 68	Wit had not seen the report.	11
M-30	RODRIGUEZ's statement	Wit had not seen before.	13
M-32	TOAN's directive to investigate	Wit had not seen before.	13
M-34	TAN's letter to KHIEN, 11 Apr 68	Wit had not seen before.	12
M-35	VC propaganda leaflet	Wit had not seen before.	20
R-1	HENDERSON's report with inclosures	Wit had not seen before.	19
MAP-1	Wall Map	Used as a reference.	23
MAP-3	Map 6739 II with VC names	Used to locate BARKER's crash.	25
MAP-5	Map 6739 II (small scale)	Used to locate BARKER's crash.	23

(The hearing reconvened at 0940 hours, 22 January 1970.)

IO: The hearing will come to order.

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

Sir, the next witness is Major David HACKING.

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

RCDR: Major HACKING, for the record will you please state your full name, grade, Social Security number, organization, and station?

A. David HACKING, Major, Social Security number , Headquarters, CONARC, Individual Training, Army Training Center, Basic Combat Training Branch.

IO: Major HACKING, have you had an opportunity to read the instructions (Exhibit M-57)?

A. Yes, sir, I have.

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

A. Yes, sir. I have no questions on them.

Q. On my left, Major HACKING, is Mr. Robert MACCRATE. He is a civilian lawyer, who has volunteered his services to the Secretary of the Army to assist me and other members of this team and this inquiry. He also has provided legal counsel to me and to other members of the team. On my right is Colonel ARMSTRONG, who is assigned to this investigation team by the Office of the Chief of Staff to serve as an assistant to me in this inquiry.

Both of these individuals may also address questions to you this morning. I, however, will have the final responsibility for putting together the report, weighing the evidence, and also making findings and recommendations. Aside from this group there are several other teams that are taking testimony from people at this time.

As a member of the military you are directed not to discuss your testimony with others, including other individuals who may appear before this inquiry as a witness or as witnesses, except as you may be required to do so in the performance of official duty or as may be necessary before a competent administrative, judicial, or legislative body. With respect to the legislative body, there is a possibility that you may be requested and required to appear before one of the congressional committees. Specifically, it is possible that you will be asked to appear before the investigation subcommittee of the House Armed Services Committee.

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

A. That is correct, sir.

Q. I do not think it likely that you will be cited. But just in the event that such does come about, your appearance here before this inquiry would in no way change either the effect or the applicability of that order or any comparable order by any of the judges who may be assigned to the court-martial cases resulting from the My Lai incident. Also in the case of the appearance before the investigation subcommittee or any of those legislative bodies, your appearance here would in no way change your requirement to testify before those groups. Do you have any questions at this time?

A. No, sir.

Q. Major HACKING, would you indicate what your duty assignment was in March of 1968?

A. At that time, sir, I was assigned as the operations advisor to the provincial advisory team in Quang Ngai.

Q. And how long had you been in that capacity?

A. I arrived there, sir, in January 1968, and I was immediately assigned in that capacity at that time.

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

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A. Until April 1968 when I became the chief of staff advisor, Regional Forces/Popular Forces advisor.

Q. RF/PF advisor. And how long did you stay in that job?

A. Until December 1968.

Q. So you stayed right with the Quang Ngai Province advisory group throughout your tour there?

A. Yes, sir.

Q. From the time the My Lai incident became a matter of public knowledge sometime in September and October 1969, just about 5 months ago, have you had any conversations with anybody from the province advisory team or from any of the provincial advisory teams within Quang Ngai or the 2d ARVN Division advisory team or personnel from the Americal Division concerning what may have transpired at My Lai on the 16 March 1968 or any of the investigation process relating to it?

A. No, sir, not specifically relating to My Lai. I had a conversation with Colonel GUINN, but it did not address specifically the My Lai incident.

Q. What did he talk about?

A. I contacted him, sir. As a matter of personal curiosity, I telephoned him. At the same time I am presently processing my application for Regular Army, and I wanted in fact to get a letter of recommendation from him. During the course of the conversation I mentioned the My Lai incident as a matter of curiosity, and Colonel GUINN asked me if I could recall any specific actions that took place during that particular time in the operation itself. From there the conversation proceeded to discussing Colonel BARKER, who was later killed in the same general area. That was the extent of the conversation.

Q. Did you discuss any papers or anything that may have gone through the headquarters at that time?

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A. I believe Colonel GUINN asked me if I had received any reports pertaining to that particular incident, and at that time, I had not.

Q. As the operations advisor what duties did you perform? Could you explain what your duties were?

A. Sir, I worked with the provincial advisory team with counterparts on the provincial administrative side as well as the military side. I had a counterpart who ran the operations center, or the S3. My particular function was to advise him on any operations conducted by provincial forces or that the provincial forces participated in and to assist him in the operation of the operations center. At the same time the advisory team also maintained our own operations center, and I was the primary officer in control there.

Q. Where was the TOC located with respect to the headquarters?

A. At that time, sir, we were operating directly behind the provincial headquarters. We were separated. The advisory TOC was behind the provincial headquarters building and at that time the ARVN, or the RF/PF portion of it, was directly across the street from it, a distance of approximately 100 yards.

Q. Across the street from the headquarters?

A. Yes, sir.

Q. From the rear part of the building?

A. From the front part, sir, across the main street.

Q. Off to the right front or left front, because there was a street that teed right on it as I remember, didn't it?

A. No, sir. The first street was to the right, and then there was one to the left, and it was directly in the center of that location, directly across the front from the provincial headquarters.

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Q. Do you know if they kept any files over there or not?

A. Yes, sir. They had some files.

Q. Were there any U.S. files over there?

A. No sir. At that time there was none.

Q. Who normally worked over there from the U.S. side on a permanent basis?

A. At that time, sir, there were no U.S. in that particular building. We had recently moved out from our old headquarters which was down in the main compound, the main provincial compound, and moved up behind the headquarters as a result of the Communist activities during the Tet Offensive. The provincial headquarters had recently moved from the TOC over to that area. As yet we had not moved over there to form a combined TOC.

Q. Did you subsequently move over and combine it?

A. Yes, sir, we did.

Q. About when did that take place, do you remember?

A. I'm not sure, sir. I believe it was about the middle portion of the year, somewhere around June or July. We had difficulties obtaining material to construct it.

Q. Your duties when you left that particular assignment and moved over to the RF/PF were just the normal PF advisory responsibilities to assist in the organization, training, instructing, and so forth for the RF and the PF, is that correct?

A. Yes, sir. At that time Major HOA, who was the RF/PF commander for Quang Ngai Province, and additionally I also worked with Major MINH, who was the chief of staff. In theory I was advising these two personnel.

Q. At that time as I recall from one of the reports, you were right in the process of organizing your group headquarters?

A. Yes, sir.

Q. I believe you organized two of them. Is that correct?

A. Initially, sir, we organized two one of which stayed in the provincial headquarters itself. The other one, I believe, was assigned to Son Tinh Province initially.

Q. When you were in this operational capacity, were you aware of Task Force Barker?

A. Yes, sir.

Q. Were you aware of their operational areas?

A. Yes, sir. Invariably the request for AO extensions would receive final approval at provincial headquarters.

Q. At province, even in the operational area of the 2d ARVN Division, they had to get an ARVN chop first? Or how did this happen?

A. Normally, sir, we would receive a request for an AO extension in one of two ways. It might have come directly from the Americal forces or it would come by the U.S. advisory team at Team 2, from division. If an AO extension were requested of the CG, 2d ARVN Division, it was a case of just informing us that he was giving it to them. However, the requests occasionally did originate through the provincial headquarters first.

Q. Were you familiar with the operation which they had planned in this eastern end of Son Tinh District, that which we know as the Son My Village area?

A. Only in as much, sir, as I knew the AO extension had been granted and that Task Force Barker had intended to operate in the Pinkville area.

Q. You didn't know when they were going in or the details of the operation?

A. I don't recall ever having seen an operations order, sir, that gave me the specifics.

Q. We understand from having talked to Colonel HENDERSON, the 11th Brigade commander, that some time around 1100 or shortly before noon he had a conference, actually a courtesy call, because this was really his first full day as the brigade commander with Colonel KHIEN, the province chief. At that time he indicated that he told Colonel KHIEN that this operation had been initiated, and generally the concept of operation, and so on. Were you aware of that informal interview?

A. No, sir.

Q. After the operation got started, did you become aware of what was going on out there?

A. I knew that the operation was in progress out there, sir. In as much as we had no advisory personnel from the advisory team, I had no way of following the progress of it. The only reports I received were secondhand from contacts through the 2d ARVN Division advisory personnel.

Q. Were you aware of the results of the first day's operation?

A. Only in as much as the U.S. claimed the VC casualties, sir. This was presented the following day at the early morning briefing which was conducted at 2d ARVN Division which I normally attended.

Q. Who did you attend with?

A. I was the only representative, sir, usually from the provincial advisory team. Normally it consisted of the staff advisors, senior advisor, and deputy being briefed on the previous day's activities and any pending operations for that day.

Q. Well, it would either be somebody from the operations shop or from possibly intelligence if you didn't do it then?

A. Yes, sir.

Q. Did Colonel GUINN attend those periodically?

A. Occasionally, sir, he did. But as a normal course of events I attended, sir, or someone I designated, and they

or I normally would brief Colonel GUINN on any items of interest at our next morning's briefing.

Q. What do you remember about the results of the operation on 16 March?

A. Very little, sir, other than the fact that I received reports that the casualties taken had been primarily from mines and booby traps, which coincided with our general knowledge of the area.

Q. Casualties which they had taken?

A. Which U.S. forces had taken.

Q. Do you remember what the U.S. casualties were?

A. No, sir, not specifically. They were not heavy at the time that I received them, and VC casualties were nothing that I can remember as being significant at that time.

Q. Let me go back just a little bit. I won't get out the log and so forth, but remember they had come in in December, and they had taken about a month to get shaken down, so they really didn't get operating until the latter part of January or first part of February. As far as the brigade is concerned, this was the biggest day that they had had since they had been in country. As a matter of fact, it was the biggest reported operation in all of South Vietnam. Would the figures of 128 enemy KIA ring a bell with you?

A. No, sir.

Q. Do you remember anything about the weapons count?

A. At the close of the operation, sir, they had what was considered to be a large number of captured weapons which they had picked up. Again this was in keeping with our general understanding of the area in that there was a VC main force battalion habitually located there. These weapons did coincide with that size unit, and they did have a weapons display set up in Quang Ngai, in the city of Quang Ngai, later on where several of these weapons were reported to have--

Q. (Interposing) About what time was that weapons display now, do you remember?

A. No, sir, we had several of them. They would bring out the weapons anytime they had any type of function that could conceivably draw a large number of people.

Q. The weapons count on that first day was exceedingly low. The figures that are shown in all the logs are 128 VC KIA, 2 U.S. KIA, 11 U.S. WIA, 3 weapons captured. Do you remember those figures now?

A. The U.S. casualty figures, sir, appear to be what I remember. They were quite low.

Q. Did the Americal Division normally make it a practice of providing you a copy of their daily news bulletin, or did the 11th Brigade provide you with copies of their weekly newssheet?

A. Yes, sir. They did.

Q. Do you remember this operation being written up in either one of those?

A. No, sir. I don't recall ever reading about it specifically.

Q. Do you remember an article about it in The Stars and Stripes?

A. No, sir.

Q. Here's the 11th Infantry Brigade newssheet, called The Trident, of 22 March. See if that may refresh your memory. That has been entered as Exhibit M-17. I also have Exhibit M-23 which is an Americal News Sheet, which covers the same operation. This is dated the 17th.

A. I have seen both of these publications, sir, but not on a regularly-scheduled basis, and I do not recall ever having read either of these.

Q. We know our purpose is trying to take you back 22 months.

A. Yes, sir, and I'm having difficulty really.

Q. I know that. At the same time you must know that we know quite a bit about this, so one thing I don't want to

do is to give you information that would put words in your mouth or thoughts in your mind. All we're trying to get is actually what you remember of it. What we're trying to do is to give you bits and leads that may refresh your memory on certain things.

A. Yes, sir.

Q. About this time period along toward the end of March do you recall a letter or a report being given by the village chief of Son My to the district chief of Son Tinh reporting what information he gathered concerning what had taken place out in My Lai or Tu Cung. Members of the district and provincial advisory team habitually worked with a chart such as this (pointing out Exhibit MAP-3) to translate the names which are shown on the map to the terms that are normally used here. So you see when we talk about Son My, we're talking here about the hamlet of Tu Cung, the hamlet of My Lai, the hamlet of My Khe and the hamlet of Co Luy. Did you ever hear of a report being submitted covering Son My, or Tu Cung, or Co Luy, or My Lai?

A. No, sir. However, there were several reports that came in from all the districts, Son Tinh probably more so than any others, pertaining to problems resulting from American activity in this particular area. But as far as a particular message pertaining to this action here, I can't recall a specific one.

Q. Tell me a little bit about these reports that were coming in. What were they complaining about?

A. Usually, sir, it was a result of a great deal of traffic on Highway 1 and the large number of refugees that had moved into the area and congregated right in his portion of Son Tinh. The vast majority of these reports were the results of U.S. vehicular traffic.

Q. Reckless driving?

A. Reckless driving and individual acts of soldiers abusing the Vietnamese merchants along the roadside. Some incidents were where American artillery or artillery fire had caused damage to villages and houses.

Q. Did you get pretty good restitution when you did

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damage to houses or wounded somebody, for example, as a result of artillery fire? Did you get pretty prompt action on this?

A. Out of the province chief, sir?

Q. No, out of the Americal Division. I suppose they were the ones that were directing artillery.

A. The only incident, sir, that I can specifically recall, where the American artillery was involved--and they were the only ones who did the firing--was down in Tu Nghia Province (sic).

Q. Which province?

A. Tu Nghia, sir. This was a result of the 175, sir. They were being used to lay in some protective fire. Results of the damage were very promptly handled at Americal Division.

Q. You didn't hear of any report from the village chief to the district chief?

A. Not specifically.

Q. Did you hear of any report from the district chief to the province chief making allegations on an operation that may have taken place out there about this time?

A. No, sir.

Q. I have here, Major HACKING, a report submitted by the district chief of Son Tinh with an English translation on top of it. This is dated 28 March and has been entered into the record as Exhibit M-28. Would you take a look at both of these, study them, and indicate whether or not you had either seen these or are familiar with the contents of them?

A. I have seen reports similar to that, sir, but I can't say that I have ever seen that specific report.

Q. But the same general kind of report?

A. The same general type of report, yes, sir.

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Q. Although I recognize that there really isn't such a title as the deputy, he was expected to take care of the military matters which is to say sector?

A. Yes, sir.

Q. You neither saw nor heard anything about a document such as this?

A. To the best of my knowledge, no, sir.

Q. I have here another document which is a statement signed by Captain Angel RODRIGUEZ, dated 14 April, which has been entered into the record as Exhibit M-30. This photo of the document is not too good, but you'll find a clear certified true copy underneath it which may help you. Do you know Captain RODRIGUEZ?

A. Yes, sir.

Q. What was his job?

A. He was at that time the assistant to Major GAVIN.

Q. Did you ever see this document?

A. No, sir.

Q. Did you ever hear anything about it?

A. No, sir.

Q. Colonel GUINN never discussed any of this with you?

A. No, sir.

Q. I have one other document which I would like to show you. This is a postal message from the G2 of Tactical Zone 12, which actually is the 2d ARVN Division, Quang Ngai Sector. This postal message is dated 15 April and has been entered into the record as Exhibit M-32. Again the Vietnamese is on the bottom and the English translation on the top. Did you ever see that document?

A. No, sir.

Q. Ever hear anything about that?

A. No, sir.

Q. Were you ever under the impression that ARVN was conducting an investigation of any kind?

A. No, sir. I was never under the impression that any massacre had taken place--

Q. (Interposing) I didn't say that a massacre had taken place.

A. That there was any reason to conduct an investigation into the operation that was conducted in the My Lai area.

Q. We know that some discussions took place. We know for example that Colonel GUINN one day had a discussion with some people out in the advisory staff of the 2d ARVN Division, which took place generally after the morning briefing or right in about that time. So if you normally were in attendance, you might have been present at this meeting. The discussion generally centered around, as we would understand it, a report from the census grievance people.

A. I can recall there were many conversations that pertained to census grievance reports, complaints, things of this nature. Under normal conditions, I did not become involved, and I did not become involved in activities outside the operational aspects of the province. I did accompany Colonel GUINN in many areas many times, but I can't recall any specifics as far as those items were concerned. He may have very well discussed this particular incident with me, but at the time he discussed it, it was not put in such a manner that it was reported or considered sufficient for me to do anything about it or concern myself with it.

Q. You don't remember anything with Colonel GUINN and the G2 advisor, G3 advisor at ARVN, and the executive officer, Lieutenant Colonel CROMWELL, discussing one particular item which had an allegation that a large number of women and children had been killed?

A. I don't recall ever being present at a discussion

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A. Into what I choose to refer to as the civilian administrative side, no, sir.

Q. Do you ever remember General KOSTER coming in and talking to the province chief, or talking to Mr. MAY, or Colonel GUINN?

A. Yes, sir.

Q. How often did he do that?

A. Two or three times that I can recall, sir.

Q. Were you present during any of the discussions?

A. I believe I was present at one of them, sir, but I can't be sure.

Q. Do you remember anything that was discussed there?

A. No, sir. The only recollection I have of the briefings that I was present at in Colonel GUINN's office was just after the briefing of the status of the provincial forces, and provincial programs, more or less general information briefings and updates, sir.

Q. How about General YOUNG, the ADC?

A. I was not present at any briefings that he attended.

Q. Do you know General YOUNG?

A. I know who he is, sir.

Q. How about Colonel HENDERSON?

A. Yes, sir. I met Colonel HENDERSON.

Q. Did he come in periodically?

A. Yes, sir. He came in several times. I know he came in for a brief discussion with Mr. MAY, in a meeting with Mr. MAY and Colonel KHIEN at least once. He was in to see Colonel GUINN on one or two occasions, thereafter.

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Q. Do you remember when all this took place? Were you still in the operations officer capacity?

A. I believe, sir, I was in both capacities at the time.

Q. Did you see him anytime in headquarters when he had his leg in a cast?

A. No, sir.

Q. How about Colonel BARKER?

A. I met Colonel BARKER on several occasions.

Q. Where did you meet him?

A. Both in the provincial advisory headquarters and in several areas, primarily what we called Buddha Mountain. I believe this area right here, sir (indicating on MAP-1).

Q. You're an old hand at this province. Tell me something. That's Buddha Mountain. Tell me where is Monastery Mountain or Monastery Hill, will you?

A. Same thing, sir.

Q. Same one?

A. Yes, sir. To the best of my knowledge, Buddha Mountain had a monastery on top of it. It was occasionally referred to as Monastery Hill or Buddha Mountain, and I always accepted the terms as synonymous. We used Buddha Mountain primarily, but if Monastery Hill was referred to, this was the one.

Q. Well, going further north into Binh Son, was there another hill that had a monastery on it? I didn't see it, frankly, but from all indications from just the way the context comes out it doesn't sound as though it's Buddha Mountain. They're talking about some other monastery.

A. I don't know of any monastery that was north of this one, sir. There were several others, two that I can recall, further south.

Q. Did they have some RF/PF up in there? It looked to me like I saw some defensive works up there, not in the monastery, but it looked to me like it was on the south side of it.

A. At one time, sir, they had a Popular Force platoon which was located on the southwestern tip. However, this platoon was not always in attendance there. When I queried my counterpart, the S3, he indicated that both VC and ARVN use this area. It was mostly regarded by the Buddhist as a no man's land or a neutral zone where, in deference of the monastery and its functions, nobody really wanted to fight there. However, we habitually used that particular area as a headquarters area for artillery support.

Q. One area that has been pointed out to us just north of the boundary between Son Tinh and Binh Son, near 144, is a quite high promontory.

A. Yes, sir, it was. But we never referred to this as Monastery Hill. The vast majority of the time I was flying over this area I don't recall being on the ground there.

Q. This is 108 meters, and that is 144. That is reasonably high for this territory.

A. Yes, sir. I think that area there is much more broken up than Buddha Mountain in as much as Buddha Mountain jumps up. It was much clearer to define, a much more defined area.

Q. Do you remember any discussions with Colonel HENDERSON concerning anything that may have transpired out in this area?

A. No, sir.

Q. How about his 2 or 3. His 2 was named Lieutenant Colonel BLACKLEDGE, and his 3 Major MCKNIGHT?

A. Yes, sir.

Q. Do you remember them coming in there and discussing anything?

A. I have talked to MCKNIGHT on at least one occasion

that I can recall, sir. Primarily, the discussion that I can recall having with him was about RF/PF locations, and proposed dispositions, and the fact of the large number of mines and booby traps that were to be encountered in that area, and the fact that we did consider it to be the home base for the VC battalion.

Q. But you don't remember talking to anyone from the Americal Division, or brigade, or Barker about anything that may have transpired out there during this period, or hearing anybody else talk about it?

A. No, sir. Other than the fact that there were a lot of VC there and a lot of mines and booby traps--general discussions on why didn't ARVN go in there and the fact that they weren't going in there because they couldn't support themselves--conversations along those lines, but no specifics.

Q. A little while ago you spoke of VC propaganda. Can you tell us a little more about that propaganda? How did it come out?

A. The only recollection I have, sir, is that to the best of my knowledge it was through the provincial Phuong Hoang organization. But a VC propaganda story would be circulated indicating that large numbers of Vietnamese civilians were being killed indiscriminately by U.S. soldiers, and that this was a VC propaganda ploy.

Q. I have here a document which has been entered into the record as Exhibit R-1. I would call your attention to one of the inclosures which is some VC propaganda which came out about this time. I would ask if you ever had seen a document of this nature?

A. I have not seen this particular document, sir.

Q. Did you ever hear of anything like that?

A. Only general conversations that the VC would use this particular technique to discredit both ARVN and U.S. troops. That kind of propaganda against us was extremely brilliant and was considered to be quite effective in many cases.

Q. Do you remember other instances where they got down to specifics like they do in the second paragraph of the second page?

A. Yes, sir. I do recall instances where they specifically mention units or names of individuals that were involved in attacks on villages. One particular case I can recall is where drivers caused a rather serious accident, and they identified the unit and the individual who was supposedly driving the vehicle. But one as complete as this, no, sir.

Q. I have here a notice which is published by the Quang Ngai National Liberation Front Committee, dated 28 March 1968. This has been entered into the record as Exhibit M-35. Here is the Vietnamese version. The English version is on top.

A. I never saw that one, sir.

Q. Did you ever hear anything like that?

A. Only as the VC were using this type of propaganda and indicating this type of atrocity, this type of material.

Q. I understand the RF and the PF conducted some operations out in this area.

A. Yes, sir.

Q. Can you tell us about those operations? When was the first one? We're back now after the 1st of April. When was the first operation?

A. I believe, sir, approximately a month later than that. We had recently located an RF company at the old citadel.

Q. Yes, you're moving back after Tet now, trying to recover the countryside again, is that right?

A. We were putting out PF and RD teams down in the lower portion. We located an RF company in this citadel here, and two PF platoons out here (indicating on Exhibit MAP-1). The operation that we conducted in that area was the result of the PF platoons being forced back in and the RF company abandoning them, where they suffered around 20 casualties. One PF platoon lost approximately 20 weapons.

