

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

Volume II
TESTIMONY

BOOK 6

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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 6

CULVERHOUSE
CZARNECKI
DEWINE
DOVE
EZELL

GRAY
GUALTIER
HODDE
HOLLADAY
KELLENBENZ

KLAUMANN
KUBERT
LIVINGSTON
LLOYD

14 MARCH 1970

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SUMMARY OF TESTIMONY

WITNESS: CULVERHOUSE, Jerry R. CW1

DATE OF TESTIMONY: 10 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: B Company (aero-scouts),
123d Aviation Battalion.

1. ASSAULT ON MY LAI.

a. Aerial observations.

Mr CULVERHOUSE was pilot of a UH-1B gunship on the morning of 16 March 1968. The aircraft commander was Warrant Officer MILLIANS (pg. 5). Their team relieved the first pair of gunships from the 123d supporting the infantry in the vicinity of My Lai (4). The witness could not remember who was flying the ships of the team that they relieved, or the crew of the other ship in his team (pg.6).

They arrived on station at approximately 0945-1000 hours (pg. 8). The village was in flames (pg. 8), and there was a great deal of smoke (pg. 19). CULVERHOUSE and MILLIANS were flying low gun. Communications with the infantry commander were established through the high gunship which was in contact with the ground forces while they maintained radio contact with the 123d's scout ship piloted by Warrant Officer THOMPSON (pg. 13).

The area around My Lai (4) appeared secure (pg.8). Their ship received no ground to air fire (pg. 8). CULVERHOUSE immediately noted the numerous bodies inside the village and adjacent to the village on trails and in the paddies (pg. 8). On the east side of My Lai (4) there was an irrigation ditch six to seven feet in width and five to six feet in depth. For a distance of 20 to 25 meters the ditch was almost completely filled with bodies (pgs. 9, 18). The

witness estimated 150-200 Vietnamese of mixed ages and sex were strewn in the ditch (pg. 41). There was another group of 20-25 bodies on a trail to the west of the village (pgs. 42, 43).

b. Evacuation of noncombatants from the bunker.

Mr. THOMPSON observed a bunker on the northeast side of the village filled with what appeared to be noncombatants (pgs. 9, 16). THOMPSON set his ship down near the bunker and after five or ten minutes he radioed CULVERHOUSE's aircraft and advised them that the people in the bunker were old men, women, and children (pg. 10). THOMPSON then requested that their gunship land and evacuate the civilians (pg.10). MILLIANS asked why the infantry could not detain them, and THOMPSON replied that the lieutenant in charge had stated that the only way to take care of them was with a grenade (pg. 10). THOMPSON was concerned over the inevitable fate of the civilians (pg. 10).

MILLIANS and CULVERHOUSE landed and flew four people to a safe area. They returned at least one more time to evacuate others. In all, they carried 10-12 Vietnamese to safety (pg. 11).

c. Negro NCO firing into the ditch.

Before landing and during THOMPSON's tenure on the ground, they circled his ship at low altitudes. They heard a burst of automatic fire. A Negro soldier at least a sergeant in grade was observed firing into the ditch containing the bodies. It appeared to CULVERHOUSE that he was "finishing off" the wounded (pgs. 11, 12, 41). They returned to LZ Dottie 1100-1130 hours.

d. Miscellaneous.

(1) They were on station five or ten minutes before being joined by THOMPSON (pg. 12).

(2) The high gunship was most likely informed of their intent to land and evacuate the bunker's occupants (pg. 20).

(3) CULVERHOUSE knew gunships from another unit were supporting the mission (pg. 21). However, he could not recall if they were there when his ship arrived on station (pg. 21).

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(4) Their gunship did not expend any ammunition while on station (pg. 21).

2. INQUIRIES CONCERNING THE ASSAULT.

a. WATKE meeting.

On returning to LZ Dottie after the mission, the witness could not remember if the "scenes of My Lai (4)" were immediately discussed. He could not recall if he ever talked with Major WATKE about what happened, discussed the mission with WATKE, or was questioned by WATKE (pgs. 22, 29, 35).

b. Interrogation by the unknown Colonel at LZ Dottie.

A few days after the mission in the late morning or early afternoon, THOMPSON told CULVERHOUSE, "There's a Colonel from brigade...." that wanted to see them at the fire direction center (pgs. 23, 36, 37). It was CULVERHOUSE's understanding that the colonel had come from outside of LZ Dottie to investigate. He was wearing web gear (pgs. 36, 37).

CULVERHOUSE, THOMPSON and one of the doorgunners went (pgs. 23, 30). CULVERHOUSE talked with the colonel in private (pg. 24). CULVERHOUSE believed that he gave a complete account of what he had seen (pgs. 25, 28, 32). The colonel was most interested in his statement regarding the Negro NCO firing into the ditch (pg. 24).

The witness could not recall if the interrogator was a light or full colonel (pg. 26). He was shown Exhibits P-50 and P-143, pictures of Colonel HENDERSON and Lieutenant Colonel BARKER. He could not identify either as the colonel he talked with, but if he had to choose between the two, he would say it was HENDERSON (pg. 26).

The colonel appeared to be uneasy and became defensive when CULVERHOUSE described the scenes in My Lai (4) (pg. 28). He did not make an in depth interrogation of CULVERHOUSE (pg. 35).

c. Miscellaneous.

CULVERHOUSE was never officially informed that there was an investigation underway, but he probably concluded as much after talking with the colonel.

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Other than the colonel, no one from outside the battalion ever interrogated or talked with CULVERHOUSE (pg. 33). Major WILSON was aware that CULVERHOUSE was to talk with the Colonel. WILSON never interrogated CULVERHOUSE (pg. 35).

3. REPORTS.

CULVERHOUSE did not believe that an after action report was made by himself or MILLIANS after the mission (pg.22).

4. OTHER INFORMATION.

a. CULVERHOUSE arrived incountry on 18 February 1968 (pg. 3).

b. On 15 April 1968 the witness became the company maintenance officer (pg. 3).

c. CULVERHOUSE has talked with Majors KEATING and HARRIS recently. Their discussion was in general terms (pgs. 4, 5).

d. The crews that were on station over My Lai (4) frequently discussed the mission for some time afterwards. Everyone was of the opinion that unnecessary killing had taken place (pg. 30). It was well known that something unusual had occurred (pg. 32).

e. WATKE warning them to keep quiet about the incident was not remembered by the witness (pg. 33).

f. The mission was never discussed with their chaplain (pg. 36).

g. WATKE was not flying on 16 March 1968.

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-50	Photograph of Colonel HENDERSON	Wit could not identify.	26
P-142	Photograph of LTC BARKER	Wit could not identify.	26
P-156	Aerial photo of My Lai (4)	1-Ditch where 150-200 bodies seen.	7,40,41
		2-Negro NCO seen firing into the ditch.	44,48,53
		3-Location of 20-25 bodies.	44
		4-Where they landed their ship to pick up the civilians from the bunker.	48,49
		5-Where THOMPSON's ship was located when they landed.	
		Entered into evidence at page 53.	49

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(The hearing reconvened at 0835 hours, 10 January 1970.)

IO: The hearing will come to order.

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

The next witness is Mr. Jerry R. CULVERHOUSE.

(CW2 CULVERHOUSE was called as a witness, was sworn, and testified as follows:)

Mr. CULVERHOUSE, please state your full name, grade, Social Security number, branch of service, organization, and station.

A. Jerry Roger CULVERHOUSE, CW2, 416-60-2057, Headquarters Headquarters Company, Staff and Faculty Battalion, Fort Eustis, Virginia.

IO: Mr. CULVERHOUSE, before we proceed with any questions, I would like to inform you on a few matters.

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

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

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

This investigation is not being conducted to investigate all the facts and the circumstances of what happened at My Lai (4) on the 16th of March, 1968. It is directed only at those two points which I just mentioned to you. Do you have any question on those two points?

A. No, sir.

(CULVERHOUSE)

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Q. I've had made available to me and have reviewed prior official statements obtained in other official investigations of the My Lai incident, including the statement which you have already made to the CID.

Your testimony this morning 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.

There are several people at the table aside from myself. On my left is Mr. MACCRATE. Mr. MACCRATE is a civilian lawyer, and he has volunteered his services to the Secretary of the Army to assist me in this investigation and provide legal counsel to me. He may address questions to you this morning.

On my right are Lieutenant Colonel PATTERSON and Colonel FRANKLIN. These individuals have been designated by the Office of the Chief of Staff as assistants to me in the conducting of this investigation. They too may address questions to you. You should know that in the final analysis I have the responsibility for weighing all the evidence and making the findings and the recommendations.

You are ordered not to discuss your testimony in this investigation with others, including other witnesses for this investigation, except in the performance of official duty or if you may be required so to do before competent judicial, legislative, or administrative bodies.

In addition, you are cautioned that if you are subject to the order by the military judge in the general court-martial case of the United States v. Calley, your appearance here before this investigation in no way changes the applicability or the effect of that order. Now, do you have any questions about what I have just informed you?

A. No, sir.

Q. On the 16th of March 1968, what was your duty assignment?

A. My duty assignment, sir, was with Bravo Company, 123d Aviation Battalion, which alternated between the slick and gun platoons.

Q. In Bravo Company?

A. Yes, sir, in Bravo Company.

Q. Well, there was a question at that time whether it was known as Bravo Company or the aero-scout company.

A. Yes, sir. We had two companies in the battalion, Alpha and Bravo, Bravo being the newly formed aero-scout company.

Q. How long before that had you been flying?

A. I hadn't, sir. I came in the country and was immediately assigned to the aero-scout company upon arrival.

Q. When did you arrive in country?

A. On or about 18 February, sir.

Q. So before the 16th of March, you'd been flying for about one month, is that correct?

A. Yes, sir.

Q. Including your indoctrination time and so on with the unit?

A. Yes, sir.

Q. How long after the 16th of March did you remain with the aero-scout company?

A. Sir, I remained with aero-scout until sometime in April, I'd say around the 15th of April. At that time I was made the aero-scout company's maintenance officer. This was due to the maintenance background I had and the fact that the 406th TC Detachment, which came under the 123d Aviation Battalion.

Q. You stayed right with the unit? Even though you changed jobs, you stayed right with the 123d Aviation Battalion?

A. Yes, sir. I was still assigned to the aero-scout company, but attached to the 406th TC Detachment.

Q. Now, Mr. CULVERHOUSE, from the time of the My Lai incident of 16 March became a matter of public knowledge toward the end of September or the first part of October, have you had any conversations with any of the people in the aero-scout company, the 123d Battalion, or with anybody in the Americal Division?

A. Yes, sir.

Q. Specifically whom and under what circumstances?

A. Just on a casual basis, sir, with a Major KEATING.

Q. A Major KEATING?

A. Yes, sir. He was my detachment commander, detachment commander of the 406th TC Detachment, which I was attached to.

Q. Where did you talk to him?

A. I believe it was at the club one afternoon, sir.

Q. Club where?

A. At Fort Eustis, sir. The officers' club at Fort Eustis.

Q. Is he assigned to Fort Eustis?

A. Yes, sir, he is.

Q. And what was the general topic of the conversation?

A. To the best of my memory, sir, we just made a casual comment about we see the battalion is in the news now and the general type comments that were brought out in the news media.

Q. Did you give any indication that you had any knowledge of this incident at that time?

A. Yes, sir, I did.

Q. What did you discuss with Major KEATING?

A. Sir, I told him that--I asked him if he remembered Warrant Officer THOMPSON. I told him that he was assigned to our unit and that I remembered flying that mission along with Warrant Officer THOMPSON and some of the other pilots of the company. I also told him I was there, and that's just about all it really amounted to.

Q. All right. Now, who else did you talk to?

A. I discussed it with a Major HARRIS, who at the time of the incident, I believe, or shortly thereafter, was the commanding officer of Alpha Company, 123d Aviation Battalion. He is also assigned to Fort Eustis, Virginia, now.

Q. And what did you discuss with him?

A. More or less the same thing I did with Major KEATING, sir. Nothing of a real technical matter, or at that time I didn't think it deserved anything of any amount of significance.

Q. Did they ask you, or did you volunteer this information?

A. I don't remember exactly how the conversation started, sir. All of us were members of the battalion and being aware of the mission that was flown and all of us knew Warrant Officer THOMPSON and so forth. Really it's hard for me to remember just exactly how the conversations came about, unless it was maybe one of us said, "Well, I see our battalion is in the news now," or something like that. I would say that's how the conversations started.

Q. Did you talk to anybody else?

A. No, sir.

Q. What were you flying on the 16th?

A. On the 16th of March, sir, I was flying a UH-1B gunship.

Q. Were you the command pilot, or were you the pilot?

A. I was the pilot, sir.

Q. You were the pilot, and who was the command pilot at the time?

A. The command pilot, sir, was Warrant Officer Daniel MILLIANS.

Q. MILLIANS?

A. Yes, sir.

Q. Did you go on station early in the morning, or what time did you go on station?

A. Sir, our mission that morning was to relieve the first gun team that was on station. We sent one gun team, two B-model gunships and an OH-23 as a scout, out to support the mission from the beginning. And then our job was to relieve them approximately an hour and 30 minutes after they were airborne, relieve them on station so they'd have continuous coverage.

Q. When you left Chu Lai, did you proceed to LZ Dottie?

A. Yes, sir. We used LZ Dottie as a staging area.

Q. You state you went into Dottie first. Did you wait until the other pair of guns arrived back at LZ Dottie, or were you notified that they were going to leave station, and you then departed so that there wouldn't be any break?

A. We were notified, sir, that we were supposed to have continuous coverage.

Q. Can you tell us who were flying the initial pair of gunships?

A. No, sir, I can't.

Q. As far as you know, you and MILLIANS were in one gunship. Do you recall who was in the other gunship?

A. No, sir, I can't. We flew--the pilots never knew really what aircraft commander they would be flying with.

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Actually I knew who I was flying with that morning and didn't really realize or know what the exact mission was until we got to LZ Dottie.

Q. Now, what I want you to do, Mr. CULVERHOUSE, is to describe for us exactly what you did that morning during the time frame that you were flying. This is perhaps the hour and 15 minutes, hour and a half that you were flying cover for THOMPSON, as I understand it.

A. Yes, sir.

Q. And what I'd like you to do is take this area photo which we have here (handing Exhibit P-1 to witness). On this map, here is My Lai (4), which you will notice is the hamlet. To the south of it, Highway 521. The road leading out of the center of the village down into Highway 521 shows up on the map here with the houses up along side of it. Also you have this irrigation ditch which you see coming along the side here and of course this ditch going around the village. Another ditch, a road ditch kind of affair crossing over this part which you see here. Down to the south you can see the northern part of Hill 85. Do you recognize all that?

A. Yes, sir.

Q. Now, if you would, I wish you would use this blue pencil. Put this map--this is north incidentally--you put this aerial photo over there and if you'd stand off to the side and just tell us, just take your time, there's no hurry at all, nobody's going to interrupt you. You just tell us what you did that morning.

A. Okay, sir.

Q. Now, if you'd stand over at the other side I think it would be better so that the reporter can hear you, Mr. CULVERHOUSE. you can mark up that map, too, as you go. Now, what we're going to do, we're going to let you go through this, and you can just mark it up just for the point of reference. Just do it in the rough. When we're finished here, I will have Lieutenant Colonel PATTERSON sit down with you to prepare one of these in final form, you might say.

(The aerial photograph, Exhibit P-1, as marked by the witness was later entered into evidence as Exhibit P-156.)

A. Okay, sir. Well, as I remember, I was in--the team started their engines about 0900 or 0930 that morning in order to relieve this first team that had already gone on station at My Lai (4). Upon arriving on station, the first gun team was dismissed and returned to LZ Dottie and refueled and remained on standby there in case they had to be called back out to support us. And when we arrived on station, the village was already in flames. I suppose this was probably around 0945 or 1000 hours that morning the village was aflame. It was burning, and I was flying in a low gunship with Warrant Officer MILLIANS. And our low gun usually flew at an altitude of around 600 or 700 feet and the higher gunship up around 1,000 or 1,200 feet covering us. Our job was to cover the scout bird, and then the high gun was supposed to cover both of us.

And the way I remember--I understood the mission was that we were supposed to act as a more or less screening agent for the ground force, which was making their push through the village, and also to be on station in case they did encounter opposition where gunships would be able to help them out. So when we arrived at My Lai (4), we started making just more or less--well, we established communications with the ground force commander. We started making more or less a screening pattern in front of the advancing ground force. We were in the area for 15 or 20 minutes, I suppose, just looking around, and it appeared to us there it was fairly secure. We heard no shooting and didn't received any fire ourselves. So we continued working back and forth across the village and the surrounding rice paddies. And while flying over I couldn't help but notice, and I remember it was quite impressive to me because I had never actually, at this time seen actually a captured or even a wounded or killed VC or civilian or a U.S. casualty as far as that goes. And we immediately noted the bodies surrounding the village.

Q. When you can, Mr. CULVERHOUSE, in these places where you say you saw things, just put in an indication where you saw it so we can get a general picture of what you are seeing.

A. Okay, sir. As I said, we immediately noted that there were numerous bodies scattered both in the inner perimeters of the village and in the outer perimeters leaving the village. As best I remember, they were also out in the rice paddies to the north of the village, over in this area. And I was especially, I guess more or less amazed, at one group of bodies encountered. We were making a right-hand orbit, more or less around the village and flying more or less

the outer perimeters of the village in a right-hand orbit. And over on the east side of the village there was an irrigation ditch, which appeared to me to be about 6 or 7 feet wide. From the air it's a little hard to tell depth, but I'd more or less guess that it was probably 5 or 6 feet deep. And in this particular irrigation ditch or trench that I'm talking about, it would be right over, if I'm not mistaken, right in this area of the village, there were numerous bodies that appeared to be piled up. In some places I don't know, maybe four or five or I suppose as high as six deep. It's hard to say just how deep. For an area about-- around 30 to 35 yards the ditch was almost completely filled with bodies. We couldn't at that time really distinguish as to what type bodies they were. There were bodies and quite a few.

Q. Could you see them up close enough to be able to say whether they were women, children, men, or what they were?

A. At this particular time I couldn't, sir. As we continued to fly, Warrant Officer THOMPSON found some people, some civilians hiding in a bunker. They at this time hadn't been discovered by the ground force moving through the village. He was more or less hovering real slow all around the village. We had more or less decided among ourselves that it was secure and there were friendlies in all portions of the area, the surrounding rice paddies, on the roads leading out. We had decided that the village was more or less secure. We were not taking the precautions that we would if we were out in an area where we didn't have these ground forces on the ground.

He was slowly hovering all around the village looking for any people that might have been hiding or weapons and anything that they might be able to spot. He spotted these people hiding in a bunker and told us that he was going down and take a better look at them. So he hovered his aircraft up to the edge of the village. I'd say he was somewhere, the best I can remember, almost in the center of the village in one of the rice paddies. Or maybe over farther toward the eastern corner, over here. And so he hovered his aircraft there. He naturally had his two gunners, armed with their M-60 machineguns, trained on the bunker until he could identify the actual contents of the bunker, as to what type of people they were. He said that they appeared to be civilians. He though he was going to set down, and he and his gunners could take a better look at them. So Mr. THOMPSON

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elected to go ahead and set his aircraft down after making-- or being as certain as he could that these were civilians and not enemy soldiers. So he set his OH-23 down, fixed the controls down, and got out leaving the aircraft running.

At this time we began to make low passes over the village, more or less still in a right-hand orbit. We could actually see what THOMPSON's actions were, what his gunners' actions were, and anything that happened. We would be right there close so we could give him gun coverage if necessary. I suppose our orbits at this time got down around 75 to 100 feet, barely above treetop level. Warrant Officer THOMPSON stayed out of his helicopter for it seems like approximately 5 or 10 minutes or so. All this time we were just continually observing his actions as best we could.

So after this period of maybe 5 or 10 minutes time had expired, he came back to his helicopter. He put his helmet on and said the people that he had found were civilians, old men, women, and kids, about as many old men as there women and kids. He was wondering if we could come down in our gunship, even though it was heavily loaded, and take these people out of the village.

So naturally, this not being normal procedures, the aircraft commander, Mr. MILLIANS, questioned his decision. He questioned his request that we come down and take these people out. He asked him, "Well, what seems to be the problem?" They are civilians, women, kids and old men. With all the ground forces around, it appeared to him that they could take them out and segregate them and tag them as POW or what-have-you.

Mr. THOMPSON told us then that that was his line of thinking, too, to begin with. But he had talked to some lieutenant who, he presumed, was a platoon leader on the ground. He didn't mention any names. He asked this lieutenant or told the lieutenant these people were in this bunker and asked him if he wouldn't take them out and detain them someplace or take them POW or whatever he thought best. He told us that the lieutenant replied at that time that the only way that he would get them out is with a hand grenade. He seemed to be--Mr. THOMPSON seemed to be pretty upset about this. He told us he could see no reason for these people being killed and seemed to feel sure that if we didn't come down and help him get them out, that they would be killed.

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And so Mr. MILLIANS decided to go ahead and land his aircraft even though we were still, we hadn't fired any ammunition and only burned maybe 200 or 300 pounds of fuel off at this time. We were still quite heavy. He told THOMPSON that he could come down and maybe take about two or three at a time depending on what size they were. So we landed our aircraft, and Mr. THOMPSON and his gunners were again outside their aircraft. They escorted--they coaxed these people out of the bunker and escorted them two, three, maybe four at a time to our gunship. The first time we took four of them in the gunship, set them on the ammunition trays in the back.

And Mr. MILLIANS departed and flew back to the west. I'm not sure whether it was down this road here or not, but I'm fairly certain that it was. We flew them back to the west and put them down in a rice paddy and returned for a second load. This second trip we carried about the same amount out. If I'm not mistaken, I know for a fact that we made two trips, and it seems to me that we did make three, because there were about 10 or 12 people all total. I don't think we took more than five or four out at any one time. And, okay, I forgot to mention it awhile ago.

Even before we took these people out, while THOMPSON was down on the ground, and we were making our low orbits, low right-hand turns over the village, more or less flying a tighter circle around him, each time we made a pass over this eastern perimeter of the village where this trench that I pointed out before was located, we would overfly the trench. The bodies were in the trench there. And on one of those low passes, which I think at the time we were somewhere around maybe 75 feet above ground level. Just as we crossed over the trench and was making a right-hand turn to come back over by THOMPSON's position again, we heard a burst of fire. Two or three rounds were fired. And we thought we were actually receiving fire. Just as we flew over, it sounded like rounds were fired right in the direction of the helicopter

Mr. MILLIANS at that time alerted the crew by yelling over the intercom, "Receiving fire!" And my job as a gunner was to arm the system and then stand by the gunsight. So I armed the system. He turned the helicopter back in a real right-hand turn so that if we had in fact received fire, maybe the door gunner, some of us could put down some kind of suppressive fire and get out of there.

As we made this sharp turn and came back abeam the trench again, we noticed this individual standing on the eastern bank of the trench firing his M-16. He had his M-16 up at his shoulder and then aiming through the sight. He fired two or three rounds after we had turned around. We actually saw the muzzle flash come out of the weapon.

As I said, at some times your depth perception isn't what it should be when you're flying. It appeared to be a little misaligned, and things that happen on the ground seem to be--it was my impression that this individual was firing into the ditch. That was my personal opinion of what he was doing. His weapon was pointed in that direction, and he did fire at least two rounds as we made our turn back around the right.

And I noted at that time it was a colored individual firing. Even though he had on jungle fatigues with the sleeves rolled up, there were, I could identify chevrons above his sleeve. There appeared to be three of them. I don't know whether he had anything below it or not. I could see at least a sergeant, E-5.

And so then, right after that is when we came back and medevac'd these people out. We took them out of the village and put them down in the rice paddy. We came back on station, and when our time period had more or less expired we went back to LZ Dottie. That was the last time. I guess it was somewhere around 1100 hours or 1130. We flew back to LZ Dottie, and that's the last time I was there that day.

Q. Fine, Mr. CULVERHOUSE. Now I'd like to ask you a few questions about this. Do you remember where--when you came off station, where you first joined up with Warrant Officer THOMPSON's OH-23?

A. I don't remember exactly where, in relation to the village, we joined up with him. I know that we got on station, and Warrant Officer THOMPSON wasn't on station at the time. He was returning from someplace. He had gone someplace else and didn't arrive on station at the same time we did. We were there probably 5 or 10 minutes before he arrived on station.

Q. Well, if he'd been on station there before, let's say 0730, which was the time of the combat assault, very likely about the time you came on he probably had to go back to refuel and rearm, too, wouldn't he?

A. Yes, sir. He had to refuel some place else prior to this.

Q. You indicated that when you came on station, you established communication with the ground element. Did your ship do that, or did you have contact with the high gun to maintain--

A. (Interposing) We had contact with the high gun at the time. Normally, the high gunship coordinated our maneuvers and orders through the ground force commander. We--low guns usually--sometimes we were on the same frequency and then other times we weren't. Normally, our low gunners' main mission was to maintain a visual contact and radio contact with the scout as well as VHF. I think we used air-to-air between ships.

Q. As I would understand it, you can correct me, from what I've heard, the LOH or the OH-23 contacted you; and you in turn relayed to the high gun, which maintained the contact with the ground element. Is that correct?

A. Yes, sir.

Q. So you would then--you know that you were in contact with the ground through the high gun at that time?

A. Yes, sir.

Q. Do you know who was flying the high gun at that time?

A. No, sir, I can't remember who was in command of the high gunship.

Q. Now, Mr. CULVERHOUSE, if you would come here for just a moment. I refer here, to refresh your memory, to the sketch which you prepared when you talked to the CID.

(The sketch is appended to witness' 12 December 1969 CID statement made at Fort Eustis, Virginia, and was not admitted into evidence.)

You have certain things pointed out here, which seem to come out quite loud and clear. And this doesn't quite go with the locations that you've pointed out on the map.

For example: 1 is where THOMPSON is landing; 2, you have as the ditch which is to the east of the village located beyond here; and 3 is where you also locate some bodies on a trail in this area, and you have a 4, which I've been unable to find, bodies on the east-west road.

A. Yes, sir.

Q. Now, do you remember this ditch being here or do you remember it being out to the east?

A. Sir, the ditch was right at the eastern edge of the perimeter, I don't remember any open space here, as I pointed out to the CID. The--I told him that this map, as far as I was concerned, was--

Q. (Interposing) Did you draw this map, or did they prepare it for you, the CID?

A. The map itself, sir, or the locations on it?

Q. This sketch?

A. They prepared it.

Q. They prepared it?

A. They had it prepared, and we interpreted or tried to relay or portray this as close as we could to the aerial photographs that he had in his possession.

Q. Did you identify the ditch as being out here or over here?

A. Well, I identified the ditch to him, sir, as being right on the eastern boundary of the village. And I was telling him that I didn't remember this particular hedge-row right here. The ditch that I was talking about was a bit closer to the village. It was sparsely vegetated. It had some slight undergrowth around the edge of it. Through my interpretation of the aerial photograph and the way he helped me orient this, he seemed to agree with me that it didn't appear to be drawn to scale, not as close a scale as it should be.

Q. Now, let me point out to you here one thing, Mr. CULVERHOUSE. The scale of the aerial photo (Exhibit P-1) is

about 1 inch equals 80 meters, or you might say roughly 80 yards. The village, going through the center of the village from east to west is about, just a little over 400 meters through the village. Actually, it's around 425. I think one of the things that you want to remember is that, although a helicopter can make some pretty tight turns when they want to, a helicopter in its normal flight attitude doesn't exactly make tight turns. You know, it--you're always swinging out much wider than you think you are. Although you were flying the perimeter, you might fly a little bit outside of the village.

A. Yes, sir.

Q. You can also see that down to the southeast from the village itself there is another village down in there. A little enclave of houses which, in effect, would make it almost part of the village.

A. Yes, sir. Calling on my memory, the way I remembered it was that it seems to me like it was all one village. It's been 2 years, but I know that possibly that area was only 80 meters wide. We were trying to fly the perimeter of the village. We might have been passing, I'm sure it's quite possible we were passing at least 80 meters on the outside of it.

Q. Well, actually from my point of view, it isn't especially important that we know the specific location. I know that you flying a helicopter, your job is not to figure out where you are on the ground exactly. Your job is to provide the cover and so forth from the gunship and also suppressive fire. I think it would be important for you to know where these places are located so that you can adjust your attention perhaps just a little bit. This ditch, to the best of our knowledge, is located right here. This is all the ditch that goes along here. The ditch that is out in the open is close right here, but this is the area here were talking about.

A. Yes, sir.

Q. Now the sit down place is right in this area where the bunkers are located. This all changed on this photo, and it's changed on the ground from what it may have appeared at that time because of graves and various other

things that are now in this area. But you indicated somebody from the east was firing into the ditch?

A. Yes, sir.

Q. And also, do you remember when you came into the bunker area were the trees more or less in a horseshoe shape, where the bunkers were located?

A. It seems like they were, sir, yes.

Q. Well, this was Mr. THOMPSON's recollection, and in going through it, it was northeast from this location. Here is the best location that we can place, right in here.

A. All I remember, sir, is that it was on the north-eastern side of the village. I know that's where we set down, because I remember this east-west road. I know it was on the opposite side of the village from this east-west road. It just seemed to me that it was more into the bulkier part of the village rather than scattered out.

Q. Mr. MACCRATE and I had an opportunity--although myself I've gone over this area in an LOH just to check out these places. We also have viewed this not from a gunship, which of necessity has to make wider turns than a slick. But in looking at it from a slick, you have a very hard time trying to fly around this and maintain speed without getting out in the outer perimeter. This is the thing that I'm calling to your attention: the fact that you do have the tendency to slide out. And looking at this from this side, you can very easily--you might have been over in this direction.

A. Yes, sir. I agree with you. We could have very easily made a wider turn than what I've indicated here.

Q. Now here's a wider different view of the village (Exhibit P-45). This is looking at it from the west, and this is the area that you had indicated, this is the area here. You see?

A. Yes, sir.

Q. Now you can see how it all sort of looks like one and the same or part of it.

A. Yes, sir.

Q. The part we're talking about is right up in here. Now does that seem to bring things back to you, into focus?

A. Yes, sir, it does. This right here (Exhibit P-45) appears or looks more as it looked to me that day actually than this (Exhibit P-1), even though it is the same. Maybe it's just because it's taken at a different angle.

Q. Well, that's where you'd be, because this (Exhibit P-1) was taken at an elevation of about 3,000 feet straight over the village, whereas this (Exhibit P-45) was taken on the right, and this is the way you would see things as a pilot flying around the village.

A. Yes, sir.

Q. Now here's another view of this same area (Exhibit P-46), not the entire area, but this is getting out in this area. Now does that bring a little bit to light? You can see the short distance from here to the village. This just gives you an idea how close it is.

A. Yes, sir.

Q. Does that look like the ditch you were talking about (indicating Exhibit P-46)?

A. Yes, sir, it does.

Q. Mr. THOMPSON placed it right along about here (indicating).

A. Right, sir. To the best of my memory, the majority of the bodies and stuff were closer to the village, actually down to the end. I remember an empty space going off to the north, and they seemed to be concentrated in this area right in through here (indicating).

Q. Is that right?

A. Yes, sir, the best I remember.

Q. Well, that's Mr. THOMPSON's recollection, although I must say that some of the other people have placed it farther to the north. He placed it here because he indicated he couldn't land on this side because the trees were on the left side, or on the west side.

A. Yes, sir. Well, I remember a definite vacant space. I suppose it would be to the north of the village that there was an open space. The majority of the bodies I saw were closer in to the village.

Q. And you indicated that you thought the bodies were stretched over an area about 30 yards long, which would make it roughly 100 feet?

A. I'd say at least about 20 to 25 yards anyway, sir. Maybe not 100, but a good 50 to 75 feet.

Q. Now, if we can establish this as the area here and this being the other area, did you see any other groups of bodies other places? For instance, did you see any bodies on this road, or did you see any bodies on Highway 521?

A. Yes, sir. As we were making our passes coming around--I'm sure we were encompassing the whole village. And if we were in fact flying across this ditch rather than this close to the village here, then I remember a trail coming out of the village. I don't know whether it was coming right around like that or what. Now, on the southern side of the village there was a trail coming out. I couldn't say whether it was this little intersection here or right in here someplace now that I'm almost sure that we were encompassing this portion, too, in our flight. On this more or less southeastern corner, on one of these little trails--

Q. (Interposing) On this trail here?

A. It could very well have been, maybe right in there someplace. There's a little trail here. It seems like it was going into the more massive part of the village. There were another pile of bodies there. I don't know, there may have been 20 or 25 scattered bodies. A few more scattered bodies on down the trail to the west. It appeared to me that the people were trying to flee the village to the west--

Q. Now, you were flying in the right seat, weren't you?

A. No, sir. I was flying in the left seat.

Q. I thought Mr. MILLIANS was command pilot?

A. He was, sir.

Q. Doesn't the command pilot fly in the left seat?

A. Not in our gunships, sir.

Q. Not in your gunships?

A. No, sir.

Q. First time I ever realized that. Yes, all right, well, that's a new one on me. Well, you were not necessarily maintaining any set pattern. You could have been flying most anyplace. Is this correct?

A. Yes, sir.

Q. Was there any other particular location within the village, where you saw unusual numbers of bodies that may have been spread in the village?

A. Sir, as I've stated, the village was in flames and smoke. There was quite a bit of smoke. As you could see on these little--they appear to be cement courtyards--you'd see an occasional body, sometimes two or three. Again, it's hard to say because of the vegetation and so forth as to how many were actually within the inner perimeters of the village. The main ones I noticed were both in the trench and the trail intersecting along the trench. And I remember a few up to-- it seems to me it was probably to the northeast of the village. Out in this area here were occasional bodies.

Q. Did you see any bodies along this main road?

A. I can't remember, sir. It seems to me the road that was running east-west along by where I told you I had seen these 20 or 25 bodies was closer in to the village. Then maybe the way this appears on this scale here, it probably wouldn't be over 100, probably 125 meters.

Q. That's about 200 meters, 250 meters down there.

A. Well, it seems to me where I saw these bodies was closer in to the village rather than that far out.

Q. Have a seat now, will you please. You indicated that you had had this conversation with--rather Mr. MILLIANS had had this conversation with Mr. THOMPSON on the ground?

A. Yes, sir.

Q. And after this conversation, did you receive any instructions, or did the other gun that stayed to cover? Was there any instruction passed about covering them? About that gunship covering Mr. THOMPSON on the ground or covering this action so that in the event they received fire from either the enemy or from the American forces?

A. I don't recall anything like that being said, sir.

Q. Yes. Was there a lot of conversation on the radio at this time?

A. Not a great deal, if I remember correctly, sir. I don't remember, not anything like the radios being jammed or anything like I have seen where you can't get a word in sideways.

Q. Do you recall, was there any conversation between your gunship and the high gunship about what you were going to do and why you were going to do it?

A. I can't say, sir, that I remember a definite call. The policy was that we always kept each other informed as to what we were going to do. I'm sure that the high gunship was fully aware of our intentions, or else the aircraft commander probably never would have landed the airplane.

Q. Approximately what time was it when your aircraft departed station?

A. I believe it was around, somewhere between 1100 hours and 1130 hours, I believe, sir, right approaching the noon hour.

Q. Did another pair of guns replace you at that time?

A. I don't believe they did, sir. I can't remember.

Q. All right. Mr. MACCRATE?

MR MACCRATE: I don't have any questions about this aspect.

LTC PATTERSON: When you came on station the first time and made contact with Skeeter, OH-23, Mr. THOMPSON, do you recall any other gunships being in the area? Any other unit?

A. No, sir. I know other gunships were in the area, although I can't say I--

Q. (Interposing) Were or had been?

A. Or had been, yes, sir. I was aware that there were other gunships besides us supporting the mission. I don't--really I can't recall whether some of them were still on station or not. I'm almost sure they weren't on station after we'd been there for maybe 15 minutes anyway.

Q. You didn't see any of the assaults, any of these combat assaults that morning when you arrived on station?

A. No, sir. Everyone was already on the ground. The village was afire; and what damage was done, or the majority of it, I suppose, had already been done before I arrived on station.

IO: Mr. CULVERHOUSE, I assume that when you left station you went back and landed at Dottie to refuel and rearm. Is that correct?

A. Yes, sir. We landed and refueled. We didn't have to rearm because we hadn't expended any ammunition whatsoever.

Q. We understand that Warrant Officer THOMPSON stayed on station for another half, three-quarters of an hour, and after doing certain things he returned to LZ Dottie. Did you see him when he returned to LZ Dottie?

A. I couldn't say really one way or the other, sir, whether I did or didn't. I don't, can't recall leaving him behind, and I can't recall him being with us when we came back.

Q. Did you, by chance, at that time go with him or with Mr. MILLIANS? Did you talk to anybody about this incident when you arrived back at LZ Dottie at that time, that day?

A. I don't remember it if I did, sir. Usually, after an operation the pilots would gather around their operations van and more or less discuss the happenings of the morning or the day. I can't say, sir, whether we actually made any report or anything at that time or actually discussed it in depth with anyone. I don't remember it.

Q. Well, if you'd have gone to the task force commander or to one of these people at that time or to Major WATKE, you probably would have remembered that, would you not?

A. Sir, I know I didn't go to the task force commander. Major WATKE was always, if he wasn't flying with us, was in or around the operations van or maybe down at the helipad. It's quite possible that I could have talked to Major WATKE. We did this actually day in and day out. I know I talked to him sometimes after missions, and maybe sometimes I wouldn't. I can't say whether I went directly to him or told him anything about it.

Q. When you finally terminated this operation that day, did you write an after action report or fill out a report, either you or Mr. MILLIANS, of any form that you know of?

A. Not that I know of.

Q. Was it SOP within the aero-scout company or within the 123d Aviation Battalion to write after action reports of any form?

A. I think it was. I can't say for sure, but I think it was the policy that they did this. I know that-- I don't ever recall a pilot being called upon actually to write a report. Maybe, if anything, the aircraft commander who flew the mission might go to the operations van to post a map or give the enemy situation, any bunkers or ammunition, guns or stuff that might have been found. They'd go in and post the map and bring the operations officer up to date as to what had happened.

Q. Subsequent to this day, Mr. CULVERHOUSE, can you tell us what happened next as far as reporting or investigating or anything of this incident?

A. The next thing that I remember concerning the My Lai (4) incident is--really I can't say how many days it was, it was a short time, nothing like a month later, maybe a week or a week and a half later. It could have been as short a time as 3 to 4 days later. We were back at LZ Dottie. Normally, as I said, I was alternating between the guns and the slick platoons. Normally, the gunships were out reconning. If they found a target, an opportune target for our organic infantry platoon, if I happened to be flying a slick that day, we would take an infantry platoon and insert them on the

target. A lot of times I was sitting around LZ Dottie. I did a lot of sitting around really and just waiting for a target or something to come up. I recall one day I was on the ground, and it was just a short time after the incident. I was told, to the best of my knowledge, to report to the van. There was some colonel up in artillery base tactical operations center, I suppose, or fire direction center, that wanted to talk to us concerning that mission. I remember going up--

Q. (Interposing) Who told you to go up there?

A. Sir, if I remember correctly, I believe Mr. THOMPSON came down to the flight line and asked me to go up to the bunker. I think it was the fire direction center where this colonel was.

Q. Yes. Who else went up with you?

A. The only people, I can't remember anyone actually walking up with me, but I do remember Mr. THOMPSON, and I know that one of his gunners was at this fire direction center the same time I was. I particularly remember the three of us.

Q. Just three of you. Was there any more?

A. There could have been, sir. There could have been some more at a different time. I don't remember whether some of the other pilots who flew with us that day were there with us or not. Possibly, like I said, possibly Mr. MILLIANS or someone might have been there. I don't say that he was or he wasn't.

Q. All right, now you remember Mr. THOMPSON being there. You also remember one of his crew members or door-gunners or somebody being there.

A. At least one of the two doorgunners that flew with him that day.

Q. Yes. Well, tell me what happened from there on.

A. Sir, I went inside there.

Q. Did all three of you go in, or did you go in by yourself?

A. I believe, I think, sir, that I went in by myself. I believe Mr. THOMPSON and his gunners had talked to this colonel already. If I'm not mistaken, I went in by myself. I don't remember anyone being with me when I was talking to him.

Q. Yes, and what were you told at that time, or what were you asked at that time?

A. I was asked, sir, if I flew the mission that day and what actually was my job. I believe I was asked who I was flying with and questions more or less of a general type nature. I was asked questions about the mission, as to maybe what time I was there, questions very similar to what I've been asked here. I mean, there were no maps or anything like that that I used. There were no aerial photographs or anything like we used here, but questions of very much the same nature that you've asked me here this morning.

It seemed to me that this colonel, which I can't remember his name at all--well, he had told me that he was investigating the incident. At that time it seemed to me that he felt, or someone felt that maybe there was something worth looking into. He was more or less gathering information. But it seems to me that the main thing he was concerned with was, the thing that sticks out in my mind the most was him asking me if I did, in fact, see a colored NCO firing into this ditch. I remember telling him, yes, that I did. He asked me how I could say that it was a colored soldier and that he was an NCO. At that time I told him that we were making very low passes over the village and not really all that fast. We were trying to maintain around 60 to 65 knots. And I told him that there was no doubt in my mind that the individual was colored. I told him, as I told you, that I could definitely see chevrons above his rolled-up sleeves. It seemed to me that that's the one thing that sticks out in my mind the most.

He was quite concerned about that one thing. I remember him asking me, it seems like, two or three times whether or not I was actually sure of what I'd seen. I remember answering, at least twice, that I had in fact seen this. He quite possibly might have asked me about some of the other bodies surrounding the village or something like that, or he might have asked me my opinion of what happened, or did I see any draft-age Vietnamese males, or anything of this nature.

Q. You indicated that you were talking to him generally along the same lines that we have been discussing things here this morning.

A. Yes, sir.

Q. Did you tell him the story as you portrayed it to us? Did you tell him that you saw the ditch that had all these bodies in it, and that you had seen this colored individual firing into this ditch? Did you tell him about the confrontation with the lieutenant and about picking up the individuals and flying them out of the village? Did you tell him about the bodies you had seen on the trail?

A. Yes, sir. I'm sure I probably--I'm sure I did cover all those items. But it seemed to me, like I said before, that even after telling my side of the story and all, it still seemed to me that the thing that sticks in my mind most was the fact that he asked me if I did, in fact, see this NCO shooting into the ditch. I don't know why they questioned me about this, but that seemed to be one of the major things that he was concerned with for some reason.

Q. How long did you talk to him?

A. About 10 to 15 minutes, sir.

Q. Were you placed under oath?

A. No, sir.

Q. Did you make any written statement at that time?

A. No, sir.

Q. Did you notice whether or not he was taking any notes or transcribing this in any form?

A. I can't say for sure, sir. I think he was taking notes.

Q. Do you recall whether this individual was--you say he was a colonel. Was he a lieutenant colonel or was he a colonel?

A. It seems to me, sir, that he was a lieutenant colonel. I really can't, don't have any real basis for saying this. I don't remember. It seems to me that a colonel,

if he had been a colonel, it seems to me that I would have been maybe a little more impressed. I mean normally you see quite a few lieutenant colonels. On that basis, I don't remember whether he was a colonel or a lieutenant colonel.

Q. Do you remember the building, the van, or whatever it was, in which you were interrogated.

A. Yes, sir.

Q. Was it a van or what was it?

A. Actually it was a bunker. A sandbagged bunker on top of--our helipad was down at the foot of the hill there at LZ Dottie. It was a sandbagged bunker. I think it was dug into the ground and then sandbagged around the top. I can remember stepping down into it.

Q. Do you remember whether it had a metal door on it or not? Could you have been going into a van that had been dug into the ground and covered with sand bags?

A. Quite possibly I could have, sir. I know that it was a dug-in bunker, and sandbagged.

Q. How large was it, approximately?

A. If I remember, sir, it was something like maybe 12 or 14 feet by 9 or 10 feet inside.

Q. I have here two pictures of individuals (Exhibits P-50 and P-142). Would you look at these and see if either of those may have been the officer that you talked with?

A. Sir, I couldn't say one way or another whether either one of those was the person I talked with. The face on the smaller picture is more--I'd say, if I had seen either face, it would be the one in the smaller picture, I would think. I can't say that either one of them is really the one I talked with.

Q. For the record, we'd like to state that Mr. CULVERHOUSE was shown pictures of Lieutenant Colonel BARKER (Exhibit P-142) and Colonel HENDERSON (Exhibit P-50). Although not being able to positively identify them, he indicated the small photo of Colonel HENDERSON may possibly have been the individual he talked with.

MR MACCRATE: Did you ever hear, Mr. CULVERHOUSE, that Mr. THOMPSON and his crew had taken a child to the hospital in Quang Ngai?

A. Yes, sir. I did hear that THOMPSON and his crew did take a small child with a shrapnel wound in one of his arms or shoulders, to the best of my memory, to the hospital. His gunner took this child out of this same trench with the bodies which I discussed earlier.

Q. Did you understand that incident had occurred after you left the station that day?

A. I understood it happened before, sir.

Q. Did it occur while you were on station that day or before you came on station?

A. I think it occurred to me, sir, while we were on station. I wouldn't want to say for sure that THOMPSON informed us, but I mentioned his absence when we first arrived on station. But really, as far as making a definite answer and saying that he informed us when he returned that he was returning from taking that wounded person to the hospital or exactly where he had been, I don't--I can't remember him actually telling us where he had been or when he had taken this child to the hospital.

Q. You were simply basing your assumption that he had done it before on the fact that he was not on station when you arrived on station. Is that it?

A. Yes, sir.

Q. Do you know if any gunship accompanied him on that trip to the hospital?

A. No, sir, I don't.

Q. You don't recall any of the other pilots speaking about going with him, accompanying him in their gunship, to the hospital?

A. I don't remember anyone saying that, sir.

COL FRANKLIN: I'm going to ask you for some opinions of this meeting you had with the colonel, Mr. CULVERHOUSE. What impression did you have of the talk that you had? Did you

get to talk like you talked to us, without interruption? Was there a real interest, or did you get argued with a little bit? Were you sort of put on the spot? Just what was your feeling with this colonel?

A. I don't remember being able to talk to him as freely as I've been able to talk to you this morning. It seems like--it seems to me that the colonel I talked to was more or less on the defensive in a way. It appeared to me that there was some doubt really as to what we were saying. That could, might have just been his personality to not make a person feel very at ease. But he appeared to be on the, I'd say the more or less defensive rather than a neutral. I'd say the defensive more than a neutral in his line of questioning.

Q. You mentioned generally the same subjects you covered with us. This ditch--I think in one of your statements, there may be even blood running in the ditch. Do you think you might have talked in these strong terms when you were talking to this colonel?

A. Yes, sir. I think I might have.

Q. What was his reaction when you mentioned a ditch with blood running in the ditch and all these bodies? Did he say anything?

A. I can't remember exactly what his reaction to that was, sir. It seemed that some of the things that I told him did seem to put him, like I said, more or less on the defensive, or that's the way I felt it--that's the way I got it. It made him uneasy. Really, sir, that's what I'm trying to say. He seemed to be quite uneasy when I'd make a rather bold or brass statement as to the hard facts, like so many bodies--that there was blood actually running off from the bodies down into the ditch. Really, that's the impression he gave me.

Q. Your landing of this gunship is sort of unusual. Do you recall anybody ever being upset about bringing that gunship down?

A. I don't recall anyone ever acting real upset about it. I know it isn't standard operating procedures. Myself, if I had been making the decisions, I don't know whether I would have elected to actually set or land a gunship in a tactical situation or not.

Q. Do you ever recall Mr. MILLIANS coming to you and saying he got in trouble for landing that gunship to evacuate those civilians?

A. I don't remember him saying that.

Q. Do you remember ever talking to your company commander about this?

A. No, sir. I don't remember going to talk with Major WATKE for that specific purpose or reason. You know, as far as making explanations as to why we did it and so forth, I don't remember him calling us in. We were all a fairly close-knit group, and I might have discussed it with him, but not on a formal basis anyway.

Q. Well, how about the informal basis, discussing this with Major WATKE? Do you specifically recall any time when you talked about it informally?

A. I can't recall any specific time, no, sir. I really can't say that I did or that I didn't. We, among the flight platoons there in the company, we discussed things quite frequently in more or less the open. Things such as what we had found on our missions, KIA's that were taken that day, how many weapons we had captured, and like that. So it's quite possible that I might have discussed something about this incident with Major WATKE on that type basis. I don't remember a formal discussion.

Q. In your opinion, did Major WATKE know about that? Did he know about the ditch and the bodies, in your opinion?

A. Yes, sir.

Q. He did know about it?

A. Yes, sir.

Q. Can I ask you why you think he did?

A. Well, sir, as I said, I don't remember going to him and telling him personally. I'm sure as much concern as there was in the company over this incident, as much as it was probably talked about, and all that, I don't see how they could help but be aware of it. As upset as Mr. THOMPSON seemed to be over the entire situation and all, I can't say for sure that he ever went in front of Major WATKE for that.

Knowing Major WATKE and knowing Mr. THOMPSON, I'd be prone to believe that surely Mr. THOMPSON did make him aware of it. I can't say for sure that he did.

Q. You say "in the company." Was there more than just you and Mr. THOMPSON and some crew members? What do you mean "the company," the feeling in the company about this?

A. Really what I meant by that was the people, the pilots that were actually on--the pilots and crew that were on station that morning, the first crews on station as well as our crew. I remember it was discussed quite frequently for some time after it happened. It wasn't forgotten in 2 or 3 days like a lot of the missions we discussed. There for a while, it was constantly coming up. Someone was mentioning something about it.

Q. When it was discussed, how was it referred to, unnecessary killing or massacre? Do you know just what words were used when it was discussed?

A. From the people that I heard discuss it, everyone--all of them seemed to think--I was of the opinion that the general opinion was that there was unnecessary killing that took place there.

Q. Do you know if your battalion commander ever came down and talked to anybody about this?

A. No, sir, I don't.

IO: I want to come back to the time you were at LZ Dottie, and you were asked to go up with THOMPSON and somebody else to talk to this colonel. What time of day was that, do you recall?

A. It seems like it was either the late portion of the morning or the very early portion of the afternoon. Somewhere around noon, I'd say, give or take an hour one way or another.

Q. While you were there at LZ Dottie that day, did you see a lot of other senior officers that were flown in and out of the helipad?

A. No, sir.

Q. Did you use the same helipad that command and control helicopters would use coming into LZ Dottie?

A. Yes, sir. There was one helipad--actually there was an improved or asphalt helipad down at the foot of the hill, and there was another small helipad on top of the hill as well as a POL pad on top of the hill. I'd say there was three normal landing positions there at LZ Dottie. I would think that if there were a VIP or someone coming in, more than likely they would land at the helipad on top of the hill. It was much closer to the fire direction center, the operations center, and so forth. Perhaps they would land on top of the hill rather than land down at our helipad and walk up probably 500 or 600 meters up the hill.

Q. Then you probably, if they had been there, you probably would not have seen them anyhow.

A. Yes, sir.

Q. They would have landed at the LZ on top of the hill, as opposed to the LZ which is on the west side of LZ Dottie, where you normally landed your slicks and gunships?

A. Yes, sir. I could have seen them landing or approaching LZ Dottie and known where they were landing. As far as the people on board, why there wouldn't have been any way that I could have known.

Q. Did you see any generals or any senior officers there that morning when you went up to talk to the colonel on the hill, aside from that one individual?

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

Q. Reference the question Colonel FRANKLIN asked you about how you were being questioned, did it appear that you were being questioned to find out if the aero-scouts and the gunships did something wrong that day?

A. No, sir. I don't remember any questions along this line. I don't remember really being on the defensive myself. I don't think there was anything said about maybe we were in the wrong or something. I think he was more or less trying to base or ground on the assumption that something had taken place there, and that it was out of order.

Q. Do you recall whether or not you told him about landing the gunship to pick up these women and children?

A. I'm quite sure I did, sir. I'm not sure I told him that we took them out, and I felt that if we hadn't, they would have been killed also.

Q. This operation took place on the 16th. You indicated it took place sometime closely thereafter, not a month or something like that.

A. No, sir, no great period of time.

Q. Yes. Could this have taken place on the 18th, 2 days later?

A. It could have, sir. I'd like to think or remember it, but it did take place within a week anyway, to the best of my remembrance. I remember it was within 3 or 4 days.

Q. It was still very fresh in your memory?

A. Yes, sir.

Q. Now, coming back to the discussions that you had talked about within the company. I take it from your response to Colonel FRANKLIN's question that it was generally pretty well known within the company that something unusual had taken place that day?

A. Yes, sir.

Q. Were there a lot of wild rumors going on in the company by people who were not associated with the incident?

A. I don't remember, sir. I'm sure it was talked about enough that I'm sure there were rumors. I'm sure that stories might have been twisted and so forth, because the pilots from Alpha Company were aware of it.

Q. You say the pilots from Alpha Company were aware of it?

A. Yes, sir.

Q. Do you know any specific individuals from Alpha Company that were aware of it?

A. Not that I can remember, sir. It would be almost impossible for a pilot in the battalion not to be aware of it, because it was discussed that much. There seemed to be quite a bit of concern.

Q. Did you ever talk to, or did anybody ever talk to you about this incident from outside the battalion? Here I'm thinking about people such as the inspector general, the chaplain, or other members of the division staff?

A. No, sir. The only one outside of the battalion that I remember saying anything to me was just this one colonel that I was telling you about at LZ Dottie.

Q. Do you recall sitting around at your club some evening with somebody outside of the battalion and, perhaps, mentioning anything to them at all?

A. I don't recall doing that, sir. It could have happened very easily, because we went to other battalions' clubs, and they came to ours. It could have happened.

Q. At any time, to your recollection, did Major WATKE assemble the company and tell about a lot of loose talk going around this incident and it was being investigated and, "therefore, let's stop all these rumors, and so forth, and let the matter be investigated properly"?

A. I don't recall that, sir.

Q. Did anybody ever caution you to keep quiet about this?

A. No, sir.

Q. Were you ever advised or informed in any way other than what the colonel had told you at LZ Dottie that an investigation was being made of this incident?

A. No, sir. I don't remember ever being informed that there was an investigation in progress. I suppose maybe I might have deduced from my meeting with this colonel that there possibly was one underway. After that one conversation

I had with him, I never was questioned concerning it again by anyone who was investigating it.

Q. But he did tell you that he was conducting an investigation, as I recall your testimony?

A. Yes, sir.

MR. MACCRATE: After you spoke with the colonel who indicated that he was conducting an investigation, did you ever, at any time, hear the results of the investigation?

A. No, sir. As I said, that one day was the last I ever heard about any investigation.

Q. Did you make any inquiries or hear other people inquiring as to what had happened of the investigation?

A. I didn't make any inquiries myself. I understand, or the best I can remember, Warrant Officer THOMPSON was inquiring. I think maybe because he was down, you know, the closest. He got a better look at things but was more concerned with it than anyone that I knew. I'm almost certain that he did question someone as to whether any results had ever come of it or not. I can't say that he actually did this.

Q. Have you heard that he had asked someone about it?

A. No, sir. I hadn't heard that, and I don't remember him telling me that he had. I do remember that he had-- didn't forget it very quickly and still talked about it up to the time he transferred out of our unit. I don't know exactly what his actions were. I think that if anyone did check on it, the outcome of the investigation, he more than likely did.

Q. Did you get the impression that the colonel was serious about the investigation. Was he really trying to get at the facts of what had taken place, or in addition to his being defensive about it, as you suggest, did you get the impression that he really was setting out to get as much information as he could?

Did he ask you, for example, who else had knowledge of what went on? Was he trying to find the names of people who were there?

A. No, sir. I don't remember him going into an in-depth investigation, as far as that's concerned, about circumstances that actually surrounded the case, about things that happened before and after and all. I don't remember him asking anything about other people that were involved, other than maybe potential witnesses and stuff. I don't remember any questions along those lines.

Q. Did you ever remember Major WATKE asking you questions along that line?

A. No, sir, I don't.

Q. Did you ever remember Major WILSON asking you questions along that line?

A. No, I don't.

Q. Do you have any recollection of Major WILSON being present at the time that you went up and talked to the colonel?

A. I couldn't say that he was present. I know he spent a great deal of time in our operations van. He might have been there, but then I couldn't say that he was.

Q. Well, would he have been down at LZ Dottie or would he have been up at Chu Lai?

A. Well actually, he spent more time at operations in Chu Lai than he did in the operations van down at LZ Dottie. I don't remember him flying all that much. It's possible that he could have been at either of the two places. I couldn't say where he was, but he had knowledge that I was going to talk to this colonel.

Q. Did you know Colonel HOLLADAY?

A. Yes, sir.

Q. Did you have any recollection of seeing him at this time in connection with this investigation by the colonel, or having any conversation with Colonel HOLLADAY?

A. I don't remember ever conversing with Colonel HOLLADAY about the situation. I don't remember him being present at LZ Dottie.

Q. Do you have any recollection of--can you now recall any of the chaplains who served your unit?

A. No, sir, not that I can recall them by name.

Q. Do you have any recollection of any discussions with the chaplain regarding this incident?

A. I never discussed it with him, sir.

Q. Do you remember anyone else discussing it in your presence?

A. No, sir.

COL FRANKLIN: After you got through talking to this colonel, Mr. CULVERHOUSE, were you called in by anybody in your chain of command to say, "Well, how did it go?" or, "What did you tell the colonel?"

A. I don't remember being called in by anyone, sir. To the best of my memory, I went back down to the parked helicopter to continue a card game or toss some horseshoes.

Q. Didn't that seem strange to you?

A. No, sir, not really.

Q. I wish you'd think real hard now, Mr. CULVERHOUSE. This is really important to us, whether this was a lieutenant colonel or a colonel. Anything that was said before or after so we can try to pin down who this individual is. Was he the colonel or the brigade commander or the task force commander or the IG? Can you recall anything along this line?

A. As to what his actual title was?

Q. Yes.

A. I can't remember, sir, exactly what his title was. The best I can remember is that Mr. THOMPSON came down and said "There's a colonel from the brigade"--

Q. (Interposing) From the brigade?

A. Yes, sir. "He wants to talk to us about this mission a couple days ago." It seems that he was from brigade.

I know he wasn't from--I'm fairly certain he wasn't from the division anyway. I couldn't say exactly what office he was working out of.

Q. Would you say he was not working out of LZ Dottie?

A. Yes, sir. I would say that.

Q. Why would you say that?

A. To the best that I can remember, he came to LZ Dottie expressly for the purpose of talking with us. It was my understanding that he was from outside LZ Dottie. He was there to find out what information he could find.

Q. Do you know who was the brigade commander of the brigade you supported at this time, what his name was?

A. In the brigade, I think it was Colonel BARKER. Task Force Barker is named after Colonel BARKER of the 11th Infantry Brigade.

Q. Do you know what a brigade is, Mr. CULVERHOUSE?

A. I should know, sir. It's a--if I'm not mistaken, it's the next higher division than a battalion. It would be battalion, brigade, and then division, if I'm not mistaken.

Q. Do you ever recall seeing a brigade commander over there during this period of a month or so?

A. Not as such. Not as a brigade commander, I don't recall seeing one.

Q. I have one final question. Was this colonel wearing web gear, or do you recall?

A. He was wearing web gear and, if I'm not mistaken, he had his helmet and helmet liner. I don't think he had it on, sir. I think he had it on the desk in front of him.

Q. If he didn't have his helmet on and had his web gear on, you probably could not see insignia, is this correct?

A. It's possible, sir, with the shoulder straps on that you might not be able to.

COL FRANKLIN: Thank you very much, Mr. CULVERHOUSE.

IO: You identified a brigade. Do you know what a task force is?

A. A task force, sir?

Q. Yes.

A. I don't know exactly, unless a task force is a unit from within a brigade, say maybe two or three battalions working in conjunction on a certain area of responsibility. Not really, sir. As I said, most of my time in Vietnam was spent in maintenance.

Q. I understand that. But you seem to put the task force above the brigade or something of that nature.

A. No, sir. My opinion of a task force would be something like maybe two battalions or so working in conjunction to accomplish an overall mission, say a mission that started on one day and ended 30 days later.

Q. All right, fine. Mr. CULVERHOUSE, do you have any photos, maps, memos, documents, or any materials of any kind, which relates to this incident that may be of benefit to the purpose of this investigation?

A. No, sir. I have none to my knowledge.

Q. Do you have anything else that you would like to add to what you've said here today, which might be of assistance to us?

A. I can't think of anything else, sir.

Q. Well, you've been very open, and we are very appreciative. We have given you certain facts and certain bits of information as we have gathered them and as they were presented in testimony to the investigation. If, in the future, with the benefit of this information, some of these other things that might be stored in your memory come to light, we'd like very much to have you notify this investigating board so that we can make that a matter of record.

A. Okay, very well, sir.

Q. Do you have anything further?

A. No, sir.

IO: This hearing will recess at this time.

(The hearing recessed at 1025 hours, 10 January 1970.)

(The hearing reconvened at 1035 hours, 10 January 1970, with LTC PATTERSON and CW2 CULVERHOUSE present.)

LTC PATTERSON: The hearing will come to order. You are reminded that you are still under oath and that your instructions still apply.

A. Yes, sir.

Q. I place before you an aerial photograph (Exhibit P-1), approximate scale 1:3,000. It's a vertical photograph. It is our hope that you will be able to identify some points on this photograph which we will mark. Hopefully you will then be willing to sign the photograph. We will then introduce it into evidence, and it will become a permanent part of this inquiry as an exhibit (Exhibit P-156).

But before we do that, I would like to show you some photographs which are already exhibits: photographs (Exhibits) P-103 through P-12. These photographs are aerial photographs, oblique. They were taken from an altitude of about 1,000 feet from a helicopter, showing My Lai (4) recently and not in the 1968 time frame. But to get you oriented and to get a feel of what the village and the surrounding area looked like, I'd appreciate it if you would peruse these photographs. We will discuss them individually as to the direction from which they were taken, north, south, east, or west.

After we've done this, then perhaps the incidents that you've described as having seen on 16 March, you can identify and place on the vertical aerial photograph (Exhibit P-1), which we will introduce as an exhibit to your testimony. At this time, I give these photographs to the witness, and the hearing will recess while he peruses the photographs.

(The hearing recessed at 1038 hours, 10 January 1970.)

(The hearing reconvened at 1045 hours, 10 January 1970.)

LTC PATTERSON: The hearing will come back to order. Mr. CULVERHOUSE, you're again reminded you're under oath. Do you feel you are better oriented now on the aerial photograph (Exhibit P-1) after looking through these 8-by-10 oblique photos, Exhibits P-103 to P-120?

A. Yes, sir, I feel like I am.

Q. If you prefer or if you desire, I have a 1:50,000 standard map (Exhibit MAP-5) that I can show you. However, with the detail that we're going to get into now, I would prefer you use this. Do you want it?

A. No, sir.

Q. I believe you indicated in your previous testimony that there are three significant scenes that you saw on the morning of 16 March. One of these was a group of people in a ditch.

A. Yes, sir.

Q. Do you think, after being oriented on that aerial photograph (Exhibit P-46), that you can identify that ditch on that aerial photograph (Exhibit P-1)?

A. Yes, sir.

Q. Would you point to it, please?

A. It would be this one right here, sir.

Q. Pointing to an area on the aerial photograph (Exhibit P-1) we will mark with a number 1. Right here, or here, or where?

A. Right in here, sir.

(LTC PATTERSON marks location identified by CW2 CULVERHOUSE on Exhibit P-1, which with annotation is later admitted into evidence as Exhibit P-156.)

Q. Right here. Number 1. And will you tell me again so we'll know what to put at this location.

A. Sir, I saw, I'd say, approximately 150 to 200 bodies.

Q. Saw approximately 150 to 200 bodies?

A. Yes, sir.

Q. Can you elaborate on the type of bodies? Were they dead?

A. They were--appeared to be dead, and it appeared to me they had been just thrown or pushed into the ditch. They weren't laying in any order, just one on top of another.

Q. How about sex or age?

A. On our low passes I got to definitely distinguish that there were mixed sex and varying ages, from very young to very old.

Q. Number 1 is identified as where Mr. CULVERHOUSE saw approximately 150 to 200 Vietnamese, of mixed sex and age, dead.

A. Yes, sir.

Q. The second thing that you indicated was that you saw a sergeant that you identified by chevrons. This sergeant appeared to be colored and was firing into a group into the ditch. Can you identify that location?

A. Yes, sir. It would be in the same location, number 1. He was standing on the eastern bank.

Q. He was firing into the same group of bodies, apparently the same group of bodies that you identified in number 1?

A. Yes, sir. My impression was that maybe some of the bodies weren't, or the people weren't yet dead. My first impression was that he was finishing off those that hadn't died yet.

Q. Marked as number 2 on the aerial photograph is where Mr. CULVERHOUSE saw an apparently colored NCO fire into the group in the ditch from the east side. Is that correct, Mr. CULVERHOUSE?

A. Yes, sir.

Q. Another incident that you claim to have seen is some people in a bunker where Mr. THOMPSON, according to your testimony, landed his helicopter.

A. Yes, sir.

Q. Do you identify that from this aerial photograph? Or from any of the other photographs you've looked at?

A. I couldn't positively identify the position of these people. I know it was somewhere on the northeastern side of the bulk of the village.

Q. Was it in an open area, or was it close to--

A. (Interposing) It was close to a vegetated area with trees and buildings within the vegetation.

Q. Well, do you think you could indicate it on this photo?

A. I think, sir, I'd prefer not to. I know it was in close proximity to this ditch we discussed earlier. I couldn't--really right now I couldn't say whether it was on the western side or the northeastern side of it.

Q. All right. In your previous statements, the statement to the CID investigator, you indicated that you saw some other activities or incidents on the ground. Do you recall any of these?

A. Yes, sir. I've stated that I saw one group of bodies, probably 20 to 25 people, lying in a pile on a road leading from the village. A few more bodies were scattered farther west along this same road.

Q. The trail leading from the village, do you recall which direction?

A. Yes, sir. It was a, more or less, westward direction. The road that I'm speaking of ran more or less east and west.

Q. Let's see, along the trail that led from the

village and then joined a road, is that what you said?

A. Yes, sir. It was at a trail intersection. It was an east-west road.

Q. You pointed to the side of the road. Do you think that's the road there?

A. Yes, sir. I think it was. It was to the south.

Q. Pointing to Highway 521.

A. This east-west road was to the south of the village and, to the best I can remember, the bodies were on this road at a trail intersection leading into the main portion of the village.

Q. Well, by looking at the aerial photograph, there are two trails that run into the village from the east-west road, Highway 521. There is this trail and, of course, that's the one running due south. And then there's a trail that runs out of the southeast corner to a little hamlet and more to the southeast.

A. Yes, sir.

Q. Do you recognize any of the terrain or with other photos be able to recognize where you might have seen those bodies? The 20 to 25?

A. Sir, we were flying in a right-hand orbit passing over this ditch we pointed out, and in our right-hand turn in order to fly across this ditch, I'm prone to believe that this road and trail intersection right here is where I saw the bodies.

Q. That's a logical deduction. Do you want to put it down as that? Do you recognize it from the photograph--

A. (Interposing) Sir, I can remember this hedgerow, it being to the south of this road and there was a road and trail intersection.

Q. The hedgerow structure is all along 521 there. It separates it from the trail out here to the south.

A. Yes, sir, it does.

Q. Do you remember where this group might have been in relation to Hill 85, which is off to the southeast of the map? You must have noticed--well, I'm sure you've noticed Hill 85 in your orbits.

A. Yes, sir, it was north of 85, possibly--

Q. (Interposing) North of 85? If you'll also notice the hedgerow along 521 is close to 521 in some areas and a little further away in others. In this area the trail running southeast of My Lai (4) to 521 there are groups of--or a little village, not really a defined hedge as such. And just to the west of this intersection, the southeast intersection, there is a heavy growth and then separated and then a kind of a single line on the southern most trail out of My Lai (4) to 521. Referring to photograph, Exhibit P-105, which is a photograph of My Lai (4) taken from the northeast corner looking to the south-southwest. Route 521 is in the upper left-hand corner running from the upper left-hand corner to approximately top middle of the photograph. Here is the hedgerow that you see that's identified on the photograph as being down in here.

A. I would prefer to think that it was right along in here, sir.

Q. Right along in here? All right, marking number 3 and this was a group of 20 to 25?

A. Yes, sir.

Q. Group of 20 to 25 what?

A. Dead, of mixed sex.

Q. What about ages?

A. Again like in the ditch, from very young to old.

Q. Is this an approximate area or are you fairly well sure of this?

A. I'm fairly well sure of it, sir.

Q. All right. Number 3 on the aerial photograph is identified as a group of 20 to 25 dead Vietnamese of mixed sex and age. Can you recall anything else that we might be able

to put on this photo concerning any of the incidents? Where did you land the helicopter, you and Mr. MILLIANS, to pick up some Vietnamese? Can you recall? Think about it for a moment without reference to the photograph. Try to remember the approach that you made. The direction of your approach and any considerations that you had reference obstacles as you were coming into your flare for landing.

A. Sir, I remember approaching in an eastward direction.

Q. An easterly direction?

A. And approaching a tree line from the west in an eastward direction.

Q. Do you recall overflying the village itself or were you over open area in your approach?

A. We flew over open rice paddies and approach a wooded area.

Q. The wooded area being to your front or to your east as you were landing?

A. Yes, sir.

Q. And this area then you stopped or landed and set down just short of this tree area?

A. Yes, sir. We landed as close as we could to the tree area without endangering the helicopter. When we made our takeoff, we made it in a northeasterly direction.

Q. To a northeasterly direction? And did you overfly any water?

A. I can't remember overflying any water. The reason I say we took off in a northeastward direction--I remember referencing it to the South China Sea. I know we made our takeoff in that direction.

Q. Okay.

A. And then immediately after the takeoff, we turned back to the southwest.

Q. And were you flying towards Hill 85 at this time?

A. Yes, sir. We took off in a northeasterly direction, made a right-hand turn and paralleled this northeast-southwest running road.

Q. Which is 521.

A. Yes, sir. The people we took out, we deposited in a rice paddy to the south of the road, probably a mile, mile and a half, 2 miles to the southwest of the village.

Q. All right. Now let's think about your takeoff. It must have caused you just a bit of concern that you were loaded with fuel and hadn't expended any ammo. You had, as I believe your testimony indicates, about four people aboard plus your own crew. There must have been some thought about RPM loss, and there probably was some thought about a running takeoff or a shallow, gradual takeoff and no climbing out over any trees initially.

A. That's right, sir.

Q. And then you certainly didn't start your turn to the south, or right, too soon, did you? Till you got a little altitude?

A. No, sir, not before we got to at least 200, 250, or 300 feet.

Q. You hadn't yet arrived over the China Sea?

A. No, sir.

Q. And when you turned to the south, or to the right, do you recall the position of Hill 85, as you came around and paralleled Highway 521?

A. Yes, sir. I know we paralleled the highway and went back to--

Q. (Interposing) When you first started your turn, you probably cleared yourself to the right to make sure there weren't any other ships in your way. As you came around and got turned around and started heading back to the southwest along this trail, do you remember where Hill 85 was? Was it out to your left front?

A. Yes, it would be off to our left front, sir.

Q. Do you remember seeing it, thinking about it?

A. I can't remember any distinct thoughts about it.

Q. Okay. I'd like to refer you to Exhibit P-110, an aerial photograph, oblique, of My Lai (4). You can see the China Sea in the background and Highway 521. Number 1 that you've marked on the aerial photograph (Exhibit P-156) is here.

A. Yes, sir.

Q. Landing to the east, flying over an open area, do you recall whether the village was off to your left or to your right? You were sitting left seat, and off to your flank on your side of the ship, could you see the village?

A. No, sir. The village would have been on our right.

Q. Then that means that you would have made your approach to the east on the north side of the village?

A. Yes, sir.

Q. And into a tree line?

A. Yes, sir.

Q. Can you identify on P-110 what might have been the tree line, or can you identify any tree line? You'll notice there's a bridge going across, or a dike of some sort going across the stream that's pictured here in P-110. That bridge or dike is this area right here, on the aerial photograph.

A. I don't specifically remember the bridge or dike, but I know we did approach in a easterly direction, to the north of the village. I also know that it was fairly close to the position that we've marked 1 here, the ditch. It wasn't very far from it at all.

Q. Okay. Would you close your eyes just a minute, Mr. CULVERHOUSE, and think about when you came to your flare. Did he set the helicopter right down in an easterly direction, or did he hover and turn the helicopter in one direction or the other?

A. I think at the very bottom of the approach we were

approaching in more or less an easterly direction, and then right at the bottom, he might have turned the helicopter back to the south.

Q. To the south?

A. Right. I believe he did turn the nose to the right, which would be turning it to the south.

Q. So that the individuals could get in the left door, your side?

A. No, sir. So they could get in the right door.

Q. So they could get in the right door?

A. Yes, sir. They got in the aircraft from the right-hand side.

Q. Okay. Then picking up, when he picked up that heavily loaded helicopter, did he swing the nose one way or the other?

A. To the best of my memory, sir, we had to turn the helicopter, had to side hover out, I guess, more or less, to the north and then pedal turn back in a northerly direction to make our takeoff over the most advantageous takeoff path.

Q. Okay, from either P-110 or the aerial photograph, do you think you can point out the approximate area that this was? Thinking about the relation as to where that ditch was that you'd seen previously?

A. Yes, sir, the ditch was, I'm fairly certain, to our right flank, so--

Q. (Interposing) Been to the south?

A. Yes, sir, to the south. It would have to be-- the way we came in it would have to be. We approached this area right in here.