Q. You say around a month after that, around the early part of May?

A. Early part of May or beginning of June, sir, in that general area. I don't have the specific dates, but Task Force Barker was still in existence at the time.

Q. Task Force Barker was in existence?

A. Yes, sir. This was the first operation that I had been out in that area. This was the operation that Colonel BARKER was killed in. There had been operations conducted by the Son Tinh subsector using RF/PF troops, but under control of the district, to insert the PF and RF units out there and the RD teams. But they had not progressed any further out than a line generally drawn down through here. Other than shortrange patrols, they had not been past the citadel.

Q. Well, let me refresh your memory a little bit, because we can talk around this. Task Force Barker was disbanded on 9 April. For a time after that, Colonel BARKER, after a leave or something, went back to Duc Pho where he served as executive officer for about another month and a half. Then on around either the latter part of May or early part of June, I forget the exact date, he took over command of the 4/3 which was operating generally to the north, Binh Son District for the greater part. We know those things. We also know that there was an operation out in this area in June. That was the operation which Colonel BARKER was killed in, on 13 June. I'd like to come to that operation, but first before I get to that I would like again to go over it to see if we're talking about the same thing. Are we talking about another activity that took place as far as the RF and the PF are concerned? Were those two PF outposts overrun and the RF not supporting them? Are these the same incident or are they separate?

A. There have been a series, sir, where Son Tinh District was having trouble keeping troops out there. On several occasions, the PF had come back in on their own, claiming they were not supported by the RF, that the RF had not supported them. It was a continuous shuttle back and forth of one unit being sent in and coming back out again.

Q. I must say that wasn't what you described. It does sound a little unusual that the PF would be out in front of the RF.

A. Yes, sir.

Q. At least to my way of thinking, it would seem to me that someone was using them for cannon fodder.

A. The RF company commander in that location was more or less military area commander, and he was using the PF troops as out-guards which was a source of contention back in provincial headquarters. Major HOA, who was the RF/PF commander, had been out there on two separate occasions that I know of to attempt to bolster the RF company commander and the RF. Prior to Tet we had had an ARVN battalion located in that citadel which had done extremely well. We were attempting to get one put back in there, but the ARVN battalion was being used in other areas at that time. Prior to that time, sir, I had never been past the citadel. Major HOA himself had never been past the citadel. I had accompanied him there on two or three occasions before. One time we established our headquarters at the command post at the citadel and ran operations around the citadel itself. But generally speaking we would operate from Buddha Mountain with artillery support with the RF unit and the PF units, and later the RF groups, operating around in that area. The only time that I accompanied RF troops past the citadel up towards My Lai (4) was the operation when Colonel BARKER was killed. Previous to that, I had been down in the area where you have the aeroscout symbol, but this was out-loading ARVN troops.

Q. Down in An Loc area, My Khe (2)?

A. In this area here, sir, and I had visited ARVN units down along in this area when they were working along the periphery.

Q. Let's come up to the operation of June. Would you tell us about that? What was the purpose of the operation? What was the concept of the operation and so forth?

A. Sir, the basic concept was that the RF and PF units would come forward into My Lai (4) area and operate primarily as a blocking force, with a U.S. unit working along the Diem Diem River area attempting to force out the VC units and local guerrillas hopefully they would engage the VC battalion there and force them into where the RF unit would get at them. The operation paralleled the highway which ran from the citadel up into My Lai (1). I believe we had the first RF group that we had formed consisting of five RF companies. Artillery support had been moved forward to the citadel area.

Q. I'll refresh your memory a little bit. I think you had both groups out there, and I think each group had three companies with them.

A. Yes, sir, we did. We had 5 companies operating forward and one company was back with the artillery. We also had the commando cars. The intelligence platoon was working with the headquarters group. We moved forward with RF groups screening on each side of the road and with the American units operating up along the river. There were several air strikes, and artillery support was being used. Quite a lot of houses were burning in the area directly to our front, in front of the RF units.

Q. Which area is this now?

A. I think it was located just ahead of the CP in this area here, and the--

MR MACCRATE: (Interposing) Major HACKING is pointing to number 10.

A. That's the grid line, sir.

MR MACCRATE: It's immediately north of the coordinate 77 on the large map (Exhibit MAP-1).

IO: About a kilometer and a half due east of the citadel.

MR MACCRATE: I just wanted to make it clear for our record in some way. As you go on with your description, if you could bear in mind to put something into the record that identifies the spot.

A. Yes, sir.

IO: Go ahead with your description, will you please?

A. Major HOA had placed this CP group in that location. He had the reconnaissance platoon and the armored cars patrolling along the road between the RF units and his headquarters. The RF units were advancing on either side of the road with the primary objective of moving up to this area in here. Approximately this area is where a great many houses

or a good deal of smoke was coming up as a result of houses burning. How the houses were set afire I really can't say. It may have been a result of an artillery strike, which we did use having received sniper fire from both sides of the road. And aircraft had been on station. We had the O-2 working for the provincial advisory team. The American units were in this area. At that time we did not have any gunships under our control. While we were observing from our CP location, I observed the helicopter that we later found out Colonel BARKER was in, turn over in midair and come straight down. I did not know about the O-2 at that time. I was unaware there had been a midair crash. Major HOA split his CP group and we loaded up on the armored cars, and moved up the road to approximately here, dismounted, and went across to what we thought was the area of the helicopter crash. En route we were also informed that the O-2 had dropped down. We veered off and went to the O-2, arriving there about the same time the helicopters landed a platoon of U.S. troops at the crashed helicopter site. We searched the O-2 area. Then we were extracted by helicopter and brought back to the CP location. The CP was shortly terminated thereafter.

Q. What day of the operation was this?

A. This was the first day, sir.

Q. First day?

A. First day that Major HOA had been out, sir. Up until that time I believe that the operation had been run under the command of, I believe, Captain HIEP who had one of the RF groups. They were proceeding as they should have. They tried that operation once before, and they had two Montagnard companies which had turned around and gone home. Major HOA was there in an attempt to actually get them to conduct the operation as it had been originally planned.

Q. For the record, will you spell out Major HOA's name.

A. I forget his first name, sir, but his last name is H-O-A.

Q. H-O-A?

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A. Yes, sir, Major HOA. HOA was the way he pronounced it.

Q. Can you point out about where the helicopter went in?

A. Right in this general vicinity here, sir (indicating on Exhibit MAP-1).

Q. That far up toward Pinkville, huh?

A. Yes, sir, right about this general vicinity. We could see the river from where we were. I believe the O-2 crashed in this general vicinity, and the helicopter was further to the east.

Q. Did any of the ARVN troops move toward that area?

A. We did not know about the O-2 until we were preceding cross country on foot. When we came to the area where we could see where we could locate one of the wrecks, the first wreck we located was the O-2. We could see the tail fin sticking up. We did not know where the helicopter had gone down until we noticed approximately six helicopters unloading troops approximately 2 kilometers to the east of us. So we diverted ourselves and moved directly to the O-2, arriving there about the same time as a squad or three shiploads of U.S. troops were deposited in the same area.

Q. The troops must have gone through My Lai (4) by this time then?

A. Yes, sir, they were in that area. I believe Major HOA's party skirted the edge of My Lai (4) and was ahead of the RF. They were ahead of the RF units when they actually reached the crash site.

Q. I wish you would identify by coordinates where you think the helicopter and the O-2 went in?

A. Right, sir.

Q. We have another map here that you can use if you prefer (indicating Exhibit MAP-5), did you normally use that photo map (indicating Exhibit MAP-5), or did you normally use--

A. (Interposing) We normally used this one (indicating Exhibit MAP-3). Approximately 728795 for the helicopter, and approximately 2 kilometers to the west of that was the O-2.

Q. Two kilometers west of that was the O-2?

A. Yes, sir.

Q. Along about 70 something?

A. No, sir.

Q. You said 72 something?

A. 728 for the helicopter and the--

Q. (Interposing) Each of these is a click. That would have to be 70 something, 708.

A. The O-2 was right along this river in here I believe, sir.

Q. That's about 200 meters.

A. It's further than that, sir. I could see the helicopters landing, but I could not see any details as far as recognizing any people or counting the number of people. It was very flat and very marshy with clumps of trees.

Q. Just say approximately 2 kilometers east, actually west of where the helicopter crashed. I'm real interested in this location because frankly all indications we've had before that sticks in my mind is that the troops were just about down to the village of My Lai (4) when this took place. When it did take place the troops were diverted more off to the north than to the east, so that they never really had an opportunity to get into My Lai (4).

A. No, sir. They did not reach the planned objective for that day. Major HOA went with the group on the ground.

Q. Did you go with Major HOA?

A. Yes, sir, I did.

Q. Who else was with you?

A. There was myself, Lieutenant Colonel GREEN, Major REID, and approximately 15 RF/PF, including Major HOA, his new 3, and sergeant major, and several radio operators, and other troops.

Q. Irrespective of whether it was north, as we heard it, I've heard one person state Major HOA departed from the hill and headed almost due north to get to the crash site.

A. Yes, sir. We drove up. We went by jeep into what I believe is this general vicinity in here, a large number of trees and houses. We pulled off the north of the road approximately 1 kilometer away, dismounted from the vehicle, left a portion of the ground troops with the vehicle, and then struck out in brush country heading in a northeasterly direction.

Q. Were you working on a line of sight or were you working on a compass azimuth.

A. Initially, sir, we started out with a general observation of where the helicopter had gone down and the aircraft. When I observed the helicopter in the air turn over and then disappear behind the trees, I used this as a line of sight. There was not a heavy volume of firing going on at the time, but sporadic small arms fire was evident the whole time we were proceeding to the crash site.

Q. I understand you, GREEN, Major HOA, and this command group got out ahead of the rest of them?

A. Yes, sir.

Q. Pretty far ahead of the RF unit moving up on the flanks?

A. Yes, sir. The RF unit had been directed to move over into that area. There was firing coming from my right flank as we were going through. We moved around the edge of the area we actually considered to be the area they were being engaged in by heavy sniper fire and automatic weapons. We proceeded direct to the crash site by the most direct route, after having moved around where the firing was coming from.

Q. Well, now what happened, did the American troops land and secure the helicopter?

A. Yes, sir. I never did get to the helicopter site, but as we broke out through the trees where we could see a crashed plane, which turned out to be the O-2, a flight of helicopters landed. I say it appeared to be about 2 kilometers from where I saw it first. But they sat down along side the edge of the trees. At that time we had gunships on station, and I was informed that the U.S. had secured the helicopter site. I told them that we would redirect our efforts towards the O-2, and at that time we swung up and headed directly for the O-2.

Q. Were you able to get the passengers out?

A. No, sir. The main fuselage of the O-2 was buried approximately 6 or 7 feet in the soft mud. Both engines had come together, and we were unable to ascertain whether the pilot was or was not in there. However, there was a great deal of blood and oil mixed on the surface of the water, and in as much as we had a very small force there, there appeared to be nothing we could do about it at that time. Major HOA questioned that we secure transportation for him to get him back so he could control the RF units and pull them back. The U.S. troops, approximately one squad, were there at that particular time.

Q. Did they take them out then or were they extracted later?

A. They must have been extracted later, sir. They were there when we left.

Q. Now, what was the result of this whole operation? You indicated that after this, this sort of broke up the thing. What was the result of it?

A. As far as the casualties, sir?

Q. Friendly casualties, enemy casualties, detainees, PW's, etc., weapons?

A. We had quite a few individuals that came out that were detained and later released as refugees or people that were moving out. To the best of my knowledge, I do not recall any RF casualties or KIA's. We had a very few wounded. The U.S. casualties, of course, other than Colonel BARKER and his group, I don't recall.

Q. How about VC?

A. VC count, sir? I can't even come up with an idea of what we had. When the planes went down, everything was shifted to securing those planes and the subsequent extraction of what we could of the RF/PF portion of the operation was terminated almost immediately after Major HOA got back to the units, which were drawn back to Quang Ngai.

Q. Well, the casualties that I recall were 20 enemy KIA's, 3 PW's, 20 detainees, and 8 weapons. Do you remember those figures?

A. Not specifically, sir. It appears to be in keeping with what I do remember. The results were not that outstanding. We expected much more from the operation.

Q. Think back a little bit now and see if you can remember why you were conducting the operation, will you? Not why you were conducting it, but why the operation was being conducted?

A. Primarily, sir, it was to provide the Son Tinh District chief, the RF and PF units, and RD teams that we were trying to reestablish in that area with a degree of security. The objective was to provide some boost to their morale and to engage the VC units that were in there. At that time, sir, we believed that the VC battalion that was habitually located in that area had been very badly mauled in the Tet Offensive and was in the process of rebuilding, reequipping, and training personnel. That what was located in there was primarily platoon-size units, guerilla units that were being utilized to reform the battalion. This was also, you might say, a wet run for the group organization to see how they would function and handle items that would be found in there, hopefully driving them back to allow the PF and RD teams to reestablish themselves. They had tried previously, using RF units and PF units under district control and had not had any success.

There was a lack of command control with the RF and PF units just meeting light resistance and turning around and coming home.

Q. Was there any direction on the part of Major HOA or Colonel KHIEN to interview or interrogate people from the My Lai (4) area?

A. Not to my knowledge, sir, no. I do not know of any. I was unaware of any requirement to conduct an investigation in that area. I believe we had some PSYOP people with us, Vietnamese who would habitually accompany us on operations and would distribute leaflets, small packets, and things of this nature.

Q. Did you ever see the interrogation reports of the 3 PWs?

A. No, sir.

Q. Did they normally show those to you?

A. No, sir. They would normally be made available to the Phuong Hoang people. Those reports would be made available through advisory channels to Colonel GUINN or Mr. MAY.

Q. If there was anything of interest that came up in them?

A. Yes, sir.

MR MACCRATE: What were your contacts, Major HACKING, with Major EARLE? Did you by chance stay in proximity to him or were you quartered together in the same vicinity?

A. The provincial advisory personnel, sir, lived in the Advisory Team 2 compound. Major EARLE and I lived in the group of rooms which were assigned to field grade officers. I was not quartered with him. I know he was the 2. I talked to him on several occasions. I had very little to do with him in official capacity, but I knew him socially.

Q. You both attended the morning briefings, you as a member of the province and he as the G2 advisor of the 2d ARVN Division?

A. Yes, sir.

Q. Do you have any recollection of Major EARLE talking about some conversations he had with his counterpart on or about this time? His counterpart was a Major PHO. They talked about the VC propaganda that you have referred to or something in respect to reports from Son Tinh District, incidents of the character that you alluded to?

A. Not specifically, no, sir. Major EARLE had a very close relationship with our S2 advisor, and I received any formal information that I got in their areas through provincial advisory 2.

Q. The S2 Advisors were Captain LANE and Lieutenant FROSH, is that correct?

A. Yes, sir. I take it they were.

Q. When Vietnamese documents were received at the province office, I would understand that a knowledge of the language was not possessed by very many of the advisory team. I assume there was a procedure which we have had suggested to us by different people as to what would happen to a document coming in, by whom it might be translated. General PEERS showed you earlier a Vietnamese communication from the district chief to the province chief with a copy going to MACV Quang Ngai Sector. If such a document came in, what translation channel would you expect it to follow? How would it be handled if there were no English translation accompanying it?

A. The procedure that we followed, sir, was that Captain LANE had three trained interpreters, ARVN and RF/PF interpreters. I say interpreters but they were primarily translators. In addition to that, Mr. MAY had a civilian who was an interpreter/translator. In the event that I desired a translation of a document, I could request Captain LANE to provide me with a translator who would do it. However, we habitually retained a translator/interpreter on duty right beside the TOC. His primary functions were to first of all assist the U.S. officers who did not have sufficient linguist ability to converse with their counterparts in a day-to-day transaction, and also he translated their log and significant messages into English, which were then read by myself and Colonel GUINN.

Q. Was this generally one individual?

A. No, sir, we rotated. They were on a roster. I believe we had five who had sufficient clearances to be allowed access to the TOC.

Q. Do you recall the name of Mr. MAY's translator?

A. Mr. TAM, sir.

Q. Is that Le TAM?

A. Le TAM, yes, sir.

IO: When you were there, Major HACKING, did you have any reason at all from rumors or comments you may have heard or anything to suspect that something unusual happened in that area? Just think back on your discussions and so forth with Major HOA, and perhaps some of the discussions with some of the other advisory personnel, as to anything that might have happened out in this area?

A. Sir, ever since this particular item has been in the newspapers I have tried to recall, for my own interest, if I knew anything about this incident at all or any activities that were going on then. To the best of my recollection, there was nothing other than general conversations as to the problems of avoiding civilian casualties and a general acceptance of the fact that there were VC and these are VC areas and that we must use artillery and air strikes to drive them out. Unfortunately, civilian casualties do occur but every effort is made to avoid them. I don't know of anything unusual other than the fact that this was the first time in several years that what we call the Pinkville area had been actively entered by troops of sufficient numbers to do some good. This in itself was an item of interest, and all I can recall of ever discussing any generalities of that area was the fact that it was a VC stronghold. There were some VC bunkers and a lot of people in that area. The place was riddled with mines and booby traps, and it was not a good place to go into.

But as far as this particular incident, no, sir, I was aware that there had been civilian casualties as there almost invariably were. But as to the number and the reason for

them, to the best of my knowledge the only information I had was that it was due to air strikes and artillery, and by virtue of the fact that people were being caught between VC and U.S. forces. I know of nothing that would indicate that there was anything other than that.

Q. A couple points here: one, did you get any report of a large number of people getting killed by artillery?

A. No, sir, not a large number of people. As a matter of fact, I don't recall any reports of any large number of people being killed at all. It was more or less accepted that there would probably be some civilian casualties resulting from this engagement. But as to how many, I don't recall any figure.

Q. You said some civilians getting in the cross fire between the U.S. and the VC. What did you mean by that?

A. There were no ARVN forces, no friendly forces in this area. There had not been any for at least one year that I can recall. It was generally believed at the provincial headquarters that if we could get into this area that there were a great many people who wanted to come out given the opportunity, but they were not allowed to leave from that area by the VC. In other words, if an individual was actually allowed out of the area for marketing purposes, the remaining portion of his family was kept there, and the feeling on this particular matter was that if we could get into the area, we could remove quite a large number of people from VC influence at that time.

Q. Did you ever hear of any discussions or any reference to the fact that that area is pretty damn well neutralized now?

A. No, sir. It was never considered neutralized that I knew of, sir.

MR MACCRATE: Subsequent to the June operation you've described when Colonel BARKER was killed, do you recall an operation later in the summer or in the early fall back in the same area?

A. Yes, sir. I believe a similar operation was conducted. It also encompassed this area in through here.

Q. Out to the Batangan Peninsula?

A. This particular aspect of the Batangan Peninsula (indicating on MAP-1).

Q. Do you recall a movement out along 521 on a day that the new province senior advisor, Mr. BURKE, went along?

A. Yes, sir.

Q. Can you tell us what you recall about the trip Mr. BURKE made out 521?

A. No, sir. I can't. I'm not at all sure that I accompanied the party out that particular time.

Q. I see.

A. Mr. BURKE was in the province for approximately 1 month before I believe I honestly got to meet him, and I exchanged not more than two or three words with him. He was extremely active, visiting all of the areas, and he spent very little time in the province headquarters during that initial period. I was also very actively engaged with the mountain camps that we had, these special force detachments, which we were having difficulties fulfilling some of the requirements, which we had to give to them. I spent a great deal of time in those areas during that time.

Q. Was Colonel KHIEN on the June operation?

A. The one where Colonel BARKER was killed, sir?

Q. Yes.

A. No, he wasn't, sir.

Q. Are you aware of any movement of Colonel KHIEN out into this area at that time or later in the summer or early fall of 1968?

A. Colonel KHIEN personally, sir?

Q. Yes.

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Q. None?

A. No, sir.

Q. All right. Major HACKING, you have been helpful in filling in some of these gaps we have here. I would be sure that we have probably given you some additional information which you may not have had but may tend to refresh your memory. I would ask you to continue to think about this now, and if you do drag up some thoughts which concern an investigation or anything happening out in the Son My area, I'd like you to get in touch with this group so that we can take advantage of this information. Additionally, if you have any memoranda, photographs, any VC propoganda, pictures, anything of a material sense that would be of assistance to us, we'd appreciate having that, too.

A. Yes, sir.

Q. I'll now give you an opportunity to ask any question that you may like to ask, and if you so desire to make a statement to be entered into the record.

A. No, sir. I have no questions or statements.

Q. The hearing will recess at this time.

(The hearing recessed at 1132 hours, 22 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: KEATING, Donald R. MAJ

DATE OF TESTIMONY: 21 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Assistant Province Senior Advisor for Revolutionary Development.

1. KNOWLEDGE OF TASK FORCE BARKER.

Major KEATING was aware of Task Force Barker. However, he did not know Lieutenant Colonel BARKER or any of the officers associated with the task force (pg. 9). The witness did not remember the exact date of the "Pinkville" operation although he was aware that the task force had operated in that area (pgs. 10, 11). KEATING did not recall the body count or news accounts about the operation at that time (pg. 11).

2. REPORTS AND INQUIRIES CONCERNING THE ASSAULT.

a. KEATING did not recall ever having seen Exhibit M-31, a census grievance report of 18 March 1968 (pg. 11). The witness explained that he may not have been shown this report because of "Vietnamization." It is very likely that the Vietnamese official who handled the complaint took it directly to the province chief (pgs. 12, 13), or possibly, he decided that the report had no validity and was not shown to anyone (pg. 13).

b. KEATING could not remember seeing Exhibit M-34, Lieutenant TAN's 11 April letter to Colonel KHIEN. He also had no recollection of seeing or hearing of the following: extraordinary VC propaganda in March or April of 1968 (pg. 15); intelligence reports that something unusual had occurred in My Lai (pg. 15); or investigations conducted by U.S., ARVN or GVN as to allegations that atrocities had occurred in My Lai (pg. 17).

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(The hearing reconvened at 0920 hours, 21 January 1970.)

IO: The hearing will come to order.

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

The next witness is Major Donald R. KEATING.

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

Major KEATING, for the record, would you please state your full name, grade, Social Security number, organization, and station.

A. Major Donald R. KEATING, , Executive Officer, 440th Signal Battalion, APO New York 09227, Kaiserslautern, Germany.

IO: What is your assignment in Kaiserslautern?

A. I'm Executive Officer of the 440th Signal Battalion.

Q. Major KEATING, have you had an opportunity to read the instructions which were provided you?

A. Yes, sir.

Q. Do you understand them or have any questions?

A. No, sir.

Q. In addition to myself here this morning, Major KEATING, I have on my left Mr. Robert MACCRATE who is a civilian attorney. He has volunteered his services to Secretary RESOR to assist me in this investigation and also provide legal counsel, not only to me but to other members of the investigation team. On my right is Colonel ARMSTRONG who has been designated by the Office of the Chief of Staff of the United States Army to assist me in this investigation. Either of these gentlemen may address questions to you this morning.

We have other groups, incidently, of the inquiry who are conducting investigations with other individuals. It

will be my responsibility, however, to put together the report and weigh the evidence and also to make the findings and recommendations.

As a military individual you are directed not to discuss your testimony in this investigation with others, including other individuals who may appear before this investigation as witnesses, except, of course, as you may be required to do in the performance of official duty or as may be necessary before a competent judicial, administrative or legislative body. I will clarify legislative for you. There is a possibility that you will have to appear before some of the congressional committees, specifically the one you may be requested to appear before is the investigating subcommittee of the House Armed Services Committee, in which event anything you say here would not preclude you from testifying before that body.

To my knowledge, you have not been cited by the military judge in the general court-martial case of the United States v. Calley. Is that correct?

A. Not to my knowledge, sir.

Q. Well if you had been, I'm sure you would know.

A. Yes, sir.

Q. I raise this point so that in the event you are by chance cited at any time by this judge or any other judge in other general court-martial case which may arise out of the My Lai incident, I would just like to say that your appearance here will in no way change either the effect or applicability of those orders. Do you have any questions at this time?

A. No, sir.

Q. Major KEATING, would you indicate what your assignment was on 16 March 1968?

A. Sir, I was the assistant province senior advisor for revolutionary development in Quang Ngai Province.

Q. Assistant province senior advisor for revolutionary development, for RD. How long have you been in that capacity?

A. I arrived in Quang Ngai for that assignment in August 1967.

Q. August 1967, and how long did you remain in it?

A. Until March 1969.

Q. A year and a half roughly?

A. Yes, sir.

Q. Since the My Lai incident became a matter of public knowledge last September or October, have you had any conversations with anybody connected with the province advisory group or the 2d ARVN Division advisory group or anybody from the Americal Division concerning what may have transpired at My Lai or concerning the investigation of it or anything connected with it?

A. No, sir. As a matter of fact, if I may add, of course, I'm like everybody else. I read the newspapers and ever since this particular date came to mind I've been trying to figure out what in particular I was doing at that particular date.

Q. That's what we've got you in here for. I must say that we've talked already to several people, your contemporaries there, your counterparts and also some of the people that have worked for you. I think you'd be pleased to know that you were held in very high repute.

A. Thank you, sir.

Q. Include that in the record, too. I think for the benefit of all of us here, since it is a unique assignment you had, it would be beneficial if you could explain your responsibilities and your duties and how you went about performing them.

A. Well, sir, I joined the province team shortly after the idea of CORDS was still in the development stage. I would say my period of time there in Quang Ngai Province, a lot of my time, was devoted to the idea of trying to organize, or

assisting in the organization of the province team along the lines of what had developed in Saigon and back here in Washington, as the CORDS concept. I think that was probably one of my--

Q. (Interposing) That's a shift from OPO to CORDS?

A. Yes, sir. Specifically I was responsible for the overseeing and assisting of the Vietnamese in their Revolutionary Development Cadre program and the static census grievance program. I had certain civilian and military Americans who assisted me in these different programs. The revolutionary development program, as I'm sure all you gentlemen are aware, was one of the programs where the money was sent in at province level rather than at Saigon level as is done in many of the others, that is, sent in from the American pocket into the Vietnamese pocket down at province level rather than at Saigon level.

Q. You were also responsible, were you not, for the overseeing or supervision of these activities at district level?

A. Yes, sir.

Q. For example, in about this time period you would have been responsible for overseeing the work of Mr. SITTIG in Son Tinh District?

A. Yes, sir. As regarded to the revolutionary development.

Q. Revolutionary development, right. Similarly Mr. RESSEGUIE in Binh Son?

A. Yes, sir.

Q. And the districts Duc Pho, Mo Duc and so on.

A. Yes, sir.

Q. And the operation of the Phoenix program?

A. Yes, sir.

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Q. Were you familiar with any of his officers?

A. Not that I recall, sir. I may have met some of the staff on different occasions for coordination or something, but specifically, I can't recall.

Q. Were you familiar with their general area of operation?

A. The Americal Division moved their assignment of various AO's around from one time to the next, but I can recall that there was a period of time that Task Force Barker had the responsibility for the AO that was generally in Son Tinh District, sir.

Q. Well we understand that when the Korean Marine brigade moved out, that this left quite a void in that particular area, generally the area of Binh Son and you might say part of Son Tinh.

A. Yes, sir.

Q. As a consequence Task Force Barker was created to fill this void, at least on a temporary basis, until another battalion arrived in country, which would have been the 4th Battalion of the 11th Brigade. They operated generally in the area of the Batangan Peninsula and down in eastern Son Tinh. However, I'm sure, having been assigned to the 2d ARVN Division previously, you know that Son Tinh was inclusive within the area of operation of the 2d ARVN Division, so that anytime they went in there they would have to have a temporary AO extension from the ARVN. Now does this sort of fit in with the picture as you recall it?

A. Yes, sir.

Q. Do you recall their operations in to the area of Son My village, My Lai, Pinkville on about the middle of March?

A. Sir, I cannot honestly say that I remember this specifically for these on that particular date. I know that the Americal Division operated in and around that area on different occasions but to be able to sit here and say I

remember that particular date that they went in to Pinkville, no, sir, I can't.

Q. In the course of your day-to-day activities, did you attend the staff briefings, either at province or at the 2d ARVN Division headquarters?

A. At province, sir.

Q. At province. Do you recall the statistics that came out of that operation?

A. No, sir.

Q. Well, to refresh your memory, this was a body count of 128 on the 16th with 2 U.S. KIA and 3 weapons captured. Does that ring a bell at all?

A. No, sir.

Q. Do you recall that this had been written up in the 11th Brigade newspaper, in the Americal Division newspaper or news bulletins and also in Stars and Stripes and various other publications, as the biggest operation that the 11th Brigade had conducted since being in country?

A. I can't positively say that I recall this, sir.

Q. I have here, Major KEATING, a document which has been entered into the record as Exhibit M-31, dated 18 March, letter report, signed by a cadreman of the census grievance group. Underneath is a Vietnamese version and on top is a English translation. I would ask if you'd ever seen either of these documents.

A. Sir, I'm not going to say I've never seen this document, because I've seen many pieces of paper. It very well could be that somewhere in the records they could come up with my initials on a copy of this thing. I can in all honesty say that I cannot recall having seen this particular document.

Q. If you had of seen it, who would have called it to your attention?

A. It would have probably come through Mr. PREW or possibly something like this, if my interpreter, Mr. DINH, had seen it, he was the type of individual that would have probably brought it in and said, "Mr. DON, here's something I think you should see." Or even Mr. TE may have brought it in to me. I can see with something with this kind of information in it, they would have probably brought it to me rather quickly, or I would have thought they would. But in all honesty, I can't say that I've seen it.

Q. Are you familiar with a man by the name of Mr. VIEN?

A. In the census grievance, sir?

Q. Yes. At that time he probably would have been the administrative officer of the S1.

A. Yes, sir. I'm not absolutely sure but this seems like the gentleman who was Mr. TE's administrative man that handled a lot of--

Q. (Interposing) Well, the question I think I would like to ask is that we know that this information was in the hands of Mr. VIEN and in the hands of Mr. TE. Hence the question is, can you think of any reason why this information should not have been made available to either Mr. PREW or to yourself?

A. The only thing that I can think of, sir, is that quite frequently if there were--and I discussed this with the province chief on several different occasions as far as the census grievance program--it was another case where I was trying to Vietnamize the program. As I explained it to Colonel KHIEN, quite frequently the census grievance was going to come up with information that may point the finger at him or some of the members of his staff, and I was not so naive as to think that Mr. TE was going to come running, waving all this dirty linen at me, when it dealt with Vietnamese officials over which Colonel KHIEN had a certain amount of control. Consequently, I know that several of the grievances or reports of this sort of thing did go directly from Mr. TE to the province chief rather than being brought to my attention. This could have been one of them that took such a route, and

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Q. And another area we hear about along the coastal strip. On this map it would appear to be Co Lay (1), Co Lay (2), Co Lay (3), but the Vietnamese referred to that as Co Luy, and they have five subhamlets in this particular area. I have here another exhibit, which is M-34, from the district chief of Son Tinh District to the province chief of Quang Ngai reporting upon what had been reported to him by the village chief. I would call your attention to the fact that a copy of this went to the 2d ARVN Division headquarters, as you will note at the bottom. Also you'll notice that a copy of it went to MACV, Quang Ngai sector. And I would ask if you've ever seen a copy of this document, either the Vietnamese version signed by the district chief, Lieutenant TAN, and the English translation.

A. Sir, I have the same comment as I do in regard to this one. I'm not going to swear under oath that I have not seen it, but I will say that I cannot recall having seen it.

Q. Well, if you had seen a document such as this you would in all likelihood recall it?

A. I think I would have, sir.

Q. I think any normal human being would. Are you familiar with any action that may have been taken on this document by the province chief or the commanding officer of the 2d ARVN Division, Colonel TOAN?

A. No, sir.

Q. I have here another document which has been entered into the record. This is Exhibit M-30, dated 14 April, statement signed by Captain Angel M. RODRIGUEZ. I show you this document, the photostat of the original version on top is not too clear, a true copy is underneath which is readable. Are you familiar with Captain RODRIGUEZ?

A. I remember him as the assistant district advisor in Son Tinh, sir. I don't know much about him personally.

Q. Did you ever see a copy of this statement?

A. No, sir, not that I recall.

Q. Along about this time now, which granted, takes you quite a ways back, do you ever recall seeing any Viet Cong propaganda that was out of the ordinary? Instead of being in the normal broad accusations which they normally make, getting down to specifics with respect to units and places and happenings?

A. No, sir.

Q. I have here an exhibit which is dated 24 April. It has one inclosure which I would like to call to your attention. This is a bit of Viet Cong propaganda which was obtained by the 2d ARVN Division. I would ask if you've ever seen this particular piece of information? The first page is, I wouldn't say innocuous, but it's rather standard. The second page, however, Major KEATING, as you'll notice near the top and specifically in the second paragraph, it gets rather specific.

A. Yes, sir. Sir, I saw many pieces of Viet Cong propaganda. Normally it was translated and some of it was not. I cannot recall having seen that in translation.

Q. This is not exactly a piece of propaganda. It's called a notice issued by the Quang Ngai National Liberation Front Committee dated 28 March 1968. This is Exhibit M-35 with the Vietnamese to the rear and the translation on top.

A. Sir, once again, I have the same comment.

Q. Did you ever see any intelligence reports that you can recall from your Police Special Branch or from your officers and representatives in the TOC which may have pointed to something unusual happening in this area along about this time period?

A. Not that I recall, sir. As I stated to start with, I've been trying to place myself in what was going on in the province team at about the same this incident was alleged to happened in My Lai. I'm still at a loss as to what we were doing at this particular time. As I'm sure you're well aware, since you've been over there, quite often the American military units do a lot of things that are not in

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close relationships to the province teams. The situation was getting much better at the time.

Q. That was a difficult period. Now let me ask a question that may come as a surprise to both you and myself. When did you take R&R?

A. R&R? I came home on leave. In the tour I was over there in, the particular program I was in, I was authorized to come back to the States on leave. I was there for a year and a half and I didn't take what was normally termed R&R to Hawaii and so forth. I came home for Christmas in 1967, I came home again in the summer of 1968, and I came home again for Christmas in 1968, which was the three leaves I took of about 20 days duration each, I guess. I occasionally went to Danang for consultation with the appropriate staff officer on the CORDS staff in the corps or region area. I once in awhile went to Saigon, not anymore than I had to, but I was called down to Saigon for things of that nature.

Q. You must have been very busy at that period?

A. Yes, sir.

Q. For two reasons. One, the VC appeared to be very active during that period, an extension of Tet so to speak. Secondly, it seemed like about every other individual in the province I have asked was on R&R someplace.

A. If I was on R&R, sir, it would probably have been at Danang overnight for a conference or something.

Q. Well, would you explain your own appreciation of what the situation did look like about that time, along about the middle of March 1968?

A. Sir, I think that people were just beginning to get over the shock of the Tet offensive and just beginning to realize that they could get back out into the countryside. This was my big push. At the time I was trying to convince the Vietnamese, the friendly Vietnamese that is, that you're not beat. The Viet Cong just had a great big push in Tet, and you're running scared. This is exactly what they wanted

you to do, to pull back into what is commonly called the secure areas, and the only way to get this thing rolling again is get your forces back into the countryside. Let's get back out and show the people that we're here to stay. We got run out temporarily, but we're back. We want to help you; what's your problem? This was my theme at the time.

Q. Recover the countryside?

A. Yes, sir, and make an appearance, even if to get the cadre teams and the military back out was quite a difficult task. Of course, I wasn't the only one that was talking this way. I don't mean to sit here and say I was the only guy on province team that was talking this way. Colonel SWEARENGEN, and I believe Colonel GUINN was the assistant province senior advisor at that time or deputy, and we were all trying to encourage them to push back out and do something to help the people that got hurt during the Tet offensive and try to reverse the psychological effect that the Tet offensive had had on the people.

Q. Did you have any knowledge at all about an ARVN investigation or GVN investigation that may have been under way at that time?

A. Not that I can recall, sir.

Q. Did you ever hear of a U.S. investigation?

A. No, sir.

Q. Do you know a provost marshal NCO by the name of WARREN, Staff Sergeant E-6?

A. I can't recall him, sir. I may have met him some time or other at one of the American's POW cages or something, but I--

Q. (Interposing) He indicated that amongst other things that he kept pretty close contact with an individual who he called RAGSDALE, who we subsequently determined to be RAMSDELL.

A. Yes, sir.

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and more or less formalized the organization, put in more in a formal aspect, even then I was not restricted from talking with, directly with Colonel KHIEN, on matters concerning revolutionary development. Mr. BURKE, Colonel GUINN, Colonel SWEARINGTON, none of them ever restricted us. The only requirement that they made was to let us know what you're telling him, which is not an unusual requirement.

Q. Can you offer any explanation of how Colonel KHIEN and Colonel GUINN might have dealt with this letter that you've seen of 11 April 1968 from the District Chief to the Province Chief and the statement of Captain RODRIGUEZ which you've seen, which has been prepared based upon the 11 April letter? Which statement, incidently, we obtained from Colonel KHIEN's file. Without your having been privy to this at a time when you and, I gather Colonel GUINN, were the ones dealing with Colonel KHIEN and that you would frequently do so together. Did you have the feeling at any time that you were being excluded from certain things?

A. Yes, sir. Any time you're dealing with the Vietnamese people there's certain things they are just not going to tell the Americans.

Q. But this is something where the Americans are involved. That's my point, that we see here in Colonel KHIEN's file the statement of Captain RODRIGUEZ. We see here a copy of this 11 April letter going to Colonel GUINN, and there are indications that this matter was necessarily the subject of discussion between Colonel KHIEN and Colonel GUINN. What I'm trying to get is how this could go on without you being aware of it, unless you were being excluded from the American side.

A. This is possible, too, sir.

Q. Did you have any awareness of that, any feeling that there were some things that were being handled in a way by one section of the American team with the other section excluded?

A. No, I never got this particular feeling, sir. However, I'm sure that in any organization there's certain

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Q. Where was that held?

A. In the province team's, right there by Mr. BURKE and Colonel GUINN's office, briefing room. Probably if you went with General PEERS to Quang Ngai you probably sat in the same briefing room. It's right there in the leg of the "T" you might say, off the province headquarters in the back there.

Q. I've been there. Who would attend those briefings?

A. All of the American staff on the province team were invited to attend this. I say invited. Even some of the Red Cross and some of the volunteer organizations that were in the province were invited to attend. However, as you well know, they weren't directly under the control of Mr. BURKE, but they did send representatives. Quite frequently, the CORDS staff was there. When I say the CORDS staff, I'm talking about the entire province team really, the heads of each one of the divisions. As I recall it, Mr. BURKE had the organization down to eight divisions, and the chiefs for those divisions were required to be there. We could bring with us any of our staff members that we like to brief and bring the province senior advisor up to date on a daily basis.

Q. Well, at this time, Major KEATING, if you have any questions of us or if you have any statement you would like to make for the record, if you have any documents that you know of, anything that you think might be helpful to us as we're trying to put this piece together going back over the 20-month period of time that we must, to get back to the time in the spring of 1968, we would certainly appreciate hearing from you or receiving any such material.

A. I have no documents at all, and I have no statement to make. I'm still, to be perfectly honest with you, I'm still at a loss to try to place myself at about this time as to anything different happening than would have been my normal routine. I'm still at a loss.

Q. Well, if as you reflect upon some of these pieces of information that we've shown you this morning and the indications that we've given you of what was going on in Quang Ngai at this time, and if this begins to fit together for you

in any way, we would greatly appreciate your getting in touch with this office. Major LYNN will give you an indication of how this can be done should this occur, if you step out and think further about it.

A. I feel confident that if I were allowed to talk with Colonel GUINN about what was going on, I'm sure the two of us could sit down and probably reminisce for a little while and come up with anything particularly different that happened to us during that time. But as I'm sure you found from your investigation that this was a rather touch-and-go period of time from the time of Tet on through March-April. We were pretty busy.

Q. Many other things were happening and it was a period of tense concern, we do realize that. Well, thank you very much. We'll recess at this time.

(The hearing recessed at 1040 hours, 21 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: LANE, Randolph C. CPT

DATE OF TESTIMONY: 20 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: S2 Advisor, Quang Ngai Province.

1. BACKGROUND INFORMATION.

The witness advised the S2 in the intelligence field and provided intelligence information through MACV and USARV channels on the situation in Quang Ngai Province (pg. 3). He had a lieutenant and five enlisted men in his MI Detachment (pg. 3). His Vietnamese counterpart was Captain Pham Tin DUC, who was described as "competent" (pgs. 3, 4). The witness also came in contact with Major EARLE, Major PHO, Mr. RAMSDELL, Mr. PREW, Lieutenant DAWKINS, and Mr. KISSINGER (pgs. 4, 5). He reported to Lieutenant Colonel GUINN (pg. 10). He had no particular contact with Task Force Barker (pg. 6).

2. KNOWLEDGE OF THE OPERATION.

a. Reports of operations in the area.

The witness recalled an operation in the area shortly after the Tet offensive (pg. 7). He received a verbal report from the Son Tinh District Headquarters of 100 VC KIA (pg. 8). He did not recall any other statistics on the operation (pg. 8). He discussed the figure with his counterpart (pg. 9), who stated, "Maybe not all VC. Maybe artillery and gunships" (pg. 11). DUC indicated that he had received a report (pgs. 12, 25, 26). He thought that the

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figure 128 sounded familiar (pg. 9). He did not recall receiving any reports in mid-April on a large number of civilians being killed in mid-March in that area (pg. 10), nor did he recall his counterpart, DUC, calling his attention to TAN's letter to KHIEN, Exhibit M-28, (pg.11). He did not recall discussing the incident with GUINN (pgs. 12, 19), nor did he recall any discussion of the incident among the staff officers (pg. 13). He did not know that KHIEN or Captain RODRIGUEZ were directed to investigate the incident (pgs. 13, 14). He knew of no reports from the Census Grievance Committee system (pg. 16). The witness did not encounter any VC propaganda concerning any American atrocities (pg. 15).

b. Propaganda.

The witness did not know how Lieutenant Colonel BLACKLEDGE obtained propaganda from the information channels of the witness (pg. 18). He stated that he did not recall any propaganda being called to his attention (pg. 18). GUINN never asked him for any information about the incident (pg. 19). He did not recall attending a 2d ARVN Division briefing with GUINN in April 1968, nor did he recall a discussion about Colonel TOAN appointing KHIEN to investigate (pg. 20).

c. National Police.

The witness stated that arrangements for the use of National Police would be made through Mr. RAMSDELL (pg. 21). He did not know if Lieutenant DUC not to be confused with Captain DUC, his counterpart, went on the operation (pg. 22).

3. OTHER INFORMATION.

The witness stated that he had no reason to believe that the villagers would all leave the village before 0700 (pg. 22).



(The hearing reconvened at 1145 hours, 20 February 1970.)

IO: The hearing will come to order.

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

Sir, the next witness is Captain Randolph C. LANE.

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

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

A. Randolph Craig LANE, Captain, U.S. Army, Social Security: . I am assigned to Headquarters, European Command, APO New York 09128.

IO: To whom are you assigned at U.S. European Command?

A. Headquarters Company, USEUCOM.

Q. Have you had an opportunity to read the instructions (Exhibit M-57)?

A. Yes, sir, I have.

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

A. I understand them. I have no questions, sir.

Q. On my left is Mr. Robert MACCRATE. Mr. MACCRATE is a civilian lawyer who has volunteered his services to Secretary RESOR to assist in this investigation. He also provides legal counsel to me and other members of the investigating teams.

On my right is Colonel ARMSTRONG, an assistant in this investigation. Aside from myself this morning, either of these gentlemen may address questions to you. We have other teams such as this, incidently, who are likewise taking testimony from other individuals. It will be my task

to make sure that a report is prepared, to weigh the evidence, and to determine the findings and recommendations.

Captain LANE, would you indicate your duty assignment with the Quang Ngai Province advisory staff, when you joined, any change of assignment you may have had, and when you terminated your service please?

A. Yes, sir. I was the S2 advisor to the Vietnamese S2 in Quang Ngai Province. I assumed that position in June 1967 and departed there in May 1968, sir.

Q. What time in May 1968?

A. I departed Quang Ngai around the middle of the month, around the 14th, and departed Vietnam, about 1 June.

Q. Captain LANE, the so-called My Lai incident of 16 March 1968 became a matter of public knowledge approximately 5 months ago, the latter part of September early October 1969. Since that time, have you talked to anybody from your former advisory staff personnel or from the Americal Division concerning what may have transpired in the incident, the reporting of the incident, or the investigation of the incident?

A. No, sir, I have not. I have had a letter from my assistant since that time, asking me if I could place anything. I have not answered this letter.

Q. Well, would you state his name, please?

A. Yes, sir, it is Jay Frank FROSCH, who is now in Atlanta, Georgia.

Q. Can you recall specifically what he asked you?

A. I don't have the letter with me, sir, but specifically he was curious as to whether or not I knew anything of the particular operation. I have not answered his letter.

Q. As the S2 advisor to the S2 of Quang Ngai Province, would you indicate generally what your functions and responsibilities were?

A. Generally, sir, my primary function was to advise the S2 in the intelligence field: interrogations, agents, recruiting agents, and the type of information that was needed. I also was considered the S2 of the advisory team because I had a military intelligence team working for me. I attempted to provide intelligence information through MACV and USARV channels on the situation in Quang Ngai Province.

Q. How many people did you have in your MI detachment?

A. It fluctuated, sir. I believe I was authorized another officer who was a lieutenant, and five enlisted men. At one time it was seven.

Q. Did you work them all out of Quang Ngai, or did you have some of them working in and out of the district headquarters?

A. No, sir, all of mine were in Quang Ngai. Well, when I arrived there, there was one who was working in the district headquarters in Duc Pho District. He was on loan to them until they got their own intelligence officer for their district intelligence operations there.

Q. Now, let me ask you a couple more things about your intelligence advisory function before we get off to others. Did you also advise the S2 with respect to the collection of information, that is, the preparation and such things as EEI and development of collection plans and various other things connected with the intelligence process?

A. Sir, this was part of my duties as outlined. I really never had to do much advising to my counterpart. He was quite a capable individual.