Q. Right in here? Marking number 4. Okay, we're marking this number 4. This is where you landed with Mr. MILLIANS to pick up some Vietnamese nationals that were alive?

A. Yes, sir.

Q. Do you recall their age, sex, makeup of these individuals?

A. Yes, sir. There's no doubt in my mind about these individuals. There was, I'd say approximately 10 of them of mixed sex, and again ranging from very young to very old.

Q. And, is this, or do you recall, were they standing in the field, were they in a ditch, or were they in a bunker.

A. Well, when we made our approach, sir, they were standing just outside a makeshift bunker, and Warrant Officer THOMPSON and his crew were standing with them assisting them to our helicopter.

Q. Number 4 is marked where Mr. CULVERHOUSE landed to pick up 10 Vietnamese nationals of mixed age and sex standing outside a bunker. Now you just stated that Mr. THOMPSON was there and assisted these people aboard your ship?

A. Yes, sir.

Q. His helicopter was at this location, too, at this time?

A. Yes, sir. He had landed his helicopter also very close in to the tree line and frictioned his flight controls down and was outside his helicopter.

Q. Do you recall whether you landed to the south or the north of him. Was he to your right or you left?

A. He was to our right, sir. Maybe a little closer in than we were.

Q. Okay. So he would have been somewhere in here, just to the south of you?

A. Yes, sir. Just to the probably due south if not southwest of us, not very many meters away.

Q. Number 5 is marked to the south of where Mr. CULVERHOUSE and Mr. MILLIANS landed. Number 5 is identified

on the aerial photograph as where Mr. THOMPSON landed next to bunker and called for gunship to evac the Vietnamese. Is that essentially correct?

A. Yes, sir.

Q. What else can we fix on here, Mr. CULVERHOUSE? Do you recall seeing any additional bodies to the west of a north-south trail?

A. Yes, sir, I would say 80 to 125 meters west from this position, where we marked the pile of bodies containing 20 to 25 bodies, there were scattered bodies. Probably five or six laying on the trail and off the edge of the trail, from this pile to the west.

Q. And you think this is from number 3 rather than down in this area?

A. Yes. Yes, sir. That's what I think, if I'm not entirely mistaken about that intersection. I know that a large pile of bodies was at a trail intersection and there were probably five or six more bodies scattered to the west of it.

Q. About how far to the west of this group of 20 to 25 did you say it was?

A. I'd say about 80 to 100 meters.

Q. I've indicated on the aerial photograph number 6, where you think you saw an additional five to six bodies approximately 80 to 100 meters west of the larger group identified on the aerial photograph as number 3.

A. Yes, sir.

Q. Numbers 3 and 6 now, I have a feeling you're not real sure of. Is it possible that they could be in the vicinity of the trail junction of the north-south trail running due south out of the center of My Lai (4) to 521?

A. Yes, sir. It is very possible that it could have been there.

Q. So both number 3 and 6 are approximate?

A. Yes, sir. I don't know, probably, thinking again, it could have been one just about as easily as the other as far as I can remember.

Q. Is there anything else, Mr. CULVERHOUSE, that you'd like to fix on the map?

A. No, sir.

Q. All right. There are a couple of additional questions that I'd like to ask you about the meeting that you recalled with this colonel. Can you tell me anything else about the individual that talked to you, this colonel, concerning his age. Would you describe approximately how old you feel he was?

A. Sir, to the best of my memory, he was middle-aged and of about average build.

Q. Middle-aged, what do you mean?

A. Right around, probably 48 to 50 years old.

Q. Would you say he was older than 40?

A. Yes, sir. I would say he was older than 40.

Q. And a good bit older than 40? I mean 5, 10 years?

A. Yes, sir, it could be 5 or 10 years over 40.

Q. Did he have a full head of hair, or did he keep his hair clipped short, or was he balding? Do you recall?

A. The only thing I can recall is that he did have fairly short or thin hair. I don't recall him having a moustache or anything that would really stick out.

Q. Okay. Going back now to when you arrived on station in the morning. You indicated that you flew with Mr. MILLIANS.

A. Yes, sir.

Q. Why do you recall so vividly it was Mr. MILLIANS?

A. Well, one reason I recall so vividly, sir, is that at one time I was thinking about writing Mr. MILLIANS actions up that day for some type of award. I felt that he did an outstanding job that day and probably should had gotten some type of reward. I had planned to write this statement up, but never did.

Q. Had Mr. MILLIANS flown prior to the time that you and he went up?

A. That same day, sir?

Q. Yes.

A. No, sir, he hadn't.

Q. You and he were a crew, and you did not take his position in the helicopter?

A. No, sir. We were a crew from the--assigned as crews that morning.

Q. Was Major WATKE in the air at the time you were airborne?

A. No, sir. I don't think he was.

Q. Mr. CULVERHOUSE, if this photograph is essentially correct, I've indicated at the top of the photograph, "Prepared at Washington, D.C., on 10 January 1970." Would you be willing to sign your name to that photograph?

A. Yes, sir.

Q. Would you take the blue pen and sign it, please?

(The witness signed the annotated aerial photograph, later identified as Exhibit P-156.)

I think you indicate that Major WATKE was not flying that day while you were airborne?

A. To the best of my knowledge, sir, he wasn't. I think the people that were flying the period I flew were all junior-grade officers, if not all warrant officers.

Q. Do you have anything else that you'd like to add,

Mr. CULVERHOUSE, to what you have previously discussed.

A. No, sir. I can't think of anything else at the moment that might be of any help to you.

Q. You are again reminded of the directions that General PEERS gave you about discussing this testimony with anyone else. And we'd like to thank you very much for your cooperation and your willingness to help us in this inquiry.

A. Thank you, sir.

(The aerial photograph, Exhibit P-1, annotated to reflect locations identified by CW2 CULVERHOUSE was received and admitted into evidence as Exhibit P-156.)

(The hearing recessed at 1133 hours, 10 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: CZARNECKI, David J.

DATE OF TESTIMONY: 7 March 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Doorgunner, General KOSTER's helicopter, A Company, 123d Aviation Battalion.

1. BACKGROUND INFORMATION.

The witness was assigned as a permanent doorgunner to General KOSTER in late February 1968 (pg. 2). His records indicated that he flew six hours on 16 March 1968 (pg. 3). The witness sat on the left side of the ship, while KOSTER and LUCAS were on the right side (pg. 4). He recalled flying to the change of command ceremony and stated that General YOUNG's and Colonel GALLOWAY's ships were also there (pg.4). He recalled no other activity on 15 March 1968 (pg. 5).

2. ACTIVITY ON 16 MARCH.

The witness did not remember a specific date for a meeting between KOSTER and Colonel HENDERSON at LZ Dottie (pg. 8). He did not recall a ship landing with wounded on board (pg. 9). He recalled that General DOLEMAN was taken to LZ Dottie with them (pg. 12). He stated that KOSTER and DOLEMAN got into a jeep (pg. 12). The witness could not recall any other activities that day (pgs. 14, 15). He did not recall orbiting over a smoking area (pg. 16). He recalled landing once in the field with the 1st Cavalry (pg. 17). Normally, they would fly at 1500-2000 feet (pg. 17). He did not recall any significant body count, or

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the extraction of the ground forces on 18 March (pg. 18). He recalled seeing three dead Vietnamese northeast of LZ Dottie, but did not know if he was with KOSTER at the time (pg. 20). He did not hear of any investigations (pgs. 21, 23). He stated that they often landed at the Tropo pad at Quang Ngai in June when the ARVN's were having an operation (pg. 23).

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(The hearing reconvened at 1119 hours, 7 March 1970.)

MR WEST: The hearing will come to order.

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

The next witness is Mr. David J. CZARNECKI.

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

Please state your full name, occupation, and residence?

A. David Joseph CZARNECKI. I work for American Cyanide. I'm a lab technician there. My address, sir, you said my address too?

RCDR: Yes.

A. 337 North Fifth Avenue, Manville, New Jersey.

MR WEST: Mr. CZARNECKI, have you read our Exhibit M-57 which gives the purpose and nature of the inquiry?

A. Yes, I have.

Q. Do you have any questions about it?

A. No, sir.

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

A. I was, sir.

Q. What was your assignment and station at that time, your organization?

A. My assignment and my organization was 123d Aviation Company, A Company. I was a helicopter doorgunner at that time.

Q. You were in South Vietnam at this time?

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A. In South Vietnam, Chu Lai.

MR WEST: Colonel PATTERSON, will you lead the interrogation please?

LTC PATTERSON: Yes, sir. When did you arrive in Vietnam for your tour?

A. That was the 31st of December, 1967.

Q. Were you immediately assigned to A Company of the 123d?

A. No. I went to Bien Hoa first. My previous MOS there was military policeman. At that time I was there about 4 days, it was 3 or 4 days, and I was shipped to Chu Lai. And when I got there they didn't have a--I guess the quota was filled for all MP's they needed. Then they asked for 25 volunteers for doorgunners, so I volunteered. Then after that, that same day, I was assigned to the company.

Q. So you went for all practical purposes in December, then, to the company in the 123d?

A. No, it was January when I got there.

Q. January?

A. It was about January the 14th.

Q. Were you assigned to a particular aircraft at that time?

A. At that time, no. I was a floating gunner then. It was later February or early March I was asked to fly on the--permanently on General KOSTER's ship.

Q. You don't recall more specifically when this occurred?

A. No, I can't because at that time I put a 1049 in after I flew a few weeks to be an MP. My platoon sergeant talked me out of it. So there was a couple of weeks there that I didn't fly, and then I went down to fly with him.

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Q. You have any records that indicate your flight time on any given days?

A. I think the military has their record and I have mine at home, penciled-in copy.

Q. Have you had an opportunity to check your record, your pencil copy?

A. Yes, I have.

Q. Can you state whether or not you flew on 16 March 1968?

A. I flew, I think, 6 hours on March the 16th.

Q. The official Army records also show that Mr. WITHAM flew 6 hours with General KOSTER as General KOSTER's pilot that day. Do you recall whether or not you flew with General KOSTER?

A. That day?

Q. Yes?

A. I'm pretty sure from some of the facts that I've already heard that I was flying on that ship that day.

Q. The purpose of asking you to come in, sir, is to assist not only General PEERS in this inquiry in trying to ascertain the facts and circumstances surrounding the events of My Lai-Son My, but to assist General PEERS and General KOSTER in trying to fix, as best we can, General KOSTER's movements; where he was, whom he saw, and what he saw during the period 16 to 20 March, 1968. Recognizing that it's been a considerable period of time, General KOSTER, like most, cannot fix in his mind specific events that concern people, places, and things on any particular, given day some 2 years ago. Yet by talking to all the people intimately involved with General KOSTER, certain facts fall out from each and soon we can put together pretty well what transpired. The facts that you might have in your recall will assist us in this plight. The period of time that we're interested in, as I've indicated is 16 March. We assume, based upon your flight time and the flight time of the other individuals aboard the aircraft that flew General KOSTER, that you were,

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in fact, a gunner. For the record, will you state what side of the aircraft you rode on?

A. I flew on the AC side so that would be the left side.

Q. The left side of the ship, and General KOSTER flew on what side?

A. He flew on the right side, along with the crew chief. That would be LUCAS.

Q. In an attempt to bring you into the time frame 16 to 19 March, I'd like to give you a few facts of what occurred in the general time frame to see if we can or if you can recall the specifics of the time frame. For instance, on 15 March 1968 there was a change of command ceremony at Duc Pho.

A. Correct.

Q. Do you recall taking General KOSTER or being with General KOSTER when he went from Chu Lai to Duc Pho for that change of command ceremony?

A. I remember that day going to Duc Pho for the change of command because I was to remember that the other three C&C ships were also there.

Q. Which other three C&C ships?

A. It would be General YOUNG and I'm pretty sure it was General--a Colonel GALLOWAY. I believe he was still a colonel. That's correct isn't it?

Q. Yes. The other three--well, you've indicated the other two or two others.

A. Well, wait a minute, there were three counting....

Q. Three counting General KOSTER's ship?

A. Yes.

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Q. The records indicate this change of command occurred at 0930 in the morning. Does that seem to agree with your recollection?

A. Well the actual time I can't--to the best of my knowledge, I can't remember that. I just remember it was hot that day and I remember it was in the morning. I can't seem to place that.

Q. Yes. Under the assumption that this occurred in the morning of 15 March and the day that you recall, do you remember General LIPSCOMB departing. And Colonel HENDERSON, can you picture Colonel HENDERSON in your mind as the incumbent brigade commander?

A. On the 15th was the day the two commanders changed.

Q. Correct. General LIPSCOMB left, and Colonel HENDERSON took over the command of the 11th.

A. Well, since we were down there for a ceremony I guess that is actually what happened, but we were quite far in the background. We didn't go up to see the ceremony itself, we saw the change of command from a distance.

Q. I see. Do you recall--

A. (Interposing) The actual ceremonies I didn't see.

Q. Do you recall did the general, General KOSTER, stay at Duc Pho a period of time after the ceremony?

A. I can't really say on that. Sometimes we stayed for lunch, well quite a few times, but that one day in particular I can't remember if we stayed there for lunch or not.

Q. I see. Do you remember when you left and where you went?

A. That day, I think we went back to Chu Lai after that. As we on--a lot of times with ceremonies we were let off early and we usually go back. That day, I can't remember if we went back early or we stopped off someplace.

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Q. Did you talk to the crew members of the other two C&C aircraft that were there?

A. Oh, yeah, a lot of times when we would go to one specific place with all three. We were all quite good friends. We were all in the same platoon so we all get together when we go down there.

Q. Do you recall hearing them discuss where they thought they were going after the ceremony?

A. No, I can't.

Q. Do you recall any other activities that we can associate with the 15th of March as far as the movements of General KOSTER are concerned?

A. On the 15th the only thing that really sticks in my mind is the ceremony, sir.

Q. The change of command ceremony. Well, the 15th of March was a Friday, not that it's significant for, as I understand it days rather run together. Saturday morning was the 16th of March. An operation was scheduled to be conducted from LZ Dottie by Task Force Barker. Does Task Force Barker mean anything to you? You know what Task Force Barker is?

A. Well, I remember hearing of Task Force Barker. That was--it was named after Colonel BARKER who was charge of it.

Q. That's correct.

A. And the operation area, I can't remember really offhand exactly where that was located at.

Q. I'd like to show you MAP-5 which is a 1:50,000 map, and I'll orient the witness on the map. (LTC PATTERSON oriented the witness on the map.)

Now that we've looked at the map and I've explained some of the terrain features, do you recall, can you picture in your mind the terrain that we're talking about here?

A. Some parts I could remember but other parts...

Q. On the 16th, which was the day after this change of command ceremony now, and if you could kind of think along that time, Task Force Barker, whose headquarters was at LZ Dottie, was going to conduct a rather large operation down into the Son My area indicated in orange on MAP-5. It was a large operation in the terms that two of the companies of Task Force Barker were to be combat assaulted into the area, with the third company of the task force marching in on the night of the 15th, overland, into a blocking position just to the north of the Diem Diem River. The two air-assaulted companies were to be inserted to the south of the Diem Diem River and just to the north of the Quang Ngai River, and they were to push to the northeast to try to force the troops up in there. This area was reportedly very hostile. There had been a couple of operations earlier in the latter stages of February. The people had been shot up pretty bad, they called in for tracks, and cavalry was involved?

A. I can't remember that. In January and February I very seldom flew south, so I don't suppose I was over that area at that time.

Q. The area that we're interested in and I'd like for you to think about and concentrate on is the area just north of the Quang Ngai River, the relatively flat land in the vicinity of Hill 85, the lone, little, pimple-type hill in the flatlands just to the north of the Quang Ngai River.

A. Yes.

Q. This operation by Task Force Barker began at 0730 in the morning, and it was preceded by artillery. Two LZs were used, and there were two lifts into each of the two LZs, two lifts per each of the companies, one being flown out of LZ Dottie and one coming out of LZ Uptight.

A. No, I don't believe we were there for the lifts before 0730.

Q. There were nine slicks involved escorted by two gunships. The slicks flew in vees of three in trail, and landed to the north after coming down along Highway 1 over the Quang Ngai River to the east and then turning north just to the west side of Hill 85. The artillery prep was 3 to 5

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minutes long, the gunship suppression run occurred, and then the slicks touched down.

A. I can't be sure on that, that I seen it or not.

Q. Okay. By 0830 in the morning both LZ's had been completed. There had been four lifts go in, and the third rifle company was in a blocking position to the north of the Diem Diem River. The one rifle company was just to the southwest of what's called Pinkville, and one rifle company was just to the west of what's called My Lai (4) on the map.

A. How did that CA come in, from the Quang Ngai River?

Q. Yes, landed to the north. Supporting the operation, the lift, the combat assault, was the aero-scout company of the 123d. They had a scout team which consisted of two guns and a LOH, H-23. They were operating in the vicinity of hill 85 and to the south of 521 in the initial stages of the operation. There were quite a few aircraft in the area, nine slicks, the supporting gun team, a couple of C&Cs, and the aero-scout team.

A. Well, I just can't bring this to my mind.

Q. The records indicate that at 0935 hours that morning General KOSTER arrived at LZ Dottie. Evidence indicates that when he arrived at LZ Dottie, on the ground was another C&C ship, Colonel HENDERSON's. This C&C ship came from the Dolphins, the 174th Aviation Company. The indications are that Colonel HENDERSON met with General KOSTER as he landed at LZ Dottie. Can you ever recall Colonel HENDERSON meeting General KOSTER at LZ Dottie at any time in your tour?

A. I think that a--I think I can remember once. I think of being over there and they came in after us. But as for a specific day, I--most of the time we went to Duc Pho to see him.

Q. Right. And that's what would make this particular day just a little unusual, in that here he was at this location. The indications are that they talked, not long, but in the general proximity of the general's aircraft.

A. No, I can't remember that.

Q. While they were talking and maybe 10 minutes after you'd arrived or the general had arrived there, Colonel BARKER, who was commanding Task Force Barker and controlling the operation that was going on to the southeast of Dottie, came into LZ Dottie and hopped off his C&C aircraft, and perhaps some other personal that were riding with him also hopped off. But his aircraft did not shut down and immediately pulled and proceeded north because they had wounded soldiers, U.S. soldiers, onboard.

A. That's another thing. I thought about that. I can't remember a ship with any wounded on it.

Q. It's conceivable that you would not even have known that there were wounded onboard, but the fact that Colonel BARKER and Colonel HENDERSON and General KOSTER were all there might cause some recollection?

A. No, because there was quite a few times when we would pick up other commanders to ride along with us and circle an area maybe an hour or so.

Q. There is no indication that either one of these other two commanders boarded General KOSTER's ship and went with General KOSTER. The indications are that General KOSTER left Dottie and left behind Colonel HENDERSON and Colonel BARKER. Do you know what Colonel HENDERSON looks like?

A. He had glasses?

Q. Yes.

A. Short, not too tall, about 5 feet 11, on the heavy side, stocky?

Q. On the heavy side, right. How about Colonel BARKER?

A. Colonel BARKER, the name, but I can't remember the looks.

Q. Yes. I'd like to show you a photograph which is entered into evidence as Exhibit P-198. Can you recognize the individuals in that picture?

(Hands photo to witness and the witness examines photo.)

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- A. The first man would be General BARKER, right?
- Q. Pardon me?
- A. Who's this man? It's a general, but I can't tell if it's BARKER or not?
- Q. General YOUNG.
- A. General--that's General YOUNG? That's a bad picture.
- Q. And this is Colonel BARKER.
- A. That's Colonel BARKER. That doesn't even look like General YOUNG to me.
- Q. All right. P-199, they are the same two individuals, with their helmets off.
- A. That's General YOUNG there with the gray hair. And this is supposed to be Colonel BARKER here?
- Q. That's correct.
- A. No, I can't remember him.
- Q. You can't remember him at all?
- A. No, I remember the gunner though.
- Q. Who was the gunner?
- A. RIDDLE.
- Q. Who?
- A. That's Henry RIDDLE.
- Q. Henry RIDDLE?
- A. Yes.
- Q. R-I-D-D-L-E?
- A. R-I-D-D-L-E.

Q. Yes. Then you would not recall whether or not-- or could not recall that man, Colonel BARKER, and Colonel HENDERSON and the general talking together at any time that you can recall at LZ Dottie?

A. At any time?

Q. Yes, do you ever recall seeing the three of them there at LZ Dottie?

A. General YOUNG--

Q. (Interposing) No. KOSTER, BARKER, and HENDERSON.

A. See them together? I can't remember that.

Q. Well on the 16th, to help you fix the date, the indications are that at 1510 hours in the afternoon General KOSTER arrived at Duc Pho, and departed at 1535. He had with him General DOLEMAN.

A. He had with him General DOLEMAN?

Q. Now, he departed Duc Pho at 1535 and didn't arrive at LZ Dottie until 1645, considerably longer than it would have taken to have flown directly to LZ Dottie.

A. Who was the--that general's name?

Q. DOLEMAN.

A. Yeah.

Q. General DOLEMAN looks like that, or did look like that in 1964.

(Hands Exhibit P-237 to witness, and witness examines photo.)

A. Two stars. That's the man that's retired?

Q. Right.

A. He had a little whiter hair than that.

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- Q. Yes. General DOLEMAN is about 5 feet 9 and not too heavy, about 145 or 150 pounds.
- A. Well, that's the man we were talking about previously, isn't it?
- Q. Yes.
- A. Well, that I can remember.
- Q. You remember. You remember carrying--
- A. (Interposing) I remember carrying him. We went to Duc Pho. I remember at Dottie, we stopped there. And they --let's see, he looks much older now.
- Q. Yes. Well, this picture was taken earlier.
- A. And from--I believe that's the only place I can really picture him, that would be at Dottie, and he got off.
- Q. At Dottie?
- A. I'm pretty sure, yes.
- Q. How do you happen to recall that? What are the circumstances?
- A. He was--I think that day that the jeep came too close to the ship. I yelled at him, and the antenna hit the prop blade. For some reason, he sticks in my mind. I remember he was wearing--he had stateside fatigues on also that day, as I remember. All I can remember is they got off the ship into the jeep--
- Q. (Interposing) Who's they?
- A. General KOSTER and General--what's his name?
- Q. DOLEMAN?
- A. DOLEMAN.
- Q. Did the aide go?
- A. The aide always goes, I'm pretty sure. At that time his aide was Captain--I can't remember the captain's name.

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Q. ROBERTS?

A. The first one that he had.

Q. DICKENS?

A. No, sir, DICKENS was the--he was the man, the West Point man? You don't know that do you?

Q. Well did the aide go with him?

A. There was one aide that he had the one time that used to go off, leave all the time. As a matter of fact, if he wasn't with the general, he wanted to see somebody else. He used to always go.

Q. Do you remember who came out to meet General DOLEMAN? Was there somebody who came out to meet General DOLEMAN and General KOSTER?

A. The only thing I could remember about that would be a jeep coming out, that's all.

Q. Was it the usual jeep or a command jeep?

A. It was the usual jeep. It had the place to put a flag in the front either with three stars or a two star plate. That day they had a plate with three stars on it.

Q. Do you remember how long they were there?

A. No, I couldn't say how long.

Q. Do you remember whether or not Colonel HENDERSON either came with you or flew there?

A. No, I could never remember that.

Q. The indications are that at 1715 hours, General KOSTER left with General DOLEMAN and proceeded back to Chu Lai for the normal staff meeting that took place there at about 1730. But the period of time between this event and that early morning stop at Dottie, we don't have too much information about.

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A. In other words, from the morning when we picked up--

Q. (Interposing) No, at 0935 hours when General KOSTER was at Dottie.

A. Was at Dottie?

Q. And his return to Dottie, 1510 in the afternoon-- or at 1645 in the afternoon. There was a considerable period of time there in which the events are a little hazy. Can you recall being over the operational area where this operation was going on?

A. I can't remember that, to tell you the truth.

Q. Do you ever remember overflying this operational area when American troops were on the ground?

A. Circling around that area in orange, right?

Q. Yes. The general looking at it or--

A. (Interposing) I'm sorry, I can't recall.

Q. The morning of the 17th of March was a Sunday. You got an early start this Sunday morning because General KOSTER and General DOLEMAN arrived at Duc Pho again at 0825 hours, were met by Colonel HENDERSON. They were there for approximately 40 to 45 minutes.

A. Went to Duc Pho, you say? I can't remember that offhand. I mean, you landed at places so many times, and it is impossible to remember every time.

Q. Well the only thing that would be different about this one would be having General DOLEMAN along. The indications are that General DOLEMAN stayed overnight at Chu Lai with General KOSTER.

A. As I say, I remember the man on that day so it must have been the 16th when I remember him, going to Dottie with him, Duc Pho with him. But the following day, no, I can't.

Q. If you remember the man, do you remember where else you went with the man, with General DOLEMAN? Where did you

take him, what did you show him? Did you give him a cook's tour? Was there something special that you were showing him or what was General KOSTER attempting to do with this general?

A. I couldn't tell you that. A lot of times we just show somebody the AO in general, different LZs, but that day we might have just rode around.

Q. You don't recall anything specific or anything out of the ordinary as far as General KOSTER's usual itinerary during the day and what he did when General DOLEMAN was aboard?

A. No.

Q. Do you recall where General DOLEMAN rode on the aircraft?

A. I--he probably--he either had to have rode in the seat on the left--no, there was only one seat. I imagine he rode in the back seat. I can't remember.

Q. On the 16th of March, and this is the day that General KOSTER landed twice at Dottie that we know of, once in the morning at 0935 and once in the afternoon at 1645, with General DOLEMAN, this operation was going on down here in the Son My area. The indications are that there was considerable smoke. They had reported a large body count and they were operating right close to the ocean.

A. I remember several times circling over the ocean watching inland. But as for a specific day I.....

Q. Can you recall on any of the trips that you remember orbiting over the ocean, in this general area seeing anything on the ground? Is there anything that you can call out that you recall seeing?

A. Well from where I would be sitting on the ship as far as looking at the ground, it would be pretty hard if they kept circling to the right side anyway except when we pulled out straight.

Q. The other crew members of the aircraft have indicated that they recall at some time, and they are unable to

fix a date, of an orbit around this general area, generally a north-south orbit over the operational area in this manner in a clockwise fashion, right-hand orbit, with the southern part of the orbit being generally over the Quang Ngai River and going as far north as the Diem Diem River, and then south along the coast. They recall a lot of smoke on the ground as if the whole area had been burned.

A. I can't remember that orbit.

Q. Do you ever recall landing on the ground with the general?

A. At this place?

Q. Yes.

A. Over here no, but, now wait a minute. There was one time we landed around a village. You see, I wouldn't know when that was, but it was around that--maybe it was somewhere near water, but it was like a tip of something, near the edge.

Q. Near a river as opposed to the ocean?

A. It was an island. I think it was ARVN around there, if I can remember, at that time. It wasn't American troops. It seems it was in that area somewhere. We didn't stay long if I remember right.

Q. Did the general ever get out? Did the general get out on the ground very much?

A. It, I guess, would depend on the situation whether he would get out or not.

Q. How many times would you estimate he landed physically on the ground in an operational area?

A. An operational area?

Q. I'm differentiating here between an LZ--

A. (Interposing) I know what you mean.

Q. And out in the woods, during the time that you flew with him?

- A. Well, one time was by the Quang Ngai River on the north side.
- Q. On the north side of the Quang Ngai River?
- A. Past Quang Ngai.
- Q. To the west of Quang Ngai, or to the east of Quang Ngai?
- A. East is toward the ocean, right?
- Q. Yes.
- A. Then it was the west, it was inland.
- Q. Okay.
- A. But still on the flat ground, though.
- Q. Yes. You remember once there.
- A. Right. I think we landed with the cav in the field once, the 1st Cav, by 29. It's up in a different area.
- Q. You would say he landed quite infrequently?
- A. Yes.
- Q. How about low-level flying? Was General KOSTER one that like to get down to a treetop level and look see what was going on with the troops out in the area or was he more of a high orbit--
- A. (Interposing) He would usually stay in a higher orbit. I don't know of too many--the only time we'd go down was in bad weather.
- Q. As a general rule, then, he observed from a high level rather than a low level?
- A. I think we would circle at about 1,500 feet, I think it was, or 2,000 feet over the area.

Q. Do you know whether or not General KOSTER was the type that did a lot of talking on the radio to the troops on the ground when he was overhead?

A. Well, of course, I couldn't hear anything he was saying, but his aide used to set the radio a lot. In other words, he was changing frequencies quite often, so I imagine he was doing a lot of talking on the radio.

Q. The operation of 16 March, a lot of VC were reported killed, perhaps the most successful day, in terms of reference of body count, that any unit in the Americal had achieved prior to this time or subsequent to this time for several months.

A. No, I can't remember that.

Q. On the 18th of March the--on the 17th of March, the forces that were on the ground in this area moved to the south along the coast and down as far south as the Quang Ngai River, sweeping as they went, turned around in the early afternoon and went back to the north and stayed in an RON position right in there, midway between the Quang Ngai River and the Diem Diem River, overnight. Do you recall ever seeing or hearing or observing anything like that?

A. No.

Q. On the 18th of March one of the companies was lifted back out of this area and flown back into LZ Dottie in the afternoon after 1430 hours.

A. You say on the 18th?

Q. Yes. This is Monday, the 18th of March. The record indicates that General KOSTER was in the area of LZ Dottie during part of this extraction. The extraction was a little unusual in that it was being accomplished with one or two aircraft as opposed to a larger number.

A. They were bringing them into Dottie, right?

Q. Bringing them into Dottie from the field.

A. I can't remember.

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Q. Can you recall at any time any of your orbits over this area during any time you were in Vietnam?

A. That's hard to say. There might have been and I can't remember it or...

Q. Well you just can't seem to--

A. (Interposing) Not offhand, I just can't picture it.

Q. Do you recall ever seeing from your position while you were flying in the helicopter or while you were on the ground in an operational area large numbers of dead Vietnamese?

A. No.

Q. Do you recall seeing any dead Vietnamese?

A. At this time or--

Q. (Interposing) At any time while you were flying with General KOSTER or were on the ground as a crew member of General KOSTER's aircraft?

A. I think I have told you what a--

Q. (Interposing) Go ahead and tell us again.

A. All right. Last week I made a statement, the past weekend. I seen three bodies. There was one--to me, I remember this village (indicating an area on the map), it would around like--this here--up in this area was all like a free-fire zone.

Q. You're pointing now to just about 5 kilometers southeast of Chu Lai.

A. Right. You come down, it was--would be somewhere in this area somewhere.

Q. Somewhere to north of Uptight?

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A. You have to go from Dottie, go out east and then make a turn.

Q. Up to the north?

A. Right. And then--

Q. (Interposing) Four or five kilometers to the north east of Dottie.

A. It was up in this area somewhere.

Q. You recall seeing dead Vietnamese, three dead Vietnamese, in that area.

A. Yes, there were two on the road and one in the ditch. But the more I thought about that, when General GETTYS first came, I flew him a little while. Then somebody else took that spot. The more I kept thinking about it I couldn't remember for that was quite dry then. In other words, if it had been in the early part it should have been quite wet because of the monsoon, but it was dry outside. I could have been with somebody else. I can't say.

Q. You can't say that you were with General KOSTER then?

A. No, that's what I'm trying to say.

Q. Do you associate it with the ship?

A. Right.

Q. And not with General KOSTER, for example?

A. I remember the pilots and the crew. Now if it was the same crew, I can't remember. I remember the AC but not the other pilot, and it could have been another man on the ship or it could have been General KOSTER. I can't remember that. I just remember the dead bodies and the pilots.

Q. Did you ever hear any conversations within the crew or amongst the crew with reference to any unusual incidents that occurred in My Lai, or southeast of Dottie, or in connection with Task Force Barker, or in connection with the 11th Brigade?

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A. The first time I heard anything about this was when it started coming out in the paper. That's--and I couldn't bring back any memory of it, you know, for I started--I read the paper when it all started coming out. I tried to remember if I might have been in that area at the time, and I still can't remember to this day anything about that.

Q. You never heard either the aide or the other crew members or General KOSTER in any conversation mention a large body count?

A. No, I can't.

Q. Do you recall hearing anything about an investigation being conducted by members of the division concerning the 11th Brigade or Task Force Barker operations?

A. No, I can't.

Q. Do you recall hearing any talk concerning the 123d aviation personnel, the Warlords specifically, conversations about or rumors from them or about them and their activities concerning Task Force Barker and the 11th Brigade?

A. No. About the only thing I can remember about the aero-scouts would be that they spent a lot of time at Dottie, quite a few months. But as far as their missions, I don't remember.

Q. An allegation by a helicopter pilot with reference to civilians being killed?

A. A rocket, was that a rocket hit our military personnel? I think that was what happened from B Company.

Q. What was that again?

A. A pilot killed a few--wounded a few military personnel from a rocket.

Q. No. Did you hear some talk about--

A. (Interposing) You mean killing civilians, in other words?

Q. Yes.

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A. No.

Q. Did you ever have much connection with the enlisted men over in B Company?

A. Friend wise?

Q. Yes.

A. I have one fairly good friend there.

Q. Who is he?

A. His name is CAMERODA.

Q. Did he ever mention anything about any of the activities that might be related to Task Force Barker or the 11th Brigade on 16 March?

A. No.

Q. A large body count?

A. Well we talked a lot but, you know, I don't remember him saying anything about this.

Q. Did General KOSTER land very much at Quang Ngai?

A. We landed there quite a bit.

Q. Where did you usually land?

A. On the cement pad. I think the name was the Tropo pad.

Q. Tropo pad?

A. The Tropo pad.

Q. Did you land there more often than you did the soccer field?

A. Oh, I'd say most of the times we landed at the Tropo pad. Very few times we went to the soccer field. The average was the Tropo pad, very few times the other one.

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Q. How often did General KOSTER land down there? Just an estimate?

A. I'd say we probably would go down there once a week if not more times.

Q. Do you recall at any period of time where you were hitting or landing there at Quang Ngai more often than that?

A. The only time I remember landing there often was when the ARVN had a big CA. That would be on the other side of Quang Ngai. That would be quite a few months--I mean I think that was about June maybe, somewhere around that area.

Q. Do you remember the name of the operation?

A. No.

Q. Norfolk Victory?

A. No. All I remember is the 1st Cav came down to help out, but I don't know the name of the operation.

Q. As I understand it, sir, you never heard anything about any large body count or the killing of civilians in any connection with Task Force Barker or the 11th Brigade, the LZ Dottie area, or the Quang Ngai area any time while you was in Vietnam?

A. No, as I said, I didn't hear anything about it until I got out of the Army and it came out in the paper.

Q. I see.

A. As far as it was over there, I never heard of anything.

Q. Or any investigation of it?

A. No I didn't.

MR WEST: We appreciate your coming in very much. We have to talk to everybody we can find who was there at the time. I know that this has been a lot of trouble to you to come here, but we are very grateful.

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A. Yes, sir.

MR WEST: The hearing will be recessed at this time.

(The hearing was recessed at 1211 hours, 7 March 1970.)

(CZARNECKI)

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SUMMARY OF TESTIMONY

WITNESS: DEWINE, Dennis W. CWO

DATE OF TESTIMONY: 20 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Third Platoon, A Company, 123d Aviation Company: General YOUNG's pilot.

1. KNOWLEDGE OF THE MY LAI OPERATION.

The 16 March operation was described to the witness in detail, but he failed to recall anything about it (pgs. 15-18, 31, 32). He did not remember YOUNG issuing orders to "stop the killing or burning" (pg. 27). DEWINE remembered seeing a large amount of smoke while orbiting the My Khe (3)-My Lai (1) area on 17 March (pgs. 18, 19). He did not recall what was burning or if General YOUNG was aboard the helicopter at this time (pg. 19). He did not recollect seeing friendly troops on this occasion (pg. 20). He thought that this occurred in the morning (pg. 21). He did not remember events of the 17th or the 18th even after being informed of them by the Inquiry (pgs. 21, 22, 31, 32). DEWINE did not remember taking YOUNG to a meeting at LZ Dottie on the 18th which included Colonel HENDERSON, Lieutenant Colonel BARKER, Lieutenant Colonel HOLLADAY, and Major WATKE (pg. 25). He did not recall any conversations among the crew concerning the subject of such a meeting (pg. 25). He never heard anything about a confrontation between air and ground personnel, nor did he hear anything about the killing of civilians (pg. 26). He never heard anything about an investigation of an operation in the Pinkville area (pg. 27).

(DEWINE)

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2. OTHER INFORMATION.

The witness flew 2.7 hours and made 16 landings on the 15th (pg. 5). He flew from Chu Lai to Duc Pho and back to Chu Lai again (pg. 5). There probably was not a great deal of "over flying" that day (pg. 7). DEWINE flew four hours on the 16th and made 12 landings (pg. 8). On the 17th he flew 4.6 hours and made 16 landings (pg. 8). On the 18th he flew 3.1 hours and made 14 landings (pg. 8). He could not remember where he flew on these days (pg. 8). He did not remember flying to Danang, Hue, Phu Bai, Khe Sanh, Camp English, or close to the DMZ (pg. 9). He could not remember flying YOUNG to Khe Sanh on 20 March, 8 April, or 9 April (pg. 10). He did not remember flying YOUNG to the 11th Brigade change of command ceremony or to fire bases en route back to Chu Lai (pgs. 12, 13). He did not recall ever "going low-level" with the general (pg. 20). DEWINE did not remember ever flying the general back late at night (pg. 31).

(DEWINE)

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(The hearing reconvened at 0920 hours, 20 February 1970.)

LTC PATTERSON: The hearing will come to order.

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

I have documents to enter into the record. First is a statement regarding the journals of 6th Battalion, 11th Artillery, which is signed by Colonel BREEN. This is entered into the record and identified as Exhibit M-121.

The next is a pencil draft of Lieutenant TAN's letter of 11 April 1968. This letter was addressed to the province chief. This is entered into the record and identified as Exhibit M-122.

The next is a copy of M-34, with handwritten notations by Colonel KHIEN. This is entered into the record and identified as Exhibit M-34A.

The next is a written statement by Sergeant First Class William G. DROSDICK given at Chu Lai, Republic of Vietnam, on 13 February 1970. This is entered into the record and identified as Exhibit S-8.

The next is a statement by Charles T. CROSS, given at Singapore on 10 February 1970. This is entered into the record and identified as Exhibit S-9.

The next is a statement of Brigadier General John W. DONALDSON, given at Chu Lai, Republic of Vietnam, on 7 February 1970. This is entered into the record and identified as Exhibit S-10.

The next witness is Chief Warrant Officer Dennis M. DEWINE.

(CW2 DEWINE was called as a witness, was sworn, and testified as follows:)

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

(DEWINE)

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A. Dennis Marlow DEWINE, CW2, 301-38-1040, Fort Knox, Kentucky, Bravo Troop, 8th Squadron 1st Air Cav.

RCDR: United States Army?

A. United States Army.

LTC PATTERSON: Mr. DEWINE, are you familiar with and have you read Exhibit M-57, the instructions to witnesses?

A. Yes, sir.

Q. Do you have any questions concerning those instructions?

A. No, sir.

Q. Any questions concerning the purposes of this inquiry?

A. No, sir.

Q. Do you understand the directions that are included hereon with reference to any further testimony?

A. I don't have any questions on this.

Q. You understand as to whom you can talk and so on. I'd like to indicate to you that it is quite possible that you might be called before the House Armed Services Committee. If so, your testimony here and the directions that you have read and received in no way preclude you from testifying before that particular body. You are free to answer their questions in any way to the best of your recollection. Do you understand that?

A. Yes, sir.

Q. Mr. DEWINE, for the record, would you state when you arrived in Vietnam, the inclusive dates of your tour there, and the units to which you were assigned?

A. I first arrived at Vietnam on 14 February 1968. And I left country again on 10 February 1969. After getting over there, I was assigned to the 123d Aviation Battalion in Chu Lai, and I stayed there the entire 12 months.

Q. And to which unit within the 123d Aviation Battalion were you assigned?

A. A Company.

Q. When did you start flying with A Company?

A. I'd have to check the date exactly. My first official day, it appears to be 22 February 1968.

Q. For the record, would you indicate as to how you arrived at that.

A. This is my individual flight record, DA Form 759.

Q. What were your duties within A Company, 123d Aviation Battalion?

A. At that time I was just a brand new W1, of course. Not knowing the AO or anything about operations over there in Vietnam, I was just a first pilot, copilot, for A Company. I was assigned to the 3d Platoon, which was basically a VIP platoon at the time. We had three general's ships, and I was supposed to start flying with them. I started flying with the 1st and 2d Platoons and the 3d Platoon, just being thrown here and there wherever they needed a pilot.

Q. When did you start flying with your 3d Platoon, the VIP platoon?

A. I had my first mission there on the 4th of March. We had three H-model Hueys, which were newer Hueys at the time, and they were all general's ships. About the only way I can really tell whether I was flying a general or not was looking down here and seeing what model aircraft I had. On the 4th, it indicated I did fly a H-model Huey.

Q. Which general did you fly?

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A. General YOUNG, and I do remember flying with another general one day. I don't even remember his name now. He wasn't there too very long.

Q. For the greater part of your period you became one of General YOUNG's pilots?

A. Yes, sir, copilot.

Q. I see. And who was the pilot of that aircraft?

A. At the time it was W1 NEWELL, now a lieutenant.

Q. As I understand it then, from what you've said, you got into country about 14 February and went through a period of some training, or at least flying in lifts with other elements in A Company until sometime in the early part of March when you then assumed the duties as a copilot for General YOUNG. Is that essentially correct?

A. Yes, sir. It shows here on the 1st, 2nd, and 3rd I flew with the other platoons. On the 4th I flew with the H-model, and then again on the 5th and the 6th I was with another platoon. On the 11th I didn't fly the general, but 7th through the 9th, and then the 12th on through the 30th on this sheet.

Q. On 12 through 30 March you were flying with the general?

A. Yes, sir.

Q. All right. Mr. DEWINE, the purpose of bringing you here today to testify before this inquiry is to see if you can recall the activities concerning the whereabouts of General YOUNG during the period 15, 16, 17, and 18 March 1968. General YOUNG, of course, is unsure. We are unsure. Other evidence is not definitive, explicitly definitive. However, we hope that your testimony here will be able to assist not only this inquiry in the whereabouts of General YOUNG, but also support or substantiate or refute, if necessary, the testimony of General YOUNG. The idea, of course, is that we want the facts, not assumptions or deductions, but facts as you recall them based upon General YOUNG's

activities during that period of time. For the record will you indicate your flying time, number of landings, and, if possible, routes of flight for the period 15 through 18 March as you can determine it from your DA Form 759.

A. Okay. Starting off with the 15th, there were 16 landings and 2.7 hours of flight time. On the 16th there were 12--

Q. (Interposing) Well, first, on the 15th, can you indicate the route of flight?

A. These initials on here I can only guess. Now this EV CL, that would be the starting point, Chu Lai, and then this DN, I can only guess that must be Danang.

Q. Is that the 15th?

A. Okay, well then it would be DP, that would be Duc Pho. And that's the only one I have on here logged as cross-country.

Q. Well, what you're saying is it would appear that you flew from Chu Lai to Duc Pho and then back to Chu Lai on the 15th?

A. That's right, sir. Whenever we logged a cross-country like that, we just had to have a name to put down. So if we did go to Duc Pho, which we probably did, we would have logged it that way. In other words, we wouldn't log the subsequent stops. We usually logged from Chu Lai, which is the main base of operations, to say another larger airfield or something of that nature. If we landed out in the field someplace, you really couldn't log it as cross-country. You wouldn't know what kind of initials to put down in your logbook. So obviously we did go to Duc Pho, but it probably wasn't direct from Chu Lai direct to Duc Pho and then back again.

Q. Now that's an assumption you're making, that's not a recall?

A. That's right. That isn't a recall.

Q. Let's analyze 15 March before we go much further. How long does it take you to fly direct from Chu Lai to Duc Pho?

A. If I remember correctly, somewhere in the vicinity of 40 minutes.

Q. Depending upon the wind, I assume.

A. Right.

Q. So if you flew down directly and back, as the form would indicate that you did, you would only have flown 1 hour and 20 minutes. That would be about 1.3 hours.

A. Right.

Q. You did, in fact, log 2.7, as you've indicated.

A. Yes, sir.

Q. With 16 landings, this would indicate that you did in fact do some other flying or other stopping at least in flying either en route or back from the area around Duc Pho. Would you indicate, based upon the number of landings and the hours that you've logged, whether or not you did much orbiting over the areas, or were these short hops?

A. With only 2.7 I can hardly say that we did very much orbiting, although as I remember it was General YOUNG's policy to hit a lot of the different LZ's. And just going south from Chu Lai it should take just, you know, making hops all the way down to Duc Pho and back again, even stopping, it would still only take somewhere in the vicinity of 1 hour and 20 like you said before. But if he did go anyplace north of Chu Lai, I can very definitely account for this.

Q. The figure 16 landings is interesting. Were they logged fairly accurately?

A. Well, I hadn't been flying very long, and of course this type of flying was pretty new to me, flying a general.

And usually the AC always kept the time. The way I did it after I became an AC and logged my own times, I would mark it down on a piece of paper where we landed, just the name. And of course then you would take at least one landing out of that. But I don't know. I can say that the first landing would have been at the VIP pad to pick him up, and of course there's fuel stops in there, I imagine.

Q. So if you dropped the general off somewhere you'd log a landing, and then hovering over to a refueling area or flying over to a refueling area you'd log another landing, then back to the pad to pick the general up would be a third landing. There are three landings at one stop.

A. Right, sir.

Q. And of course these landings would include also refueling and landing back at the home base after depositing the general at Chu Lai?

A. Right, sir. There's a possibility you might forget one or two landings in there going for fuel or something, but I always counted where I went and of course how many times I had to refuel. I would log that in.

Q. Well, with 2.7 hours, at least one refueling and probably a topoff after returning at Chu Lai.

A. Right, sir.

Q. So there would be two refuelings which would account for about six landings probably, as a minimum. Is that correct?

A. Yes, sir.

Q. So it would appear from the entry here on your 759 that there was not a great deal of overflying. There were more short stops en route down or back from Chu Lai to Duc Pho. Is that correct?

A. Right, sir.

Q. All right. How about the 16th of March?

A. The 16th of March I only logged 12 landings and there was 4 hours. And like I said before, I don't have anything logged as far as cross-countries there.

Q. All right. How about the 17th?

A. The 17th was number 16 and 4.6 hours.

Q. The 18th?

A. 18th was 14 landings and 3.1 hours.

Q. Okay. Do you recall who your copilot--or your aircraft commander was at this point in time?

A. I can only assume that it was then Mr. NEWELL.

Q. I'd like the record to reflect and I'd like for you to be advised that Mr. NEWELL's times and landings and the one entry concerning the cross-country exactly agree with your individual flight record.

A. Okay, then obviously it was Mr. NEWELL.

Q. Now if we look at the times here as you have presented them, with what we have deduced from the 15 March entry, could you indicate that on the 16th or the 17th of March you did more or less overflying as opposed to short visiting?

A. Well, with the smaller amount of landings and more time in the air logged, I would say yes, we did more.

Q. Okay. And there is no indication on 16, 17, or 18 March as to where you went?

A. No, sir.

Q. Do you have any recollection of any of these 4 days as to your specific activities?

A. No, sir, I'm afraid I don't.

Q. Okay. Did you ever take General YOUNG to Danang? Can you recall any trips to Danang?

A. No, sir. I don't recall any trips to Danang, although on the 14th I show that I did evidently go to Danang. But why I went, I don't know.

Q. Do you ever recall any trips to Hue Phu Bai?

A. No, sir.

Q. How about as to the vicinity of Khe Sanh?

A. No, sir.

Q. Camp England?

A. England?

Q. English?

A. English? Well there was an LZ English down south. But General YOUNG, no, sir.

Q. You don't ever recall taking the general north some distance from Chu Lai?

A. Yes, sir, I did frequently go north. There were quite a few LZ's up to the north there that he did frequent, but not as far north as Danang. There was an LZ Baldy about as far north as I can ever remember going with him, which was right on Highway 1 just south of the Hoy An River. I'm sure that's probably not the name of it.

Q. You don't recall ever going up close to the DMZ?

A. No, sir, not with General YOUNG. I can definitely say no, I never did.

Q. Would you indicate for the record your flying time for 20 March?

A. On 20 March, 6 hours.

Q. And 8 April?

A. On 8 April, 7.8.

Q. On 9 April?

A. 5.5.

Q. In previous testimony from Lieutenant NEWELL, he does recall taking General YOUNG to the vicinity of Khe Sanh and landing at a battalion LZ somewhere in the vicinity of Khe Sanh. And he reasons that it would have to have been one of those 3 days: 20 March, 8 April, or 9 April, because of the time and distance factors. And he recalled it with reference to the buildup of a time in the vicinity of 6 hours or better. I might add that Lieutenant NEWELL's times for those 3 days agree also with your time log. Does that refresh your memory any?

A. No, sir, it doesn't. In all fairness to myself and you, I can say I was never up there.

Q. I would assume from that statement and your testimony, you can affirm that you were not at Khe Sanh or that General YOUNG was not at Khe Sanh in your aircraft on 15, 16, 17, or 18 March.

A. No, sir. I won't go so far as to say that somebody else wasn't there, but I don't ever remember going up there. Like I said, I was very new in country, and I probably at this time didn't even know where I was most of the time unless I looked on a map.

Q. Do you have any recollection of how long it would take you to fly to Khe Sanh?

A. Well, sir, let's see. While I was an aircraft commander I was at Phu Bai twice, and that's the only time I can ever remember that I was that far north.

Q. Yes. Now how about the question? How long would it take to fly to Khe Sanh?

A. It took us to fly to Phu Bai--I don't know how long it takes to fly to Khe Sanh. Phu Bai would be something like an hour and forty five, hour and a half.

- Q. One way?
- A. Yes, sir, about an hour and a half, that's rough guesstimation.
- Q. Okay. That's to Phu Bai?
- A. Yes, sir.
- Q. And Khe Sanh would be something greater than that?
- A. Yes, sir. Right now, unless I look at a map, I couldn't even tell you which direction it was.
- Q. Let's assume that it was further to the northwest by about 30 minutes, maybe about 15 or 20. Would you say from the amount of time that you flew on 15, 16, 17, or 18 March it was physically plausible to fly to the vicinity of Khe Sanh and return?
- A. Could I have the dates again, sir, you wanted?
- Q. On 15, 16, 17, or 18 March.
- A. Oh, you're just talking about those days. No, sir. I wouldn't say that we could have made it up there in that time.
- Q. Okay.
- A. Not and all those landings at the same time.
- Q. I'd like to confine our thinking now to the 4 days that I've just mentioned: 15, 16, 17, and 18. You've already indicated that you do not recall specifically those days. So I would like to assist you with some of the facts that we believe to have occurred based upon evidence currently in existence in this inquiry, previous testimony, and the purpose being here is to help you try to recall. Again I'd like to caution you that I'm interested in your recollection rather than your assumptions, unless you state they are assumptions. We are interested in any recollections that you can come up with, feelings, even though you can't picture them specifically in your mind. Don't hesitate to tell us a feeling that you might have based upon the facts that I'm going to give you.

I recognize that this was during the early part of your tour and therefore your presence at any given place at any given time would be--and identifying it geographically might be more difficult because of the early part of your tour. The 15th of March was a Friday. There was a change of command ceremony on the helipad at Duc Pho. We have reason to believe that General YOUNG was present at that change of command ceremony. General LIPSCOMB departed as CG of the 11th Infantry Brigade. Additionally there were other distinguished visitors, including General KOSTER, probably the other ADC, and perhaps even some outside dignitaries. Can you recall the change of command ceremony?

A. No, sir, not that particular one. There were a lot of change of command ceremonies that I went to at Duc Pho, and I really couldn't say that I can remember it.

Q. Okay. And what makes this one significant from others, however, is that this was a general officer departing. It occurred at 0930 hours in the morning, which would have meant a departure out of Chu Lai on a direct flight somewhere in the vicinity of 0830 to 0845. Unless there were some stops en route, which would have necessitated an earlier departure, it would have been a fairly normal time to depart Chu Lai. General YOUNG has indicated in his testimony that he was there. He also has indicated that every morning there was a briefing that he attended in the CG's office, which would lead one to believe that at least in time and distance factors that because of the time of the briefing, the length of time flying directly to Duc Pho, that few stops were made en route from Chu Lai to Duc Pho. Do you recall anything specifically that I've indicated to you thus far?

A. No, sir, I'm afraid I don't.

Q. Okay. After the change of command ceremony, indications were that General YOUNG was then to visit one or more fire bases en route back to Chu Lai. Some testimony has indicated that one of these firebases was LZ Liz. Do you recollect anything yet?

A. No, sir, not on that particular day. I can remember a lot of times going--that's just the way he used to do it all the time though. I mean we'd go down to Duc--we'd make a few stops or maybe we'd go directly to Duc Pho and then hit Liz or Dottie or another one, Sue and I believe Ann at the time.

Q. You've already indicated that it's quite probable, based upon your record, that there might have been other stops en route, but that overflying or any other long-distance flights, if General YOUNG was at Duc Pho, were not probable because of the low amount of time flown. Do you recall anything about the 15th of March?

A. No, sir.

Q. On the morning of 16 March there was an operation scheduled to take place to the southeast of LZ Dottie, generally along the coast in an area of operation that usually belonged to the 2d ARVN Division. The area depicted on the map, Exhibit MAP-5, indicates that there was an extension of the normal operational area into the area into which this operation was being conducted. The command headquarters was Task Force Barker, located at LZ Dottie. The map orientation is Chu Lai, the MSR, Route 1, Duc Pho to the south, Quang Ngai City, the Song Tra Khuc River, the Song Diem Diem River, and south to the Quang Ngai or Song Tra Khuc River. LZ Dottie had artillery. LZ Uptight also had artillery. I am under the assumption that one of the jobs of the copilot is to get artillery warnings while en route. The operation was an early morning operation. Task Force Barker consisted of three rifle companies, two of which would be air assaulted into the operational area and one of which was walking into a blocking position on the night of 15 and early morning of 16 March. The one company walked into an area generally to the north of the Diem Diem River. At 0730 in the morning, a rifle company was assaulted by air, helicopter assault, into an area just to the west of a village identified on the map as My Lai (4). It took two lifts to assault these forces. Nine slicks were involved flying in Vee's of three in trail for two lifts into the same LZ in the area just to the west of My Lai (4). The lift was supported by an artillery preparation and gunship suppression.

The slicks landed to the north, taking a southerly route, generally along Highway 1, turning to the east and thence to the north, landing to the west side of a prominent terrain feature, Hill 85. Are you familiar with the terrain in the operational area?

A. Yes, sir.

Q. Do you recall at some time during your tour, I'm sure, seeing Hill 85? This area is a flatland area. There are only two hills of any substance, Hill 85 is a flat-topped hill, rather butchered on top, the remnants of an old ARVN or Korean or some type of outpost on top.

A. Yes, sir. I remember that.

Q. Do you remember Hill 85?

A. Yes, sir.

Q. Just to the north of Hill 85 is a dirt road that runs from the bridge north of Quang Ngai to the northeast to an area called My Lai (1) on the map, sometimes referred to by troops as Pinkville. Can you recall seeing this road at any time during your tour?

A. No, sir. I don't really remember that road as such.

Q. It's really a dirt trail.

A. We didn't use it for any type of navigations. Like you said, if there was an artillery preparation and I was going to go into that area, especially if I wanted to see this area, I wouldn't even bother coming down the road. I'd go out to the coast and I'd see the area that way. I wouldn't use the road. If I did come down south, I'd go along the river and around. And even in my experience as an aircraft commander flying in this particular area, the road just doesn't strike a bell.

Q. All right. The PZ for that operation was LZ Dottie. The time of the operation was 0730; touchdown; LZ cold. The artillery prep came out of LZ Uptight only. The second lift was completed at 0751 hours. Between the lifts there was some activity on the ground in the vicinity of My Lai (4) between

the Sharks gunships and some VC or VC suspects, and another incident that was rather unusual was the reported large numbers of civilians, Vietnamese nationals, departing the hamlet or the village of what we call My Lai (4) to the southwest along Highway 521. Some of them were going off to the northeast and some to the east in quite large numbers. Do you recall at any time during your tour, I know you cannot perhaps isolate 16 March, but seeing an air assault into this geographical area just to the north of Hill 85, and seeing any large numbers or groups of civilians departing the area?

A. I don't ever remember seeing any large groups of people coming out of there. You've got to remember that the copilot, "peter pilot," sits on the right side of the aircraft. General YOUNG would have been sitting on the AC's side because the AC would have been flying most of the time. So any type of observation would have been coming from the left side of the aircraft.

Q. Which side of the aircraft did General YOUNG sit on?

A. To my knowledge, he sat on the left side. Now that's only a guesstimation because Lieutenant NEWELL was flying, of course, in the left seat. Now wait a minute. I think he did sit on the right side. I remember trying to fly some sort of a pattern a lot of times because Mr. NEWELL--or Lieutenant NEWELL rather, was trying to direct me. Of course him being from the left side, he couldn't see very well on the right side. He'd get kind of aggravated.

Q. Lieutenant NEWELL has indicated that General YOUNG usually sat on the right side of the ship. At any rate, you don't recall seeing any of the events that I've described thus far?

A. No, sir. Possibly, maybe I remember a lift, but it could have been any number of lifts.

Q. In this geographical area? Now remember geographically it's just north of the Quang Ngai River, south of the Diem Diem River, and actually within a couple of kilometers, 2 or 3 kilometers of the coast, in area that even in that time was bad country. Let's go on. Shortly after what I've previously described, as a matter of fact at 0811, the artillery again started up from LZ Uptight and fired a second preparation into an area just to the southwest of My Lai (1) or

Pinkville. A second LZ, and again the slicks, this time using LZ Uptight as a PZ, flew down and made their landing in that LZ beginning on or about 0815 or 0816 hours. Two lifts into that second LZ were completed at 0827 hours. Within the time frame of 1 hour, four lifts and two LZ's, two LZ preps. No recollection?

A. No, sir, this whole thing is drawing a big blank.

Q. Okay. There was one unusual incident concerning the second lift, and that was at the second LZ. That was that the artillery didn't shut off in time, and the slicks had to make a go-around. They did in fact make a go-around, climbing up to the north and turning off to the east over the ocean. They came back down around, and again made their approach and a successful landing. LZ was cold. In the meantime, to the south of 521, and in the proximity of Hill 85, an aero-scout team from B Company, 123d Aviation Battalion, consisting of a LOH, an H-23, and two Huey gunships, B-models, were screening, a high gun and a low gun. And they did in fact, towards the end of the lift into the second LZ, get involved in operations around Hill 85. Do you recall hearing or seeing any of the operations of the aero-scouts around Hill 85?

A. No, sir, I'm afraid I don't. I know we must have been at some sort of an altitude.

Q. We aren't sure as to whether or not you were even over the area. General YOUNG did not think he was and neither did Lieutenant NEWELL.

A. I certainly don't remember anything about it. And like I started to say, we must have been at some sort of an altitude. That may be the reason that they might not have seen a whole lot that would have been going on.

Q. During the day the unit that went in to the west of My Lai in the open area moved through the village to the northeast from their LZ to the southern bend of the Diem Diem River, where they stayed or laagered that evening. The infantry unit that was assaulted into the second LZ moved generally to the north-northwest, one platoon even got over onto the peninsula, and they remained overnight in a combined perimeter. The third rifle company was still north or in the vicinity of the Diem Diem River. The operation that day then proceeded from My Lai to the northeast, and from south of My Lai (1) to the north-northwest. At any time on 16 March, do you recall overflying or seeing or being familiar with the operations as I'm describing them?

A. No, sir. I don't recall anything about the operations.

Q. You never saw anything on 16 March?

A. No, sir.

Q. Can you account in any way or through any recollections based upon what I've told you about 15 March and now 16 March as to where you might have been for 4 flying hours and 12 landings?

A. No, sir, none whatsoever.

Q. Okay. Can you recall at any time this geographical area and overflying it? I'm not tying this to these days; at any time in the early part of your tour.

A. In the early part of the tour I don't remember ever flying--I stopped at--maybe we might have landed at Uptight once, but that's only a maybe. I don't know.

Q. Overflying this geographical area?

A. Yes.

Q. You do not recall ever overflying it?

A. No, sir. I guess I did. Like I said before, in this time I probably didn't even know what I was overflying if I looked on the map.

Q. Well, let's see how we can isolate it. That's a pretty good-sized ocean there, and I know the ocean was prevalent throughout the AO. The Quang Ngai River is a pretty large river. Do you ever recall being around that river or recognizing that you were due east out of Quang Ngai City, being over the ocean or circling over the ocean or being over an area that was reportedly very hot. I say hot reference reported enemy, or seeing anything on the ground that might stand out in your mind. Do you ever recall overflying the area and seeing smoke or fires in that geographical area?

A. No, sir, not at that particular time.

Q. Lieutenant NEWELL indicated in his testimony that he recalls an occasion when there was an appreciable period of time in right-hand orbits over this general area, and seeing on the ground or recognizing or having imprinted in his mind that the area was burned up, a considerable amount of smoke. The specific area that he's referring to is this area, the Quang Ngai River down to the south. We're referring to aerial photograph Exhibit P-185. He estimates the time somewhere in excess of 30 minutes, and recalls that the orbits were elongated, north-south orbits.

A. I can only say maybe, sir. I just don't remember.

Q. You have no recollection. There's nothing even familiar there?

A. Well the area is familiar, sir. I flew over it many times later. But I keep trying to picture myself with Lieutenant NEWELL and General YOUNG in that area, and I can't.

Q. All right. On the 17th of March you flew 4.6 hours with 16 landings. Do you recall any of your activities on 17 March?

A. No, sir.

Q. The operation in this area consisted of the two rifle companies that had remained overnight near the south bend of the river. One of these rifle companies went across the bridge onto the spit of land and went south down to the Quang Ngai River. The other rifle company went due south from their night laager position, both units going to the south to the banks of the river, turning around, with one rifle company spending the night of 17 March somewhere in this vicinity, the area of My Khe (3). The other one spent the night somewhere on the peninsula, generally a little to the east of Pinkville, My Lai (1).

A. I think I do remember those orbits out there. It doesn't seem like we were able to see land as much as you indicated. It seems like we were out over the ocean.

Q. What do you recall about those orbits?

A. Just that I do remember the smoke now. There was a large amount.

Q. Did you see the flames?

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

Q. Do you remember a large amount of smoke?

A. Well, fairly large, sir. It didn't look like the entire place was burning, but there was a good--

Q. (Interposing) Was it the villages that were on fire, or was it smoking?

A. I don't really recall exactly what was even burning. I do remember the smoke there. Like I said, it seems to me like we were out over the ocean.

Q. Making your orbits over the ocean instead of over land?

A. Yes, it seems that way. It don't seem very logical now, especially in a right-hand orbit, but--

Q. (Interposing) Well it could have been from your position, your horizontal view as you were flying northbound on the orbits, it could have been quite conceivable that you didn't see much land below you with the general leaning out. That could happen.

A. He might have even switched sides. If he was sitting in the middle, he could get a good view on both sides.

Q. Do you recall who might have been with you on this day that you recall some orbits, seeing some smoke?

A. Passengers sir?

Q. Yes.

A. No. I can't even really say for sure that General YOUNG was onboard.

Q. Can you fix the time? Early part of your tour, middle part, or latter part?

A. You mean the tour in Vietnam, sir?

Q. Yes.

A. Well, this was early. I would say it was the early part of the tour.

Q. Do you remember seeing any friendly troops on the ground?

A. No, sir.

Q. Do you remember the approximate height of your orbits?

A. It was easily 2,000 feet or better, probably closer to 2,500.

Q. Do you ever recall any instance or anytime landing General YOUNG in this geographical area?

A. No, sir.

Q. Do you ever recall going at low-level? I'm talking now of treetop level or below 100 feet, taking him down for a close look?

A. No, sir.

Q. He was not the type of general that wanted to get down and look low?

A. I don't know whether he was that type of a person or not. I don't ever remember going low-level with him though.

Q. You would remember that over a hostile area, I would assume?

A. Yes, sir, I probably would.

Q. Can you recall or associate in any way this orbit you do recall or the smoke that you seem to have a recollection of with reference to a time of day?

A. Possibly in the morning. I would say it was in the morning, but I'm not really sure. And it seems like I was always seeing the smoke from a distance, like out over the ocean. That's why I remember seeing more water than anything. Closer to the Quang Ngai River, was it?

Q. Right.

A. It would seem that I was seeing--I was looking more northwest.

Q. On the morning of 17 March, General YOUNG did not go out flying early, apparently. We have reason to believe that he had a meeting that lasted longer than the usual meeting. And it was probably in the vicinity of maybe 10 o'clock in the morning before he even was available to go flying. He indicates also that at about noontime he was in fact back at Chu Lai, because he talked to General KOSTER. We also have indications and supported documentation that at 1430 hours in the afternoon, General YOUNG landed at LZ Dottie. He was there for somewhere in the vicinity of 15 minutes, departing again at 1445. Again, you flew 4.6 hours on this day. Do you have any recollection of the events that I've described?

A. Well, sir, he landed at Dottie a lot.

Q. On this particular day it could well have been that he saw Colonel HENDERSON and/or Colonel BARKER.

A. Was he with the 11th Brigade?

Q. Colonel BARKER was the commander of Task Force Barker. At the time when you came into country he was the battalion commander of this task force. He later was killed. In June he was killed in an aircraft accident.

A. That's right.

Q. Did you know Colonel HENDERSON?

A. No, sir, that doesn't ring a bell.

Q. All right. You don't seem to recollect any landing at Dottie about 1430 in the afternoon?

A. Like I said, sir, we landed a lot at Dottie, and it was any time of the day.

Q. Okay. The hours flown on 16 and 17 March would indicate, as you have previously testified, that there was some overflying somewhere as opposed to the short-distance landings and visits that the 15th of March might indicate. Nothing stands out in your mind about 17 March?

A. No, sir.

Q. I'd like to add before we get to the 18th that the 17th was a Sunday. The 18th of March one of these units, one of these companies, was extracted from the field beginning about 1430 hours using about two, three, or four ships, extracted back to LZ Dottie. The lift, three or four ships, was completed by 1630 hours. The other unit went north, continued north along the peninsula toward the Batangan. You flew 3.1 hours with 14 landings on the 18th. Can you recall observing any of the extractions from this general geographical area or observing the unit moving further to the north-northeast towards the area indicated here on Exhibit MAP-5 as An Khe?

A. No, sir. I don't remember anything like this.

Q. The record indicates that on the 18th of March, which was Monday, General YOUNG arrived at LZ Dottie at 0910 hours in the morning and was greeted there by Colonel HENDERSON, who had just arrived prior to this. This would lead me to believe that there was more than one C&C aircraft trying to get on the pad at LZ Dottie. There probably was a third C&C aircraft there because Colonel BARKER was also present. The other two C&C aircraft were from the 174th, Dolphins. This occurred about 0910 hours in the morning. Do you recall that for any reason?

A. No, sir. I don't see why anything like that would ever stick out. It sounds to me like a lot of this is just really a routine pickup and landing.

Q. Well, I'd like to assure you, Mr. DEWINE, that these days were not routine.

A. Well I understand that, sir, but I mean as far as landing and something making it stick out, I mean maybe an emergency or something like that.

Q. From the technical aspect, it would seem to me that a new aviator flying a general or at least being a copilot and charged with being observant as far as other aircraft were concerned, that in the vicinity of LZ Dottie on this morning there was more than one C&C aircraft and more than one distinguished aircraft, and it might have caused some consternation, some recollection, with reference to parking, shutting down, and, of course, cranking up again at a later time.

A. I can remember a lot of times going into Dottie. It seems like there was always a lot of aircraft going in and out of Dottie.

Q. Landing on those helipads and shutting down on those helipads?

A. Oh, there was one small pad on the western side of this little hill there to the south of all the emplacements. And then there was--it looked like they graded off the top of one hill where the POL sat over to the south of these two landing places, and I think they used to get about maybe two possibly three on top and one on that bottom pad. And I remember it used to get tight when a lot of aircraft were buzzing around in there. But again, to try to pick out one particular day out of so many is pretty difficult.

Q. Are you familiar with where the 123d's operation van was?

A. Their what?

Q. The 123d Aviation Battalion, where their operations van was at Dottie, where they landed, the aero-scouts?

A. Well, most of the time, sir, they only landed for POL.

Q. No, that's not correct, Mr. DEWINE. They had an operations van set up there and were operating out of LZ Dottie on a normal, routine basis.

A. Oh. I don't know whether it was an old POL. I think they've changed it again, but it was down on the west--

Q. Correct.

A. It was a big, blacktop strip there. You're talking about that, and it's right--we had--

Q. (Interposing) That was in addition to the two helipads, as you recall. One of these helipads was on the top of a little hill. It was next to the TOC area, or the headquarters of LZ Dottie.

A. Right.

Q. And was in fact called, I believe, the VIP pad.

A. Right, sir.

Q. There was another one?

A. Right, sir.

Q. Now the VIP pad did not have room for too many helicopters.

A. The other one down there is obviously where they made their pickups too. It was the only one big enough to get enough aircraft into. I'd say maybe three or four ships.

Q. Lieutenant WHITE, the aide, and perhaps the enlisted aide for General YOUNG were the only passengers on the aircraft on 18 March when they landed down there at 0910. Lieutenant WHITE stayed with the aircraft after you had shut down.

A. Yes, sir. He sometimes did that.

Q. Well now, all of the sometimes and all of the other things that I've been telling you are only trying to isolate an instance that maybe you can recollect. And when we put them all together, it's not normal that these things always occurred. They occur on few occasions. Do you remember Lieutenant WHITE talking or saying anything concerning why you were there, he was there, and Colonel HENDERSON and perhaps even some others were there?

A. No, sir.

Q. Do you recall him saying anything, or do you recall at any one of the times you brought General YOUNG to LZ Dottie in the morning knowing that Colonel HOLLADAY, your battalion commander, Major WATKE, your B Company commander, Colonel HENDERSON, the brigade commander, and Colonel BARKER, the Task Force Barker commander, were all there with General YOUNG.

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

Q. You do not ever recall seeing Colonel HOLLADAY there? Did you know Colonel HOLLADAY?

A. Yes, sir, my battalion commander, and flight school too. He was also battalion commander over there. But now, sir, I don't remember seeing Colonel HOLLADAY at LZ Dottie.

Q. Do you ever recall hearing that he was there when you were there?

A. No, sir.

Q. And that he in fact was going to talk with or meet with General YOUNG?

A. No, sir.

Q. We have reason to believe that after you delivered, or after General YOUNG was delivered to LZ Dottie at about 0910 hours, the conversation that existed between the crew and Lieutenant WHITE concerned the meeting and the individuals I have named that was going on that morning. It was a meeting, and there was some talk about it.

A. I don't remember anything like that, sir.

Q. There was some trouble. The implication was that someone's head was going to roll and there was going to be some real tough action, maybe even relief of command.

A. This is what Lieutenant WHITE indicated?

Q. I didn't say that. I said we have the indications that this conversation was going on.

A. No, sir. I don't remember hearing anything like that.

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Q. Do you recall hearing any conversations at any time during the early part of your tour in Vietnam concerning problems or difficulties or incidents involving aircraft, ground troops, the killing of noncombatants or civilian men, women, and children, or any problems in this regard?

A. No, sir, just nothing sticks out.

Q. Did you ever hear anything in the way of rumors or hearsay or were you told anything by anyone concerning what might have transpired in this operational area concerning Task Force Barker troops and/or members of the 123d Aviation Battalion?

A. No, sir. Even when this came out in the papers, in fact until Major APICI happened to mention Lieutenant NEWELL's name, I had forgotten that I had even flown with him during that particular time, that very early part of my tour. And when I started reading about this in the papers, I tried to remember whether I was ever there or remembered anything about it. I didn't then, and I don't now.

Q. Did you ever hear any reports during the early part of your tour concerning any unit killing a large number of noncombatants, men, women, and children?

A. There was something. I remember somebody saying something about some gunships shooting a bunch of people, but they didn't know who they were or something, you know, whether they were innocent people or exactly what they were. As far as this particular operation--

Q. (Interposing) No, I'm not talking about a particular operation. I'm asking about in general.

A. Well, general, like I said, I heard some--

Q. (Interposing) It would have been within the first 3 or 4 months of your tour.

A. Well I don't even remember whether or not I heard this during the first 3 or 4 months of my tour even. It might have been later.

Q. Do you ever recall hearing anything about an investigation being conducted concerning the operations that occurred in this geographical area?

A. No, sir, not until it came out in the news.

Q. Do you ever recall hearing any stories concerning the H-23 in B Company, one of the scouts, landing in this area or landing anywhere, and evacuating a young child, wounded, to the hospital at Quang Ngai?

A. I think that was in the news. I think that's the only way I remember hearing about it.

Q. Do you ever recall hearing anything about any of the gunships, the D-model Hueys in B Company, 123d Aviation Battalion, landing on the ground and evacuating Vietnamese nationals?

A. No, sir. I think I heard that in the news, too. While I was in Vietnam, no.

Q. You never heard anything like this when you were in Vietnam?

A. No, sir.

Q. Did you ever overhear General YOUNG talking about any investigation at any time that you flew him?

A. No, sir.

Q. Did you ever hear General YOUNG issue any orders over the air, over the radios, concerning stopping the killing, or stopping the burning, or any orders that were unusual?

A. No, sir. I wouldn't have heard any of that because he had his own radios back there. He usually was trying to listen to artillery frequency and he could have been switching back and forth to any frequency.

Q. How about the intercom?

A. No, sir.

Q. You did monitor the intercom for him?

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A. Yes, sir. The intercom would have been just what he was saying back in the back to whoever was back there unless he put himself on private.

Q. You never heard him say anything over intercom about it.

A. I don't recollect anything like that, no, sir.

Q. Did you know Lieutenant Colonel DIONNE?

A. The name rings a bell, sir.

Q. How about Chaplain LEWIS?

A. Chaplain LEWIS?

Q. Lieutenant colonel, chaplain.

A. I don't remember the name.

Q. A rather tall man, heavy-set.

A. I can remember someone tall.

Q. Do you ever recall carrying a couple of lieutenant colonels in the aircraft, one being Lieutenant Colonel DIONNE and one being Chaplain LEWIS?

A. No, sir. I can't say that I remember carrying Chaplain LEWIS and this lieutenant colonel.

Q. Do you ever recall a landing at LZ Dottie when an MP jeep came out to pick up the general, or hanging around out there by the aircraft while the general talked to someone?

A. I know there was a lot--sometimes a jeep would come out to pick him up, and sometimes he'd walk down. There was always someone to meet him, of course. But stating actually an MP jeep--even if it was an MP jeep it probably wouldn't stick out in my mind anyway. It would have been a vehicle for him to ride in.

Q. Well an MP jeep is a little bit different than a regular jeep, a command jeep.

A. That's true, sir, but--

Q. (Interposing) Especially if an MP's driving it.

A. Right, sir, but it still wouldn't seem like it would be really out of the ordinary.

Q. I'd like to show you a photograph, Exhibit P-198. Do you recognize anyone or the locality in that picture?

A. General YOUNG. That's Lieutenant WHITE. It looks like we're sitting on a pad there at Dottie. I can't be sure.

Q. Now let's study that. You indicated that's General YOUNG and who?

A. I think this is Lieutenant WHITE over here. I'm not sure. I don't know who this is.

Q. What's he got on his left arm?

A. I see; I see. With that patch, he's obviously an MP.

Q. Then it's not Lieutenant WHITE?

A. No. I thought it was.

Q. What pad was that at Dottie? You've indicated now there's a refueling pad and there's one on top of the hill next to the TOC, and then there's one down the line, and then there's the B Company, 123d pad.

A. Right.

Q. Hardtop, or penepime area?

A. I'm looking for the POL.

Q. Can't identify it? Okay, turn it over. Photograph P-199. Who's in that picture?

A. That's General YOUNG again. And I don't know who this is.

Q. You don't know who the other officer is?

A. No, sir.

Q. You don't recall seeing him, ever seeing him?

A. It's obviously this man here, but I don't know.

Q. Where is that at?

A. It appears to be that top pad, but it doesn't look right. It looks like it's been graded off. It looks different for some reason or other, as I remember it.

Q. This is the way it would have appeared in the early part of your tour,

A. Right. Well--

Q. (Interposing) Does it look like the pad that was close to the TOC, close to the headquarters? The VIP pad?

A. Well the pad that the TOC was on, you had to go down this road. That's why a jeep always came after him, but it wasn't real close to the TOC.

Q. Well there's a jeep there, isn't there?

A. Yes, sir.

Q. Okay. I'd like to show you photograph P-200. Do you recognize any of the individuals there?

A. Just General YOUNG. Just General YOUNG, sir, that's about it.

Q. You don't recall seeing those two individuals on the left at any time? On your left. Do you recognize the pad there?

A. Well, it's the same pad. It's up on top of the hill there. That's obviously that top pad at Dottie.

Q. Okay. That scene doesn't ring a bell with you, seeing four individuals, and two maps spread out on top of a jeep like that?

A. Of course, sir, if you look, I'll be sitting in the right seat there. If I was even looking this way, I'd be seeing the back end. That lieutenant colonel there in the front would have probably been in the way. And the blades

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are still turning. Being blurred like that, I imagine we hadn't shut down yet. And that was my duty, to shut it down. At the time I wouldn't have been paying any attention whatsoever to those people down there. I would have been watching the aircraft, and of course being hot like that I was waiting for the ETT to go down so I could shut it down.

Q. How long did you fly General YOUNG?

A. For a continuous period, with say a break, 1, 2, or 3 days, starting 44 March, of course--let's start again saying 7 March on a continuous basis, except of course a few days flying with somebody else or maybe a day off, all the rest of the way through March down through 30 March. On the 31st I didn't fly him. On the 1st of April I didn't. Okay, going on to the 2d of April, it appears it goes straight down to the 20th of April.

Q. Okay. During March and April you were with him most of the time then?

A. Yes, sir.

Q. On how many occasions did General YOUNG stay out past the normal division briefing?

A. I don't remember ever coming in there late at night.

Q. Did he usually want to get back by 1700?

A. I don't really know, sir.

Q. Okay. To the best of your recollection, then, you can recall never having heard any problems that you can tie in with this area, or difficulties with ground operations, or unnecessary killing, or any of the events concerning 123d Aviation Battalion, or any investigation from any source while you were in Vietnam, is that correct?

A. That's right, sir.

Q. You have no recollection of any of the events that we have covered during the period 15 through 18 March 1968?

A. No, sir, no positive recollection.

LTC PATTERSON: The hearing will recess at this time.

(The hearing recessed at 1045 hours, 20 February 1970.)

(The hearing was called to order at 1130 hours, 20 February 1970.)

LTC PATTERSON: The hearing will come to order.

RCDR: All persons present when the hearing recessed are again present except for Major ZYCHOWSKI.

LTC PATTERSON: Mr. DEWINE, you'd had some time to think. Have you recalled anything concerning what we have discussed earlier that might be pertinent to this inquiry?

A. No, sir. I was looking at one of those pictures. I thought I might recognize Major--or Colonel DIONNE, but it just looked familiar. But other than that, no.

Q. That's photograph P-200?

A. I can't be sure. I'll have to look. Yes, sir.

Q. Do you recall carrying Lieutenant Colonel DIONNE to LZ Dottie?

A. I can't remember him definitely being on the aircraft. I remember his face after looking at it. He does look familiar.

Q. Well, before we close the hearing, I'd like to give you an opportunity to ask any questions that you would like. I have done a lot of questioning. I will attempt to respond. I also give you an opportunity to put anything into the record you would like to state or feel might be pertinent.

A. No, sir. I have nothing more to add, and I don't really have any questions pertaining to this. I wish I could be of more help, but I'm afraid I just can't remember hardly anything about this. As I said before, it was right at the beginning of my tour. Being so new, I imagine Lieutenant NEWELL was doing a lot of the flying and a lot of the radio calls. I know when I made AC and I got a new person that just got in country and he started flying for me, if I wanted an artillery clearance I got it. And if he got it, I was monitoring it real close.

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Q. Well, we thank you for coming up from Fort Knox and trying to be of assistance to us. We too wish you had some better recollections. Before we close, I would like to just again caution you to make sure that you understand that you are directed not to discuss your testimony or what has transpired here during this inquiry with any individual that has appeared or may appear before this inquiry, or with any individual other than the exceptions which we have previously discussed, referring to administrative proceedings, judicial proceedings, or legislative proceedings, especially Congress. Do you understand that you may testify at any of those three that I have mentioned or before any body convened by competent authority. But anytime you have any questions concerning that, all you have to do is contact us here at this office for clarification.

A. Okay, sir.

Q. Do you understand those all right?

A. Yes, sir.

Q. You understand your directions?

A. Yes, sir.

LTC PATTERSON: This hearing will recess.

(The hearing recessed at 1135 hours, 20 February 1970.)

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SUMMARY OF TESTIMONY

WITNESS: DOVE, Bobby L. CPT

DATE OF TESTIMONY: 4 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Division AG Office, Americal Division, February 1968 to April 1968, S1, 123d Aviation Battalion, April to September 1968.

1. KNOWLEDGE OF MY LAI.

While S1 of the 123d Aviation Battalion, Captain DOVE handled some of the administrative tasks for Lieutenant Colonel HOLLADAY, the 123d's battalion commander and the division aviation officer, relative to HOLLADAY's duties as division aviation officer (pgs. 3, 9). The only knowledge that the witness claimed to have of the My Lai operation was that he overheard the tail end of a conversation in the Officer's Club where Warrant Officer THOMPSON mentioned civilians hiding in a bunker. DOVE did not relate this with an incident until after he read about it in the newspapers (pgs. 11, 12, 16). THOMPSON's story was never mentioned at morning staff meetings (pg. 12). On being shown Exhibit M-44 recommending THOMPSON for an award for his bravery on 16 March, the witness stated that he had never seen COLBURN's statement even though DOVE's signature was on the documentation (pgs. 17-19). He did not recall talking with Major WILSON about an indorsement to THOMPSON's award (pg. 19).

2. KNOWLEDGE OF INQUIRIES OR REPORTS OF INVESTIGATION REGARDING MY LAI.

As battalion S1 he was responsible for the battalion's

(DOVE)

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files, records, awards and decorations (pgs. 5, 9, 10). He never retired any files while he was S1 (pgs. 9, 10). DOVE never saw a report of investigation, nor did he have knowledge of any incident which required a formal report (pg. 11). HOLLADAY or the executive, Major LANGSTON, never mentioned any type of report being made concerning the operation of 16 March (pgs. 12, 16). The witness did not recall any occasion when any of the division's generals came through him to talk to HOLLADAY (pgs. 13, 14). He never heard of any VC propaganda centered on My Lai (pgs. 15, 16). The witness never heard of a report from a chaplain or otherwise of unnecessary killing (pg. 16).

3. OTHER INFORMATION.

a. DOVE was not aware that Bravo Company, 123d Aviation Battalion maintained an operational log (pg. 15).

b. He did not know the reason for THOMPSON's transfer to division artillery (pg. 16).

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(The hearing reconvened at 1403 hours, 4 February 1970.)

COL ARMSTRONG: The hearing will come to order.

RCDR: The following named persons are present: MR MACCRATE, COL ARMSTRONG, LTC PATTERSON, and MAJ LYNN.

Sir, the next witness is Captain Bobby L. DOVE.

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

COL ARMSTRONG: Captain DOVE, have you read the instructions (Exhibit M-57)?

A. Yes, sir.

Q. Do you have any questions about them?

A. No, sir.

Q. On my left is Mr. MACCRATE, a civilian attorney who has volunteered his services to the Secretary of the Army to assist in this investigation. He provides legal advice and counsel to General PEERS and this group. On my right is Colonel PATTERSON, an officer of the group, a pilot, who also may be asking questions. General PEERS may come in while we're here. There are other groups like this taking testimony from other witnesses but when this is all put together it will be General PEERS who weighs all the evidence, comes to the conclusion, and makes the recommendations. He will prepare the report. The rest of us are assisting him. Will you state your name, rank, Social Security number, station, and organization?

A. Bobby L. DOVE, Captain, 232-48-0508, 6th Army Stock Control Center, Presidio, San Francisco, California.

MR MACCRATE: Captain DOVE, would you state your duty assignment in the Americal Division giving us the starting dates and concluding dates in each case?

(DOVE)

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A. Yes, sir. I went to Vietnam in the first week of September of 1967 as the advance planning group for the 198th Infantry Brigade. In November 1967 I was evacuated to Japan to a hospital. I returned to Vietnam in February 1968 and was working in division AG, Americal Division. We got in an excess of AG officers in division so I asked to go to one of the line units and I was sent down to the 123rd Aviation Battalion to be the S1.

Q. What was the date that you became the S1?

A. As I recall, it was the latter part of April.

Q. For what period did you remain as the S1?

A. I departed there in September.

Q. Of 1968?

A. Yes, sir.

Q. Would you describe briefly for us your duties in February to April while you were with the division AG?

A. Yes, sir. I was assistant chief of personnel services division in the AG shop. I had direct responsibility for casualty reporting, personnel management, and personnel records.

Q. And who was your immediate superior at the time?

A. Major WALKER, William WALKER. He was the chief of the personnel services division.

Q. Who was the division AG at that time?

A. Colonel CHUNG.

Q. C-H-U-N-G?

A. I think that's correct. Yes, sir.

Q. You were transferred in the latter part of April you say?

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A. Yes, sir.

Q. To the 123rd Aviation Battalion?

A. That's correct.

Q. Would you describe for us your duties with the aviation battalion?

A. I was the S1, adjutant, sir. Therefore, I was responsible for the administration and personnel of the entire battalion. Additionally, I got involved in a few of the minor things, since the battalion commander was also the division aviation officer. To some extent I handled some administration for him as the division aviation officer.

Q. That was Colonel HOLLADAY?

A. Yes, sir. Then later, just a short time before I left, a Colonel--I can't recall. He's here now but I can't recall his name though.

Q. He was Colonel HOLLADAY's successor as division aviation officer or as the battalion commander?

A. Well, this was a two-hat job, sir.

Q. In both cases it was the same individual?

A. Yes, sir.

Q. Would that have been Colonel BRANDENBURG?

A. That's correct.

Q. Our notes indicate that Colonel HOLLADAY left on 18 July and Colonel BRANDENBURG succeeded him on 28 July. Do you have any recollection, in the interim period, who may have been the acting commanding officer?

A. Yes, sir. It was the executive officer, but I can't recall his name.

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Q. Had Major WATKE left by that time?

A. Major WATKE was the CO of the aero-scout company. He was medevac'd prior to then.

Q. Was Major WILSON still in the unit at that time?

A. Major WILSON departed before I did, sir, but I don't recall how long though. It wasn't too long before I departed.

LTC PATTERSON: Was the executive officer's name Major HARRIS?

A. No, sir. Major HARRIS was the assistant S3.

Q. How about PALCZYNSKI?

A. Major PALCZYNSKI was the S3 when I was there. I understand he later became the executive officer because the executive officer I'm talking about got promoted and transferred.

Q. LANGSTON?

A. That's it.

Q. Would you be a little more specific for us here with reference to your administrative responsibilities as the S1 of the 123d? Did you prepare correspondence?

A. To some degree, yes, sir. I did for the battalion commander. He would ask me to write letters on certain matters and I would prepare drafts of those.

Q. When you arrived in the 123d as the S1 in February 1968, Colonel HOLLADAY was in command, is that correct?

A. Yes, sir.

Q. And his executive officer at that time was who?

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A. Major LANGSTON.

Q. Did Major LANGSTON get involved in the administrative preparation of correspondence and so on?

A. Sometimes he would, because the battalion commander would tell him to get this done and he would come in and tell me to write a letter or do a certain thing they wanted to get done, and I would write the letter for him.

Q. With reference to your administrative responsibilities, who accomplished the awards and decorations function of the battalion?

A. I was responsible for that.

Q. You were responsible?

A. Yes, sir.

Q. In that regard, what was the system for awards and decorations? Did you have a board?

A. No, sir. There was no board at battalion level. The board was at division level.

Q. All right. When one of the units submitted a request for an award, what occurred in your shop?

A. In my shop, I would check it out for administrative correctness and check it out to see if it met the regulatory requirements for the particular award. If the justification was adequate, I advised the battalion commander on whether or not we should accept it.

Q. What was the name of the man that did the administrative checking of your awards and decorations?

A. I checked them all myself, sir.

Q. While we're on the awards and decoration line of questioning; the activities of 16 March 1968 with reference to the participation of the 123d Aviation Battalion generated

some awards. Specifically, there was an aircraft involved, an H-23, flown by a Warrant Officer THOMPSON and crewed by a Specialist ANDREOTTA and a Specialist COLBURN. Do these names mean anything to you?

A. ANDREOTTA does, sir, because he was killed, and among my duties as S1 I was responsible to make sure the personal things and so forth were forwarded. I recall his name. The other name doesn't mean anything.

Q. Did you have a policy established at command level with reference to posthumous awards?

A. The only thing I can recall, sir, on posthumous awards was there was a more strict time frame for submitting them. As I recall it was less for posthumous awards. This was established by the division.

Q. I'd like to show you Exhibit M-42. It's a recommendation for a Bronze Star with V for Specialist ANDREOTTA and the accompanying documents.

MR MACCRATE: Do you have any recollection of preparation or processing of any of these papers?

A. I can't say for sure but I think I have seen this one before. I'm not absolutely certain but I believe I have.

LTC PATTERSON: Did you notice the date that recommendation was submitted?

A. Yes, sir.

Q. What is the date, sir?

A. It was submitted 10 April.

Q. This was 2 days, I believe, after ANDREOTTA's death?

A. That I can't comment on, sir.

Q. Do you recall preparing that correspondence?

A. This correspondence would have been prepared in the company, sir, and then forwarded to me. I would have made a recommendation to the battalion commander. It does meet the criteria for the award recommended or it does not. This is the only way I would get involved.

Q. Who's the recommendation signed by?

A. Initiated by Major WATKE.

Q. Major WATKE, who at that time was?

A. He was CO of the aero-scout company.

Q. I'd like to show you Exhibit M-43, recommendation for an award for Specialist COLBURN. I believe that's a recommendation for a Bronze Star with V also, is it not?

A. Yes, sir. It is.

Q. It was submitted on what date?

A. I'm not too sure by looking at this.

Q. You cannot ascertain it?

A. I cannot determine the date when this was submitted.

Q. Well, in handwriting right there in the middle of the recommendation?

A. I see. Submitted 10 April.

Q. You'll notice that the eyewitness statement is made by whom?

A. THOMPSON.

Q. The eyewitness statement on the ANDREOTTA award?

A. I think it was the same. Yes, sir.

Q. I'd like to show you Exhibit M-44. Would you indicate for the record the date of action on those two awards?

A. Yes, sir. 16 March.

Q. 16 March 1968 on both?

A. Yes, sir.

Q. I'd like to show you now Exhibit M-44, recommendation for award for Mr. THOMPSON. The date that award was submitted?

A. 2 May 1968, sir.

Q. The eyewitness statements?

A. Signed by Specialist COLBURN.

Q. By Specialist COLBURN?

A. Yes, sir. That's the only one I can see.

Q. All right. In the proposed citation, if you'll turn to that page, please. You'll notice there's been some additions scratched in and identified by an initial in the upper right-hand corner.

A. Yes, sir.

Q. Can you indicate whose initials those are?

A. No, sir. I can't say definitely, but speculation on my part--this would probably be done by one of the writers at the division awards and decorations office. This is routine for this to be done, for them to rewrite citations.

Q. Then the addition of any words into that citation such as you see written in there would have been done at division?

A. Yes, sir. I'd be reasonably certain I'm correct in saying this was done at division AG orders section. It was routine for them to do this, for them to rewrite proposed citations.

Q. You don't recognize DM?

A. No, sir. I don't at all. I know there was no person with those initials who ever worked for me at battalion level and it would not be normal for it to be done at battalion level anyway.

Q. Can you explain the time differential between 2 May, the recommendation for Mr. THOMPSON and 10 April, the recommendation of Specialist COLBURN?

A. No, sir. I can't.

Q. Other than awards and decorations and preparation of correspondence, what duties were you tasked to perform on behalf of Colonel HOLLADAY?

A. I can't recall anything specific, sir, that he said you'll do this on a day-to-day or recurring basis. Occasionally he would give me things that he needed to get done as the division aviation officer. Otherwise I performed the same duties for the battalion commander that you would at any battalion.

Q. Did you have responsibility for the files and records and that?

A. At battalion? Yes, sir I did.

Q. During your tour between February 1968 and your departure September 1968 did you retire any of the files and records of the 123d Aviation Battalion?

A. No, sir. We didn't simply because the battalion was fairly new when I went to the battalion. They had a lieutenant there who was acting as the S1 when I got there and they really didn't have any files. It was so fouled up quite honestly.

Q. When you arrived in February--

A. (Interposing) When I arrived there I established files, got a functional file system set up so that we would have something to work with.

Q. When would the files have been retired?

A. They would have normally been retired any time after 1 January of 1969.

Q. Did you maintain the central files for the other staff sections of the battalion?

A. No, sir.

Q. Were there any of their files retired through you?

A. There were no files at all retired during my time in the battalion. But I do recall definitely that Major PALCZYNSKI, who was the S3, asked that I go to his shop and help him set up a functional file system for his office. They were operating on a shoestring, so to speak. They had no files, so the files were not a year old at the time. There was no need to retire any files. Of course, it wasn't time anyway. Normally it's done, as I say, on 1 January of the following year.

Q. Was there any requirement during your tenure within the battalion for staff journals of the staff sections of the 123d Aviation Battalion?

A. No, sir. The only thing that I am familiar with that would even relate to that would be the journal that the S3 operations kept, from the standpoint of aircraft flying hours and things of this nature.

Q. You did not maintain a journal in the S1 shop?

A. No, sir. We didn't.

Q. Did you maintain a message center correspondence log?

A. Yes, sir. I did.

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Q. Were these files to be retired over a period of time?

A. Yes, sir. They were filed. I had to keep them filed because quite often under those conditions correspondence would get misrouted. That log was the only way I had of knowing where it went.

Q. What was the personnel status with reference to turbulence, turnover, and training in the 123d on or about 16 March 1968?

A. The best I recall, sir, we were in fairly good shape as far as personnel strengths go. I know that when I went to the battalion the big areas that were hurting for people were in the area of overhead personnel, cooks and clerks primarily, and a few maintenance MOS personnel, but by and large they were in fairly good shape. I would say, I'm guessing, 90 percent strength. I know that when I departed the battalion, the battalion was overstrength.

Q. While you were S1 of the aviation battalion, did you have cause to see any reports of investigation passed through your office?

A. No, sir.

Q. On any subject whatsoever?

A. I don't recall any of any kind.

Q. Were there any incidents that you were aware of while you were S1 of the aviation battalion that did require a formal report of investigation?

A. Not to my knowledge, sir.

Q. On or about 16 March 1968, elements of B/123d Aviation Battalion participated in an action in support of Task Force Barker in the vicinity of My Lai (4), Pinkville. Were you aware of any unusual reports concerning this operation?

A. The only thing I knew about this, sir--and quite honestly I tied it in after reading the account in

the newspaper--I walked in the club, a small officer's club that served the area where we all were to have a drink before going to the messhall to eat one evening, and Warrant Officer THOMPSON--I overheard the tail end of a conversation on some civilians, no number mentioned, hiding in a bunker. That's all I ever heard about the thing and as I say, after I read the newspaper account, this came to my mind. I thought maybe this was the whole thing they were talking about. But personal, firsthand knowledge, none whatsoever.

Q. Colonel HOLLADAY or Major LANGSTON never mentioned any type of report being made concerning the incident or activities of 16 March 1968?

A. I don't recall anyone mentioning anything, sir.

Q. Were you, as the S1, on an intimate basis as far as knowledge went with the executive officer and the CO of the battalion?

A. The executive officer as far as the running of the battalion, yes, sir. I think so. Since Colonel HOLLADAY was primarily involved with the division aviation officer duties, Major LANGSTON got more involved in what was happening in the battalion from my standpoint, from keeping the base camp going. Very seldom did either one of them talk to me about any activities outside the immediate battalion area. The only time that I would hear about anything that went on operationally was if Major PALCZYNSKI talked about it in the evening in our quarters--because we lived, all the staff officers lived, in the same building--or if someone mentioned something that happened in the morning staff meeting.

Q. You had morning staff meetings every day?

A. Yes, sir.

Q. Was this subject of, I believe you mentioned bunkers, ever mentioned in a staff meeting?

A. I don't ever recall that being mentioned at all.

Q. What time were these staff meetings?

A. We usually had them about 0700 each morning.

Q. Did Colonel HOLLADAY always conduct these staff briefings?

A. If he was in the area, he did. Sometimes he'd have to go out earlier than that to check on a mission that the battalion had. Normally he did conduct the meeting.

Q. They were attended by all the--

A. (Interposing) Staff officers and company commanders.

Q. If a message came down for Colonel HOLLADAY to meet with someone, division or somewhere else, did this message come to your shop or did it come somewhere else?

A. Not necessarily. Most of the time, if it was pertaining to his duties as the division aviation officer-- we had two officers that worked at division that belonged to us, aviators, that worked in the operations in the division G3 shop--and in these kind of matters normally the information would come from the liaison officer. They worked in the division aviation shop, they called it. They'd come down and they'd go right on in to Colonel HOLLADAY.

Q. They wouldn't clear through you? You would not arrange for them to get into his office?

A. No, sir. They'd come right in to the sergeant major and they'd go right on in to see Colonel HOLLADAY. If there was anything in there I needed that would affect the battalion overall, from an administrative standpoint, he would call me in and give it to me.

Q. What about if one of the generals wanted to talk to Colonel HOLLADAY? How would that come down to the battalion?

A. It could have come either in the way I just mentioned or someone from the general staff could call down directly.

Q. Do you recall on any occasions any of the division generals wanting to talk to Colonel HOLLADAY, coming through you for that purpose?

A. No, sir. It wouldn't have come through me if they called because I was in a different building initially. Then I later on had to change the thing because it was cumbersome. I built a covered rampway between the building where his office and where the sergeant major and executive officer worked into the S1 office.

Q. The sergeant major, the XO, and the battalion commander were all in separate buildings?

A. They were in separate buildings. Yes, sir. Then they later left the two buildings in place and filled between the two buildings, if you will, and built another office. Actually it became three separate offices.

Q. What function did the sergeant major play in regard to your function or the battalion commander's function? Was he closer to the battalion commander or closer to you?

A. We had two sergeants major I remember at the time. The one that was there when I got to the battalion, I don't recall the guy's name, he was only there a little while. He never did go with the colonel when he went anyplace. The sergeant major that came in, he used to go with the colonel quite a bit when he went up someplace.

Q. When did this new one come in?

A. I don't recall, sir.

Q. Do you recall his name?

A. No, sir. I don't.

Q. Do you recall either?

A. I definitely don't recall the other man's name because he was never around. He was an acting sergeant major and they knew they were going to put this guy in the job when they formed the battalion because he was the first sergeant in the company that became the nucleus of the aviation battalion. He became the acting sergeant major and I don't recall his name.

IO: We understand that the aero-scout company, or

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Bravo Company, maintained an operational log. We also understand that copies of this operational log, normally kept down at Dottie and elsewhere, were provided daily to the company commander, and he also provided a copy of it to Colonel HOLLADAY.

A. I was not aware of this, sir.

Q. Did you see this kept in sort of a ledger form?

A. No, sir. No operational log for the company. The only operational log I was aware of was the one that was kept in the S3 shop. The only reason I knew that is because we had gotten some information from it a couple times on air medal recommendations to clarify some time on people.

Q. Do you know of any ledger kind of log that they maintained in the S3 shop describing the operations or highlights of the operations?

A. At least the documents I saw, I don't think they highlighted any operation. I think it was primarily kept for keeping the flying time for the aircraft and keeping an individual's flying time. It was a backup document for recording individual flying time.

Q. Statistical data?

A. Yes, sir.

Q. Wasn't that established by division on about 13 or 14 April 1968?

A. I don't recall when it was established.

Q. Did you ever hear of any VC propaganda which could have come out in various forms perhaps by broadcast, interception of such a broadcast, through leaflets, folders, armbands, posters, slogans, or anything of this nature which more or less focused on the My Lai or the Son My area in the middle of March?

A. No, sir.

Q. Any propaganda which may have been aimed at the

ARVN, to tell the ARVN to take action against the Americans for what happened in this area, My Lai/Son My, about the middle of March 1968?

A. I don't recall either seeing or reading or hearing any propaganda at all. In fact, the whole time I was in Vietnam I don't recall anything of that nature.

Q. Did Colonel HOLLADAY ever tell you that division was conducting an investigation of what may have happened in the My Lai/Son My area?

A. No, sir. The first time I was aware of the investigation is when I read about it in the newspaper.

Q. Were you the S1 of the battalion when Warrant Officer THOMPSON requested relief from the battalion and return to the artillery, Division Artillery?

A. I think I was. Yes, sir.

Q. Yes. Do you recall him citing the reason for his return?

A. No, sir. When they moved anyone out of the battalion, the only thing they'd tell me to do was get on the horn and see what you can do about transferring the people. I very rarely was given any explanation as to why. "Just see what you can do about getting them transferred."

Q. Did you ever hear from any of the chaplains or anyone that they'd received a report to the effect that there had been some unnecessary killing of civilians and non-combatants?

A. No, sir.

MR MACCRATE: Captain DOVE, you indicated that you came into the officer's club one evening and heard Warrant Officer THOMPSON talking about the civilians in the bunkers. What do you recall you heard at that time?

A. That's all I recall. Just what I stated. It was obvious I just walked in on the tail end of the conversation. I heard THOMPSON mention something about some civilians hiding

in a bunker. I never heard of this incident prior to then nor did I hear it after then. So when I read the first or second article in the newspaper about this, this immediately came to my mind. I said well, this must be what they're talking about. I never thought I would be--

Q. (Interposing) Don't you recall anything else about that conversation? What sort of an impression did you get that stuck with you so long?

A. That's all I heard. That thought just came back to my mind. I say, probably because I never heard it before then nor had I heard it after then.

Q. Well, didn't you hear about it afterwards?

A. I never gave it any thought at all till I started reading the accounts in the newspaper.

Q. Didn't you hear about it afterwards?

A. I don't recall hearing about it afterwards.

Q. Well, I'd like to hand back to you Exhibit M-44 and ask you if this doesn't refresh your recollection. You turn back to the latter pages of this citation and you'll see a statement signed by Specialist COLBURN in which he expressly refers to a number of children trying to hide in an old bunker and how Warrant Officer THOMPSON unhesitatingly landed his helicopter, attracted by the movement of the children. Then he had just taken off again when he saw a wounded Vietnamese boy, again landed and picked up the child, and then flew to the hospital. Then you go over and you'll find another page where Captain DAMATO, the assistant adjutant general, returned without action this recommendation and requested resubmission of the recommendation with a letter of explanation stating reason for the delay. Then follows the response, "Recommendation for Decoration for Valor or Merit," and there's then a two-paragraph explanation and recommendation signed Bobby L. DOVE, Captain, Adjutant.

A. Yes, sir.

Q. Now it would appear that you at that time responded to the request for an explanation and you indicated

the reasons why there had been some delay. Do you have any recollection of the conversation at that time?

A. No, sir. I still don't recall reading the statement. I recall signing this second indorsement on this correspondence. I don't recall personally processing this original recommendation though. I don't recall it at all. Of course when I would have received this back, I would have had no reason to read the whole thing through other than read the first indorsement and the front page to see what it was.

Q. Well, you would have to have gotten a little explanation as to why the matter hadn't been taken care of earlier and necessarily would have been looking at all the papers to get an explanation I would think.

A. This explanation would come from the company and not from me even though I signed it. It's addressed to the battalion commander so I would have to indorse it back. I would not know why it was delayed. I wouldn't be in a position to have that knowledge. I would have called the company and said: "I've got an award. It bounced back because it was delayed. Why was it not submitted on time?" They would give me an explanation and I would respond.

Q. Well, as of 18 May, the date of your response, were you the S1 at that time of the battalion?

A. Yes, sir.

Q. You would have gotten the information for this response from whom at that time?

A. I would have called the company. In this case, on correspondence, I would have talked with either the first sergeant or the executive officer.

Q. Based on the information you got, you then prepared the indorsement?

A. That's correct. I still don't recall reading these

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other documents. After reading this, I recall the correspondence, the response, but I don't recall reading the basic documents other than the front cover.

Q. Do you know who it was that told you that in this case it was not known until a later date and appropriate action was then taken?

A. No, sir. I can't say who gave me the information. As I say, I would have gotten it from either the first sergeant or the executive officer. I wouldn't have bothered the company commander for something like this.

IO: Would that come back to you in written form or would they give it to you over the telephone?

A. It could be either way, sir. Sometimes if it was a lengthy explanation, I'd tell them jot it down on a piece of paper and send it up here to me so I can prepare an indorsement. If it was a very brief explanation, I'd just sit down and, based on what they told me, write a response myself. I tried to handle the thing as best I could without getting the companies involved more in administration. This was the battalion commander's desire, that we do everything we possibly could to free the companies to take care of their operations in the field.

Q. Do you recall in this instance having talked to Major WILSON about this indorsement?

A. No, sir. I don't recall talking to Major WILSON. I don't remember who I got the explanation from.

Q. How well did you know this assistant adjutant general, DAMATO?

A. I knew him for about 2 months, sir, prior to my going down to the aviation battalion. He worked out of the same shop I did in division. He and I shared the duties in the personnel division in that I had my responsibility of what I just enumerated before and he had the responsibility for awards and decorations and he handled the officers branch.

Q. What did he use for initials?

A. I don't recall, sir.

Q. I'm asking with particular reference to this re-draft or editing.

A. That wouldn't have been him, sir. I feel reasonably sure that I'm correct in saying that's the initials of one of the writers in the awards and decorations branch.

MR MACCRATE: Is that DAMATO or someone else?

A. No, sir. It would be people who work under him.

Q. Well, Captain DOVE, we appreciate your coming in. With respect to overhearing conversations in your club and things of this nature, if anything such as this does come to mind, that you heard additional conversations which point to something unusual happening about the middle of March in the Son My area, we would like very much to have you get in touch with us so we can take advantage of that additional information. Also, if you can think of any documents such as we we're citing, those logs, or any other thing which would be of assistance to us in completing this investigation, we'd like to know about that. At this time, I'll give you an opportunity to ask any questions which you may like to ask or if you would like, to enter a statement into the record.

A. In summation, sir, about the only thing I can say is that I heard nothing about any alleged irregularities in the battalion from anyone other than the one little bit of information--and I wasn't even sure that that tied in when I read it in the newspaper--about the people being in the bunker. I didn't even know it was children at the time; I just heard some Vietnamese hiding in a bunker. Other than that I heard nothing, was not aware of any investigation of any kind until I read about it in the local newspaper.

Q. Well, I would like to again remind you that in the written instructions you received you were cautioned not to talk to other individuals concerning your testimony here, including other individuals who may appear here as witnesses. This will not preclude, however, your appearing as a witness before competent administrative, judicial, or legislative bodies, and more specifically to congressional committees,

and quite specifically to the investigative subcommittee of the House Armed Services Committee, which I understand you've already been scheduled to appear before. Is that correct?

A. Not to my knowledge, sir.

Q. I was of the impression that you had been requested by them. In any case, your testimony here will in no way preclude your appearing and testifying before such a body.

A. Yes, sir.

Q. Major LYNN will get you organized as far as this other is concerned.

A. Okay, sir.

Q. Thank you very much. The hearing will recess at this time.

(The hearing recessed at 1453 hours, 4 February 1970.)

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SUMMARY OF TESTIMONY

WITNESS: EZELL, Vernon P. CW2

DATE OF TESTIMONY: 22 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Aircraft Commander,
B Company, 123d Aviation Battalion.

1. THOMPSON'S REPORT OF AN INCIDENT.

The witness testified that he recalled Warrant Officer THOMPSON speaking about the incident on the evening after the operation. However, he was fairly certain that he himself did not fly that day (pgs. 3, 10). THOMPSON complained that he had seen civilians being killed by ground troops. He further recalled THOMPSON mentioning that he had to have his doorgunner train his weapon on U.S. forces to keep them from throwing a grenade into a bunker where civilians had sought refuge. THOMPSON told the witness that he had landed and lifted these civilians out (pgs. 10-13). The witness could not recall THOMPSON mentioning having seen a large number of bodies, nor could he recall THOMPSON stating that he had reported this incident (pgs. 13, 16).

2. OTHER KNOWLEDGE OF AN INCIDENT.

The witness stated that he heard rumors concerning My Lai for some three to four days after the operation, but was never himself questioned about it (pg.14). He could not recall ever speaking to Captain MOE or Major WATKE about the incident (pg. 17). He heard from some source that Sharks had been told to stop shooting because they were firing into civilians (pg. 21). The witness added that he felt that the incident would have been reported on the debriefing forms which were submitted each night (pg. 16).

(EZELL)

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No one ever mentioned that they had reported it in this manner, however (pg. 16).

3. KNOWLEDGE OF AN INVESTIGATION.

The witness testified that he had the impression the incident would be investigated (pg. 14). He stated that no one ever told him to quit talking. He recollected hearing rumors that an investigation was being conducted (pg. 20).

4. OTHER INFORMATION.

The Sharks were not a bad gunship outfit. The witness added that he enjoyed working with Task Force Barker and liked Colonel BARKER himself. He did mention that Colonel BARKER directed his operations personally (pgs. 23, 24).

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(The hearing reconvened at 1045 hours, 22 January 1970.)

MR WEST: The hearing will come to order.

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

The next witness is Chief Warrant Officer Vernon P. EZELL.

(CW2 EZELL was called as a witness, was sworn, and testified as follows:)

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

A. Vernon P. EZELL, CW2, U.S. Army, 528-42-9272, Headquarters and Headquarters Company, 1st Brigade, 4th Armored Division, APO 09140.

MR WEST: Mr. EZELL, before we get into any questions, I want 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 is now commonly referred to as the My Lai (4) incident of 16 March 1968, and

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

Now, we are not inquiring into all aspects of what happened at My Lai. For example, we're not directly concerned with whether any person who was there committed any offense.

We've had made available to us and have reviewed prior statements obtained in other investigations of the My Lai (4) incident. However, to my knowledge, you have not been questioned by anyone.

A. No, sir, this is the first time.

MR WEST: 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. But it is possible that the testimony, or parts of it, may later become a matter of public knowledge. You are directed not to discuss your testimony here today with others, including other witnesses who may come before us, except in the performance of official duty or as you may be required to do before a competent administrative, judicial, or legislative body. For example, there is a subcommittee of the House Armed Services Committee which is inquiring into the My Lai (4) incident. They have been calling some witnesses including some people who have been here. When you are directed not to discuss your testimony here, that doesn't apply to an appearance before a subcommittee of the Congress.

Have you been served with an order by the military judge in the case of the United States v. Calley or the case of the United States v. Mitchell?

A. No, sir. All I've got is a set of orders to report here.

LTC PATTERSON: Mr. EZELL, would you state for the record to what unit you were assigned on 16 March 1968?

A. B Company, 123d Aviation Battalion, Americal Division, sir.

Q. What position within B Company did you hold?

A. I was an aircraft commander in the gunships.

Q. Have you had an opportunity to check your individual flight records?

A. No, sir.

Q. Do you know for a fact whether or not you flew on 16 March 1968?

A. I'm fairly certain I was there that day, sir. I can't really say unless I would actually check my flight record and check the flight time and so forth. That would be the only way I could truthfully say that.

Q. What makes you think that you were there?

A. Well, I seem to remember--it's been 2 years, but we came back--we were over at LZ Dottie and, also, that night Mr. THOMPSON was talking about--I never saw the incident or anything that went on there. He was talking.

Q. The reason I mention it is because I have checked your individual record available in The Adjutant General's Office, specifically your DA Form 759, "Individual Flight Record." According to that record, there is no flight time logged for you for 16 March 1968.

A. Right, sir.

Q. Would you tell us what you know from firsthand knowledge concerning the operation in My Lai (4) on 16 March 1968?

A. As I said before, sir, the only thing I could say on that is whenever we were back there at the home station, what I had heard. With that, I can check in my records and find out if I was there on that day. I had been on numerous operations in that area.

Q. Who was the gunship section leader or platoon commander at this particular time?

A. We had been having a big turnover. We just had this one captain. I'm not sure when he was shot in the hand. Lieutenant LIVINGSTON took over right after he got hit.

Q. How about Lieutenant WALKER?

A. Lieutenant WALKER, right. He was one that had been promoted to captain. He had just got shot in the hand. I wasn't sure exactly when he got hit.

Q. Well, let's go back to 15 March, the day before the incident which we're discussing. Do you recall attending a briefing at Company B, 123d operations or briefing room concerning an operation in which your company was to be involved the following day, 16 March.

A. Not right offhand, sir, I couldn't say exactly. We have briefings every morning before we would go out on operations.

Q. If you were scheduled to fly, you would have attended that briefing?

A. Right, sir, whether I was scheduled or not, I would have attended it.

Q. Whether you were scheduled to fly or not?

A. Right, sir. I normally went up there and got up early in the morning just in case somebody got hurt or something. Then you can always go down and take over.

Q. To help you recall, I'd like to give you what we assume to be the sum and substance of that briefing. The operation was to be a combat assault for Task Force Barker, which consisted at this time of three rifle companies, with artillery in direct support. The combat assault was to originate from two PZ's, LZ Dottie and LZ Uptight. One rifle company was to be lifted from Dottie, preceded by an artillery preparation, and landed into an LZ just to the west of Pinkville or My Lai (4). These areas would have been pointed out to you on a map, I'm sure. Touchdown was to be, or planned to be, on or about 0730 hours, 16 March. The unit that was conducting the lift was one of the assault helicopter companies of the 14th Aviation Battalion.

A. 174th, sir?

Q. 174th.

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A. Out of Duc Pho.

Q. How do you recall that?

A. Well, I've operated with them quite often. That's the reason I say I'm pretty sure I was in on the briefing. I remember the individuals.

Q. You recall that the 174th--

A. (Interposing) I was thinking it was the 174th with the Sharks escort.

Q. Before we go on, Mr. EZELL, have you talked to anyone else at any time concerning this operation?

A. I haven't seen anyone due to the fact that there's nobody stationed around me from--

Q. (Interposing) What I want to ascertain--is this what you say now recall?

A. Right.

Q. Okay, you're correct. The lift unit was the 174th. Their call sign was Dolphin.

A. Dolphins and Sharks.

Q. And the Sharks were whom?

A. They are gunships assigned to the 174th.

Q. Their organic gunships, that's correct. The Dolphins were to lift the troops in from Dottie and put them into the west of the hamlet of My Lai (4) at 0730. The aero-scouts, B Company, 123d, plan in this operation was to be a screening-type mission to the south of My Lai (4), Pinkville area down to what I believe you called the--

A. (Interposing) Right along the river there.

Q. What did you call that river?

A. Quang Ngai River.

Q. Quang Ngai River, which is the Song Tra Khuc.

A. Right, sir. We called it the Quang Ngai River.

Q. That area, then, south of My Lai (4), Pinkville, was to be the aero-scout area of operation for screening. Your unit was to be on station at 0730 hours. The combat assault was not only for one company, the LZ that I've mentioned, but another rifle company was to be lifted into a second LZ to the southwest of Pinkville itself with the two companies then attacking, moving through the area, generally to the east and northeast, with the third rifle company of Task Force Barker to move by foot on the night of 15 March and be in a blocking position to the north of Pinkville on the other side of the little river there.

A. I can't actually describe what the area looks like. It's sort of a peninsula that blocks out through there.

Q. Okay. Do you recall this briefing?

A. It seems to be coming within this area, yes, sir.

Q. Do you recall who gave the briefing?

A. No, sir, I couldn't say right offhand, not unless it would have been Major--

Q. (Interposing) Major who?

A. I couldn't say. I don't know what his name is, sir.

Q. Who gave your briefings?

A. Normally it was our CO, sir.

Q. The CO of the unit?

A. Yes, sir.

Q. You don't recall the CO's name?

A. No, sir. We had a big turnover there. We had one of them get shot down, crashed, burned, and everything else.

Q. Was it Major WILSON?

A. It might very well have been, sir, because our prior CO, the one we had just before him, had been shot down, and I can't remember exactly when he got shot down.

Q. Could it have been Major WATKE?

A. It could have been Major WALKER or Major WILSON.

Q. I show you Exhibit MAP-5, which is a Quang Ngai, 1:50,000, sheet number 6739. This depicts the area, and for orientation purposes there's Pinkville, here's your Quang Ngai River, this is My Lai (4) right here, and this is the river that we were discussing. The one company was blocking here. The one company was to be air assaulted in here. The second company to be air assaulted in this vicinity. And this was to be--

A. (Interposing) Screening area, anything that was going to the south.

Q. Is there anything about this briefing that you might have attended that you can recall specifically, firsthand knowledge?

A. Nothing, no, sir. Like I say, it's been 2 years on this one briefing.

Q. We have reason to believe that the operation went as planned in the morning, with a touchdown at about 0730 hours to an LZ to the west of My Lai. The artillery was coming out of LZ Uptight to the north. Do you recall taking off from Chu Lai that morning and flying down there?

A. No, sir, I can't say any specific morning. As I say, we had numerous operations in this area the whole time that I was there. In fact, my first and last mission was flown right in this vicinity in here. We normally operated out of LZ Dottie there for about 5 months.

Q. Who would have been Warlord Alpha Lead?

A. Warlord Alpha Lead could have been Mr. BAKER, it could have been Captain WALKER, or it could have been myself if I was in flying that day. It's all according to how the CO assigns you.

Q. We believe Mr. BAKER was the Warlord Alpha Lead. He indicates that this particular morning, 16 March, Warlords were a little late in getting down there. Monitoring the radio en route from Chu Lai down to the operational area which is a flight time of about how long, do you know?

A. I'd say about 5 to 10 minutes, sir. It's not that far out of Chu Lai.

Q. I see. Monitoring the radio you heard the lift going in, and the Warlords were not physically on station. This should give you an indication of something to recall, recognizing that you were going to be delayed on a big show. Does that ring any bell?

A. No, sir, it sure doesn't.

Q. Okay. During the morning there was some activity in the area. The troops went on the ground. At one point in time there was some difficulty with one of the LZ's, something out of the ordinary. Do you recall anything about the insertion there, what might have been out of the ordinary?

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

Q. It was a go around. It was the lift ships. The artillery failed to shut off.

A. Well, that's why I say nothing unusual because that has happened prior, at different times. I mean, it wouldn't be anything that would register.

Q. It wouldn't?

A. No, sir.

Q. During the morning then, the Warlords discovered something, the Skeeters discovered something in the vicinity of Hill 85. Do you recall anything like this?

A. No, sir.

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Q. It was initially reported that two mortar tubes, subsequently changed to 60 millimeter mortar rounds, were found.

A. That might have been the day I remember they came back. One day, I can't say exactly which day it was, they put the "animals," as we call them, our infantry, put them on top of the hill there, and they came back with some mortar rounds.

Q. On this day the "animals" were inserted.

A. This may have been when it was.

Q. Were you there. Do you recall seeing that?

A. No, sir.

Q. During the day, one of the gunships of the Company B of the 123d landed physically on the ground and picked up some civilians and moved them from one area to another area. Were you present on any occasion when such an incident occurred?

A. No, sir, not physically present.

Q. On this same day we have reason to believe that your Skeeter had a blade strike at one time and at another time landed. So he landed more than once on the ground. The pilot of the Skeeter left the aircraft on both occasions for a few moments. Were you present at any time or flying cover when the Skeeter went on the ground?

A. Yes, sir. I don't know about this specific day, but I saw him go on the ground many times.

Q. Do you recall a blade strike at any time when he went on the ground?

A. The only one I remember is to the north there one time. He went in, and he hit the water, went all the way down, and come back out. They had numerous blade strikes because they are flying at such a low altitude the whole time they're down there, flying low and slow.

Q. It would appear, Mr. EZELL, that the record, your record, which indicates that you did not fly on this day, and your failure to recall or be present during some of these specific incidents confirm that you were not, in fact, physically present on 16 March in the vicinity of My Lai. Does this go along with your recall of not remembering too much of the specifics of this operation?

A. Yes, sir. As I said before, I can't really say exactly what happened on any specific day because we have numerous operations, and they had made inserts in there before, and I have been in there whenever they made them, made their sweep through the area.

Q. Okay. If we go on the assumption that you were not there, I'd like to take you to the afternoon and evening of 16 March. When the aviators returned from this mission, do you recall hearing the stories or any rumors concerning the operations in My Lai (4), in or about My Lai (4) on 16 March?

A. Like I said before, sir, the only thing I heard on that was when Mr. THOMPSON got back--I'm pretty sure it was that day I couldn't state exactly and he mentioned something about it, and he said that--

Q. (Interposing) What was the something he mentioned?

A. He said they were killing civilians, and they picked them up or something to this effect. I didn't pay too much attention to it.

Q. Was he telling you this?

A. He was talking in the barracks itself, sir.

Q. In the barracks?

A. Right, sir.

Q. Did you live in the barracks with him?

A. Yes, sir. Slept two bunks down from me.

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Q. The scouts and the gun people slept in the same barracks?

A. Right, sir. We had all the gunship pilots in one row, four hootches I think it was, plus the one that the-- we had--our captains and so forth lived in sort of the center one, captains, a couple majors.

Q. So you remember a night, then, that Mr. THOMPSON was in the barracks discussing this operation?

A. Yes, sir.

Q. Now I'd like for you to tell us as much as you can recall about what you heard Mr. THOMPSON saying.

A. Well, the only thing I can actually remember him talking about was when we come in he found out he had to pick up some civilians and he had to have his doorgunner stop somebody from killing them. I didn't pay that much attention to him.

Q. Okay, continue. You heard him say those two things, he had to pick up some civilians and he had to tell his doorgunner not to--

A. (Interposing) To stop these people from killing somebody.

Q. Stop these people from killing somebody?

A. Right.

Q. What did he mean by that?

A. Well, he said that there was some civilians supposedly in a bunker, and they were going to throw a grenade in on them.

Q. Who's they?

A. The infantry, sir.

Q. The U.S. infantry?

A. Yes, sir.

Q. I see, okay.

A. So he told them to stop it. From what I could gather from the conversation they went in and picked up the civilians and lifted them out. This is about the extent of what I actually--and it's all hearsay because we were just sitting around.

Q. Well, you heard Mr. THOMPSON say it?

A. Yes, sir.

Q. All right. And what we want to focus on is what you heard Mr. THOMPSON saying, you see.

A. Right.

Q. I think you've indicated he said he saw a lot of bodies, a lot of killing going on.

A. No, sir. He didn't say a lot of bodies. At that time he says, about this one bunker, that he had to stop them. They were going to throw a grenade or something into this bunker, and they were going to kill somebody in there.

Q. I see.

A. He said he saw some civilians run into it or something to this effect. I can't recall exactly.

Q. Did he say that he talked to anybody about it on the ground?

A. Sir, I don't recall.

Q. Okay. And he said he evacuated some civilians?

A. Right, sir, because they got back, and they said they had evacuated some civilians out that day. He didn't say he had or who had, just they went in and picked them up.

Q. What else did Mr. THOMPSON say?

A. This is about all I can remember on the incident on that.

Q. Did he say anything about killings going on?

A. Well, this was where it came in at. It was because of this one incident. Like I say, they were going to throw a grenade down, and he says he thought he saw somebody killed or something like this. I can't actually recall the whole story on it.

Q. Did he recall seeing any individual or did you hear him say anything about any--

A. (Interposing) He never mentioned any individual.

Q. I see.

A. Not that I can recall anyway.

Q. Did he say anything about seeing any large numbers of dead Vietnamese?

A. Not that I can recall, sir. Possibly he did.

Q. The two incidents that stick out in your mind is one--

A. (Interposing) That bunker, and they said they medevac'd somebody out.

Q. Okay. The impression that you had from hearing all of this, would you tell us what that was? What was running through your mind when you heard Mr. THOMPSON saying this?

A. Well, when it first went through, I just says, well, I wonder why they were killing civilians, and then I got to thinking, and I saw it many times. You seen people

come up to a bunker, and you don't know what's actually in it. So then I just passed it off, never thought anything more about it because there had been so many mines and booby traps in that whole area the whole time we were operating there. So I just passed it off, never thought that much about it.

Q. When was the next time that this subject of My Lai (4) or the operation on 16 March came up? When do you recall hearing anything else about it from anyone?

A. I heard rumors there for about 2 or 3 days. I was never questioned on it or anything.

Q. Who did the talking about it?

A. It was mostly Mr. THOMPSON.

Q. I see. He was upset about it? What was your impression of his attitude about this thing?

A. Well, I never paid that much attention because I figured they would go ahead and investigate it. If there was something then, we would have heard about it within the unit itself.

Q. Did you talk to any of the gunners that were there that day, from your unit?

A. They may have been sitting around there in that time, too, I don't remember. Normally, whenever we'd come in from a mission, a bunch of us would sit around, have a cold beer, something like that.

Q. How about Danny MILLIANS. Did you talk to Danny about it?

A. I don't remember right offhand, sir.

Q. How about Mr. CULVERHOUSE?

A. I couldn't really say. I know CULVERHOUSE had transferred over and was working with us before he went to the maintenance section.

Q. I'm asking now if you recall discussing it with any of these people?

A. No, THOMPSON was the one that I actually had most of it with because he lived right there in the building.

Q. Didn't CULVERHOUSE and MILLIANS live right there?

A. No, sir. They lived in the next building over from us.

Q. They were gunmen though, weren't they?

A. Right.

Q. How about BAKER, did you discuss it with BAKER?

A. I couldn't really say. We may have discussed it whenever we met at the club.

Q. Mr. MANSELL?

A. Yes, MANSELL did say something about it.

Q. What did he say?

A. He and Mr. THOMPSON were talking about it.

Q. I see.

A. In the hootch there, if I'm not mistaken.

Q. That night or the time when you were over there?

A. I think it was the afternoon.

Q. What was that?

A. I think MANSELL either came in with him or they were sitting there talking about it, evac'ing these people out because they was scared they was going to get killed.

Q. What was MANSELL saying?

A. I can't really say what he was saying.

Q. I see.

A. I think he was sitting there talking with us because he lives right across in the same building as myself and THOMPSON.

Q. Do you recall at any other time hearing Mr. THOMPSON make any statement regarding reporting this to anyone?

A. No, sir, because whenever they come in I think they said it had been reported through--we have our regular debriefing forms every night, plus they reported whenever they went over to LZ Dottie or something to this effect. See, we were operating out of LZ Dottie so we normally--

Q. (Interposing) Do you recall hearing them say they reported it to LZ Dottie?

A. No, sir. I just say I assume they had because this was our normal procedure.

Q. Do you recall hearing anyone saying that it had been reported?

A. No, sir.

Q. Mr. THOMPSON never said anything about it?

A. Not officially reporting it, other than sitting there talking about it. So I just naturally assumed he had reported it to the company commander.

Q. You do not recall whether or not he ever said that he had reported it?

A. No, sir.

Q. On 17 or 18 March and thereafter, now, you continued to have these evening briefings, I assume, for your missions the next day.

A. Well, sometimes we'd have them in the evening and sometimes we'd have them the next morning.

Q. Do you recall at any of the briefings Major WATKE or any of the other senior individuals within your unit making any reference to or mentioning this operation?

A. No, sir, not right offhand.

Q. Did you ever talk to Captain MOE concerning My Lai (4)?

A. No, sir.

Q. Do you remember Captain MOE?

A. Yes, sir. It's very possible I did. I don't say I didn't.

Q. Did Major WATKE himself ever talk to you personally about it?

A. No, sir.

Q. Did any of the officers, commissioned officers, of the unit talk to you concerning not discussing it or to cut down on the talk about the My Lai operation?

A. No, sir. Not that I can recall.

Q. There was a good bit of talk going around?

A. Yes, sir, there was. As I say, you could hear it there for a few days after.

Q. And this was in the bars and in the hootches and--

A. (Interposing) Well, mostly there in our hootches because we had our own refrigerator there and sat around and had a beer.

Q. What was the general gist of the talk? What did you gather had occurred at My Lai (4) from the talk that you had heard?

A. Well, as I said before, when I first heard it, I thought there had been some civilians and so forth that had been killed. The more I just listened to it and on that bunker incident and so forth, I just went ahead and figured, well, it might have been just the fact they couldn't tell what was in the bunker, could have been receiving fire. You don't know unless you are on the ground what is actually happening down there.

Q. Do you recall any of your gun people there within your own unit talk about getting any kills that day?

A. No, sir. I couldn't say on that because we always filled out our after action reports everyday, and you'd write down how many weapons you captured and how many KIA's you had and so forth.

Q. Do you recall anything about shooting at a VC flag that could have been booby trapped?

A. Yes, sir, that happened one time prior to the--if I'm not mistaken, I think that was prior to this.

Q. You don't think this was on the same day--

A. (Interposing) It's very possible, sir, but I don't--because we've had them. You could see them every once in awhile set up out in there.

Q. We have reason to believe that there was enough discussion and talk going around in the aero-scout company that someone got you all together and perhaps told you: "Let's knock it off. This thing is being investigated, and soon."

A. No, sir, nobody--

Q. (Interposing) You don't recall any of this type of--

A. (Interposing) No, sir, nobody came up and told us not to--that I can recall anyway, offhand.

Q. Do you think you would recall such a thing?

A. I think I would, sir, because it would be just like trying to suppress something, but I don't recall anyone off-hand, telling us to keep quiet on it.

Q. Well, it could be suppression, but it could also be to let the investigation try and get at the facts rather than just rumors.

A. I don't recall anybody telling us to knock it off.

Q. After many of the operations that the aero-scouts go on, did rumors and talk continue as happened after this particular operation?

A. No, sir, there wasn't that much.

Q. This was unique in that there was some talk?

A. There was a little talk. Normally we'd come in at night and they'd want to know exactly--especially if you took any hits or anything like this--they'd want to know exactly where you took your hits from. Normally if we took hits and everything else we'd go back in the same area the next day and try to find out where we hit them. This was just normal, to talk over your day's activities especially in a certain area.

Q. Do you recall working the peninsula south of Pinkville itself and to the east of Hill 85 on subsequent days, the 17th or 18th?

A. I couldn't say what day we flew there, sir, because it was normal for us to come into LZ Dottie, and there would be scheduled missions. Division would schedule us missions out there, say, "Okay, we'd like you to go look over coordinates so and so." And we might be working to the west of the road Highway 1, or to the east, or we might be going down to area.

Q. No, I'm talking about this particular area.

A. That's why I say, sir, I couldn't really say any specific days that we actually worked the area.

Q. You don't recall any of the commissioned officers talking to you, specifically you, calling you aside and saying to the effect, "How about seeing if we can tone down this talk about this thing?" Did you have any or were you ever contacted about an investigation?

A. No, sir.

Q. You never made any statement in support of any investigation?

A. Not to my knowledge, nobody contacted me at Chu Lai or anywhere else.

Q. Were you aware that an investigation was being conducted of the My Lai affair?

A. Well, they mentioned something about an investigation would be going on whenever they came in.

Q. Who's they?

A. Well, I mean it was just barracks, talking around the barracks on it. They said there was some investigation because there had been a complaint or something to this effect.

Q. Were investigations a matter of routine?

A. I don't know, sir, because, like I say, I wasn't contacted on it, so I wouldn't know on that.

Q. In your mind did you consider that this comment that there was going to be an investigation was a matter of routine or did you think this was a bit unusual perhaps?

A. Well, it might have been a bit unusual, but once anything has been reported, I always figured that they would normally pull an investigation on it, because they had evac'd the civilians out of there.

Q. That was the last you'd ever heard about any investigation?

A. To my knowledge, yes, sir. I don't remember anything else.

Q. Do you know of anyone having any, or taking any action to suppress any of the information concerning what occurred at My Lai (4)?

A. No, sir.

COL FRANKLIN: Do you recall someone coming down from division and talking to your company about a week after this and something was said something happened that Major WATKE told everybody to be quiet.

A. No, sir, not right offhand.

Q. Do you recall being there when the body count for this operation was given by the division briefer, and a pilot started saying, "Women and kids, count all the women and kids"? They started being noisy, and Major WATKE had to step in and tell you all to be quiet, it was being investigated.

A. No, sir, I sure don't. It may have happened but I don't remember it.

Q. Did anybody ever tell you to pipe down and not talk so much about this incident?

A. No, sir.

Q. Never did?

A. Not that I can recall.

LTC PATTERSON: You knew the Sharks were along on this operation, and I assume that at times you and the Sharks, as an aero-scout, did operate in proximity to one another. You knew that they were along on this operation. Did you hear any talk about the activities of the Sharks?

A. Well, I heard they started shooting, and they were told not to shoot any more because there were people that were civilians that were going to be going out south of the village.

Q. When did you hear this?

A. This was probably about 2 days later.

Q. Who did you hear this from?

A. It was in the barracks.

Q. Well, what other conversations did you hear, Mr. EZELL, about this My Lai operation in the barracks?

A. Well, the rifle companies the only one I can recall is that bunker, and it was mentioned about the Sharks, and he told them to stop shooting. It was civilians that would be going out to the south there.

Q. Do you recall who told them to stop shooting? Was that Warlords or someone else?

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

Q. What else?

A. I can't really say, sir, because mostly it was just talk in the barracks that I can remember what went on. I can't say if I was flying that day or what happened.

Q. When were you assigned in B Company of the 123d?

A. When it was formed, sir. We formed from the 161st Aviation Company.

Q. How long had you been in country prior to March 1968?

A. I got there in November, sir, 1967.

Q. How much time did you fly during your tour in Vietnam?

A. Right around 1,000 hours.

Q. So you were about midway through your tour, then in March 1969?

A. Right.

Q. Would it be fair to assume you had somewhere around 500 hours in-country time?

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A. I'd say a little less than that, sir, because when I started out, we were just strictly gunships. We weren't pulling this recon and screening. We got very little time--

Q. (Interposing) You were gunships for a lift unit?

A. Well, partly, sir. I operated out of Khe Sanh. We had a commitment up there and out of Hue for the Special Forces. So we didn't get that much time in really

Q. Did you know the gunship pilots of the 174th?

A. No, sir, not real well. I'd see them once in a while.

Q. Were the gunship people of the 123d--did they all come from the 161st?

A. When we first started out, we did, yes, sir. But then there were new ones who had been integrated in, new people coming in.

Q. The March My Lai (4) operation was soon after you formed.

A. I think we formed in January. Well, actually we had our guns with the 123d in January. We went into actual operation sometime around February something like this.

Q. Did you have a training program for this aero-scout unit?

A. Yes, sir.

Q. You were Scorpions at one time, and did you feel they were quite professional, quite well qualified?

A. Yes, sir, they were. We were still integrating, like I say, and we had quite a few of the old gunship pilots from the 161st.

Q. Did you work a lot with the other lift companies, other than the 174th?

A. Well, we never normally operated what you would call a lot with any of them. We'd set there and mostly pull recons.

Q. Within proximity though?

A. Well, yes, sir, we operated the whole AO.

Q. What was your opinion of this gunteam of the lift units, like the Sharks?

A. Well, they had their tactics. I couldn't actually evaluate them because I didn't work, like I say, that close with them. They'd like to get down low and slow like we did even though they didn't have their LOH's.

Q. Well, did you think they were a good outfit?

A. Right, sir.

Q. Were they, would you say, discriminate in the way they employed their firepower?

A. Well, there were two types of operations. They had quite a few LZ's. They'd have to prep the LZ's a lot more than we would because it was a lot different type of operation. They'd come in and say, "Okay, prep this LZ," and you'd have to prep it because the slicks will get it if you don't.

Q. But you thought they were a pretty good outfit?

A. Right, sir, different kind of operation.

COL FRANKLIN: What does that have to do with being discriminate?

A. Well, it's not the idea of being discriminate, sir. You sit there and whenever you're going in, if they're receiving fire, or if there is a high concentration and so forth, they want you to prep the LZ's. If there's any mines in there you try and set them off before the slicks get down there.

LTC PATTERSON: I think the colonel's question is that discriminate is talking about engaging targets, specific targets, not area fire suppression. Engaging or employing the weapons of the guns at a point target, individuals, that type of thing. Would you say that the Sharks were discriminate in what they shot at as a point target?

A. I couldn't really say on that, sir.

Q. You never had an opinion about it?

A. Well, at times I had an opinion. I thought they didn't at times, but I couldn't really say. I never flew with them that much.

Q. What about your own people?

A. I'd say we tried to, sir.

Q. What were the rumors around the aero-scout company concerning Task Force Barker? Did you all think that was a pretty good outfit?

A. Yes, I liked working for Colonel BARKER.

Q. Did you think that they were well organized and accomplished their missions in a good, professional, military manner?

A. Well, I did, sir. I couldn't say on the other individuals. But normally Colonel BARKER was up there, and he would direct his operations himself.

Q. There wasn't any bad feelings that you knew of--

A. (Interposing) No, sir.

Q. Undercurrent between the gun people of the aero-scouts and any of the units of Task Force Barker? Not just Task Force Barker itself, but the units within it?

A. Well, like I say, you take two different gun companies, there could have been something on that, I couldn't really say on it.

Q. What do you mean, two different gun companies?

A. Well, like the Sharks. Whenever they would come in--

Q. (Interposing) About the individual units, within Task Force Barker, not just Task Force Barker as a whole entity.

A. Right, sir. Well, as I say, if you take two different gun companies operating in the same place, you would try and get one of them with our little scouts.

He could get down real low and check something out. We would normally call and request that they be diverted to another area or something to this effect because they would be getting in our way as we are scouting the area.

Q. The individual rifle companies, you mean?

A. No, sir, the Sharks.

Q. I'm talking about the units within Task Force Barker, the companies.

A. No, sir. We never had that I can recall. I never had any trouble.

Q. A good working relationship with them?

A. Always was fairly good. Other than every once in a while you'd have trouble with popping smoke in the right place or something to this effect, you'd have to request it two times or something like that, popping smoke so you could mark their positions.

Q. The aero-scouts liked working with the Task Force Barker companies?

A. I would say overall, yes, sir, they did.

Q. Mr. EZELL, do you have any other information that is pertinent to the purposes of this inquiry, which were explained to you at the outset of this hearing?

A. Not that I can recall at this time, no, sir.

Q. Do you have any documents or physical evidence such as photos, tapes, letters, anything in writing, that would pertain to the inquiry?

A. No, sir. Not unless it would be some slides I've taken over there which I doubt, because it's just the terrain itself.

Q. If you have any of these things or come across them at any time in the near future, either physical evidence or should you recall any information that you've not discussed here with us, we would appreciate it very much if you would contact us immediately. We'll make arrangements to get it, pick it up, copy it, or what have you. We are quite anxious to get to the bottom of this thing.

A. Right, I can look over my slides when I get home.

Q. We'd appreciate it if you would do that. And any letters that you might have written home concerning it.

A. I didn't write home anything that happened over there

Q. Do you have anything that you would like to say for the record concerning this operation or any investigations or anything at all concerning your appearance here.

A. No, sir, not right offhand, I don't.

LTC PATTERSON: Mr. EZELL, we appreciate your coming in. We know the trip was a long trip. We appreciate the effort that you've expended and the courtesies you've extended here in your testimony this morning. If there's nothing further, this hearing will recess.

(The hearing recessed at 1135 hours, 22 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: GRAY, Harold J. CW2

DATE OF TESTIMONY: 2 January 1970

PLACE OF TESTIMONY: Chu Lai, Republic of Vietnam

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: On leave en route to Vietnam. Joined B Company, 123d Aviation Battalion on 31 March 1968.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

As part of his in-country orientation, GRAY was given instruction concerning the rules of engagement (pg. 6). They were told they could return fire if they received fire and could fire at military-age males who were evading (pg.7). The indoctrination took less than a day and included a map orientation, a briefing on unit SOP, and a flight orientation in addition to instruction on the Rules of Engagement (pg. 7).

2. KNOWLEDGE OF THE MY LAI INCIDENT.

The witness heard nothing about an investigation involving My Lai, and was not told to keep quiet about it (pg. 3). There was no talk within the unit concerning what had happened there on 16 March 1968 (pgs. 3, 4).

3. KNOWLEDGE OF THE INCIDENT INVOLVING THOMPSON.

GRAY knew of one instance in late April in which THOMPSON, in attempting to prevent civilian women and children from being endangered by an advancing infantry unit which was reconning by fire, flew over to the civilians and "huddled around them" (pg. 4). The infantry had to stop firing so as not to hit THOMPSON (pg. 4). This occurred in the Pinkville area and involved either the 11th or 198th brigades (pg.5). THOMPSON was upset about it, but made no reference to an earlier complaint about a similar occurrence (pg. 5). The

witness recalled this as happening in late April or early May (pgs. 5, 6).

4. FIRING IN THE DIRECTION OF CIVILIANS.

Because the infantry cannot see what is in front of them, aero-scout units are currently being employed to discover this information and relay it to the infantry (pg. 8). When civilians are observed in the path of a unit reconning by fire, all GRAY has had to do to get the firing stopped on this, his second tour in Vietnam, is request the infantry to cease fire (pg. 8).

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(The hearing reconvened at 0800, 2 January 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR MACCRATE, and CDR DAVIS.

(CW2 GRAY was called as a witness, was sworn and testified as follows:)

State your full name and grade, Social Security number, branch of service, organization and station?

A. CW2 Harold James GRAY, Jr., Army Aviation, B Company, 123d Aviation Battalion, serial number

RCDR: Where are you stationed?

A. I'm stationed at Chu Lai, Vietnam, B Company, 123d Aviation Battalion.

IO: Mr. GRAY, before we start in questioning, I'll advise you of certain matters. This investigation was directed jointly by the Secretary of Army and Chief of Staff of the United States Army for the purpose of determining recommendations concerning:

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

(2) possible suppression or withholding of information by anyone concerning this incident.

This investigation is not being conducted to investigate all the facts and circumstances of what happened at My Lai. It is directed at those specific purposes which I have just mentioned. Do you have any questions on that?

A. No, sir.

Q. You should know that I have had made available to me all of the testimony which has been given by prior investigations which I can use in the conduct of this investigation. Your testimony this morning will be taken under oath. A verbatim transcript is being prepared. A tape recording is also being prepared 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 your testimony, or at least parts of it, may later become a matter of public knowledge.

Aside from myself here this morning, I have on my right, Mr. MACCRATE. Mr. MACCRATE is a civilian lawyer who has volunteered his services at the request of the Secretary of the Army to assist me in serving as the legal counsel, and he may also direct questions to you this morning. You are ordered not to discuss your testimony in this investigation with others, including other witnesses for this investigation, except in the performance of official duty as you may be required to do so before a competent judicial, legislative or administrative body. Have you been cited in any way in the court-martial case of United States v. Calley?

A. No, sir.

Q. Well, I understand that you were not, but if in any way you do become involved in that, what you are saying here will no way change the applicability of that order. Before we proceed, do you have any questions concerning the investigation itself?

A. No, sir.

RCDR: I am Commander DAVIS. At this point in the investigation we have no reason to suspect you of anything. However, if during the course of inquiry you happen to give some evidence that would give grounds for suspicion, I will interrupt to advise you of your rights as may be applicable, but in the meantime it is a fairly informal question and answer session and you are primarily asked to give information.

IO: Mr. GRAY, what was your duty on 16 March 1968?

A. Sir, I believe I was on leave after completing flight school prior to coming to Vietnam. I was assigned en route to Vietnam. I didn't arrive in country until 27 March 1968. I was on orders for Vietnam, on leave, and I didn't arrive in Vietnam until 27 or 28 March 1968.

Q. On what date did you join the unit here in Chu Lai?

A. Yes, sir, I joined on 31 March. I was assigned to B Company, 123d Aviation Battalion.

Q. Since the My Lai incident broke in the press, and on television, and in the news media towards the end of September and October, have you talked to anybody about this incident, anyone who had been connected with the operation itself?

A. No, sir. I have not talked to anybody connected with it.

Q. So you weren't here when the incident itself took place?

A. Not on the said date, no.

Q. After that time, did you ever hear that an investigation was under way to determine what happened at My Lai (4)?

A. No, sir. I had no knowledge of any investigation taking place at that time.

Q. Did you ever hear of any orders being given to your company to the effect that an investigation is under way and therefore you should keep quiet and let the investigation bring out the facts?

A. That's negative. Like I said, nothing was brought out about the investigation or about any massacre of any kind.

Q. I'm not necessarily referring to a massacre. I'm referring to any instructions that you received, not necessarily concerning a massacre, but whether people were told to keep quiet about it because it was being investigated.

A. No, sir. There was nothing said about any investigation of any type.

Q. You're a flight officer, and you sit around the bars in the evening when you are through duty, and do what people normally do. Was there any talking, or any rumors going on within the unit concerning what happened down there at My Lai (4) on the 16th?

A. No, sir. There were many things said about that entire area, but nothing about any particular village.

Q. You didn't hear any of the pilots or the crewman talk about what they had seen and what they had observed that day?

(GRAY)

A. No, sir, not that I can recall.

Q. There wasn't anything that you saw that might have affected the attitude or the morale of the people in the unit?

A. That's negative, sir.

MR MACCRATE: Were you aware of any antagonism between any infantry unit and your aero-scout unit?

A. Do you mean overall, or at any particular time?

Q. Well, either overall or around the time of your arrival?

A. No, sir, not antagonism. Just the normal things on the radio, on procedures, like a mix-up, and people getting alarmed. Nothing antagonistic.

Q. You never heard any complaints about any action taken by the officers of your unit with respect to any conduct of the infantry?

A. Sir, there was one particular time. I believe. It was the latter part of April, we were out there performing an initial reconnaissance in the same area, working with the unit. There was something said across the radio by a particular flight observation helicopter pilot. He said the infantry was shooting where he didn't want them to shoot. There were civilians there. He asked our lead if he could call the infantry and ask them to stop reconning by fire in that direction because there were women and children that he could see. Like I say, this was the latter part of April.

Q. Would you tell us about that event?

A. Well, sir, Mr THOMPSON was a LOH pilot at the time and he was talking to our lead who was Mr. BAKER. He said the infantry, I forgot what unit it was, has reconning by fire in a direction that would be detrimental to civilian women and children. He asked if he could have the fire ceased in that direction. Apparently it wasn't stopped fast enough. Mr. THOMPSON flew over by the civilians and huddled around them then, so the force would be cut off or he'd get hit also, and they stopped firing after that.

Q. Can you fix the approximate date of that event and

its location? Do you have any recollection of the area in which the operation was proceeding?

A. Well, it was in the vicinity of what we referred to constantly as Pinkville. There were no village names we ever used. It was just like an area in the vicinity of Pinkville, and as far as the date, I'm not sure if it was the latter part of April or early May. Like I said, I didn't arrive at the company until 25 March and I didn't start flying with them until April. I really couldn't say what month it was. I don't recall the unit we were working with either.