Q. What was his name, please?

A. A Vietnamese, Captain DUC.

Q. D-U-C?

A. Yes, sir. He is rather short, a heavy-set short Vietnamese?

Q. Is he any relation to the Lieutenant DUC who is also in the intelligence business at Son Tinh?

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I worked with people that he had detached to Quang Ngai City, one man whose job it was to coordinate with me and the other intelligence agents within Quang Ngai City, to report to the 11th Brigade.

Q. Their liaison office?

A. Yes, sir.

MR MACCRATE: What was his name?

A. Sir, there were actually two during the time I was there. A warrant officer, I believe, whose name I do not recall, was medevac'd with a broken arm. He was replaced by a lieutenant, a very short lieutenant with glasses. It seems like he had an Italian name, but I can't recall his name.

IO: Were you familiar with Task Force Barker?

A. Yes, sir, I was familiar with the Task Force.

Q. Tell me what you can about Task Force Barker itself, and I'll get around to talking about operations later. What was your relationship with Task Force Barker?

A. I don't recall any particular relationship with Task Force Barker. As I understood Task Force Barker, they were formed out of the 11th Brigade, and moved up into the Binh Son-Son Tinh area south of the 198th Brigade area of operation when the Korean Marines moved out of the area. I believe it was formed in late December or January.

Q. It was formed in the January time period. Were you familiar with Colonel BARKER himself?

A. I don't know that I ever came in personal contact with him, sir.

Q. How about his S2, Captain KOTOUC?

A. No, sir, the name isn't familiar.

Q. And his executive officer and S3, a Major CALHOUN?

A. That does strike me.

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Q. They had a sergeant from their MP detachment that made quite a bit of contact down in Quang Ngai area by the name of WARREN. Have you met him?

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

Q. W-A-R-R-E-N. Were you familiar with their operation into the eastern end of Son Tinh District and the Son My Village area in about the middle of March?

A. Sir, I recall an operation. I don't recall the date.

Q. Yes. They had three operations in that area. They had two operations in the month of February, one in the early part of the month and the latter one on 23 February, and this operation which started on 16 March.

A. Well, I'm familiar with one particular one that was brought to my attention. It seemed like it was very close after Tet, the Tet offensive. I don't know the date, but I do recall them being operational somewhere in the general area. I can't say whether or not they went further to the Batangan Peninsula area.

Q. Their normal area of operation, as you recall, was generally north of the Diem Diem River and included the Batangan Peninsula. Any time they operated down in the Son My area, they would have to obtain an AO extension from the 2d ARVN Division and from province. So this is one of the things that would automatically call things to the attention of the advisory staff, an operation sometime probably would be conducted in that area, not saying the specific locale. Well, what did you hear about the operation?

A. Well, this particular operation that I have in mind--well, part of my duties was to inform my counterpart of the U.S./Korean operations when the Koreans were there, if I was so informed. I normally was informed by reading their intelligence summaries. Sometimes I was informed through contact with the units themselves.

The particular one I recall was after Tet. There was an operation in the eastern areas of the province, either in southern Binh Son District or Son Tinh District. I don't

recall exactly, but there were quite a few casualties reported that came in in the form of a verbal report from the district headquarters in Son Tinh, which had in turn received it from the operational force.

Q. These casualties, are you referring to Viet Cong KIA or friendly casualties?

A. Viet Cong KIA report.

Q. Do you remember the figures by chance?

A. Not exactly, sir. I remember something in the neighborhood of 100 killed.

Q. Well, what else did you hear about the operation? Did you hear anything about the weapons captured or number of friendly killed or wounded?

A. None that I can recall. No, sir. As I recall, it came in the form of a report to the sector operation center which was passed on to the main province headquarters quite a few VC casualties. I don't recall at the time.

Q. Do you know whether or not at this time there were any ARVN involved in the operation?

A. Not unless it was 2d ARVN Division. I'm sure there were no sector forces involved.

Q. Do you recall whether or not on this particular operation there were any National Police or National Police Field Forces involved?

A. No, sir.

Q. All you heard, then, was just a figure?

A. That's all that I can recall now, sir, and I really don't know whether it is a figure that popped to in my mind because of the My Lai incident or not. One figure I reported to my S2, as far as enemy casualties in a particular operation, followed closely after Tet.

Q. Well, "closely after Tet," with all the activities, could be a day or two or could be a month or more.

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from the district chief of Son Tinh to the province chief of Quang Ngai. I would ask you to review this, and ask you if this paper had ever been called to your attention?

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

Q. You will notice down at the bottom there, that a copy of it did go to DUC.

A. Yes, sir.

Q. This isn't to say he received it, but certainly it was intended that he receive a copy of it. But to your knowledge, this was never called to your attention?

A. No, sir, this particular paper, no.

MR MACCRATE: Was the content of the paper ever discussed with you by anyone?

A. Sir, the only thing I can recall is when I reported the casualty figure of an operation which I do not know the date of it this time to my counterpart, DUC. The only comment he made at that time was, "Maybe not all VC; maybe artillery fire." This led me to believe--he said he had received a report, I assume through the district, the district S2.

IO: He said he had received a report. Did he ever show you the report?

A. Not this particular report.

Q. Did Colonel GUINN ever show you a report?

A. I don't recall a report, no, sir.

MR MACCRATE: He said, "Maybe not all VC," but what was the rest?

A. "Maybe artillery and gunships," something of this nature.

IO: Did you query him any further?

A. No, sir.

Q. But he did indicate he had received a report?

A. A large number of VC were killed in an operation. I received this report, and I reported it to him. He indicated, "Yes, yes, I've heard."

Q. What else?

A. "Maybe not all VC," meaning, I assume, not all included in the figures were VC.

Q. And "Maybe by artillery"?

A. That is what he led me to believe, that he thought if not all were VC, then perhaps there were some casualties from artillery.

Q. Did you report this to anyone?

A. I don't recall.

Q. Well, if you had reported, to whom would you have reported?

A. Probably to Colonel GUINN, sir.

Q. Do you recall at all ever talking to him about that?

A. No, I don't, quite frankly.

Q. You ought to have been quite sensitive about civilian casualties though. I have here a letter of 11 April 1968 from the district chief of Son Tinh to the province chief. It has been entered into the record as Exhibit M-34. Have you seen that paper?

A. No, sir.

Q. Was the contents of it ever called to your attention either visually or verbally?

A. No, sir.

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Q. Did Lieutenant Colonel GUINN ever discuss that with you?

A. I don't recall any discussion.

Q. You will notice on the bottom of it that MACV, Quang Ngai Sector, was provided a copy. You will also notice that the U.S. advisor of Son Tinh was provided a courtesy copy.

A. Yes, sir.

Q. Would a matter such as this not be discussed among the principal staff officers?

A. I don't recall any discussion of this. No, sir.

Q. Did DUC, when you talked to him, did he mention anything about having received this report from district based upon a village chief's report?

A. No, sir. I don't recall any comment from DUC.

Q. Did he ever indicate to you that Colonel KHIEN or province headquarters had been directed by the 2d ARVN Division to investigate it?

A. No, sir.

Q. Do you know Captain RODRIGUEZ? Well, first, in Son Tinh District, did you know Major GAVIN?

A. Yes, sir.

Q. Did you know his assistant, Captain RODRIGUEZ, rather short, Puerto Rican officer?

A. Yes, sir. I believe I knew him.

Q. He worked with Lieutenant DAWKINS and also with a civilian up there by the name of SITTIG, all living together in the subsector headquarters, southeast of the district headquarters on the hill there?

A. Yes, sir.

Q. Were you familiar with any directive of any kind to Captain RODRIGUEZ to investigate a matter such as you are discussing?

A. No, sir.

Q. I have here Exhibit M-30, dated 14 April 1968. The title of it is "A Statement." You will notice that this paper is signed by Captain Angel RODRIGUEZ. This reproduction is not very easy to read, but a true copy is attached to it which will make it easier for you to read. Have you ever seen that paper or were you aware of any of its contents?

(The witness was handed M-30 to review.)

A. No, sir.

Q. Let me have R-1, please.

I have here a piece of Viet Cong propaganda that we know was in the hands of the ARVN at that particular time. This actually was an intercept of a Viet Cong broadcast, in Vietnamese of course, taken down in Vietnamese and later transcribed to English and produced in this copy. This is a two-page document, and I'll ask you to look at that and see if you have seen this or heard of this or anything comparable? The first page, as you will notice, is rather normal, Communist dialectic, but the tone of it changes on the second page.

(The witness reviews R-1)

That's all there is to it. Had you ever seen any paper such as that, or had you heard anything about such a piece of propaganda?

A. No, sir. I have not seen that particular paper and I have not heard any particular propaganda.

Q. Well, did you hear of any other propaganda, not only in broadcast form, but maybe in leaflet form, in slogan form, in attachment to wearing apparel with slogans or something which may have been attached to it, in posters or anything which may have alluded to something unusual having taken place in Son My Village or the Pinkville area along about the middle of March?

A. I ran across such propoganda, but the propoganda I recall was on the VC victories. Nothing spelled out, any American atrocities such as this.

Q. Do you recall along in the April-May time frame, this period just before you left, about a month before you departed, General KOSTER coming to province headquarters?

A. I remember General KOSTER being at province headquarters. It seems to me it was more than on one occasion. I may be mistaken.

Q. Did you have an opportunity to sit in on any of the discussions?

A. I can't recall being in on any discussions with General KOSTER. No, sir.

Q. What about General YOUNG or any other senior officer from the headquarters of the Americal Division?

A. General YOUNG? It seems that he attempted to make our weekly briefings, and as a result he sat in when I gave the intelligence briefings. I don't recall any session that I sat in with him.

Q. Your roundups were normally on Saturdays, as I recall?

A. Friday afternoons, I believe, sir.

Q. What about Colonel HENDERSON from the 11th Brigade?

A. The name is familiar, sir, but I don't recall him or meeting him.

Q. Do you remember his S2, a Lieutenant Colonel BLACKLEDGE?

A. That name is also familiar.

Q. When you received this information from Captain DUC, did you discuss it with any of your own personnel such as Lieutenant FROSCH or anybody else?

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

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at least some aspect of this would have occurred in your presence. It may be you were not familiar with each of the steps and the details, but I would like you to try and think very closely about these various things that we have shown to you. Possibly by way of refreshing your recollection, I would like to read you a portion of Major EARLE's testimony. Toward the end of Major EARLE's testimony, I addressed him this question:

"Q. Major EARLE, you have told us that you heard from Colonel GUINN about the VC propaganda leaflet, that you heard from Colonel GUINN something about the district chief's report, that you heard from Colonel GUINN the province chief had someone looking into it, that you heard from Colonel GUINN that he was passing it up through his channels, and that you finally heard from Colonel GUINN that he was seeking additional information about this matter. You said all these things to us this afternoon?

"A. Yes, sir.

"Q. I have noted them down as you said them. Now, have you any further recollection of what Colonel GUINN said to you other than these things that I have just listed to you?

"A. No, sir, I don't have any additional information.

"Q. Have you anything that you can tell us, having heard these five things from Colonel GUINN, as to what you did. Anything that you said to anyone, anything that you did about it, any indication that you did anything other than just put it out of your mind?

"A. I did not put it out of my mind. As I said, I discussed it with Major PHO and he said it was VC propaganda. I remember it being mentioned that morning about how ridiculous it was for that many people to be killed, 500 people, and as I said, it was an American unit. The 2d ARVN Division wasn't involved in the operation."

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Now, you will notice that Major EARLE here refers to the VC propaganda that was being picked up on this subject. We have been told that Colonel BLACKLEDGE came over to Quang Ngai to the very channels in which you worked, with which you were most familiar, that he picked up not one but two items of propaganda along these lines, and delivered them to Colonel HENDERSON of the 11th Brigade. Now, have you any recollection of seeing or hearing about any of this type of propaganda referring to Tu Cung or Co Luy? We have certain testimony indicating a confusion about the names here. Does any of this with respect to VC propaganda strike a chord or recollection?

A. No, sir, I cannot recall any particular propaganda that I have been shown here.

Q. Well, here we have some other pieces, but I mean to incorporate in that anything of a similar character or with reference to killing of noncombatants or civilians in the Tu Cung or Co Luy area?

A. No, sir. I don't recall any information of that sort.

Q. Well, can you explain how Colonel BLACKLEDGE, coming over to intelligence sources in Quang Ngai, could pick up something that wouldn't similarly be available to you, drawing as you were on the very same facilities?

A. No, sir. There is no reason why it shouldn't have come to my attention if it was available.

Q. From whom could Colonel GUINN get such material if he hadn't gotten it from you?

A. From the province chief, I would say. He was a good source.

Q. Now with respect to the Son Tinh District headquarters, did you visit there from time to time?

A. Yes, sir. I did.

Q. And did you talk to Lieutenant DAWKINS when you went there?

A. Yes, sir.

Q. Now Lieutenant DAWKINS knew about this, and he has in testimony told us about his conversation with Captain RODRIGUEZ and Major GAVIN. Did he suggest anything unusual that had gone on out in that area that he mentioned to you in conversations with him? We recognize what you would have received might have been very fragmentary, but can you in any way associate reports that you picked up at that time with such a report as you have seen today, the ones prepared by Lieutenant, now Captain TAN, and sent to Colonel KHIEN?

A. I don't recall any conversation of Lieutenant DAWKINS, no, sir.

Q. Or such conversation with Captain RODRIGUEZ?

A. No, sir. I don't know that I ever was in direct conversation with Captain RODRIGUEZ.

Q. Now, if Colonel GUINN wanted to get information about that letter when he received it, it would seem to us you would be the most natural person for him to turn to. Can you think back to questions from him at this time, what he was trying to find out, information that he was seeking his ever turning to you to get informational reports that had come in through your network with respect to the eastern end of Son Tinh District?

A. No, sir. I don't recall any such request from Colonel GUINN or from any other party.

Q. So you would say he never bothered to turn to you to get any information in this respect?

A. With regards to any incidents in the Son My area, I cannot recall any request.

Q. Well, that is confirmatory of a lack of action on the part of Colonel GUINN, you realize I want you to be very clear in your mind that this was the case, that he never turned to his S2 for intelligence, never sought from you any information, either confirmatory or that which might refute what he had received through these other channels?

A. Sir, I really don't recall anything of that nature.

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Q. Well, you have indicated that you were also in close contact with Major EARLE, and I've read to you the fact that Major EARLE was informed on this. Is there anything in what Major EARLE said to you that--with the benefit of these things that we have shown you and put into a perspective for you--would relate itself to such an event?

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

Q. Did you attend the briefing at the 2d ARVN Division?

A. No, sir. Only one or two during the time I was there, because they conflicted with our morning briefings.

Q. Well, when Colonel GUINN attended them, would you also attend?

A. No, sir, not as a matter of policy.

Q. But I would assume that if he were attending them it would ordinarily not be in conflict with your own briefings?

A. Yes, sir. That would be true.

Q. Do you have any recollection of going with Colonel GUINN to a briefing at 2d ARVN Division at or about this time in April 1968, and there being a discussion at that time as to an investigation that Colonel KHIEN had been requested to conduct by Colonel TOAN, the commanding general of the 2d ARVN Division?

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

Q. Did you ever hear that General TOAN had ordered Colonel KHIEN to conduct an investigation as to an event in the eastern section of Son Tinh District?

A. No, sir. I don't think I ever heard that.

IO: We know, Captain LANE, that some National Police were used in this operation between the 16th and the 20th. Was the arrangement for the use of these National Police made through your office?

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A. No, sir. They would ordinarily be made through Mr. RAMSDELL's office.

Q. If they came from Task Force Barker, they would go directly to him and not to you?

MR MACCRATE: They came from Son Tinh District?

IO: Well, I know that, but if Task Force Barker wanted National Police, they could get them from either district or province.

A. Yes, sir.

Q. If they did come to province, would they come to you or go direct to the National Police advisor?

A. I think they always went to the National Police advisor.

Q. Were you familiar with any National Police being out there that particular day or period?

A. Only because I read such in the papers, sir.

Q. We have indications that a Lieutenant DUC was out there. This is the reason why I was asking you about Lieutenant DUC. He was an ARVN. In addition to three National Policemen that were there, there was also reported to be an ARVN lieutenant by the name of DUC along with a noncommissioned officer and three enlisted personnel. These people were picked up at Son Tinh District after the helicopter had gone to province. They were picked up at Son Tinh District and flown into the operational area. Does any of this bring anything back?

A. No, sir. It really does not.

Q. Did you know the Lieutenant DUC who was in the DIOC at Son Tinh?

A. I knew he came into contact quite frequently with the district S2 at Son Tinh. I do not recall his name. I know that he spoke very fluent English.

Q. Was he a short, heavy-set man?

A. He was short. I don't recall him being heavy-set. I think that maybe he was a little more round-faced than some of them are, the S2 himself. I do not classify him as heavy-set.

Q. Was his name DUC?

A. I do not recall.

Q. If you were working for a "Dai-Uy" DUC and this was a DUC, you probably would remember that, wouldn't you?

A. I would think so.

Q. It seems to me there might be some confusion there about DUC, not necessarily on your part, but on the part of others. There may be some more DUC's around someplace. This individual reputed to be a very fine intelligence officer pretty much rings with your description of "Dai-Uy" DUC, although this individual was indicated at that time to have been a lieutenant.

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A. This would not have been "Dai-Uy" DUC. He was a captain when I arrived.

Q. From your knowledge of the habits of the villagers, and I'm not referring to those immediately along Highway 1, but separated from Highway 1 by 6, 8, or 10 kilometers, would it be a logical assumption that on a Saturday morning, a market day, all of the villagers would have been out of the village by 0700 hours in the morning?

A. I wouldn't say so. No, sir. I really don't know the answer. But I have never had any reason to believe they all leave the village at 0700 in the morning.

Q. Well, before 0700?

A. Yes.

Q. Did you ever hear anything which you may have overheard in a conversation or may have been part of a discussion, did you ever hear anything other than that which you have already told us, about which "Dai-Uy" DUC commented to you on that day, which may have created a suspicion in your mind that something unusual may have happened out in the Son My area about the middle of March?

A. I cannot recall any conversation, any incidents, or any reports to that effect, sir.

MR MACCRATE: How did province communicate with Son Tinh District? If Colonel GUINN had a request that he wanted to make to the district advisory team, how would that be handled ordinarily?

A. I would say probably through personal contact, either when Colonel GUINN was at Son Tinh District or when Major GAVIN was at the province headquarters. We did have radio communication.

Q. Were memos written back and forth, or most often any directives or request communicated by word of mouth?

A. To my feeling, they were usually by word of mouth, sir.

Q. You have no recollection about this time of communicating to Captain RODRIGUEZ that he was to get a report together for Colonel GUINN on that letter?

A. No, sir.

Q. Nothing of this sort where you were the intermediary in delivering such a message?

A. No, sir.

IO: I have one more document that I would like to call your attention to. This is sort of an unusual document. Were you familiar with Quang Ngai National Liberation Front?

A. Yes, sir, I have received a report on the Quang Ngai Liberation Front.

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Q. Have you ever seen any of their reports or noticed it?

A. I'm sure I have, sir.

Q. I am going to show you a notice dated 28 March 1968. You will notice that the Vietnamese is attached to it. In looking at it you will notice that it takes somewhat of an unusual format, and I ask you to scan that quickly to see if you have ever seen this document or anything quite comparable to it?

(Exhibit M-33 was handed to witness for review.)

A. No, sir. I have not seen this report.

Q. You never saw that notice?

A. No, sir.

COL ARMSTRONG: Captain LANE, did you take R&R while you were over there?

A. Yes, sir.

Q. What was the time frame that you were absent from Quang Ngai?

A. I was absent approximately the first week of April. I don't recall the exact date.

Q. April 1968?

A. Yes, sir.

IO: Where did you go on R&R?

A. Bangkok, sir.

COL ARMSTRONG: Why didn't you answer FROSCH's letter?

A. I really never had time, sir.

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Q. You were gone the first week of April 1968?

A. Yes, sir, and I returned on 6 April.

MR MACCRATE: I would like to show Captain LANE a document that I sent downstairs for.

IO: Would you repeat for us again the circumstances concerning your discussion with "Dai-Uy" DUC when you provided him the information and his response?

A. Sir, as I recall it, someone from the sector operation center informed me that they received a radio report from Son Tinh District, who had received a report from the operating forces of the Americal Division, that there were a large number--I believe the figure was given to me as 128. That sounds familiar. Now I could not really say whether or not that was really the number that the force operating in the area had killed. It was a large number of VC. As I recall, I immediately informed my counterpart, "Dai-Uy" DUC, who said something to the effect, "Yes, I've received the report, but maybe not all VC, maybe artillery and gunships."

Q. Was there anything else said or discussed that you can recall now?

A. No, sir. I don't recall any further discussion.

MR MACCRATE: At the time you gave this information to "Dai-Uy" DUC, was anyone else present that you can recall? Do you remember where you had the conversation?

A. I believe, sir, we had adjoining offices. I left my office and walked into his. We stood face to face, and I told him. I believe there may have been some other Vietnamese around, but I don't think there was anyone who understood English very well.

Q. What impressed this occasion on your mind? Apparently it's something that you carried away from the room, just a little incident like that. There must be something with which you associated. Let me show you something

possibly helpful in getting you to remember, a copy of the letter that we obtained from Colonel KHIEN on which his notation appears with respect to this information which you apparently provided, handwritten notation in the upper left-hand corner.

(The witness reviews M-34.)

Q. Do you have any recollection of the information being written down at the time?

A. No, sir. I'm sure that it wasn't written down in my presence. It may have been after I departed the office.

Q. Did you relate it to Task Force Barker when you gave the information?

A. I can't recall, sir, that it was Task Force Barker that had reported this many VC casualties.

IO: What was his attitude at that time? When he made it, did he seem to be angry about the thing?

A. No, sir, as a matter of fact--

MR MACCRATE: (Interposing) Why do you think you remember it?

A. Well, I think probably I was surprised that there were that many VC killed in the general area. If there were that many, they were probably elements of the 48th Local Force Battalion which had suffered quite heavy casualties already. I probably would have never thought about it again except for this incident. I naturally tried to piece together the particular operation in my mind. This is the only one I can recall.

Q. What did he say about artillery and gunships?

A. It was in the English he spoke. What he said was something to the effect, "Maybe not all VC but artillery gunships," which is his way of expressing maybe some civilians had been killed by the gunships and the artillery. He did not quote a figure.

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Q. Any indication of a source of this information?

A. No, sir. I would assume that it would have come through the same parallel channels as mine, from his district people, although if there were National Police, it could have come through them.

Q. You don't in any way relate this to any visit you had with Colonel GUINN or what was going on in the headquarters at that time?

A. No, sir. I don't. If there were ever any remark addressed to me concerning this, it was very informal. I cannot remember any particular occasion where I was questioned about my knowledge of any incident in the Son My area.

IO: Well, we thank you for coming in, Captain LANE. I know it has been a long trip. You have provided us some information this morning. I would like to say to you that we are trying to put together as many details of this story as we possibly can. As you can see, we already know a great deal of what has transpired. You can also see we have a great deal of documentation. We are trying to do everything we can to put together as complete a story as we can. We would like to have your assistance, and based particularly on this line of questioning, if any of these things come to mind, we would very much appreciate you getting in touch with us so that we will be able to take advantage of that information. It probably won't be necessary for you to return here because we have other means of obtaining the information. Similarly, if you have any documents of any kind in terms of memoranda or letters, aerial photos or maps, or other things which may have been pertinent to the purpose of this investigation, we will appreciate knowing about those and having them made available to us. I'll give you the opportunity to ask any questions which you may like to ask or to enter a statement into the record if you would so desire.

A. Sir, I can't think of anything to ask or say.

Q. I would like to again caution you on this matter of discussing your testimony here with others. You have been directed that you will not discuss your testimony, and in that sense writing letters is included. I cannot tell you not to write to FROSCH, but I don't want you to include any of your testimony or other things in your letter to Lieutenant FROSCH--Mr. FROSCH.

(The hearing recessed at 1250 hours, 20 February 1970.)

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Exhibit M-30, a statement signed by Captain Angel M. RODRIGUEZ, dated 14 April 1968, was entered into the record. MAY had never seen Exhibit M-30. If it in fact had been seen by members of his staff, he would have expected this called to his attention (pg. 22). If KHIEN had received this statement, MAY would have expected him to mention the allegations (pgs. 22, 23). MAY had not seen or heard of Exhibits M-32 and M-33.

b. Reports.

MAY had never seen Exhibit R-1 or attachments thereto until called before the subcommittee of the House Armed Services (pg. 25). If the attachments were in fact distributed to Quang Ngai, it amazes MAY that it did not come to his attention (pg. 26). MAY had never seen Exhibit M-31, a Census Grievance Report, dated 28 March (pg. 23).

c. Inquiries.

KHIEN never discussed the My Lai incident with MAY. To MAY's knowledge, KHIEN never discussed it with GUINN or any other members of his team. MAY did not think that the S2 or S3 of Quang Ngai Sector ever discussed the contents of Exhibit M-28 with his staff advisors (pg. 17). MAY knows of no operations that took place to ascertain what happened in My Lai (4) (pg. 29).

Neither General YOUNG nor General KOSTER ever talked with MAY about anything happening in My Lai (4) (pgs. 27, 28). MAY was not aware that there was an investigation being conducted by the U.S. and ARVN. YOUNG never mentioned that an investigation was under way (pgs. 27, 28).

d. Miscellaneous.

MAY found it incredible that something serious could have occurred in My Lai (4) without his knowledge or knowledge of the members of his team. Even when he heard press accounts, he felt that this was VC propaganda (pg. 47).

4. MAY's RAPPORT WITH RELEVANT PERSONALITIES.

a. MAY knew HENDERSON only slightly. He knew YOUNG very well and KOSTER to a lesser extent than YOUNG. His relations with YOUNG and KOSTER were good (pg. 26).

b. The witness had pleasant but infrequent meetings with Colonel TOAN (pg. 35). He had poor liaison with the U.S. advisors to the 2d ARVN Division at the time of the My Lai incident (pgs. 42, 43).

c. He thought highly of Lieutenant Colonel GAVIN's military abilities (pg. 36). He considered Captain RODRIGUEZ as having a better feel for civil affairs than GAVIN (pg. 36).

5. MAY's INVESTIGATION.

a. People with information.

Since learning of a possible massacre in Son My, MAY had made many inquiries of people who worked on his team of their possible knowledge of any unusual occurrence in that hamlet (pgs. 37, 38). This included inquiries made on a recent trip to the Republic of South Vietnam (pg. 11).

Of the many people MAY queried, he recalled that Mr. Ed DILLORY was the only one with positive recollection of an indicator that there was an atrocity (pgs. 8, 38). MAY believed that it was DILLORY who had subsequently told him that a report from Son Tinh district team was discovered. DILLORY did not indicate where it had been found. It was also possible that MAY elicited this information from a CID agent (pgs. 8, 38, 39).

Major WILLOUGHBY told MAY that he had heard some rumors among the troops regarding an incident (pg. 40). Mr. Bob THOMPSON or Mr. Al ROBINSON might have heard something relevant (pg. 40).

b. Free-fire zones.

The witness' investigation disclosed that in general Binh Son was a free-fire zone except that the District Chief's permission was needed for a fire mission closer than 150 meters from hamlet boundries (pg. 45). MAY understood that a fortified VC base area could be prepped by artillery and air strikes prior to a combat assault (pg. 46).

c. Extenuating factor.

It would not have been within MAY's capability to conduct an investigation in the Son My area because it is in a VC controlled area (pg. 50).

6. OTHER INFORMATION.

a. MAY remained as the CORDS senior advisor until 20 May 1968. However, he spent a great deal of his time subsequent to 16 March in Saigon and Danang (pg. 4). During March and April, he was outside the area for 20 days including 12 April, 14-18 April, and 26-27 April (pgs. 30).

b. Mr. SITTIG was a civilian on the Son Tinh District team.

c. KOSTER frequently complained that Americal forces had been taking numerous casualties from mines and boobytraps in the Batangan Peninsula (pg. 46).

d. When KOSTER and YOUNG met with MAY, they showed great interest in reducing civilian casualties. These discussions took place before and after 16 March 1968 (pg. 55).

e. Mr. MAY advised General PEERS on the totality of the circumstances at the time of the My Lai operation (pg. 48).

f. The requirements for his team keeping him informed were general. Something of import requiring a policy decision or major action necessitated an immediate report (pg. 14). Other matters would normally be brought to his attention at monthly reporting periods (pg. 14). Ordinarily, VC propaganda reports would not be discussed at their daily staff meetings (pgs. 14, 15).

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EXHIBIT

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-25	Org Chart, Quang Ngai Sector	Introduced and accuracy attested to by witness.	8
M-26	Org Chart, Quang Ngai Province	Introduced and accuracy attested to by witness.	8
M-27	Org Chart, CORDS, Quang Ngai	Entered into the record.	9
M-28	TAN's letter to KHIEN, 28 March	Had never seen.	16, 17
M-29	TAN's letter to KHIEN 11 April (trans) (Son Tinh District)	Had never seen.	19
M-30	Statement by RODRIGUEZ	Had never seen.	21, 22
M-31	Census Grievance Report, 18 March	Had never seen.	23
M-32	TOAN's directive to investigate	Had never seen.	24, 25
M-33	Transcript of VC propaganda tape	Had not heard.	25
R-1	HENDERSON's report	Had not seen.	25
MAP-6	Hamlet map, Son My	Entered into the record.	13

SUMMARY OF RECALL TESTIMONY

WITNESS: MAY, James A.

DATE OF TESTIMONY: 17 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Provincial Senior Advisor of the CORDS Advisory Team to the Governor of Quang Ngai Province.

1. MAY'S ABSENCES DURING MARCH-APRIL 1968.

MR. MAY was absent from Quang Ngai often during March and April 1968 (pg. 58). The witness offered a document marked as Exhibit M-127 which listed his absences during this time period. Upon his return, MAY was briefed promptly by Lieutenant Colonel GUINN. In addition, Mr. DILLERY or Lieutenant Colonel BAUER would normally brief him. Many of his trips were necessitated by the combined campaign plan (pg. 75).

2. KNOWLEDGE OF LETTERS AND INQUIRIES.

a. Letters.

(1) The witness recalled no conversation concerning Lieutenant TAN's 11 April letter to Lieutenant Colonel KHIEN. However, the VC allegation of an atrocity in Son My may have been discussed in a general manner (pgs. 65,66,68). He was quite sure that GUINN never showed him anything formal

coming from a district chief (pg. 66). If anything of great magnitude had been discussed regarding Son My, the witness believed he would remember it (pg. 68). He stated that Colonel TOAN never brought Exhibit M-29 to his attention (pg. 68).

(2) If GUINN ordered Captain RODRIGUEZ to make an investigation after learning of Exhibit M-29, in MAY's absence, he would not necessarily think that GUINN was compelled to bring the matter to his attention because action was taken on the matter and MAY's departure was imminent (pg. 72). He agreed though that the matter should have been brought to his attention (pg. 73). He emphatically denied that a report of the incident came to his attention (pgs. 71, 73).

b. Inquiries.

(1) Although he did not recall it, the witness admitted that it was possible that KHIEN could have discussed his investigation with MAY. However, he never gave MAY any documentation (pg. 65). He denied ever attending a meeting with Colonel HENDERSON, Major MCKNIGHT and KHIEN regarding the allegations.

(2) He disputed as completely inaccurate Sergeant ANGLE's testimony that Major GAVIN, RODRIGUEZ, GUINN, and he met and discussed an incident in Son My (pg. 66). It is probable that MAY and GAVIN met during April and May 1968 and discussed HES and safe-haven hamlet topics, but he never had any extended conversations with GAVIN on any other subject (pg. 67).

(3) The witness recalled a protocol visit to Chu Lai about 5 March 1968 (pg. 68). He possibly visited Major General KOSTER once or twice to discuss concepts, priorities and to solicit KOSTER's help in convincing TOAN on the fortified village concept. He was probably not accompanied by GUINN (pg. 59). He was not privy to KOSTER's meeting with TOAN to discuss the subject (pg. 14).

(4) He denied discussing this or any other related incident with Lieutenant Colonel ANISTRANSKI (pg. 69).

3. RECENT DISCUSSION WITH LIEUTENANT FROSCH.

MAY recently discussed the subject matter with Lieutenant FROSCH, an assistant S2 advisor to the CORDS advisory team at Quang Ngai (pg. 69). Since FROSCH had refused to testify before the Peers Inquiry, MAY related that FROSCH told him that he and his superior had noticed the 16 March 1968 operation and had queried the Americal Division on the number of VC casualties because only three weapons were reported captured and the enemy unit engaged was unidentified. Sometime later Americal's initial report of 99 enemy killed was jumped to 107 then to 109 (pgs. 70, 71). MAY pointed out that it is not the business of the CORDS representative or team to investigate an independent chain of command. His team had adopted a practice of not questioning suspected inflated body counts. In general, they minded their own business when it came to "that sort of thing" (pgs. 71, 79).

4. OTHER INFORMATION.

a. MAY stated that his team was inherently inefficient despite his pleas for a larger staff (pgs. 72, 73).

b. He reiterated that he was not asked nor did he have the capability to investigate the incident (pg. 78).

c. The witness evidenced a report drafted by GUINN summarizing the problems encountered in March and April of 1968. It did not refer to any incident in the Son My area (pg. 83).



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(The hearing reconvened at 1415 hours, 12 January 1970.)

IO: The hearing will come to order.

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

Sir, the next witness is Mr. James MAY.

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

RCDR: Sir, for the record, will you state your full name, occupation, and residence.

A. James MAY, Foreign Service Officer, Department of State, 4722 North 21st Street, Arlington, Virginia.

RCDR: Thank you, sir.

IO: Mr. MAY, before we proceed with any questions, I shall inform you of several matters.

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

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

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

This investigation is not being conducted to investigate all of the facts and circumstances or what happened at My Lai. It is directed at those two specific purposes which I have just stated. Do you have any question on those two purposes?

A. No, sir, I understand.

(MAY)

1

APP T-136

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Q. I have had made available to me and have reviewed prior official statements obtained in other official statements of the My Lai incident. To the best of my knowledge, I have not seen any testimony which has been given by you in any other portion of the investigation.

A. I have not given any testimony on this subject officially other than I was interviewed a few days ago by a subcommittee of the House Armed Services Committee.

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

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

Aside from myself, here at the table are Mr. MACCRATE on my left, who is a civilian attorney who has volunteered his services to the Secretary of the Army to assist me and to provide legal counsel to me in the conduct of this investigation. He may address questions to you. Also, on my right, is Lieutenant Colonel ROGERS, who has been designated by the Chief of Staff as an assistant to me in this investigation, and he may likewise have some questions to address to you. However, I have the responsibility of weighing the evidence and making the final findings and recommendations.

I would request that you not discuss your testimony in this investigation with others, including other witnesses for this investigation, except as you may be required to do so before a competent judicial, legislative, or administrative body. In addition, you are cautioned that if you are subject to the order issued by the military judge in the general court-martial case of the United States v. Calley, your appearance here would in no way change the applicability and the effect of that order. I do not think, however, that you have been cited in this matter to the best of my knowledge.

A. So far as I know, I have not. With reference to that, general, I'd like a clarification. At the Vietnam training center where we teach CORDS officers going to Vietnam, the My Lai affair has been discussed among the students who have read a number of articles on the thing. And I've been requested, I have talked to some already, and I've been requested to again, not so much with reference to that incident per se, but as an example of types of problems which they, as advisors, are likely to encounter out there. And how they manage themselves in their operation so that they avoid problems of this type.

I would certainly preserve the secrecy of this discussion here, but I would like to feel free to discuss it in general terms with our students, as part of their preparation for going out to serve with CORDS in Vietnam.

Q. Well, I would be a little hesitant about saying to discuss this particular incident at this stage of the game. I see where it would be beneficial to have an illustration, but I don't think that we have to tie it down to My Lai in order to to have an illustration.

A. Well, I'll be happy to use other situations as illustrations. I think their questions will come probably more with reference to things they observed or wondered about with reference to My Lai, but I would turn it to other situations in Vietnam.

Q. The question would immediately come as to what you know about My Lai and what you would tell them, which may, to a degree, if it ever became a matter of public knowledge, invalidate some of this hearing and could likewise affect the criminal trials arising from the charges which have been filed against certain individuals. And I certainly would not want to have either one of those take place.

A. I will refrain from comment on the specific situation in My Lai.

Q. I think that would be beneficial. Do you have any additional questions that you'd like to have clarified at this time?

A. No. I assume any declassification that takes place,

naturally, will have regard to the general interest of the government, because, I presume, I may make some remarks about individuals or an individual possibly which would not be to our interest to have publicized at this time while they're still serving as our allies in Vietnam.

Q. Yes. I'm concerned about this as well, for the same reason that you've indicated and for other reasons. Our report is going to be submitted to the Secretary of the Army and the Chief of Staff, and it will have to be in its complete form.

I can see where we will probably have to take a version and sanitize it, deleting certain aspects of the information so that we do not do damage to our international situation and reputation. And we have some other factors that have to be considered in here, as well.

A. Surely.

Q. Mr. MAY, what was your duty assignment on 16 March 1968?

A. I was the provincial senior advisor of the CORDS advisory team to the governor of Quang Ngai and his staff, Quang Ngai Province, I Corps.

Q. How long had you been in that particular capacity?

A. I'd been in that capacity since about June of the proceeding year.

Q. 1967. How long after 16 March did you remain in that capacity?

A. I was in that capacity effectively until about 20 May, at which time I left Quang Ngai Province definitively en route to the United States. I might add at this time, General, to clarify, that during that particular period of time, although I have checked my records and I know that I was in Quang Ngai on that date, almost half of the time from 1 January to 20 May I was outside the province. I was either in Danang or in Saigon, en route, which is a bit unusual. One normally spends a lot more time in the province on the job.

Q. Since this matter of the My Lai incident became a matter of public knowledge sometime around the latter part of September, October of 1969, have you had any conversations with anybody concerning the incident. I'm referring to people who were connected either with the incident itself or the investigative process of the incident, people who may have been associated with you in the province or in the district or in I Corps.

A. I talked to many. In fact, I've talked to all the people on my team or who were in Quang Ngai at that time, seeking to find out from them whether they knew anything about this.

Q. Can you tell us with whom you talked?

A. It would be a rather lengthy list. The best I could do is take this personnel record here and go down the list.

Q. I think it might be helpful.

A. Let me qualify this by, "To the best of my knowledge and belief." In one or two cases I may give the name incorrectly, but I would say this is going to be 95 percent accurate. I talked to Robert THOMPSON, who was my personnel officer at that time. Darnell WHITE; Dick HILL.

I've been to Vietnam since this incident occurred, General, so I had a chance to talk to people who were still there in Quang Ngai, as well as those who happen to be around Washington. William SITTING, Robert RESSEGUIE, Norman SHELDON, Albert ROBINSON, Larry COLBERT, Kenneth GOVE. I have word from Dr. John CONNELLY. I didn't talk to him myself, but I talked to someone who has. Do you want third-country nationals too, or should we just confine ourselves to Americans?

Q. If there is anything substantive with the third-country nationals, or if they knew something or told you something, I'd like to have their names too.

A. They did not know. I talked to Ray SHAFER, head of the American Red Cross there in Quang Ngai, in Vietnam, who was in close contact with his team there; with Reverend Woody STEMPLE and his wife, civilian missionaries resident in Quang Ngai.

Q. Christian Alliance?

A. World Christian Missionary Alliance, yes. From him I got indirect word concerning the Quakers and the Vietnam Christian service. He also said the chaplains at Chu Lai and the chaplain at the MACV compound did not know about this and had heard nothing about it at the time. Either Dr. Michelle JUTRA (phonetic) head of the Canadian medical team in Quang Ngai; David JURASIC (phonetic) International--IVS and--

Q. (Interposing) International?

A. Voluntary Service.

Q. Voluntary Service.

A. I talked to Colonel William D. GUINN.

Q. When did you talk to GUINN?

A. I talked to GUINN about 4 or 5 days ago, and it was a very brief conversation, because he said he'd been before your committee and the House committee, and that they told him he was not to discuss the subject. He did tell me that he'd been interviewed by the press before the lid was on, and there was a press article and that I could look at that if I wanted to. Major Neill WILLOUGHBY.

Q. What position did Major WILLOUGHBY have?

A. WILLOUGHBY was the district senior advisor at Binh Son District, just north of Son Tinh, at the time, and he happened to be in training at the center. Edward DILLERY, who was in the PSA, province senior advisor.

Q. PSA where?

A. In Quang Ngai.

Q. I thought you were in the province senior advisor.

A. Well, he was, a month or so back when I was in Quang Ngai.

Q. His place was recently taken by CUSHING?

A. Right. That's when I discovered that the charges appeared to have some real substance to them.

Q. Who told you that?

A. The senior Army investigator was there with him when I was in Quang Ngai, and he talked to me briefly. DILLERY introduced me as the PSA on the spot; and I kept referring to "alleged incident," and the investigator, about the third time I said that, said, "Look, there's nothing alleged about it." He said, "I've got 63 affidavits from soldiers who were there in my briefcase, plus 25 photographs in combat."

Q. What was the name of the officer that was talking to you?

A. This was a civilian. I do not recall his name. It would have been in, I guess, late November or early December, in Quang Ngai Province at the headquarters.

Q. Did he speak with a broken English accent?

A. I didn't notice that. I wouldn't say he didn't but I don't recall that he did.

Darnell WHITE. I think I may be repeating myself, on some of these.

MR MACCRATE: He was the second name.

A. I have two lists that are overlapping. I'm sorry they're not consolidated. Richard HILL.

IO: You've already given that one.

A. Robert RESSEGUIE.

MR MACCRATE: How do you spell that?

A. R-E-S-S-E-G-U-I-E. Norman SHELDON, Kenneth GOVE, Sergeant CARTER, first name I don't recall, who was the assistant to the PSYOP advisor out there. Did I mention Hugh MANKE, IVS?

Q. How do you spell that?

(MAY)

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A. M-A-N-K-E. He is currently the country chief of IVS. He was in Quang Ngai at the time. And my wife, who is Vietnamese and who was also a resident there at the time.

IO: Did any of these people give you any complete information concerning what transpired at My Lai, or this investigation?

A. No, sir. I was unable to find anybody who had any personal knowledge of it with the exception of Mr. DILLERY and the Army investigator. Everyone stated that they had had no knowledge of the incident at the time or subsequently until it became public knowledge in October or November of this past year. And they were rather startled, as I was, because that's a very small town, and we have a lot of connections, and it was rather surprising to all of us that it could have happened and we wouldn't have known about it. Now--

Q. (Interposing) I notice you have a chart of your organization in Quang Ngai, Mr. MAY.

A. This is November 28th, but it's not substantially--it hasn't been changed much between then and March.

Q. I have here two diagrams, one of Quang Ngai Province headquarters (later entered as Exhibit M-25) and another diagram of sector headquarters (later entered as Exhibit M-26). I would ask if you would look at these and perhaps even compare them with your own copy to see if they are correct.

A. What I have here is a copy of my own provincial team, not of the Vietnamese provincial organization.

Q. Incidentally, I would like to have these two organizational charts entered into the record and made exhibits for the record.

(Recorder received and entered Exhibits M-25 and M-26 as requested.)

A. It appears to be accurate to me.

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Q. Would you tell us when you first heard of the operation Task Force Barker in the Son My area?

A. If you say into the Son My area, I first heard of it last October or November. I was very much aware that there was a Task Force Barker operating in the area indicated on the map here (indicating), but there are many villages, hamlets, and subhamlets in that area and there was nothing in particular to attract my attention to Son My anymore than to any other hamlet there. So, in the terms you put it, the first I heard of it was October or November of this past year.

Q. Son My is not a hamlet actually. It is a village.

A. Son My, I believe, is a hamlet. No, Son My is a subhamlet I believe, General. If you'll look at an administrative map.

Q. Well, we've gone into this in some detail which we'll show you on a map, but Son My is the village and the village has four major hamlets and each of these hamlets has several subhamlets. But the general area that you see there, with the exception of the western kilometer and a half of it, is generally the area occupied by Son My Village.

A. I'm sorry. I was thinking of My Lai. Son My is the village. My Lai is a hamlet and My Lai (4) is the subhamlet if I'm correct.

Q. Have you ever heard this area referred to as Tu Cung?

A. No, I haven't. But I've heard Son My referred to many times, because it's been a pretty active spot for the VC.

Q. Well, when did you first hear of the operation of Task Force Barker into this area?

A. I don't recall exactly. I think this was one of the events that occurred during my absence, but I did know from our overlays that Task Force Barker was in the area indicated on the map. To some extent I felt that this was my fault and I was rather pleased with it, because ARVN 2d Division had this area including this area in here around Quang Ngai City to the sea (indicating) almost up to Binh Son.

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A. The requirements were general. I expected everything of great importance that involved a policy decision or a major action to be brought to my attention. As far as day to day operations, routine matters, the general conduct of programs, I expected them to manage them themselves, and not to bring such matters to my attention, except at the end of the monthly reporting period, at which time they would describe progress, discuss problems, and recommend activities for the next month.

Q. Did you have daily staff briefings or daily staff meetings?

A. We had daily staff meetings, yes, sir. This normally took place at 8 o'clock in the morning at province headquarters.

Q. Was this joint U.S. and ARVN or GVN or just U.S.?

A. This was a U.S. CORDS briefing, and the various members of the team, principally the ones listed across here (indicating).

MR MACCRATE: Could you identify that for the record?

A. Exhibit M-27, you would say the one, two, three, four, it's not the fifth echelon, but the fifth line of names of positions reading from the top.

IO: That would be just about the third echelon, wouldn't it?

A. It would be the third echelon, yes.

Q. Would you indicate for the record the individuals that would normally attend these briefings?

A. The chiefs of each of the sections mentioned here, or their deputies if the chief was absent, would normally attend. This would be--do you want me to read off the names of the organizations?

Q. Yes.

A. RF/PF, operations, S2, S4, S5, public safety, RD cadre, police special branch, personnel and finance, logistics, transportation, RD cadre operations, agriculture, education, PSYOP, public works, refugees, self-help, Chieu Hoi,

public health, and when they were present, which was usually not the case, the district senior advisors, met at 8 o'clock in the morning with the executive officer, plans and programs, myself, and my deputy.

Q. Did you have a room where you could assemble all these people?

A. Yes, we did. In fact, they still have such a room there, but they've changed its location in the CORDS portion of the provincial headquarters. It's a little bit snug, but there are just enough seats to go around, plus seats for visitors who might be present.