Q. Would you recall which units you did work with during that time, after your arrival in country?

A. We were working for the 198th and 11th Brigade, sir. At that time we were working on LZ Dottie which is due west of Pinkville somewhere close. I believe it was still under the 11th Brigade control at that time, that is, as far as I can break it down. As far as company and battalion, I really couldn't tell you.

Q. Do you remember any comment on that event afterwards at LZ Dottie or back at Chu Lai?

A. The only thing said was that Mr. THOMPSON was upset with it. He had already had some KIA's, but they were evading. He was upset that the infantry didn't cease fire as soon as he thought they should--I don't know if anybody was hit. He didn't say anybody was hit--but he said the fire was directed toward the women and children. As far as anything being said at that time, I don't remember.

Q. Was there any reference at that time to the fact that Mr. THOMPSON made an earlier complaint of the same sort?

A. No, sir, not that I can recall.

Q. Do you have any recollection of any similar events or any further discussion of that event which you haven't told us?

A. No, sir.

IO: Let's try to fix this date on this a little bit. I'm not saying we want a precise date. Was this about the middle of April, end of April or what part of April was it, Mr. GRAY?

(GRAY)

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A. It was either the last part of April or the early part of May.

Q. It was about a month after you had arrived, roughly? It wasn't during the very early part of April?

A. No, sir.

RCDR: When you arrived at your company at the 123d, did you go through the transitional training period, or indoctrinational training?

A. We had what was called an in-country orientation check ride to get familiar with the aircraft, since you hadn't flown anywhere from 40 to 50 days. You go back through the procedures of flying and traffic patterns and a little bit of the area. Flight orientation, it is nothing like we have in combat, sir.

Q. How long did this in-country orientation take?

A. About an hour and a half.

Q. It was just a single--

A. (Interposing) Just a ride, and then the next day we were out flying missions.

IO: Were you given any instructions, Mr. GRAY, concerning the rules of engagement?

A. Yes, sir. That was part of the in-country orientation ride; go over the area, try and brief you over some of the LZ's, and especially what we were doing.

Q. Well, did they tell you what targets you could engage, under what conditions you could engage targets, and all of these things? In other words, if they didn't give you anything, you could go around and shoot up the countryside and this and that and the other. It would appear that some place or another you would have received some instructions concerning the aerial rules of engagement.

A. Right, sir. I was in no position of doing the shooting myself. We were briefed on it, describing what we could engage and what we couldn't engage. If we received fire, we could return fire, and eventually draft-age males that were evading when we were trying to stop and check ID

(GRAY)

cards. If you got on the ground, take care of yourself, if you got shot down you were on your own. They were given as I stated.

Q. But as far as you recall your total period of indoctrination, in-country indoctrination, was something less than a day, then?

A. Yes, sir. It consisted of operations. The operations officer would brief us and orient us with the map about the area, rules of engagement, and unit SOP. Then you would go up to the unit instructor pilot and get your flight orientation. The next day we were flying missions.

Q. Did any of your personnel arriving at that time go through the division combat orientation course which they have here?

A. At that time, they didn't have any that I know of because I did not go through. I was picked up by unit at the airport and taken directly to the unit, the 123d. Then I was further assigned to B Company of the 123d Aviation Battalion. There was no training given such as now. When I returned this time, I had to go to the combat center here, Division Combat Center, 4 days I believe, for review and orientation, brought up to date and so on.

Q. Let me ask you, how, long did you serve here, first tour?

A. I was here 6 months, sir.

Q. Six months?

A. Yes, sir.

Q. And then where did you go?

A. I was medically evacuated to Japan and from Japan back to Fort Devens, Massachusetts. I got out of the hospital in December 1968, and was further assigned to Fort Knox, Kentucky. I volunteered to come back to Vietnam to the same unit. They gave me TDY en route at Fort Rucker, Alabama. I went through the instructor pilot course for gunnery training, UH-1C's and B's, then they assigned me back to Vietnam.

Q. When did you arrive back in country?

A. On 15 April.

Q. You've got about another 9 months of duty, then, roughly.

A. Well, I've got 14 now incountry, I've got about three and a half left.

MR MACCRATE: Mr. GRAY, in your additional tour, have you encountered anything of this character again, where there has been firing in the direction of civilians where any members of your unit felt it necessary to intercede?

A. Yes, sir. In the combat environment, being in a helicopter, we have a distinct advantage over the large area that we can see. We support the ground unit. We direct them on trails, the better part of the trail to walk through. In such cases that we have to, it is inevitable that recon by fire is done as long as it's clear. They can't see exactly what's in front of them, but the recon by fire is moving through tree lines, brush and what have you. Every now and then there might be a village or something they are headed for and the fire may be going in that direction. Our people may see civilians in there, and we just call and let them know that there are civilians there and they will want to stop the recon fire. We'll go with LOH over the village and if there are no males there, and we don't receive any fire, then they have no need to fire in that direction. We have no problems, that is, if they comply readily.

Q. This is the procedure you generally followed?

A. Yes, sir. We have many things as the aero-scout company. Not only do we have our fire power, but we have our flight observation helicopter looking beyond the infantry, checking for booby traps, ambushes and villages that they might be able to handle. Give them an estimate of exactly what's there so that they have a little bit of knowledge before they move farther into the area. If there are civilians, we will let them know. And this tour we have had no problem.

IO: We have nothing further to ask of you Mr. GRAY. I would ask you that if anything does come to mind, that you think might be helpful in this investigation, I'd like you to come back and get in touch with us. For example, if you, subsequent to this time, recall any talking that has been going on in the country or anything that has been said in terms of orders and so forth or anything about an investigation, that I would like to know.

(The hearing recessed at 0835 hours, 2 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: GUALTIER, Joseph CW2

DATE OF TESTIMONY: 16 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Scout Section, B Company, 123d Aviation Battalion.

1. THOMPSON'S RECOUNT OF ACTIONS AT MY LAI.

The witness did not fly on 16 March, but was a close friend and roommate of Warrant Officer THOMPSON (pg. 3). THOMPSON told GUALTIER that he had flown cover for ground forces at My Lai and had seen them shoot civilians (pg.4). THOMPSON landed and spoke with a lieutenant or sergeant on the ground (pg. 4). Since THOMPSON did not get a favorable response from this person he told his doorgunner to "cover him" (which GUALTIER assumed meant from the Americans since there were no VC around (pg. 5)) while THOMPSON went to a cave or hootch to help the civilians (pg. 4). THOMPSON called in gunships to take the people out and medevac'd a child (pg. 4). Although THOMPSON did not mention a number, GUALTIER obtained the impression that THOMPSON saw over 100 bodies, many of which were women and children (pgs. 5, 6, 9). One of the crew, perhaps THOMPSON, told the witness of seeing a ditch full of bodies (pg. 8). He did not recall hearing of a captain shooting a woman or a sergeant firing into a ditch (pgs. 8, 9). THOMPSON was extremely upset about what he had seen (pgs. 6, 11, 12). The other members of the crew were also upset and the incident was a topic of conversation on the night of the 16th among those who had participated in the operation (pgs. 8, 12).

2. GUALTIER's KNOWLEDGE OF AN INVESTIGATION.

THOMPSON wanted the matter investigated and spoke to Major WATKE about it (pg. 7). He believed THOMPSON probably told WATKE exactly what THOMPSON had told him (pgs. 7, 8). Several days after the incident THOMPSON, Specialist COLBURN, and a few other members of the crew were called to headquarters in relation to the affair (pg. 9). He did not know to whom they spoke, but did not think sworn testimony was taken (pgs. 10, 14). THOMPSON was still upset about the matter. GUALTIER had a vague recollection of WATKE getting the company together and asking that rumors be stopped pending an investigation (pgs. 13, 14). He did not recall a congratulatory message from General WESTMORELAND (pg. 14). Later, GUALTIER heard that those responsible for My Lai had been relieved of their command and that further action was pending (pgs. 11, 14).

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(The hearing reconvened at 1821 hours, 16 January 1970.)

MR WEST: The hearing will come to order.

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

The next witness is CW2 Joseph M. GUALTIER.

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

Mr. GUALTIER, would you state your full name, grade, Social Security number, branch of service, organization and station?

A. Joseph M. GUALTIER. CW2, 191-38-7658, United States Army, United States Army Hospital, Fort Stewart, Georgia.

MR WEST: Mr. GUALTIER, before we get into any questions I would like to tell you something about the nature and purpose of this inquiry.

The 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 into what is now commonly referred to as the My Lai (4) incident of 16 March 1968, and

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

We are not inquiring into all the facts and circumstances of what happened at My Lai (4), for we are not directly concerned with whether anyone committed a criminal offense there that day.

We have had made available to us and have reviewed prior official statements pertaining to other investigations of the My Lai (4) incident. I don't recall, however, that you made any prior statements.

(GUALTIER)

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

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

You are directed not to discuss your testimony with other persons, including other witnesses in this investigation, except in the course of official duties or as you may be required to do before a competent judicial, administrative or legislative body. For example, there is the subcommittee of the House Armed Services Committee which is inquiring into the My Lai (4) incident. They are taking testimony from witness, and some of the previous witnesses have appeared over there. So when we direct you not to discuss your testimony, this doesn't apply to that body, the subcommittee of the House.

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

A. No, sir.

MR WEST: Colonel FRANKLIN, will you lead the interrogation, please?

COL FRANKLIN: Yes, sir. What were you military duties on 16 March 1968, Mr. GUALTIER?

A. I was assigned to the scout section of B Company, 123d Aviation Battalion. My duties were mainly low-level reconnaissance.

Q. When did you get to Vietnam?

A. I got to Vietnam in the beginning of September 1967.

Q. And when did you come home?

A. I came home from Vietnam at the end of August 1968.

Q. You spent one year in Vietnam?

A. Yes, sir.

Q. Now during this period of time, how long were you with the aero-scout company?

A. I was with the aero-scout company from the end of February 1968 until I left Vietnam.

Q. Your duties then, you flew a scout LOH?

A. Yes, sir.

Q. What type aircraft did you fly?

A. OH-23, G model.

Q. Did you fly the OH-6?

A. I was transitioned into the OH-6, but I never did fly it on a mission.

Q. Do you remember when you were transitioned, the date?

A. Yes, sir. I can't remember the exact date, but it was the beginning of 1968.

Q. Did you go with Major SABRE to get transitioned at Vung Tau?

A. Yes, sir. I did.

Q. Did you fly on 16 March 1968?

A. No, sir. I did not.

Q. You were a roommate and close friend of Warrant Officer Hugh THOMPSON, were you not?

A. Yes sir. That's correct.

Q. Did Mr. THOMPSON ever talk to you about 16 March, about My Lai (4)?

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A. Yes, sir. The end of--the day he came back from the mission was the first I heard of it. I heard from him and other crew members who were on that mission.

Q. Would you just tell us what they told you, and who told you what? All the things that you heard on 16 March, at the end of the mission. Was it around noon?

A. No, sir. It was in the evening when--

Q. (Interposing) You stated at Chu Lai--you were down at Chu Lai?

A. Right.

Q. Okay, what did you hear?

A. Well, I heard from Mr. THOMPSON first of all, and he told me they were flying cover for these ground forces in the My Lai (4) area. He said as he was directing the infantry towards where he saw civilians or where they ran into civilians, he said they were shooting them and this disturbed him very much. He told me he'd landed and he talked to someone on the ground, and it was either a lieutenant or a sergeant, I can't remember, and he didn't get any real response from them as to what was going on there. Also, he told me he med-evac'd a child, and he called for gunships to come down and land and help medevac other people that he found. That's about it and after that--

Q. (Interposing) Well, did he talk to you about having his crew chief and gunner cover him?

A. That's right, sir. He said he got out of the helicopter, and he went in and got them out of a cave or hootch or something like this. While he did this I heard that he told his gunners to cover him.

Q. You heard it from whom?

A. I really can't say now, since it's been so long, whether he told me himself or maybe his gunners or one of the other people that was on the mission.

Q. What did "cover him" mean to you?

A. That meant that--my interpretation would be that if anybody tried to stop him or injure him in any way, that they were supposed to help him as best as they could.

Q. Open fire?

A. That's....(Witness indicates puzzlement.)

Q. Okay, if that's not what it meant to you, how could they help him?

A. That's how I did take it, but I really can't say if that's how he meant it.

Q. Was he talking now about the VC or the Americans?

A. He was talking about the Americans. I don't think there were any VC in the area at that time.

Q. Did Mr. THOMPSON talk to you about seeing a lot of bodies?

A. Yes, sir. He did.

Q. What did he say?

A. He said there were bodies all over the area. He didn't give me any count or anything like this and tell me how many, he just said: "They went through the village shooting people, there were many bodies."

Q. He did say they went through the village shooting people?

A. Yes, sir.

Q. Is Mr. THOMPSON a friend of yours?

A. Yes, sir.

Q. First of all, I would like to assure you that neither you nor Mr. THOMPSON are suspected of anything Mr. GUALTIER. It's quite the contrary. We're not investigating Mr. THOMPSON by a long shot. What was his mental state, Mr. THOMPSON'S, when he was telling you these things?

A. When he first got back from the mission he was very upset, and I asked him what happened. At first I thought one of our aircraft had been shot down and we lost somebody. The first thing I remember him doing is leaving the hootch after he came back with his equipment on. I believe the first person who told me about it--it wasn't Mr. THOMPSON--who gave me a general idea. Then he came back and I talked to him.

Q. Was this really on his mind?

A. Yes, sir. Very much so.

Q. What impression did you have after all these things he thought that had been done at My Lai (4)? What was your impression of what had happened then?

A. Well, my first impression then was I found it hard to believe that this would happen the way he described it to me. I thought that he didn't know all the circumstances, being in the aircraft with the troops on the ground. Sometimes it's hard to know exactly what's going on. This was my first impression.

Q. Did you ever change that impression?

A. Yes, sir. The more I talked to him, and the more I talked to other people, my impression was changed. I still believe that there might have been other circumstances, but the extent was--and also, I don't believe they received any fire, if they did, it was very little for the amount of people killed. I can't see how that many people could have been killed with the little fire received, or none at all.

Q. Did he use any words, like murder, or killing, or massacre?

A. I can't really recall right now.

Q. Did he talk about women and children being killed?

A. Yes, sir. He did.

Q. Who else did you talk to about this?

A. I can't remember any other individual. I remember Mr. THOMPSON, because he was upset and he was the one who personally went up. He wanted our company to do something to look into it and see what exactly happened there. There were other people in the crew I'm sure I talked with, but I can't remember their names right now.

Q. How about COLBURN or ANDREOTTA. ANDREOTTA was later killed.

A. I remember COLBURN being on the mission and I wasn't sure about ANDREOTTA, but--

Q. (Interposing) You recall any other gunship pilots or commanders?

A. I believe CW2 MILLIANS was the aircraft commander for one gunship, and he's the only crew member of the gunships that I can remember.

Q. Mr. THOMPSON, wanted the company to do something about it. Did he tell you about anything he did, or wanted to do, or thought should be done about it?

A. He thought it should be investigated. This was the extent. This is what he wanted. He wanted it to be investigated to see what was done. He wanted to find out who was responsible for it.

Q. He told you that?

A. Yes, sir.

Q. Did he talk to you at all about any conversation he might have had with Major WATKE?

A. I know he talked to him, but I don't know anything about the conversation.

Q. He didn't discuss with you what he told Major WATKE?

A. No, sir. He might have. I really can't remember now if he did tell me anything, but it's nothing that stands out in my mind if he did talk to me about it.

Q. Was Mr. THOMPSON the kind of a man that would have told Major WATKE the same things and in the same manner that he would tell you? Would he speak frankly with Major WATKE?

A. Yes, sir. I believe he would.

Q. Was this widely known in the company, about what Mr. THOMPSON had to say, and what the crew members had to say? Was this talked about in the company?

A. Yes, sir. It was especially talked about that night, at least it seems to me. The other crew members who had been out there, I don't know, when I heard about it, I did ask questions about it. So, it seems--

Q. (Interposing) What happened to the questions that you asked? What did that--

A. (Interposing) He told me what he had seen. He couldn't believe what had happened and this sort of thing. Really, the only specific things that I can remember now is what he told me about him evacuating those people and landing and talking to someone on the ground. They were the only specific--

Q. (Interposing) Did he ever tell you about a captain killing a woman?

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

Q. Do you remember a ditch full of bodies?

A. Yes sir, I believe--I don't know if he told me or one of the other crew members told me, but I did hear of a ditch full of bodies.

Q. Did Mr. THOMPSON ever give a figure of the number of bodies, or an estimate?

A. No, sir. From the way he talked I was under the impression that there were many, but no numerical figure.

Q. Does this mean that it was less than 100 or more than 100?

A. At the time I thought he meant about 100, I believe. He might have given me a numerical figure, but if he did I don't remember. I was under the impression that it was around 100--up to when I started reading the newspapers, then I heard everything up to 700, but before that I was under the impression it was around 100.

Q. Did he talk about a sergeant firing into a ditch?

A. No, sir. He didn't.

Q. In days that followed, did this come up any more, or did you hear anything about this, people talking about it?

A. Yes, sir. After this happened, I don't remember exactly how many days after, but Mr. THOMPSON and several of the other crew members who were on that mission were called up and--we were stationed at LZ Dottie at the time--they were called up either to our mobile operations or up on the hill where the other headquarters was. It was in relation to this incident.

Q. You remember who was called up?

A. Mr. THOMPSON, I believe, Specialist COLBURN and a few others, but I really can't remember the names of the people that were on that mission, so I can't remember just who else was called up.

Q. Who did they talk to?

A. I don't know, sir.

Q. Did Mr. THOMPSON discuss this with you, whom he talked to, that night back in your hootch?

A. He didn't tell me who he talked to, I don't believe, but this was the first word that I got, either this day or the following, I don't know if he himself told me or somebody else, but this was the first notice that I had of this investigation into--he told me someone was looking into it.

Q. You remember that Mr. CULVERHOUSE went up and talked to this person?

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A. No, I don't, sir.

Q. Did you ever talk to COLBURN about going up to talk?

A. No, sir. We were down at the pad, I believe, and this was when several of the crew members were called from the helipad. This is how I knew they went to talk to someone.

Q. Did you know if anybody took them up there?

A. I don't believe so, sir. Somebody just came down for them and told them to come up there.

Q. You remember if Major WHITE was around?

A. No, sir. I don't

Q. Do you recall the name of Colonel HENDERSON at all?

A. No, sir.

Q. Does that name mean anything to you?

A. No, sir.

Q. Did Mr. THOMPSON say anything about talking to a full colonel?

A. No, he didn't, sir.

Q. Brigade commander?

A. Now that you mention it, I--really, I can't say for sure who he talked to, but I think he may have talked to Colonel BARKER, but I'm not sure. I really don't know who he talked to, it is just that that rang a bell for a second.

Q. You know of anybody in that company that ever talked to Colonel BARKER about this incident specifically?

A. No, not specifically, not that I can say for certain.

Q. As a pilot, did you see Colonel BARKER frequently there at Dottie, at the staging area?

A. I didn't personally, sir.

Q. What were Mr. THOMPSON's feelings after seeing the colonel, if this was Colonel HENDERSON that he spoke with? What were his feelings that night? He was upset the night of the 16th, he thought it should be investigated, something should be done. Now on the 18th he had seen the brigade commander. How did he seem?

A. He was still upset about it. He did want to find out the results and wanted it to be looked into. He calmed down quite a bit since the first night. He was very upset, I mean very, and that first night that he came back he was still wanting to know what had happened.

Q. Did he give any impression that he thought the matter would be taken care of now, or did he seem to have some doubts?

A. Well, right after he talked to him--eventually, I don't know where I got this impression, I can't quote anybody or anything like this, but eventually I thought the matter was taken care of. I had heard--I don't know if I heard it at the officer's club or where I heard it--but I had heard that people responsible had been relieved of their command and further action was pending. This is what I heard. I don't know how true this was, sir, or anything like this. I guess it was a rumor.

Q. When or what period of time did you hear that?

A. Well, it couldn't have been more than about 2 weeks. Like I said, I went to Vung Tau for LOH transition and it was before that.

Q. Did you ever talk to THOMPSON about that, that the people who were responsible were being relieved? Do you remember discussing that with THOMPSON?

A. Not specifically, no, sir.

Q. Do you recall a feeling in the company--I'm talking about your pilots, your aviators, crewmen--did they feel strongly about this, or was it just another day? What were their feelings?

A. It was definitely different than any other day, especially among the crew members who were on the mission. They were all excited and mad. Expecially I remember COLBURN, he was reacting too, the same way as Mr. THOMPSON. They were more upset I believe than anybody else, I mean physically, but it was generally--everyone was upset that night. It was talked about, the following days it was talked about. The general attitude of the company was that something definitely had happened, although we didn't know quite what it was, but something had happened.

Q. Do you recall somebody coming around from division to brief you while the company was there and he mentioned 120 VC or civil defendents being killed on this 16 March operation, and comments from some of the pilots or murmers from the company, and Major WATKE getting up and telling the people to be quiet?

A. I'm not sure I understand you, sir.

Q. 5 to 7 days after My Lai (4), the company was brought together and you're getting a briefing from a G2 briefing officer who was recounting--giving a little briefing on what happened at My Lai (4)--and gave a body count of VC or civil defenders at which time pilots of the company started making rather loud comments like, "Yeah, women and children, did you count all the women and children," and Major WATKE getting up and telling people to calm down?

A. I can't say for certain.

Q. How long did the school at Vung Tau take you?

A. This school lasted 5 days of flight training. I believe the whole trip lasted--I think it took us 8 days travel and everything.

Q. After you got back, what do you remember about this incident? Did anything at all happen?

A. No, sir, nothing directly related to it. It hadn't been forgotten, but I can't remember anything related directly to the incident itself.

Q. Do you remember the company commander getting the company together and talking about it?

A. Our company commander?

Q. Yes, Major WATKE?

A. No, sir.

Q. You don't remember him getting the company together and telling the company it was being investigated and stop the rumors, stop talking about it?

A. That along with what you said before about us being called together, I hadn't thought about it, it's been 2 years now, but since you brought it up I think we had been called together. I don't know exactly when, but like I said, there was a lot of talk going on in the company and this sort of thing. It could have happened that way--stop the rumors--wait until we see what the outcome is, and stuff like this.

Q. Do you remember any feelings that you had at that time, when you heard that?

A. No, sir, I don't. It's really very vague in my mind. Like I said, I hadn't thought about it. I can't remember that.

Q. Did THOMPSON stop talking about it?

A. I really can't remember the last time he talked about it. I can't remember if it was before or after I got back from Vung Tau. I can't remember when it had been mentioned again, it might have been mentioned in June or something, but I don't recall the date.

Q. What can you tell us about any investigation? Did you ever hear of any investigation by the company, or by the brigade, or by the division, or by the ARVN, or by anybody?

A. Well, the investigation wasn't by our company. I was under the impression that it was started by our company, that it was the initial report they got to start this investigation--I wasn't questioned in regards to the incident at all myself, and so I don't know anything officially about the investigation. All I know is hearsay and second hand, but

like I say, there was an investigation started. It was initiated by us. I don't know who conducted it, but the rumor I heard after a period of time was that the people who were responsible had been relieved and further action would be taken.

Q. Do you know of anybody that ever made a sworn statement, or appeared before an investigating officer other than on 18 March, up on the hill there? Did anybody ever come up to you and say, "I was called out to make a statement, or had to see an investigating officer"?

A. Mr. THOMPSON spoke to--like I said, down at LZ Dottie--and several of the other members spoke to the same man--as you said, Colonel HENDERSON. As far as a sworn statement, I hadn't been aware of that. I thought it was just more or less an informal testimony, just saying what happened that day.

Q. Can you think of anything else with respect to the investigation?

A. No, sir, nothing definite. The only thing that has come out in my mind since I have been here is this thing about us being gathered up and talked to, and as far as any sort of body count or anything like this, I really don't remember that, but what I do remember, like you said, about what we'd been told to stop the rumors and this sort of thing and this--my impression of this was because it wasn't completely investigated. They didn't want things coming out prior to the investigations.

Q. Do you recall being called together and being read a congratulatory message from General WESTMORELAND on that operation?

A. No, sir.

Q. As far as being told that the investigation wasn't completed and not to talk to anybody, have you talked to anybody about this; your participation?

A. Well, initially--when you mean--or something like this?

Q. I mean other members of your company primarily--anyone in Task Force Barker, the Americal Division, since this came out in the press in the fall of 1969, the past few months?

A. Well, when it first came out, the first thing that came in my mind--I hadn't thought about this incident as I remembered it in Vietnam up until when I first heard it on the radio. They said March of 1968 and they mentioned the name of a village. My Lai didn't mean anything to me, but when they mentioned it was near Pinkville, I remembered this incident was located near Pinkville and I did talk to somebody about it, trying to--I was wondering if it was the same thing that I had been aware of while I was in Vietnam. I couldn't remember any exact date, but I remember around that time of the year, Mr. THOMPSON and all this.

Q. You remember with whom you spoke?

A. Lieutenant KELLENBENZ. We talked about it and I said I wondered if that's the same incident that Mr. THOMPSON had been so upset about while we were in Vietnam--if that's the one that I had known about. We talked about it and came to the conclusion that it was. There was more publicity about it. It was initially just a radio report and finally I came to the conclusion that it was. It was about the Americal Division in a location near Pinkville, and the right time of the year and everything.

Q. Lieutenant KELLENBENZ was your roommate? He lived with you and THOMPSON, right?

A. Right, sir. There was anywhere from 5 to 8 of us living in our hootch at one time.

Q. Was he a lieutenant then?

A. No, sir. He was a chief warrant officer, or just a warrant officer, WO1, at that time. He was promoted to chief warrant officer while we were in Vietnam.

Q. After this thing came out in the press and you heard about it and had a chance to read some of these articles, watch television, did you ever think back on what Mr. THOMPSON told you?

A. Yes, sir, I have, but really I couldn't remember a lot about it. There's a lot we might have talked about that might have happened and because I wasn't directly

related to the incident, it's just been something told to me in his hootch or something like that and I couldn't remember a lot of it. I did remember this specific incident about him evacuating people and talking to an infantryman and I remember him being upset. I remember a general viewpoint of it, but not a lot of specifics.

COL FRANKLIN: I want to caution you Mr. GUALTIER, we don't want you to discuss your appearance before this inquiry with anyone, particularly those who might be involved and may be called as witnesses in the future. In other words, just don't discuss this or your appearance here with anyone else, and I think the reasons for that are pretty obvious. You have anything that you would like to say, or add or--I realize that you weren't there and you weren't flying, but you did live with Mr. THOMPSON.

A. I would like to add that, as you said, I wasn't flying, and everything I heard was hearsay, second hand, and after 2 years, I don't want to be restricted by quoting somebody else--

Q. (Interposing) I understand that--

A. (Interposing) Because I'm not sure. It's just a memory. I've been told the facts, I don't remember by whom. The majority of it had come from Mr. THOMPSON, but everything--

MR WEST: (Interposing) Well, we want to thank you for coming in. You have been helpful and we appreciate it very much. The hearing will be recessed.

(The hearing recessed at 1900 hours, 16 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: HODDE, Calvin D. SP5

DATE OF TESTIMONY: 15 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Crew Chief of a gunship, 123d Aviation Battalion.

1. ASSAULT ON MY LAI.

a. General situation on HODDE's arrival.

The witness joined the 16 March operation after it was well under way (pg. 4). He could not recall the names of the pilot, co-pilot, or doorgunner of his aircraft (pg. 4). Gunships from another unit were there, but he did not see them engage any targets (pg. 14). When he arrived the village was in flames, and a number of bodies were strewn along the east-west road south of the village and the road going into the village (pgs. 4, 5). Most of these were women and children (pg. 13). There were very few bodies of males (pg. 13). In all he saw nearly 100 bodies (pg. 17). They received no ground fire whatsoever (pg.5).

b. Actions of the helicopter pilot.

He saw the H-23 pilot land several times (pg. 5). On one of these landings the pilot took a baby from a ditch full of bodies and placed it aboard his aircraft (pg.6). HODDE did not see the pilot extract the baby, but heard it mentioned over the radio (pg. 6). HODDE's gunship escorted the H-23 to Quang Ngai with the child's body (pg. 11). The witness heard the pilot use fairly harsh language over the

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radio which indicated the pilot was mad (pg. 6). The pilot said that the person to whom he had spoken on the ground had told the helicopters to get out of the area (pg. 6). The H-23 pilot asked the command ship several times to call back to higher headquarters to try to get the operation stopped (pg. 9). The witness did not know if these transmissions went through (pg. 9).

2. INQUIRIES AFTER THE ASSAULT.

The witness' gunship returned to LZ Dottie just before lunch (pgs. 11, 12). He recalled speaking with THOMPSON who had blood on his uniform from being among the bodies (pgs. 12, 15). THOMPSON said he was going to report what he had seen to division (pg. 12). THOMPSON had also mentioned doing this on the trip back to LZ Dottie (pg. 17). The officers had a conversation on the ramp and went up to the van (pg. 12). He did not know whether or not THOMPSON reported it (pg. 13). HODDE was never cautioned not to talk about the incident pending an investigation (pgs. 13, 14). He did not consider doing anything about what he had seen as he felt the "higher ups" already knew about it (pg. 16). He hoped something would be done about it (pgs. 16, 17). He did not remember THOMPSON telling him about his conversation with Major WATKE (pg. 17). HODDE did not seek to find out what happened at that meeting because it was his birthday and he went out to celebrate (pg. 17). He was never aware that an investigation was being conducted (pg. 18). He was never asked to discuss what he had seen (pg. 18).

3. OTHER INFORMATION.

The witness had not spoken to anyone from the Americal Division about the incident since it became a matter of public knowledge (pg. 3).

(HODDE)

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(The hearing reconvened at 1345 hours, 15 January 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR MACCRATE, LTC BAUER, LTC NOLL, and MAJ LYNN.

Sir, the next witness is Specialist Five Calvin D. HODDE.

(SP5 HODDE was called as a witness, was sworn, and he testified as follows:)

For the record would you please state your full name, grade, Social Security number, organization, and station.

A. Calvin Dale HODDE, Spec 5, Social Security number 463-84-6878, stationed at C Detachment, 154th Aviation Company, Fort Sill, Oklahoma.

RCDR: Specialist HODDE, 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 the facts and making findings and recommendations concerning 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 possible suppression or withholding of information by any person who had a duty to report or 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 the report will be confidential it is possible that testimony or parts of it may later become a matter of public knowledge.

IO: I'd like to say, HODDE, with respect to review of

(HODDE)

official testimony from other investigations, we have also had an opportunity to review your previous testimony with the CID. Aside from myself here at the table, on my left is Mr. Robert MACCRATE, who is a civilian lawyer who has volunteered his services to the Secretary of the Army to assist me in this inquiry and also to serve as a legal counsel to myself and to other members of the investigation team. In addition to myself he likewise may address some questions to you this afternoon. On my right are Lieutenant Colonels BAUER and NOLL. They have both been assigned by the Chief of Staff of the United States Army to assist me in the process of this investigation. They too may address some questions to you this afternoon.

In addition we have other individuals who are also taking testimony from other people relating to this same incident. However in the final analysis I will have the responsibility of putting together the report and making the findings and the recommendations. You are ordered not to discuss your testimony in this investigation with others, including other witnesses before this investigation, except in the performance of official duty or 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 that your appearance here before this inquiry in no way changes the applicability or the effect of that order. I do not believe you have been cited in this case. Is that correct?

A. No, sir.

Q. Do you have any questions on the instructions which you have been given up to this point?

A. No, sir.

Q. Specialist HODDE, will you indicate your duty assignment on 16 March 1968?

A. I was crew chief on a armed Helix aircraft.

Q. What was called an armed Helix? Would that be called a gunship?

A. Yes, sir.

(HODDE)

- Q. And how long had you been in that capacity?
- A. I started flying the first part of February.
- Q. In the 123d?
- A. Yes, sir.
- Q. What was your duty before that time?
- A. Well, I arrived in Vietnam in January and I started out in maintenance. Then I moved up to the crew chief slot.
- Q. Aircraft maintenance?
- A. Yes, sir.
- Q. You've been assigned to TC all the time, is that correct?
- A. Yes, sir.
- Q. And how long did you remain with the 123d, with the aero-scout company?
- A. Well, I arrived back in the States on 8 January of this year.
- Q. And you were with the aero-scout company or Bravo Company of the 123d all that time?
- A. Yes, sir.
- Q. HODDE, since the My Lai incident became a matter of public knowledge in September-October of 1969 have you talked to anybody from the aviation battalion concerning your participation in that?
- A. No, sir. I haven't.
- Q. Have you talked to anybody else from the Americal Division concerning this?
- A. No, sir.

(HODDE)

Q. Your job then within the aero-scout company was that of a crew chief?

A. Yes, sir.

Q. And you remained assigned to that aircraft on a permanent basis, is that correct?

A. Yes, sir.

Q. Would you explain your participation in the operation into the Son My area of Son Tinh District on 16 March 1968?

A. Well, sir, we were working out of LZ Dottie at the time and we were out on a mission--

Q. (Interposing) Well, now let me ask you, did you fly the first thing in the morning? I think you'd probably want to work out the details on this with him a little bit later. We have indications that throughout the morning there were different changes in the gunships, and we're trying to put together who was flying in what aircraft at what time.

A. No, sir. I didn't get out there until after everything was pretty well in progress.

Q. Do you recall who was the pilot and the copilot of the aircraft at the time?

A. No, sir. I do not.

Q. Do you remember the name of the doorgunner?

A. No, sir. I don't.

Q. All right. Well, explain what happened from then, from the start when you first arrived on station, when your aircraft arrived on station and what you observed from that point onward and what you heard from that point onward.

A. Well, sir, when I arrived we saw the village was just about all in flames, the homes and everything, and we saw up and down the east-west road to the south of the village, we

noticed there was bodies lying up and down the road plus the trail going into the village.

Q. How many bodies, could you just indicate roughly, were on the east-west road?

A. Well, sir--

Q. (Interposing) Just an impression, that's all. I recognize--my point is did you see 1 or 2 or did you see 10 or 100 or what order of magnitude?

A. It was quite a few, sir.

Q. Quite a few.

A. And we started circling the village and noticing bodies lying in ditches and on the trail and in groups of trees where the people had tried to hide. It seemed to us like someone had walked up on them trying to hide and just started shooting. We just circled the area quite a while there. We had one OH-23 on our mission, and he was circling right at ground level. Once in awhile he would touch down and check some bodies out or try to talk to someone on the ground.

Q. In which of the gunships were you flying; the high gun or the low gun?

A. I do not rightly recall, but we do switch positions quite often. We were both flying fairly low that day because we were not firing.

Q. You were receiving no ground fire at all?

A. No, sir.

Q. Yes. And tell us what you saw the pilot of the H-23 do?

A. I saw him sit down on the ground several times. He mentioned over the radio that he was going to try to talk to someone down there and he did get to talk to someone.

Q. What kind of language was he using? Was it pretty strong language he was using?

A. Well, when he got back in the aircraft he was fairly mad, and he was using fairly harsh language. He was always pretty free with his language with us.

Q. And what did he tell you about what he saw down there or what he did down there on the ground?

A. He did mention something about whoever he talked to on the ground had, in a way, threatened us to get out of the area. And before we left the area he did set down close to one ditch and his crew chief and himself got out of the aircraft and they got a body out of the ditch of a baby. And we did bring that body back.

Q. Where did you take the body to?

A. We--I cannot recall exactly but--cause I never saw the body myself. It was just that we went back to LZ Dottie after that and as I recall that the body was taken there.

Q. But you never saw the body? Was it a live individual or was it a child that had been killed?

A. The crew chief had said something, it was alive. But it was amongst all the rest of the dead bodies in the ditch.

Q. You don't remember seeing the body though?

A. No, sir.

Q. HODDE, this is an aerial photo (Exhibit P-1) of the village of My Lai (4).

A. Yes, sir.

Q. You'll notice here on the map (Exhibit P-1) the village outlined there.

A. Yes, sir.

Q. You'll notice to the south the road running generally southwest to northeast, this road across here is Highway 521. Further to the south you can see the northern extremity of Hill 85. You can also, here leading out of the center of

the village, see a road going down to 521 and another road running off in the southeast joining up with 521. Do you recognize this as being My Lai?

A. Yes, sir.

Q. Would you use this pencil just to point out the general area where you saw the bodies on the road east and west, south of the village and also in the road leading into the village; where you saw THOMPSON set down and you indicated a ditch, and you indicated he also had some conversations with an individual. If you could just mark those on there to the best of your recollection, we will have somebody go over with you to get this put down in final form when we're through here. (Annotated photo was later received into evidence as Exhibit P-167.)

A. Yes, sir. The OH-23 was working principally in this area here, and it's right in this area where he sat down.

Q. Well, did he sit down right in the middle of those trees in the village or was it outside the village?

A. I cannot be sure of that, sir, but it was right in this area. Most of our attention was paid to this area right along this trail and over in this area.

Q. Yes. Now indicate on that east-west road where you saw the bodies down to the south, the general area.

A. Yes, sir. They were scattered mainly along this area.

Q. Yes.

A. And there were several scattered out here.

Q. I see. Just put some X's there if you will, about where you saw them. This is not trying to be precise. Did you see any scattered out in the fields, in the rice paddies to the north of the highway?

A. Yes, sir. Around in, some areas around in here there were several bodies.

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Q. About where you saw them, put a couple of X's or so where you think you saw them. Now you also indicated you saw some on the road to the south of the village leading south from the village. About where did you see those?

A. Those were principally in this area right here.

Q. Yes. All right. And how many did you see there-- about?

A. I would say approximately 20 or 30.

Q. Yes. All right. Was there any particular area throughout the village where you saw some bodies located?

A. Yes, sir. It was several ditches in this area here where quite a few bodies were lying piled up.

Q. Now recognizing that on this map 1 inch equals 75 meters, HODDE, it's about 400 to 425 meters across the village, all totaled. So it's a comparatively small area we're talking about. Now, can you remember where THOMPSON set down his aircraft?

A. I do recall he set down between trees somewhere in this area. I cannot be sure of that.

Q. Yes. Well, we've talked to Warrant Officer THOMPSON, and we've seen these spots on the ground. Warrant Officer THOMPSON indicates the ditch you've been referring to is along in here. He sat down over in this area along side the trees. The other area that he points out is up in this area where he sat down and talked to some people on the ground and again came back to this area. Now does that refresh your memory any?

A. Yes, sir. It does.

Q. You see, actually I don't want to put words in your mouth but this area here looks a great deal like this area right over here, and recognizing the fact that you were flying around in a gunship which doesn't make too-

A. (Interposing) This is pretty close, right here.

(HODDE)

Q. Yes, it's about 70 or 75 meters across there. Here's another view of this, HODDE. This is taken from a different angle (Exhibit P-45) probably an angle like you'd remember more other than a vertical angle. But this is taken at the west end of the village. If you'll look down in the corner you'll see the two fields in the southwest corner, that's these two fields. So you're looking across right from about the center right over across this area right here. So you can see the general area of it. Here's this bend in the river which you can see right here. Does that give you a pretty good perspective of the village?

A. Yes, sir. That's a lot more from the angle of what I had seen the village the whole time I was out there.

Q. Well, the point that I'm raising here is that this all generally looks like the same here, you see?

A. Yes, sir. It does.

Q. Do you recall any of the other discussion between Warrant Officer THOMPSON, who was flying the H-23, and your command pilot or the command pilot of the other ship?

A. Yes, sir. He had mentioned several times about seeing if we can't go to our higher station and see if we can't get this operation stopped, to find out what they were trying to do.

Q. What did he mean by going to the higher station?

A. Well, sir, we had our headquarters set up in LZ Dottie for our mission we were working on out here. He called up to them and they called back to battalion from there.

Q. Do you know whether those transmissions got through or not?

A. No, sir. I do not know.

Q. Could you hear them talking back and forth from the aircraft to your TOC down at the LZ, at Dottie?

A. No, sir. I don't recall any of their discussion

back and forth. It was just between aircraft mainly that I remember.

Q. So all three of the aircraft had talked to one another?

A. Yes, sir.

Q. Did THOMPSON, in the H-23, have the capability of talking to anyone else other than the two gunships in the flight?

A. Yes, sir. He could have picked up the ground radios and as I recall on the certain mission he tried contacting the radios on the ground several times, and no one would answer him. They didn't want to talk to him.

Q. Well, was he on the battalion frequency? Did he have a capability of switching over to battalion frequency on the same kind of wave length?

A. Yes, sir. We have had contact with the ground quite often on our missions.

Q. Yes.

A. And we can switch down to their frequency.

Q. Well, I know the gunships had that capability but did the H-23, all H-23's all that time, did they have that capability?

A. I'm not too sure if he did switch down or not. But my pilot had switched down and listened in on some of their conversation while we were out on our mission.

Q. Yes. Did your pilot or command pilot pass any of this information back to you as crew chief or to the other door-gunner?

A. No, sir. All that we know is that we heard them trying to contact the ground and just listening in on their conversation.

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Q. Were you able to listen in on any of the battalion's communication?

A. No, sir.

Q. LZ Dottie down to the company on the ground?

A. No, sir. I don't recall any radio message sent.

Q. Do you recall about what time of day you flew as crew chief of one of the gunships?

A. It was approximately midmorning.

A. Yes. Do you remember what time you got back to Dottie?

A. Right before noon sometime.

Q. Do you know where Quang Ngai City is located?

A. Yes, sir.

Q. Do you remember when the H-23 picked up the child or the body of the child as the case may be?

A. Yes, sir. I do recall them taking it to the hospital down there. We did escort a 23 down there before we went back to LZ Dottie.

Q. Yes. Where is this hospital pad located in Quang Ngai? Do you remember? Is it on the outskirts of Quang Ngai or downtown Quang Ngai or where is it?

A. No. It's in fairly the downtown part of Quang Ngai.

Q. Yes.

A. Well, it's just to the east end of the air strip out there at Quang Ngai.

Q. Yes, all right. Now when did you get back to LZ Dottie, just before lunch?

(HODDE)

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A. Yes, sir.

Q. Did you talk to anybody else back there, any of the other crew chiefs or the doorgunners that had been on this mission?

A. Well, sir, that particular day we had talked to Mr. THOMPSON and to him there. They had mentioned to us about the baby lying in the ditch.

Q. Yes. Do you remember talking to the crew chief of the H-23? His name was ANDREOTTA.

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

Q. Yes. You do remember THOMPSON talking to you?

A. Yes, sir, because I remember seeing his bloody clothes and everything from being in with the rest of the bodies.

Q. What did THOMPSON have to say?

A. Mr. THOMPSON, he had said something about going back and reporting it to the division. His main conversation was with several other officers out there, which at the time we had to take care of our aircraft a little. We don't have time to listen to all of this.

Q. Yes. Do you know Major WATKE?

A. Yes, sir.

Q. Was he there at the time?

A. Yes, sir, as I recall he was still there.

Q. Was THOMPSON talking to WATKE or vice versa?

A. Well, sir, as I recall when we landed the officers got together on the ramp. They went up to the van which is up a ways from there. They had a--had more of a talk up there than they did on the ramp. It was just a real short conversation down on the ramp.

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Q. Do you know whether THOMPSON ever reported what he saw to division or not?

A. No, sir. I never did.

Q. Well, how about the crew chiefs on the other aircraft? There were quite a few aircraft flying that day, gunships and so on, going on and off station. Did you talk to any of those people or some of the doorgunners?

A. Yes, sir. We talked after every mission some but not anything that I'd really recall that was said.

Q. As I remember your testimony here, you saw quite a few people dead throughout there. Wouldn't that be quite a conversation?

A. Yes, sir, but well that day was my birthday and it kind of hurt me. I just tried to forget about it.

Q. What was the general attitude of the men in the company concerning all this?

A. We were all--well, kind of felt depressed about it because it's something they had never seen before. It kind of hurt them to see all the bodies lying around like they were.

Q. Did you recognize these VC as being combatants or noncombatants?

A. Well, sir, I'd say not, because of all the bodies I had seen out there, there was only very few males out there. It was mostly composed of women and small children.

Q. Flying around in one of those gunship helicopters, which has to move pretty fast to maintain itself in flight, did you have a good enough view of these people that you could distinguish between men and also the small ones?

A. Yes, sir.

Q. Were you ever cautioned in your unit to the effect that let's keep quiet about this thing now, it's going to be investigated?

A. No, sir.

LTC BAUER: HODDE, on the day you went out there over My Lai were there any other gunships in the area, other than your own, the Warlords?

A. As I recall it the day we went out there, there was several other ships leaving the area when we got there. and there was one Charlie-Charlie ship flying close to the area having contact back and forth with the ground once in a while.

IO: What altitude was he flying at?

A. I would say approximately 2,000 foot or 1,500, somewhere around there.

Q. He was way up there though?

A. Yes, sir.

LTC BAUER: Did you see any of the gunships engage any targets or do any firing at all?

A. No, sir, not while I was out there.

Q. Did you see any of the Charlie-Charlies land out in the vicinity of My Lai?

A. No, sir.

Q. Did you see a medevac ship or any for that matter, any slick land in My Lai other than the gunships?

A. I cannot be sure about that.

IO: You seemed to wonder a little bit though, don't you?

A. Yes, sir.

Q. If you did see one about where do you think you would have seen it? Well, if you can't figure out the approximate area, was it on the south side or the north side of the village you saw them or the east or the west?

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A. No, sir. It was the south, southeast more.

LTC BAUER: Were you able at any time during the morning to monitor any of the conversation of any of the pilots other than the pilot and copilot that you were flying with?

A. Yes, sir. All three aircraft were on the same frequency all the time. And we heard everything that was said between the aircraft.

Q. We know that sometime during the morning the ship came in and evacuated a soldier that had been hurt on the ground. It's been reported that the pilots had some conversation when he left the area or as he was going in. This is the point I was trying to jog your memory to see if you recall anything about that.

A. Yes, sir. It seems I did but I can't recall it that well.

Q. Do you think it might have been one of the lift ships with your battalion that made this run?

A. I cannot be sure about that.

Q. Later on in the morning now, when you went back to LZ Dottie, you mentioned this point before when General PEERS was discussing a point, and this is important, you said that you talked or saw one of the crew chiefs or the gunner from Mr. THOMPSON's aircraft. I think you said he had blood on his fatigues. Is that right?

A. Yes, sir. He had blood, quite a bit of blood on his uniform.

Q. Okay. Then the other point is, while you were back there you said Mr. THOMPSON went in and discussed this with some other people up by the van, and you and some of the other crew members waited back down the hill on the ramp. Do you remember who it was that went up with Mr. THOMPSON?

A. Well, sir, his crew chief and gunner I'm sure went up with him. I cannot recall exactly.

Q. What I'd like to do is give you some of the names of the pilots that were flying that day. You might recall, remember some of the names. Do you know Mr. MILLIANS?

A. Yes, sir.

Q. Mr. CULVERHOUSE?

A. Yes, sir.

Q. It is possible that you may have been flying with one of them?

A. As I recall it, Mr. CULVERHOUSE only flew my aircraft one time. I did not believe it was that day.

Q. Okay. At the site of the ramp and the van when these people went to talk to Major WATKE do you remember, and I know this is a long time ago, but do you remember how many people were there. You say that Mr. THOMPSON had spoken to you. You were concerned over this. You mentioned this and understandably so, and you waited down on the ramp and these other people left to go up, I assume, to speak with someone up at the van. Do you remember how many people were there? Was it just Mr. THOMPSON and his crew or were there more people? Were there people from other gunships?

A. Well, sir, it was people from other gunships that had gone up there with them. But I do not recall who all it was.

Q. Then one other point. When you got back to the unit after this day was over, you got back to the barracks or billeting area and I'm sure there was some conversation about this, because as you mentioned you wanted to forget this. It was unusual. Did, in your discussion with other crew members, with other men in the company, did any of you discuss what you might be able to do about this? What should be done?

A. No, sir. As I recall it, our higher up had all been notified about it, and we didn't think it was really anything we could do about it, not by ourselves. Because we had to go through our higher up again and they already knew about it.

Q. Did you think something would be done at that time?

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A. Yes, sir. We had been hoping it would. But we were on a mission. We were all just like we wanted to get even with them or something for doing what they were doing. Mr. THOMPSON as I recall did say he was going up to division or something to see if he couldn't get something done about what was going on out there.

Q. When did he say this?

A. As I recall it was before we got in off our mission.

Q. While you were heading back to LZ Dottie?

A. Yes, sir.

Q. What about that night when you back to your base?

A. Well, sir, that night--

Q. (Interposing) What I'm thinking here now, HODDE, and I don't want to put words in your mouth or create an incident in your mind, but in reconstructing this thing I can understand your feelings. You come on back to LZ Dottie. You've seen something you don't think is right; other people agree with you that it isn't right. Mr. THOMPSON and some other people go to Major WATKE and make this report. Now I'd think you'd be anxious to find out what happened. What did Major WATKE say? Did any of the crew members who were with Mr. THOMPSON tell you what went on there, what they said was going to happen?

A. No, sir. I don't recall it because, well, when I got back I worked on the aircraft awhile. I took off because it was my birthday and I wanted to do a little celebrating.

IO: HODDE, about how many bodies do you think you saw in and around My Lai that day?

A. I would estimate approximately 100.

Q. About 100?

A. Yes, sir.

Q. When you were escorting that H-23 down to Quang

Ngai and you were then with the H-23 enroute back to Dottie, do you remember any conversation concerning something to the effect that, "I'm going to get this squared away even if it costs me my wings," or anything like that?

A. Yes, sir. I do recall conversation to a person of that extent by Mr. THOMPSON.

Q. Yes. Who was he talking to, do you know?

A. I do not recall. It was one of the other pilots on the mission.

Q. Yes. You indicated, just a minute or so ago, that this information had been reported to your higher ups. Do you know who it had been reported to?

A. No, sir.

Q. You were just assuming that when he, Warrant Officer THOMPSON, talked to Major WATKE, that it was being reported to the higher echelons, is that correct?

A. Yes, sir.

Q. Were you ever aware that an investigation was being conducted on this incident?

A. No, sir. I wasn't.

Q. Did anybody ever come over and talk to you and ask you what you saw, sort of like what we're doing today?

A. No, sir, not beside the CID, that was down at Fort Sill.

Q. Well, I'm talking about in the immediate period of the operation, maybe a week or month or two after that.

A. No.

Q. Do you remember seeing Captain LIVINGSTON around there that morning? Was he flying your aircraft or in your aircraft that day?

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- A. I cannot recall exactly. He did fly my aircraft quite often.
- Q. Yes.
- A. He was a lieutenant at the time.
- Q. Yes. Another one that may have been with you at the time Captain MOE? Do you recall him? M-O-E, probably Lieutenant MOE at the time.
- A. No, sir. He was captain at the time.
- Q. Do you remember any of those people there at LZ Dottie when they were all talking together?
- A. Yes, sir. I recall they were all up there together. I cannot be sure about it but I believe Captain MOE had been flying a slick that day.
- Q. What about the platoon leader, Major SABRE? Was he around?
- A. I cannot recall on that day if he was or not.
- Q. All right. Well, HODDE, we appreciate you coming in. You've been very helpful in confirming a lot of things we had known about before. We are trying to put together all these bits and pieces to put this puzzle together. Not only of the flight aspects but all the other parts of the operation and the investigation. Actually we're focusing on the investigation. If you remember anything in the future about what transpired, with the information we have given you some of these things may start fitting into place, and if you do recall any additional details, we'd very much appreciate you getting in touch with us so we can take advantage of the additional information you have. Also, do you by chance have any documents of any variety, letter, or memoranda, or--
- A. (Interposing) Sir, I did have some pictures on that mission, but none of them turned out. The ones that did turn out, they wouldn't give back to me.
- Q. Who wouldn't give back to you?

A. I don't recall who I had taken that roll of pictures to. But I recall the ones I got back they were too bad, you couldn't tell nothing on them. They were blurred. Well, what had happened, my roll of film had gotten wet.

Q. Yes. Well, it wasn't the fact that the--was the film censored or was it just the fact that the roll of film was a bad roll?

A. Most of the roll was bad. I don't believe all of it would have been bad. But I looked through my albums and everything that I've got at home, and I can't find any good pictures of anything I can recall of this incident.

Q. Well, if you do have any pictures or any maps or photos which would help us in this, that turn up, we'd like very much to take advantage of those, too.

MR MACCRATE: Just so I may be clear, you took a roll of film to the post exchange for the developing?

A. No, sir. I didn't have any of mine done at the post exchange. I sent quite a few of mine home and my sister had taken care of them.

Q. I see.

A. And the rest I had done at--well, at various places. I kept some and got them done when I got back home myself.

Q. Well, I was a little puzzled by what you said about not being given back the pictures that you thought you had taken on this operation. Was this by the processing company, whoever it was, that had developed them for you who had not given them back or did you show them to someone?

A. Well, I'm not sure. My sister may have thrown them away.

Q. I see.

A. Because all my pictures were put in her hands before I ever got to see them. I never saw a picture I had taken until I got back home.

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Q. Have you asked your sister about it?

A. Yes, sir. I did, but she didn't say anything concerning she had done anything with them.

LTC BAUER: HODDE, when people went up to Major WATKE to give him this information, do you know if they left there and went anywhere as a group?

A. I cannot recall on that certain day because quite often they do leave and go up to LZ Dottie headquarters up there.

Q. No, what I was thinking of is after telling Major WATKE what happened, that Major WATKE may have wanted to bring them somewhere else to tell someone else. Can you recollect that they left from there as a group and went anywhere else?

A. No, sir.

IO: This hearing will recess at this time.

(The hearing recessed at 1438 hours, 15 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: HOLLADAY, John L., LTC

DATES OF TESTIMONY: 9, 12, 22 December 1969

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Commanding Officer,
123D Aviation Battalion.

1. PREOPERATIONAL PLANS AND BRIEFINGS.

Lieutenant Colonel HOLLADAY is not familiar with any of the orders received by Major WATKE's aero-scout unit relative to the My Lai operation (pg. 5).

2. INQUIRIES CONCERNING THE ASSAULT.

a. WATKE's meeting with HOLLADAY.

(1) WATKE relates THOMPSON's report to HOLLADAY.

About 2200 hours on 16 March, WATKE came to HOLLADAY to relay the report given him by THOMPSON earlier in the day (pg. 5). Essentially, WATKE told HOLLADAY that THOMPSON had witnessed the killing of a large number of civilians in My Lai (pg. 6). HOLLADAY believed that the number mentioned was 120 (pgs. 7, 50). HOLLADAY was told that THOMPSON had landed his helicopter and threatened to shoot American soldiers if they advanced on a group of women and children whom THOMPSON was attempting to evacuate from a cave (pg. 6). HOLLADAY did not remember being told just how many times the gunships landed (pg. 8). In particular, HOLLADAY recalled being told that a sergeant, whose race was not mentioned (pg. 7), had been seen standing on the bank of a ditch firing an M-16 into a ditch filled with civilians (pg. 6). HOLLADAY could not remember the number of civilians he was told were in the ditch, but he thought

it was a large number (pgs. 6, 7). HOLLADAY was informed that THOMPSON had evacuated a child to a hospital (pg. 6). He did not remember being told that a captain had been observed shooting a Vietnamese woman (pg. 7). The two main things which HOLLADAY remembered from his conversation with WATKE were: (1) the shooting into the ditch; and (2) THOMPSON's threat to fire upon American soldiers (pg. 6).

(2) HOLLADAY's reaction to THOMPSON's story.

HOLLADAY was unable to separate the killing of the civilians from the confrontation (pg. 10). He felt that THOMPSON landed because he was afraid that the advancing Americans were going to kill the civilians in the cave (pg. 8). HOLLADAY felt that THOMPSON must have been emotionally overwhelmed to do something like this (pg. 8).

(3) HOLLADAY's discussion with WATKE concerning what should be done about THOMPSON's report.

HOLLADAY attempted to impress upon WATKE the ramifications of the incident (pgs. 9, 26). HOLLADAY could not decide whether or not to wake up General YOUNG that night or wait until the following morning (pg. 10).

b. The meeting of HOLLADAY, WATKE, and YOUNG.

(1) WATKE relates THOMPSON's report to YOUNG.

HOLLADAY and WATKE went to see General YOUNG about 0800 on the morning of 17 March. (pgs. 10, 44). They went to see YOUNG instead of KOSTER because YOUNG was HOLLADAY's immediate superior (pg. 11). WATKE repeated to YOUNG the same story he had given HOLLADAY (pgs. 11, 45). This included the following: (1) that there had been excessive killing of civilians; (2) that a sergeant had been observed firing an M-16 into a ditch filled with civilians; and (3) that there had been a confrontation between THOMPSON and an officer on the ground (pg. 45). HOLLADAY recalled the remarkable similarity between the account of THOMPSON's report given by WATKE on both the 16th and 17th. If there had been any variation, HOLLADAY would have spotted it (pg. 49).

(2) YOUNG's reaction to THOMPSON's report.

While YOUNG was concerned about the civilian deaths (pg. 25), he was more upset by the confrontation (pgs. 10, 24, 44, 50). YOUNG was visibly taken back when WATKE recounted the story of the confrontation (pg. 45). On reaching this point in WATKE's narrative, YOUNG said "We don't want Americans shooting American soldiers" (pg. 24). The meeting lasted about an hour (pg. 50).

c. The meeting of HENDERSON, HOLLADAY, BARKER, WATKE, and YOUNG at LZ Dottie.

(1) Staging of the meeting.

From the letters of WATKE to his wife, HOLLADAY remembered that the meeting at LZ Dottie took place on the morning of the 18th of March (pg. 54). HOLLADAY did not have an opportunity to talk with THOMPSON prior to the meeting (pg. 13). The meeting, which was held in BARKER's van, lasted for about 45 minutes (pgs. 30, 55), and terminated just before noon (pg. 16). YOUNG opened the meeting by saying, "We are the only five people that know about this" (pgs. 13, 57). HOLLADAY presumed that YOUNG was referring to the meeting (pgs. 14, 57, 59). There is no doubt in HOLLADAY's mind that YOUNG made this statement (pg. 60).

(2) WATKE recounts THOMPSON's report.

Immediately after YOUNG's statement, WATKE retold his story for the third time (pg. 14). He recounted the following: (1) that a sergeant had been observed shooting people in a ditch; (2) that there had been excessive killing; and (3) the confrontation and THOMPSON's subsequent evacuation of the women and children from the cave (pgs. 14, 56). HOLLADAY is certain that WATKE estimated the number of civilians casualties at 120 (pg. 13). Nothing was brought out about a captain shooting a woman or the use of smoke to mark wounded civilians (pg. 14).

(3) YOUNG orders HENDERSON to make an investigation.

At the conclusion of WATKE's story, YOUNG directed HENDERSON to investigate the incident (pg. 15).

HOLLADAY recalls that HENDERSON was given an extremely short period of time, not more than 72 hours, to complete his report (pgs. 15, 17). HOLLADAY thought that this was an extremely short period of time to prepare a report of this magnitude (pg. 56). HENDERSON was not required to get written statements from witnesses under oath (pg. 16). There was no indication that a written directive appointing HENDERSON as the investigating officer would follow (pg. 16). HOLLADAY did not think that any instructions were given to HENDERSON other than to investigate the incident (pgs. 15, 57). He assumed that the report was to be written (pg. 26).

(4) Discussion of the incident at the meeting.

The word "atrocities" was never used at this meeting (pg. 15). HOLLADAY did not recall instructions to refrain from discussing the incident (pg. 68). He did not remember BARKER being directed to get a breakdown of the civilian casualties (pg. 33), nor did he recall any suggestion at the meeting that My Lai be overflowed to determine if the incident had indeed occurred (pg. 32).

(5) HOLLADAY's recollection of HENDERSON's investigation.

When the meeting was over, HOLLADAY returned to his helicopter without talking to either HENDERSON or BARKER (pg. 59). He did not know if WATKE or other members of the unit were called in to talk to HENDERSON (pgs. 17, 58).

2. REPORTS OF INVESTIGATION.

a. YOUNG informs HOLLADAY that KOSTER knew of the event.

On the 18th, YOUNG informed HOLLADAY that KOSTER had been told of the incident (pg. 16). Neither HOLLADAY nor WATKE was given an opportunity to present the matter to KOSTER personally (pg. 16).

b. HENDERSON's report.

(1) HOLLADAY discusses THOMPSON's story with PARSON.

Because PARSON had "jumped" HOLLADAY several times for not keeping him informed, HOLLADAY told PARSON

of the incident sometime on the 17th (pgs. 17, 64). When PARSON asked why HOLLADAY had gone to YOUNG first, HOLLADAY explained that YOUNG was his rating officer (pg. 64). PARSON became quite perturbed about the incident and questioned how we could win over the Vietnamese people with incidents like this (pg. 64). He was visibly and forcibly shaken by the event (pg. 64). Sometime after this, PARSON showed HOLLADAY the HENDERSON report outside of official channels (pgs. 17, 66).

(2) The report itself.

The report which HOLLADAY saw was Exhibit R-1 (pg. 18). HOLLADAY recalled that it concluded that 20 civilians had been inadvertently killed by artillery fire and gunships (pg. 19). No mention was made of THOMPSON's report.

(3) HOLLADAY's reaction to HENDERSON's report.

HOLLADAY did not feel then, nor did he feel now, that the content of the investigation was responsive to THOMPSON's allegations or to YOUNG's directive (pg. 66). He considered the report to be a coverup (pg. 19). HOLLADAY felt inclined to take the matter to YOUNG or KOSTER but did not (pg. 20). He can think of no reason why he did not (pg. 20). HOLLADAY never heard anything else about the report (pg. 21).

b. Other matters which led him to know of reports.

HOLLADAY was not aware of any other investigations concerning this matter made by Americans or Vietnamese (pg. 22). He never spoke to his pilots or aero-scout unit to obtain additional information concerning the incident (pgs. 22, 71). He could not recall speaking to the IG, SJA, division chaplain, or his executive officer about it (pg. 71). He did not recall seeing a three by five card with a breakdown of casualties caused on the My Lai operation (pg. 19).

3. OTHER INFORMATION

a. The receipt of KOSTER's congratulatory letter.

HOLLADAY received a multi-addressed congratulatory message from KOSTER on the 19th relative to the action on the 16th (pg. 21). HOLLADAY felt that his unit was included

as an addressee, not because of anything that it did in terms of WESTMORELAND's comments, but as a reward for keeping quiet (pgs. 61, 70). HOLLADAY discussed this with WATKE who agreed with HOLLADAY's conclusion (pg.61).

b. Knowledge of the My Lai operation at division headquarters.

HOLLADAY felt that the My Lai incident was general knowledge around headquarters (pg. 23). He did not know if the SJA or IG knew about it (pg. 23).

c. Use of the term "murder" to describe the incident.

HOLLADAY recalled that the term "murder" was used several times during the course of the various meetings (pg. 51). He recalled that WATKE used it in the meeting between WATKE, HOLLADAY, and YOUNG (pg. 51). He also remembered it being used in the meeting between WATKE, HOLLADAY, BARKER, YOUNG, and HENDERSON (pg. 51). The term "indiscriminate killing" or "indiscriminate firing upon civilians" was also used (pg. 51).

d. KOSTER's concern about the killing of civilians.

KOSTER brought up the killing of innocent civilians at many of the staff meetings (pg. 68). The first time HOLLADAY recalled this being discussed was sometime in April (pg. 69).

e. Miscellaneous.

HOLLADAY had the impression that KOSTER kept PARSON informed (pg. 68). HOLLADAY never related the dissolution of Task Force Barker with the My Lai incident (pg. 69).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
D-1	MACV Directive 20-4	Wit did not recall seeing before.	28
D-5	Americal Regulation 525-4	Exhibit entered into record.	30
M-7	WESTMORELAND's letter to KOSTER	Exhibit entered into record.	21,22
M-8	III MAF Order 5820.1	Document entered into record. Wit did not recall seeing it before.	28,29
M-9	Americal letter 24 March 1968	Wit recalled letter.	69
M-10	WATKE's letter to his wife 16 March	Letter entered into record.	35
M-11	WATKE's letter to his wife, 17 March	Letter entered into record.	35
M-12	WATKE's letter to his wife, 18 March	Letter entered into record.	35
M-15	11th Bde Journal MFR	Exhibit entered into record. Wit questioned from Journal.	55,56
R-1	HENDERSON's Report	Wit had not seen inclosures before. Wit was shown report by PARSON.	20,20, 66,65

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SUMMARY OF RECALL TESTIMONY

WITNESS: HOLLADAY, John L. LTC

DATE OF TESTIMONY: 10 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: Dereliction of duty in failing to report to superior authorities his suspicions that an inadequate investigation was made into the allegations of the killing of civilians at My Lai and dereliction in failure to take further action in reporting this matter.

COUNSEL: Captain J.E. HOLMES, Judge Advocate General's Corps, assigned OTJAG, Pentagon.

DUTY ASSIGNMENT ON 16 MARCH 1968: Commander, 123d Aviation Battalion.

1. INQUIRIES AFTER THE ASSAULT.

a. WATKE's meeting with HOLLADAY.

Major WATKE reported to Lieutenant Colonel HOLLADAY at approximately 2200 hours on 16 March 1968 (pg. 87). HOLLADAY did not ask WATKE why he had not reported earlier in the day. However, he had not been there and did not know if WATKE had tried to contact him earlier (pg. 88). WATKE did not relate anything which he had personally seen over My Lai or heard over the air (pg. 84). The witness did not recall WATKE saying anything about THOMPSON popping smoke to mark wounded north of Highway 521 or about a captain shooting a woman (pg. 84). He did not recollect any reference to burning at My Lai (pg. 117). HOLLADAY did not recall if WATKE said he had spoken to BARKER or anyone else in the task force (pg. 115). Thus, he assumed there could have been a situation where no one from the task force knew about the allegation until the meeting on 18 March (pgs. 88, 89). There was corroboration of THOMPSON's allegations by other pilots to whom WATKE spoke, but HOLLADAY could not now remember their names (pgs. 86, 87). HOLLADAY ascertained that WATKE knew what he was talking about and this included corroboration of THOMPSON's story (pg. 86).

(HOLLADAY)

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b. HOLLADAY's and WATKE's meeting with YOUNG.

WATKE and HOLLADAY met with General YOUNG at approximately 0800 on the 17th, and WATKE repeated to YOUNG the story he had told HOLLADAY the previous night (pgs. 78, 86). No one else was present at this meeting (pg. 85). WATKE said that THOMPSON had informed him of indiscriminate and unnecessary killing of civilians by ground forces, and of his threat to fire upon advancing Americans if they harmed some civilians in a cave (pg. 79). The number of casualties mentioned was 120, and the clear implication was that they had been killed by small arms fire (pgs. 79, 83). HOLLADAY did not remember if YOUNG was told that noncombatants had been picked up by a gunship, but WATKE made it clear that THOMPSON had sought the protection of his doorgunners against Americans who were threatening civilians (pg. 83). HOLLADAY did not recall any mention of civilians being caught in a cross-fire, but remembered that WATKE relayed THOMPSON's observation of a sergeant firing into a ditch (pg. 79). YOUNG was told that THOMPSON had evacuated a wounded child (pg. 79). WATKE did all the talking, but there were questions interposed by YOUNG (pg. 90). No one was called in during this period, and no phone calls were made (pg. 90). The story took about 45 minutes to recount (pg. 90). HOLLADAY felt that murder had been committed, and he thought this fact had been transmitted to YOUNG (pg. 81). Although YOUNG was concerned about the non-combatant casualties, he seemed more troubled by the confrontation (pgs. 80, 89). YOUNG said, "We don't want Americans shooting Americans" (pg. 82). The witness was able to read YOUNG's feelings through his facial expressions and interjections (pg. 89). HOLLADAY had the impression that the matter was in command channels and would be resolved even though no directions were issued at that time and he did not know how YOUNG planned to attack the problem (pgs. 81, 90). HOLLADAY did not ask to see General KOSTER (pg. 82).

c. Further actions and discussions on the 17th.

(1) HOLLADAY's actions on the 17th.

HOLLADAY did not interview the pilots or crews of the aero-scout unit on the 17th because events in the war were moving too quickly and because he had great faith in WATKE whom he did not believe would have come to him if

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he had not been convinced of the allegation's truth (pg. 91). He never told WATKE to make an investigation or get statements from witnesses (pg. 118). HOLLADAY told his executive officer, Lieutenant Colonel LANGSTON, about the story sometime later, but did not recall the detail in which he related it and he never considered having LANGSTON making a preliminary type investigation (pg. 93). The only people with whom the allegation was discussed on the 17th were YOUNG and PARSON (pg. 89).

(2) Discussion with PARSON.

HOLLADAY told Colonel PARSON about the incident somewhere between 1700 and 1900 hours on the 17th in PARSON's office (pg. 103). PARSON was disturbed about the fact that HOLLADAY had not gone directly to him until HOLLADAY explained that he had first spoken to YOUNG because YOUNG was his rating officer (pg. 103). HOLLADAY told PARSON the story and had no doubt that PARSON understood it (pg. 103). PARSON said, "That's murder", and "We're trying to win the people over and we do things like that" (pg. 103). PARSON was very much shaken by what HOLLADAY told him (pg. 103). HOLLADAY did not know at this time about the 18 March meeting and did not return to brief PARSON on it after the meeting occurred (pg. 104).

d. Meeting at LZ Dottie on the 18th.

WATKE and HOLLADAY arrived at LZ Dottie at approximately 1000 hours on 18 March for their meeting with YOUNG, HENDERSON, and BARKER (pg. 93). They spoke with BARKER before the meeting, but avoided discussion of the matter (pgs. 93, 94). After YOUNG and HENDERSON arrived the entire group went into BARKER's trailer, and YOUNG opened the meeting by saying, "No one knows about this but the five people in this room" (pg. 94). HOLLADAY thought that this remark referred to the meeting itself (pgs. 94, 98, 99). YOUNG then turned the floor over to HOLLADAY, who had WATKE tell his story (pg. 94). The word "crossfire" was not used in WATKE's presentation (pg. 97). WATKE told the same story he had given previously and was straightforward in his presentation (pg. 96). Although HOLLADAY had not spoken to either HENDERSON or BARKER about the affair, he had the feeling that they knew what was coming as both were quiet and neither expressed disbelief or appeared angry (pgs. 96, 97, 98). When WATKE had completed his presentation YOUNG reiterated, "We don't

want Americans shooting Americans" (pg. 96). YOUNG then ordered HENDERSON to investigate the incident and report back to him within 72 hours (pg. 96). HOLLADAY remembered 72 as the hours allotted because at the time he felt it was extremely short (pg. 96). HOLLADAY believed there was no doubt that HENDERSON was to respond to the allegations concerning the confrontation and the noncombatant casualties as they had been made by WATKE (pg. 97). YOUNG did not use the occasion to express his views on what the attitude should be toward civilians (pg. 98). HOLLADAY was under the impression that, despite the fact that YOUNG still seemed more concerned about the confrontation than the civilian casualties, YOUNG was taking the normal steps that should be taken in such a situation (pg. 99). HOLLADAY had no doubt that YOUNG knew everything he knew about the affair; however, nothing was said about KOSTER, and HOLLADAY did not know whether or not KOSTER was aware of the allegations (pgs. 101, 102). Nothing was said about disciplinary action for any of the parties involved in the confrontation (pg. 102). Nothing was said about secreting the matter (pg. 102). The meeting lasted between 20 to 45 minutes and was deadly serious (pgs. 98, 100, 101). YOUNG was present throughout the meeting (pg. 100). The witness did not recall a meeting between HENDERSON and WATKE following YOUNG's meeting or a discussion of the subject with BARKER (pgs. 99-101).

e. Events immediately following the meeting at LZ Dottie.

(1) KOSTER is informed.

On either the 17th or 18th YOUNG informed HOLLADAY that KOSTER had been told of THOMPSON's allegation (pgs. 107, 116). However, KOSTER never spoke to HOLLADAY about it (pg. 117).

(2) Attitude of HOLLADAY's men.

No one ever came to speak to his people about the incident (pg. 108). He did not know if they were cautioned not to talk about it (pg. 117). His men knew parts of the story, but he did not know they had guffawed an officer briefing them on the results of the operation (pgs. 117, 118).

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(3) Congratulatory letter.

On the 19th or 20th a congratulatory letter was sent to the 123d Aviation Battalion for its part in the My Lai operation (pg. 10). HOLLADAY felt that this was not deserved and told WATKE that the purpose of the letter was to keep them quiet (pg. 108).

(4) HOLLADAY's recollection of related matters.

The witness recalled no discussion with ANISTRANSKI, CRESWELL, or LEWIS concerning the matter and did not relate the conversations which then existed within the special and general staff to the latter (pgs. 114, 115). He knew nothing about a complaint from any Vietnamese official, and did not know about ANISTRANSKI's conversation with HENDERSON concerning civilian deaths (pgs. 113, 115). Although it could have happened, he did not recall discussing KOSTER's letter concerning the treatment of civilians with WATKE (pgs. 112, 113). He never received a report by KUBERT, a member of the aero-scout unit, that there had been 100 to 150 civilian casualties reported over the radio (pg. 124). He recalled no statement by Lieutenant LLOYD (pg. 125). He heard of no punishment meted out to anyone in the 11th Brigade as a result of the investigation (pg. 125). Nothing else occurred in relation to the incident from the time he received the congratulatory letter up to the point where PARSON showed him the report made by HENDERSON (pg. 109).

2. REPORTS OF INVESTIGATION.

a. HOLLADAY sees the HENDERSON report.

Nearly a month after the 18 March meeting PARSON showed HOLLADAY a report submitted by HENDERSON concerning the incident (pg. 104). He could not recall exactly when he saw it, but it was prior to the Kham Duc investigation on 13 May (pg. 120). The document which he saw was three quarters to one and a half pages long and signed by HENDERSON. He identified it as the document which had been entered into evidence as R-5 (pgs. 105, 106, 119). He was positive that this was the document he saw (pg. 119). There were no inclosures with it (pgs. 106, 111). The paper said that 20 civilians had been killed by the artillery and gunship prep preceding the assault (pg. 105). He thought that it was not responsive to the allegations made by WATKE concerning unnecessary killings of 120 civilians and in a one word

epithet of disgust conveyed his disillusionment to PARSON (pgs. 106, 107, 109). PARSON sort of smiled, and HOLLADAY interpreted this as agreement (pgs. 109, 123). HOLLADAY felt that this was a coverup by HENDERSON (pgs. 109, 121). At the time he saw it, however, he did not know who else had seen it or if KOSTER had seen it, and, thus, he was not in a position to judge the investigation at the division level (pgs. 121, 122, 123). Since PARSON seemed to agree with his feeling that the report was non-responsive, HOLLADAY did not feel that this would be the end of it and did not suspect a command level coverup (pgs. 123, 125). HOLLADAY heard nothing further concerning the investigation (pg. 123). He did not know what the command section did about the allegation (pg. 122). He did not check back with PARSON to see what was being done, and he took no action to have the incident further investigated or the case reopened (pgs. 110, 112, 118, 123). He did not know why he did not talk to the IG or KOSTER (pg. 119).

3. OTHER INFORMATION.

a. There was no division policy to remain quiet about an incident pending its investigation (pg. 126).

b. He was unaware of an investigation at Kham Duc subsequent to the My Lai affair (pg. 126).

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(The hearing reconvened at 1532 hours, 9 December 1969.)

IO: The hearing will come to order.

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

RCDR: The reporter will be sworn.

(The reporter, SP4 Allan A. BROCKMAN, was sworn.)

The witness is John L. HOLLADAY.

(LTC HOLLADAY, 527-14-2215, USAASO, stationed at Los Angeles, was called as a witness, was sworn and testified as follows:)

IO: Before we proceed, will you tell me what USAASO means?

A. United States Army Aeronautical Services Office.

IO: Colonel HOLLADAY, before we proceed with any questions, I shall inform you of several matters.

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

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

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

This investigation is not being conducted to investigate all the facts or circumstances as to what happened at My Lai. It is directed at those specific purposes which I have just stated. Do you have any questions on those two?

(HOLLADAY)

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A. No, sir.

IO: I have had made available to me and have re-viewed prior official statements obtained in other official investigations in the My Lai incident.

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

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

There are several people here in the room who may ask you questions. They will so ask you in my behalf. Specifically, at the moment, it is Mr. WEST who comes from the General Counsel's Office and who is acting as a deputy for me. He is authorized to ask questions. In addition, on my left, I have Mr. MACCRATE, and on your left you have Mr. WALSH, who are serving as legal counsel to assist me in this investigation, and they too may ask questions. However, I would like you to know in the final analysis I have the responsibility of weighing this evidence and making the final findings and recommendations.

You are ordered not to discuss your testimony during this investigation with others, including other witnesses in this investigation, except in the performance of official duties or as you may be required so to do before a competent judicial or administrative body.

In addition, you are cautioned that if you are subject to the order issued by the military judge in the general court-martial case of United States v. Calley, your appearance here in no way changes the applicability or effect of that order.

Do you have any questions on the information which I have just given you?

A. No, sir.

IO: (To MR WEST) No legal guidance that you would like to give at this time?

MR WEST: There doesn't seem to be any need to advise. We will dispense with that.

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IO: Colonel HOLLADAY, would you give us your duty assignment as of 16 March 1968?

A. I was the commanding officer of the 123d Aviation Battalion.

Q. How long had you been in that capacity?

A. Since the 12th of January 1968. 12 January 1968.

Q. For the sake of the record, Colonel HOLLADAY, we would like you to give us a brief rundown on the organization of your battalion and who the elements normally worked with?

A. All right, sir. The 123d Aviation Battalion was one that I organized from bits and pieces that we picked up from Task Force Oregon. On the 16th of March 1968, it was organized into a general support company called Company A. That company had 22 UH-1D helicopters, slicks or lift helicopters, and their mission was to provide general support for all the aviation needs of the division. We also had another organization. In the standard infantry division, in the aviation battalion, there would have been a B Company. We did not have a Company B. We had an aero-scout company, provisional, that we had organized. It consisted of five LOH's, these were H-23G model helicopters, seven UH-1B gunships, and five UH-1D lift helicopters. So we had a Headquarters Company, Company A as I have described, and the aero-scout company at that time.

Q. The aero-scout company, which unit did it normally work with?

A. At that time it was working in the Muscatine area, which was an area between Quang Ngai and Chu Lai, and it was working with Task Force Barker.

Q. So, would it be fair to state that they were not working under direct operational control, but that they were the support element at that time for the aero-scout activities for Task Force Barker? Would that be a correct assumption?

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A. That is correct, sir. We elected not to put them under the operational control for a prolonged basis of either Task Force Barker or the 11th Brigade, which was responsible for Muscatine, but rather to retain them at the division level and to assign them almost daily. Actually, it didn't work out that way. That was the theory, but they were down in Muscatine all the time.

Q. Who was the commander of your Bravo Company?

A. The aero-scout company? Major Fred WATKE.

Q. You knew that as the aero-scout company, not Bravo Company?

A. Yes, sir. We referred to them as the aero-scout company.

Q. And how did they normally stage?

A. It was probably a two-phased affair. Our home base, if you will, was at Ky Ha, which was part of the Chu Lai defense perimeter. As a matter of routine, the aero-scout company left every morning and went down to LZ Dottie. We constructed fairly large helipads down there to hold them. To answer your question, I say they staged out of LZ Dottie.

Q. But they normally overnighted at your base in or near Chu Lai?

A. Always.

Q. Did you have the necessary revetments at Dottie for them?

A. No, sir. We had no revetments at Dottie.

Q. None of them habitually stayed there overnight?

A. None of them to my knowledge ever stayed overnight.

Q. Coming back to the 16th of March, it has been fairly well established that elements of your aero-scout units supported the operation in the general My Lai area that morning. Were you familiar with any of the orders

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issued to the units prior to the operation itself?

A. No, sir.

Q. You were not present at Dottie when the orders were issued?

A. No, sir. I was not.

Q. When did it first come to your attention that something unusual had happened with respect to your aer scout teams that were working in the My Lai (4) area?

A. It was about 10 o'clock, between 10:00 and 11:00 I would say, on the night of 16 March.

Q. On the night?

A. On the night.

Q. And who called it to your attention?

A. Major WATKE.

Q. Would you indicate what Major WATKE told you at that time?

A. Yes, sir. He came to my quarters and asked to see me, and told me that something had occurred that day, and felt that I should know. I asked him what it was.

(The hearing recessed at 1603 hours, 9 December 1969.)

(The hearing reconvened at 1607 hours, 9 December 1969.)

IO: The hearing will come to order.

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

IO: Will you continue with your story, please, Colonel HOLLADAY?

A. I can't recall verbatim what he talked to me about,

(HOLLADAY)

but it was essentially that Mr. THOMPSON had witnessed a lot of killing of civilians that day at so-called Pinkville. In the course of the action at a time that day, he set his helicopter down, he was in an H-23 model, and threatened to shoot some American soldiers, one of whom, as I recall, was an officer, if they advanced on this group that Mr. THOMPSON was attempting to protect. As I recall, the figure 12 sticks in my mind, of mixed men, women, and children who were trying to get to a cave. He was threatening the American soldiers who were advancing and persuaded them not to advance farther, and he got them to comparative safety. And at this time he evacuated a child to a hospital. That's essentially the story as I remember it.

Q. Are you sure that he indicated to you that Mr. THOMPSON had reported that he had seen the killing of noncombatants?

A. Yes, sir. One phrase sticks in my mind, that there was a sergeant standing on the bank of a ditch firing an M-16 or an M-60 rifle into the civilians who were standing in the ditch, the people who were in the ditch hiding. Two things remain in my mind from that conversation, the shooting in the ditch and his threatening to fire upon American soldiers who were advancing towards this cave.

Q. Do you recall whether he said he saw this individual shooting into this ditch, or he saw his weapon was pointing into the direction of the ditch and subsequently heard what he considered gunfire?

A. Sir, as I recall the story, as it was told to me that night--

Q. (Interposing) That's what I want. I don't want to color it, not a bit.

A. Yes, sir. He observed the sergeant standing on the bank of the ditch firing into the civilians crowding into the ditch.

Q. Did he give any indication how many people were in this ditch?

A. A great many. I can't recall the number about

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that incident. I can't recall the number revealed.

Q. But it did give the impression that there were a large number of civilians in the ditch. And did he indicate what kind of a sergeant it was?

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

Q. He didn't indicate the color of his skin?

A. No, sir. A sergeant.

Q. Aside from that particular incident, did they relate--did he indicate how many additional civilians he might have seen killed or wounded?

A. I would hesitate to say, but the figure 120 sticks in my mind. But I don't know whether that evolved from that conversation or as a later figure.

Q. Did he mention anything, did Major WATKE mention anything to you about that time concerning an incident in which Mr. THOMPSON may have been involved, when he observed a captain ostensibly shoot and kill a wounded Vietnamese on the ground?

A. I don't recall, sir.

Q. So he related to you basically the two things that stand in your mind. Would you please repeat those again? These are important to us here.

A. Two things stand out in my mind about that conversation, and I might point out that we talked for some time. It just didn't take 5 minutes. Mr. THOMPSON had seen many civilians being killed. One group in the ditch was being fired on from the bank by a sergeant. Another group of 12, who were either trying to get to a cave or he took them to the cave, were being advanced upon by a group of American soldiers. And he put his helicopter down and threatened to shoot the American soldiers if they advanced farther. He either got them into a cave or out of a cave to comparative safety, and as I recall, he at that time evacuated the child to the hospital.

Q. Was there anything mentioned about his gunships landing, either a gunship landing to evacuate those individuals, or two trips by the same gunship, or both

gunships being used?

A. Sir, I understand later that gunships did land and take some people out. I don't recall from that conversation.

Q. Did Major WATKE mention to you any of the conversation which ensued between Mr. THOMPSON and the individual on the ground, the individual in the vicinity of the people near the bunker?

A. The only conversation that I can remember we discussed that night, so far as Mr. THOMPSON was concerned, was his threatening to kill the advancing American soldiers if they came on in an attempt to kill these 12 people.

Q. At that time what was the inference that you drew from this?

A. From the whole affair?

Q. From the fact that THOMPSON would go to the extent of threatening to kill the Americans?

A. I knew that he would have had to have been emotionally overwhelmed to drive him to do something like this.

Q. Overwhelmed at the possibility that the Americans might kill these noncombatant Vietnamese? Is that the point?

A. I think the two together, that he had already witnessed some considerable killing and drew the conclusion that these Americans were going to kill the people in the cave, either in the cave or heading for the cave. At that time he decided that they were not going to kill these civilians. Then the helicopter went down and he threatened to shoot them.

Q. Do you know where Mr. THOMPSON picked up the child that he subsequently evacuated?

A. No, sir. I do not.

Q. Do you recall any other thing about your conversation that night, about 10 or 11 o'clock on the night of the 16th

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of March with Major WATKE, that could shed some light on this investigation?

A. Well we agonized, if I could use that term, about this, and I tried to impress upon Fred that the ramifications of this thing could be very bad. I guess that's about it.

Q. Did Major WATKE at that time mention anybody aside from Warrant Officer THOMPSON who was involved in this incident, or who had knowledge of it? Here I refer to individuals in your unit, other pilots, other personnel.

A. He may have, sir. I can't recall the names. I'm sure he did, but I can't remember who they were.

Q. We recognize that this is a year and one-half later and we are asking you to recall this, but we would appreciate you researching your mind if there are any other things that were brought out during that particular conversation. This is tremendously important to our investigation. When you mentioned that you agonized with Major WATKE on this, did you go into depth about the full meaning and the ramifications of what was being said, what was being reported?

A. I tried to, sir. As I understood it at the time, it was almost an unbelievable story. It took some time for me to absorb it. When I say agonize, I guess that's what I'm referring to.

Q. In your mind did you recognize that at that time, if what was reported was true, this was a major war atrocity?

A. I would hesitate to use that term. I don't think that I would have referred to it as an atrocity at that time.

Q. Even though an individual was observed shooting people, or reported to have been shooting people in a ditch in large numbers, which you have just indicated may have been in the order of 120 all told?

A. Yes, sir. On that night, at that time, as I believe you have asked me, I don't believe I would have used that term.

Q. What was your primary concern at that point in time?

A. I believe my primary concern was whether I should go and wake up General YOUNG, at this time it was about midnight, or whether I should wait until the following morning to pass this on to him.

Q. With respect to what happened on the ground, was your big concern--were you more concerned with the confrontation which existed between your forces and the American forces on the ground, or was it the fact that the Vietnamese, a certain number of Vietnamese noncombatants, had been killed?

A. I don't believe, sir, that I could separate the two. I think that the fact that a large number of Vietnamese were apparently killed prompted one of my people to do what he did, and I think they are inseparable. They are not separable, clearly-defined acts. One prompted the other, sir.

Q. All right. You were then faced with a decision whether you went to General YOUNG, or you waited until the following day?

A. Yes, sir.

Q. What was your decision?

A. To wait until the following morning.

Q. And at what time did you report to either General YOUNG or to General KOSTER, or to anybody else at the division headquarters? What did you tell them?

A. I got hold of Fred about 7:30, as I recall the time, perhaps earlier, and we went to General YOUNG's office.

Q. Did you take Major WATKE with you?

A. Yes, sir

Q. He was present?

A. I took him with me, yes, sir. I went to General YOUNG's office in Chu Lai about 8 o'clock, as I recall the time, and told him that I had something I felt he should

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know. We went into his office, and I had Major WATKE relate to General YOUNG the same story that he related to me the night before.

Q. Why did you go to General YOUNG instead of going directly to General KOSTER, the division commander?

A. General YOUNG was my immediate superior, assistant division commander, and I felt that I should go to him first.

Q. So, did you and Major WATKE tell General YOUNG exactly what you have just indicated here?

A. Yes, sir.

Q. Completely informed him of both incidents?

A. Yes, sir.

Q. What did General YOUNG say? And what did he do?

A. I, of course, cannot recall verbatim what he said. He was very concerned with the probability of Americans shooting other Americans. At that time, either through his aide or the chief of staff, he ordered that Colonel HENDERSON, the 11th Brigade commander, and Lieutenant Colonel BARKER of Task Force Barker meet him at LZ Dottie at about 10 o'clock. I'm inclined to think it was later, it was before noon. It was somewhere between 10:00 and 11:00. He also ordered that I be there and bring Major WATKE with me.

Q. Do you know whether or not he informed General KOSTER or anybody else in the headquarters of the Americal Division concerning what you had relayed to him along with Major WATKE?

A. I didn't know at that time. However, later in the morning when we got down to LZ Dottie, this group was collected, and he did make the statement that no one knows about this except the five people in this room. I don't know whether he told anybody else before he left the division or not.

Q. Did you file a written statement at that time?

A. No, sir. I did not.

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Q. What is your next knowledge of the incident then?

A. General YOUNG ordered that I be at LZ Dottie at 10:30--before noon. I arrived down there to meet Fred, Major WATKE, who was already there. I landed the helicopter at the helipad which was down a ways from Colonel BARKER's quarters which was at the top of a little hill at the support base. As a matter of fact, our helipad was outside the ring of the heliport there.

Q. Was it about 2 minutes from a time-distance standpoint?

A. Perhaps about 3 minutes. We walked up to the top of the hill.

Q. Did you take General YOUNG with you?

A. No, sir. I did not.

Q. You came by separate lift?

A. Yes, sir. We arrived before he did. I can remember Frank BARKER and I and Fred, Major WATKE, standing there talking, incidentally, before the arrival of either Colonel HENDERSON or General YOUNG. I would hesitate to say at what time Colonel HENDERSON arrived. As I recall, it was nearly simultaneously with General YOUNG.

Q. Do you recall any of your conversation with Colonel BARKER?

A. Sir, it was totally not related. I don't recall any of the conversation. "How's your wife?" That sort of thing.

Q. Did you see any of your aero-scout personnel there at the LZ Dottie when you landed?

A. Yes, sir. There were some other aircraft there that belonged to me. The number and identity I would hate to say at this time.

Q. Did you talk to any personnel there before going?

A. No, sir.

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Q. Before you met this group on the hill, did you have an opportunity to talk to Mr. THOMPSON?

A. No, sir. I did not.

Q. Go on with your story, please.

A. General YOUNG arrived and said to Frank BARKER: "Let's go down to your bunker." We went, when I say down, it was down a little bit from where we had gathered there initially by his TOC. We went down to this bunker which was really a trailer which had been dug in and had sandbags around the sides.

Q. Now, this is his own personal bunker or his quarters?

A. This is where he lived, his quarters.

Q. His van? His quarters?

A. Yes, sir.

Q. As opposed to the TOC?

A. Yes, sir. This is where Frank lived and there were five of us: General YOUNG, Colonel HENDERSON, BARKER, Major WATKE, and myself.

Q. Colonel HENDERSON evidently arrived after you did, somewhere around the time that General YOUNG arrived?

A. I would hesitate to pinpoint the time. He was there before General YOUNG arrived.

Q. But the five of you were there, and you were the only five?

A. Yes, sir.

Q. All right. Go ahead with your story.

A. And General YOUNG opened up the meeting, if you will, by saying as I indicated earlier: "We are the only five that know about this." I presumed at that time that he was talking about this meeting.

Q. About this meeting or the fact that this meeting was concerning the incident?

A. I presumed, sir, that he meant, at that time, about the meeting. We had some prelude there, "Something happened yesterday." He turned to me and said, "John, go ahead." I elected to have Major WATKE retell the story, now for the third time, which he did.

Q. And Major WATKE at this time told about the ditch?

A. He told about the ditch. He told about the 12 getting into the cave or trying to get into the cave, and Mr. THOMPSON putting his helicopter down and threatening to shoot the Americans.

Q. In this conversation, as differentiated from the initial conversation with you, was anything brought out about a captain shooting a woman on the ground, or your LOH, your scout helicopter, marking wounded civilians with smoke to have the ground elements locate them?

A. No, sir.

Q. And this was--you introduced it, and let Major WATKE tell this story?

A. Yes, sir.

Q. What happened then?

A. At the conclusion--

Q. (Interposing) How long did this all last?

A. I would probably have to say about 45 minutes.

IO: Let the record indicate that Colonel FRANKLIN has joined the hearing.

A. I would say 45 minutes to an hour.

Q. In that time, Colonel HOLLADAY, there were probably some other things discussed that would be very germane to the problem here. Do you recall any of the things that were stated, or any of the implications or subsequent

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actions? Anything that would bear on it?

A. At the conclusion of Fred's story, General YOUNG directed Colonel HENDERSON to investigate this, if I am recalling his precise words: "I want you to investigate this." Then he gave him a time limit to get the investigation in to him. As I recall, it was a remarkably short period of time. I don't recall the specific time. In any case, it was less than 72 hours.

Q. Was there any recognition at this stage of the game that you were dealing with an alleged atrocity or atrocities?

A. That term never came up. The term "murder" was voiced, I can't recall by whom. The word "atrocity" was never used.

Q. Did you or Major WATKE bring out these numbers again in terms of an estimated 120 men, women, and children that had been killed?

A. Sir, I'm sure that it was brought out in that meeting in Frank BARKER's trailer, but who brought it out and at what time in the course of the story, I just don't remember.

Q. Was Warrant Officer THOMPSON ever brought in on this discussion?

A. No, sir.

Q. When General YOUNG indicated that he wanted an investigation made, did he give him any specific instructions other than: "I want you to investigate this." What did he mean by this?

A. There was no question in my mind that he meant the incident that we were just through discussing. I can't recall any specific directions other than: "I want you to investigate this."

Q. To your recollection, was there anything said about putting the witnesses under oath, getting written statements from them under oath?

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A. No, sir.

Q. Was there any indication that a written directive would follow appointing him as the investigating officer?

A. Not at that meeting. I don't recall it.

Q. Your indication was that he was given a short deadline, 72 hours or thereabouts?

A. Or less.

Q. The hearing will remain in session but I would like to give you a short while to think about that, to see if you can recall any other thing about that meeting which would be helpful to us.

(A brief pause follows.)

A. I'm afraid I have given you all I can, sir.

Q. You said the meeting lasted about an hour or that the meeting was held in the late hours of the morning. The meeting terminated about what time?

A. Just before noon. I would say around there.

Q. What happened then, Colonel HOLLADAY?

A. I went about my daily business and the next time I heard any reference to the incident was either that night, the night of the 17th, or the next day. General YOUNG told me that he had told General KOSTER about it, and as I recall, it was that night.

Q. That would be the night of the 17th?

A. Yes, sir, but I must say that it might have been the following day. In the course of the day I had seen General YOUNG several times.

Q. Were you ever given the opportunity yourself, or to your knowledge Major WATKE, to relate this incident and what you knew of it personally to General KOSTER?

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A. No, sir.

Q. What is your next recollection? Let me rephrase that, I have another question. You indicated that after this meeting of the five of you, you went about your way and Major WATKE went on his way. Do you know if Major WATKE then, or any of your unit, went to see Colonel HENDERSON or were called in by Colonel HENDERSON?

A. No, sir. I don't.

Q. All right, fine, Colonel HOLLADAY. We are now down to the night of 17 March 1968. What is your next recollection?

A. Well, General YOUNG told me that he had told General KOSTER about the incident. There are only two things left. I saw a copy of the investigation which I wouldn't normally see and--

Q. (Interposing) Which investigation?

A. That Colonel HENDERSON conducted.

Q. When did you see that?

A. You're asking me for the date?

Q. Yes, I want to know if--you indicated that he was conducting an investigation and he was to report within 72 hours?

A. He was given a very short period of time to prepare this investigation. I remember distinctly at the time I was surprised at such a short period of time. I'm saying the longest it could have been would be 72 hours. Now, General YOUNG may have--it might have been 2 days or a day. I remember the time, it was a very short period of time. Shortly thereafter, I'm sorry I can't give you a date, I saw a copy of the investigation. Someone showed it to me. As I recall, it was the chief of staff. I left out one thing here. On the night of the 17th, or the afternoon of the 17th, I went to the chief of staff, Colonel PARSON, and told him the story.

Q. So by the end of that day in the headquarters of

the Americal Division, the commander knew it, the ADC for maneuver units knew it, General YOUNG, and the chief of staff knew it, knew what you knew?

A. I would have to say that I can't remember if it was that night that General YOUNG told me that he had told General KOSTER or if it was the following day.

Q. But irrespective of whether we are talking about the night or early in the morning of the following day, it's still late on the 17th or early on the 18th?

A. Yes, sir.

Q. What form did this report of Colonel HENDERSON's take?

A. It was a letter form as I recall it. Very brief. Now, I have got two pictures in my mind about that thing, a page and a half or about three-quarters of a page, and I can't ferret out one against the other. The whole thing was either on a page and a half or about three-quarters of a page.

Q. Do you recall Colonel HENDERSON coming to Chu Lai to report either to General YOUNG or to KOSTER in this period?

A. He may have, sir. I don't recall the specifics.

Q. How far was your base located from the headquarters of the Americal Division?

A. I was just down the road about three-quarters of a mile.

Q. Would you normally know if Colonel HENDERSON, for example, came to the headquarters? Would you be expected to know that?

A. No, sir. Not unless I just happened to be there.

Q. Did you ever see any three-by-five cards which had a breakout of casualties on them?

A. The only ones that I can recall seeing were the ones General RYDER used to carry around. Beyond that I don't know.

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Q. I'm referring to casualties specifically of the task force operation into the Son My area starting on the 16th of March.

A. No, sir. I do not.

Q. Do you recall anything about the report which was filed by Colonel HENDERSON, which you saw?

A. The only thing that stands out in my mind about that report was that he concluded some civilians, and here the figure 20 sticks in my mind, had been inadvertently killed by artillery and helicopter gunships. To the best of my recollection, there is no mention of the episode that Mr. THOMPSON had mentioned.

Q. Who showed you this report?

A. It was either the chief of staff or the assistant who acted as sort of an SGS. It was someone in the command building. I can't pin it down beyond that.

Q. Having read this report and knowing what you knew at that time concerning what Major WATKE had told you, which I assume that you had accepted as being true, did you consider this report was a coverup?

A. Yes, sir..

Q. What was said at that particular time?

A. When I saw the report?

Q. Yes. Did you take any additional action at that time?

A. No, sir. I didn't. The report was "revealed" to me. It wasn't shown to me in an official course of events. I simply gave it back to the person who gave it to me.

Q. Was there any discussion that you can recall now between yourself and the individual who had given you the report? Put yourself in my position. Here I am being told, for example, that you knew that something highly irregular had been conducted. You saw a piece of paper which indicated something quite different from that. Did you say anything

to the individual at that time that this was a coverup? Were you inclined to go to the chief of staff, the maneuver commander or to Genreal KOSTER and state how you felt on this situation?

A. Was I inclined to do that did you ask?

Q. Yes.

A. Yes, I was, but I didn't.

Q. Can you say why you didn't?

A. I can dredge up a lot of reasons, I suppose, but I don't believe I can honestly tell you why I didn't.

Q. You indicated that you felt this was a coverup?

A. Yes, sir.

Q. Where do you think this coverup lay? Did it lay in the investigation? Did it lay in the headquarters of the Americal Division? Where was it?

A. The only facts at that time that I had access to that I recall was the investigation, which I have said earlier had been revealed to me, not shown to me in an official sense. I didn't even know and to this day don't know for a fact if General YOUNG or General KOSTER ever saw this. I knew that it was in the headquarters because that's where I saw it. It was either the chief of staff or his assistant that revealed it to me.

Q. Colonel HOLLADAY, I have here Exhibit R-1 which is entitled, "Report of Investigation," addressed to the Commanding General, Americal Division, dated 24 April 1968. It is signed by Colonel HENDERSON. I would refer this document to you and ask you if you have seen this?

(Hands report to witness.)

A. Yes, sir.

Q. I also refer you to the two inclosures and ask if they were appended to this document when you saw it?

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A. No, sir. I just saw, as I said earlier, I had two pictures of this thing, either a page and a half or three-quarters of a page. There was only two. Should I read the statement?

Q. I would like you to read this, and ask if you have ever seen this statement?

A. Sir, I could continue to read this but I don't think I have ever seen it before.

Q. Well, you have two separate pieces of paper. The first one is just what is indicated. I don't--we do not know the origin of this attachment. The second attachment is an English translation of a VC piece of propaganda. Have you ever seen the translation of the second attachment?

A. No, sir. I have never seen it before.

Q. Were you aware that the VC were at least alleging and using as propaganda the fact that an atrocity had been committed in My Lai (4) in about that time frame?

A. No, sir. I wasn't.

Q. After you saw this report, seeing only the main body of the report and none of the attachments, what is your next recollection?

A. As regards to this incident?

Q. Yes, and the report.

A. I never heard anything else about the report. The only other action relevant to the 16th of March, which I received on the 19th of March, was a multiple-address congratulatory message from General KOSTER to me as commanding officer of the aviation battalion. I have a copy of it.

IO: I would like very much to have it and we will have copies of it made and reproduced so that you may retain the original. This will be entered into the record as an exhibit. For the sake of the other members of the hearing, this is from General KOSTER to the 11th Brigade and CO of the 123d Aviation Battalion, a congratulatory message (continued to read the exhibit).

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RCDR: Sir, this congratulatory message from General KOSTER to the elements of the Americal Division is entered into the record as Exhibit M-7.

Q. Did anybody ever report to you the results of this investigation? What action was taken on it?

A. No, sir.

Q. Were you aware of any other investigations that may have been directed by the headquarters of the Americal Division?

A. No, sir. I was not.

Q. Were you aware of any investigations which may have been underway or conducted by the ARVN, either by the corps commander, by Colonel TOAN, then the commanding officer of the 2d ARVN Division, by the province chief, or anybody else in the GVN or ARVN system?

A. I was not aware of any, sir.

Q. Did you ever talk to your pilots, your commanders of your aero-scout unit, to obtain any additional information concerning this incident and the events that transpired on 16 March?

A. No, sir. I did not.

Q. Did you ever hear any rumors or did you have any cause to have additional suspicions that a major atrocity had been committed in My Lai on 16 March 1968?

A. I knew--again, I don't ever recall the word atrocity as being mentioned in this incident, used at that time.

Q. Or murder, or a large number of people killed?

A. Yes, sir.

Q. How did you hear this?

A. I heard it from other people. If you ask me to

identify them, I just can't. That is, I can't remember casual conversation--not casual, but in the course of discussing the war.

Q. Was this discussion within your own battalion or your own units, or was this in discussion within the headquarters of the Americal Division and associated officers?

A. I would say more in the division. I was also the staff aviation officer. I jumped around quite a bit. I would have to say it was more throughout the division.

Q. Was this suspicion, this knowledge, somewhat general throughout the headquarters? That a large number of civilians had in one way or another been killed in My Lai on 16 March?

A. I would say yes, sir, to that question, but here again I can't offer you a specific date.

Q. I recognize that. I'm asking you the broad feeling. The impression that you got--

A. (Interposing) Yes, sir.

Q. Of that kind of picture I'm trying to paint for you?

A. Yes, sir. I would say that that situation existed in headquarters. People knew about it.

Q. Do you know whether or not the staff judge advocate knew about it, or the inspector general?

A. I can't say specifically, sir.

IO: Mr. MACCRATE, do you have any questions that you would like to address to him?

MR MACCRATE: I don't believe I do.

MR WEST: Going back to the meeting of General YOUNG with Colonel HENDERSON at which you were present, can you recall whether General YOUNG, before he said: "I want you to investigate this," indicated any specific subject matter?

A. No, sir. The subject matter was so obvious. If he had mentioned something specific, it would have been redundant. And to my knowledge he did not, to the best of my recollection.

Q. My recollection of the letter signed by Colonel HENDERSON, which was Colonel HENDERSON's report of the investigation dated 24 April 1968, marked as Exhibit R-1, is that he does not mention the conversation between Warrant Officer THOMPSON and the officer on the ground.

A. No, sir.

Q. Was it your understanding that this also was to be covered in the investigation?

A. Not specifically, sir. Here again the two incidents were really one whole thing. THOMPSON, as I received the story, was prompted to do this because he had seen this. He was not going to allow another group of people, 12 as I recall--

Q. (Interposing) Well, General YOUNG did not exclude either facet of the incident, either the civilian killings or the confrontation?

A. I will say this if I didn't mention it before. General YOUNG made the statement: "We don't want American soldiers shooting American soldiers." Right after he was told the story, this was his major concern as I recall the situation. He said that at that time also down at BARKER's trailer.

Q. Thinking back, do you remember any comment by General YOUNG as to alleged killing of noncombatant civilians?

A. Down at LZ Dottie?

Q. Yes, or when you were at his office the day before or earlier that day?

A. He made some remarks. The thing that sticks out in my mind is that American soldiers--he was very concerned with American soldiers shooting American soldiers, and I would hesitate to paraphrase the specific remarks. In essence, that was it.

Q. Did he say something about the civilian deaths?

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A. Yes, sir. He said something, but I would hesitate to say exactly what it was. Yes, sir, he was very, very concerned, very concerned.

MR WEST: That's all I have.

IO: Mr. WALSH?

MR WALSH: Colonel, when you met with Major WATKE and agonized with him as you said, you also said that you tried to impress upon him that the ramifications could be very bad. Could you recall what you were agonizing about, apart from whether to wake up the general or not? Did you have a disagreement with Major WATKE on what plan of action to take?

A. Perhaps I used a bad word here. The agony, if any, was the story, and to a lesser degree what to do about it. I say the agony of it was the story itself, and to a lesser extent what to do about it. We had no disagreement.

Q. You were both agreed that either that night or the next morning you should go--

A. (Interposing) Major WATKE didn't disagree or agree with me. That was my decision to make. We discussed it, as I recall.

Q. Did he express any view whether you should or shouldn't?

A. Yes, he did. He agreed with me that this is what we should do.

IO: May I take up here for just a minute to follow this same course? You mentioned the word "agony," and you indicated you had a long discussion with Major WATKE. Were you pointing out to Major WATKE the seriousness of what he was telling you and that he should be sure exactly what he was reporting?

A. Yes, sir. I wanted to impress upon him the gravity of this thing. He knew anyway, but I wanted to make sure.

Q. Well, he must have understood the gravity of this situation in order to even report to you?

A. Yes, sir. I would think so.

Q. But you again felt so inclined to question him to make sure of the facts before you accepted them and were going to take them forward. Was this the agony that you were referring to, aside from the physical hurt?

A. Yes, sir. I would say that that would be part of it.

MR WALSH: What was the name of the assistant chief of staff?

A. I have his face right there, but I can't put a name on it. I'm sorry.

MR WALSH: I have nothing more.

IO: Colonel FRANKLIN?

(COL FRANKLIN indicated negative.)

I do want to call it to your attention, Colonel HOLLADAY, the fact that you had indicated that one report was to be submitted in a short period of time, which would have brought it around the 20th or 21st of March at the latest. But this report is, in fact, dated the 24th of April. A little over a month late?

A. I see that, sir. I can't explain that. The time given to Colonel HENDERSON at the meeting held at LZ Dottie was again a very short period of time.

Q. Was he instructed to file a written report at that time when the five of you were at the trailer? As I recall what you indicated, General YOUNG indicated to Colonel HENDERSON that he wanted this investigated?

A. Yes, sir.

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Q. Did he say how he wanted it investigated or how he wanted it reported?

A. Again, as I recall, it would be by implication, when he said: "Have it to me." Then again, the period of time which, I recall, was an extremely short period of time, certainly not to the 24th of April. At that time and at that trailer --

Q. (Interposing) Could he have reported and filed a report either verbal or written in the time frame when he was supposed to report it, and you not know about it?

A. Yes, sir. He could have done that.

Q. When you were serving in the dual capacity as the battalion commander of the 123d Aviation Battalion and also the Americal Division aviation officer, who was your assistant aviation officer in the headquarters?

A. A young major, Kyle RECTOR, who worked the TOC. He had the title of assistant.

Q. He worked either in or in conjunction with the G2 - G3 TOC then?

A. Yes, sir.

IO: Does anyone else have another question he would like to address to Colonel HOLLADAY?

(There is no response.)

Colonel HOLLADAY, we appreciate very much having you here this afternoon. I do want to give you some final instruction. First, I would ask what is the length in time of your orders from USAASO in Los Angeles on TDY here?

A. Five days.

Q. When will they terminate?

A. This is my second day, Friday.

Q. I want you to stay here through Saturday.

A. All right, sir.

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Q. We can arrange the orders. There is no problem. While you are here, I would like you to put your thinking cap on concerning these interchanges of information between yourself and Major WATKE, between yourself and General YOUNG, that which transpired in the trailer with the group of five of you, and any other thing which would have a bearing on this investigation. And I would call your attention again to the mission of this group. We are to report the adequacy of the investigation or investigations, the adequacy of the reviews of any such investigation or investigations, and also we are to determine whether or not there has been any attempt to suppress information concerning the incident or the investigation of such activity. Those things I would like you to think about, and think very seriously about. We will be in contact with you again prior to your departure. I don't want you to leave here before 1500 Saturday afternoon so that you will be available if we need you. If at any time you feel that you have some additional information which might shed light upon this inquiry, we would like you to get in touch with Colonel BREEN in this office. Also, if you have any documents, any maps, any photographs, any memorandum or anything of this nature which have a bearing upon this, we would very much like to have them. Before we close, I do want to show you some documents and ask if you have ever seen these documents. I would like MACV Regulation 20-4. I have here Exhibit D-1 which is dated 27 April 1967, titled "Inspection and Investigation of War Crimes." I show you this document and ask if you have ever seen this or any implementing instructions which may have developed out of that document?

(Witness studies document.)

Have you ever seen that document before?

A. I don't remember seeing it, sir.

Q. I have here another document from Headquarters, 3d Marine Amphibious Force, dated 3 June 1967, entitled Force Order 5820. 1, subject: "War Crimes Investigation." I would like to have this document entered into the record and made an exhibit.

RCDR: Sir, this document, Force Order 5820.1, entitled "War Crimes Investigation," is entered into the record as Exhibit M-8.

IO: Colonel HOLLADAY, I will show you this document and ask you if you have seen it?

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A. I don't recall if I have ever seen it, sir.

Q. Do you recall having seen, prior to the 16th of March 1968, any instructions relating to the reporting of war crimes and atrocities?

A. No, sir. I do not.

Q. Do you recall any such document published after that date?

A. There was a document published by the Americal Division, the title of which escapes me. I don't believe the term "war crimes" was included in that document, but what it said essentially was that killing of innocent civilians -- delete the term innocent -- the killing of civilians would not be tolerated.

Q. Major LYNN, I would like the document from the Americal Division, please. I think you will have to get it from someone outside. It is dated 16 March.

(The recorder did as directed.)

MR WEST: Colonel HOLLADAY, in your experience about this time, did you ever hear about a tape recording being made in one of the TOC's about the traffic on the radio net, for example, the brigade commander's net or the Task Force Barker net?

A. No, sir, I don't recall any such tape recording in any of the TOC's in the Americal Division or in any TOC in Vietnam for that matter.

Q. You never heard of the existence of such tapes?

A. No, sir. I have not.

MR. WEST: Okay, thank you.

MO: Colonel HOLLADAY, I have here a document from the Headquarters, Americal Division, entitled, Regulation

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Number 525-4, subject: "Combat Operation," in small print, "Rules of Engagement," dated 16 March 1968. I show you this document, and ask if you have ever seen this document?

RCDR: This directive from the Americal Division, "Rules of Engagement," is entered into the record as Exhibit D-5.

A. Yes, sir. I have seen this before.

IO: Is this the document you have just referred to?

A. No, sir. Perhaps I should read this a little closer. No, sir. This is not the document that I remember.

Q. Can you describe somewhat more accurately what you saw in the document that made the impression upon you?

A. Just that it addressed itself principally to the killing of civilians.

Q. Was it a long document?

A. No, sir. It was not. It was more of a memo, as I recall it.

Q. Do you recall who signed it?

A. I wanted to say it was signed by General KOSTER as a commander's note type thing but--

Q. (Interposing) Do you recollect within a time frame about when it might have come out?

A. It was subsequent to the incident down in Muscatine.

Q. Could it have been put out as a command message within the division?

A. It might well have been, sir. I would say it came out within 30 days subsequent to 16 March.

Q. Do you recall any other thing at this moment that might assist us in our deliberations? Rather than put pressure on you at the moment, I think it would be better to let you sit and reflect for a while on this. It may be

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helpful for all of us. Meanwhile, Mr. WEST has a question he would like to address to you.

MR WEST: This may duplicate some of the previous testimony, but were you ever directed not to talk about the subject matter reported to you by Major WATKE concerning the shooting of civilians and the confrontation between Warrant Officer THOMPSON and the officer on the ground?

A. No, sir.

Q. No such remark was made by General YOUNG at the time of your conference and his conference with Colonel HENDERSON?

A. I don't recall any such remarks, specifically, being made. It was implied. Maybe it was the aura of the thing. We just didn't talk about it.

Q. Did this relate to his remark: "Just the five of us here that know about this?"

A. Perhaps so.

Q. You can appreciate this as quite important to us.

A. I cannot recall any.

Q. No specific injunction?

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

Q. Does anything else come to mind bearing on this particular point that might be helpful to us?

A. You mean about not discussing the--

Q. (Interposing) Yes.

IO: One thing that might be helpful not only to yourself. Did you ever hear such admonition being placed upon anybody else, for example, personnel within Task Force Barker, or C/1/20, or any other unit?

A. No, sir. I have not.

Q. Before we recess, Colonel HOLLADAY, I would like to give you an opportunity to make any statement at this time that you would like to make on one hand, and secondly, any statement that in your judgment would assist us in the purposes of this investigation?

A. I don't think I have anything to say, sir, that I haven't already said.

IO: The hearing will recess.

(The hearing recessed at 1706 hours, 9 December 1969.)

(The hearing reconvened at 1708 hours, 9 December 1969.)

IO: The hearing will come to order.

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

MR WALSH: Are you perfectly clear about the meeting with five people on the morning following the operation; BARKER, HENDERSON, YOUNG, WATKE and yourself? And a description of a ditch with 120 bodies in it was given by you or by Major WATKE, a hearsay description of what had been there?

A. This was what Major WATKE essentially told, the same story three times, and I think I hedged a little bit about the figure 120. It is the one that sticks in my mind. I am not nearly as clear about the figure as I am about the words coming out about the ditch and the soldier standing above the ditch, the sergeant standing above the ditch.

Q. And did you consider going and getting a helicopter, going down there and taking a look at that ditch at any time?

A. No, I did not.

Q. Did any of the other people present at that meeting make any suggestion about going down and looking at the ditch?

A. No, they did not.

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Q. Do you recall anyone directing BARKER to get a count of the dead civilians as broken down by men, women, and children?

A. Not at that meeting.

Q. At a subsequent meeting?

A. If he did, I wasn't present.

Q. Do you recall anything about getting a count of dead civilians?

A. No, sir, I do not.

MR WALSH: Thank you.

IO: If there are no further questions we will recess until 8:30 tomorrow morning.

(The hearing recessed at 1712 hours, 9 December 1969.)

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(The hearing was called to order at 1121 hours, 12 December 1969.)

IO: This hearing will come to order.

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

The next witnesses will be Lieutenant Colonel HOLLADAY and Major WATKE.

Colonel HOLLADAY; Major WATKE. I remind you that you remain under oath to this board.

IO: Colonel HOLLADAY and Major WATKE, we have recalled you together for the express purpose of trying to establish times, dates and places. When you (speaking to LTC HOLLADAY) departed we were quite satisfied with your explanation of times and dates. And when you (speaking to MAJ WATKE) departed we were quite satisfied with times and dates and places. If you recall, however, we had asked both of you if you could think of anything else that might shed light upon it, to improve our investigation, whether it would be a thought, or whether it would be a piece of paper, or whatever it might be, would you please so indicate. This has been the case. Major WATKE has provided copies of letters which he wrote to his family which provide some detail as to what he did on these days. So my purpose in getting you together is to see if we can't resolve this problem which is really germane to what we are trying to do here, to get this sequence of events established. What happened at various times and places? Now, both of you, in your testimony, have indicated that you had talked together the night of the 16th. That fact is quite well established and corroborated by both of your testimonies. Both of you indicated that you subsequently, the following morning, went to see General YOUNG at division headquarters and reported the incident to him, or reported to him the information which had been provided, with Major WATKE doing the primary talking to describe the incident. The indication, then, is that Major WATKE went on his way and ended up at LZ Dottie and that some time subsequent to that, in the morning, the word was issued to you (LTC HOLLADAY), and General YOUNG, Colonel HENDERSON, Colonel BARKER, and you Major WATKE, the five of you were to assemble at LZ Dottie. The times and circumstances here are all consistent

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as far as the testimony, but these letters would indicate something different happened, not serious. It is just a question of time. I would like to ask (speaking to MAJ WATKE) would you have any objection to having these letters entered in this hearing as testimony?

MAJ WATKE: No, sir, not if I can eventually get them back sometime, sir.

IO: Well, as a matter of fact we can have true copies made of them and give them back to you immediately. It's not the letters I'm interested in.

MAJ WATKE: Yes, sir, they can be entered.

IO: I would ask you to take a close look at this because there are only certain parts of those letters that I'm interested in. If there are any parts that you would like to have deleted which are not germane to the issue we can do this.

MAJ WATKE: It is not necessary to do this.

IO: I have three letters from Major WATKE to his family dated 16 March 1968, 17 March 1968, and 18 March 1968. I would like to have these letters entered into the record as exhibits.

RCDR: Major WATKE's letter of 16 March 1968 is identified as Exhibit M-10. Major WATKE's letter of 17 March 1968 is identified as Exhibit M-11. Major WATKE's letter of 18 March 1968 is identified as M-12.

COL MILLER: Let the record reflect also that the originals will be withdrawn and copies substituted therefore.

IO: Add to the record that the exhibits will include either the originals or facsimiles of the envelopes as well.

MAJ WATKE: As long as they are needed you may have them.

IO: I have not studied these letters in detail, but I would not ask you to subject anything that is personal between your wife and yourself to the scrutiny of the American public.

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MAJ WATKE: Well, sir, my wife has always said that my letters to her could be read over the radio.

IO: Colonel HOLLADAY, I have the letter of the 17th. I show you a copy of the exhibit dated the 17th (Exhibit M-11). Would you read this please?

(The witness did as directed.)

I here also show you a copy of a letter dated on the 18th (Exhibit M-12).

(The witness examined the document.)

Do these letters help to refresh anybody's memory so as to straighten out these events? I think the critical point is whether this meeting took place on the 17th or the 18th. Now obviously, if you flew down together to Duc Pho on the 17th, as it is indicated in the letter, you probably didn't have the meeting that day and probably held the meeting the following day as it is indicated on the letter of the 18th.

MAJ WATKE: I can remember the meeting at Duc Pho, not so much what was discussed in the meeting, but as we left-- that my particular allegations that I had talked about were never discussed down there. They never asked a question. They never implied that they had any awareness that anything had happened on the 16th. The comment was made, by either myself or the colonel (HOLLADAY), that if they knew it, it was sure coldblooded that they didn't, just didn't bring it up to us to ask questions and challenge us, or anything to this effect.

IO: Do you remember those circumstances, Colonel HOLLADAY?

LTC HOLLADAY: I remember the day that we flew to Duc Pho together. Didn't we (talking to MAJ WATKE) have to go through a couple of helicopters before we could find one that would run? And that was the day that you did not wear a "chicken board." This is the same trip--the one that I remember.

MAJ WATKE: The only one that we had I think, sir (talking to LTC HOLLADAY).

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LTC HOLLADAY: We were going to Duc Pho and in this instance we couldn't get one helicopter started. It had a bad battery, and another one had something else wrong with it; and as I recall, we finally got a third helicopter and went down. And I remember telling you (MAJ WATKE) to wear a "chicken board" from now on for that part of the trip. I can't remember any of the events that occurred afterwards down there, nothing significant. We talked to Colonel HENDERSON. I can't remember the guts of that conversation at all.

IO: According to the letter, the indication, the object of the conversation was not the previous day's activities or anything of this nature but what is stated here: to talk to the brigade commander, reference "my (WATKE's) unit and its capabilities."

MAJ WATKE: I had felt that I could more efficiently be utilized and this was a result of previous talks with the colonel (LTC HOLLADAY). We went down to explain what assets I really had and how I might be more fully employed. That was really the theme of the conversation.

IO: If we reconstruct the times then, assuming this did happen, that you did go down on the 17th, this would mean that you talked on Saturday night together, which would be the night of the 16th. I believe that's consistent with the testimony that you gave and you gave. Late in the evening sometime, they are not exact times but somewhere between 2100 and midnight, the two of you discussed in considerable depth what had transpired during the operation and what had been reported. This was your report and you (to WATKE) were cautioned. You cautioned him (to HOLLADAY) and so forth about the gravity of what he was saying. Then according to your testimony, you "agonized" or something.

LTC HOLLADAY: Yes, sir.

IO: The following morning the two of you reported to General YOUNG to report this incident, sometime following which you went to church, Major WATKE?

MAJ WATKE: Yes, sir.

IO: I don't know what time. What is your faith?

MAJ WATKE: Roman Catholic.

IO: What time was the service normally held? It doesn't make much difference. You were late.

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MAJ WATKE: I don't really recall, sir.

IO: It would indicate that after the church services, and perhaps later in the morning or shortly after lunch, the two of you flew to Duc Pho to talk to Colonel HENDERSON, the brigade commander, and after returning you talked to your new troops. Then it was the following day, the morning of the 18th, that the meeting was called to be held at LZ Dottie, which is consistent with everything that is put down here in the letters.

MAJ WATKE: I think that's right, sir, because I have never been able to recall how I got to Duc Pho on the 17th, and I was stating that yesterday in my testimony. I knew I didn't drive down; I flew. But I couldn't remember how I got there. It was because I never went down to LZ Dottie on the 17th.

IO: I believe you meant by what you just stated that you didn't know how you got to LZ Dottie not to Duc Pho.

MAJ WATKE: To LZ Dottie. I have no reason to believe--I believe that everything in the letters was as it occurred.

IO: Other than the 17th, everything that, time-wise, you gentlemen have said meshes together very well. But this particular point, dropping out the 17th for this activity, this creates the problem.

The hearing will be recessed.

(The hearing recessed at 1141 hours, 12 December 1969.)

(The hearing reconvened at 1147 hours, 12 December 1969.)

IO: The hearing will come to order.

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

IO: Would there be anything flying down to Duc Pho on Sunday the 17th which would stand out in your mind?

MAJ WATKE: Well, getting the airplane. When one broke down we went to another one, and there was difficulty in finding out which one to go to, and I remember that the colonel was typically--he became rather vociferous about getting someone

out there to find the other airplane, and when the second one didn't work it was pretty hilarious. But we did get one, and we went down. It was a pretty, sunshiny Sunday. The reason we had trouble getting the people was that it was Sunday. All the people weren't on the line and working as hard as they normally would on other days.

IO: Well there might be some other things that you might have, if you think about it. The thought came to your mind that you went down to talk about the 123d aeroscout unit, and you did talk about the organization, the capability, and how it might be better used, and the thought came to your mind, "I wonder why it is that they don't know anything about it or what might have transpired." Now my point is that you and Colonel HOLLADAY had talked this one over at considerable length the night before, and it seems that in flying in the airplane together there might have been some communication back and forth which on the particular day you might have discussed as you were flying back to Chu Lai. Has anything such as this come to mind?

MAJ WATKE: Well, I don't remember if it was in the airplane or walking back for the plane, but I was expecting to be dressed down rather harshly by somebody in either Task Force Barker or one of the ground units for my allegations, and I didn't expect the people to just accept what I said at face value. People would resist. Every time I told the story I waited for someone to pounce back on me. When we went down to Duc Pho, at least mentally, I didn't express myself in words, I expected them to bring up this subject, and I would once again have to defend myself and my allegation. It just never was mentioned down there as I recall. They didn't say anything. Why didn't they? They didn't know, or why didn't they know or it was--

MR MACCRATE: (Interposing) Who would have been those at Duc Pho at that time who you saw and who--

MAJ WATKE: (Interposing) Colonel HENDERSON.

MR MACCRATE: Who in addition to Colonel HENDERSON?

MAJ WATKE: Colonel GREEN was there. We sat in the office that was up on a hill. There was the TOC as you walked up the road of the 11th Brigade, which was kind of walking towards the east; on the left-hand side was the TOC building,

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semi-underground, on the right-hand side was the S3's office. The S2 was in an office just adjacent to his. I'm not positive of that. If you continued on to the east, the road bent around to the right, and I believe that, at least when the general had the brigade, he lived in a building that was up a number of steps, and off to the left of this was an office. And it was in that room that we had our discussion.

IO: Would you call that a briefing room?

MAJ WATKE: No, sir. It's just more his office, sir, just a desk and one or two couches, and we sat around it and there was a minimum of four of us in the room.

MR WEST: According to the sequence of events set out in your letters, then, at this time you had talked to General YOUNG. The previous day, 16th, you had talked to Colonel BARKER--

MAJ WATKE: (Interposing) Colonel BARKER.

MR WEST: Before going to Colonel HOLLADAY? Presumably the knowledge of this incident--complaint going to Task Force Barker, would have been through Colonel BARKER. Is that a fair assumption?

MAJ WATKE: It was known at both the infantry battalion level and at the division level. That afternoon obviously they did not express at brigade level that they were aware of this incident at that time, which I thought was rather--

MR WEST: (Interposing) You had not reported it to brigade? You talked to Colonel BARKER and then you talked to Colonel HOLLADAY?

MAJ WATKE: No, sir, I never have. I thought--well I don't know what I thought at the time really. But now that I think of it, it would have been out of place for us to directly go to the brigade. Well, it wouldn't have been actually incorrect, but BARKER knew. His boss (COL HENDERSON), not mine--

MR WEST: (Interposing) Going back to your meeting with General YOUNG, would he have indicated at the end of this conference that he wanted to think about this, that he would get in touch with you later, or anything of that nature, indicating

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possibly that he was not going to take immediate action?

LTC HOLLADAY: No, not as I remember, sir.

IO: Did he say anything about wanting to pass this on to General KOSTER and talk it over with General KOSTER?

LTC HOLLADAY: No, sir. As I recall it, he made the arrangements. Here again, it was through his aide or the chief of staff, that morning, the 17th, to have the meeting at LZ Dottie with Colonel BARKER and Colonel HENDERSON later on that morning (17th). I've got to say that in spite of reading here what's in these letters, which refer to it as the 18th.

IO: This is exactly what he said. It's not verbatim. Until such time as these letters arrived on the scene with a different sequence of events, I had it firmly fixed in my mind that it took place on the morning of the 17th. But this would indicate quite to the contrary.

MAJ WATKE: All I can say, sir, is that I would have never changed my testimony had it not been for these. But I--there is no reason to believe that what I wrote isn't in fact what transpired, for it was written the day of the happening and I just consider it being more factual than my memory.

MR WEST: It was your habit to sit down every evening and write a letter?

MAJ WATKE: Yes, sir, my wife has a diary, a 300 and something page diary, of my tour in Vietnam. I am sure, it's in my mind now that this is the sequence of events. No reason to infer that this is not, in fact, what did take place.

MR WEST: Was Colonel HENDERSON present at the Duc Pho meeting?

MAJ WATKE: Yes, sir, it was in his office, I'm sure it was.

LTC HOLLADAY: We had been having some trouble with the aer scout company. It was a newly-organized unit and Fred (MAJ WATKE) didn't think they were being utilized properly. We set this meeting up with Colonel HENDERSON.

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MR WEST: This was an experimental company?

LTC HOLLADAY: No, sir, it's not experimental, it is sort of a mini-air-cav troop.

MR WEST: Okay.

MR WALSH: In the second paragraph of your letter of the 18th you refer to an operation that you were conducting that morning and as a reference thereto--

MAJ WATKE: (Interposing) This morning we snatched a suspect?

MR WALSH: Yes. "And we are conducting a combined operation with an infantry company this afternoon." That would indicate--

MAJ WATKE: (Interposing) That was with the 4/3 across the highway.

MR. WALSH: Were you flying that morning?

MAJ WATKE: Yes, sir.

MR WALSH: It seems to be a little inconsistent with the meeting at 9 a.m. but--

MAJ WATKE: (Interposing) Well this is the thing, the 9 a.m. meeting came to me in a phone call. I wasn't aware of the meeting. It was not a preset meeting. In other words, I went down that morning not knowing that I had a meeting to attend at 9 o'clock with the general. I got the call either through BARKER or through the colonel's (indicating LTC HOLLADAY) radio that I was to meet up there with these people. We were conducting an operation and we had gone out and put our people in a blocking position, and the 4/3 was sweeping down. I can go out, I think, and find that place, I'm that positive. Well we put them in and nothing took place that day.

MR WEST: But you went on up to Chu Lai?

MAJ WATKE: No, sir, the meeting was at LZ Dottie.

IO: On the 18th?

MAJ WATKE: "Snatch" was just another operation. This is

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just another term that we use. We go and they would select an area, and I say they, the infantry battalion or the brigade would say they wanted a military-age male if possible out of a given area. Usually they went into areas out beyond where they maintained their troops, into the valleys, out in the VC areas. We would go out and find one and just snatch him off the face of the earth and take him back to CID. We had a policy, though, that if he turned out to be VC then I would take them back out and place them, not in the same place, but within easy walking distance of where I'd snatched them, hoping that someday we'd get him again.

IO: Anybody else have any questions that they would like to address to either Colonel HOLLADAY or Major WATKE?

We may have to recall you at a later time to see if we can clarify this further. In the meantime I wish that both of you would keep your thinking caps on to see if you can reconstruct the events during the 16th, 17th, and 18th so that we can try to firm up the dates when these meetings took place. Does either of you have anything else that you would like to say or might contribute to what we are seeking in this investigation?

LTC HOLLADAY: No, sir.

MAJ WATKE: No, sir.

IO: The hearing will recess until 1330.

(The hearing recessed at 1200 hours, 12 December 1969.)

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(The hearing reconvened at 1321 hours, 22 December 1969.)

IO: The hearing will come to order.

RCDR: The following members are present: LTG PEERS, MR WEST, MR MACCRATE, MR WALSH, COL FRANKLIN, MAJ ZYCHOWSKI, and MAJ COOP.

RCDR: Sir, the next witness is Lieutenant Colonel John L. HOLLADAY.

Colonel HOLLADAY, you are reminded that you are still under oath.

IO: Colonel HOLLADAY, since you were last with us, we have talked to several people, and this has raised some questions. So we thought it would be advisable to have you come back to perhaps expand or help us clarify a few of these points which you have related to us. One of the principal points of concern has to do with exactly what was said to General YOUNG when you and Major WATKE talked to him on the morning of the 17th, about 8 o'clock. I'd like you to recall that to us in as much detail as you can.

A. Well, sir, I went into General YOUNG's office and told him, this is at Chu Lai, that something had occurred that I felt he should know about right away. And he invited us in, that is, Major WATKE and me. I turned to Major WATKE as near as I can recollect. I said: "Go ahead, you tell General YOUNG the same story you told me last night." And again, the salient feature of that episode is General YOUNG's great concern over the possibility of one American soldier shooting at another. I can recall his saying we don't want Americans shooting at Americans. Sir, as much as I racked my brain over that particular moment, I can't recall anything else. I thought at the time he had set up the meeting, but after reading Major WATKE's letter, I have got to concede that perhaps he did not set it up at that time.

Q. Well, you mean that is the substance of the discussion? My question really is whether Major WATKE went into detail on the civilians and told the entire story?

(HOLLADAY)

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A. He told the same story to General YOUNG on the 17th that he told to me on the night of the 16th. And here again, the points of that conversation that stick most clearly in my memory are the fact that there was some excessive killing down there that day, the sergeant standing on the ditch, firing an M-16 or an M-60 machinegun into the ditch, into a number, a great number, many civilians, and Mr. THOMPSON threatening to fire upon the advancing Americans who were trying to get to that cave. That is as much as I said last time. Fred told the story with little or no variation that I can recall, and General YOUNG sat there and listened to it very attentively. Again, when the portion of the story unfolded that Mr. THOMPSON threatened to fire on the Americans, he was visually taken aback by this and showed great concern. Now what those precise words were, I can paraphrase them and we don't want -- he may have said: "My God," or some exclamation or revelation to that portion of the story.

Q. As I recall, the general impression you had was that when Major WATKE first reported this to you, his greatest concern had to do with the confrontation aspect of it, that you had not necessarily brushed off the confrontation, but your greatest concern was that civilians had been killed unnecessarily, and you went on into some details to explain to Major WATKE the implications of what he was saying. Then, as you had put it, between the two of you, you agonized on that for an hour or more that night and subsequently decided, this being somewhere around 11:00 or midnight, it would be best to go to General YOUNG in the morning. So what I'm really trying to get is whether just this part of the confrontation was told to General YOUNG?

A. No, sir. No, sir. The entire story was told to General YOUNG much the same as Major WATKE had related to me the preceding evening.

Q. Now let me read you a couple of things. We have again talked to Major WATKE, and I asked him about this. This also has to do a little bit with General YOUNG as well:

"Q. Major WATKE, I think you covered this but possibly the language used by General YOUNG might jog your memory in some respect. I'd like to read you a couple of questions and answers that General YOUNG gave. General PEERS asked him: "Did you get the impression that it was an indiscriminate or unnecessary firing and killing of noncombatants?"

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This is discussing the report he received from Colonel HOLLADAY and yourself. General Young said:

"A. No, sir, I didn't get that impression."

And then there are some unintelligible words there ending with "being directed towards the noncombatants?"

"A. No, sir.

"Q. Was indication given to you of the number or order of magnitude of noncombatants who were killed or who were observed to be dead in the battle area?"

"A. There was no indication given to me that the pilot had observed any dead noncombatants to the best of his knowledge. What he observed was the fact that they were being fired into by the friendly forces, and in an effort or attempt to save the noncombatants he flew his helicopter over there, landed there, and put them in the protected area. Then he flew back to the friendly area and advised the platoon leader what he had done, and he told him not to fire into the non-combatants. That is my impression of what I got from Colonel HOLLADAY."

A little later, General PEERS again asked:

"Q. And you gained no impression concerning indiscriminate firing into and killing of noncombatants."

General YOUNG answered:

"A. I gained the impression, General PEERS, that civilians were in a crossfire between the friendly forces and the enemy forces. That, in an effort to save the civilians and to insure that they were not injured, the pilot landed his airplane and took the action that I have described. I would say, to the best of my knowledge, there was no mention made of any non-combatant casualties. I cannot recall being informed

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of any noncombatant casualties caused by the action that I've described."

The answer by Major WATKE:

"A. I recall a little differently than that.

"Q. Could we have your best recollection?"

His response:

"A. For example, in my mind, the way they saw the people moving into the area. They saw the area being fired upon, and they knew the people were in there. The landing was made to convey this information to the personnel on the ground, that their fire was in fact going into the area. They did not land out in front of the troops before they landed and talked to them. It was only after they talked to the man on the ground that they went out and landed and at the time actually moved the people and saw the wounded.

"Q. If that's the case, where does the confrontation come in?

"A. Sir, because he landed simply to tell them that this fire was being received out there by people that we have seen, that were without weapons and were predominantly women and children. "Don't fire any more in there and we'll fly out in there -- we'll go out and fly over this area to insure their safety." The individual answered in response that no, they were not going to take any chances. I'm assuming that this is what he meant, anyway, that they were not going to take the chance of being fired upon, and that they were going to continue their operation as they had been doing. At that time, Mr. THOMPSON had told him that he was going out there and that he had better not get fired upon. And that's what he in fact did. He went out there and moved the people he had seen, as I recall, in the area of a hootch. At that time, I have in mind that the child was also among them, the child that he took to the hospital. Apparently this

is a little bit in conflict also with the -- whether there was no landing in front of the troops until after the discussion on the ground between Mr. THOMPSON and the other individuals."

So, generally, you see, you get a discussion by Major WATKE of what on the one hand General YOUNG had indicated and then what Major WATKE had thought was said. I could go on. Here are some statements taken from the General YOUNG testimony:

"Q.... Was any mention made there, to your recollection, of a large number of civilians, noncombatants, being dead in a ditch.

"A. Not to my recollection. That was not mentioned, sir. As I said before, if my memory serves me correctly, I got the impression that noncombatants were more or less in the line of fire and between the enemy forces and the friendly forces. I don't recall any mention being made of any observance of any killed noncombatants.

"Q. Or any mention made of a confrontation which took place between a pilot of a helicopter and the ground forces?

"A. Yes, sir. I recall this incident that took place after the pilot had left the area that the civilians--and he rounded up the civilians in an effort to protect them."

It goes on to state:

"I got the impression from my conversation with Colonel HOLLADAY that the friendly forces were not directing fire at the noncombatants, but that they were in the crossfire. My impression was that they were firing into the enemy, and the noncombatants were in the crossfire. Does this answer your question?

"Q. Did you get the impression that it was indiscriminate or unnecessary firing and killing of noncombatants?"

"A. No, sir, I didn't get the impression that it was probably being directed towards the non-combatants. No, sir."

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"Q. Was any indication given you as to the number or order of magnitude of noncombatants who were killed or observed to be dead on the battlefield?"

The answer given to this question was the same as previously. And this is repeated several times:

"It was my impression General PEERS, that what was landed was a gunship, as I mentioned before. I got the impression that the pilot we are speaking of was in a gunship. I'm speaking now of the UH-1B model, not a bubble. I never got the impression that the aero-scout was the one using the bubble that made the confrontation that we spoke of a moment ago. I got the impression it was a gunship."

There is one other statement:

"A. I gained the impression, General PEERS, that civilians were in a crossfire between the friendly forces and the enemy forces, that in an effort to save the civilians and to insure that they were not injured, the pilot landed his airplane and took the actions I described. To the best of my knowledge, there was no mention made of any noncombatant casualties. I can't recall being informed of any noncombatant casualties caused by this action which I have described."

There are other statements which are simply a repetition of this. Now, as you can see, this is quite at variance with what you have indicated, and that is the reason I would like as much clarification as possible of what ensued, how long this conversation lasted, and what was covered, and so forth.

A. Well, sir, according to my recollection, it was as I said, I believe, three times now. Major WATKE repeated the story for General YOUNG much the same, at least to my satisfaction. It was the same as he had told me the preceding night. And--

Q. (Interposing) If there had been any variation, you should certainly have spotted it, should you not?

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A. Yes, sir, I would have. I heard that story three times, and I remember at the time the remarkable clarity or similarity between each story as he had told it. And along that line, I can recall my own concern if I can call it that, of General YOUNG's being more concerned with Americans firing into Americans than the report that a great many civilians had been killed the preceding day. As a matter of fact, his major concern was that one American was going to fire at another.

Q. Did you talk to him at all about this particular point to sort of focus on the fact that this large number of civilians had been killed?

A. No, sir.

Q. In your previous testimony we had talked about order of magnitude, Colonel HOLLADAY, and you indicated, well, you didn't know for sure. I believe, for some reason, that 120 sticks out in your mind.

A. 120 stuck in my mind.

Q. When we subsequently talked to Major WATKE about this, he then seemed to have the impression that what you are really talking about was those 128 VC who had been killed. Is that what you were discussing?

A. Not at this time, sir. When the report was rendered, subsequent to the action, the body count was, I believe, 128. However, at the time, we didn't know that. At least I didn't know that officially, anyway. The figure that Fred used that night and subsequently the following morning was, as I recall, a figure of 120. And I do not believe that I'm confusing that figure of 120 with the subsequent figure of 128 that was published as the official body count that day.

Q. How long did this conversation last?

A. Something less than an hour as I recall.

Q. Quite a lengthy period, though?

A. Yes, sir. Fred told the story. Then, there was a

usual -- I don't know how to phrase it. You just don't tell the story like that in a vacuum without some, "Oh, my God," or, "this can't be," or, "that's murder," or words of that character. And these were exchanged. The most specific ones that I can recall is that we don't want Americans shooting Americans.

Q. Was it your impression that aside from this confrontation, what was being reported was, in fact, a rather major war crime?

A. I don't believe at that time that I considered the incident in terms of a crime or an atrocity. I don't recall those terms coming to my mind at that time. I can remember thinking murder and indiscriminate killing, and I believe that during the course of it having been told--Fred told it to General YOUNG and later to the assemblage down at LZ Dottie--the term murder being used, and when I told the story to Colonel PARSON on the afternoon of the 16th.

Q. The 16th?

A. I'm sorry, the 17th. Yes, sir.

Q. Do you recall if such terms as indiscriminate killings or unnecessary killing or indiscriminate firing at civilians and terminology such as this was used?

A. Certainly similar terms. I wouldn't be able to recall the specific words, but I believe I recall the term excessive and indiscriminate. Killing a bunch of civilians down there, I believe that phrase--I can say that phrase was used.

Q. Just with respect to this particular part, as far as we have gone now, do you have any questions you would like to address to Colonel HOLLADAY, Mr. MACCRATE? Mr. WEST?

MR WEST: I don't believe so.

IO: We'll take a 5-minute administrative break to take care of those medical shots and get those behind us. It will be very short.

(The hearing recessed at 1345, 22 December 1969.)

(The hearing reconvened at 1355, 22 December 1969.)

IO: The hearing will come to order.

RCDR: All members present when the hearing closed are again present with the exception of MR WALSH.

IO: Before we proceed to the next incident, I'd like Mr. WEST to go over some of the testimony as given by Warrant Officer THOMPSON as what he had passed on.

MR WEST: During your prior testimony, Colonel HOLLADAY, you were asked what Major WATKE had told you when he came to see you the evening of the 16th, and you addressed this matter in two or three places in your testimony and I will read these parts.

"Q....Will you continue your story, please?"

Colonel HOLLADAY, your answer: "I can't recall verbatim what he talked to me about."

You were referring to Major WATKE at this time.

"But it was essentially that Mr. THOMPSON had witnessed a lot of killing of civilians that day at so-called Pinkville. In the course of the action at a time that day, he set his helicopter down, he was in an H-23 model, and threatened to shoot some American soldiers who were advancing. And he persuaded them not to advance farther, and he got them to comparative safety. And at this time he evacuated a child to a hospital. That's essentially the story as I remember it.

"Q. Are you sure that he indicated to you that Mr. THOMPSON had reported to you that he had seen the killing of noncombatants?"

"A. Yes, sir. One phrase sticks in my mind, that there was a sergeant standing on the bank of a ditch firing an M-16 or M-60 rifle at civilians who were standing in the ditch, the people who were in the

ditch hiding. Two things remain in my mind from that conversation: it was the shooting in the ditch and his threatening to fire upon American soldiers who were advancing toward this cave.

"Q. Do you recall whether he saw this individual shooting into this ditch or he saw his weapon pointing into the direction of the ditch and subsequently heard what he considered gunfire?

"A. Sir, as I recall the story, as it was told to me that night--

"Q. That's what I want. I don't want to color it, not a bit.

"A. Yes, sir. He observed the sergeant standing on the bank of the ditch firing into the civilians crowding into the ditch.

"Q. Did he give any indication how many people were in this ditch?

"A. A great many. I can't recall the number about that incident. I can't recall the number revealed.

"Q. But it did give the impression that a large number of civilians were in the ditch. Did he indicate what kind of sergeant it was?

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

Another question later on:

"Q....Aside from that particular incident, did they relate--did he indicate how many additional civilians he might have seen killed or wounded?

"A. I would hesitate to say, but the figure 120 sticks in my mind. But I don't know whether that evolved from that conversation or as a later figure."

And a little later in the testimony:

"Q. ...So he related to you basically the two things that stand out in your mind. Would you please repeat those again. These are important to us here.

"A. Two things stand out in my mind about that conversation. I might point out that we talked for some time. It just didn't take 5 minutes. Mr. THOMPSON had seen many civilians being killed. One group in the ditch was being fired on from the bank by a sergeant. Another group of 12 were either trying to get to a cave or he took them to a cave. They were being advanced upon by a group of American soldiers. And he put his helicopter down and threatened to shoot the American soldiers if they advanced farther. He either got them into a cave or out of a cave to comparative safety, and, as I recall, he evacuated the child to the hospital."

Now, this is your prior testimony about what Major WATKE told you that night, the night of the 16th. Is this the story that he twice later repeated, first to General YOUNG in his office, and later to the group in Colonel BARKER's van consisting of you, WATKE, Colonel HENDERSON, Colonel BARKER, and General YOUNG?

A. Yes, sir, it was the same story.

IO: Let the record show that when the hearing came to order that General PEERS indicated that before passing on to another point, that I would like Mr. WEST to refresh Colonel HOLLADAY's memory as to the testimony he had given in the previous hearing. Colonel HOLLADAY, we have it fairly well established, I believe, that the meeting at LZ Dottie took place on the morning of the 18th?

A. Yes, sir, I concede that.

Q. You will recall that there was some discussion between yourself and Major WATKE, and also the letter which he had sent to his wife. Since that time we have received another indicator that something took place at LZ or Fire Support Base Bronco on the 17th. I have here an extract from the log of the 11th Brigade covering the period 17 through 21 March. I'd like to have this entered into the record as an exhibit to

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be later modified when we obtain the entire log. This contains an entry of 17 March 1968, time 10:40. Description: "DTC: Colonel HOLLADAY, division aviation officer, has been directed to have a meeting with Colonel HENDERSON, Major MCKNIGHT and CO, aero-scout company. He would like for Major MCKNIGHT to set up this meeting today if possible and let him know where and time. Action taken: Request DTC notify aero-scout commander meeting today at 1400 hours."

(The 11th Brigade log extracts were later received in evidence as Exhibit M-15.)

A. This was on the 17th?

Q. This was on the 17th. In addition, we have here the log of Task Force Barker for these days, and it shows here on the 18th that Colonel HENDERSON arrived at 9:05, and that General YOUNG arrived at 9:10 on the morning of the 18th.

A. I was mistaken obviously in my--it all occurred in that same day.

Q. This is very easy to understand. All we are trying to do is put the events into proper focus. As far as the day, this really isn't the important point in our point of view. The important thing is what transpired and what was said. Now, bringing yourself down to the meeting at LZ Dottie, do you recall how long General YOUNG stayed at this meeting. As I would recall your previous testimony, you indicated that the meeting lasted about 40 to 45 minutes?

A. Yes, sir.

Q. From General YOUNG we get the impression that he arrived, said a few things and, as you have indicated, directed an investigation, and departed shortly thereafter, leaving you, Major WATKE, Colonel BARKER, and Colonel HENDERSON together to further discuss this situation.

A. I don't remember it that way, sir. The meeting was concluded at some gesture or directive or words, if you will, from General YOUNG. BARKER and WATKE and I may have had some chitchat there. I don't recall it. Again, as I recall, I flew my own helicopter, that is, the helicopter

that I used down there. And Fred had his own company helicopter down there, so I wouldn't have gone down there with him. To my recollection, there was no discussion following that meeting that would directly bear on the content of the meeting.

Q. In this same log (Exhibit M-15) we have an entry which shows General YOUNG's departure at approximately 9:30, which would have given a total time there for General YOUNG of about 20 minutes.

A. I would have said it would have been longer, considerably longer, twice that amount.

Q. As far as the discussion is concerned, did Major WATKE again go over the salient features that were just covered by Mr. WEST?

A. Yes, sir.

Q. The people in the ditch?

A. Yes, sir, the people in the ditch were specifically mentioned again. THOMPSON threatening to fire on the American soldiers, this was brought out. Excessive killing, pretty much, as near as I can recall, the very same story that he told me on the day before.