Q. Would they, at that time, brief on operations and brief on intelligence matters?

A. Very briefly and without going into detail. But we would invariably have a briefing from the S2, for example. It never failed: we would have an after action report on the previous 24 hours and an indication of what it looked like might be coming up from the enemy--some information on what was coming up the next day.

Q. Did the individuals that you were citing, if they saw something important in terms of information concerning activities which may have taken place, certain intelligence matters, Viet Cong propaganda, or anything of that nature, report it to you?

A. If it appeared to be important and credible, yes. I would not expect all VC propaganda to be reported at a meeting of this kind. But, if there was something that was truly out of the ordinary and significant and appeared to be such, I would expect it to be mentioned there. Or if for some reason it were considered highly sensitive or urgent, I would expect it to be brought to Colonel GUINN or myself on an urgent and more private basis than the whole group.

Q. Did the province chief keep you informed concerning any indications which he may have had with his district chiefs or with ARVN command?

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Q. You will notice on this that copies were sent to the S2 and the S3 of Quang Ngai sector. Do you know whether or not the S2 or the S3 of Quang Ngai discussed this with any of your staff advisors?

A. To the best of my knowledge and belief they did not, or I would think it would have come to my attention.

Q. Were you aware at the time--

A. (Interposing) Although this is sort of a watered-down version of apparently what occurred out there and the--if the S2 or our S2 or S3 advisor saw it, and I think this is questionable, because this document is in Vietnamese, from a Vietnamese official to a Vietnamese official, and my guess would be that this is an internal document that they wouldn't necessarily have shown to our officers. They would not necessarily have, probably wouldn't have, been able to read it anyway.

Q. You had interpreters, did you not?

A. The S2 and S3 did have. There were interpreters available.

Q. So the fact that it came in Vietnamese would not mean that you couldn't read it?

A. No, it would mean that you--it would mean that nobody would hand it to you and say, "Look." It would mean you wouldn't accidentally happen upon it. But, whatever intelligence input was given to our advisors, they had the means to read, yes. I simply question whether it would necessarily have been given to them, judging from the number of documents that I'd obtained from the province chiefs over the years, including the one with which I had a warm, close association. They're rather close about their in-house documents, very close.

Q. Were you aware that the village chief of Son My had made a report to the district chief of Son Tinh concerning events which took place on 16 March, in the area of Tu Cung hamlet or in the area of Co Luy hamlet?

A. No. And until recently I was not aware that there was a village chief of Son My who was residing in friendly territory and who had a relationship with the GVN administration there. There are something in the order of 500 hamlets in Quang Ngai and about a hundred villages or so, and we don't keep book on all of them, particularly those in VC areas. However, when something attracts our attention, when it's important, we can obtain whatever information is available from our Vietnamese counterparts.

Q. I have here a memorandum from the district chief of Son Tinh to the province chief of Quang Ngai, dated 11 April 1968, file number 190, which is identified as Exhibit M-29.

Mr. MAY, I show this document to you and ask if you've ever seen this document or if anybody has ever called the contents of it to your attention?

A. I have never seen this document before, with the exception of before the House Armed Services Subcommittee.

Q. Did they have a copy of this document?

A. Well, let me repeat the statement I made before. I saw several documents there. I don't think this was among them, but if I have ever seen it before, that's where I saw it. I do not recognize this as one I saw there, but I'm not sure that I didn't.

Q. You'll notice down in the left-hand corner that a copy of this was sent to 2d ARVN Division headquarters and a copy of it was also sent to your headquarters.

A. That's what it says.

Q. You do not recall having seen this at that time?

A. I have never seen that, General. It has never been discussed with me--the substance that is in it--in any form, verbally or in written form.

Q. If this were addressed to MACV, Quang Ngai Sector, who would that come to?

A. I have no idea. I can speculate with you, but we--

Q. (Interposing) Would this come to you, or would it go to Colonel GUINN? This is my basic question.

A. Well, it wouldn't normally come to me because I don't style myself as the sector advisor. The most accurate distribution would be to Colonel GUINN. May I see the Vietnamese original, there I believe?

Q. For your information, this particular copy did not come from province. We saw it at province with Colonel KHIEN, but this particular copy came from the files of the district headquarters.

A. That may very well be the copy that was supposed to go to sector, since we don't see the district headquarters as not indicated as receiving a copy. They may have been the transmitting element.

MR MACCRATE: That happens to be the file copy from district.

IO: We do know that it got other places. We'll show you a few other documents.

A. Did you examine the files at MACV, sector, or corps to see whether there was a copy in the files there?

Q. No, we looked through your files and through a process of changing advisors and so on. The files are minimal, to say the best, and so it was of very little value to look through the province advisory staff files.

A. I think that could be ascertained from the staffing that prevailed there. As long as I was there, for the purpose of clerical work--

Q. (Interposing) I'm not quite following you.

A. What I'm saying is that the quality of the files reflects the quality and quantity of the staffing that performed that function.

Q. I have here a statement prepared on 14 April 1968, signed by Captain Angel M. RODRIGUEZ, assistant district advisor of Son Tinh. I would like to have this entered into the record as an exhibit.

RCDR: It will be marked Exhibit M-30.

IO: This is a little difficult to read, Mr. MAY, but I'm sure that by looking at it you can get the thrust of it.

A. Have you talked to William SITTIG, by the way?

Q. Who?

A. William SITTIG.

Q. Who's William SITTIG?

A. William SITTIG is the civilian officer. He is either resident at Son Tinh District headquarters, or had been for a time. Subsequently, he moved to Quang Ngai City after security got too bad for him, and he drove back and forth each day. But he was the civilian on the district team.

Q. What function did he perform?

A. Refugees, everything in the civil area to the extent that they were not delegated to him, to the extent that they were delegated by the senior district advisor.

MR MACCRATE: How does he spell his name?

A. S-I-T-T-I-G, and I think Mr. SITTIG is in language training here in Washington at the Foreign Service Institute at the moment, unless he has just departed.

IO: Have you ever seen this statement before?

A. To the best of my knowledge and belief, I have not. It's interesting as a statement. It must have been prepared at someone's behest. People don't normally prepare a statement out of the blue, but I do not know anything about this.

Q. This statement was based upon, if you will note, the letter of 11 April.

A. That's right. I doubt that it refers to the district chief's letter.

Q. If this had come to members of your staff, would you expect to have seen it?

A. I would expect either to have seen it or to have definitely heard about it. If I were in town and if it were not--in which case if I were not there it would come to Colonel GUINN's attention. If the matter were disposed of before I returned, if I were absent, it would not necessarily have come to my attention.

Q. If such a statement had reached the level of Colonel KHIEN, would you have expected Colonel KHIEN to have mentioned it to you?

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Q. Well, I can see that there's a little ambiguity in it, but it wouldn't be very hard to read that at the first battle the allies killed 320 people at the subhamlets of Thuan Yen and Binh Dong, and at Cu Luy Hamlet 80 people, young and old, were killed. The total civilians and guerrillas killed during the last three days, 427, including young and old.

A. They hadn't defined the people as to which were guerrillas and which were non-guerrillas, so I think it's a confusing report, and I cannot remember what happened at that time, General. But I have a sneaking feeling that the kind of body count that must have been reported by BARKER and that we must have heard of in our briefings must have been tied in. This is just speculation on my part, but I'm concerned also with trying to figure out how a large body count like that, which is over a hundred, by almost anybody's count would not have attracted attention. The only way, it seems to me, that somebody had said we'd caught and zapped the 48th Battalion or something like that, then this would not have attracted too much attention. And I'd sure like to know whether that was one of the dates on which it was reported that the 48th Battalion or the 38th had been caught and whomped by the friendlies.

Q. Well, the operational report which was submitted by Task Force Barker to the 11th brigade and to the Americal Division indicated 128 VC KIA.

A. Of the 48th Battalion?

Q. It didn't say the 48th Battalion. They didn't identify them as such. They could have been members of the independent companies over in the area as well, which normally, I understand, worked with the 48th Main Force Battalion.

I have here a postal message from G2, Tactical Zone 12, to Quang Ngai Sector, message number 1242/18, identification KBC 4.277, 15 April 1968, signed for Colonel Nguyen Van TOAN, signed by Lieutenant Colonel Pham Cao DONG, Chief of Staff, which is identified as Exhibit M-32.

I show you this directive, Mr. MAY, and ask if this had ever been called to your attention?

A. It has not.

Q. I have here a copy of some Viet Cong propaganda, out of a broadcast "American Evils Appear (Coordinate this broadcast with leaflets: 'Let American Enemy Pay This Bloody Debt.),' " which is identified as Exhibit M-33. I would ask if you have seen this propaganda?

(IO handed documents to the witness.)

A. This is a broadcast. I wouldn't see a broadcast. I don't understand Vietnamese, so I had not directly heard this broadcast nor did any member of my staff report this to me. However, this type of allegation, which is not very specific, doesn't give you very much to go on, would not necessarily have attracted very much attention anyway. We were not staffed nor did we monitor all the VC and NVA and Communist Chinese radio broadcasts. We assumed this was done elsewhere, but it was not by our team, although we did have Vietnamese speaking members on the staff, primarily Vietnamese who would, from time to time on a spot basis, listen to VC newscasts.

Q. I have here another piece of Viet Cong propaganda which is included in Exhibit R-1. This, we understand, was published in leaflet form. I would ask if you--just that piece right there--

A. (Interposing) This appears to be a copy of the document which was shown to me, which I saw for the first time last week at the Subcommittee of the House Armed Services. As I testified to them, I have not seen this document or a translation thereof before. All Communist propaganda documents that I have seen have been one-page documents. Further, this one would have attracted considerable attention because this second paragraph which you have marked here on the second page is very detailed, which is rather unusual for Communist propaganda. It usually does not give sufficient data to check out allegations. This gives the date, time, place, specifics of what allegedly occurred, and so on.

If this document was indeed distributed in Quang Ngai, I'm more than slightly astonished that it didn't come to my attention, because our PSYOP people would normally pick that up, if not directly, through the Vietnamese information service which had 200 or 300 personnel scattered all over the province. The Vietnamese normally got copies of most propaganda documents, it appeared.

Further, some of the organizations and people I mentioned earlier, civilian non-governmental personnel, Quakers, Vietnam Christian Service, and so on were frequently the targets of, the recipients I should say, of allegations of American shortcomings of one kind or another, or simply complaints of one kind or another, and I would have expected them to have picked this up and to have, some of them at least, raised the matter with us. None of them ever did.

Q. What were your relationships with Colonel HENDERSON and General YOUNG and General KOSTER?

A. My relationships with Colonel HENDERSON were scant. Colonel HENDERSON called on me. I think I called on him once, and I wouldn't recognize him if he walked in the room, and I doubt that he would recognize me. Colonel GUINN and other staff members performed the primary liaison to the extent that it was necessary with Colonel HENDERSON.

My relationships with General YOUNG were frequent and close.

My relationships with General KOSTER were less frequent, but from my point of view with both him and General YOUNG, they were good. I found them to be more interested in what we were doing, more interested in coordinating our activities, more interested in avoiding problems, solving problems, and especially interested in helping us with our sprinkling of problems.

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Q. Do you know of any operations, ARVN or otherwise, that were conducted in that area, directed at My Lai (4) to ascertain what took place during that period?

A. No, sir.

Q. Mr. MACCRATE?

MR MACCRATE: Mr. MAY, you indicated that you were absent from Quang Ngai during the Tet offensive. Were you out of the area for R&R?

A. I was out of the area on a AID recruiting trip, which was coupled with about a week's annual leave at the conclusion of the recruiting trip.

Q. For what period of time were you out of Vietnam?

A. That was 35 days, from 13 January to 15 February, several days of which were sitting out in Manila trying to get into Vietnam. It was still hard to get a plane in there, a commercial plane.

Q. And you returned to Vietnam around 15 February?

A. That's correct.

Q. And have you before you your itinerary during this period?

A. Pardon?

Q. Have you before you your itinerary?

A. From January 13th up until the time I left Vietnam, yes. I pieced it out because I wanted to firm up in my mind the extent to which I was physically present and available to the members of my team, and to others, and the extent to which Colonel GUINN and others might attempt to carry the ball.

Q. For the months of March and April 1968, what have you found as to your movement?

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A. A good artillery officer, very capable of keeping district headquarters from being overrun.

Q. This was Lieutenant Colonel GAVIN?

A. Yes. I think he was a major at the time. He may have been just promoted. He asked to be approved for an extension of tour and I made a recommendation that his offer to extend be accepted. He was not so hot, frankly, on the civil development side, but we had Red Cross refugee teams, civilian refugee experts in Quang Ngai. The Son Tinh was primarily a military problem. And so he had, to a considerable extent, the type of qualities that we needed for that job. And the civil side, Mr. SITTIG, whose name I mentioned, handled, plus it's just across the river from Quang Ngai City. All the assets are nearby for the civil side.

Q. Well, Mr. SITTIG is the one who worked with Major GAVIN in relations with the district chief?

A. That's right. They had trouble on that team. I'll be very frank with you. GAVIN was not the most popular guy among his team members and didn't always delegate or encourage initiative and so on. The usual bitches you get on a small team of people that are living together for 24 hours a day. I think I rated GAVIN somewhere around the middle of six of our senior district advisors.

Q. Did you know Captain RODRIGUEZ?

A. Yes, not well, but somewhat.

Q. What was your evaluation of him?

A. His personal qualities balanced those of GAVIN. He got along well with other people on the team, and he was more perceptive in the non-security area of activities. I think he's a good soldier too, but--

IO: (Interposing) Did he speak Vietnamese?

A. I don't believe so. If he did, he didn't speak very much.

MR MACCRATE: Did you know Lieutenant TAN, the district chief?

A. No, I didn't. I may have met him once, but I wouldn't have recognized him if I met him someplace else in the province. I would have recognized him if I met him at district headquarters, something to give me a clue as to who he was.

Q. Which members of your province and district teams, referring specifically to Son Tinh District, had language facility in Vietnamese?

A. To the best of my knowledge and belief, Mr. SITTIG would be the only one that had any language facility, and his was not outstanding. Bob RESSEGUIE--who in connection with some of the refugee operations, moving people out of the Batangan Peninsula to Phuc Tinh--his Vietnamese was quite good for an American, so he could communicate with people well.

But that's still the problem in Vietnam. I think we have 260 districts in Vietnam and I think about a hundred language-trained officers or less to divide up among them. The situation's better now than it was then.

Q. Where on your chart does Mr. SITTIG appear?

A. He doesn't appear because I didn't list the whole team from each of these districts. We had something in the order of 150 to 175 Americans on the team, so this is just the top staff here. SITTIG would appear as the civilian on the Son Tinh District team. At that specific date, I do not recall whether he was residing in Quang Ngai and going back and forth daily to Son Tinh to work or whether he was still residing with the team at night in district headquarters.

Q. I gather, Mr. MAY, that since last fall you've been doing a little investigating yourself and conducting a little investigation on your own as to just what had gone on within and among knowledgeable members of your province advisory team. What have you, by virtue of speaking to this large number of people to whom you've referred, been able to uncover so far as what took place in Son My Village in March of 1968?

A. Well, quite frankly, I wouldn't term what I'm doing investigating. I would term what I'm doing as inquiring among friends on my team as to whether they had ever heard anything before, because I'm--

Q. (Interposing) The difference between an inquiry and an investigation, only a lawyer really could draw, and I can't draw it. I think they're two sides of the same coin. You've been asking questions, and what I'm asking you is what have you found?

A. I haven't been trying to find out what happened there because I don't have that capability. I expect that this committee will find out what happened, this and other official committees. But I limited myself to really to double-checking all these people whom I've never had a chance to ask before. "Did you or did you not ever hear of anything at that time which would have--which you can now connect with this incident that has received so much publicity?"

Q. Well, could any of them, with the benefit of hindsight, relate something that they had heard about the incident, although their intelligence at the time might have been insufficient to permit them a connection?

A. No. Of the people I talked to, none of them, with one exception, and that exception was I think, Ed DILLERY in Quang Ngai, who told me that a document that turned up someplace in the nature of a report from the Son Tinh District team about the incident. And until today, I never saw that document. And I didn't know what the substance of it. I knew it, according to DILLERY, that officially somebody investigating had discovered a document from the Son Tinh District team, disquieting something which appeared to relate to this alleged incident.

Q. Mr. DILLERY described a Son Tinh District team report on the incident?

A. He said there had been, somebody had, in their searching through files and so on, discovered that there was a report from the Son Tinh District team, at which point I said to him, "Well, God damn, that's a helluva note. I never saw it."

Q. Well, did he indicate where it had been found?

A. No, he did not.

Q. Where is Mr. DILLERY today?

A. I think he's on home leave in the United States.

Q. Do you know where he is at home?

A. No, but I believe he resides in the Washington area. His family has been residing in this area while he was in Vietnam. I'd like to make one more--

Q. (Interposing) Before you get on with this, let me clarify one thing in my mind.

A. I'd like to clarify one on that first, if I may, General. I think Mr. DILLERY told me it could have been the civilian investigator for the Army. I was talking to both of them, and I wasn't conducting an investigation in the sense that I'm, you know, writing notes and trying to put everything together. I simply listened as I am today, and I'm not taking notes or anything--so one of those two gentlemen, I'm 99 percent sure, was my source of that information. That's the first that I had ever heard that there were any documentation obtained in this thing that touched my team in any way.

Q. When you say the district team, were they referring to the Vietnamese team or were they referring to the U.S. advisory team?

A. "Team" always refers to Quang Ngai, to our advisory team. District headquarters, well that's Vietnamese. The team or the advisory team, that's our people, our advisors.

MR MACCRATE: What translating--

A. (Interposing) Excuse me, one other point. I want to clarify an earlier statement where you asked me if I learned anything from this group of people, from one of the Army officers, and I can't recall which one. I have a feeling that it was Major WILLOUGHBY, but I'm not sure about that and I don't want to accuse anybody, but, an Army officer

told me that he had heard a lot of scuttlebutt from Chu Lai, in and around Chu Lai, about some incident happening down in eastern Son Tinh at about this time. It was pretty vague, but he said, you know, he could now, having read these things in the paper and so on, could recall that there was a certain amount of scuttlebutt circulating around among the troops at Chu Lai at that time.

IO: Major WILLOUGHBY, he was the advisor at Binh Son?

A. Yes, sir.

MR MACCRATE: Well, is there anyone else, other than Major WILLOUGHBY, that might have been?

A. It could have been Bob THOMPSON or Al ROBINSON. These are, were, civilians on the team, but they used to run back and forth from Chu Lai now and then.

IO: Well, do you remember the circumstances under which you were given this information?

A. No. It was before I went out--I think it was before I went out to--well the circumstances were as soon as this thing hit the paper and people who knew me and knew that I had been there began to ask me if I knew about it. I said, "No, I didn't know about it, did you?"

Q. What I was talking about basically is, if it had been Major WILLOUGHBY, it would seem that there would be something stuck in your mind that would be able to bring you back to your discussion with WILLOUGHBY. Was it by telephone or was it by talking to him personally or exactly how it transpired.

A. I can just say that I think it was WILLOUGHBY, but the people I just--Thompson, I talked to in Washington here about the same time. He's a friend, and I'd like to be able to say absolutely it was this one, but I can't. It was in Washington, I think. It was about the same time I talked to five or six people on this, everybody I could find who was out here. If I knew where they were I'd pick up the phone or I'd talk to them personally--

SECRET

(MAY)

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Getting that permission could be very easy or it could be very difficult, but it was very much situational. General, if combat was going on, and the way I heard it was, if you were taking casualties up to 50 percent or something like that, a very high order of casualties, at that point you could call in artillery.

Now, on the other hand, this conflicted with what I understand is the normal operational procedure up until that time, or up until nearly that time before things got tough, which was if you were going to go into an area which was a heavily fortified VC base area, why, soften it up with air and artillery before you moved in.

Batangan was certainly a special case at that time because Americal had been taking fantastic casualties in mines and booby traps. Almost everytime I'd see General YOUNG, General KOSTER, or anybody from that outfit, they were crying the blues about how many dozens of boys had had their legs blown off and so on. Just before that, several operations had been completed for the purpose of getting the civilians out of the area so that we could close with the VC without getting civilians in between them. CAP team up here (indicating) was taking a lot of, not a lot, but they and their PF were taking some casualties and booby traps down here, (indicating) and they were getting a lot of refugees from this area (indicating) who were walking up there to get in this peninsula (indicating), which was secure. But these refugees were running into mines and booby traps because the VC were laying for them, too. They didn't want to come out, so the Americal loaned some tanks and various other types of heavy equipment to go down here (indicating) and clear a path as it were, so the people could follow one of those without getting blown up coming back.

But when the ROK Marines pulled out, and one of our problems here to a certain extent was that these guys would run back and forth between the AO of ARVN and the ROK Marines, and I would say, whichever it was--

(MAY)

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I was somewhat surprised and shocked when I discovered that in fact there were affidavits, that the weight of evidence was such that although I do not know the details and circumstances, there's no doubt in my mind now that some type of unusual incident occurred there in which many civilians were killed. And an explanation is in order, and I feel that somehow I should have heard about it. So my investigations have convinced me that lack of knowledge, however, seems to have been rather general; from the documents you've shown me, not quite as general as I had thought it was. But an incredible number of people in widely varying positions, a number of whom very possibly would have enjoyed obtaining information of this sort because it may support some of their prejudices or preconceived ideas, didn't hear of it either.

I don't know how much you know, and it's not your business to explain to me all of the details that you know, so I can really only respond to your questions and try to understand the thrust of the inquiry, and make available what appears to be relevant. I will continue to think about this and try to recollect. There are a few things that I might add which I think might be helpful. Without going into the details, I would like to stress again that you--considering a situation in Quang Ngai Province as of that date--I think it's very important for anybody considering it to review the total security situation at that time, not just of U.S. Armed Forces, but of all the forces involved and all the civilians and all the representatives, both nongovernmental as well as governmental. The priorities of the problems with which various people were tasked at that time, because I get a little bit of a feeling that this may not be fully appreciated by those looking in on the case.

Q. I remember this perhaps better than you do.

A. I'm sure you do, General. What I'm saying is that I trust that this will appear fully in the report.

(MAY)

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Q. Yes, we're taking a total view of all of Vietnam, but we're making a focus on I Corps and Quang Ngai Province as pertains to the immediate post-Tet period.

A. We're running real hard just to hang on, and then to try and build back, to try and persuade, on the civil side, for example, they're trying to persuade the Quakers to come back and run that artificial limb center; to persuade the IVS team not to cut and run; to get the Vietnam Christian Service social welfare people to come back and so on; to try and make a decision as to whether our female nurses and staff would be evacuated and replaced someday, if ever, by males; or simply evacuated and forget it. Many, many problems surface there: how to get those 50-odd RD teams back into position so that the pacification plan could begin to get started again.