Q. In your judgment, was the story that was heard of sufficient import that it required immediate and aggressive action to determine the facts and report the findings?

A. Yes, sir, it most certainly was. It was my impression that this action General YOUNG had taken in ordering Colonel HENDERSON to investigate this thing. Whether he said this incident or what his specific word was there, I don't recall. I recollect him saying: "I want you to investigate this and get it to me." Again, I can remember very distinctly it was a very short period of time in which he was to conclude this investigation, something less than 72 hours, I think a couple of days. I remember again thinking that's an awful brief span of time to have to investigate something, what I considered something of this magnitude.

Q. There was also a statement that you brought out to the effect that General YOUNG or somebody made a statement to the effect that it's only the five of us in here that know about this.

A. Yes, sir, that was his opening remark, and we were down in BARKER's van. "We're the only five people that know about this." I presumed at that time he was talking about the meeting. I assumed he was talking about the meeting because obviously there were a great many other people that knew about the incident. THOMPSON knew about it.

Q. What did he tell Colonel HENDERSON that he wanted him to do aside from investigating this? Did he indicate that you were there and WATKE was there, get these other people, or how did he go about expanding that?

A. Sir, I can't recall his expanding on it other than I want you to investigate this. I can't recall any specific directives or any more specific guidance than those words: "I want you to investigate this, have it to me..." in a period of time.

Q. Did he say he wanted it to come to him or that he wanted him to report to the division commander.

A. I don't recall him giving any specifics in that regard either. However, the implication was that it was to come to him. I left the meeting with the understanding that the investigation would come to General YOUNG.

MR MACCRATE: Do you remember any reference to any other members of the aero-scout unit in connection with this description that Major WATKE gave? Anything that would have suggested that Colonel HENDERSON, in addition to speaking with Warrant Officer THOMPSON, might speak with other members of the unit?

A. I want to say that Fred mentioned that some gunships, B models, had gone in there and picked some people up. But I don't really remember, sir, whether he made that statement or not. Other than that there would be no reference to anyone else in the 123d Aviation Battalion.

Q. Do you remember the names of THOMPSON's crew being mentioned?

A. No, sir.

Q. Does the name Specialist COLBURN ring any bell with you?

A. Not as it related to this meeting we had down there, or to this story for that matter.

Q. Or Specialist ANDREOTTA?

A. Again sir, not in relation to this story.

Q. Or Warrant Officer CULVERHOUSE?

A. Again, not in connection with this story, sir. I knew of these people, but I don't recall their names coming out in relation to this story.

Q. Well, from what you can recall, can you identify anything that had transpired that would lead to one or more of these individuals that I've mentioned being called up to talk with Colonel HENDERSON after your meeting that day?

A. I had anticipated, as a result of his being directed to conduct this investigation, that he would call me and some of my people down to Duc Pho to be talked to, and to the best of my knowledge we never were. I certainly was not. And if Fred WATKE went down there to talk to him, I don't ever recall it occurring.

Q. Were you aware of any on-the-spot investigations commencing there after you left?

A. Sir, I assumed, and this has only been an assumption, that it was to begin, but I saw no evidence of it beginning. That is, Colonel HENDERSON didn't talk to me.

Q. And you had gone before any others came to have conversation with Colonel HENDERSON?

A. As I recall when we broke up, I was parked down on the helipad from where the aero-scouts staged, and so was Fred WATKE. And it's sort of a long, winding road down there outside of the fire support base. I can recall walking down that road with him. We just departed. I don't recall any related discussion with Colonel HENDERSON or Frank BARKER for that matter.

Q. From the information we have, it appears that Major WATKE took that windy road down and sent Warrant Officer THOMPSON up to see Colonel HENDERSON shortly after, and that Warrant Officer THOMPSON was accompanied by one or more members of the unit. We have been trying to piece the thing together. I was wondering if this general outline of the pattern of the thing would bring back to you anything more as to the circumstances at that time.

A. No, sir. I'm sorry that it doesn't.

IO: Mr. WEST.

MR WEST: With reference to the remark of General YOUNG, "there is just the five of us who know about this," I gather nothing further was said to explain this. I gather from your testimony that that didn't evoke any response from anybody, or any discussion?

A. You mean as to the fact that we were the only five? It was sort of an opening gesture.

Q. And he didn't explain it?

A. No, sir.

Q. What did you understand him to mean by that?

A. I presumed at the time that he was talking about the meeting that we were holding in there.

Q. I understand, but why would he say such a thing?

A. I can't speak for General YOUNG. I don't know why he made the statement. I got the impression this made it sort of an exclusive thing. I can't analyze it much better than that.

Q. Could it conceivably have been directed toward the fact that it is just the five of us who knows this thing is going

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to be investigated?

A. I didn't take it that way, sir. I assumed at that time he was talking about this meeting that was taking place at this time, and that we were the only ones in on it.

Q. And there wasn't some general understanding as to what he meant by saying that, to keep quiet about it, that this is a real close-hold thing?

A. No, sir, there wasn't. But, by saying that, it suggests that he wanted to get out of there, but that was never said. I had that feeling. We are the only ones that knew about it, and that made it sort of an exclusive group.

Q. We questioned General YOUNG. I asked him about this and he said: "I never made such a statement."

A. I can remember very clearly his making that statement, sir.

Q. I tell you this to partly indicate why we have been asking you again about this and the problem we are faced with at this point. I gather there is no doubt in your mind about him having made that statement?

A. No, sir. None whatsoever.

MR WALSH: Colonel, did Major WATKE ever discuss with you the rumors about 16 March in his company, any speech he may have made to them with respect to not having rumors going around, and that the matter was being investigated?

A. Not that I can recall. It could have easily happened without his mentioning it to me.

Q. Do you recall ever having a discussion with Major WATKE or anybody else about the rumors of the March 16th operation?

A. We talked about it several times. I don't know whether it was discussed in the context of there are a lot of rumors going around or not. I don't ever recall us discussing this case in a context that there are a lot of rumors going around. No, if that's what you're asking me.

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Q. You say that several times after the 18th you discussed the matter with Major WATKE?

A. Yes. We talked about it in a sense that, well, I would have to put that in the negative sense. I know that after the meeting down at LZ Dottie, I couldn't say that we never discussed it again, FRED and I. I know we did, but I don't recall the specific date, nor did we discuss it any further than what I have related here.

Q. Do you recall if those discussions were focused on the investigation aspect, whether it was going forward et cetera, or whether it was just recounting, their discussing again the matters that had been related by Chief Warrant Officer THOMPSON?

A. As far as that investigation is concerned, the time between General YOUNG directing that it be investigated and the time that I saw the submitted investigation, I don't recall hearing of it or talking about it with anyone during that period.

Q. I'm not clear what it was you were discussing with Major WATKE.

A. Well, it would have been the incident itself--our meeting down at LZ Dottie. There was one specific, too. When we received that little congratulatory message, we discussed it at that time.

Q. Would you give us everything that you can recall, what you said to Major WATKE and what he said to you?

A. Well, when we got that message, I was surprised. I called Fred up to look at it because our participation, that is the 123d Aviation Battalion, didn't appear to me to warrant a congratulatory message of that type. If there is a specific, it was that.

Q. Well, I'm missing something here. You contacted him and you showed him the message, I take it?

A. Yes.

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Q. And expressed your opinion that it was not warranted. Is there anything more than that?

A. Yes.

Q. It wasn't warranted for what reason?

A. Well, I felt at the time, and I subsequently feel that I was not justified in that thought, but in all honesty I felt that I should relay that thought that they gave us a little message, us, my battalion and FRED WATKE's company, as a sort of reward if you will, just to keep quiet. That was my thought at the time.

Q. Did you relay that thought to Major WATKE?

A. I probably did, although I can't recall specifically. I probably did.

Q. Did he agree with you?

A. Yes, sir.

Q. I have nothing more.

IO: Colonel FRANKLIN?

COL FRANKLIN: No, sir.

IO: Congratulatory message M-7, this is from the CG Americal Division to the CO 11th Light Infantry Brigade and CO 123d Aviation Battalion. This is the letter to which you are referring. Let the record indicate that Exhibit M-7 was shown to the witness.

Colonel HOLLADAY, in your testimony you say (page 17):

"A. I left out one thing here. On the night of the 17th, or the afternoon of the 17th, I went to the chief of staff, Colonel PARSON, and told him the story.

"Q. So by the end of that day in the headquarters of the Americal Division, the commander knew it, the ADC for maneuver units knew it, that is

General YOUNG, and the chief of staff knew it. Knew what you knew?

"A. I would have to say that I can't remember if it was that night that General YOUNG told me that he had told General KOSTER, or if it was the following day.

"Q. But irrespective of whether we're talking about the night or early in the morning of the following day, it's still late on the 17th or early on the 18th?"

And your response was, "Yes, sir."

I'm coming down to Colonel PARSON. We have no indication really from Colonel PARSON that he had discussed this incident with you, although I must say that he did not say so in an affirmative tone.

"Q. Do you have any knowledge of what happened in this period of time that we are talking about, this My Lai (4) incident when a helicopter pilot saw some people apparently being killed unnecessarily that an ADC was going to look into, do you remember anything other than that?"

"A. Yes, sir, a little more. I recall that I dropped the incident from my mind because I don't recall hearing any more about it. Sometime later there was a document which I believe was on the same subject, written by either the province chief of Quang Ngai Province or the 2d ARVN Division commander. I don't recall at the moment which one it was, but it was an official out of Quang Ngai, a South Vietnamese official, about this incident, apparently this same incident. I don't recall the content of the document. I recall the subject of the letter had to do with the killing or the unnecessary killing of civilians, possibly from artillery, or what source I don't recall."

Later on, questions asked:

"Q. Do you recall a time, within about this period, when Colonel HOLLADAY of your 123d Aviation Battalion and Major WATKE asked for an audience with either General YOUNG or General KOSTER?"

"A. I don't at the moment, but it's entirely possible that that's where I learned of the helicopter pilot's report. I don't recall it specifically, sir."

Q. So I would like a little clarification of that with respect to Colonel PARSON.

A. Sir, on the afternoon of the 17th--

Q. (Interposing) Are we talking about the 17th? We are fixing the 18th as the day that the meeting took place.

A. This would have been the 17th. This would have been the afternoon of the morning we went into see General YOUNG.

Q. And you had been to Duc Pho?

A. I had been to Duc Pho that afternoon with the aero-scouts--

Q. (Interposing) Yes.

A. Colonel PARSON had jumped me, if I can use that term, several times for not keeping him informed. It is a routine thing to do, and he reminded me of it several times. And it was that as much as anything that prompted me to go in and tell him this story. As a matter of fact, I remember very clearly his asking me why I went to General YOUNG first. And I pointed out to him that he was my rating officer and my immediate superior which he was at the time. I can remember Colonel PARSON becoming quite perturbed about it, the term murder--that murder, how are we going to win these people over. He was visibly and forcibly shaken up about this story as I related it to him. I related the story this time, not Fred WATKE. I didn't feel it was necessary to bring him up.

Q. But Colonel PARSON was informed sometime late in the afternoon or evening of the 17th?

A. Yes, sir.

Q. Let me have the report of investigation. That would be M-1 or R-1.

(R-1 was handed to the witness.)

Q. I show you Exhibit R-1, which is the document we acquainted you with in your previous testimony. You had indicated that you had seen this document, having been shown the document by Colonel PARSON or his assistant or what you refer to as secretary of the general staff, and I believe that was Major BEASLEY?

A. Yes, sir.

Q. Can you tell me, do you recall which one of these individuals it was specifically who showed you the document?

A. Yes, sir. It was Colonel PARSON, and I can say that because I saw BEASLEY out there this morning as he was signing in. And I no sooner saw his face and I thought to myself BEASLEY did not show me that document. It was Colonel PARSON, and that is the first time I had seen BEASLEY in a year.

Q. Did you have any discussion with BEASLEY at all?

A. No, sir. I don't recall ever discussing this with BEASLEY.

Q. Did you discuss this with BEASLEY this afternoon?

A. No, sir, I did not.

Q. Why do you think Colonel PARSON had shown you this report? In looking at this document, in looking at the opening paragraph, it is not truly responsive to the allegation made by Warrant Officer THOMPSON. It makes no mention of a warrant officer. It makes no mention of a confrontation. It is addressed to the allegations which are cited in Inclosure 1, which, as you recall, is a statement synthesizing

what the village chief had passed on to the district chief.

A. Well, sir, when I saw this document, I don't remember the inclosure being attached to it. I remember distinctly a page and a half. I had two visions of this as I recall it. One was about three-quarters of a page long and the other was a page and a half. And I don't recall these inclosures being attached to that document at that time.

Q. You were then of the impression that he was showing it to you because it was responsive to what had been passed on to General YOUNG and that which you had also presented Colonel PARSON with?

A. I considered at that time that this document was in response to General YOUNG's directive. I didn't feel then, nor do I feel now that the contents of the investigation were responsive to the allegation.

Q. Showing you this document, was this done sort of on a sly?

A. Yes, sir, it was.

Q. Something like come on in, I want to show you something?

A. Yes, sir, it was that attitude as I recall. It was sort of, "Here, you want to take a look at something?" I would not normally be involved in the review of this document in the chain of command.

Q. Do you remember any discussion with Colonel PARSON at this time that this is quite a significant document to be showing you. Did he or you relate it back to your prior discussions?

A. I don't recall Colonel PARSON saying anything. In all probability I made some comment, probably some profanity or vulgarity reflecting on the validity of this document.

MR MACCRATE: Colonel HOLLADAY, in identifying this as the document you were shown, do you identify it by the length

of the document or by its content? Do you have a recollection, for example, of the reference to the district chief and the province chief and what is the content as you now see it of that memorandum. Do you relate it to that or is it more the length of the memorandum that makes you remember it?

A. I believe it's both the page and a half and the general content.

MR WEST: Colonel HOLLADAY, let's go back to your conversation with Colonel PARSON about the incident. Late in the afternoon of the 17th, the testimony was that he was visibly disturbed and said something about murder or unnecessary killing. Was there any further discussion? Did he say anything else that indicated any action should be taken?

A. No action was to be taken, but I can remember him saying something to the effect that we're trying to win these people over, and this is not the way to do it.

Q. Anything further in that conversation?

A. No, other than his asking me why I went to see General YOUNG first and his remark of "that's murder" or "that's got to be murder" or something like that. "We are trying to help these people" or "win them over," I believe, was the term he used. He was visibly shaken.

Q. Was it your understanding that he first learned through your visit and what you had told him that this matter had occurred and was being investigated by Colonel HENDERSON?

A. I don't remember specifically telling Colonel PARSON that General YOUNG had directed that an investigation take place. I just don't see how I could have told the story without telling him that. I'm just going to assume that I did tell him.

Q. At this time, you were a division staff officer?

A. I was principally battalion commander, but unfortunately I wore another hat as the aviation staff officer.

Q. And you had been in that capacity for how long?

A. Since the 12th of January.

Q. Do you have any knowledge whether the commanding general confided in his chief of staff and kept him informed of the things that were going on? Do you have any opinion on that or knowledge?

A. I had the impression that he did, that he kept the chief informed.

Q. We've received testimony to the effect that at least two of the units which have been involved in this incident were instructed by their commanders not to talk about the incident because there was an investigation going on. It was just better not to talk about it while it was being investigated. And this subject was raised to you a few minutes ago. Are you aware of any orders coming down from division to this effect: "Let's not talk about this matter while it is under investigation"?

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

Q. Was this subject touched upon at the staff meeting?

A. Not this particular incident. The problem of killing innocent civilians had been, I would say, more than touched on at a commanders' meeting shared by General KOSTER. But I don't recall at any staff meeting any specific reference to this particular incident.

Q. Now these staff meetings in which General KOSTER talked about the killing of noncombatants, could you put a time frame on that?

A. The first time I remember his mentioning that was the first commanders' conference and I'd put it sometime in April without being more definite than that.

Q. As a point of reference, was it after Task Force Barker was disestablished?

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A. I'd say it was before that. When they changed that from a task force to a battalion down there, I attended that change of command ceremony, and I would have to put this meeting before that.

Q. But in April?

A. I would have to take April in weighing all other times.

Q. Sometime before the 9th of April when the task force was dissolved?

A. Place it before that, yes, sir.

Q. Now, the dissolution of the task force, would you relate that to the incident, the My Lai (4) incident of March 1968?

A. No, sir.

Q. You don't think that had anything to do with it?

A. I had never thought of it like that. I never have connected the two together.

Q. No more questions.

IO: We have here, Colonel HOLLADAY, Exhibit M-9, which is a letter to all commanders over the signature of General KOSTER, dated 24 March. Are you familiar with this document? Do you recall having seen it?

A. Yes, sir. I thought it was in a little different format.

Q. If you recall, this is just a command letter. If you also notice, the first reference is the Americal Division regulation on rules of engagement which we have also entered into the record and which was published on the 16th of March. But you are familiar with this document?

A. Yes, sir.

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Q. Was it about this time and on this general subject that General KOSTER talked to his assembled staff officers and commanders?

A. I'd put it in April, sir.

Q. Now, we are going to have to recess for a few minutes. Before we do, I would like to return again to the congratulatory message which you had received and which was dated the 19th of March. It was your--I would like to get your impression of the gist of this document again, whether this is a pat on the back just to keep quiet about it, or whether it was more or less an injunction to keep quiet about it?

A. Well, as I said before, sir, my thought at that time, I have subsequently felt that this was--my thought at that time was that we were included as an addressee on that message, not because of anything that we did in terms of General WESTMORELAND's comments, but the action that Fred WATKE and I took subsequent to the event.

Q. We will recess at this time. We are going to have to ask you to stay here, Colonel HOLLADAY, while we take one additional witness. It may be a half hour or so, and we will recall you.

(The hearing recessed at 1450 hours, 22 December 1969.)

(The hearing reconvened at 1538 hours, 22 December 1969.)

IO: The hearing will come to order.

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

Sir, Colonel HOLLADAY is being recalled.

(COL HOLLADAY was recalled as a witness, was reminded that he remained under oath, and he testified as follows:)

IO: Colonel HOLLADAY, when we recessed just half an hour or so ago, we were talking about the command letter of 24 March. You had indicated that you were familiar with the letter and you thought General KOSTER had addressed the commanders and staff on this general subject sometime after

April.

A. Yes, sir.

Q. Did you ever talk to anybody else about this situation in My Lai (4), 16 March 1968? For example, did you ever talk to your crews, any of the following men: THOMPSON, MILLIANS, Warrant Officer CULVERHOUSE, Captain LIVINGSTON, or any of these people?

A. No, sir.

Q. Did you ever talk to any of the staff of the 23d Division, for example, the SJA or the IG?

A. No, sir.

Q. Did you ever talk to the division chaplain about it?

A. No, sir.

Q. Can you think of anybody else that you might have talked to?

A. I'm sure that I--

Q. (Interposing) Who was your executive officer?

A. Gary LANGSTON, now lieutenant colonel. He was a major at the time. Later he became lieutenant colonel.

Q. Did you talk to him about it?

A. I'm sure I did, sir. I can't pin it down as to when or the content of it. It would have followed the same general content that I had spoken about before, but I can't remember the specific time that I talked to him about it.

Q. Do you know where Colonel LANGSTON is stationed at the present time?

A. No, sir, I don't.

Q. Will you give us, to the best of your knowledge, his full name please?

A. Gary, G-A-R-Y, LANGSTON.

Q. L-A-N-G-S-T-O-N?

A. Yes, sir.

Q. I'd like to ask you about another question, Colonel HOLLADAY, which has to do with the assignment of aircraft. In your capacity as division aviation officer, did you have to allocate aviation assets and resources on a daily basis?

A. Yes, sir.

Q. For this operation that took place on the morning of March 16th, where they needed certain assets and you might have had to allocate such assets, would you have a record of that in your headquarters?

A. No, sir, those aircraft at that time were not allocated as aircraft. That unit was allocated, if I can use that term, as a unit. And the receiver, in this case Task Force Barker of the Muscatine area, received the unit as a unit. They got whatever they had flyable, precisely what they had flying on that particular day. I don't recall. There should be a record of that, however, retained in the unit. I would think that the unit, specifically battalion maintenance unit, would be able to tell the aircraft that were flyable.

Q. Well, would the operational log of your company show where the aircraft were directed each day?

A. Yes, sir. They maintained a log down there.

Q. Let me clarify this problem just a little bit more. We know that the 174th, at least from the documentation we have, that the 174th Aviation Company provided nine slicks and two guns. It would appear, however, that two guns would not be quite sufficient for this operation. Perhaps at least another

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pair of guns would have been in order, going into a hot LZ and so forth. And with this in mind, since only two were provided by the 174th, at least the possibility exists that an additional pair or more guns were provided by one of your other companies that were up in the Chu Lai area.

A. They did that quite frequently, against my desires, take the gunships out of the aero-scout company and use them as guns in support of CA's, and that wasn't their mission. They are reconnaissance craft. And we resisted this to the point that I can recall asking General KOSTER's assistance to keep the 11th Brigade from using the guns as gunships, thereby detracting from their reconnaissance mission. I could very easily have done this on that day.

Q. We will check into this, but frankly, Colonel HOLLADAY, we have had no indication of this. The 123d, your aero-scout company that particular day, was short of H-23's, or the scout ships and they seem to have had about four guns down there. They may have conceivably had as many as six. This would indicate about four.

A. I think that four would be a high figure, because we had seven. And if we get four of those in the air, and three of the five LOH's, we thought we were in real good business.

Q. Well this day, to our knowledge, only one was flying.

A. This very easily could be so. Other days none of them were flying--a hard machine to maintain.

Q. Well, working on the proposition or supposition, let us say your 176th Company might have provided a couple of guns. Would that be recorded someplace?

A. Yes, sir. I would think that it would be recorded, quite possibly in two places. As you well know, gunships were at a premium, and those units that were allocated gunships were most reluctant to release them at any time during the day. On many occasions, the decision to take a pair of gunships from the unit being supported by the 176th had to be made at general officer level. In the aviation element of the TOC we kept a log, and of course the DTOC kept

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their own log. So if that in fact occurred, I would say yes, there would be a log in one or both of those places.

Q. Well, this gives us a clue as to where we should look. I would wonder at this time, Colonel HOLLADAY, if you have any additional information you would like to provide this investigation?

A. No, sir, I don't have any.

IO: Well, we still want you to continue to think about it, and if any of these pieces do fall into place, or if you find any materials which you hadn't recollected before, photos, maps, or anything of this sort, memoranda, we'd be very appreciative of having it. Thank you, very much. This hearing is recessed at this time.

(A memorandum for record, dated 21 December 1969 and containing extracts from the 17 and 21 March 1968 logs of the 11th Infantry Brigade, was received and entered into evidence as Exhibit M-15.)

(The hearing recessed at 1547 hours, 22 December 1969.)

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(The hearing reconvened at 1805 hours, 10 February 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR WEST, MR MACCRATE, MR WALSH, COL FRANKLIN, COL MILLER, LTC BAUER, LTC PATTERSON, and MAJ LYNN.

Sir, the hearing recalls Lieutenant Colonel John L. HOLLADAY.

(LTC HOLLADAY was recalled as a witness, was reminded that he was still under oath, and testified as follows:)

IO: Colonel HOLLADAY, you've had three sessions with this inquiry, on 9 and 12 and 22 December. Since the last one on 22 December, we have gained considerable information about what has taken place or what took place at My Lai (4) on 16 March 1968, about the reporting of it, about the investigation of it. Altogether we've talked to, now, about 350 people and we've also assembled quite a large collection of documents relating to the incident and reporting process. We've also made a trip to South Vietnam where we've had an opportunity to visit the division, Dottie, Son Tinh District, province headquarters, 2d ARVN Division headquarters, Duc Pho, and we also made an on-site inspection of My Lai (4) itself. So we're in a much better position right now to ask questions and so forth than we were at that particular time, and that's the reason why we've had you back here, to fill in some of the gaps and also to expand upon some of the previous testimony. Now, before we proceed, I'd like to have Colonel MILLER issue a warning to you.

COL MILLER: Colonel, last December you appeared before and gave testimony to General PEERS, and at that time you were not suspected of any offense and no warning was given to you. Since that time, as General PEERS has indicated, we have taken the testimony of many witnesses and examined many documents. At this time I advise you that you are now suspected of the offense of dereliction of duty by failing to report to superior authority your suspicions that an inadequate investigation, if any, or no investigation at all, had been made into the allegations of unlawful killing of civilians in the area we commonly refer to as My Lai (4) by members of Task Force Barker on about 16 March 1968. To put that in slightly different words, you indicated you thought there was a coverup or no investigation, no adequate investigation. You are

suspected of having been derelict in not taking any further action in reporting this matter.

Now, under the circumstances I want to go further and inform you concerning your right to counsel and your privilege against self-incrimination. You do have a right to remain silent, to answer no questions. Any statement that you do make can be used in evidence against you in a criminal trial. You have the right to consult with counsel, and by counsel I mean a qualified lawyer. This can be a civilian lawyer of your own choice, employed by you at your own expense, or a military lawyer would be appointed for you without charge. If you have a desire to be represented by a military counsel, if you have a particular counsel, we will obtain him for you if he is reasonably available.

Now, even if you decide to answer questions today or at a later time without benefit of counsel, you have the right to refuse to answer any particular question and stop answering questions at any time, or you may refuse to answer questions in a particular area. You also have the right to request that counsel be made available to you. Do you understand the things I've gone through so far?

A. Yes, I understand. Could you tell me again, please, the charge that I am suspected of?

COL MILLER: It's not a charge. At this time you're not charged with any offense. The evidence indicates that you may have been derelict in the performance of your duties as a commander and officer by failing to make known to your superior authority your suspicion--

A. (Interposing) Is that superior authority defined in this investigation?

COL MILLER: I have not defined it. You reported this incident, I believe, to General YOUNG. You also stated you felt there had been an inadequate investigation or coverup. Now, you have the duty as an officer to report this to whatever authority you thought would look into it. There is no evidence to indicate that you ever made such a report or brought this to the attention of anyone. It is in this sense that the suspicion is raised.

A. You used the term dereliction of duty.

COL MILLER: That's right.

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A. In that case I think I will seek military counsel.

IO: The hearing will recess at this time.

(The hearing recessed at 1810 hours, 10 February 1970.)

(The hearing reconvened at 0904 hours, 11 February 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR MACCRATE, MR WALSH, COL MILLER, COL FRANKLIN, LTC BAUER LTC PATTERSON, and MAJ LYNN.

Sir, the hearing recalls Lieutenant Colonel John L. HOLLADAY. Colonel HOLLADAY, I remind you that you remain under oath.

(LTC HOLLADAY was recalled as a witness, was reminded of his oath, and testified as follows:)

Are you represented by counsel?

A. Yes.

RCDR: Will counsel please state his name, rank, and station?

IC: Captain J.E. HOLMES III, Judge Advocate General's Corps, 548-60-7404. Assigned to OTJAG, Pentagon.

COL MILLER: Colonel, yesterday afternoon you asked that counsel be appointed. Captain HOLMES has now been appointed. My first question is are you satisfied to have Captain HOLMES represent you?

A. Yes, sir.

COL MILLER: The second question is are you willing now to make a statement or answer questions?

A. Yes, sir.

COL MILLER: Captain, you have not been here before. Our procedures are that General PEERS or other people here will ask questions. You may consult with Colonel HOLLADAY or he with you at any time. If for any reason you see need for a recess to consult, feel free to ask for that. We do ask that

answers to the questions come from Colonel HOLLADAY, of course. (To witness) You are aware of your right regarding testimony?

A. Yes, sir.

COL MILLER: And your right to refuse to answer questions if you wish.

(Witness nods in the affirmative.)

Do you understand this?

(IC nods in the affirmative.)

Do you have any other questions to ask at this time?

(IC shakes head in the negative.)

A. No, sir.

IO: I think in your previous visits, Colonel HOLLADAY, you met all these people. Mr. WEST will probably be in in just a little while. Colonel FRANKLIN. I don't know if you know Colonel BAUER or not. All these individuals may ask questions of you this morning. I'll ask Colonel FRANKLIN to lead the interrogation.

COL FRANKLIN: Colonel HOLLADAY, you've already appeared before this group twice and we are not going to go over everything that has been previously accomplished. However, there are certain very critical things which in certain ways will be repetitive, but it is necessary to this investigation. To begin with I'd like, in your words and the detail that you can remember, what you and Major WATKE told General YOUNG as relates to the My Lai (4) incident on 16 March. What you told General YOUNG on 17 March?

A. We went into General YOUNG's office, Major WATKE and myself, as near as I can recall about 0800 in the morning on the 17th. Quite Possibly it might have been a few minutes earlier than that time. I said to General YOUNG first, "May I see you, sir," or something to that effect. Then I said, "Something occurred yesterday that you should know about." He said, "What is that?", normal response, "Go ahead." I turned to Major WATKE and said, "Fred, will you please tell General YOUNG the same story that you told me last night." Whereupon Major WATKE related the story. Do you want me to repeat that story that Major WATKE told that morning?

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Q. Yes.

A. This is essentially the same story that he told me the preceding evening and that was that Mr. THOMPSON, Warrant Officer THOMPSON, had brought a story back to him of the killing, indiscriminate and unnecessary, I think both those terms were used at one time or another, killing of civilians. This included, as one of the incidents or part of his conversation, Mr. THOMPSON had seen a sergeant standing on the bank of a ditch and firing into a group of civilians, a large group of civilians as I recall, hiding in the ditch. At one point in this affair there was a group of people, Vietnamese people, women and children, who were either in a cave or were trying to get to a cave to seek cover, and Mr. THOMPSON at this point warned the advancing Americans, and there was an officer here I recall. Rank I don't recall. He warned them that if they continued to advance or if they harmed these people in the cave he would fire upon them. They elected to discontinue their advance. In any event they never harmed the people in the cave. At one point in this action he evacuated a small child to a hospital and ushered people in the cave to a point of relative safety. Those are the salient features of this conversation.

Q. Did Major WATKE say anything about a crossfire at any time?

A. No, sir. Not that I can remember.

Q. How about numbers? What magnitude of noncombatants or bodies were talked about that day by Major WATKE?

A. Well, the number 120 sticks in my mind and it has ever since this occurred. I feel safe in saying that that number was mentioned from time to time throughout the story, 120.

Q. About how long did it take to tell this story to General YOUNG?

A. I would say we were in there the better part of 45 minutes.

Q. What was his reaction? Was he questioning, breaking in, did he listen to the whole thing and then question? Was he visibly upset?

A. Yes, sir, he was. He was very, very upset, very concerned about the possibility of Americans shooting Americans, very much concerned about this. He was visibly shaken

about the incident, to use the phrase, at the aspect of this happening.

Q. How about the indiscriminate and unnecessary killing of civilians?

A. In my appraisal of that morning, he appeared to be in my judgment less concerned, which sort of surprised me because my own personal emotions were the other way around.

Q. You say "less concerned." You're not saying "unconcerned"?

A. No, sir, no, sir. I'm not saying unconcerned. I'm saying less concerned. I would weigh that in that the things that he said most frequently concerned the possibility of Hugh THOMPSON and his people firing at the American infantry soldiers.

Q. But in your mind, General YOUNG was concerned about the aspect of the unnecessary killing of civilians?

A. Oh, yes, sir.

Q. So you've talked to General YOUNG for about 45 minutes. I want to read you some extracts of testimony from Brigadier General YOUNG. General YOUNG speaking on WATKE's report, "He did not state (in his report) that his pilot observed any civilian casualties. There was no indication given to me that the pilot observed any dead noncombatants. I do not recall being told about a colored sergeant firing into a ditch with noncombatants. There was no mention made (in WATKE/HOLLADAY report) of any noncombatant casualties." Would you care to comment on that testimony of General YOUNG?

A. Well, I would comment on it in this way, sir. I recall the incidents as I stated them here on several occasions. I still feel the same way.

Q. The unnecessary and indiscriminate killing of civilians was discussed, and was discussed in detail at that meeting?

A. It most certainly was discussed. I don't know that I can define "in detail". If you mean by that who was shooting whom and specifically how many and specifically geographically where and in that sort of detail, I don't recall it.

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Q. I mean the fact that it did happen and the fact that there was a large number. You were talking about 120, I believe?

A. Yes, sir.

Q. Those two--

A. Yes, sir.

Q. (Interposing) Items of information. Okay now, the next day--did you get any instructions from General YOUNG at that time Did he say anything that he was going to do? Did he give any indication of what he was going to do? For example, go down to Dottie and talk to BARKER?

A. Well, up until the time I saw Fred's letter, I thought that he had. I thought that his instructions to meet him at LZ Dottie had occurred that morning, but after seeing Major WATKE's letter contrary to that, it occurred the following day. So the answer to your question as to whether he issued any directions at that time, I don't remember him doing this. I just don't remember.

Q. Okay, you reported to your commander. Your rating officer was General YOUNG?

A. Yes, sir.

Q. Did you feel at this time that this thing that you had agonized over with Major WATKE, this potential war crime, regardless of whether you thought of it in those terms--may I ask what you thought had happened? What were the word images in your mind, the image in Major WATKE's mind of what had transpired at My Lai (4)? Murder, atrocity, massacre, war crime, accidental shooting? Just what was in your minds as to what was taking place.

A. I would have to use the word "murder," I believe.

Q. So there had been murder done. In your mind, there had been murder done in My Lai (4) on 16 March.

A. Yes, sir.

Q. And you feel that you had conveyed this to your commander, General YOUNG?

A. No question in my mind.

IO: Colonel HOLLADAY, at the time you went in did you go in with the explicit purpose of seeing General YOUNG, or had you intended to talk to General KOSTER?

A. No, sir. I went up with the specific purpose of seeing General YOUNG who was my immediate superior.

Q. Did you ask anything about seeing General KOSTER?

A. No, sir.

Q. You indicated that General YOUNG, when you told him the story, although he recognized the fact that there had been killing of civilians and so on, one of the things that concerned him perhaps a little more was the fact of Americans possibly shooting at Americans. In this confrontation, what you were talking about, did he ask for the details of what actually took place or what caused the confrontation? Did he ask anything about that?

A. Sir, I don't recall any specific interjections on his part in the relating of a story of this kind. There were several "How's that", "What do you mean by that", and then going back. It wasn't told in the sense that Major WATKE was reading it from a script uninterrupted. The only specific words that I remember General YOUNG stating that morning was, "We don't want Americans shooting Americans." Those were his precise words.

Q. The reason I'm a little concerned about this, and I'll be very honest with you, is the fact that at the present moment, and I can't speak what his recollection was then, what Major WATKE knew of the situation, but as he would retell the situation today, it is vastly different from the facts. In a sense, he's got the general thrust of the story. But what exactly transpired, how many landings of helicopters were involved, what really took place, it appears to me that he never did have the story.

A. This is Major WATKE you are talking about?

Q. Major WATKE, that's right. He understands that a helicopter, a gunship, flew some people out. But as far as what really took place there on the ground between whoever it was that THOMPSON talked to and so forth, and other landings by the H-23 in places, he's very fuzzy on that. I'm just wondering about a general officer sitting there and asking questions, "Well, what specifically happened?" Were you and Major WATKE

able to respond to all these questions? Was it mentioned that a gunship had landed in front of the American forces and, in fact, picked up a group of Vietnamese civilians and flew them to the rear or to the west to safety?

A. Sir, it may have been mentioned at that meeting. I don't recall.

Q. Well, then this comes down to the point. What was the confrontation then? Why were Americans shooting at Americans?

A. The confrontation was, as I can recall it, prompted by Warrant Officer Hugh THOMPSON witnessing the killing of civilians. The incident in the ditch, as I follow the sequence of events, preceded the people in the cave and his telling the American officer that if they advanced on the people in the cave he would fire upon them.

Q. This is the hardest story to get out. THOMPSON is very reluctant to tell exactly what he did because he doesn't want to say he had the machineguns on them either. We've had quite a bit of testimony which would indicate that both of his gunners were on the alert, there is no question about that, to protect THOMPSON from either the friendlies or the enemy? This was the point right? This was made clear to General YOUNG. In order to cover THOMPSON while he was there to get these people out of the cave, his gun crews on his helicopter were on the ready.

A. I don't know that that was stated as such but it was certainly implied. He said, "I will fire upon you," or words to that effect. The only thing that he had to fire with was the guns that were carried by the crew chief and the doorgunner on the H-23.

Q. Well, again, that's not quite right either because he had two gunships up there.

A. That's true. My acceptance of the story was what he had on board his helicopter. I just don't recall the issue of the gunships being involved.

Q. Did Major WATKE indicate that these civilians had been killed by artillery fire or gunships, or was the implication that they had been killed by ground forces?

A. The implication to me was very clear, that they had been killed by the ground forces with small arms fire.

Q. At any time during your discussions with Major WATKE, either the night before or subsequent times, did he ever discuss what he heard in transmissions over the air that morning? We now have it fairly well established that he was flying up until about 1000. Subsequent to that time, after returning to LZ Dottie, he was in the van or around the TOC there. Did he talk to you at all about seeing anything, personally, on the ground or hearing anything coming in over the radio?

A. If he did, sir, I don't remember it.

Q. This story is basically what you told before, Colonel HOLLADAY. Of course, we talked to you in December. Quite a bit of information concerning My Lai came out in late September and October. Is there any possibility that part of the memory that you have has been influenced by some of the things you may have read in the newspaper or heard over the radio or via television or by any other means?

A. I'd like to think not, sir. That's not totally true. I had forgotten THOMPSON's name. I don't know if I read it in the paper or you mentioned it when I came back here, but I had forgotten his name. But the events as I recall them from the time WATKE came to me and from that point on, I don't think, have been colored by--

Q. (Interposing) You don't think your impressions have been colored one way or another. To get back to the specific question, your impression whether the civilians were killed by artillery or gunships or whether they had been killed by ground fire.

A. No, sir, I don't believe so. Certainly I've tried not to let it.

Q. In this discussion that you had with Major WATKE-- whether or not this took place with General YOUNG is material but it has not the same degree of relevance--did he mention anything at all about THOMPSON, during the early part of the morning, popping smoke on wounded individuals north of Highway 521 and trying to get medical assistance for them?

A. If he did, I don't remember it.

Q. Did he mention anything at all about a captain shooting a woman after the helicopter had hovered over and pulled back away from this woman?

A. Again, sir, if it was mentioned, I don't recall that part of the conversation, no.

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MR MACCRATE: Colonel HOLLADAY, I'd like to go back to your going into headquarters that morning. It is somewhat difficult to distinguish one arrival in headquarters from another arrival in headquarters. We have recently been in the headquarters building in Chu Lai and we know the general arrangement of it, and how as you get into the center portion of the building, having entered from the parade ground, you have an area where there are a couple of desks at which an aide or a clerk sat, and to the left you have the ADC. General YOUNG's office would have been there at that time to the right.

A. No, sir, his office was the next one down.

Q. This is after you get into the center of the building, having moved in. As you came in, you had Colonel GALLOWAY first, and then beyond that General YOUNG on the left.

A. Yes, sir.

Q. And then to the right, opposite General YOUNG, sat Colonel PARSON's office.

A. Right.

Q. I would just inquire, do you have any recollection of any conversations that you may have had prior to entering the room to speak with General YOUNG? Of meeting, for example, Specialist HILL who was Colonel PARSON's secretary at that time?

A. I may have said something like "Is the general in?", or something like that, but he had a little window in his door and I could look through the window. If he wasn't on the telephone, I'd just go on in. I had done that on many occasions. I may have said something to HILL, "Is the general in?", or something like that, and looked into the window and just gone on in. As I recall, I don't recall saying anything to HILL.

Q. Do you have any recollection of speaking with anyone else such as Colonel PARSON at this particular time?

A. No, sir. I do not.

Q. So far as you can recall, was there anyone else present when you spoke to General YOUNG?

A. There was no one else present.

Q. Just the three of you were in General YOUNG's office?

A. Yes, sir.

MR WALSH: One question, Colonel. When Major WATKE reported to you, did he indicate to you this was a story that he had heard from a single pilot? Do you recall whether he gave you any information about talking to any other of the personnel in the unit, anybody that was with THOMPSON or anybody else who was flying that day?

A. He had received bits and pieces of information from other people who I can't identify at this time as a result of that conversation. Again, I don't recall any specifics of what other people gave.

Q. Well, do you recall whether you asked Major WATKE whether this might be just one young pilot who didn't understand what he was seeing? Do you recall whether Major WATKE gave you any indication that there was corroboration of THOMPSON's story with other people?

A. Yes, sir, there was corroboration from other people. Just who they are or what they did as a result of Fred WATKE's story to me, I can't recall those details. But one thing I wanted to make sure that night was that Fred knew what he was talking about, and that was part of it.

Q. Was this made clear to General YOUNG the next day?

A. Was the fact that other people had talked to Fred besides Mr. THOMPSON made clear?

Q. Yes, the fact that this story being related was not an entirely unsubstantiated version of one pilot?

A. Yes, it would have had to have been. In this sense, it was the same story that Fred told me the preceding evening, essentially the same story. I don't recall it being specifically laid out: Mr. THOMPSON said this, Mr. so-and-so said this, the doorgunner said this. Of course, in the relating of the story, other people were mentioned. Again, who they were and specifically how they fit into the story, I don't know.

IO: Can you remember some of these names? Did he mention a Mr. MILLIANS?

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A. I don't remember this as part of that conversation, sir.

Q. BROWN or BAKER?

A. Here again, sir, I don't recall it coming out of that conversation. I knew these people and I just don't recall their names as part of the conversation.

Q. How about LIVINGSTON, Captain LIVINGSTON?

A. Sir, I just can't say.

Q. One that's an unusual name, Mr. CULVERHOUSE.

A. Here again I knew CULVERHOUSE and knew of his work. Whether he mentioned his name that night or not I just can't recall.

Q. Did you ever talk to any of these people that I've mentioned?

A. About this incident?

Q. Yes.

A. No, sir.

Q. Do you ever recall talking to CULVERHOUSE subsequent to this time?

A. About this incident?

Q. No, about anything.

A. Well, sir, I'm sure I did, but I don't recall the details of what it was about. I probably saw him during the course of the day.

Q. Did THOMPSON mention his crew chief and doorgunner, ANDREOTTA and COLBURN?

A. I'm sure he did, sir, but again as a result of that conversation, I don't recall.

LTC BAUER: Colonel HOLLADAY, would you give me again about what time Major WATKE reported to you on the 16th?

A. As I recall, it was around 10 o'clock at night.

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Q. Did you ask him for any explanation on why he had delayed the report from the time he knew of it until that late in the evening?

A. Well, it never entered my mind, but I wasn't there. Whether he tried to get hold of me previously, I do not know.

Q. Did he explain to you anything that he had done, anyone else he had reported to in the interim?

A. Not that I can recall.

Q. Do you know if anyone in Task Force Barker knew of these charges?

A. At that time? On that night, whether they knew it or not?

Q. This is correct.

A. I don't know.

Q. As far as you know, they could have gone from the 16th until the meeting of the five before anybody in that task force knew of the allegations that the aviation battalion was making against them.

A. As far as I know, that could very easily be, yes.

Q. Did you take any action to notify anyone else? What I'm trying to do is refresh your memory. Just put yourself back at that time, at that place. These are some pretty serious allegations. I'm thinking that at that time you would be concerned about who knew about these things. It would seem normal to me that you would question WATKE on this or take some action yourself?

A. Well, if I asked him about it I don't recall it. Here again, by the time we got through talking, it was about midnight on the 16th. I elected to wait until the following morning to tell General YOUNG. The decision I had to make at that time was whether to wake him up or wait until the morning, and I waited until the morning.

Q. I'm thinking then again about the next day, the entire day. You went through the entire next day without anyone but General YOUNG knowing. As a normal courtesy, didn't you expect to extend this information to a commander that you worked with every day?

A. I never mentioned this incident to anyone else except General YOUNG and the chief of staff that day.

COL MILLER: Is this meeting with General YOUNG one that you can visualize, recall clearly who's where and details more than in other meetings?

A. Who was sitting where?

Q. Some meetings, some things come to mind clearly. Is this one where you have that feeling that you can recall quite clearly.

A. As I recall, General YOUNG was sitting at his desk.

Q. I didn't need the details. I'm just generally wondering if this is one that you fix as being more than a routine meeting?

A. Well, I certainly considered it to be more than routine.

Q. You said that General YOUNG had expressed his concern. Could you tell us a little in what way he expressed it? His actions, his words?

A. Well, the phrase, "We don't want Americans shooting Americans," was voiced by General YOUNG. I recall that specifically. The other ways you interpret concern are, "Oh, my God." And the expression on a man's face, things of that nature which were stated or shown to me during the course of this conversation.

Q. There were two main subjects. I'll call them the confrontation and the report of killings. You indicated that his main concern was in respect to the confrontation. Did you notice any particular concern over the report of killings?

A. Yes, sir. I think Colonel FRANKLIN asked that question. There is no question in my mind that he was concerned over the killings. However he was much more concerned over the prospect of Americans shooting Americans. I recall very clearly that it sort of surprised me because I had it just the other way around in my mind.

Q. You said you had been in there for about 45 minutes?

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A. As I recall it was probably all of that.

Q. I think we've been in this session almost 45 minutes. We've had a chance to go over quite a few details. Did Major WATKE do most of the talking?

A. He did all the talking.

Q. With questions being interjected?

A. Yes, sir.

Q. When you finished with your reporting, did General YOUNG give any indication to you that he intended to take some further action on either of these matters?

A. I'm sure he did because I was satisfied with the interview. Precisely what that was--I can't recall whether he said, "Okay, I'll take care of this." There was ample indication to me that we had done the right thing, that it was in the hands of the command section now, and it would be taken care of.

Q. Did he make any telephone calls, or call anybody in during the time he had this interview with you?

A. I don't remember him doing so.

Q. Was it your feeling at the time you left then that General YOUNG would probably take some sort of action not only on the confrontations, but that he also would take some action on inquiring into the killings. Not that you knew he was going to, but was this your impression, that he was concerned enough to do so?

A. Yes, sir. It was my impression again that we had brought the story to him and he was going to take care of it.

Q. You didn't know how?

A. I didn't know how and I don't recall him saying anything specifically.

COL FRANKLIN: Colonel HOLLADAY, we're going to go back on some of this stuff that Mr. WALSH and General PEERS talked about with respect to talking to people. Now, Major WATKE comes to you with these very grave allegations. In fact, it is midnight when he leaves, and it's understandably difficult

to go start talking to the people that participated in this thing that night. The next morning, early, you are talking to General YOUNG. You've got all day of the 17th prior to this meeting on the 18th in which Major WATKE is going to repeat this story before the entire chain of command, the battalion through the ADC level. You are physically based right across the strip from where your B Company was?

A. The aero-scout company we called it at that time.

Q. These people were conveniently handy, and with the seriousness of these accusations, I'm thinking of a normal reaction. You were going to get a lot of static on this, you were going to have those commanders down there beating the table and saying this didn't happen. It would seem normally prudent to be well-armed. Being well-armed means having statements, in effect, from witnesses. This was the best ammunition you could have. Why didn't you go down and talk to some of these aero-scout people?

A. Well, in the first place, I didn't feel that it was my job at that time. And in the second place, events at this time in Vietnam were occurring very rapidly. The point is, there were a great many other things that had to be done. With that sort of rationale, I didn't talk to anyone about it.

Q. It wasn't your job. What do you mean it wasn't your job? You were the battalion commander. In what respect was it not your job?

A. Well, I figured if they were going to investigate it, it would not be me investigating it.

Q. Were you sure enough of this thing when WATKE told you? Were you sure in your mind that WATKE had his facts straight and could back them up?

A. Yes, sir. I had great faith in Major WATKE and knew without a shadow of a doubt that he would never have come to me had he not been convinced something was awfully awry down there that day.

Q. Again, getting back to Mr. WALSH's question, it was not a question of one guy running in and saying something. It was information Major WATKE had derived from several sources?

A. Yes, sir.

Q. You had that impression?

A. Yes, sir.

Q. In your previous testimony, you have confirmed this. There is one thing I would like for you to clear up for us again. You said you never talked to anyone else about the operation of My Lai (4).

"Q. For example, did you ever talk to your crews, for example, the warrant officers, THOMPSON, MILLIANS and CULVERHOUSE, or Captain LIVINGSTON, any of these people?

"A. No, sir.

"Q. Did you ever talk to any of the staff of the 23d Division, the staff judge advocate, for example, the SJA and the IG.

"A. No, sir.

"Q. Can you think of anybody else you talked to?"

"A. No, sir.

"Q. Did you ever talk to your pilots, your commanders, or your aero-scout unit to obtain additional information?

"A. No, sir, I didn't."

In your CID statement of 10 December, which was really one day after you made the statement about never talking to anybody else about the My Lai (4) situation, you were asked this question:

"Q. Do you have knowledge of additional pilots who might have witnessed the alleged incident?

"A. Yes, there are other pilots that confirm Warrant Officer THOMPSON's report, however, I do not know their names."

What were you referring to when you answered that question?

A. I presume I was referring to the report from Major WATKE in which other people were mentioned, the names of whom I cannot recall.

Q. But you are very clear that you never talked to anyone else as far as your own people are concerned about this incident?

A. Well, I feel certain that I talked to Colonel LANGSTON, my executive officer, but when and where and in what detail, I don't recall.

Q. You are very busy and there are lots of things going on and we're not going to second guess you, Colonel HOLLADAY. However, this was a pretty monumental thing. Again, your terms are 120 people. I don't really know what was going on that was perhaps more important than that. Even though you had talked to General YOUNG and assumed it would be investigated, you have a battalion-sized organization. Did you consider appointing your XO or someone to gather information for you, not necessarily investigate it but to start lining some of this stuff up for your own protection if nothing else, but perhaps more likely to get a good idea in your own mind as to what happened.

A. No, sir. I didn't.

Q. You talked to General YOUNG, and you go down now on the 18th to LZ Dottie, early in the morning. You, Major WATKE, Colonel BARKER, Colonel HENDERSON, and General YOUNG are present. Would you tell us now your recollection of this meeting.

A. As I recall the sequence of events at LZ Dottie, I arrived there sometime before noon. I place it around 1000 or perhaps earlier. Major WATKE and I both were there early. We stood on top of the hill and talked to Frank BARKER, small talk.

Q. Not about this incident?

A. Not about this incident.

Q. Did you rather deliberately avoid talking about this?

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A. I believe so, I believe so. At some time subsequent to that, General YOUNG and Colonel HENDERSON arrived. As I recall, Colonel HENDERSON arrived simultaneously with, or very shortly before General YOUNG. They landed up on the helipad. This necessitated his coming down in a jeep, but this has absolutely no bearing. We walked up the hill to the helipad at this time and we went up immediately to Colonel BARKER's quarters. I believe it had been an old regimental commander's van, all dug in, sand-bagged really well, and down a little bit from his TOC. It was quite small for five people, as I recall. And I remember General YOUNG sitting on my left. I think he was sitting on the bed. I was sitting here and Major WATKE was here. Colonel HENDERSON was directly across from General YOUNG, and Frank BARKER was over here. General YOUNG opened the conversation, other than, "Good morning," or, "How are you," by saying, "No one knows about this but the five people in this room." I assumed he was talking about the meeting taking place. Then he turned to me and he said, "John, go ahead". He may have said Colonel HOLLADAY. Whereupon I turned to Fred and said, "Major WATKE, would you please tell the same story that you told me on the night of the 16th, and to General YOUNG yesterday morning?" Whereupon he did tell essentially the same story that he told me the 16th and to General YOUNG on the morning of the 17th.

Q. There are a few strange things here before we go any further. You made some very serious accusations against Task Force Barker and against the 11th Brigade. You saw Colonel HENDERSON on the 17th, to talk to him about it, about the employment of the aero-scout company. You were talking to BARKER before. This is not mentioned. This is a very serious accusation that you have made or at least one of your people has made--

A. (Interposing) Colonel FRANKLIN, just a moment, sir. I didn't consider it at that time to be an accusation. I considered it to be a report of information. I don't believe at any time in my mind that I placed it in the parameter of an accusation.

Q. You have been in the Army a long time, Colonel HOLLADAY. You're talking murder and that was what you thought in your mind. Now, I don't think there is much doubt that you have, going to a general officer and so informing him of what had been reported to you about My Lai (4), which concerned Colonel BARKER's unit and Colonel HENDERSON's unit,

that these officers are going to, at best, have an awful lot of explaining to do. Major WATKE has testified that he thought the battalion commander would be relieved. So you may not want to call it accusations--

A. (Interposing) I said at that time I didn't--

Q. (Interposing) You are bringing up some very grave things that have happened in these officers' unit. These officers are commanders, their units have possibly committed a grave atrocity or murders or whatever you want to call it. You have conversations with both of these officers prior to this 18 March meeting, and you have not spoken to either one of them about this?

A. That's right.

Q. Well, why?

A. It never entered my mind to.

Q. On top of this, these are outfits you are going to be working with, you habitually support. These are people with whom you wish to get along pretty well. Even though this incident happened, you still have a desire as a commander to maintain the good will of these commanders. This makes it more surprising, really, that you didn't go to BARKER, a contemporary, or Colonel HENDERSON and say, "Sir, I think we've got a big problem. My people saw some incidents. I have no choice. This is what was reported to me, I'm going to go see General YOUNG". Particularly BARKER. You're standing there talking to BARKER, there is a brigadier general coming down that may really get on him, and you're not even forewarning or explaining? It's rather odd, I think you can see that. How well did you know BARKER?

A. Well, I'd seen him several times, talked to him on several occasions. I did not know him well. I would never say that Frank BARKER was a buddy of mine, I'll put it like that.

Q. In this meeting, when Major WATKE begins unfolding this story, was there a look of shock, surprise, or being startled on either BARKER's or Colonel HENDERSON's face?

A. No, sir. I had the feeling they knew what was coming.

Q. How did you know that?

A. I don't know. I just had that feeling. A sense of communication that people have between each other without saying specifically. I just had that feeling.

Q. How did BARKER look? What was BARKER's reaction? Did you look over and look at BARKER, was he uncomfortable, angry?

A. He was never angry which surprised me a little bit. Neither one of them were angry, Colonel BARKER or Colonel HENDERSON.

Q. So WATKE goes in and relays the story. As you've said many times, you were struck by the similarity of the story that was repeated by WATKE each time. I assume the same story was repeated? Does WATKE give this uninterrupted?

A. Yes, sir. More uninterrupted that time, which was the third time that he related the story, than any of the two preceding times, if not totally uninterrupted. I don't recall any interjections.

Q. Major WATKE is one of your subordinates. Does he tell it like it is, or was he trying to use euphemism, for instance? Was he trying to be very, very tactful or was he laying it out?

A. That is one of the things I admired about Fred. He tells it like it is to anybody.

Q. WATKE lays it out, people are sitting there, and I assume all eyes go to General YOUNG. Then what happens? What does General YOUNG do?

A. I believe that at this time he again used the phrase, "We don't want Americans shooting Americans," and he turned to Colonel HENDERSON and said, "I want you to investigate this and have it to me." And he said what I recall to be a very short period of time, it was less than 72 hours, and it sticks out in my mind because I thought it was such a remarkably short period of time.

Q. This is exactly what you said the last time, and frankly we sort of got hung up on "investigate this." You never really explained what "this" is. What else? I mean,

he didn't say investigate "this" did he, and then just let it go? What did he want specifically for HENDERSON to investigate?

A. There was no question in my mind what he wanted Colonel HENDERSON to investigate. That was the story, the entire story that Major WATKE had just related. When he said, "I want you to investigate this," there is nothing else he could be talking about except this story that Major WATKE had just finished telling.

Q. Two main points: confrontation and unnecessary, indiscriminate killing, two things.

A. In my memory, yes.

Q. Was the word "crossfire" ever mentioned at this meeting?

A. I don't recall it.

Q. Did Colonel HENDERSON respond or try to explain, or say, "I'll get on it," or "Sir, I'm shocked," or anything like this?

A. I remember Colonel HENDERSON being very quiet. I'm sure he acquiesced to this directive in some way. Specifically how, or what words, I don't remember. I'm sure he must have said yes, but he did have very little to say that I can remember.

IO: Had I been in his position, having taken over the brigade 2 days before then, I can't tell you what a state of shock I would have been in if I would have heard what you have indicated Major WATKE told this group, and then I was told to investigate the misdeeds, so to speak, of one of my units. That would have shocked me to no end.

A. Again, sir, I remember him being very quiet. I don't remember him saying anything other than--

Q. (Interposing) Did you have a feeling that he already had some knowledge of this before Major WATKE related this story?

A. Yes, I did.

(HOLLADAY)

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COL FRANKLIN: At any time, can you recall an expression, a facial or a verbal expression of surprise or disbelief on the part of Colonel BARKER or Colonel HENDERSON?

A. No, sir, I cannot.

Q. Was the atmosphere of this thing pretty business-like? How was General YOUNG? Was he sort of tense? He would set the tenor, the atmosphere of this. What was the tenor of this meeting, the sentiments, the attitudes of the people involved? How was it?

A. It was certainly serious, and I think you can say deadly serious. I don't remember General YOUNG interjecting at any time when Major WATKE was talking. Again, in that particular conversation, I don't remember any interjecting from start to finish.

Q. Generals sometimes give little bits of their feelings or their guidelines. Did General YOUNG say anything like "This is a terrible thing, we just can't have things like this," or "This has been a shock to me," or give a little talk about the treatment of the Vietnamese and this type of thing. Did he express any of his philosophy at this time?

A. No, sir. The only philosophy, if you want to call it that, was, "We don't want Americans shooting Americans," and "Nobody knows about this but the five people in this room."

Q. You have already commented on your feeling on that statement. Would you again like to give us your impression, your thought of that statement which opened the meeting, "Nobody knows about it but the five of us in this room,"?

A. Well, I had the feeling that he was talking about the meeting and this made this a select, little group.

Q. It didn't seem strange to you? It stuck in your mind. It didn't seem like an odd remark to make, something out of context? What was the purpose as to why you were all there?

A. I didn't consider it to be, as you phrase it, out of context at that time. I considered that he was talking

about the meeting that was being held or about to be held, and it was a way to get it opened, a way to get it started, and that made us a small, select, all-in-this-together-type thing, if you want to put it like that.

Q. You were deeply concerned. You agonize with Major WATKE, you report to your commander. Did you have the impression up to this time that General YOUNG was equally concerned and was taking what you considered to be the normal actions of a commander, a senior commander, to put this thing right?

A. Yes, sir.

Q. After this meeting then, General YOUNG has directed--

A. (Interposing) Back off here a little bit. I can't say that he was equally concerned as was I. His concern was just the other way around from mine in my judgment.

Q. With the emphasis on the confrontation rather than the unnecessary killing?

A. Yes, sir.

Q. You make that conclusion from the thrust of General YOUNG's remarks, both when you talked to him and then the subsequent meeting. That is the basis of this feeling?

A. Yes, sir.

Q. When General YOUNG charged HENDERSON with the investigation, what did he do then?

A. We broke up. I can't remember if he went down and got in his jeep and went back to the top of the hill. He would have had to have done that. I can't visualize him doing that at the conclusion of that meeting. I can't visualize Fred and I walking down the hill and me getting into my helicopter.

Q. Did he and Colonel HENDERSON get together for a conversation?

A. If they did, I don't recall seeing them.

Q. Did Colonel BARKER approach you or WATKE and make any comments or ask questions about what had transpired?

A. Not that I can remember. I never talked to Frank BARKER about it again.

Q. Does that seem rather odd to you?

A. No. It does not seem odd to me because again, I had the feeling they already knew about it.

IO: Was General YOUNG present when Major WATKE told this story? Or did he issue his instructions prior to the story and depart?

A. Well, no, sir, he was present. He was in Colonel BARKER's van.

Q. In the van, that's right.

A. Oh, yes, sir.

Q. We're talking about the meeting of these five individuals?

A. Yes, sir.

Q. He again listened to this story, and then he issued the instruction to Colonel HENDERSON?

A. Yes, sir.

Q. How long would you estimate this meeting lasted?

A. Well, in my memory it was something less than 45 minutes. However, I find as I go along here I'm long in my estimates of things like this. To my memory, it was about 45 minutes.

Q. We have the log of Task Force Barker and we have looked at this. We know when General YOUNG arrived and when he left. He was there a total time of 20 minutes. We could give or take a little bit either way because they normally enter things in the log every 5 minutes. By the time he gets down to the TOC, it's hard to say whether it's logged in or what it is. The point is he was not there too long.

A. I would very easily say that it was less than 45 minutes. By the same token, I would have to be rather rigid in stating it was in excess of 20 minutes.

Q. Did General YOUNG, in his discussion, indicate that he did not want this report, that this was for the commanding general? Did General KOSTER want you to investigate this?

A. General KOSTER's name never came up. The term "CG" never came up. His precise words, if I remember them were, "I want you to investigate this."

Q. You indicated that he was told to report in what you considered to be an exceptionally short period of time. Did he tell him to whom to report?

A. Yes, sir. As I recall it, he said, "Have it to me," and in a very brief period of time.

Q. Now, when this meeting broke up, you indicated that you walked down the hill with Major WATKE. Did you stand outside this van talking to anybody?

A. No, sir. I don't remember talking to anyone outside the van. As I remember it, we walked right on down the hill.

Q. You might think about this for a minute. When the meeting broke up, as I reconstruct it, Major WATKE stayed behind for a little while to talk to Colonel HENDERSON, as Colonel HENDERSON requested. General YOUNG departed; so if anyone were there it would leave you and BARKER outside the van to discuss things. Do you recall that?

A. No, sir, I sure don't. If I stood out there and talked to BARKER, I don't recall this. This has fled my memory.

Q. Major WATKE's testimony would indicate that he was not there too long, maybe 2 or 3 minutes or something like that.

A. I just don't remember.

LTC BAUER: Colonel HOLLADAY, at some time, for example when you finished speaking to Colonel YOUNG in his office, did he indicate--

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A. (Interpoing) General YOUNG?

Q. Yes. Did he indicate what he was going to do?

A. I think Colonel FRANKLIN asked me that question. He indicated to me that something would be done. Specifically what, I can't answer.

Q. The thing I'm trying to get a feel for, did you feel that somebody was going to tell the division commander about this?

A. I don't recall having that thought at that time specifically.

Q. Did you get the feeling that the division commander did not know about it?

A. I don't recall specifically having that feeling either.

COL MILLER: In this meeting with HENDERSON and BARKER, you started out with the statement that nobody but the five of you knew it. During the course of the conversation, at any time, was there any indication that you should keep quiet and not let anybody else know about it?

A. No, sir.

Q. Was anything specifically said about the possibility of taking disciplinary action against the warrant officer or the troops involved in this confrontation?

A. No, sir.

Q. Is there any doubt whatsoever in your mind that by the time you left Colonel BARKER's van, General YOUNG was fully advised concerning the alleged, unlawful killing as well as the confrontation?

A. He was advised of the report in the same detail as I related it here. I don't recall that the term "unlawful" was used or whether that was the context we put it in. There was no question in my mind that he knew what I knew from Fred WATKE.

Q. And you had a concern?

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A. Yes, sir.

COL FRANKLIN: We are going to talk a little bit now about Colonel PARSON, the chief of staff. You testified previously that Colonel PARSON made it pretty clear to you that he wanted to keep informed. This is normal for the chief of staff, so recount now your action with respect to Colonel PARSON in this incident.

A. As I remember it, it was on the 17th I believe, after the 1700 briefing. It would have to have been somewhere between 1700 and 1900. I can narrow that down to between 1700 and 1800. I went into Colonel PARSON's office and told him the story as Fred had told it to me, and in the same detail as I recall having told it to this inquiry. Colonel PARSON was very much shaken by this affair. Specifically, I recall his asking me why I went to General YOUNG. I explained to him that General YOUNG was my rating officer, my immediate superior. As you pointed out, he was rather adamant about keeping informed and that was my purpose of going to him in the first place. I can recall Colonel PARSON using the term "That's murder," and I can recall him saying, "We're trying to win these people over and we do things like this." The verbatim was, "to win these people over," and other words to that effect.

Q. There is no doubt in your mind that Colonel PARSON got the message?

A. No question in my mind at all about it.

Q. He wanted to know why you went to General YOUNG. What was his implication? Whom did he say you should have gone to see?

A. I believe he felt that I should have come to him until I explained to him that General YOUNG was my rating officer, my boss, my commander.

Q. Did he imply that an incident of this type was the proper business of the chief of staff, and to bring it to the chief of staff would have been a proper course of action?

A. No, sir.

Q. Why would he ask you? He said, "This is murder." I don't understand why he was asking the question, "Why did you take this to General YOUNG?", unless he meant you should have taken it to him?

A. I can't speak for Colonel PARSON. The implication and my understanding of his asking that question was that he felt I should have talked to him first. However, when I explained to him that General YOUNG was my boss, that ended that question and that satisfied him at that time.

Q. Colonel PARSON has displayed a big interest in this. You have not had your meeting on 18 March and Colonel PARSON-- at that time did you know you were going to have this meeting?

A. No, sir.

Q. After you had this meeting, did you go back to Colonel PARSON to bring him up to date on what happened, on the latest development of this thing?

A. As you can imagine, I have relived those days many times, and I can't remember ever going back to Colonel PARSON again and telling him about the meeting at LZ Dottie. If I did, I don't remember doing it.

Q. When you talked to Colonel PARSON, was anyone else present?

A. No, sir.

Q. I'm going to ask you something now, Colonel HOLLADAY, and it's really important for you to remember. I know you have been asked and I think you have thought on this. Subsequent to this period, around a month, you were shown a piece of paper dealing with this incident of 16 March. You have previously said that you were shown this unofficially as contrasted to being called in directly and handed a piece of paper. Can you think who showed you this piece of paper?

A. Yes, sir. Colonel PARSON showed it to me.

Q. It was Colonel PARSON then that showed you. The last time you weren't quite clear that it was Colonel PARSON.

A. Sir, I was not clear until the morning I was sitting downstairs and Major BEASLEY walked in, an officer whom I had not seen for about a year. As a matter of fact, I couldn't recall his name. The moment that I saw BEASLEY, it simply struck me that he was not the one who showed me that investigation. It would either have been him or Colonel PARSON.

Q. Something of this nature would not--

IC: As a matter of fact, sir, he stated that on page 65 of the testimony a previous time.

IO: Let him answer the question.

COL FRANKLIN: Take that page there and read.

(Witness reads previous testimony.)

"IO: I show you Exhibit R-1 which is a document we acquainted you with in your previous testimony. You indicated that you had seen this document, having been shown the document by Colonel PARSON or his assistant, whom you referred to as the secretary of the general staff. I believe that was Major BEASLEY?"

"A. Yes, sir.

"Q. Do you recall which one of these individuals specifically showed you the document?"

"A. Yes, sir, it was Colonel PARSON, and I can say that because I saw BEASLEY out there this morning as he was signing in. I no sooner than saw his face and I thought to myself, BEASLEY did not show me that document, it was Colonel PARSON. This was the first time that I had seen BEASLEY in a year."

Now, what do you recall about that document? I realize you have been asked this before, Colonel HOLLADAY, and I assure you there is no desire to trick you in any way. It's important to us, the answer to this is very important to us.

A. As I stated previously, the document was revealed to me in a sort of surreptitious way by Colonel PARSON. I'm sure of that now. It was an investigation signed by Colonel HENDERSON. The document that I saw was about a page and a half in length. In content it said that some 20 civilians had been killed inadvertently at My Lai (4) on 16 March by artillery and gunships, as I recall.

Q. You were not too clear before whether it could have been a page and a half or three-quarters of a page. You are pretty sure now that it was a page and a half?

A. Well, I've subsequently seen the document.

Q. You have seen a document.

A. I have seen a document. At that time I remembered it as three-quarters of a page or a page and a half.

Q. Despite the fact that you have seen a document which I will now show you marked as Exhibit R-1, take another look at that, Colonel HOLLADAY.

Colonel HOLLADAY, this document, R-1, that you looked at, is this the document that you were shown by Colonel PARSON?

A. Yes, sir.

Q. Have you ever seen any other document pertaining to an investigation of this incident or did you ever see one while you were in the Americal Division?

A. No, sir. I don't recall ever seeing any other document.

Q. You read this and you read the first inclosure. Do you have any special thoughts on that first inclosure? It's called "Statement," dated 14 April.

A. Well, when I saw it, as I remember, it was just a first and second page of the investigation. I don't recall seeing the inclosures.

Q. You don't recall the inclosures?

A. No, sir. The first time that I saw these were here at this hearing.

Q. What were your thoughts when you read this, this report of investigation that was addressed to the commander of the Americal Division?

A. I thought that this investigation, or this report of investigation, responded to the directive of General YOUNG, but in my judgment it was not responsive to the allegations that were made that day in Colonel BARKER's van.

Q. Why?

A. Because I believed Major WATKE.

Q. What was the matter with this investigation as far as you were concerned? What were its shortcomings?

A. Well, I believe I said that. It was not responsive to the story that Major WATKE had related. That is its principal shortcoming.

Q. In other words, it did not address the principal allegations or the serious events that had been brought out by Major WATKE? Now, between the time of 18 March when General YOUNG directed that this investigation be done, and this 24 April report, almost a month has gone by. You are very curious as to what's going to happen. You heard the general direct Colonel HENDERSON to come up with an investigation. Between 18 March and the time that you saw this piece of paper, were there any events relating to this investigation that you can tell us about? Things that come to mind, things that happened, things that people said, things that you would expect to happen that didn't happen; conversations with any of the principals; anything of that nature?

A. This is the only thing that I can recall in connection with this investigation. I'm not clear on the days, it may have been the 17th or it may have been the 18th, but General YOUNG told me that he had told General KOSTER the story.

Q. What day was that perhaps?

A. I believe it was the 17th or the 18th.

Q. General YOUNG informed you personally that he had told General KOSTER this?

A. Yes, sir. He said, "I've told General KOSTER the story of what happened down there." There is no question in my mind.

Q. The story being what Major WATKE had related?

A. Right.

Q. Anything else?

A. On the 19th or 20th I received, as the commanding officer of the 123d, a congratulatory message for participation in this action.

Q. Do you want to repeat what your feelings were? You have already said, but do you want to repeat, what your feelings were when you got that message?

A. I personally felt that this was a gesture, the intent of which was just sort of a pat on the back and something I really didn't deserve. I had not participated that much. I felt that the intent of it was, and I told Major WATKE this I believe, to keep us quiet. That was my personal feeling.

Q. Okay, this is only several days after the investigation had been directed. At this stage, why would you think that this was to keep you quiet. Later on I could understand, but it's only been a couple of days now. People are busy, a lot of things are going on?

A. I can't analyze it any deeper than that, Colonel FRANKLIN, that's what I thought at the time.

Q. So that's what you thought?

A. Yes, sir. That's what I thought.

Q. This investigation has been directed. Certain things would normally start falling into place. Some of the senior officers are going to want to see some of your people. People are going to want to come and see you and discuss this. It is not possible to have an investigation of this nature in your battalion without you becoming involved, or certainly Major WATKE, and you through Major WATKE, you being his commander. So what happened along these lines subsequent to 18 March?

A. To the best of my knowledge, nothing. If they talked to anybody, if an investigating officer talked to anybody in my battalion, I don't remember being informed about it.

Q. Somewhere along the line, before this report was shown to you, did you start wondering? You heard a general direct a brigade commander to investigate. Now you've heard nothing more. You have allowed a certain amount of time. People have other jobs to do. But after a time, did you start wondering what was going on and why nothing was happening? Did you start questioning anybody, or just sort of discretely inquire around?

A. Colonel FRANKLIN, I heard general officers tell the brigade commanders to do things almost every day. I simply have to point out, I'm sure you're well aware, that the events at this time were very rapid. I must say that if I considered the investigation at all, it was between the time that it was directed to be conducted and the time I saw this paper. It was only an "in passing" type of thought.

Q. Then other than General YOUNG telling you that he had informed General KOSTER of the THOMPSON report, there were no actions or conversations. Again, with the exception of you talking to Colonel PARSON on the 17th, there was nothing in relation to this incident?

A. Not that I can recall. No, sir.

Q. So now, over a month later, you get this report. You read it. It is not responsive to what you feel is the charge of General YOUNG to Colonel HENDERSON to investigate. Colonel PARSON has shown you this. What do you say to Colonel PARSON immediately upon reading this?

A. I muttered or stated a vulgar term of some kind, probably a one-word term, that told Colonel PARSON that I did not think this report was responsive to the allegations made by Major WATKE.

Q. What was Colonel PARSON's reaction to this?

A. I don't remember him saying anything. I would like to say that he sort of smiled. In fact, I will say he sort of smiled. I don't remember him saying anything.

Q. Okay. Colonel PARSON was very upset when you told him about this, you used the term "murder". Then you get this investigation, and I agree with you Colonel HOLLADAY, it isn't responsive to what we've been told General YOUNG directed Colonel HENDERSON to do. You, as a commander and the initiator of this thing, express your displeasure, your feeling, and the chief of staff who was so upset before, he smiles.

A. As I remember the incident, yes, sir.

Q. Now you testified previously that you considered this report a coverup. Do you still consider it a coverup?

A. I think General PEERS asked me if I considered it to be a coverup and I believe I replied yes. If I were asked that question again, I would reply the same way.

Q. You've expressed your feelings to Colonel PARSON on this or at least practically. Did anything relative to this incident happen between you and anybody in the chain of command, Colonel PARSON, General YOUNG, Major WATKE, after this?

A. You mean--when you say this incident, are you talking about this investigation?

Q. Yes. Subsequent to this, did you try to reopen or reinitiate or discuss it with anyone?

A. I may have mentioned it to Fred, Major WATKE, that I had seen this thing and what I thought of it. I don't remember doing that but I may well have, except that he got hit along about this time and was evacuated. I don't remember when he was hit.