Another matter that I would like to mention is that on January the 6th of that year, Senator KENNEDY and a party visited Quang Ngai as a part of a series of visits. While they were there I had a luncheon in my house. One of the guests from the Vietnam Christian Service alleged that U.S. artillery had shot up a bunch of civilians and civilian houses in the Nghia Hanh District. He alleged a few people were killed, a few houses destroyed, but that was his allegation. So it was in a secure area. I had already received reports from the district advisor on the Army incident, and his report didn't support any of these statements--that people had been killed and houses destroyed, but there was no U.S. artillery in that area. And our artillery, Vietnamese in this case, had not killed the people and destroyed the houses. At any rate, unknownst to me until later, the Senator sent an investigator out there secretly that day to snoop around, and I think he discovered that the allegations were false, sufficiently inaccurate that we never heard anything more from Senator KENNEDY.

But we went out and checked it too because the allegation is important. Here's a guy who lives with us just a half block down the street, represents an American civilian group of importance, kind of "peacenik," but out there working anyway, so we, I, doublechecked. I didn't take the word of my district advisor. I went out with interpreters, a couple of officers from the team and verified all the facts. And the friendly artillery had been called in by our district team and had destroyed the school and several other things, government property which was right in the way of the VC attack. The VC attack was blocked. They didn't overrun the district headquarters. But they did drop satchel charges in a number of selected houses in the adjacent hamlet. Those houses were destroyed and those were the ones that allegedly U.S. artillery had destroyed. But by only the satchel charges because it looks different. You can tell, compared, with an artillery shell, but the houses were selected. It was the local police chief, the RD cadre chief, and so on. It was not just a row of houses on the street, one by one, it was a selected bunch. And a few were hit by VC mortars. Again, the VC were the only ones that were using mortars in close, and it followed right up the line that they walked into district headquarters. So I mentioned this simply to make the point that where we had the capability and where there is an accusation against our forces, against our country there, we would investigate.

Now obviously, this is not a totally analogous situation because Son My would not be in our capability to investigate, because it's in a VC-controlled area. But we would certainly have discussed the matter with General YOUNG or General KOSTER, probably General YOUNG. He's the one I saw several times a week. He'd fly in and see us several times a week, precisely to handle problems, whether it was a truck running over somebody or a couple of civic action projects that they were doing for the province chief. We were facilitating the selection, the location, the supplies, and so on.

So with that connection, I would urge you to talk to one or more representatives of these nongovernment civilian agencies who lived in Quang Ngai, and in almost every case they had one or more civilians who spoke the language fluently. They had contacts with the local population, and I won't go so far as to say they had VC contacts, but some of them had contacts with people who weren't very friendly toward the GVN and its policies. Let's put it that way. There are people who, in some cases, have been very openly critical of our technique of conducting warfare, who've been observant, listening to complaints and incident there, and I think whether they did or didn't hear of this directly, indirectly, or anything that sounds like it, it is pretty relevant. It's very close.

MR MACCRATE: Did you know Dorothy WELLER there?

A. Yes, I did. Not well, but she's with the Quaker team, I believe.

Q. When did she return to the area?

A. I think she returned, I'm not sure whether she went back there by that date or not. The Quakers were away, I think, about 2 months before they came back. And then a couple of the men came back first, Steve BRENTON, Joe CLARK.

Q. Among those on your list that you spoke with is Dr. John CONNELLY. Did he have special responsibilities with respect to the Quang Ngai hospital?

A. Dr. CONNELLY was our senior medical advisor. He had about 30 people on the medical team. The civil hospital was, except for nurses and--was really run by Americans. I mean every ward there--an American nurse on that ward. And all of the operations were conducted by American surgeons. There weren't any Vietnamese surgeons, and we were the only people who had people capable of caring for pediatrics. So this team knew of every casualty that came into the civil hospital. In fact they personally treated most of them.

Q. Dr. CONNELLY headed the team?

A. He was the head of the team.

Q. Did he have any knowledge of any special number of casualties coming in at this time from this area? Was he able to determine whether or not there had been a--

A. (Interposing) I was not able to talk directly to Dr. CONNELLY, and he's in Indiana someplace. I could call him up, but I didn't. It's not important enough to me to make a long distance phone call. I've been taking advantage of opportunities to talk to people, but I haven't made any special trips or made any long distance phone calls. But from his predecessor, with whom I have been in contact and who saw Dr. CONNELLY just a few days ago, they had discussed this at great length and Dr. CONNELLY was not aware of anything.

Now I lived with, in my house, a male nurse who served in the hospital there for two and a half years. And everyday when he'd come home to lunch or dinner we ate together unless I went out someplace. Despite his low rank he was frequently present when I had rather important visitors because he was a member of the household and a good man. He would always tell me on his medical side when there had been a real rough operation, when there were a lot of civilian casualties, because they dropped right in his lap there, including Saturdays and Sundays. So I really had many different ways. If information didn't come one way, it came another way, but normally it came in all directions, and in the briefing we'd know there was an operation someplace, and 18, 24, 36 hours later, why most of the casualties would have come in, even from deep in VC territory because they had no place else to go, and it was well known that at the province hospital, nobody asked questions. They took care of you first and they really didn't ever ask any questions. Nobody kept book on it. If a civilian VCI was captured they might bring him down in irons or something, but other than that if somebody just walked in the door on their own, why it was just another patient.

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Q. You've been most helpful to us, in some respects, in giving us names of other individuals to query. You should know that we are directing that our military personnel not discuss this investigation and their testimony with others. We can't necessarily direct, but we can request that you do not either directly or indirectly discuss this matter with others, including the My Lai incident itself, the subsequent investigations or the substance of this investigation.

A. I will honor that request, general. Can I make one more addition here? I would like to stress what in my mind is on the command level of the Americal Division: their great interest in reducing civilian casualties. I had many talks over some months with General KOSTER and General YOUNG, reference to what we called a fortified village concept and later a safe-haven village concept. After rather detailed discussions of this over some period of time, I was promised their total support, contingent upon the province chiefs and the district chiefs supporting the principal and asking for such support. This technique, procedure, was primarily aimed at creating a situation where we could get at the VC with maximum effect on the one hand. On the other hand where the people would be apart for them, and incidents in which combat caught civilians in the center, otherwise in the crossfire, would be of much rarer occurrence. I'm pleased to see in my visit back to Quang Ngai that there are five or six of these in operation now.

Q. You're referring to such projects as the Son My model village and things of this category?

A. Son Tra hamlet was the first one of this type. It was actually generated before this technique was developed.

Q. On Highway 58?

A. Right here (indicating on the corner of the Song Tra Bong River) on the bay here south of Chu Lai. People in all these hamlets out here were waiting several days, packed up bag and baggage. Much of their houses they would carry with them. We moved them into an area which we could protect, we thought, until the VC overran it about 6 months later. But that was a VC atrocity.

Q. Your discussions with General KOSTER and General YOUNG, did they take place before this incident or after this incident?

A. I have not seen either General KOSTER or General YOUNG, nor talked to them since sometime in May 1968, before I left Vietnam.

Q. Well, my question was whether these discussions that you had with them in South Vietnam--

A. (Interposing) When you said "these," you're referring to the ones I've just been talking about?

Q. No. You asked to make an additional statement about General KOSTER and General YOUNG and the Americal Division's concern for protecting noncombatants. My question was, did these discussions with General KOSTER and General YOUNG or any other senior officers from the Americal Division take place before 16 March or did they take place after 16 March?

A. They took place substantially before 16 March, several months before, and they continued over a considerable period of time. Ultimately, this great procedure went up to Saigon for anointment on that level, and got shot down except for a couple of pilot projects which we were permitted to implement because it was a deviation from the standard procedure in the RD program for that year, and they didn't want to deviate very far. But the substantial discussion and the agreement and so on occurred well before the 18 March date.

Q. Do you have anything further you'd like to add?

A. No, sir.

IO: This hearing will recess at this time.

(The hearing recessed at 1700 hours, 12 January 1970.)  
(MAY)

(The hearing reconvened at 1404 hours, 17 February 1970.)

IO: The hearing will come to order.

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

The hearing recalls Mr. MAY.

(MR MAY was recalled as a witness, was reminded that he was still under oath and testified as follows:)

IO: Since we last talked to you we've gotten quite a bit of information and we have talked to a large number of people. We also have assembled some additional documents. So we perhaps know a little bit more about this situation than when we previously talked to you. One of the things we want to do today is to try to fill in some of the gaps and also to expand upon some of the testimony which you have given before.

A. Yes, sir.

Q. So that's the purpose of asking you here today. You know Mr. MACCRATE on my left?

A. Yes, sir.

Q. Mr. WEST on my right.

A. No, we haven't met.

Q. Mr. WEST is an assistant general counsel of the Department of the Army and the deputy of this investigation. On my right is Colonel FRANKLIN who has been appointed as an assistant by the Office of the Chief of Staff, General WEST-MORELAND. Mr. MACCRATE will lead off the questions this afternoon and any of these gentlemen or myself may follow with some questions.

A. Yes, sir.

MR MACCRATE: Mr. MAY, it would be helpful to us if you will first turn to the dates of your absence from Quang Ngai Province in March and April 1968. You indicated absences to Danang at the middle of March, the end of March and then in April, early in the month to Danang and Saigon, later in the month Danang then Saigon and at the end of April Danang. I was wondering if you could give us a little greater detail as to the periods of your absence in these cases?

A. Yes, sure. 15 January--

Q. (Interposing) I think we can start with the middle of March for our purposes.

A. 13 to 16 March, TDY Danang and Saigon.

Q. To Danang and Saigon?

A. Yes.

Q. Could you give us your approximate time of departure and time of return?

A. Well, I think I have that listed here on this paper, which I believe I gave you a copy, did I not? I thought I gave you a copy.

(Witness hands IO copy of document later received in evidence as Exhibit M-127.)

I was in the process of negotiating in Saigon for my clearance and arrangements there pertaining to arranging for permission to marry a Vietnamese national and carrying out the local arrangements in that section once the authorization was obtained. That was one of the reasons that I proceeded to Saigon, TDY Danang, to Saigon, except on some occasions you can't get to Saigon except through Danang on the CORDS transportation. Well you can, but it's slower. It's always appropriate to go through the regional office and check out and check back in so that people not only know you're going but they have a chance to debrief you and rebrief you the moment you come in and go out.

Q. Well, I think this is very helpful, this list you've provided us.

A. I have in-country travel orders which covers my travel generally, and I have the vouchers which paid me for the particular absences. These show that they were approved by my supervisor, Mr. QUALLS and subsequently Mr. CROSS who were the deputy CORDS in Danang. I might add that one of the trips I spent the night with Mr. COLBY in Saigon discussing some of the problems we had there. The majority of what we talked about was my tour of duty, how long I was going to stay, and when I was going to go, and particularly the problem of succession on the Quang Ngai team. Lieutenant Colonel GUINN's tour of duty also expired about the same time mine did, and for reasons of maintaining continuity it didn't make sense that the two principal leaders on a team should depart at the same time.

Q. When was this discussion?

A. I wouldn't be able to define exactly which one of these dates it is. I might be able to look through my notebook and pin it down if you feel that it's relevant, as to which one of these it is.

Q. Well, I was just interested in it from the point of view of fixing the events and times, interested in anything related to that. Was there some discussion between you and Colonel GUINN as to which one would leave first?

A. No, not at all, because on the military circuit as I understand it, the tour of duty is a very fixed factor and there isn't any negotiation as it were. His tour of duty was up at a certain time. Arrangements had been made for two different assignments, but I never heard any discussion of him being asked to stay longer. The discussions I had with Mr. COLBY and the DEPCORDS in Danang was in reference to getting my replacement to come a little bit early.

Q. I see.

A. As it so happens, the replacement ultimately selected was the DSA in Pleiku. He wasn't able to leave there until a week or so after I had departed from Quang Ngai.

Q. We have spoken to Mr. BURKE. With respect to the procedure in preparing your monthly reports, did you attempt to bring together any report of civilian casualties?

A. I did not. I have with me here a copy of a letter in the nature of a report, a portion of a letter signed by a Dr. John CONNELLY. I believe you have talked to him. This is simply a listing of the admissions to the province hospital. A certain number of them are categorized as being civilian war casualties. But to be distinguished from other civilians that have been through the hospital, these have never been subcategorized in any formal fashion which I'm aware of by anybody. Nor was there any directive such as that. The belief that I have was confirmed this morning when Senator BURBANK's committee asked a similar type question of Ambassador COLBY. He said "Yes, we have the figures on the admissions to the hospital and how many are war casualties." They said "Well, can you break those war casualties down, as to how many friendly, how many VC?" He said, "We have no breakdown. Sir, we can't get one. That sort of information is definitely unobtainable."

Q. What? A break down of civilians, friendly and VC?

A. The thrust of the question was not the political complexion of the individual, but the political complexion of the bullet or the bomb that maimed him. That is what the discussion was about.

Q. I see.

A. That is not only difficult to determine reliably, but no directive has ever been given by anyone that I've heard of, or apparently that Mr. COLBY has heard of, that instructs anyone to attempt to make such a differentiation.

Q. What is the date of your letter from Dr. CONNELLY?

A. This is somewhat later in the year, 15 December 1967.

Q. Do you have any similar reports for any later period than that?

A. I do not. I happen to have this document because before I left Quang Ngai I took copies of a few sample documents to use at the Vietnam training center.

Q. If you would perhaps let us examine that after this session?

A. All right.

Q. When you were absent from Quang Ngai for a period what procedure did you have for being briefed upon your return as to events in your absence?

(MR WALSH enters hearing room.)

A. When I returned I would be briefed promptly and directly in a meeting by Lieutenant Colonel GUINN, who was acting in my absence. Additionally, I was usually briefed by the senior civilian or by Lieutenant Colonel BAUER, who was the senior member of the team. The senior civilian normally lived in my house, so as soon as I got home we sat down together, if it was after hours or on weekends, otherwise at the office.

IO: Who would be the senior civilian?

A. In this case Mr. DILLERY was the senior civilian at that time. It could have been Colonel HOLLMAN, who worked with us for a period of time and then later moved up to regional as the chief S3 officer.

MR MACCRATE: Now you indicate when you were with us on 12 January that you had conducted something of an investigation yourself of those who were members of the advisory team. You indicated that you spoke with Colonel GUINN. I would like you to tell us as best you can recall what Colonel GUINN told you when you spoke with him at that time?

A. Colonel GUINN told me that he had been before this committee and that he had instructions not to discuss this matter. He further said "But of course you already know what I was quoted as saying in the newspaper." I said I had heard about the article but I had not seen a copy of it. I asked him to fill me in on that, and briefly he did.

Q. Did you speak with him at any time prior to that occasion, after you'd appeared before this inquiry?

A. No, sir. I spoke to him once subsequent to that time, just before my last appointment to appear here was cancelled. It turned out at that time that he was scheduled to appear on the same day so I said that when we finished our testimony we would have lunch together. Maybe by then they will be finished with us and maybe we can talk. At any rate, we have plenty of things to talk about besides this incident, so why don't we have lunch anyway.

Q. I would like to read you a sworn statement Colonel GUINN, that he gave back in May of 1969.

"But because of the accusation made and, as I say, because of the seriousness of it, I did take the information and pass it to Colonel HENDERSON. At the time I didn't believe it. No, I did not believe it, but it did have to be checked out. I know, again I say I know, that the province chief and the 2d ARVN Division commander, also the division commander of the Americal Division, made an effort to investigate and find out what happened. I don't know the results of their investigation."

Now this relates to the event that we have reviewed with you earlier and to the reports received by your advisory team in March and April 1968. Now since we spoke with you, we have interrogated Captain RODRIGUEZ. Captain RODRIGUEZ, as you recall, was the assistant or the deputy district advisor of the Son Tinh District. Captain RODRIGUEZ informed us that he received a request from your office for a report, or for information, with respect to the province chief's letter of 11 April.

IO: You mean the district chief's letter?

MR MACCRATE: The district chief's letter to the province chief of 11 April 1968, which we showed you when you were here with us. It was in response to that request from your office that he forwarded to your office his statement dated 14 April. Now, we've also spoken with the administrative NCO of your office, you may recall his name.

A. I know several names there. GRIMES was a sergeant there and there was a Sergeant--

Q. (Interposing) Sergeant Gates ANGLE was the administrative NCO at this particular point of time. After he had spoken of some visits to the province headquarters he was asked:

"Q. You say that you have this recollection that sometime during the month of April Major GAVIN and Captain RODRIGUEZ were down on something that happened in Son My Village?

"A. Some incident that had happened. What it was I just don't know."

He said: "All I can say, sir, is the name Son My rings a bell because of, I don't know, some incident I may have heard and Major GAVIN and Captain RODRIGUEZ coming down and Colonel GUINN and Mr. MAY discussed it. Now what they discussed I don't know. I only know the four of them sat down and talked for a long time, for a couple of days really, sir."

Now that is what Sergeant ANGLE reported to us. Then Major EARLE, who was the G2 advisor to the 2d ARVN Division, in a question to him, I summarized, toward the end of his testimony what he had said, in this way:

"Q. Major EARLE, you have told us that you heard from Colonel GUINN about the VC propaganda leaflet that you heard from Colonel GUINN something about the district chief's report, that you heard from Colonel GUINN that the province chief had someone looking into it, that you heard from Colonel GUINN that he was seeking additional information about this matter. You said all these things to us this afternoon?

"A. Yes sir.

"Q. I have noted them as you said them. Now have you any further recollection of what Colonel GUINN said to you other than these things that you can tell us, having heard these five things of Colonel GUINN, what you did, anything that you said to anyone, anything that you did about it, any indication that you did anything other than just put it out of your mind?

"A. I didn't put it out of my mind. As I said, I discussed it with Major PHO. Major PHO was the G2 of the 2d ARVN Division and he said it was VC propaganda. I remember it being mentioned that morning about how ridiculous it was for that many people be killed, 500 people. As I said, it was an American unit operation and the 2d ARVN Division wasn't

involved in the operation."

We have also had the testimony of Colonel ANISTRANSKI. You will recall that Colonel ANISTRANSKI was the G5 of the Americal Division. He told a rather curious and contradictory tale about a visit to Colonel HENDERSON, and then coming over and speaking with you. Apparently the purpose of his trip, and then on to Quang Ngai, had something to do with this matter, but it was never very clear to us, from his testimony, what may have been said on the occasion when he met with you. We have also interrogated the headquarters personnel at the Americal Division and they have told us of your visits to Chu Lai during this period. As you can see from all of this, various questions are raised with respect to what was done within your advisory team. I feel that to place you in a position to understand the seriousness of it, I must tell you one further thing, and that is that Colonel GUINN has come before us and invoked the privilege against self-incrimination. This is the circumstance in which we have asked you to come back. We are confronted with a situation where, yes, you were absent from the province on several days, but you were there at other times, immediately in company with Colonel QUINN at this time. We can sketch out the story as to what transpired. We tried to do it with you before, against this background of what has been told to us. The visitations, the information that was right there in your advisory team, it is hard for us to understand how some inkling of this, recognizing you may not have been brought fully into the picture, but even an awareness that you were being kept out of something would seem to appear a minimum that would have emerged. I would like to retrace the steps with you to see if there is anything that occurs to you, bearing upon this first effort at the time of the receipt of this letter of 11 April 1968.

A. May I ask a question at this point?

Q. Yes.

A. Did you find any civilians on my team or elsewhere that had any inkling of this alleged incident or anything like it ever happening?

(No response)

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as to how these many things happened and I didn't know about them. But if he spoke to me it must have been in a general sense without documentation, and in the sense that he didn't believe there was substance to it, either. Neither did I, but sure, go ahead and check it out. We had many problems on our team and we would assign the responsibility to somebody and they'd take care of it. They'd probably report back. If they don't report back on every little detail we just assumed that it was taken care of.

Q. The problem in this case was an allegation that 490 civilians had been killed in an American operation. This is not just one little problem that one shrugs off and says--

A. (Interposing) I never heard such an allegation as that, Mr. MACCRATE, verbally or otherwise.

Q. This is just what we're talking about, Mr. MAY. Was the matter which was the subject of this 11 April letter ever discussed with you by Colonel GUINN?

A. To the best of my knowledge and belief it was not, except in the sense that I have tried to explain to you. He might have mentioned to me some incident somewhere in this province where the VC alleged that friendly troops knocked off 100 civilians or so. This sort of thing is not rare, and without specific back up data it's nothing that you'd spend a great deal of time investigating.

IO: But if it comes from a district chief?

A. If it came from the district chief, certainly. I'm quite sure that Colonel GUINN never showed me anything formal coming from a district chief or told me that he had something from a district chief. Further, I'd like right here to state that Sergeant Gates ANGLE--there's something wrong with that name. I don't recognize it, but perhaps there is such a man who made such a statement. But any statement that says that I spent several days in a conversation with Colonel GUINN and the subsector commander and deputy subsector commander from Son Tinh District or any other district is false. I never spent that kind of time with anybody, ever, for any reason, closeted together, Colonel GUINN and myself.

Q. Do you have any recollection, regardless of how one described the time spent, of discussing anything at or about this time in the middle of March 1968 with Colonel GUINN and possibly Major GAVIN or Captain RODRIGUEZ?

A. The only thing that I can recall discussing at any great length with Major GAVIN and I also spent the same amount of time more or less with the other district senior advisors was two types of activities. One was each month with reference to the HES. We were working hard to get our HES to state exactly the facts, with reasons brought out. We had to see that the senior district advisor was on top of it and wasn't copying last month's report and sending it in. So we went over that in great detail. We spent several hours with each man, long enough to spot check and determine that the thing was accurate and what to do to bring it up to shape. The second thing that we spent a considerable amount of time on with several district advisors related to what we called a fortified village, that later changed to safe-haven hamlet. I had tasked all of my senior district advisors in the lowlands to prepare one such project on a pilot basis to persuade his district chief that he was serious and to have it going that spring.

Q. With respect to Son Tinh District, what were you doing during the month of April?

A. Well, what do you mean what was I doing?

Q. You're alluding to these things as examples of what you were doing with the district advisors, and I'm inquiring whether you are relating these to Son Tinh District in the month of April?

A. That would include Son Tinh, in April.

Q. In the month of April?

A. Yes, in the month of April. But I think the relevant point of this is I did not have any conversations on any extended basis with Major GAVIN on any other subject.

Q. So far as Lieutenant Colonel GUINN is concerned have you told us all that you can recall about anything that was said to you regarding allegations of some event, unusual event, in Son My Village?

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that a civilian would respond to with interest on the curiosity side as well as on the war side. I was up there once or possibly twice at my request in order to talk to General KOSTER about my concepts and my views about what the priorities, the proper role of the military, might be in Quang Ngai Province and particularly to solicit his support and his help in getting Colonel TOAN to support our fortified villages concept. Just to mention one of several items. These were the principal items on my agenda.

Q. On any of these visits were you accompanied by Colonel GUINN?

A. I might have been once, but not usually. No, I usually left someone home to watch the store.

Q. Do you have any--

A. (Interposing) Invitations were usually very specific for an individual and not for a party.

Q. At any of these visits to the Americal Division, were you ever aware of an investigation being conducted by the division?

A. Never on this subject, never. I might add that you mentioned that Colonel ANISTRANSKI told some sort of a confusing story, that he wasn't clear on what he said to me. I think certainly I should comment on that, sir. I have no recollection whatsoever of having discussed with Colonel ANISTRANSKI any sort of incident other than maybe a truck running over somebody on the road. He was the G5 and the principal lower-level contact from the division, but never anything of this type. Incidentally, it may be helpful, to you, if you haven't obtained the information already I might pass on some second-hand information which I obtained from former Lieutenant FROSCHE, who, I understand refused to testify before this committee.

Q. Yes, he is someone that we have sought to bring in and we would be interested in what you might have in this regard.

A. He was the assistant S2 advisor on our team. He normally conducted or assisted in conducting the intelligence portion of our daily briefing. I forgot to mention that this was also a normal part of my catching up on things when I

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Q. I think we are very familiar--I would be interested but--you're speaking about what Mr. FROSCH told you and I would like to get that straight on the record, please?

A. Well, I have told you what he told me. I have some notes here, possibly he said a few more things. If you like I'll refer to my notes.

Q. If it deals with this particular situation. What you have told us has not shed any new light on it.

A. Well, I think it does establish that on the G2 level at province and with the ARVN Division advisory team, they were aware of a large question mark as to the nature of the reported KIA in that particular operation. But I think this raises a point. Which is, that if one has doubts in his mind as to the nature of KIA by either an ARVN or American unit somewhere out in the insecure area, it is not the business of the CORDS representative or his team to launch an investigation of an independent chain of command, which has the responsibility and the authority in that area.

Q. I think the basic problem, Mr. MAY, is that your advisory team was right in the middle of a report on this that came to your attention.

A. It did not come to my attention.

Q. It came to the attention of your team and it was never reported up CORDS channels. I think this is sort of problem from the CORDS point of view. It is true that this was all incorporated into an ongoing investigation, and it was an essential part of that ongoing investigation. One of the reasons why we are so interested in this is that the report that started up becomes less of report as it is passed up, apparently in your office.

A. It would seem to me that you would have gotten the testimony of the members of my staff who handled classified material and unclassified material. The normal routing of paper coming into our office, it didn't come to me or Colonel GUINN or other members. It would normally come to the executive officer to the sergeant or the SP4 or SP5 on the staff.

Q. We have talked very thoroughly to people in your headquarters and we have the information. I have told you in a general way as to what was in your team. We wanted to call you back to give you the opportunity to help us fill in some of the details.

A. I'll certainly do everything I can. But I sort of get an implication that you feel I'm holding out on you in some way, and that's an unfortunate implication that doesn't fit the facts, Mr. MACCRATE. I'm sworn to tell everything I know that might in any way be relevant. You can count on me to do so. But I'm very much afraid that an under-staffed jury-built agency organization put together during a war isn't very efficient. Among the problems I had for example was sending radio messages to teams asking for certain information or certain actions to be taken and then discovering that the messages have never been received, and therefore no action was taken.

Q. Let me just ask one more question. Assume that Colonel GUINN had received this letter of 11 April and assume that he had requested a report or a statement from Captain RODRIGUEZ and that the statement then came into your headquarters. Assume that you were absent on the day that the papers were received. Would you expect those matters to be brought to your attention upon your return?

A. If action had been taken on them, not necessarily, since I was on my way out.

Q. You would not regard a letter of this seriousness received from the district chief directed to the province chief as worthy of your attention when you came back?

A. As I say, it depends on what status the action is in. I think I testified earlier that knowing what I know now, I would expect that it would have been brought to my attention, yes. I probably understand if it fell between the cracks as many things often did out there. I can refer you to an audit report or two which details some of the sad circumstances of understaffing and so on. We needed a staff to do the kind of job that we knew needed doing. But we were unable to get one despite repeated entreaties over several

years to a number of different agencies. So, it is very regrettable that these short-falls occurred in the organization's operations. All I can say it was built into it, and the supervisory chain didn't lack for statements from me that the staffing was short. Therefore, they could expect short-falls to occur and continue to occur. Exactly when and where they might occur, I couldn't predict. But my statements over and over, verbally and in writing here that we didn't have enough people to do the kind of job that needed to be doing.

IO: Well, I think what Mr. MACCRATE is getting at, Mr. MAY, is that this letter of 11 April, quite obviously, despite the fact that there is a possibility it wasn't delivered, the indications are that it was delivered to MACV, Quang Ngai sector as was indicated. The next time, in the next reference to it, we find it in Son Tinh District headquarters. Captain RODRIGUEZ was tasked with a copy of this and asked to respond to it, to investigate it.

A. I agree, someone in my office had to see it.

Q. So that does fairly well tie the point down. Captain RODRIGUEZ did respond to it as the statement of 14 April. Now you were absent on the 14th. You departed that night but you were present on the 13th and the 14th, most of the 14th. You left, according to your log here, at about 1500. So during this time you were there about a day and a half and you returned then on the 18th. So I think Mr. MACCRATE's question is really in light of this absence, and so forth. Would it not appear logical that something of such importance as this coming to the district chief, to the province chief and recognizing that it was going to Colonel TOAN that it should not be called to your attention?

A. I would reaffirm that I agree it should have been brought to my attention.

Q. I think his question, then was whether you recall it. I think the indication is that you recall having neither seen nor heard of such a paper.

A. That is correct.

Q. Now we do know that General KOSTER did meet with General TOAN and discuss this subject.

A. He did?

Q. Oh, yes. I wonder if you were privy to this discussion?

A. No, sir. I was not.

Q. Whether you were aware of it?

A. I might state with reference to relationships with the Americal Division generally and with General KOSTER and General YOUNG in particular, that in comparison with the previous relationships and liaison which the other agencies, the pacification side on the province level and the district levels, had had with the U. S. forces based at Chu Lai--

Q. (Interposing) Are you referring to Task Force Oregon?

A. Task Force Oregon and before that the U. S. Marine Corps. The relationship was substantially better on a comparative basis. They were outstanding after General KOSTER and General YOUNG took over. On the basis of that, before I departed from Quang Ngai, I had Colonel GUINN draft for me letters of commendation which I sent up my channel to my supervisor for both General KOSTER and General YOUNG. I sent them because I meant it. Compared to what was before, they had made enormous progress in improving the relationship, improving coordination. If you talk in an absolute sense, and this is in a sense somewhat the problem we are addressing today, a specific example, liaison wasn't so hot. A part of this, I think, is technical, built into the way the overall U. S. organization is organized in Vietnam. Part of it is simply a matter of peoples' mental priorities, and so on. I saw General KOSTER a few times, and other than a couple of talks on overall policy, our meetings were friendly, but the real substance I would get down to with General YOUNG, or if it got down to more details, Colonel ANISTRANSKI. I think they had many combat concerns and so on,

and while all were concerned about the pacification and so on at that time, it didn't have quite the high priority that it has now. It may have had formal high priority, but the conventional wisdom within the organization didn't give it that high a priority.

Q. Well, this was just about the time the 1968 combined campaign plan came out, and if you don't mind my saying so, that is about the best explanation I can think of for your TDY to Danang.

A. Right. But in Quang Ngai Province, that campaign plan didn't get into operation until April or May. Although it says in the instruction it will be implemented as of 1 January--

Q. (Interposing) It didn't come out until March.

A. That's correct, and the province chief didn't get his copy until I gave him my copy and a copy of a B-143, I guess it was at the time. Anyway, we were simply preoccupied trying to regain the ground that we lost at the Tet Offensive, we weren't talking about any new program. It was primarily a security problem at that particular point. It was only after about May or so that we began to address ourselves to that particular program. I don't suppose anybody in the Americal had seen it then either, in this period we are talking about. So what I'm saying is, our liaison was not ideally close. We didn't see each other as frequently as I considered desirable in order to exchange detail for mutual understanding on all operations so that every operation was based on either a fast reaction to locating a VC main unit or to accomplish a specific purpose in buttressing the pacification plan. This is pretty well the way things are working out now, but it simply wasn't that far along the chain of thought.

Q. Well, I'm just thinking of a situation, Mr. MAY, where let's say, Colonel FRANKLIN's boss, who is just to the south of you in the 173rd Airborne Brigade, if they ever received an allegation from a local ARVN Commander, for example to the effect that their unit had killed a large number of civilians, I can assure you that not only would General

BARNES have gone through the roof but he would have taken about half the staff with him. He would have immediately been down and if he ever did talk to the Province Chief, Colonel THO he would have asked him for every bit of information he had or he would have been with the province senior advisor or the deputy province senior advisor in order to get the information, to find out if this allegation had any degree of validity to it.

A. I might add, as far as I know, General YOUNG was asked to keep up the main liaison with the province chief on behalf of General KOSTER and he did call on him several times. As far as I am aware, he always took me with him if I was in province, partly because the province chief was my counterpart, it was the correct thing to do, partly also because I speak French and the province chief's English isn't bad but his French may be a little bit better. At any rate, he felt we should be working closely together. When we went in he would support my problems and I would support his, so to speak. This surfaced from the district and went through Colonel KHIEN. In theory, at least at that time, the tactical commander is not a civil authority; he is a military authority. It is a little bit strange to me, on reflection, how someone from Americal did not also contact the province chief and/or me or Colonel GUINN, anybody from the Americal other than Colonel ANISTRANSKI who apparently is rather vague, and state that they made such a contact with reference to the allegation concerning this incident.

Q. But we do have the fact that Colonel HENDERSON was aware of the VC propaganda. He also had heard something about a report of a village chief and he did call upon Colonel TOAN, with his S3, a Major by the name of MCKNIGHT. We find that subsequent to that time he did call upon Colonel KHIEN and it was his recollection that possibility you, and Colonel GUINN certainly, was with him at the time.

A. It would not have been I. I have no knowledge of this and I don't see how there could be any doubt in

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Q. Well, with reference to the village chief, who actually initiated this report, we understand the village chief--all right, we know very well that he does not live in Son My. We knew very well that he lived down in the refugee camp, but he was still conferring with people coming out of the area and people talking to him, and this, that, and the other. Of course, he was, to be very honest with you, he was also afraid for his life. As a consequence he didn't have a great deal of contact with a lot of these people, because he knew the VC were out looking for him and they would do away with him at the drop of a handkerchief if they could find him. But his information, according to the district chief, who required him to submit a list of names, appeared to be valid.

A. I don't question that. I simply mentioned that it is possible that some of the problems which have resulted from or been concomitant with this operation might not have been a burden, had certain other things been done as a part of the operation.

Q. We can name them right and left, Mr. MAY. We can also name points where, if there had been any concern in the investigation, if anybody had done anything, it would have been uncovered. The fact remains that it wasn't.

A. I'd like to note the number of civilian casualties, most in Quang Ngai, to give you a few insights on how it looks to be on the imputed investigation and, which I repeat we are not, unless there is indeed something unusual and something hard. If I had had this in my hands, why, certainly we would have sought to investigate. April 1967, 698 civilian casualties entered into the hospital. May, 691; June, 365; July, 339; August, 535; September, 778; October 374; and November 654. We're talking about masses and masses of people. Quite frankly, a number of these matters I do not think would bear investigation, and I'm glad that I was not asked to nor had the capability to investigate. Several times we did question friendly casualties. I remember one case of a body count. I remember once, in eastern Tu Nghia I think it was in August or September 1967, the ARVN 2nd Division over a 10 day operational period claimed some fairly large body count,

300 or so, and yet all the evidence we could see from the sector, from our own sources, was that at best it was half that, and we questioned this in our monthly report, what had been reported, and we thought the figures had been inflated a little bit, and so on. Well, it really hit the fan then, General. I think that it initiated a period of rather unhappy relations with the 2d ARVN Division advisory team. It took several months to get back on key again. Now, that may not be the way things ought to be, but that's the way they are when you start putting your noses under somebody else's tent, questioning what they put in their after action reports. Let's suppose what Lieutenant FROSCHE had said about the body count being fantastic, about 100 or something, but no main VC unit had been identified as having been confronted in the operation. In many respects then, people who know that area would say, "Good God, they were either lying or there must have been a lot of farmers and civilians in that group." Okay, then what do you do, go up and put it in a report up your channel, go over and tell the general that you think he's suspected, he's conducting a war the wrong way, specifically that incident? You would like to investigate it. You can certainly raise a few questions now and then, but we adopted a tactic after having offended a few people, damaged relations along the lines--I just mentioned the 2nd Division advisory team--of trying to devise tactics through implementation within the province which would simply avoid situations where heavy civilian casualties were likely to occur, rather than accusing somebody, exhorting them or telling them how to run their business, and so on. I think it's only fair to know that what I think, if Colonel GUINN did know anything about this situation, if he did, I don't know that he did, it is a fact that he was under consideration for--so far as I know had been informed by Americal Division some months before the end of his tour, that they wanted him as a battalion commander in one of their units in Quang Ngai province. Now all things considered in that situation, that's a tough position to be in if you have some information, if you have, which may reflect on the command of the division.

Q. And the brigade.

A. And the brigade. I don't know that it's true. I think also, if I may say so, I asked you a question which I didn't expect an answer to, but I expect you would ask yourself and answer it yourself; whether any civilians or government employees in Quang Ngai, other than the province chief and the district chief, whom you have already noted on the Vietnamese side, had any inkling of this affair. What I was suggesting is that people from the same service, whether it be a military service or civilian service, tend to stick together. They ought to, but it can be pushed too far. You tend not to trust people in other services who have different backgrounds, different experiences and different standards. It is quite conceivable to me that some things were not brought to my attention by military members of the team on the theory that it was a military matter, that they could handle it best themselves, and what I didn't know wouldn't hurt the situation. Now that is speculation.

Q. Of course, about this time you were gone about half the time, coming and going so you had a hard time trying to find out what was going on and getting ready for the next trip. Just looking at these dates, 4 to 8 April; 12 April; 14 to 18 April; 26, 27 April. You were gone a great deal of the time along in about this period.

A. General, I spent 3 consecutive years in Vietnam and I hope there is no implied criticism in what you say about my absences.

Q. I'm just stating the facts. You were at a regional meeting, you were TDY to Danang and Saigon, you were TDY Danang and I can understand that. You went TDY again, you were on TDY at a regional meeting in Danang and you were in Saigon. You had personal business, I know you were leaving, but I'm still stating the fact that you were gone a great deal of time.

A. That is correct.

Q. The fact is, it is pretty hard to refute these. So being gone that length of time, some things may transpire that you're not familiar with and particularly if people are not calling things to your attention.

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IO: Well, we're happy that you did come in to more or less reaffirm that fact. I think the word had really not gotten to you about some of these papers and what was happening in the 2nd Division headquarters and in your own headquarters and with respect to Colonel KHIEN.

A. I certainly regret that it didn't get to me, General, because one of the things that I am noted for, I'm fairly hard-nosed. I call them the way they are. My record is full of number of references of not getting along with a few people here and there, which translated in to plain English, means that I have the courage of my convictions, sometimes even when it wasn't very expedient, such as reporting the incident I mentioned, where the ARVN 2d Division was inflating its claims beyond reason. So I think that sort of record would indicate, had I known, I wouldn't have ducked it. I don't play that kind of a game.

Q. Well, in light of the information which you are getting from these questions we put to you, Mr. MAY, I just again ask you not to discuss your testimony and discuss this incident with others. I think this might lead to some embarrassing situations, particularly with respect to Lieutenant FROSCH, for example, or now Mr. FROSCH.

A. General, if I was incorrect in talking to him, I hope you will tell me.

Q. My intention is that you do not talk to people such as that, frankly.

A. I felt it was in the interest of getting the facts, since he refused to appear before this committee. It might be one way to get some facts. I assume that, at some point you or someone has subpoena power so that you can require attendance.

You asked me to bring any documentation that might be of assistance. I suspect that most of this is redundant, that you already have the same sort of information available, but let me offer what I have.

Q. Yes, we would like very much to see it.

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A. I have a Quang Ngai briefing folder which fully describes the situation about that time, I think about November of 1967, but in the back it has a complete listing of the team which is of a different date from the list I gave you before. If you have full access as to who the members of the team were about that time, this might not be useful.

Q. We'd like to see it and borrow it from you, and then have it returned to you, after extracting whatever we would like to have from it.

A. I have extra copies.

Q. You don't happen to have one of these for the period immediately following Tet, do you?

A. No, sir, I just picked up a few copies of this and that. I wrote my successor and asked him to send me a few things. I have here also an overlay which was sent to me by my successor at my request to use at the training center and that particular overlay shows the disposition of the 1969 Pacification Plan and it also has the outline of the secure area, it says at the beginning of 1968.

Q. Was this at the beginning of 1968 or was this after Tet?

A. It said at the beginning of 1968 and to my recollection that is accurate for the beginning of 1968. This was not prepared by me, it was prepared by my replacement there in Quang Ngai.

Q. Bob BURKE?

A. Yes, sir. If that's of use to you.

Q. Why don't you let us take a look at it and we'll get it back to you. Let our people see it and see if it will be of any value to us. This is one of our problems, just looking at that list of people you had there in November; by the time we get around to this, even the district chief of Son Tinh is changed.

A. I asked for all documentation that pertains in any way to the incident. The last time I was here, I checked some dates and names from the notebook. It is a very fragmented thing; I had one for each month. It is a very fragmented thing. If you need that, I will give that to you.

Q. We have copies of a few monthly reports.

A. I haven't been able to locate any. They have thrown them away in the State Department and the Training Center, after a year. Well, if you're interested here, I have a couple of dated documents pertaining to this fortified hamlet, safe-haven village concept which we were pushing.

Q. That might be helpful, if we can take a look at it to get a flavor of it, if nothing else.

A. We were pushing it for some months. We drew up a list, fragmentary, not all inclusive, of the problems and actions that, according to my notes, I had been dealing with in February, March, April and so on in Quang Ngai. If that would be of use to you--

Q. (Interposing) Conceivably they may be helpful. I would rather doubt it, but we can certainly take a look at them.

A. I have here a report which I believe was drafted for me by Colonel GUINN, to take up some of my background material summarizing the months in either March or April. It tells some of the problems we had, but it's only notable concerning this incident because it shows the setting for one and it shows an absence of reference to that particular problem or anything relating to that.

Q. Certainly in this list of things, the way you've maintained this, you would have expected that if anything had come to your attention that it would have been included in this list.

A. One of the other things I was seeing General KOSTER and General YOUNG about at that time was trying to get helmets, flak jackets, radios for the civilian members of our CORDS team. We couldn't get any, but we were under instructions from Ambassador COLBY to take care of our team members in case of another Tet-type attack. It took quite awhile to get them, but they finally broke them loose.

I think at some point in the earlier testimony there was an implication that maybe I didn't get along well with Army officers and if there is such a lingering feeling or implication I would like to add to the record my copies of my letters of commendation concerning General KOSTER and YOUNG.

Q. I think it would be helpful if we did see them.

A. Here's a written statement concerning the way we handled the files, the handling and recording of the Quang Ngai team's documents and, particularly, General, this was a subject that was discussed in our previous meeting. Records and some comments concerning the Muscatine and Barker general strategy as being in line with our problems at the time.

Q. Now what is the date of this document?

A. This document I prepared between our last meeting and today.

I'd like also to give you a document concerning the assignment of responsibilities for handling refugees. And I would note that under normal circumstances when a military operation displaces people from a location they would be brought in as refugees. You will see I provided for the responsibility and particularly the senior district advisor is tasked for being a liaison in his district.

Q. Well, this is fine. I don't think we need this particular paper, though. We might look at it; just let the people see what it is. I don't think it's really germane to what we're getting at the present moment.

A. I think you wanted this one on the civilian casualties, General.

Q. Yes, this is for December 1967, right.

MR MACCRATE: Mr. MAY, do you have any recollection today as to why this particular report of civilian war casualty statistics was prepared?

A. The statistics are standard statistics collected at province hospitals by the MEDCAP team or whatever CORDS medical group is there. It was put in this format at that particular time, I believe, because either Senator KENNEDY or some other, or perhaps several groups were at that time zeroing in on the gross inadequacy of US medical care for civilians. There were allegations that the entire hospital was full of war wounded, that there were lots of napalm babies and all the rest of it. So this was an attempt to consolidate in one area as much of the information as was available.

MR MACCRATE: As far as you know, a comparable study was not brought together for a subsequent period in 1968?

A. Well, I would assume it would be. In fact, I have reason to believe that this is in the nature of an annual report, because Dr. CONNELLY goes back and views the accomplishments of the team over a considerable period of time. He speaks of the forward planning for various developments. So if the team is staffed and does its job, I believe public health division would be requiring these periodically by all teams.

If you think it's germane, General, I have here a copy of the audit report which I prepared on the AID side only of the operations of our team. It might give you an insight as to the types of problems that we were trying to cope with and some of the methods we had to use in Quang Ngai Province at about that time.

IO: It would be helpful to look at it. We may not find anything in it, but for just general information it might be helpful.

A. There's the audit report and my reply. I'd like to read to you or give you a copy of the notes I used for a speech in the United States representing the State Department at a number of universities. I commended our military leaders and the campaign conducted out in Vietnam, in what I think are terms quite relevant to my lack of knowledge of this incident. May I give you a copy, and if you'll turn to the second page, item 13.

Q. When did you make this speech?

A. I delivered that in July and August 1968.

Q. After you returned from PSA, Quang Ngai.

A. Yes, sir. I had not yet reported for duty in the State Department, but I was in correspondence and they asked me to deliver addresses on pacification in Vietnam and our program generally, at four different universities.

Q. You may read this into the record if you'd like to read paragraph 13.

A. Thank you, General. "Our military leaders and civil leaders there are outstandingly able men, dedicated to the public service, real professionals, cooperate well together, tremendous humanitarians, real students of history, especially of counter-insurgency, courageous, and they are winning. They need our support, not armchair commando advice from those who are not professionals nor expert, nor have ever been there, nor are directly responsible for the lives and deaths of their men and the people in their areas of action. No Army in history has been able so painstakingly humanitarian and careful of civil life and property at such a cost in their own lives. Our army men understand civilian problems and provide outside protection and overall support to civilian aid, development, and reconstruction." I said that because I meant it, General, and I'm afraid I wouldn't have been able to give quite the same speech had I had any inkling of the situation that occurred in My Lai. There are several other documents of a similar nature; I just brought this one as illustrative of how I felt.

Q. I think that's sufficient.

A. I have some notes here of some discussions with the province chief, long hand notes, which have never been transcribed. My date says 4 February. I wasn't in Quang Ngai on 4 February, it must have been 14 or 4 March. At any rate it reveals the kind of problems we were worried about and it shows the problems--

Q. (Interposing) Unless there's something that's really pointed to the situation in My Lai, I think we have enough of the general tenor and flavor of your relationship and the activities there.

A. It does say at Son Tinh, he, Major MINH, who was the district chief then, proposed a second fortified village there at Nui Tran to get well inside the secure area.

Q. What time was that, then?

A. It says in my handwriting at the time, 4 February, so it had to be the 14th, there was a meeting right after I got back.

Q. But the chief was not the individual named. The district chief was Lieutenant TAN at that time.

A. Major MINH, I know, he's the sector commander or deputy commander who was instructing the district chiefs who were present at that meeting.

Q. He could have been the so-called group commander.

A. Major MINH, not Captain MINH, Major MINH. And again it's chiefly notable for nothing of the sort that you're concerned with came up in the discussions and my notes are very exhaustive.

Q. I think that will suffice. Well, again we thank you for coming in. We will take these documents, those that we want reproduced and will reproduce them and return the originals to you.

A. I think you have duplicates in every case. I xeroxed copies, General, so if its more convenient you may simply retain them.

Q. All right. What about the map? I believe you want that.

A. We'd like that back as a teaching aid whenever it's convenient, sir.

Q. All right. The hearing will recess at this time.

(The hearing recessed at 1552 hours, 17 February 1970.)

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