Q. 17 April?

A. I couldn't very well have talked to him.

IO: I would like to take up that piece of paper just a minute. Going back to your previous testimony when you were first asked if you had ever seen anything, you said you recalled having seen a piece of paper. You thought it was about three-quarters of a page long. At that time we had a copy of R-1, and after referring this to you, in reviewing it, you indicated that was about the tenor of the paper that you had read. Certainly getting back to the fact that some civilians had been--in the last paragraph--some civilians had been killed inadvertently through artillery and gunships and so on. Looking at that piece of paper, do you think--in fact the first three lines, this is not responsive at all to the allegations that were put forward by Warrant Officer THOMPSON. My point in asking you this is whether or not you didn't see another piece of paper which said that, with respect to the allegations or complaint of a helicopter pilot to the effect that a large number of civilians had been killed and so forth. Then it would have given the details of this, that this matter had been looked into and although it was found that 20 or 30, 20 some odd civilians had been killed, that there is no foundation of fact in the allegation which was made?

A. Sir, as I recall, I had two versions or two visions of the paper that I saw. One was a page and a half and the other was three-quarters of a page.

Q. I think you had the second vision first. I think you had the vision of about three-quarters of a page and then, I believe, we can check the testimony, you had the vision of about a page and a half.

A. Perhaps I did.

Q. It is quite immaterial what vision you had first, but it does seem to me that this paper is not responsive to the allegation of your warrant officer or that which you put forth. This immediately refers to an inclosure, and it immediately gets into an allegation made by or a report made by a village chief to a district chief, as you can read in the first few lines here.

A. I don't remember, General PEERS, seeing any other paper that was entitled an investigation relative to--

Q. (Interposing) It might not have been entitled that. It may have been just a letter addressed to the commanding general.

A. Sir, I don't remember seeing it. I just don't remember seeing it.

Q. This is quite late in the game, you see. This is a month and a week, or more, after the incident took place. The other was reported to have arrived, and there is indicative evidence that it did, in fact, arrive at the headquarters sometime toward the end of March or the first part of April. If you saw that paper, did it have any attachments with it?

(IO indicates Exhibit R-1.)

A. No, sir. It did not. As I remember this thing it was--it sticks in my mind as having been mimeographed. I don't remember a hard copy or an original copy of it, a typed piece of paper. And my recollection, this is the single document that I saw

Q. Would you restate again exactly how Colonel PARSON showed you that document? What did he say? Did he call you in or were you making one of your, what we understand were, rather frequent trips to the headquarters?

A. Far too frequent. I was in his office as I remember, and he said something like, "Have you seen this?", or "Would you like to see this?", or "Have a look at this," something like that, something to that effect.

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Q. Did you at any time after you had told Colonel PARSON about this situation go back to Colonel PARSON and ask him what's being done? had you gotten any response, or anything of this nature?

A. No, sir. I don't remember ever talking to him about it again.

MR MACCRATE: Colonel HOLLADAY, Major WATKE was wounded on 17 April so that any further conversations you had with him prior to his being evacuated to the hospital would necessarily have occurred prior to that time. Do you have any recollection of any conversation with him after the 18th of March and before he departed?

A. The only specific conversation that I can remember-- and please understand that I am very fond of this young officer, and we talked almost every day about almost everything, and quite logically we could have discussed it. I don't remember a specific other than the discussion we had about the congratulatory message. If we discussed it beyond that between the time it occurred and the time he was evacuated, I don't remember the time, circumstances, or the content of the conversation that we had. But it is quite likely that it could have occurred.

Q. He has a recollection of a conversation with you in which you mutually exchanged, as I would understand it, the idea that there was a coverup. This was in some way related to a document that he did not see, but that you had seen. Does this ring any bell with you?

A. No, sir. It sure doesn't.

Q. Now when he first mentioned this conversation, he seemed to indicate that it may have been in terms of some report that you had seen. But then as he spoke further, he referred to General KOSTER's letter regarding the treatment of civilians. I'm not sure whether we showed you that letter or whether we had it at the time of your prior examination?

A. Yes, sir. I believe you showed that letter to me, the command letter signed by General KOSTER?

Q. Yes. Do you recall any conversation with him about that?

A. I don't recall any specific conversation. It is

quite likely. We convened every morning, all my subordinates, just a normal command meeting, and in all probability it came up in one of those command meetings which we held every day of the week. But specifically Fred and I talking about it, I don't remember that.

Q. We are quite interested in the physical handling of papers here, as we have not been able to locate all copies of all papers. We are therefore interested in any recollection you may have as to the circumstances of this paper that Colonel PARSON showed to you. Whether, as you recall that situation to your mind, you can give us any insight as to the way in which the paper was being handled. Whether you think of it in terms of an envelope, a file, or in relation to other memoranda?

A. Let me say this about Colonel PARSON. He's a very tidy-type guy, everything had to be just so and on his desk. My recollection of this paper was that it had been in a solitary position on his desk prior to the time that he picked it up and said, "Have you seen this, would you like to see this?" or something like that. I don't recall the inclosures being attached to it. Nor do I recall it coming out of an envelope. I recall it as something on his desk and him handing it to me.

Q. We are acquainted with a number of related papers. We therefore have this interest as to whether you saw it in relation to any other papers. From what you say, I gather that all you recall is just the two sheets of paper?

A. Yes, sir. That's true.

Q. Do you remember any reference to a complaint by a village chief, or a report of a province chief, or to Colonel TOAN making a complaint to General KOSTER, or to General KOSTER having given a directive to Colonel HENDERSON based upon such a complaint? Did any of this come into the conversation? Does any of that ring any bell with you?

A. No, sir. It sure doesn't.

IO: Do you know Colonel GUINN or Mr. MAY, the province senior advisors of Quang Ngai, or Colonel GUINN, the deputy?

A. Sir, I have been down there a couple of times with General KOSTER, but only to that extent.

Q. Did you ever see them up around the headquarters?

A. The only time I ever saw them was at a change of command ceremony type thing. They could very easily have come in, and I wouldn't have known a thing about it.

MR MACCRATE: Do you have any recollection of Colonel ANISTRANSKI in this situation, and of any conversations with him regarding this incident and its investigation, or any awareness on your part that he was involved in such investigation?

A. No, sir, I don't. I don't remember talking to Colonel ANISTRANSKI specifically about this incident. Nor was I aware that he was investigating it or in any way connected with it.

IO: You were down there pretty close to the artillery, weren't you?

A. Yes, sir. We were down the road from DIVARTY.

Q. Did Major CRESWELL, the DIVARTY chaplain, ever come over and talk to you? Did you ever have a casual conversation with him about what had been reported to him?

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

Q. How about Lieutenant Colonel LEWIS, the division chaplain?

A. No, sir.

Q. You weren't aware then that one of your pilots had talked to Major CRESWELL and given him quite a bit of information about what took place in My Lai (4) on 16 March 1968?

A. No, sir. I sure wasn't.

MR MACCRATE: At evening briefings, where did you sit in relation to Colonel ANISTRANSKI?

A. We all sat in the front row, and I was about the third from the last. I was, as I recall, sir, about three or four chairs down.

Q. Do you remember where Chaplain LEWIS sat in relation to that?

A. Chaplain LEWIS? I don't know where he sat, quite frankly.

Q. We understand that he was in the second row.

A. He very well might have been.

Q. We also had some that--

A. (Interposing) And also I was in the second row as a matter of fact.

Q. We also had some indication that there may have been some comments, some asides, in connection with the briefing regarding this operation, exchanged among members of the division staff. Do you have any recollection of hearing such asides questioning of the body count and any reference to a peculiar or unusual situation with respect to it?

A. Yes, sir. I do, but I can't for the life of me tell you with whom, exactly what transpired, or even if it's isolated to this particular incident. But there was conversation at the division headquarters by the general and special staff officers, a group that usually ate dinner up at the CG's mess. There was conversation from time to time about this incident, yes, sir. But again, with whom, or specifically when, or exactly what transpired, I can't honestly say.

Q. You don't relate any of that to Chaplain LEWIS?

A. No, sir. I don't.

Q. Do you have any recollection of hearing of Colonel ANISTRANSKI, during this period, going down and speaking to Colonel HENDERSON about an incident relating to the killing of civilians?

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

MR WEST: Colonel HOLLADAY, prior to your conference with Major WATKE on Sunday evening of the 16th, Major WATKE twice talked to Colonel BARKER, once around noon and once later in the day, probably in the late afternoon. Do you recall Major WATKE discussing this with you?

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

Q. The subject of Major WATKE's conversation with BARKER on both occasions was the report of Mr. THOMPSON as to the killings that he had seen there at My Lai (4) that morning. Following THOMPSON's report to Major WATKE and his two talks with Colonel BARKER, later he came to you, and you and he had the talk in which you agonized this over, what had transpired. I thought that perhaps in laying out the problem Major WATKE may have mentioned to you his discussions with BARKER?

A. He may well have done so, Mr. WEST, but I just specifically don't recall it.

COL BAUER: Maybe I didn't understand it. The last time I asked about General KOSTER's awareness of what WATKE had brought to you, whether General YOUNG had mentioned to you that he had relayed this information to General KOSTER, you replied in the negative. Then later on, you mentioned that sometime between the 17th and the 18th, General YOUNG advised you that General KOSTER was aware of this?

A. No, I said that General YOUNG told me he had told General KOSTER.

Q. Well, I don't understand the distinction, I mean the awareness and being told?

A. I'm saying that this is the way I made the statement.

Q. What I'm trying to find out is did you have any knowledge of General KOSTER's awareness of the charges or the allegations that THOMPSON had made?

A. I can't specifically respond to that because of the context in which General YOUNG gave it to me. He said, "I told General KOSTER the story about that down there," or words to that effect. As far as to what General YOUNG told General KOSTER, I don't know.

Q. This is what I'm interested in. Did he say anything else that he may have said in his discussion with General KOSTER?

A. That was it, he just told General KOSTER the story.

Q. At any time in your conversation with General YOUNG, or in a subsequent discussion with WATKE, with the group of

five or any conversation which may have ensued as a result thereof, was there a reference made to any burning, extensive burning that may have taken place in My Lai, burning or the destruction of the hamlet as opposed to the destruction of life?

A. If that came out, I don't remember it.

IO: With respect to General YOUNG having informed General KOSTER, did at any time subsequent to that General KOSTER talk to you or ask you about it?

A. No, sir.

Q Did he question anybody that you know of in authority within your unit?

A. Not to my knowledge, sir.

Q. To the best of your knowledge and appreciation, what was the general knowledge of this My Lai (4) within your aviation battalion?

A. I feel that everybody, and I use that in quotes, had heard remnants of the story, or parts of it, or all of it. They had also heard that it had been reported to the command section of the division and that it was being investigated.

Q. Well, to your knowledge, had they been cautioned not to talk about it?

A. No, sir. Not by me.

Q. Well, I'm not saying whether by you or by anyone else.

A. No, sir. Not to my knowledge.

Q. Was the situation ever called to your attention when one of the briefers or possibly two of the briefers from division headquarters were briefing some of your personnel? I'm not sure what it was on, whether it was your Bravo Company or aero-scout company, or whether it included other personnel of the battalion, in your messhall. It was probably the only place where you could have it, a large meeting of people. When the operation of Son My was discussed where they had reported

128 killed and so on, there was quite a bit of rowdyism, "Yeah, yeah, you say 128 but most of those were women and children," a lot of guffaws and laughing going on?

A. No, sir. I don't remember that. I wasn't present. We did have a very small operations shack down there. I don't believe the aero-scout company could have gotten in there.

Q. When Major WATKE reported to you, did you ever issue any instructions to him to follow through on this thing and to announce the results to the aero-scout unit, to make this thing a matter of record for his own protection, or to follow through on this?

A. No, sir. If I did give him such instructions, I don't recall doing so.

Q. When you finally got the view that this report didn't respond to just simply didn't face the issue of what Warrant Officer THOMPSON reported to Major WATKE and you, did you so inform Major WATKE or anybody else in authority of what the situation was so he could get word back to the people that had initiated these allegations, that told this story, to--well, meet the requirements of the men? They made the allegations, at least THOMPSON did. Did you get word back to him that when they checked into it, there was no foundation to it. It simply can't be supported by fact?

A. No, sir. I did not. Other than my comment to the chief of staff, I don't remember discussing this thing with anyone.

Q. Well, you see, here we come down to quite a paradox. Here they say that 20 individuals, 20 civilians, have inadvertently been killed by artillery and gunships, and that is sort of one of these things that happen in a battle, so to speak. Yet the allegation which you received, the impressions which you received, were that about 120 civilians were killed out there. There's quite a bit of difference between 20 and 120? Did you take any action on this, to get this thing really brought to a head with anybody in authority?

A. No, sir. I didn't, and sitting here now under these circumstances I can see why it would be reasonable to do so. But there and then, under those circumstances, I did not.

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Q. Well, what were the circumstances that would have prevented you from going to the IG or doing something? Or even going to General KOSTER and talking to him? You had free access to General KOSTER.

A. Well, as I think I answered before, I could probably give you a lot of reasons but I honestly can't tell you why I didn't do anything about it.

MR MACCRATE: I simply have one matter of detail that I think we should ask you, if we haven't already, I don't recall. Do you recall on the document shown to you by Colonel PARSON whether there was a manual signature? You indicated you thought it was mimeographed, and if you have that kind of recollection, do you remember a manual signature?

A. I want to say, Mr. MACCRATE, that I recall a signature on the paper. When I try to flush it out of my memory, it just doesn't flush out. I'm sorry, I can't see it.

Q. Do you feel that this showing you the paper was as long after the event as subsequent to the 24th of April?

A. Until the time I saw this, back in December, I didn't think it was that long a period of time. I was surprised when I saw that date.

Q. We have indications from people in headquarters there was a document there at an earlier time, possibly with some of the same information in it.

A. Well, are you suggesting that I may have seen an earlier document and am confusing it with this one?

Q. That is my question. How clear are you on your recollection that this is necessarily the document?

A. I feel certain that this is the document that I'd seen before, and I can only recall seeing one document. If I saw an earlier document, I just cannot dredge it up.

IO: Putting aside the date on this, when do you think Colonel PARSON showed you the paper? A couple of things that did transpire that we know of might help you to fix things. One is Kham Duc, which took place on the 10th, 11th, and 13th of May. Another is the 17th when Major WATKE was shot down and went in the hospital. Prior to that time, and I can't really fix any specific date, but the general activity was focused

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pretty well up to the north. That's when the brigade was employed with the XXIV Corps, a provisional corps I believe it was at that time?

A. Sir, I believe so.

Q. Can you tie that down to any of those things?

A. Well, I can say assuredly it was before Kham Duc. I can put it sometime in April, but I can't--I would have thought it would have been long before the 24th, but I just can't pin it down, General PEERS. I can't relate it to going up to that provisional corps in the midst of the 196th going up with III MAF and Fred's getting hit at Kham Duc. I want to place it in a relatively quiet period of time--a quiet day, for some reason that rings a bell in my memory.

Q. Well, it was about this time, if you recall, that General KOSTER went on R&R back to Hawaii.

A. I don't believe it was at that time. I'm sorry, sir. I just can't relate it to any specific incident that would pinpoint the time, that would narrow the time down within the month of April.

MR WEST: When did you go into the headquarters that morning? Do you recall that?

A. It was in the afternoon. It was a pretty standard procedure. As a matter of fact, I went there every night allocating the airplanes for the following day.

IO: That's after your staff briefing, the aircraft allocation and so forth?

A. Yes, sir. I went in there about 1730 or something like that.

Q. This also was to the commanding general's briefing?

A. Yes, sir. I had reason almost every evening to be in the headquarter's briefing.

Q. Well, I wish you would think about this, about when you saw it and about the paper itself and the contents of the paper which you remember seeing. If you dredge these up, which may be different from what you have told us, and I'm not for one minute trying to put thoughts or ideas in your mind, but if you can clearly and honestly recall, then I would like to be able to take advantage of that. But aside from that, we will let your testimony stand.

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COL FRANKLIN: I would like to ask a few more things for the record. You saw the report, you thought it was a coverup. On whose part did you think it was a coverup, Colonel HOLLADAY? Who was covering up? What level?

A. The investigator, Colonel HENDERSON, sir.

Q. Did you ever have the thought in your mind that division might have been covering this up? Was this a thought in consideration that you had?

A. No, sir, not in relation to this piece of paper. It wasn't my job to attest to the validity of this document. I think that's the way I felt about it.

IO: Why not? This is a real crucial point here. You can read this and you think it's a coverup. You know that it doesn't cover the allegation that you had reported. I do think it's within your authority to do something about the validity of this report.

A. Well, sir, within the context of how it was shown to me, I had the feeling at that time, and it was just a feeling, that it had not been shown or dispatched to the commanding general. At that moment and at that time, I didn't feel it was my responsibility to pass judgment on this investigation in any official sense.

Q. Well, I don't know, you're getting an allegation of 120 civilians having been killed and the emphasis should be put on it. Particularly in South Vietnam as I understood everything we tried to do there. At least you can put the chief of staff on the spot right there to make sure that this thing is brought out properly. You reported to General YOUNG. You reported to the chief of staff. You have not had satisfaction. As a matter of fact, the only thing you had was dissatisfaction in the sense that you thought it was a coverup. You're not making an allegation against the commanding general, you're talking about a subordinate commander, if I understand what you're saying correctly, and I think I do.

A. Yes, sir.

MR MACCRATE: To put it another way, Colonel HOLLADAY, what did you at that time understand the division was doing or had done with respect to this report when it was received at division headquarters?

A. I don't know, or didn't know then, and I don't know to this day what the division did about it. Now, you're referring to the division as the command section.

Q. Yes.

A. I don't know, sir, and I didn't know at that time.

Q. But recognizing this as a coverup when it was received, anyone who accepted that coverup and did nothing about it then joined in the coverup.

IC: I would like to ask for a recess for a few minutes.

IO: We will recess for a few minutes.

(The hearing recessed at 1128 hours, 11 February 1970.)

(The hearing reconvened at 1135 hours, 11 February 1970.)

IO: The hearing will come to order.

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

(LTC HOLLADAY was reminded that he was still under oath, and testified as follows:)

MR MACCRATE: Colonel HOLLADAY, are you now in position to respond to my question, or would you like for me to restate it?

A. Would you restate it, sir?

Q. At the time that you were shown the report of investigation and you expressed your feelings about it, what was your understanding as to what the division command had done or was going to do with respect to that report?

A. I felt at the time that it hadn't gotten to the command section, that is Colonel GALLOWAY, General YOUNG, and General KOSTER. It was still in the hands of the chief of staff.

Q. And you had no knowledge as to just who had or had not seen it at that time?

A. No, sir. I assumed at that stage and the flow of documents that it had not gone out of the chief of staff's office, that is, to General KOSTER or to General YOUNG.

Q. Did Colonel PARSON give you any reassurance whatsoever that further action was going to be taken with respect to the report that had been received?

A. I don't recall any conversation we had at that time other than my remark to him. However, again, I had the feeling that it was still in the process of going up, and it had been revealed to me in its channel going to the CG.

Q. But you were given no words of encouragement by anything he said to you that there would be any action taken?

A. Well, he gave me the encouragement in this sense, Mr. MACCRATE. I made this statement. He appeared to agree with me. If there were some words there, I don't recall them.

Q. You at that time had confidence that he would do something about it because you thought he agreed with you, is that what you're saying?

A. Well, I would say this. In no way did I feel that that was going to be the end of it.

IO: Well, subsequent to that time, did you ever see anything done on it or did anybody ever tell you anything was ever done on it?

A. No, sir. Not that I can remember.

Q. I would imagine that Major WATKE had departed shortly after his being shot down. But there is still an obligation to find out and respond to this allegation received from Major WATKE and from the people involved. You didn't check with Colonel PARSON again to find out what responses they were getting and what they were doing and whatever happened to that piece of paper?

A. No, sir. I did not.

COL FRANKLIN: Let me ask you one more question, Colonel HOLLADAY. Did you have a system on getting briefed each morning on the reports of your unit, both as the battalion commander and the division aviation officer?

A. We had a meeting every morning, a command meeting, as a matter of routine.

Q. Would you be brought up to date then on what had happened on the previous day or previous night's operations of your unit?

A. Yes, sir.

Q. Do you recall a very significant report of information concerning this March 16th action on the morning of the 17th?

A. No, sir. The only report of the action of the 16th that I can recall receiving is the one I received from Major WATKE.

Q. We've had testimony by a guy named KUBERT. KUBERT worked in the aero-scout company. He was there at Dottie, and he would come back at night and go in your battalion operations center. He filled out a report that was later used in the after action reports that he kept filed in a green notebook. He feels confident that he filled out a report on this day of what he had heard on the radio and what he had seen. This was what he considered was his job. He filled out a report with the comment that 100 to 150 women and children were killed. He did this in the battalion operations center, and also sent a copy of this to the division aviation officer and G2 air. Do you recall ever being informed of this report or seeing it?

A. No, sir, I sure haven't. I sure don't. I was the division aviation officer. No, sir, I don't remember receiving it.

Q. So other than Major WATKE, you're pretty sure that there was no feed-in to you corroborating any information?

A. No, sir, not that I can recall.

COL FRANKLIN: I have no further questions sir.

IO: Did you ever see a witness statement by LLOYD? I think he was a lieutenant at the time, wasn't he?

A. Yes, sir.

Q. Before your daily after action report was put together, did you ever see a statement there that LLOYD had reported his discussion with THOMPSON, and what THOMPSON had seen?

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A. If I saw it, sir, I can't remember. I can't recall it.

MR MACCRATE: Colonel HOLLADAY, we understand that you left the Americal Division on or about 18 July of 1968. In the intervening two and one-half to three months prior to your departure, did you have any suspicion that there was a cover-up at the division command level of this incident, and of what had taken place, and of the investigation and reporting of the incident?

A. No, sir.

Q. Despite the fact that you had seen this report and heard nothing in the intervening two and one-half to three months, you had no suspicion there was a coverup?

A. No, sir. I don't. In the context that you put it, I must honestly state that I don't recall ever having any conscious thoughts of that being the case.

Q. Well, what did you at that time understand had happened to that report?

A. I had no understanding of what happened to it. I assumed it went on in to General KOSTER, and what happened to it after that I don't know.

Q. Did you continue to have a unit operate with the 11th Brigade during this period?

A. Yes, sir. To the best of my recollection, the aero-scout company stayed down there working that area, principally working that area, the remainder of my time in the division.

Q. Did you ever hear that any member of the 11th Brigade had been disciplined or reprimanded in any way, that any action whatsoever had been taken after this, the time you saw this report of investigation?

A. No, sir, I did not. I was aware that there were several investigations, one specifically a very hush-hush thing going on. I never did know what that was about, and that's the only knowledge that I have of anything being investigated, sir.

Q. You say that there was something going on in the headquarters with respect to an investigation, but you didn't have any indications that it related back to this incident?

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IO: Before we recess, Colonel HOLLADAY, I am going to give you an opportunity to ask any questions you may want to ask or, if you would like, to enter a statement into the record at this time.

A. I have no questions, sir, and I haven't anything to say.

IO: Before we recess I would like to again caution you that you have been directed not to discuss your testimony here with others. I'm sure that you know the limitations, that you are not precluded from appearing before one of the legislative committees, for example.

A. Yes, sir.

IO: The hearing will recess.

(The hearing recessed at 1150 hours, 11 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: KELLENBENZ, Ronald 1LT

DATE OF TESTIMONY: 15 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT: Witness joined Aero-Scouts, 123d Aviation Battalion on 9 April 1968.

1. KNOWLEDGE OF THE MY LAI OPERATION.

The witness had a discussion with Warrant Officer THOMPSON on the day THOMPSON received an award (pgs. 4, 5). THOMPSON said he had landed his helicopter and evacuated some civilians from a trench (pgs. 4, 5). THOMPSON did not say anything about seeing any dead civilians or marking wounded civilians with smoke (pg. 5). THOMPSON seemed upset about the subject (pg. 6).

2. KNOWLEDGE ABOUT AN INVESTIGATION.

Neither THOMPSON nor WATKE ever mentioned an investigation to the witness (pg. 6). However, since returning from Vietnam in November 1968, KELLENBENZ heard from CWO GUALPIER that WATKE had either followed up on an investigation or put in a request for an investigation (pgs. 6, 7). He never heard anyone cautioned not to discuss the My Lai incident while it was being investigated (pg. 7).

3. OTHER INFORMATION.

a. KELLENBENZ related an incident in which he was told by a battalion commander that all civilians had evacuated the Pinkville area and that the witness was to kill anything that moved there (pgs. 7, 8). The witness was flying an H-23

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at the time (pg. 8). The witness killed eight males, all had weapons and some were in uniform (pgs. 7, 9). This was sometime in May (pgs. 8, 11). He could not recall which battalion was involved (pg. 10).

b. The witness did not notice anything unusual in My Lai (4), such as fresh graves, when he overflew the area (pgs. 8, 10).

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(The hearing reconvened at 1447 hours, 15 January 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present; LTG PEERS, MR MACCRATE, LTC BAUER, LTC NOLL, and MAJ LYNN.

Sir, the next witness is Lieutenant Ronald KELLENBENZ.

(1LT KELLENBENZ was sworn as a witness and testified as follows:)

For the record, will you state your full name, grade, Social Security number, organization, and station?

A. Ronald Lewis KELLENBENZ, First Lieutenant, Infantry, 213-48-2285, Department of Tactics, Fort Stewart, Georgia.

RCDR: Lieutenant KELLENBENZ, this investigation was directed jointly by the Secretary of the Army and the Chief of the United States Army for the purpose of determining certain 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 in 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 made into the My Lai incident.

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

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

IO: Lieutenant KELLENBENZ, in addition to myself, the people at the table are Mr. MACCRATE on my immediate left, who is a civilian lawyer who has volunteered his services to the Secretary of the Army to assist me in this investigation and also to provide me with legal counsel throughout the investigation. On my right is Lieutenant Colonel BAUER, and Lieutenant Colonel NOLL. These individuals have been appointed by the Secretary of the Army and the Chief of Staff to assist me in this investigation. In addition to this group, there are still other groups of individuals assigned to this investigation who are interrogating other individuals. However, it will be up to me to complete the report and make the final findings and recommendations.

You are directed not to 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. I don't believe you have been cited by the military judge in the general court-martial case of the United States v. Calley. Is that correct?

A. I haven't, sir.

Q. Well, if by chance you are cited in that case or any of the other cases, your appearance here would in no way change the applicability or the effect of that order or those orders.

Now, do you have any questions concerning anything we've discussed up to this point?

A. No, sir.

Q. Would you state your duty assignment as of the 16 March 1968?

A. As of 16 March 1968 I was assigned to Headquarters and Headquarters Company, 196th Light Infantry Brigade, Aviation Section.

Q. When did you become assigned to the aero-scout company of the 123d Aviation Battalion?

A. Shortly thereafter, sir, about--I'm not exactly sure of the date, but as far as my flight records are concerned, the last day I flew for the 196th was 9 April.

Q. And how long after you joined the aero-scout company did you remain with that unit?

A. Until my DROS, sir.

Q. Which was when?

A. 8 November 1968.

Q. If you were not assigned to the unit on the 16th or until sometime in April, it is probably conceivable that you did not fly with the unit on that date.

A. I did fly that day, but not with the aero-scout company.

Q. Where were you flying that day, do you recall?

A. As far as my flight records, I looked in my flight records, sir, and it said 2.4 hours from Chu Lai to Danang and back to Chu Lai, a cross-country mission.

Q. What did you normally fly when you were flying in the 196th?

A. It was usually a courier run or a command and control aircraft with a brigade commander or with a battalion commander.

Q. Now, when you joined the aero-scout company, you were a newcomer arriving in the unit. Was there any particular topic of conversation going on within this unit that you recall?

A. Well, sir, the only thing that was going on then was that I more or less filled a slot that had been filled by Captain LLOYD, then Lieutenant LLOYD.

Q. Yes.

A. He was killed a few days--I'm sorry, he was not killed. He was medevac'd a few days before I went to the unit, and it was just a bad happening for our unit. That was being talked about.

Q. What date was this? Do you recall?

A. When Lieutenant LLOYD was shot down?

Q. Yes.

A. No, sir. I imagine somewhere around between the 9th or 14th, somewhere in that vicinity.

Q. Of April?

A. Yes, sir.

Q. Did you hear any talking going on within the company concerning what might have happened at My Lai and what they saw at My Lai or Son My Village on the 16th or in that time period?

A. Yes, sir. I believe I did. It was not when I first got to the unit though, but when Mr. THOMPSON received his award. I had forgotten the incident. It had been mentioned to me that he had done this, but not from him or anybody in our unit, and I had forgotten what he did, and I asked him, and he told me that more or less what went on down there.

Q. You talked to THOMPSON?

A. Yes, sir. We were in the scout platoon together.

Q. Do you recall what he told you? This would be fairly late then in the game, wouldn't it?

A. Yes. It would be at the end of my tour, about August or September, or around in there. As far as what he

said was concerned, it was very general, just that he had landed his aircraft, and went over, and called some civilians out of a trench line--I'm not sure if that is the exact terminology he had used--and they came out. He had a discussion with a lieutenant that was there. I couldn't be sure whether it was Lieutenant CALLEY or not. He went over and got the civilians out. Now, as to how they evac'd the civilians or what went on after that, I'm not sure, sir.

Q. Did he tell you about seeing a lot of wounded civilians around the place that he marked with smoke?

A. No, sir. He didn't say--

Q. (Interposing) Did he say anything about seeing any dead civilians around?

A. No, sir.

Q. He just talked about this particular incident? That is all he was talking about?

A. Just that one part of the incident, sir.

Q. Did he mention picking up a small wounded child?

A. He mentioned picking up--I don't know whether he picked him up in his aircraft or had someone else pick him up for him, because the scouts worked as a team in three aircraft.

Q. Could you be a little more precise about when you talked to THOMPSON?

A. It was the day he received his awards. I really wouldn't know what day that was.

Q. Was he the only one to receive an award that day or was it an award ceremony?

A. It was the usual awards ceremony. As a matter of fact, he may not have been in our unit. He left our unit before he was medevac'd and went back to the Americal Division artillery section. It seems to me he was back in the Americal Division artillery section and just came down for that par-

ticular ceremony. It just seems that way to me.

Q. When was THOMPSON medevac'd?

A. He hurt his back, sir, flying with the division artillery section. It was, I believe, September or October.

Q. Did you notice any strange attitude in the company concerning what might have happened there?

A. No, sir.

Q. THOMPSON, when he talked to you, did he seem to just want to get something off of his chest or did he seem a little bit irritated about this whole, cold happening?

A. He was fairly irritated, sir, about the incident, but he didn't dwell on the subject. I guess he more or less kept it to himself with the exception of what I told you, sir. You could tell that he was upset about it.

Q. Did he ever tell you anything or did you ever hear anything about an investigation?

A. No, sir.

Q. Did Major WATKE ever tell you about an investigation or anything that was being conducted?

A. No, sir. I had heard about it, sir. I had heard about it from a friend of mine. This is since I've been back from Vietnam. We were both scout pilots with the unit, and he told me that he believed that Major WATKE had followed up on an investigation or put in some sort of request for an investigation. This is just hearsay from him.

Q. Who was this individual you were talking to?

A. This was Chief Warrant Officer GAUTHIER.

Q. GAUTHIER?

A. Yes, sir.

Q. G-A-U-T-H-I-E-R?

A. Yes, sir.

Q. He also had been a pilot in the 123d?

A. Yes, sir. He was with the unit the day of My Lai, but I don't believe that he flew that day.

Q. But he volunteered to you, as you recall your discussion, that he thought Major WATKE had reported it and it was being investigated?

A. Yes, sir.

Q. Is that the substance of it?

A. Yes, sir. That's about it.

Q. Did you at any time ever hear the officers or the pilots, officer personnel, being cautioned about not talking about this thing or: "Let's not pass any rumors about this matter. It's being investigated and we'll know more about it later"?

A. No, sir.

Q. Did you ever hear any enlisted men being so cautioned?

A. No, sir.

Q. Aside from what GAULPIER told you and what THOMPSON had indicated to you, did you ever have cause to suspect that anything unusual had taken place down in the Son My area on the 16th of March or the 17th?

A. No, sir. Other than that--there is one thing I told the men that came up and interviewed me that I personally had worked that area, flying the scout just like Mr. THOMPSON. I was told by a battalion commander working the area that all civilians had been completely evacuated from the area and was told to kill anything that was in there, and I killed eight people in there. A couple had uniforms on, and the others were associated with them. But I thought that I might bring it up to you that the battalion commander did put it out that way.

Q. The battalion commander?

A. I have no idea whether this battalion commander would be the same one. It was much later, possibly May, sir, when this took place.

Q. Well, if you were flying one of those scouts down there, at that time were you flying H-23's or were you flying LOH's?

A. An H-23, sir.

Q. Did you ever get down really low to the ground down around My Lai (4)?

A. Yes, sir.

Q. Did you ever see anything strange down there?

A. It was rather--well, it had been fairly much destroyed, sir. As a matter of fact, the first VC that I killed was in the village of My Lai. It would have made it right around the mid-April part. As far as the Pinkville itself, we didn't see any males in there usually. If you did, they would usually try to run from you or to evade you. Very seldom did you see any women and children when you fly over the area. Of course, they have quite a bit of notice from all of the noise the aircraft makes.

Q. If you saw women and children, would you consider your orders--would they be subject--would you take them under fire, too?

A. No, sir. Not unless they had weapons, we saw the weapons, or they attempted to evade us, or if they fired at us. Now, sir, it was more or less up to discretion as far as--now children would run from the aircraft just from being afraid of the aircraft or something like that. We usually didn't shoot at a child for evading--I mean we didn't shoot a child for evading unless they had a weapon.

Q. What I'm really getting at is the instruction that you heard that was passed down from the battalion commander. Did you shoot at anything that was alive in there? That is generally the way that I accepted it. But you are telling me

something different at the moment which is to shoot the military-age males or any of those who attempted to evade you. So would you clarify that point for me? What was your interpretation of what you should shoot in the VC-controlled area, for example?

A. This day I was telling you about the battalion commander? Is that what you mean, sir?

Q. Yes.

A. My interpretation was, he had said to kill anything that moves in the Pinkville area, and--well, he read off the coordinates of our search area, and he said that everyone had been evacuated--all civilians had been evacuated. I saw a couple small children there. I did not kill them. But there were a few people with weapons and uniforms and that and some more around them. And it's very--you know, in the H-23's usually, if you killed anyone from an H-23, you were usually in a hover, maybe 20 feet above them, and you had very good visibility of the area.

Q. These people that you killed, were they all in a group that had weapons?

A. Yes, sir.

Q. How many did you kill in My Lai (4)?

A. Eight.

Q. Right in--

A. (Interposing) In My Lai (4), sir?

Q. Yes.

A. Oh, I don't know, sir. It was a Pinkville area.

Q. Yes. On that big map (Exhibit MAP-1) you can see the area called Pinkville pretty well over on the coast and then about 3 kilometers on down along Highway 521 you notice the village of My Lai (4), just northwest of Hill 85 there.

A. As far as My Lai (4) is concerned, I don't think

I killed anybody over there that day.

Q. Yes.

A. But in the Pinkville area itself, right there in the scarlet-colored area, that was where the majority of them were. There was one that tried to cross the river just at the extent of that little peninsula there. I killed him.

Q. Well, let's go back to My Lai (4) itself. Had you been in and through that area there?

A. Yes, sir.

Q. Over that at a hover?

A. Yes, sir.

Q. Did you see anything unusual about the outskirts?

A. No, sir. From what I understood from the ground troops, just from normal talk, that was a really bad area for booby traps and things like that. But as far as small arms fire or automatic weapons fire or anything like that, it just usually didn't happen.

Q. Did you notice any new graves around the outside of the village, or in the village?

A. No, sir. I really couldn't say.

Sir, may I clarify one more thing for you? This battalion commander I was talking about, this was not our aviation battalion commander. This was the ground battalion commander in charge of the area.

Q. What battalion was it? Do you know?

A. I don't know.

Q. Did you continue to work out of LZ Dottie?

A. Yes, sir. This mission did go out of LZ Dottie.

MR MACCRATE: Can you fix the approximate time of the mission?

A. It was in the morning, sir.

Q. Not the time of the day, but the month in which it occurred?

A. I would say May. I couldn't really be sure. The only way that I could be sure is if I could see a list of killed-in-action records from our unit, because 2 days prior to this, we killed approximately 23 people of a North Vietnamese transportation company in a valley south of Minh Long Special Forces camp. Two days after that is when--it was before I went on R&R, and I went on R&R in June.

Q. Did you live in the same hootch with Mr. THOMPSON?

A. Yes, sir.

Q. What period of time did you live with him?

A. Well, sir, we had adjoining hootches for the division artillery section and 196th Brigade aviation section. So we knew each other before we went to the scout company from approximately January, beginning January until he was medevac'd.

Q. Well, did he transfer out of the hootch when he went back to artillery?

A. Yes, sir.

Q. Do you happen to know the circumstances of this transfer from the 123d back to artillery?

A. Yes, sir. I believe he requested it, requested to get out of the scouts and go back to his old unit.

Q. Did he talk to you about that request?

A. No, sir. It was pretty readily done. I forget who was in command at that time. A man could not fly an effective scout mission if he didn't want to do it. It just didn't work very well so the commander authorized for us to send him back, and we did get a replacement from the division artillery section, very temporarily.

Q. Do you remember any indication on Mr. THOMPSON's

part of dissatisfaction with the assignment in the scout unit at that time, any complaints that he may had had?

A. Well, sir. I don't think any of us really enjoyed doing what we had to do, but you just-- we all got afraid. After a period of time you get afraid, and you'd rather have another mission if you could, and I think that was the circumstances. I left the scouts also at the beginning of September before I DROS'd and flew slicks toward the end.

Q. You don't associate his transfer with any personal animosities or bitterness--

A. (Interposing) In relation to My Lai, sir?

Q. Well, in relation to others in the scout battalion?

A. Oh, no, sir.

IO: Lieutenant KELLENBENZ, from what we have said today, you may have picked up some information that may fit into your memory and may cause you to remember additional things that you hadn't remembered up to this point, concerning primarily My Lai and the investigating process of the incident and what you heard from other people within the aero-scout company. If any of these thoughts do come back to mind, I'd appreciate your getting in touch with us so that we can make these thoughts a matter of record. In addition, if you have any letters, memoranda, maps, photos, or anything of this nature that would be helpful to us in this investigation, we would appreciate very much having them.

At this time I will give you an opportunity to ask any questions you may have concerning the inquiry or, if so you desire, to make a statement for the record.

A. Well, I think everything was covered, sir, that I can think of right now.

IO: The hearing will recess.

(The hearing recessed at 1514 hours, 15 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: KLAUMANN, James J.

DATE OF TESTIMONY: 14 March 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Crew Chief, General YOUNG's helicopter, 123d Aviation Battalion.

The witness was the crew chief of General YOUNG's helicopter during the period 16-19 March (pg. 4). He recalled flying YOUNG to the change of command ceremony on 15 March (pg. 4), and stated that YOUNG remained after the ceremony to talk with the new commander (pg. 5). He did not know what Colonel HENDERSON looked like (pg. 6). After the operation was described to the witness, he stated that he did not remember the day (pg. 8). He was not sure that he flew on 16 March (pg. 9). He did not recall any events on 17 or 18 March (pg. 11). The witness thought that he recalled that Exhibit P-199 was taken at LZ Dottie (pg. 12). The witness did not recall orbiting any operation where there was smoke from burning hootches (pgs. 15, 16). The witness knew nothing of a confrontation between ground and air troops, of an investigation, or of any attempt to coverup any information concerning an operation (pgs. 17, 20).

(KLAUMANN)

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SUM APP T-400

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(The hearing was reconvened at 0917 hours, 14 March 1970.)

MR WEST: The hearing will come to order.

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

The next witness is Specialist Five James J. KLAUMANN.

(SP5 KLAUMANN was called a witness, was sworn, and testified as follows:)

Please state your full name, grade, and Social Security number.

A. James Joseph KLAUMANN, Spec 5, 524-66-2496.

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

A. Crew chief, army aviation, and I'm stationed at Fort Sam Houston, Texas.

MR WEST: Specialist KLAUMANN have you had a time to read Exhibit M-57 concerning the nature and purpose of our inquiry?

A. Yes, sir.

Q. Do you have any question about it?

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

Q. For the record, would you please state your duty and your organization and station on 16 March 1968?

A. At that time I believe it was with a 161st Aviation Company, in Chu Lai. I was crew chief at that time on a Charlie-Charlie ship.

Q. And, General YOUNG was the assistant division commander of the Americal Division at that time?

A. Yes, sir, he was.

(KLAUMANN)

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APP T-400

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Q. Colonel PATTERSON, will you conduct the interrogation?

(MR WEST departed the hearing.)

LTC PATTERSON: Specialist KLAUMANN, for the record, will you also state your unit again? Was it the--I think you said the 161st.

A. Right, right. They changed it over to the 123d Aviation Battalion later on, but I don't know if that was in March, sir. I forget the date.

Q. The record indicated on or about 8 March 1968 the 123d Aviation Battalion was formed and it consisted of two companies, is that correct?

A. Right, sir.

Q. The record indicates that 8 March is the date. Do you recognize, as I assume, that the 161st became the 123d Aviation Battalion.

A. Correct, sir.

Q. So, if that were the case, what was your unit of assignment on 16 March 1968?

A. That would be the 123d Aviation Battalion.

Q. Which company, please.

A. Company A.

Q. When did you join the unit?

A. I got in it when it was the 161st. I got there about the middle of January.

Q. 1968?

A. 1967. No, it would be 1968.

Q. January, 1968, is when you joined the unit. That is when your tour in Vietnam began?

A. Yes, sir.

Q. You put in a full tour?

A. Right, sir.

Q. All right. Did you arrive in Vietnam as a crew chief?

A. Right, sir, I did.

Q. Did you become a crew chief of a helicopter in January of 1968 when you arrived?

A. Right, sir. I was assigned to a ship about 2 or 3 days after I got there.

Q. What type of aircraft did you crew?

A. A Huey, a UH-1.

Q. A UH-1 Delta?

A. Right, sir.

Q. And, the ship that you crewed, from the time you got there in January until 8 March when the 161st became the 123d Aviation Battalion, what ship was this? Was this a general's ship at that time?

A. Right, sir. It was General YOUNG's ship. It was more or less assigned to him.

Q. As I understand, you crewed the general's ship from the time you arrived in country.

A. Correct, sir.

Q. Through and including the period of 16 to 19 March 1968.

A. Right, sir.

Q. Specialist KLAUMANN, we are interested in, and I

(KLAUMANN)

might add I believe General YOUNG is also interested in establishing facts as best can be determined as to the whereabouts of General YOUNG during the period, specifically, 16 to 19 March 1968. Recognizing the time span and recognizing that we have talked to several other individuals, including General YOUNG, although, some information may not seem important to you, it's important when put together with information received from General YOUNG and others. However, we are interested, of course, only in recall unless indicated otherwise.

Can you recall anything specific concerning the time frame of 16 to 19 March 1968?

A. No, sir, I don't. I couldn't tell you where--if we even flew for sure that day.

Q. All right. On the 15th of March, KLAUMANN, and I am going to give you some information now in an attempt to put you into a time bracket.

On 15 March 1968 there was a change of command ceremony at Duc Pho. As you recall the 11th Brigade arrived in Vietnam just prior to your arrival and was operational at Duc Pho, and there was considerable movements of units throughout the AO of the Americal Division. However, General LIPSCOMB the commander of the 11th Brigade was to depart the 11th Brigade on 15 March, and there was, in fact, a change of command ceremony, on the 15th. Do you recall that?

A. Yes, sir.

Q. You can?

A. Yes, I flew General YOUNG up there.

Q. That coincides with other information that we have. Now, what time of day do you recall that being? Not hour, I'm--

A. (Interposing) I believe it was in the morning.

Q. The records indicate it was at 9:30 or about 0930 hours in the morning.

There were other officers, general officers there,

do you recall who else, what other air command and control aircraft that you saw there?

A. I think we had another ship there. I think General KOSTER's ship was there, I'm not sure, but I think he was there.

Q. Do you remember talking to his crew?

A. We kind of gather around one ship for example for the ceremony.

Q. Right. Had there been--do you also recall the time frame there was an aircraft accident sometime earlier, and you probably all were concerned about this a little bit. Do you recall anything about this.

A. There was a C-130 that ran off the end of the runway.

Q. Okay, right there at Duc Pho.

Okay, this is the time frame. On 15 March and after the change of command ceremony, what did General YOUNG do? If you can put yourself back on that morning.

A. I believed he stayed there and General KOSTER, I think left and we stayed there for awhile.

Q. Yes.

A. And, I think he talked with the new commander.

Q. Colonel HENDERSON.

A. I believe so.

Q. The records indicated he took over the command of the brigade. Can you picture Colonel HENDERSON in your mind? Glasses, he was kind of short.

A. No, I don't believe I ever saw him. I think he and General YOUNG were together up in the headquarters area at Duc Pho.

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Q. Can you picture Colonel HENDERSON from any later meetings with him?

A. No, sir.

Q. You don't even know what Colonel HENDERSON looks like?

A. Sir, I think if he walked in here I probably wouldn't recognize him. I never associated with him that much.

Q. You seem to recall they went off somewhere. Did you stay there for lunch?

A. I don't believe we did. I think we flew back to Chu Lai.

Q. Went back to Chu Lai. Any more flying in the afternoon?

A. I don't remember, sir. We may have gone up.

Q. On 16 March, the next day, when we are getting into what we are really looking for. Now, this was the day after the change of command. Daywise, the 15th of March was on a Thursday--no, a Friday, it was a Friday, and this the 16th was a Saturday, and there was a big operation going to be conducted out of LZ Dottie, and southeast of LZ Dottie. Are you familiar with where LZ Dottie is.

A. Vaguely, sir. I've been there a few times.

Q. Are you pretty good with a map, KLAUMANN?

A. (Laughing) No, sir, I'm not.

Q. You're not?

A. No, sir.

(Witness was oriented to area using Exhibits MAP-1 and MAP-5.)

Q. Do you feel you are a little more comfortable with the terrain we are going to be talking about?

(KLAUMANN)

A. Yes, sir.

Q. On the 16th of March then Task Force Barker consisted of three companies. Headquarters of Task Force Barker was at Dottie. Two companies were there and one company was over at LZ Uptight for security for the artillery that was over there at Uptight, and there was also artillery at Dottie. If you can think of Dottie in your mind, you will know there are about three pads there; there is a refueling area, and there is a little pad on the top of the hill for the VIP pad, and then there was another little pad down here. B Company, the aero-scouts, of the 123d used to operate off the lower pad down there, remember that?

A. I think they lost a ship there.

Q. They use to have a little van and this is where the aero-scouts were operating.

A. Right, sir.

Q. Okay. On the morning of the 16th this operation was going to kick off with a combat air assault out of LZ Dottie into the operational area to the northeast of Quang Ngai and southeast of Dottie over close to the sea, in the area indicated on Exhibit MAP-1 in orange. The area they were going into was the flat area, just over the mountains, just after you come over the mountains southeast of Dottie. It was an 0730 assault, preceded by an artillery prep. There were a lot of lift ships involved, nine slicks, three of these supported by a gun team. These aircraft came from the 14th Battalion. Also, the aero-scouts were involved here. They were going to take care of the southern part of the operational area, just north of the Quang Ngai River. It was a pretty good size operation. Artillery was going to come out of Uptight for the prep. They were using two LZs. They were putting a rifle company into each LZ. To put a rifle company into each LZ took two round trips of the slicks, two lifts of the slicks to do it. Did you ever see an operation like that?

A. That was on a Saturday?

Q. Yes. This day, KLAUMANN, who were the usual pilots of the general's ship?

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A. I think at that time the AC was Mr. NEWELL.

Q. Mr. DEWINE?

A. DEWINE, I believe he might have been on that one.

Q. He was on that one. These were the two pilots. And you were the crew chief. Do you remember who your gunner was?

A. RIDDLE.

Q. RIDDLE is the one.

A. Honest, sir, I don't know what the day was. We landed on one hill and watched some APC's and some troops moving in and firing into some trees.

Q. There were no APC's involved, it was all aircraft and ground troops.

A. This is a different time then. I don't know, sir.

Q. Do you ever recall watching an operation in this flat land area that I have just described on the map?

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

Q. You don't recall an operation in that area?

A. No, sir.

Q. At 0935, Specialist KLAUMANN, General YOUNG landed-- sorry. We've had some indication that General YOUNG might have seen this operation, but he does not seem to recall it either. The two LZs that we are talking about are indicated in the dark orange, as you can see. One of them there was just to the north of Hill 85, just on the other side, just on the north side of that road, Highway 521. The other one was just butted up against a southwest corner of Pinkville, as you see indicated on the map. This day the aero-scouts got into it, the aero-scouts had just been formed and their concept of employment of a little bubble helicopter and the two gunships flying around them, they had a little operation on Hill 85. This is the day they found some mortar tubes,

which turned out to be mortar rounds, on the hill and the "animals" went in and scarfed up 40 of these things and brought in some EOD people and blew them right there on the top of the hill. Do you remember hearing anything about that?

A. No, sir. When the gunners come back, nobody ever talks about it too much. I don't know.

Q. This would have been one of their first. The reason I bring that up, this would have been one of their first tactical operations.

Do you ever recall taking General YOUNG up to Khe Sanh?

A. Khe Sanh, sir? No, sir.

Q. Do you know where Khe Sanh is?

A. Pretty well. It's quite a ways up north.

Q. Yes. It would have been a pretty good flight up there, wouldn't it?

A. Yes, sir, it would be.

Q. Do you ever remember flying up to the DMZ area?

A. I flew up to Cam Duc.

Q. That was later on though. That was when the Cam Duc Operation was going on.

A. They were over-run and we were there the day before.

Q. Yes. You don't have any idea about where you may have been on the 16th?

A. I don't know, sir. I don't even know if I even flew that day. It was a Saturday and I remember that ceremony they had, the change of command. I don't know, sir.

Q. Okay. The rest of the 16th the troops went through this area and there was some burning apparently, a lot of smoke, reported a good size count of enemy killed, and they stayed for

the night right in this area. There was a third company that was involved, here on the yellow portion on MAP-1. This is where A Company had walked in. They had walked overland. So, there were three companies, in fact, the entire part of Task Force Barker was now concentrated on the night of the 16th of March right out here in this Pinkville area.

(Witness shakes head in the negative.)

No recollection?

A. No.

Q. Did you ever hear about a General DOLEMAN coming into visit the Division, a three-star, retired general visiting General KOSTER?

A. We had a--I remember a man coming in there with civilian clothes. I don't know who he was going to visit. I thought he came into see General YOUNG. They had people come all of the time.

Q. How about Sunday, the 17th?

A. I couldn't tell you, I may have been off that day or had sometime off.

Q. Well, General YOUNG didn't go flying right away in the morning. He hung around the headquarters for awhile. Again, I'm keying you to this time frame of the change of command ceremony, which was right shortly afterwards.

As a matter of facts, it's conceivable that General YOUNG did not even fly for the entire morning, the entire Sunday morning, but he did arrive at LZ Dottie at 1430 in the afternoon, Sunday afternoon, the 17th of March, and he was there briefly.

A. I wish I had something a little further on.

Q. Okay, let's go to the 18th of March. The morning of the 18th of March General YOUNG did arrive at LZ Dottie at about, oh, it was 0910. Also, present there were several other officers of the division. There was going to be a big

meeting. At least a couple of other C&C ships were there. Colonel HENDERSON, the commander of the 11th Brigade, was there, and also Colonel BARKER. This was his home base. Do you ever recall hearing anything about any of the 123d Aviation Battalion people meeting with General YOUNG at LZ Dottie?

A. Officers?

Q. Yes.

A. No, sir. I couldn't tell you.

Q. Colonel HOLLADAY?

(No response.)

Major WATKE?

A. I know him, but I don't know if they were there.

Q. On this morning Colonel HOLLADAY and Major WATKE and Colonel HENDERSON and Colonel BARKER were having a meeting with General YOUNG. You don't recall ever hearing anything that your Battalion Commander was involved in, with your boss you were flying with?

A. No, sir. We just kind of kept to ourselves. We didn't hear too much.

Q. I'd like to show you photograph Exhibit P-198. Can you identify any of the persons in that photograph?

A. General YOUNG. I don't know who the other officer is.

Q. You don't know who the other officer is? Have you ever seen him?

A. I can't tell, sir.

Q. That is Colonel BARKER. How about P-199?

A. That is Mr. NEWELL, General YOUNG. I don't know who the other pilot is.

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- Q. Which one is Mr. NEWELL?
- A. I think I remember this.
- Q. Is that NEWELL or is that RIDDLE?
- A. I guess that is RIDDLE.
- Q. So, left to right then, you don't know who this man is?
- A. Unless it is the same man in the other photo, Colonel BARKER.
- Q. Have you ever seen that man before?
- A. Not up close, I don't believe so.
- Q. Up close or far away, have you ever seen him?
- A. I think I remember him talking on the jeep there.
- Q. Okay, that is Colonel BARKER and the second man from the right is General YOUNG, and do you know who that man is standing next to the helicopter down there? Is that the gunner, RIDDLE?
- A. Yes, sir.
- Q. Do you remember that scene?
- A. I think I do now, sir.
- Q. Where is that scene taken?
- A. It looks like LZ Dottie, but I'm not sure. I believe it is, sir. I'm not sure.
- Q. Why aren't you sure?
- A. Well--
- Q. (Interposing) What makes you unsure?
- A. I can recall him standing there by the jeep talking there.

Q. Was there anybody else around?

A. Not that I know of, sir. There may have been other troops, people standing around.

Q. Can you remember the day you took him down there or the scene?

A. It brings back some.

Q. Did you know Colonel DIONNE, Lieutenant Colonel from the division?

A. No, sir.

Q. Public Information man?

A. No.

Q. How about a chaplain, did you ever carry chaplains with you?

A. Sometimes we did.

Q. Often?

A. No, sir, not very often.

Q. Do you know the names of any of them?

A. No, sir.

Q. What about P-200, do you recognize any individual there?

A. It's hard to say about the chaplain, sir.

Q. Was that photo taken the same day as the photograph I just showed you, P-199?

A. I don't think so.

Q. It's not the same day?

A. No, sir.

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- Q. What makes you think not?
- A. I don't think we hauled a chaplain that day.
- Q. You meet the chaplain there?
- A. We could have done that. I couldn't tell you, sir. It's been such a long time.
- Q. Yes. You are the 400th witness to this testimony or to this inquiry. All 400 of them have told us that. We knew that before we ever started.
- Okay, tell me how many times you can recall during the year that you--I presume you flew with General YOUNG during his entire term there at the Americal?
- A. Sometimes I would go on a CA and let somebody else fly him.
- Q. While you were flying with General YOUNG, and you were his crew chief during his entire tour as assistant division commander, how many times can you recollect putting him off on the ground in an operational area or an area away from an LZ or fire support base or home base? I don't want you to set there and count them. I was talking in magnitudes of hundreds of times, many times, or a very few times?
- A. I'd say it was very few times.
- Q. How many would you say? Give me a rough estimate.
- A. You mean like setting him down on a rice paddy or somewhere?
- Q. Sitting him down in a rice paddy where the troops were slogging along, looking for Charlie?
- A. I don't ever remember doing that.
- Q. Don't ever remember doing that?
- A. Not in actual.
- Q. How many times do you recall flying low, tree-top

level, hovering over the ground, way down low and looking at an operation going on?

A. Very few times, sir. He was--he liked to fly high when there was something going on.

Q. How high were you referring to in your previous answer?

A. I don't know, sir. I guess up to around 4,000 or 5,000 feet. No, sir, he did not like to fly low.

Q. He did not like to fly low?

A. No.

Q. He did not like to land out in the area either, apparently.

A. No.

Q. How would you characterize what type of work, operational work General YOUNG did? Was he--your answer first.

A. I don't recall him getting down. He didn't get involved that much. He told them what to do, and he got away from it, and let them do it.

Q. He was the type that visited and made one visit to a fire support base and then went to another and talked to the people, and then went to another. Was he a round-robin type fellow rather than getting out and watching and observing the operation?

Did you watch him observe any operation, orbiting?

A. I think we watched a couple, but we had been orbiting so far out from it that actually we could not see too much.

Q. Do you ever remember orbiting over any operation or landing in or flying low over an operation where there was a lot of smoke that looked like it was a result of burning of hootches, or dwellings, or bunkers, or straw?

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A. I don't think we did, sir. I can't tell you for sure.

Q. Did you ever have an opportunity to monitor the radio?

A. No, sir. He had his intercom hooked up with the console and he'd talk to the troops on the ground, with his aide.

Q. Did he do a lot of radio talking?

A. Yes, sir, he seemed to.

Q. Do you have any idea who they talked to usually? The ground troops or were they talking back home to Chu Lai?

A. It must have been the ground troops, sir.

Q. Did you ever hear any conversation or rumors concerning the Task Force Barker operations, while they were in existence, with reference to any critical comments such as civilian casualties?

A. No, sir. I don't recollect too much about Task Force Barker itself. The only two that come to my memory are when I was flying with General COOKSEY, and I guess that doesn't have anything to do with this. He had something going.

Q. The events that transpired in this area on the 16th of March between 0730 and 0830 or 0900 in the morning resulted in a body report from Task Force Barker of about 128 VC killed. Do you ever recall hearing any conversations about such a large report from Task Force Barker?

A. I don't know. General YOUNG didn't talk to us very much. He may have said something to the pilots.

Q. All right, from other than General YOUNG?

A. No, sir.

Q. From anyone?

A. I can't recollect.

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Q. Do you ever recall hearing anything, from anyone, about a helicopter in your battalion having a run-in with any of the ground troops anywhere? That is, when I say run-in, I'm talking about a difference of opinions or problems, complaints? Do you know COLBURN? Did you know ANDREOTTA, crew chiefs of the LOHs over in B Company?

A. I think COLBURN--there were a lot of them in A Company, and then they went over to the aero-scouts outfit.

Q. Did you ever talk to any of the fellows over in B Company, the aero-scout company?

A. No. I don't know, we were kind of separated. They went their way, and we went ours.

Q. Did you ever recall anything about an investigation concerning an operation in which Task Force Barker or elements of Task Force Barker, C/1/20, B/4/3, or A/3/1 were involved?

A. No.

Q. Do you recall any talk about a large number of casualties as a result of artillery? Out of LZ Dottie or LZ Uptight in relationship to the Task Force Barker operation?

A. No.

Q. Did you ever hear any talk about Colonel HOLLADAY or Major WATKE talking to General YOUNG and bringing to him a complaint with regard to the way Task Force Barker had conducted the operation?

A. No, sir.

Q. Did you ever hear any talk or have knowledge of any suppression of information or an attempt to coverup any information concerning any operation within the Americal Division?

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

Q. I guess all we have from you, Specialist KLAUMANN, is that you remember the change of command ceremony.

A. I'm sorry, I don't know.

(KLAUMANN)

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Q. Do you ever recall seeing any large numbers of dead or any dead?

A. I never saw any.

Q. You never saw a dead Vietnamese?

A. No, sir, just pictures.

Q. Never a first hand observation?

A. No, sir.

Q. Never hear any conversations, within your helicopter, by members of your crew at anytime about the dead Vietnamese?

A. Except for Mr. DEWINE, I think he took a picture of one that was killed on LZ West, I believe, but that's about all.

Q. That's all?

A. Yes.

Q. Who was General YOUNG's aide?

A. I don't know that. I don't know, sir, he had several.

Q. Who did General YOUNG have fly with him?

A. Pilots.

Q. Who did General YOUNG bring aboard the helicopter?

A. Unless he had someone come along like a chaplain or something, it was mostly his aide.

Q. You indicated earlier that you went in and out of Quang Ngai. Was that often?

A. Yes, quite a bit.

Q. What is quite a bit?

- A. At least once a week.
- Q. Where did you land there?
- A. The VIP pad.
- Q. The Tropo pad?
- A. Right, sir.
- Q. The soccer field?
- A. Right, sir.
- Q. Who did he go to see down there?
- A. Some Vietnamese. I don't know what his rank was, an officer, I don't know.
- Q. Did he go see them sometime after the change of command ceremony? Sometime before General YOUNG left, was there a time when he went down there more often than he had on a routine basis?
- A. No, sir, I guess he was pretty steady.
- Q. Did he stay pretty long down there when he went?
- A. I guess a couple hours.
- Q. Did General YOUNG make it a habit to get back to the division headquarters in time for the staff briefing in the afternoon?
- A. Right, sir. We usually got back about 4:00 or 4:30 if we could help it.
- Q. How much time did you usually fly, on an average, during the day?
- A. I guess on the average of 2 to 3 hours.
- Q. Most of the time was wait time?
- A. Right, sir.

Q. As I understand it then, Specialist KLAUMANN, you have no knowledge of; one, that anything unusual occurred out here in this operational area at anytime, with reference to Task Force Barker; and, two, you never heard anything from anyone concerning anything unusual that might have happened out here.

A. Yes, sir.

Q. And, three, you never heard anything about an investigation?

A. No, sir.

Q. Concerning the killings of people?

A. I can't say that I have, sir.

Q. No recollection of it? And, you know of no attempt to coverup or suppress any information?

A. No, sir. If there was I don't know anything about it.

Q. I'd like to give you this opportunity before we close this hearing to make any statement that you care to, that will be entered into the record or ask any questions you would like and I will try to respond to them.

A. I don't believe there is anything else, sir.

Q. We thank you very much for making the trip here. We too are sorry you cannot help us more that you have. In the future if you think of anything, any recollection comes back to you on any of the facts that I have told you, we would appreciate you contacting us immediately.

I would like to caution you before we close of the admonition with regard to disclosing information you have been given or your testimony here, except to proper authority which would include a congressional committee or a judicial body or any other properly constituted administrative, legislative or judicial organization. Do you understand that?

A. Yes, sir.

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Q. The hearing will recess.
(The hearing recessed at 1002 hours, 14 March
1970.)

(KLAUMANN)

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SUMMARY OF TESTIMONY

WITNESS: KUBERT, Lawrence J. SSG

DATE OF TESTIMONY: 15 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Flight Operations
Sergeant, B Company (aero-scout), 123d Aviation Battalion.

1. HIS KNOWLEDGE OF THE EVENTS ON 16 MARCH 1968.

a. Description of his job.

The witness was the operations sergeant at LZ Dottie on 16 March 1968 (pg. 3). His principal duty was to handle the radio traffic which he did in the van at LZ Dottie.

b. His recollection of radio discussions.

(1) Explanation of the radio system.

In the van there were two FM radios. One was on the company frequency and the other was variable (pg. 9). It was standard procedure for the LOH to remain on the company frequency (pg. 12), as well as the high ships (pg. 9). The lead ship would stay on another frequency with the operation (pg. 9). There was also a separate frequency on which the 11th Brigade gunships operated (pg. 9). At first the witness did not recall if the second radio, which was variable, was operational that day (pgs. 9, 10). However, he later felt that it is possible that the secondary radio was on the operational frequency (pg. 11).

(2) Radio discussions of the Sharks.

A report came over the radio stating that the Sharks were making some gunruns (pg. 7). The statement

"the Sharks are firing" was made probably from the high gun, and, the witness stated, the transmitter did not sound perturbed (pg. 10). The LOH moved over to the area (pgs. 7, 8, 11) and reported a number of dead Vietnamese (pg. 8). The LOH sent a message to notify Task Force Barker that there were just women and children coming out of the village (pg. 7), and Captain MOE made the call to Task Force Barker (pg. 7). The witness felt that they were to notify Task Force Barker to take the gunships out but that it was too late in that the Sharks had already fired (pg. 13). His unit did not control the Sharks and he felt that perhaps Task Force Barker did (pg. 13). His impression upon receiving later body counts was that the gunships were responsible for the killings, as there was no mention made on the radio about the infantry (pg. 18).

(3) Radio reports of body counts.

There was a report of a "lot of bodies" in the area where the Sharks had been firing. He felt it was approximately 100 bodies of women, children, and old men (pg. 12). Later, when THOMPSON came into the van, the witness had the impression that the bodies were all in one place, in a ditch (pg. 16).

(4) Radio requests for a Slick.

The witness recalled the message from Mr. THOMPSON requesting a slick to evacuate some Vietnamese children (pg. 5). As the witness was a Specialist Five he did not necessarily have the authority to dispatch a slick, but Captain MOE and Major WATKE were also in the van at that time (pg. 14). He did not recall if a slick was sent and felt that he might have left the van to do an errand (pg. 14). He thought that THOMPSON carried the children himself (pg. 20).

(5) A transmission from Rawhide 6.

The witness recalled a transmission made by Rawhide 6 saying "I don't want any unnecessary killings going on" (pg. 29). This transmission was made at approximately 0845 to 0900 hours. He identified Rawhide 6 as the commander of the 11th Brigade as distinct from Cayote 6 which was Task Force Barker (pg. 29). He recalled this because they did not like to work with Rawhide, who tied up the net wanting to know details (pg. 29). He associated this transmission with the Shark's action and the people along the road (pg. 30).

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c. THOMPSON's discussion in the van.

The witness recalled Mr. THOMPSON and Mr. BAKER, the AC of one of the gunships, having a discussion with Major WATKE in the van (pg. 3). He also stated that it could have been Mr. MILLIANS, and stated he did not remember Lieutenant LLOYD at that time (pg. 28). They were both very upset (pg. 4) and he stated they were forceful and gave the impression that a serious incident had occurred (pg. 28). He recalled a statement by THOMPSON that "the rice paddies were red with blood" (pg. 4). The witness thought Captain MOE was present (pg. 17). His impression was that they were discussing what they saw on the road, away from the village. Mr. THOMPSON stated they had seen a lot of killing of women and children and that THOMPSON wanted to let someone know that this was wrong (pg. 17). He did not recall Major WATKE making any distinctive response (pg. 17). There was reference made to a ditch with bodies in it and he recalled a discussion of Mr. THOMPSON stopping the aircraft in the vicinity of some children and speaking with a lieutenant who said the only way to get the children out was to "throw a grenade in there" (pg. 20). THOMPSON then pulled them out (pg. 20). The witness did not recall a captain being mentioned although he did note a discussion of someone being shot (pg. 21).

d. Major WATKE's statements at the G2 briefing.

The witness stated that after the incident the G2 came down and gave the unit a briefing, reporting that a total of 120 civil defendants had been killed (pgs. 16, 24, 25). The witness felt that this meant that the people had helped the VC carry food and clothing, as the G2 explained the term (pg. 25). Four or five warrant officers spoke out (pg. 25), saying "You mean those women and children" (pg. 16) and "they didn't look like they could do much to us" (pg. 19). Major WATKE stepped forward and said "Let's not have any more of that" (pgs. 16, 17, 19). WATKE did not reprimand any individual and appeared to be trying to soothe the group (pg. 24). The witness did not recall Major WATKE having a company formation and announcing that they should not talk about the incident (pg. 26).

e. Inquiries concerning the assault.

The witness did not feel that the incident was covered up because he thought that "the information had

gotten out" by which he meant that it had gone higher in the chain of command (pgs. 26, 27).

2. OTHER INFORMATION.

a. The witness felt that Mr. THOMPSON was one of the finest LOH pilots, and stated that THOMPSON was brave and calm under pressure. He stated that their reports were usually concise, complete and accurate (pg. 28). It was his impression that if THOMPSON said something it was worth listening to (pg. 28).

b. The witness discussed a green ledger which he stated was an historical report, which he also called an after action report (pg. 30). He recalled making an entry that 100 to 150 women and children were killed. A copy went to the battalion S3, to the Division air office, and possibly to G2 (pg. 32). HOLLADAY would receive this report the next morning (pg. 32). Because he made the entry concerning the civilians killed, he felt that the report had gone into the proper channels (pgs. 31, 32).

c. The witness stated that a debriefing followed every action, and he thought that during this debriefing Major WATKE informed the S3 of Task Force Barker about the incident (pg. 31). The witness did not know if the incident concerning civilians was entered into the log but felt that it definitely was put into his "after action report" which he also referred to as his historical report (pg. 34).

d. Because the witness had been working with the unit for only ten days he could not recognize, on the basis of voice alone, any speakers over the radio (pg. 8).

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(The hearing reconvened at 1450 hours, 15 January 1970.

MR WEST: The hearing will come to order.

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

The next witness is Staff Sergeant Lawrence J. KUBERT.

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

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

A. Lawrence J. KUBERT, Staff Sergeant, United States Army, 506-52-3554, United States Army Aviation Test Force, Fort Rucker, Alabama.

MR WEST: Sergeant KUBERT, before we get into any questions, I want 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 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. In other words, whether there was a coverup.

This investigation is not being conducted to inquire into all the facts and circumstances of what happened at My Lai. For example, we're not directly concerned with whether anyone is guilty of any offense arising out of their conduct that day.

We've had made available to us and have reviewed prior official statements obtained in other investigations of the My Lai incident. As far as I know, however, you have not made a prior statement.

(KUBERT)

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A. No, I haven't.

Q. 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, but it is possible that testimony, or parts of it may later become a matter of public knowledge.

You are directed not to discuss your testimony before this inquiry with others, including other witnesses before the inquiry, except in the performance of official duty or as you may be required to do before a competent judicial, administrative, or legislative body. For example, there is a subcommittee of the House Armed Services Committee which is looking into the My Lai matter. Some of our witnesses are going over there to testify. Of course when we ask you not to disclose your testimony here, this does not apply to a subcommittee of the Congress.

Are you subject to the order of the military judge in the case of the United States v. Calley or the case of the United States v. Mitchell?

A. Just what I've heard over the news media.

Q. You haven't received a letter?

A. No, sir.

Q. Sergeant KUBERT, do you recall the operation Task Force Barker engaged in on 16 March 1968, around the hamlet of My Lai (4)?

A. I wasn't familiar with the hamlet at that time, but as far as I knew we were in an operation on what we called the peninsula.

Q. At this time what was your assignment, what outfit were you in?

A. I was with the 123d, aero-scout company, B Company. I was the flight operations sergeant or acting sergeant.

Q. Where was your duty station?

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A. My duty station was between Chu Lai, our home base, and the van at LZ Dottie. On 16 March, I was the operations sergeant at LZ Dottie.

Q. And you were in the van at Landing Zone Dottie?

A. Yes, sir, we were late that morning if I remember right. We sent one team directly over to support Task Force Barker and the rest of the teams landed at LZ Dottie. And I cranked up the radios and got into touch with them.

Q. I understand that one of your principal duties there was to handle the radio traffic?

A. Yes, sir.

Q. I am going to skip forward a little bit to the time around noon on 16 March 1968. Do you remember an occasion when Major WATKE was in the van and Mr. THOMPSON came in and talked to him about something?

A. Yes, sir, as a matter of fact, I believe my first recollection is Mr. BAKER and Mr. THOMPSON and Major WATKE talking about--Mr. THOMPSON and Mr. BAKER were talking--

Q. (Interposing) Before you say, could you identify Mr. BAKER?

A. I believe he was a CW2 at that time.

Q. What was he doing that day, was he flying a gunship?

A. Yes, he was the AC on one of the gunships, aircraft commander.

Q. Do you know which one?

A. No, sir.

Q. Was it high or low gun?

A. I couldn't say for sure whether it was high or low.

Q. Do you remember what radio frequency he was on, what radio he was using?

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A. We were using fox-mike exclusively, because that's all I had, FM. As far as the frequency--

Q. (Interposing) You couldn't tell from that which gunship he was in?

A. No, they referred to the high man as Lead. There was always one gunship that was in command, but again I couldn't say which.

Q. Let's go back now to Mr. BAKER, and Major WATKE, and Mr. THOMPSON.

A. Mr. BAKER and Mr. THOMPSON were both very upset. They had seen numerous bodies that they had reported earlier in the day. Let me skip back. The only report that I had during the whole morning was a report that women and children and older people were evacuating the city. And we checked out several reports of VC fleeing the village. And each time that we checked out, there could have been cause for people to think they were VC, they'd have a hoe or carrying stuff, packages, or whatever, fleeing the village.

Q. They were carrying articles that might have been mistaken for weapons, is that the idea?

A. Right. And I'd get the report, there are 20 old men, women and children carrying their belongings, leaving the area. But I can't remember any action that we took that morning at all, against a true VC force. And so they were upset when they saw all these bodies. As a matter of fact, a statement that Mr. THOMPSON made at that time was, "The rice paddies were red with blood." They had just come over a rise, at first they thought it was about 100 bodies.

Q. We were speaking of the meeting of THOMPSON, BAKER, and WATKE in the van, but I think you have gone back a little bit in time, to what you had heard over the radio. Is this right? Why don't we go back there first, could you go back to when you first heard anything over the radio in regard to civilians in My Lai (4)?

A. In regard to civilians?

Q. Or Vietnamese people?

A. Well, we were there on time, our first gunships, and we were holding outside of the activity.

Q. Right, south of it, I believe initially.

A. And then as the artillery stopped and the Sharks moved out, we--the gunship team of the 11th Brigade, we moved in to make a complete scout of the whole circle surrounding the village. And at this time, it was the first time that they mentioned people fleeing the village, moving out, in several directions along the dikes and the roads.

Q. Let me interpose here and say this: anything you may have heard at that time could be very important to us. We're trying to put together something that happened almost 2 years ago. Many facts have been forgotten by people or confused as to time. So search your mind and give us everything that you can think of that you heard over the radio.

A. We had several calls, but each time I had contact with the team they were reporting women and children--and then I got a telephone call, or a radio call from Task Force Barker, from battalion, and they requested that I check out a specific area where there was supposed to be--again I think it was supposed to be 40--VC that were fleeing this certain route. And they were in the open and, of course, to gunships this is the ideal target. So we diverted our team over there, and again they scouted it real close, and again came up with nothing, the same, there were old men, women, and children.

Q. It didn't look like a military target, then?

A. No, our people did not engage at all. And this is as far as I can recall, the only traffic that I had on that morning except later then, Mr. THOMPSON requested a slick to pull out some Vietnamese children and the timing on that, I can remember the call.

Q. Can you remember at what time the call from Task Force Barker was?

A. That was earlier.

Q. Was that before Mr. THOMPSON's team had moved up over My Lai (4) over the village?

A. I couldn't say that Mr. THOMPSON's team--they were not really responsible for the village as such, they were responsible for the people moving out. And I don't believe they actually got into the village.

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Q. Well, they initially started south and then they later enlarged their station, so that they did move around over--

A. (Interposing) In around.

Q. With relation to that, could you place the call from Task Force Barker?

A. It seems like the operation was late, like say we'd been on station, and the first call to scout out people, I'd say was 40 to 45 minutes after we had started our recon. Which would be right after the artillery, and everybody moved out and the infantry were actually moving towards the city. And that was the first report and then we had several reports after that to check out.

Q. Could you in the van hear Mr. THOMPSON's transmissions?

A. If he was flying high enough. There was also one spot--

Q. (Interposing) In between?

A. Right, there was one spot that we had a lot of difficulty with and it was out on the peninsula. There was a big hill in between us, so if he was low or behind this mass we couldn't hear him. As a matter of fact, I didn't know anything about the transaction of the children until later when he had actually accomplished--

Q. (Interposing) When he called for the slick he didn't complain or--the evidence that we've received is actually, that a gunship came in, picked up the children, took them out in two loads, two trips.

A. I was under the impression that Mr. THOMPSON had done more of it.

Q. No, I forget, wasn't MILLIANS the low gun? He was one of the two guns chasing THOMPSON and he landed twice and picked up a total of 12.

A. And I believe, then, we were supposed to send a slick to pick them up and carry them further.

Q. This I didn't know about. Well, during the morning as you listened to the radio traffic, did you get any idea that quite a number of old men, women, and children were being killed in My Lai (4) by the infantry?

A. No, my impression at this time was that our people came across it this one time--across the dike--and it wasn't in the city itself, this was more my impression just from what other people say. As far as in the city, we didn't hear of anything. As a matter of fact at the time we thought that it was the other gunships, the Sharks, that had done--

Q. (Interposing) Well, I was going to get to that. We had testimony that one of the Sharks made a run on the refugees moving down the road, and that he may have killed as many as 50. Could you tell us what you know of this? Have you heard about this?

A. I can't place the time on that--whether that one came over the radio, I believe it did--and I believe we had a report that the Sharks were making some gun runs, but again this was off in the distance from where our people were.

Q. Probably south along Highway 521.

A. And I believe our team moved in that direction thinking there was some action there that they could scout out a little better with low ships, the LOH that we had, and as they moved in that direction, then they came across the bodies. This is probably why I tie in the gunships with the bodies that we saw. And as soon as--we got a transmission, it said to call up and let them know up there at Task Force Barker, to let them know that we hadn't seen anything and again emphasize that there were just women and children coming out of the village at which time I did, we did telephone.

Q. So that after you got a report of the gunships making the gun run on some refugees, old men, women, and children, you called up Task Force Barker and warned them that--

A. (Interposing) Well, we advised them that all we had seen coming out was old women and we'd seen, I don't know at this time whether or not--and I believe Captain MOE made the call.

Q. Who?

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A. Captain MOE, the ship's officer. And I'm not sure just all that was said.

Q. Do you remember the transmission that came to you through which you learned of this, just how it went, what was said?

A. I couldn't--something like, "The Sharks are shooting down here on the highway, over here." And, "Skeeter why don't you move that way?" But then as far as--and when they saw the bodies I remember them saying, "We have a lot of bodies, a lot of dead Vietnamese."

Q. Do you remember who was making the transmission?

A. I couldn't say, sir. Most of the time after we got to an operation--of course you don't use names and it's just voice recognition--and I would recognize more by "high," "low," "lead" rather than by name. Of course I had only been at the unit, well actually working with them about 10 days at that time.

Q. You didn't know the voices yet, I take it?

A. No, I couldn't at that point.

Q. Sergeant KUBERT, let me read you part of a statement given by Captain LIVINGSTON to a CID agent. Are you acquainted with Captain LIVINGSTON?

A. Yes, sir.

Q. He's speaking of this particular operation, of course, given to it by the aero-scout company. He said, "I was flying as a covering ship for Mr. THOMPSON who was in an OH-23 helicopter. I was flying about 100 feet above him and to the side. As the troops started into the village, there was a group of about 50 Vietnamese that started out of the village on a trail which is to the southwest of the village and made it to the main road. I could not hear the other radio transmissions as we were on another frequency. But our entire gunship team was surprised when the other gunships, Sharks, made a gun run down the road and shot this group. After the gun run Mr. THOMPSON was instructed to go down and look for weapons. He went down and checked the bodies and then communicated over his radio that he hadn't seen any weapons." Does this appear to be the same incident that you were talking about?

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A. I believe so, yes. Again, there was actually three and four working frequencies that morning. I was on our frequency. They had a frequency for the operation, and the 11th Brigade gunships would have another frequency. And we generally ran with two frequencies, the lead ship on a frequency with the operation and the high ships and the LOH-23 on our frequency. So I would get the transmission, well some transmission from the LOH and the high gunship, but not always. Of course they had UHF to talk back and forth between ships which they generally used especially in an operation like this.

Q. We've had some testimony that Mr. THOMPSON got very angry and very worked up about seeing all the old men, women, and children killed. He was doing a great deal of talking. Who would normally have heard this chatter you were speaking of?

A. Normally it would be the gunship, one gunship team and me on my radio and--but I can't recall hearing all this over the radio. I remember it in the van when they came back. We sent out a team to replace them and when they came back they were very upset.

Q. Let's move to that point now, unless you have some questions, Colonel FRANKLIN?

COL FRANKLIN: Yes, sir.

How about going over those radios again. How many radios did you have in your van?

A. At that time I had two FM.

Q. Okay, you had two FM radios in the van. What were they set on?

A. Well, one on our frequency.

Q. What's your frequency, the company frequency?

A. Company frequency.

Q. That's one on the company frequency. What was the other one on?

A. And the other one was variable, we could have it on

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Task Force Barker or the operation out there, I'm not sure. I'm not even sure it was operational that day.

Q. You don't recall if that radio was working?

A. No.

Q. Just to help you refresh your memory, the LOH was talking on FM to the low gun. The low gun was talking on UHF to the high gun, and the high gun was on your company push, the one radio you had in your van working. Now do you recall at any time on this radio hearing somebody talking about killing or bodies or a lot of blood, anything of this nature, any time on this radio?

A. Yes, the bodies--like I said before, the fact that the Sharks had opened up, the fact that they saw bodies, but I was confused, I still am as to where our people were in relation to--

Q. (Interposing) Well you don't really have to know. Now go through that Shark routine again and what happened, the Sharks were firing, is this correct?

A. Yes, they made a pass.

Q. How would you know this in the van?

A. Well, if Sharks were opening up, the Sharks were firing.

Q. Well how do you know this, you're in the van, the Sharks are 10 miles away from you?

A. Well, the only way would be whoever's on my frequency saying--

Q. (Interposing) Okay this is the high gun, somebody says over the radio, "The Sharks are firing." I mean, think now.

A. It didn't sound--I don't remember anything that sounded perturbed on the radio. It was more of a level headed, "The Sharks are firing." Kind of a statement of fact.

Q. Okay, fine, go on.

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A. Not that I can remember. And then they moved over, I remember that, they were requested to move over, as I said earlier. To me that meant going quite a distance.

Q. Who requested them to move over?

A. Well, I didn't hear that. What I heard was telling the LOH to move either north or south to do this recon.

Q. You heard that on the radio?

A. I believe I said that earlier, that I did.

Q. The other testimony that we have is that the LOH could not talk to the high gun. But you recall that it was? I mean that's possible.

A. I didn't remember any trouble with the radio.

Q. Well see the LOH was talking to the low gun, only one radio was working in the LOH. They were talking to the low gun, they'd have to talk to a low gun. But the low gun was talking to the high gun was on UHF, not the FM, because the one FM set in the high gun was on the radio you were listening to, which was a different push now that the LOH was on.

A. I could have heard that over the other radio.

Q. You could have heard that over the other radio, that's right. You could have turned your other radio on.

A. On to the operational frequency.

Q. What other frequency?

A. That was normal procedure unless something came up.

Q. That would be the frequency between the LOH and the low gunship?

A. Well, I'd have had that on, the LOH and the gunship, the LOH always stayed on my frequency, my main radio. The secondary radio, I would turn to the operational frequency.

(KUBERT)

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Q. Well, what do you mean when you say operational frequency?

A. The frequency of that particular operation. They had a specific air to ground--air frequency for the ships to use.

Q. You say the LOH always stayed on your frequency, you were always on the LOH's frequency?

A. Well, I won't say always.

Q. The LOH is always on the company frequency.

A. Right, this is standard procedure.

Q. What did they say now, when they went over there where the Sharks had been firing, what did somebody say?

A. They came over and they reported a lot of bodies, no weapons whatsoever.

Q. What was your impression of bodies, did they --

A. The impression that I got was like 100 bodies, quite a few bodies.

Q. VC, enemy?

A. From our people, no.

Q. What was the impression you got?

A. Women and children.

Q. Oh, women and children's bodies?

A. And old men.

Q. And old men?

A. Right.

Q. And they told you this, you heard this over the radio on the company net, or one of the two nets that you were monitoring?

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A. That had to come -- unless, well, unless, like I say, this has been so long, unless I confused what was said later in the van with what went on in the net.

Q. Okay, but you recall that about 100 bodies of women, old men, and children.

A. The first impression was at least that, and this I'm sure came later after talking in the van. My impression was at least 100 if not 150 to 200.

Q. Now did anyone ever say on the radio at any time, that the Sharks had shot innocent people?

A. I keep thinking that I heard it on the radio, because of the fact that we were to notify Task Force Barker of this, and by the time they came back, it would have been too late for us to notify Task Force Barker to pull, to take the gunships out.

Q. Oh, that was the reason you were supposed to call Task Force Barker, to tell them about the civilians that these refugees --

A. (Interposing) Right.

Q. Because the Sharks were shooting them, is this correct?

A. This was my impression, what I received, that they wanted them out of the area.

MR WEST: And they were being controlled by Task Force Barker, I take it?

A. Well they were being controlled other than by us. We had to go to--we were working with Task Force Barker.

Q. So that was the channel you'd normally go through to get this done?

A. Right.

COL FRANKLIN: You say the previous radio transmission was very matter of fact. Was this transmission a little more urgent or excited?

A. This one was -- again to be very truthful I can't

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remember any of our people really -- urgency, yes, I could tell on the radio, but not hysterical.

Q. No, I didn't say hysterical.

A. This is what I'm saying -- not, well, the whole time I can never remember anybody really yelling or raising their voice that much -- concern, yes, or urgency, yes, I could say that.

Q. When Mr. THOMPSON requested this slick, what happened, he called you to request a slick?

A. Generally they come up to the van or the crew chiefs at which time I request -- or else they have the radio on the pad and I call up and say we need a slick.

Q. You were a SP4 then?

A. SP5.

Q. You had the authority -- this is very unusual, this is a lift slick that's used to lift Animals, right? And you had the authority as a SP5 to dispatch that slick, to evacuate civilians?

A. Captain MOE was in the van also.

Q. How about Major WATKE?

A. Major WATKE was in the van also.

Q. Was Major WATKE here and he agreed to send the slick, then, to go pick up the civilians?

A. I couldn't say on that. That part is real hazy, whether I left the van to do an errand or what happened, I'm real hazy on that.

Q. Okay just to ask you a general question. Overall, what was your impression, on out there? You'd only been in this outfit a short time. You probably hadn't had much experience with combat action. What did you think was happening from what you could hear on the radio? What impression of the battle did you have?

A. From our people, there really wasn't much of a battle going on. The reports were, "no movement here,"

"quiet here," "they didn't get sniper fire." Quiet, relatively for such a big operation.

Q. I'll rephrase that. What was your impression as to what was going on as far as civilians or innocents or women and children were concerned?

A. On this point, just what I've already stated as far as Sharks moving in and the bodies being found and no weapons whatsoever and asking to call them out and I thought -- my vision is of a haystack-type affair with bodies strewn and I actually pictured bodies strewn all over. I wasn't out there, but this was the impression I got from then and later.

Q. Did Major WATKE hear that transmission?

A. Yes, either Major WATKE or Captain MOE were always in the van because I was new. It was really our first big operation with some other unit, where we were moving in to support, had a correlation with another unit, where we weren't out on our own.

Q. When this slick was requested, this is unusual. Do you recall another time when one of your lift ships for the Animals was requested to lift out civilians? Do you ever recall a time that was done, on a tactical mission, while the company was engaged on a tactical operation?

A. We had several request for airlifting of Vietnamese civilians.

Q. During a tactical operation?

A. Well, not of the magnitude we were in here although--

Q. (Interposing) Was this an unusual request, let's put that way.

A. Yes, in retrospect, looking back over the year that I spent there. Yes, it was unusual, especially coming from one of our own pilots.

Q. When he requested this, did he give any reason why he was requesting other than just to evacuate civilians? That's not a very good reason. I mean, why didn't he just leave them there, there was no enemy action going on? Did he elaborate? What was the impression in your mind as to why he wanted to evacuate those civilians?

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A. This is real hazy with me. I didn't know exactly what had gone on until about a day later, what had actually happened or was reported later as to what happened.

Q. You don't recall from the radio transmission?

A. No.

Q. You're not really sure, as you said, what was said on the radio and what you heard later on. Are you sure that you did hear what you say about the ditches or bodies?

A. Yes.

MR WEST: I'm not entirely clear as to the body count you mentioned. You mentioned a figure of something like at least 100. Are you referring to bodies along the highway of old men, women, and children that had been taken under fire by the Sharks?

A. Well, this again, is an impression from what I got and this was an impression that the pilot said he came over and saw at least 100 bodies, and this came from the van, not a radio transmission. He came over a dike and there they were. And so in my mind I put them all together in one place. It could be that it was spread out over a much larger distance.

Q. But you think this was from the statement made in the van later and not --

A. (Interposing) Yes, it wasn't on the radio.

Q. Could it possibly refer to something seen in My Lai (4) rather than on the highway?

A. I couldn't answer that at all. It'd just be purely speculation.

Q. I ask you this because our information up to this time does not indicate that anywhere near that many people were killed on the highway.

A. Well, later the G2 came down for a briefing and they said a total of 120 in the town and again I remember this because we had another little outbreak -- a pilot made a remark, "You mean those women and children?" And Major WATKE stepped up at that time and said, "We've finished with

that, we're going to start over again, more or less."

Q. Okay, let's go back to the time when Mr. THOMPSON and Mr. BAKER came into the van. You and Major WATKE were present. Was Captain MOE there?

A. I believe so.

Q. Would you tell us just what was said at that time?

A. Pretty much what we've already covered, that they had seen bodies and then they were very upset, close to being physically upset at this time from their reactions.

Q. Were they talking about the Sharks shooting people or were they talking about the infantry in the village?

A. My impression was that they were talking about what they saw on the road or away from the village. The village itself wasn't mentioned that much.

Q. Please tell us everything you can remember, that you heard?

A. I remember both Mr. THOMPSON and Mr. -- especially Mr. THOMPSON, saying that they had seen a lot of killing and it was needless killing. They were upset that they had reported what they had seen, that they had reported women and children and then, when they came back in the area, they found that these same people that had passed over were dead. Then Mr. THOMPSON said he wanted to let somebody know that this was wrong. And then he and Major WATKE left the van, were going up to talk.

Q. Did Major WATKE say anything in response to what Mr. THOMPSON said?

A. I can't remember anything distinctive.

Q. Did Mr. THOMPSON say anything about marking wounded with smoke?

A. I don't remember that, either.

Q. Was anything said about a ditch with Vietnamese people that had been shot in it?

A. Yes, this was in reference to crossing over the

dike, a ditch, paddies.

Q. When you spoke earlier about coming across a dike, over a dike and there it was, is that where they were? Was there mention of a ditch?

A. Yes, at that time I had thought more of like a ditch, or a road and a ditch type of thing.

Q. Well, did you understand there were bodies in a ditch?

A. Right. The word ditch and that the bodies were in the ditch, yes.

Q. It would be very helpful if you could think hard and try to think of any other little details at that time, for example if they saw anyone at the ditch, or they did anything at the ditch?

A. No, when I was present, during these talks, again a lot was going on and I was in and out. In my presence there was nothing mentioned as far as the infantry, or the people sweeping the village, or anything like that. And my impression of the whole thing was that the gunships had made the pass. And as far as any other movement or any -- I don't remember anything at all, said about that.

Q. All right, what happened then?

A. You mean after Major WATKE --

Q. Well, as I remember you said Major WATKE went off somewhere.

A. With Mr. THOMPSON, they were going into the TOC. Task Force Barker, at LZ Dottie.

Q. That was close by?

A. Yes, sir. It was about, probably 300 yards.

Q. What next do you remember that concerned this matter? The next thing that happened?

A. The next one was when the G2 came down, we had our briefing.

Q. Can you fix the time of this?

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A. Between 5 days and a week after this.

Q. Can you tell us what was said at that time?

A. That was the briefing by the G2 office, one of his staff, and they reported 120 CD, civil defendants were killed at My Lai. And that was when our pilot, there was a company meeting and I don't remember who it was said, "Oh, you mean those civilians?" And that's when -- there were several comments made. The man who was briefing said, well, that they were known civil defendants, had worked for the VC. And then another comment was made, "They didn't look like they could do much to us." And Major WATKE stepped forward, and said, "Let's not have any more of that. It's an old horse, we've already done what we can as far as these people are concerned."

Q. Some people in the company were heckling the brief-er and Major WATKE stepped in and stopped them?

A. Right.

Q. When you say the G2, do you remember who was doing the briefing for G2?

A. There was a SP4 and a lieutenant, but I can't remember their names.

Q. Were they from division, brigade?

A. They were from the division TOC.

Q. Do you remember the G2's name?

A. Not at that time, sir.

Q. But it wasn't the G2 himself?

A. No, it wasn't the G2 himself.

Q. Do you remember hearing anything else about this particular incident at My Lai after the G2 briefing? For example, what the talk was that you heard in the company?

A. Well, it wasn't brought up very often and as far as the incident itself, it was hashed out really before the G2 briefing. The same general impression that I've told you today, that I heard then about the children in the cave or

whatever it was, hole in the ground, and Mr. THOMPSON coming down and bringing them to safety. I thought that he had shuttled them.

Q. Did you hear the story about his taking the little baby in his OH-23 and taking him to the hospital?

A. Well, maybe this is why I thought he had done it, because I remembered that he had taken somebody to the hospital.

Q. Our testimony is that he landed near the ditch, the crew got out and picked up a little boy and got into the OH-23 and flew to the hospital at Quang Ngai.

A. That's probably why I had this conception that he had done it. I knew that he had flown out in a--to request--

Q. (Interposing) Was there much talk around the company of any people, men women and children, that had been killed in the village by the infantry?

A. No, I didn't hear that at all. As a matter of fact, from talking with, I don't know who, probably the crew chief and so forth, I heard that the city was pretty well done in by the artillery earlier, that everybody had pretty well moved out. The impression that I had was that the city was actually vacant pretty much--right after the barrage.

Q. Going back to the time when Mr. BAKER and Mr. THOMPSON came in and both were quite upset, did you remember Mr. THOMPSON talking about having seen a captain shoot a Vietnamese girl?

A. It was a lieutenant--rings more of a bell.

Q. This probably refers to another thing that happened that morning. Would you tell us what you remember hearing about a lieutenant on the ground?

A. Now the two, to me, were tied together. The lieutenant was close to the vicinity of the children and when Mr. THOMPSON stopped the aircraft, and asked how he had seen the children run in there or whatever, and asked how, what he was going to do about it. The lieutenant said there was only one way to get the children out, and that was to throw a grenade in there. And that's when Mr. THOMPSON pulled them out. But along with that there was something mentioned about shooting somebody.

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Q. You mean in a sense that they had seen somebody shot?

A. Right. But I couldn't place the time or the place.

Q. You don't remember a captain being mentioned?

A. No, I don't.

Q. Can you think of anything else, now, concerning this incident that might help us? Anything else that happened related to this after the G2 briefing? Were you ever talked to by an investigating officer?

A. No, I wasn't. After the G2 meeting everything was quieted down and--oh, it was brought up within the company, if you were talking about something, but nothing formal after that. It was my belief that there was a complaint lodged at this time, and it was being investigated, and that's about all we knew.

Q. Can you remember what made you think this?

A. I think that first morning, when Mr. THOMPSON and Major WATKE went to the TOC and Mr. THOMPSON was saying that there had to be an investigation of this.

Q. This is on the 16th now. Do you remember anything that happened the morning of the 18th? For example, did you remember seeing Colonel HOLLADAY and Major WATKE together the morning of the 18th?

A. I don't remember anything. It's all fused into one day.

Q. On that day, the 18th, do you remember whether Mr. CULVERHOUSE was there at LZ Dottie and whether Mr. COLBURN was there?

A. I couldn't say. These are names I had forgotten.

COL FRANKLIN: Mr. THOMPSON and Mr. BAKER came in to the van. Are you sure it's BAKER, now? Could it be Mr. MILLIANS?

A. MILLIANS might have been there.

Q. You said they were almost physically sick. Describe now, give us an idea what they looked like and what they were saying and what your feelings were? How did they come

in, did they burst into the van, really mad, talking excitedly, they're white? Describe it.

A. Yes, they were white, their faces were drawn and white. They were very tense, very angry.

Q. Angry, emotional?

A. Emotional. I keep thinking that I had to leave or something right in there; I missed a big portion of it.

Q. Did you ever have a feeling of wanting to stay and listen to this?

A. Oh, yes, but again, I can't place just what did happen as far as when I left. But I remember them coming in and all. I'll never forget it, because of the emotional --

Q. Because of their emotion?

A. Right.

Q. Well, you're a sharp soldier, KUBERT, you're an honor graduate of the 7th Army NCO Academy. Your opinion is important to us. Did you believe them, what they said?

A. Yes, sir.

Q. Why did you believe them?

A. The whole feeling--it wasn't just one man, it was three or four saying the same thing, the look, the force that they put out was one of seeing something terrible. And these are men that are used to seeing death. And for them to be that shaken. It was just automatic for me to believe this had occurred.

Q. Do you recall words like murder or massacre and killing being used, strong language?

A. Yes, sir.

Q. Which of those words, if any, do you recall?

A. Murder.

Q. You remember hearing the word murder?

A. Yes, sir.

Q. How was it used, do you remember by chance?

A. Well, it was used in connection with more of an individual type thing. They also said that "they" killed. At this point the Sharks come back, the Sharks killed. I don't remember individuals killing as such, it was a group.

Q. Do you remember if it was 100, 100 killed?

A. Yes.

Q. Was this a shocking thing to you, it's your first combat tour?

A. Yes, it was.

Q. Major WAKTE, how did he look, how did he feel? I know how you felt, how did he appear to you to feel?

A. Well, he appeared to me as the leader at this juncture, which he was, and tried to calm them. And I can't remember the reasoning that he used. Diplomatically trying to find out what did transpire, and then that must have been when I left, because I don't remember what was going on. I remember he kind of quieted them down, one at a time, and I either left or was asked to leave, I don't remember.

Q. Was there a lot of talk that night back at Chu Lai and the next day or so, was that a common thing to hear, or were you busy in the van most of the time and didn't have a chance to see other people?

A. Well, when I returned I went into operations and I stayed there until midnight or 1 o'clock, so I saw just who was in the officer's area, I saw mostly the officers and there was a certain amount of tension. Most of what was going on wasn't going on in the office.

Q. Tension among the officers, about this incident?

A. Yes, they were nervous or still emotionally upset, but again I didn't go through their billets. I was in the office.

Q. This lieutenant comes down from G2 and gives you a briefing. From what I could gather this was a rather emotional thing--the company commander has to get up. I

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would say there were some strong feelings. Is this true?

A. Yes.

Q. Very strong feelings?

A. Yes.

Q. Is this the usual thing, for the warrant officers to make comments out loud--a briefer down and--or was this an unusual thing? Was your company a disciplined company or did people pop off all the time at meetings and briefings?

A. Not in that strain, no.

Q. Not in that strain, so this was unusual?

A. Yes.

Q. Do you think your company felt this deeply, not so much deeply, but strongly that an injustice had been done?

A. Yes, sir.

Q. Was Major WATKE, when he got up, was he sort of reprimanding people, or was he just sort of trying to soothe and calm people?

A. Again, soothing, trying to hold it down a little bit. He didn't reprimand any individual. It was just the group.

Q. Did you ever hear anybody make a comment in anger or something about Major WATKE and what his actions were in this?

A. No, sir.

Q. Were you sort of surprised at this meeting yourself, when it happened. How many people were talking and saying, "women and children," was this several people, were there murmurs throughout the room, can you describe it a little more?

A. When he said there was 120 CD--there was kind of a

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murmur -- it had been discussed, I didn't get in on much of it. And then there was, like I said, there wasn't just one individual, there was four or five individuals who spoke out.

Q. All officers?

A. Yes, sir.

Q. You mentioned civil defendants. Why do you say civil defendants, and don't say VC?

A. Well, this is what he called them.

Q. He did call them civil defendants?

A. The G2, the briefer, called them civil defendants.

Q. Are you pretty sure about that? This could be a pretty important point, think about that a while.

A. The terminology, meaning that they had at one time helped the VC carry food, clothing, he explained the term to us.

Q. He explained it to you? He explained that some of them were women and children?

A. There was no -- it was listed as civil defendants without a breakdown as far as women and children. And the explanation was that these personnel involved had at one time helped the VC.

Q. So in other words, this briefer knew there were women and children that had been killed, 120, or part of this 120 were women and children?

A. Well, it could have been, again, with all that was going on at the time, it would be hard for me to believe that he didn't know that some of them were women and children.

Q. What do you mean all that was going on?

A. Well, Task Force Barker knew about it, 123d knew about it, Colonel HOLLADAY was the air officer for the division, he

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worked directly with G2 air out of the main TOC. And again this thought that has been in my mind for 2 years, that there was to be an investigation.

Q. Did this briefer explain civil defendants on his own or did somebody ask him the question, "What's a civil defendant?"

A. I believe somebody asked him to explain. He said "120 CD" and somebody said, "What's a CD?" And then he explained what a civil defendant was.

Q. This scene, this individual killing, you just can't recollect, and again, it's been a long time, and it's understandable why you can't. If this had been somebody's head getting blown up like from a rifle, a colored sergeant, does that ring a bell? Say after several weeks had passed, or several months had passed, do you recall Major WATKE getting the company together and saying there was a lot of rumors about this going on; they ought to be stopped; it's being investigated; don't talk about it any more?

A. I don't remember Major WATKE saying that, not in no formation or personally.

Q. Did you ever think about this after this incident here?

A. Yes, sir.

Q. What's your honest opinion, did you have the feeling this thing was covered up?

A. Yes, sir. Well, that's looking at it from now. If this investigation hadn't started, as far as what had happened to the individuals concerned, or what had happened to the Sharks of the 11th Brigade, I don't know if we'd have learned about it anyway--if I would have had personal knowledge of what was going on anyway. But the information was not put out there for the 8 months, or 9 months I had remaining, 10 months. Just kind of slipped over, nobody said anything more about it. And we didn't ever hear of anybody being investigated about it or tried for it. In that case, I'd have to say that it was covered up. Calling them civil defendants in itself, classifying them as VC helpers, arbitrarily, is a first start I would imagine.

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Q. Did you ever have the feeling or anybody ever have the feeling that it was being covered up in the 123d?

A. I didn't. I thought that the information had gotten out.

Q. Gotten out and gotten to somebody else higher up?

A. Yes.

Q. Did you ever have a thought about who might be covering it up, did this ever cross your mind or--

A. (Interposing) I had thought about it. I never thought about the consequences as far as the actions that should have been taken against it, if any.

Q. What did the company feel about Mr. THOMPSON, people like you, the crews?

A. Mr. THOMPSON was one of our finest LOH pilots. He'd stick his ass out for anybody or anything. That was the impression that I got.

Q. Was he brave?

A. He was, yes.

Q. Calm under pressure?

A. Yes, sir, as much as I knew.

Q. You heard the radio?

A. Right. I never heard anybody--urgency yes, but breaking or cracking, no, I never heard that.

Q. He was the scout, he reported information. When he reported something did he exaggerate or did he report it pretty straight?

A. They all reported straight. These were men who--a little later it developed--that had the authority to call in on Animals, infantry, they had to make a decision and they had to relay it back and of course when the operation's all through the CO would make the final decision. But they were the people on the scene and their opinions as to circumstances were generally, almost always, thought to be very

concise and complete and accurate.

Q. In other words, what I'm getting to, when Mr. THOMPSON came in and had something to say, about anything, but particularly something of this serious consequence, was it something worth listening to and not some half-baked guy coming in?

A. Yes, sir.

Q. It was important enough to look further into?

A. Well, of course, this is after I worked with him a little bit longer. At that point, even at that point I'd have to say all of our pilots were very well versed on what was going on and their opinions did carry weight. And as I stated earlier, the force with which they came into the van that morning would tend to exaggerate this feeling that something had happened, something bad.

Q. Thank you very much, Sergeant KUBERT.

MR WEST: Going back to the time in the van when Mr. BAKER and Mr. THOMPSON came in, was anyone else with them?

A. Colonel FRANKLIN refreshed my memory a little bit. It could have been Mr. MILLIANS, as he was one of the pilots, but Mr. MILLIANS had an accident shortly thereafter, or anyway he was quiet and I didn't get to know him very well and I don't remember him now.

Q. How about Mr. LLOYD?

A. Lieutenant LLOYD?

Q. I guess he was Lieutenant LLOYD at the time. He had come down from Chu Lai late in the morning, and according to his testimony he came in with THOMPSON. That may not have been the same time that THOMPSON came in with BAKER, and possibly MILLIANS, but he remembers being in the van there with you, Major WATKE, and Mr. THOMPSON talking to Major WATKE. Do you have any recollection of Lieutenant LLOYD being there? He was the LOH section leader?

A. I don't remember him at that time.

Q. Captain MOE was in to see us and he said that he remembered a transmission from Rawhide 6 saying, "I don't want any unnecessary killing going on." Do you remember hearing this?

A. I believe that was in response to our series that we made.

Q. To Task Force Barker?

A. Task Force Barker.

Q. Are you able to fix the time of this transmission between Task Force Barker?

A. I don't remember exactly when the operation started. It would be about 2 hours--

Q. (Interposing) The first lift hit the LZ about 0730 in My Lai (4).

A. Okay, we were there prior to that--I'd say it'd be about 0845 to 9 o'clock.

COLONEL FRANKLIN: Let's sort of go back one more time over this hearing Rawhide 6 saying, "I don't want any unnecessary killing going on." You knew who Rawhide 6 is?

A. One of the commanders.

Q. Commander of the 11th Brigade.

A. The 11th.

Q. Does that sort of strike a bell, do you remember that?

A. I remember that.

Q. Rawhide, not Coyote 6.

A. That was Task Force Barker.

Q. This is extremely important, if you can remember.

A. Yes, I remember that because there was a comment. We didn't like to work with Rawhide because he tied up the net, wanted to know everything. We preferred not to stay up with him. I remember, that really rang a bell when he first said that, "Rawhide 6, no unnecessary killing."

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Q. And this would have been about 0845?

A. It might have been just a little bit later than that.

Q. About 9 o'clock.

A. Maybe just a little bit after 0900.

Q. And you could have had a radio then on what you call the operational net, that's the ground force? You think about that later on and if you have any more thoughts on that you report to your commanding officer and tell him you want to talk to me personally on that. Call me up here.

MR WEST: This transmission, Rawhide 6 said, " I don't want any unnecessary killing." You associate this with Sharks and people along the road?

A. Yes, sir.

Q. Can you think of anything else that we haven't asked you about that possibly might help us in our inquiry here?

A. The only other thing which would be the action report I wrote that night, if it's still available. It was started in a green ledger. When it started it was just an historical report. Later it developed that the S3, and later G2, G2 air, battalion commander and everybody wanted it and it turned into an incident report.

Q. Turned into what?

A. An unofficial incident report, I called it an after action report, because I wasn't supposed to make an incident report at company level. I can't remember just where all the copies went, or if at this time I sent copies. But this I'm sure, it went to the S3 and developed very rapidly to the point where I was typing it, I kept the crew, crew chiefs, amount of ammunition for the OPREP 5 report. This was all contained. March was the first month. There was a green ledger, if they have any way of finding it.

COL FRANKLIN: We've got the OPREP 5 for the 174th. We'll certainly get on to this one.

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MR WEST: Can you think of anything else?

A. Well, if there wasn't any other thing about a formal investigation this would be the other reason that I would think that it would carry forward because the report did go to the S3.

COL FRANKLIN: What did you write on this report?

A. At that time I wrote that there was approximately 100 to 150 women and children killed. And that was about it as far as our action was concerned. We reported to Task Force Barker, that's what I wrote.

Q. You reported to Task Force Barker?

A. This was our immediate--

Q. (Interposing) That report would have gone to the S3 of Task Force Barker?

A. Yes, sir.

Q. Do you remember his name? How about Major CALHOUN?

A. Yes. This was a verbal report that we do from the van. In other words we get a call, tell them about it.

Q. Did you tell Major CALHOUN this?

A. No. I didn't.

Q. Did somebody tell him this?

A. I assume that it was Major WATKE, going to the TOC, that he was going to brief them on this, our operation, our phase of the operation.

Q. Was this an official document you wrote down?

A. That was later, that was in the evening when I had returned to home base. And, I'm trying to remember how many copies of this I made. One to the S3.

Q. Task Force Barker S3?

A. No, our battalion S3. As soon as we left the field we were pretty well separated from the unit we were supporting. And one copy went to division air office and the battalion commander would have seen it. And I'm sure we had developed to the point where G2 had a copy, so if I made more than two copies, I just made a third.

Q. Do you think Colonel HOLLADAY would have that report? What time would he get that report?

A. He'd get it the next morning.

Q. You wrote that report, are you sure you wrote that?

A. Yes, sir, it sticks in my mind because I didn't know quite how to phrase it. I didn't know what to say but I wanted to put it into an official document.

Q. Tell us a little more about that form, what kind of piece of paper was this?

A. Okay, it was, when it started, it was very informal. It started as soon as I got there. In the field we made a journal, a log, a daily log of instances that took place, who we supported, and then at night I'd make up the crews that were scheduled. I'd keep that and the daily journal or the log and then the aircraft that actually flew. I'd write all that in and then the little summary--is what it started out as, a summary of what we did that day. And when it started, like I say, it was an historical report. I'm not sure how far advanced it had gotten by the 16th. It started in a green ledger, used for accounting. I stapled the information on one page, the information that I had on it. And then what I typed I stapled on one sheet and then would write out the rest of it, the ammunition expended report and that on the other sheet. Again I'm not sure how advanced it was. It got to the point where it was signed by Captain MOE and delivered, turned over to the S3 and air office. I may be mistaken but I'm almost sure that this is why -- I think I felt I fulfilled my part in forwarding it, that it got to the next higher level.

MR WEST: This had become a daily report?

A. Yes, sir.

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- Q. Did you give it a title?
- A. After action report.
- Q. This was Company B or the aero-scout company daily after action report?
- A. Yes, sir. When I left a year ago we still had them.
- Q. Do you think the green ledger was still there when you left?
- A. Yes, sir, I know the green ledger was.
- Q. They were still stapling pages?
- A. No.
- Q. You had other volumes, I guess.
- A. Yes, sir. We started keeping it monthly. Starting in April we had a folder, and put it in daily and the last I saw of them they were in the S3 building of the 123d.
- Q. The green ledger had not been retired or something?
- A. It was classified confidential.
- Q. If it's still there, we'll get it.
- Anything else Sergeant KUBERT?
- A. It was rather crude, it didn't have a distribution or anything on it.
- Q. Did a copy of your daily after action report go to Task Force Barker?
- A. No, sir. We reported that immediately because --
- Q. (Interposing) That was what you referred to when you thought Major WATKE would --
- A. (Interposing) Yes, sir. We always had a debriefing. In other words, after every mission we would brief the people we worked for.

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Q. Did you prepare any notes for Major WATKE to debrief with, in which you might have put this figure of so many civilians killed?

A. No. That would have been on the daily log as it came in.

Q. I see. Do you think you made any entries to that effect in the daily log?

A. Yes, sir. I'm almost sure if it wasn't in the daily log, in the van, that night I'd put it in.

Q. You'd put it in the log that night?

A. Well, I'd put it into my historical report.

Q. I thought maybe you entered it in both places?

A. It normally would be, but the van, at that time, I was in and out at that time, and whether it was logged, Captain MOE and Major WATKE also logged a lot of things. At that point I wasn't sure what was important and what wasn't.

MR WEST: Sergeant, you've been very helpful to us and supplied us with some information that could be very useful. If you should, while thinking back about this thing, have any other things come to you, we would appreciate it very much if you would call Colonel FRANKLIN and let him know about it and we can arrange to obtain that information one way or another. Again we thank you for coming here and we appreciate your help very much. The hearing will be recessed.

(The hearing recessed at 1640 hours, 16 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: LIVINGSTON, Brian W. CPT

DATE OF TESTIMONY: 12 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Pilot, Aero-scout Company, 123d Aviation Battalion.

1. ASSAULT ON MY LAI.

a. Initial action at My Lai.

Captain LIVINGSTON could not remember with whom he flew on 16 March 1968 (pg. 4), if there were two complete teams involved (pgs. 17, 18), if he was flying high or low gunship (pgs. 6, 10), or if he took off from LZ Dottie or Chu Lai (pg. 17). He did not recall an action involving mortars on Hill 85 (pg. 25), or the pursuit of VC in the vicinity of Hill 85 (pg. 19). He saw four VC that day, two of whom were killed and two of whom escaped, probably in the vicinity of Hill 85 (pgs. 39, 40). His mission was to screen people leaving the village to the south and pickup military-age males and other persons with weapons (pgs. 3, 4). When he arrived on station he saw smoke which he assumed to have come from the artillery prep (pg. 18). This was to the east of the village and not in the village itself (pg. 9). He was not positive that the smoke came from the artillery (pgs. 25, 26). It could have come from fires in the village, but he did not recall the village burning (pgs. 25, 26). He saw no gunship prep at all (pg. 9). He did not see the slicks land, and thus did not know the point of the CA's insertion (pgs. 14, 15). On his arrival the gun team from the Sharks orbited east of Hill 85 and the Warlords orbited to the west of Hill 85 (pg. 4). They had no radio communication with the Sharks that day (pgs. 4, 9). Due to the prep and assault many women and children left the village via its main trail end headed toward Highway 521 (pg.4). LIVINGSTON did not

remember trying to segregate males from this group or having a C&C ship land to pickup two military-age males (pg.40). They received no fire that day and his gunship did not fire (pgs. 10, 19).

b. Gunrun on civilians made by Sharks.

While LIVINGSTON did not actually see the Sharks make the run, he heard their miniguns firing (pg. 17). Both Sharks made the attack which consisted of one pass (pg. 11). He could not see the assault itself because he was making a turn at the time (pg. 17). He recalled being surprised because he had no communication with the Sharks and did not expect them to make a gunrun (pg. 11). The Warlords checked the bodies on the road immediately after hearing the minigun fire because they did not know what was happening and wanted to discover if they were in danger (pg. 20). The assault had been made in a westerly direction (pg. 11). The bodies were lying to the left and right of the main trail leading out of the southern portion of My Lai, approximately 100 meters from its intersection with Highway 521 (pgs. 5, 6, 12). He overflew the scene at a distance of 100 feet and saw between 30 and 50 casualties, all of which were women and children (pgs. 6, 12, 13). He saw no males and no weapons (pg. 6). THOMPSON reported by radio that he had been asked to check out the area for "Dinks" with weapons and webgear and said, "I ain't seen any weapons lately" (pgs. 12, 20, 29). At the time, THOMPSON was hovering right over the bodies (pg. 12). To the best of LIVINGSTON's knowledge there was only one team of Sharks (pg. 20). He estimated that this action took place 15 to 20 minutes after the assault (pg. 11). He did not recollect the Sharks marking the bodies with smoke and did not remember seeing smoke used at all that day (pgs. 20, 21). On questioning the witness asserted that he saw refugees on the road, heard firing by the Sharks and then saw the civilians dead (pgs. 23, 24, 26).

c. Observation of ditch with bodies in it.

Sometime after the Sharks made their attack he saw a trench with less than ten bodies in it, the water in which had turned red from blood (pgs. 6, 24, 28). This ditch was in the woodline on the east side of the village and is probably that shown in Exhibit P-102 (pg. 27). He flew within 200 to 300 meters of the ditch at an altitude of 150 feet (pg. 28).

d. THOMPSON's landing.

THOMPSON reported to LIVINGSTON by radio that he had seen an officer empty a clip into a little girl who had been lying next to her parents (pgs. 6, 29). THOMPSON was unhappy about it and said that the next time something like that happened he was going to take drastic action (pg.6). THOMPSON then saw a Negro sergeant fire a clip into a child (pgs. 7, 30). THOMPSON landed while the other ships circled overhead at an altitude of 150 feet (pg. 7). This was approximately 1100 hours (pg. 41). There was a child on the ground toward whom American troops were advancing (pg. 7). THOMPSON later told LIVINGSTON that he gave his doorgunners instructions to keep their M-60's on the Americans and to shoot if the soldiers moved toward the youngster (pgs. 7, 30). THOMPSON picked up the child and moved him to Quang Ngai and LIVINGSTON accompanied him (pgs. 24, 41). This was approximately 1130 hours (pg. 41). He did not see the gunships land and, in fact, saw no helicopters land that day other than THOMPSON's (pgs. 24, 40). Had the gunships landed he believed it would have stuck in his mind (pg.25). He thought they returned to LZ Dottie after this (pg. 31).

2. INQUIRIES AFTER THE ASSAULT.

a. THOMPSON reports incident.

LIVINGSTON did not go with THOMPSON and the others to see WATKE about the incident, and he never spoke to WATKE about it (pgs. 31, 32). The witness recalled that THOMPSON and MILLIANS were going to see Colonel HOLLADAY about it, but he did not know if they indeed saw him (pgs. 7, 8). When THOMPSON returned he told LIVINGSTON that they had gone all the way up to division with it and that it was in division's hands (pgs. 8, 32). LIVINGSTON was never asked to make a statement about it (pg. 38).

b. Rumors within the company.

The incident was common knowledge within LIVINGSTON's company (pg. 33). The men said that civilians had been killed by troops from the 11th Brigade, and the term "massacre" was employed (pg. 33). The men were unhappy about the affair and were not proud of being part of it (pg. 33). Although he believed that WATKE was aware of this talk, he did not recall WATKE getting the company together to talk about it (pgs. 33, 36). LIVINGSTON heard that BARKER had been called in regarding the incident, but he could not recall who told him this (pg. 38). The witness also heard of an

investigation, but did not know if he heard this after he left Vietnam (pg. 38).

3. OTHER INFORMATION.

a. Aero-scout communication system on the 16th.

The skeeter (UH-23) had an FM radio which was used to talk to the low gun (pg. 5). However, the witness thought that THOMPSON changed frequency so he could be in direct contact with the ground troops (pg. 6). LIVINGSTON was talking to the low gun on UHF (pg. 5). There was FM communication back to the S3 (pg. 5). LIVINGSTON did not monitor the Task Force Barker frequency (pg. 6). He did not communicate with the troops on the ground (pg. 6). He did not recall whether he was flying high or low gunship (pgs. 6, 10).

b. Assessment of WATKE.

Although LIVINGSTON termed WATKE a good commander, he stated that WATKE did not fly too much and was aloof with the pilots (pg. 34). Those in the company were upset about the fact that WATKE had won the Silver Star, since the evidence was that his helicopter had gone down due to engine failure rather than enemy fire (pg. 35). The only rounds fired into WATKE's helicopter, as found by the investigating team, were those from the gunships when they tried to destroy the downed craft so as to prevent VC use (pg. 35). The crew chief did not recall receiving enemy fire (pg. 35). The pilots all felt bad about this, especially because the pilot of the helicopter, a warrant officer, had only received the Purple Heart (pg. 36).

c. Assessment of WYCHOWSKI.

Mr. WYCHOWSKI was an over-confident pilot who had limited ability (pg. 35).

d. Rumors about Sharks.

In his 16 March 1968 letter to his wife LIVINGSTON called the Sharks "notorious killers of civilians" because some Scorpions had told him of the Shark's propensity in this regard (pg. 39). He had no personal knowledge of unnecessary killing by the Sharks other than their action at My Lai (pg. 34).

e. Miscellaneous.

(1) LIVINGSTON did not recall if WATKE flew on the first mission on 16 March (pg. 21).

(2) He did not recall how many Scorpions were involved in the operation (pg. 18).

(3) The low ship usually flew between 50 and 100 feet, and the high ship usually flew between 100 and 200 feet (pg. 10).

(The hearing reconvened at 0842 hours, 12 January 1970.)

COL FRANKLIN: The hearing will come to order.

RCDR: The following named persons are present: COL FRANKLIN, LTC PATTERSON and MAJ COOP.

The next witness is Captain Brian W. LIVINGSTON.

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

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

A. Captain Brian W. LIVINGSTON, 315-46-3013, Headquarters and Headquarters Company, 5th Battalion, 6th Infantry, First Armored Division, Fort Hood, Texas.

COL FRANKLIN: Captain LIVINGSTON, before we proceed with any questions, I'd like to inform you of several matters.

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 certain facts and making findings and recommendations concerning:

(1) the adequacy of prior investigations into what is known as the My Lai (4) incident of 16 March 1968, and

(2) the possible suppression or withholding of information by any person who had a duty to report and to furnish information concerning this. In other words, whether there was a coverup of what happened there that day.

This investigation is not being conducted to look into all facts and circumstances of what happened at My Lai (4).

We have had made available to us and have reviewed prior statements obtained in other 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.

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

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 competent judicial, legislative or administrative body.

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

A. No, sir. It is the United States v. Mitchell.

(The witness hands his orders to COL FRANKLIN.)

COL FRANKLIN: I'm going to have a JAG colonel look at this and we'll take a temporary recess.

(The hearing recessed at 0846 hours, 12 January 1970.)

(The hearing reconvened at 0910 hours, 12 January 1970.)

COL FRANKLIN: Hearing will come to order.

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

The witness is reminded he is still under oath.

A. Yes, sir.

COL FRANKLIN: Captain LIVINGSTON, what was your duty assignment on 16 March 1968?

A. I was a pilot in the UH-1B on a recon team. We were opcon to the 11th Brigade, supporting a Task Force Barker and were going in to the east of LZ Dottie, which was our home base at that time.

Q. What was your organization?

A. 123d Aviation Battalion, aero-scout company.

Q. We are going to start and let you go through without any interruption. Start with when you first had knowledge of this operation, any information you may have received or instructions, and then just talk it through chronologically. We are very interested in any detail that you can remember. We realize it's been a long time and after you get through Colonel PATTERSON and I will have some specific questions to ask you.

A. Right, sir.

We were informed on 15 March that we would be opcon to the 11th Brigade which was going to be involved in a Task Force Barker operation to the east of LZ Dottie. We left a little bit earlier. We probably left Chu Lai about 0630. We went down to LZ Dottie which is our home base. We were on two recon teams. Now, a recon team is comprised of, at that time, an OH-23 which is a light observation helicopter, and two UH-1B gunships which we used. The time interval slips at the time. I can't really state the time. Then we went out to the AO, area of operation, where we were opcon to the 11th Brigade. At that time the CA was coming in, the combat assault, and we were supposed to screen and watch for any people leaving the village to the south as our troops moved through the area. We orbited on the west side of Hill 85.

Q. We're going to give you a map here. Later on we'll go through this in detail. Colonel PATTERSON will take you through it somewhat. Let me orient you here.

(Witness is oriented on Exhibit MAP-1.)

A. Right, sir. We orbited out to the west of Hill 85. As I said before, our mission was to pickup any military-age males that we saw walking out of the area and pickup individuals that had weapons and anything such as this. There was another gun team from the 174th, Sharks. They were out of Duc Pho and were organic to the 11th Brigade. They were orbiting out to the east of Hill 85. Mr. THOMPSON, Warrant Officer THOMPSON, was flying our H-23 at the time. Mr. MILLIANS and the other pilot at that time I cannot recall.

Q. Major WATKE.

A. The pilot I was flying with I do not remember. The artillery prep was fired prior to the CA coming in. The artillery prep came in and then the CA came in and then people started leaving through the main trail here that comes out of My Lai down to 521.

Q. Let the record show that the witness referred to the trail coming out of the southern edge of My Lai going south toward 521.

A. We were told to see if we can pick up any military-age males and the ground troops told us that there were VC leaving the area and see if we can pickup any more military-age males and weapons or any people looking like VC leaving the area. We were still holding over here, just orbiting around here to see if we can pick anybody leaving the area. A lot of women and kids were coming down here and taking off this way.

Q. Let the record show down the same north-south trail we referred to the last time and then west on Highway 521.

A. For some reason we didn't have communications. We could not intercept or listen, monitor, the transmissions between the ground troops and the Sharks. Somebody told the Sharks that there were VC going on this road, 521, off to the west. We didn't know they were going off when they made a gun run to the west down 521, which is this road here (indicating).

As it will state here in my letter which I wrote to my wife--would you like to look at it now, sir?

Q. Just hold on to it.

A. There were bodies lying left and right. They took their miniguns and just did a job on it. Then THOMPSON was told to go down and see if he can find any bodies of any military-age males with weapons. What I am saying now, sir, is what I was told by THOMPSON. He is the only one that knows because he heard the transmission, but what I'm telling you, sir, is what I was told by him. I did not monitor his transmission with the ground people at all.

Q. I would like to square you away on your communications.

A. Yes, sir.

Q. All that Skeeter had was an FM radio which he used to talk to the low gun.

A. Right, sir.

Q. You were talking to the low gun on UHF?

A. Right, sir.

Q. Who are you talking to on your FM?

A. We were the high ship at that time. If we were on our FM we would be talking back to our operations, back to our S3.

Q. Mr. THOMPSON had no communications with the ground troops.

A. Right.

Q. As far as we know, any conversations with ground came from your ship, if this will help you recollect. If you were on your company push, fine. I don't want to put words in your mouth.

A. No, I'm just trying to figure it out now. That may have been the case, but THOMPSON was the one telling us what his communications were with the people on the ground. I think he was switching FM frequencies so we could talk to the people on the ground and he was the one doing the talking because he was the lowest ship. We tried to keep him on it so he could tell them where to go. Our ship did not talk to the people on the ground.

Q. Or monitor the Task Force Barker command frequency?

A. No, sir, we did not.

The thing that passes in my mind now and that I feel a little bad about, I don't remember whether we were in high ship or low ship. We did not talk to the people on the ground. We did not monitor their FM frequency. So anyway, the bodies were lying left and right on the side of this road, this trail that comes out of the south of My Lai and off to the west there were bodies laying on each side. The greatest number of these people were all women and kids. We did not see any military-age males. We did not actually, in fact, see any males at all. We did not see any weapons at all. So, we still reconned the area and went into our normal recon mission and Mr. THOMPSON was the low ship. I remember remarking at that particular time that there are a lot of trench lines around the perimeter of the village. It was evident they used some defecation pits or something, anyway it was kind of murky colored water coming down. I remember the thing we remarked at the time was, "Remember the old biblical tale of Jesus turning the water into wine?" Well, this was blood-stained water and it was just the type of thing that stuck in our minds, something we could never forget or will never forget. So we reconned the area and I remember THOMPSON calling down, and THOMPSON came back and told us that he had talked to troops on the ground, either the RTO or the platoon leader. He saw an officer come up, and there was a little girl over here lying next to her parents, I believe it was her parents, and he said he saw the officer empty a clip off into her. This made him unhappy and in turn he reported back to us what he had seen done, and he was real unhappy about it. He said the next time it happens he is going to take some drastic action. He saw another body.

He saw another little boy laying next to his parents or two people and he sees a Negro sergeant fire a clip off into him. Now, he's really mad, he is really hopping mad now. We're still reconning, we come over to the east side of the village of My Lai. The best I can remember THOMPSON landed at that time. We circled over his head and dropped 150 feet above and THOMPSON got out and whatever transpired on the ground, I do not know. He went over and picked-up a little boy or little girl. The American troops were moving towards the child, and he went down and he told his gunners to keep their eyes on the American troops and to shoot if they moved towards the kid. He got out and went over and picked up the little boy, came back and got in the helicopter and went off to Quang Ngai. We came back to Dottie and we got the facts together and we went back to Chu Lai. At that time Mr. THOMPSON and Mr. MILLIANS and another AC all went to Colonel HOLLADAY who was our battalion commander at the time and they in turn went to the Americal Division. We did, in fact, report the incident on that day, March 16, 1968.

Q. Reporting of this incident was done on LZ Dottie. It was not done at Chu Lai. It was done to Major WATKE and not to Lieutenant Colonel HOLLADAY unless you recollect strongly otherwise.

A. Well, I remember we went back to Dottie, to LZ Dottie. Right, sir. - We did report to Major WATKE but then we went back to Chu Lai around 1200 hours, and Mr. MILLIANS and Mr. THOMPSON left and they said they were going up to report the incident, and went back to Chu Lai. I was "peter pilot" and I did not go along with them. I went back to my hootch.

Q. It's your understanding they were going to go see Colonel HOLLADAY at this time?

A. Right, sir.

Q. This is on 16 March?

A. Yes, sir, it was.

Q. Did they see Colonel HOLLADAY?

A. I don't know that, sir. I was not with them.

Q. Did they tell you that they had seen Colonel HOLLADAY?

A. No, sir. At the time, sir, they did not tell me that they did. They said that they went up there and went all the way to division with it. They did not say that they saw Colonel HOLLADAY.

Q. Let me give you something more to help you re-collect here. Some of these points are very important to us. I know it's very hard to remember. If you're vague in your mind, say you are vague. If you are sure, say you are sure, because your testimony is very essential to us here, Captain LIVINGSTON.

LTC PATTERSON: Separate the best you can from what you were told after the incident, in your conversations, either at Chu Lai or in your hootch, and what you actually saw. We are not interested until later on what you discussed after the incident. We are interested in what you saw.

A. Most of this stuff is all transmission.

COL FRANKLIN: What you heard on transmissions, Captain LIVINGSTON, also what you were told, are extremely important, but separate, as Colonel PATTERSON said, what was what.

When your people came out you had four guns and you had the ones of 23, and the guns were relieving. Two would relieve two.

A. Right, sir.

LTC PATTERSON: Is that the way it was or did you have three and rotate on station?

A. We usually ran it that way.

Q. Do you remember what you had, not what you usually did?

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A. At this time, no, sir, I don't.

Q. That's what we want. Not what usually happens or what you think happened, only what you recall.

A. Right, sir.

COL FRANKLIN: Could you have been a low gun, say, for one particular mission and gone back and refueled and then come back and have been a high gun? Could this have happened?

A. This has happened, but I can't say for sure that is the way it happened.

Q. You saw the artillery prep?

A. Yes.

Q. Could you show us on this photo where that prep landed?

(Witness is oriented on Exhibit P-1.)

A. The artillery prep now, we just saw the smoke coming up right over this area here (indicating).

Q. The witness shows to the east of My Lai. Were any rounds landing in the village?

A. To the best of my knowledge, no, sir. I don't remember any going into the village.

Q. How about the gunship prep? Was there one and where was it?

A. I didn't see one, sir, if there was.

Q. You did not have commo with the Sharks?

A. No, sir.

Q. We know the Sharks were on the battalion push.

A. Yes, sir.

Q. You said you were not?

A. Yes, sir.

Q. Do you remember if you were flying low or high gun at this time?

A. I wish I did, sir. I've been teasing my mind for the longest time trying to figure this out. I do not know, sir.

Q. We believe that Mr. MILLIANS and Major WATKE were flying the low gun.

Review that again, Captain LIVINGSTON, what you just said about how you would normally fly these formations. I'm talking about the high and low gun with respect to the LOH.

A. Usually, our low gunship was about 50 to 100 feet above the ground. Usually, I'm saying usually, it may not have been the case there, because we did not receive any fire that I know of. We did not receive any fire out there. We fly the high ship between 100 and 150 to 200 feet.

Q. In the south?

A. Yes, sir.

Q. That's above the terrain?

A. Right.

COL FRANKLIN: Captain LIVINGSTON, would you go into detail now on those Shark firing passes made on the highway. You made the statement that someone told the Sharks there were VC on this road, how do you know that?

A. I made the statement, sir, because I see no other reason why they made the gun run down there. In fact, nobody may have told them anything. They made the gun run on their own.

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Q. Let us know when it is an opinion.

A. Right.

Q. You saw the Sharks make a gun run?

A. Yes, sir.

Q. About how long was this after the prep or the CA?

A. Fifteen or twenty minutes.

Q. Fifteen or twenty minutes?

A. Right.

Q. Will you describe that run again, how many gunships in what direction?

A. Two gunships, sir, and the gun run was made generally in a southerly direction or westerly direction. There were people that had come out of the road generally running south to My Lai. People had come out to this main road, road 521 that runs off to the west. The gun run was made, generally, in a westerly direction. Now, the reason I remember things so vividly is because we didn't know they were going to make the run, because we didn't have communications with them. It is a real funny feeling being in the air and all of a sudden you hear miniguns going off, sir.

Q. Both gunships made firing passes?

A. Yes, sir.

Q. How many?

A. One.

Q. One pass?

A. Yes, sir.

Q. Firing miniguns?

A. Yes, sir.

Q. What was your impression of numbers on that road. I realize this is hard. A whole bunch?

A. I would say about 30 to 50 people we saw lying on each side of the road. I mean about 50 people all together.

Q. Are you sure about this, Captain LIVINGSTON? Point on there were you saw these people laying on the road.

A. It was off to the west of the trail. People came out to this road (indicating) and went off to the westerly direction and were lying on a ditch on the south and north side of the road. There were a few bodies lying on the road.

Q. Let the record show the point indicated is about 100 meters to the west of intersection of 521 in the north-south trail coming down from the middle of My Lai.

You saw 30 to 50 people. You're guessing now?

A. I'm guessing now, sir. Maybe at the time I was in too much shock to really pick out numbers. It may have been only 10 people, I don't know, sir.

Q. Did you go down to take a look at these people later on? You must have if you saw them.

A. Right, sir.

Q. About what altitude?

A. We were about 100 feet above the ground and Mr. THOMPSON was hovering right over them. He went out with an air speed of maybe 5 knots, just hovered over the area trying to pick up any people with weapons. Now, this is his transmission to me. This is not fact, this is what he told me. He said that he was told to go down and see if he could see any VC with weapons and what he said was, "I ain't seen any weapons lately."

Q. He told you this later or in the air?

A. He told me that in the air. He came over and told us the conversation that was going on.

Q. On the radio he told you this?

A. Right, sir.

Q. Now, when you saw those bodies, what were they mostly?

A. Women and kids, sir.

Q. Women and kids. When they were going down this road even from your position, could you tell pretty well they were women and kids, from your altitude and distance?

A. Oh, very definitely, sir. At this particular time we were new in a recon team so we were given the area and we reconned mostly to the east of LZ Dottie which is off here to Highway 1. We reconned this area many, many times. We could tell if Quang Ngai would get hit because we could tell by whom was in the field. We saw women and kids in the field and we knew we were going to get hit that night. A majority of time we were right. I'm not saying that all the time we were right, but we could ascertain if it was actually a man or a woman.

Q. Your feeling when you saw those gunships? Go through that again, what your feelings were.

A. I believe, sir, this is the time, if you take a look at these letters. This is a letter I wrote to my wife and dated 16 March 1968. I marked out the personal stuff that you would not be interested in.

Q. That's all right.

(COL FRANKLIN reads letter to himself.)

This is a letter dated Saturday, 16 March 1968, to Captain LIVINGSTON's wife, Bets, from her husband Brian LIVINGSTON. I would like this entered into evidence.

RCDR: Letter dated 16 March 1968 from Captain LIVINGSTON to his wife is entered into the record and marked as Exhibit M-21.

COL FRANKLIN: I'm going to read part of this letter. In fact, I'll let you read the letter, Captain LIVINGSTON.

(Witness reads Exhibit M-21.)

LTC PATTERSON: Captain LIVINGSTON, I would like just to go back here a little bit. There is some evidence in previous testimony, and records indicate considerable time lapse between the beginning of the operation and the child being evacuated to the hospital. I say considerable time, perhaps three or three and a half hours.

There were some incidents and some things which happened during this period of time which you have related to us here that I would like to get sorted out in some kind of sequence as to timing. In so doing, I'd like to refer to previous testimony that we have on this subject and to other information that we have available to us.

A. Right, sir.

Q. We want to bring you right down into it and see what you can recall. This is recall on your part and not subsequent conversations.

When you arrived on station you say you saw the CA and you saw the artillery, and yet you didn't see the Shark gunrun.

A. The prep? No, sir, I did not see the prep.

Q. Do you recall specifically that that CA was as you have indicated on that map or is that because you believe that is where it was?

A. I did not see the CA. I was not looking for the CA. That is where I believe it was.

Q. Then you did not see the slicks land?

A. No, sir.

Q. You saw the artillery land?

A. Yes, sir.

Q. Can you positively state where you saw it land?

A. Positivey state? No, sir. I can--

Q. (Interposing) In relation to My Lai?

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A. Right, sir. I can tell you in relation to the city, town or village of My Lai. I saw the smoke come up. I did not see the round come in and make the big splat. I saw the smoke come up from the round.

Q. You're sure it was an artillery round and not another type of round?

A. It may have been some other type round.

Q. Could it have been rocket runs?

A. No, sir, probably not.

Q. Did you see any other CA's that morning, or other artillery preparations?

A. No, sir.

Q. You did not?

A. I did not personally see it, no, sir.

Q. What puzzles us here, at 0810 in the morning, in the area assigned to the aero-scout company, another CA, preceded by an artillery preparation, was taking place. In fact, on this particular CA of another unit in the area, the artillery didn't shut off and the nine slicks on final approach had to make a go-around before they could get in. This happened between 0810 until insertion was completed at 0827. Did you see any slicks land in this area to the southeast of My Lai?

A. No, sir. I did not.

Q. That also was a two-lift operation, two times nine slicks went into that area.

A. I did not, sir. I did not see any ships go in there, personally. That I can tell you.

Q. You indicated earlier that about 10 or 15 minutes after you arrived on station you saw these sharks make this gun run down the road?

A. Yes, sir.

Q. The second lift into this western edge of My Lai wasn't completed until 0751.

A. What I saw is, now, I am assuming--

Q. (Interposing) That is what we want to scratch out, the assumptions.

A. I don't know what it is. I did see what I thought was artillery. I saw the smoke coming up from the rounds. We did not see any gunships because the Sharks were down here.

Q. You're pointing to Hill 85?

A. Yes, sir, they were off to the east. Now, what you say is true.

Q. What time was this now? Was this after you got on station?

A. Yes, sir.

Q. It was?

A. We saw the smoke come up here (indicating) and the Sharks were orbiting over here at the Hill 85 or in this general direction.

Q. Do you remember any coordination that anybody did between the Warlords and the Sharks?

A. I don't have any idea. I did not make any. We couldn't communicate with them.

Q. Did the Warlords make any gun runs?

A. No, sir. We did not.

Q. You did not?

A. We did not, sir.

COL FRANKLIN: I think it's pretty obvious from your letter that you wrote on 16 March that you saw certain things and you heard certain things.

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A. Right, sir.

Q. If you were around this area on the first go of the Warlords, this would have been about 0730 and you well could have seen passes made by the Sharks. You're sure you saw those on this road, 521?

A. This is one thing that I'm sure of.

LTC PATTERSON: Did you see and can you state that those gunships did, in fact, engage those people and kill them at that time?

A. Now, you are running into a real legal question. If I saw that bullet, that particular aircraft.

Q. No, no. I'm only interested in time. We have previous testimony that indeed there were bodies along that road. You've indicated you've seen those bodies and you also indicated you saw the Sharks make a pass down that road. I'm trying to support whether or not you are sure those Sharks are the ones that shot those people.

A. We heard the "brapping" sound of miniguns go off and we came back around. We were in the process of making a right turn and being a "peter pilot" I was on the left side. I did not see the Sharks go down. I heard the miniguns being fired. I did not see the bodies. I assume the Sharks made the run down the road, because we didn't.

Q. You see again--

A. (Interposing) It's assumption.

LTC PATTERSON: Captain LIVINGSTON, let's go back to the morning of the 16th. Do you recall that you left Chu Lai to go to the operational area?

A. No, sir, I don't recall the exact facts here.

Q. Do you know whether you took off from Dottie or took off from Chu Lai?

A. For sure, no, sir. Only what I assume.

Q. You testified a little earlier there were two complete teams involved.

A. When you asked me, sir, "Are you sure?" And I said, "No, sir." I did not know for sure. I assume it was that way.

Q. You don't know how many Scorpions were involved in the 16 March 69 operation?

A. No, sir, I don't.

Q. You recall arriving on station as you have testified and saw some smoke that you assumed to have come from artillery fire?

A. Yes, sir.

Q. Do you recall whether or not you were there on time or whether you were late for the arrival?

A. No, sir. I do not.

Q. The evidence that we have, Captain LIVINGSTON, and I am telling you this just to try to make you recall things, is that the Warlords were a little bit late arriving in the operational area. I think it's advisable to mention this. We have a tape recording (transcribed as Exhibit M-20) that we have reason to believe was taken on that day. The tape recording consists of the transmissions on the battalion command net. The call signs, including Warlord Alpha Lead, gives us a great deal of information about the events that transpired during that time. The tape itself, we have reason to believe, is of the first couple of hours, the first 2 hours of that morning, beginning on or about 0720 hours of that morning and lasting until sometime after 0930.

A. Yes, sir.

Q. The tape indicates that the Warlords were a little bit late in arrival. They were estimating arrival on station somewhere around 0740 hours in the morning.

A. Right, sir.

Q. Seeing the smoke and not seeing the initial lift, of course, is a real good fact. The second lift into

the LZ took place and was completed about 0751, and it is conceivable that you did not see that lift. The records also indicate that the Sharks did in fact fire at a target to the south generally in the vicinity of Highway 521. They also reported killing one VC and reported a weapon. They attempted for a period of time thereafter, to get infantry troops down there to police up the weapons and gear. This tape also indicates, and I would like to read a transmission from it. This is right after the first lift had departed the area. Warlord Alpha Lead says: "This is Warlord. We've got one rocket run in progress if you'll just stay where you are, we'll go past you." This indicates the Warlords were in fact firing on a rocket run.

A. I was not. Our ship did not fire.

COL FRANKLIN: Do you recall around Hill 85 any kind of a sighting of an enemy and the pursuit of this enemy and firing at this enemy?

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

Q. You don't recall this being seen by the OH-23 and then being followed by one of your gunships and rockets fired on that?

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

LTC PATTERSON: You indicated that when you arrived in the area you orbited west of Hill 85?

A. To the best of my knowledge, yes, sir.

Q. Do you recall the Skeeter, the OH-23, moving out at any time and going to the east of Hill 85?

A. He was going all around. He was to the east, yes, sir. I don't remember him going exactly to the east of Hill 85. He wasn't orbiting with us. He was going where he wanted to go.

Q. Were you watching him?

A. We tried to watch him, sir. But I can't personally tell you that I saw him go off to the east of Hill 85.

Q. The tape indicates that the Skeeter and the Warlords went over as far as the peninsula along the China Sea about 0845. The reason being to get coordinated with the Sharks in the area of operation. The Sharks gun team was going to cover in this operation until the lift was complete and you fellows and the aero-scouts were going to take care of the area then.

A. This may be in fact be true, but I was only a "peter pilot" and I was only told or listened to what I was told.

Q. The tape does inidcate, as you have indicated that the Sharks did in fact fire in the vicinity of Highway 521 and they did in fact report killing a couple of "dinks" with gear at about 0740 hours in the morning. You indicated that you saw all of these people on the road at this time of the morning and the Sharks made a gun run. You, I assume, meant you immediately went to check those bodies?

A. Immediately. Immediately, because we were called, we heard the miniguns and we thought, well, it must be some type action and it may be to our detriment if we don't find out what it is. THOMPSON was told, this same thing, some "dinks" with web gear on and weapons down there and that's what THOMPSON came back and said, "I ain't seen any weapons down there lately."

Q. This was right after you arrived on station?

A. A short time afterwards, sir.

Q. To the best of your knowledge was there only one team of Shark gunships?

A. To the best of my knowledge, yes, sir.

Q. The Sharks tried to mark these bodies with a lot of colored smoke for the next 30, 40 minutes or so. It appeared that they were marking these bodies and the smoke they were using was various colors at different times. Do you recall seeing any of these smokes?

A. No, sir. I don't.

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Q. Do you recall seeing any of the smoke that was being used to mark other areas that day, during your first tour on station?

A. No, sir. I don't.

Q. Do you recall whether or not Major WATKE was flying on the first mission?

A. No, sir. This is the other thing that has been giving me a long teasing period. I don't remember if Major WATKE was on the first lift. I don't also remember if he was low ship or high ship.

Q. Are you sure of anyone being in the gun on the first time on station?

A. Mr. MILLIANS.

Q. You're sure Mr. MILLIANS was on station? Would you tell me why? How you can be sure?

A. I would say for a fact he was there. I just assume he was there, because it seems like he was out there, but I don't remember seeing him out there. I don't remember who I was flying with either, sir.

Q. Mr. MILLIANS was there, but I'm not sure he was there on the first time on station or not.

A. I swear to the Good Lord if I can remember all this stuff I could help you out, but I really can't. I don't remember us going over to the east towards Pinkville, over to the peninsula, I don't remember that. Maybe it's just a matter of remembering what I want to remember. Something that just sticks in your mind.

Q. You saw something that did stick in your mind and I assume that this was probably the first time that you had seen this?

A. I had only been in the country about a month, sir, and it did, sir, it really stuck in my mind. Do you have that tape, sir?

Q. Yes, I do.

A. I could possibly pick up the voices. Do you know who the lead was?

Q. Warlord Alpha Lead, Major WATKE or Mr. BAKER.

A. Right, sir. If he was in fact Warlord Alpha Lead then he was high ship, he was not low.

Q. The problem we're having here, Captain LIVINGSTON, Mr. MILLIANS said that he was flying with Major WATKE and Major WATKE seems to think he was flying with Mr. MILLIANS yet Mr. CULVERHOUSE also thinks he was flying with Mr. MILLIANS. We're having a bit of trouble sorting it out.

A. I can remember Major WATKE flying with our gunship twice.

Q. That morning?

A. No. Twice during the entire time he was with us before he went down, he was shot down. One time with Mr. WYCHOWSKI and this is the time he was medevac'd back and one other time he flew with Mr. MILLIANS. Now, I don't know which day that was. Now, Mr. CULVERHOUSE was new into the country the latter part of February and he flew with him sometimes too. We may have had him on standby to fly with Major WATKE. When he got done flying with Major WATKE he used to fly with us all day and Mr. CULVERHOUSE may have relieved Major WATKE. But if you ascertained that it is Major WATKE's voice as Warlord Alpha Lead, our high ship was Warlord Alpha Lead, was always our lead ship.

Q. Warlord Alpha Lead said, and the timing we think is somewhere around 0745, "This is Warlord Alpha Lead. Directly to the south of the LZ we had two 'dinks' with weapons, both of them KIA now.

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We are reconning now along the peninsula checking the people out that are 'di di'ing' the area and they are going out fast. We've got the area to the south and to your west. We're just covering it now." This was in conversation with Shark 6.

A. What time, sir.

Q. About 0745.

A. What time is supposedly this charge of killing civilians? Is it 1000?

Q. Of what civilians?

A. I'm just trying to get time as to whether there were two teams out there, if we were the second team coming out or the first team coming out. I'm confused now. Now you've got me confused. I'm trying to place facts together.

Q. No, I don't want to confuse you. I'm trying to--

A. (Interposing) Reconning over to the east peninsula, I do not remember that, and that's why it's confusing me.

Q. I've gone under the assumption that you remembered being there, being the first team on station in the morning.

A. I assume I was, but you start bringing this stuff up and--I think I was. I mean I can tell you right now, yes, I was, but then you start bringing stuff up like this and then I get confused again, because I do not remember going--

COL FRANKLIN: (Interposing) Are you sure that you saw several bodies?

A. Yes, sir.

Q. You're sure that you saw that?

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A. Yes, sir.

Q. That would put you then on the first relief of gunships, because first the high and low guns had gone into refuel at this time after having been, we believe, relieved on station. If you had only three gunships, maybe one came back. We do believe there were two and this would have placed you coming on sometime after 0900. Can you put a time between when you saw the Sharks make a firing pass on 521 and the time you saw the ditch?

A. The pass on the road was done prior to me seeing the bodies in the ditch.

Q. About how much time, can you recall?

A. Pretty good portion. This was in the beginning of our station and the bodies in the ditch were just about before we departed station.

Q. During the same period? The same flight? You had not refueled at anytime during this and flown back to Dottie?

A. I don't know, sir. I really don't know. So help me I do not know.

Q. Did you accompany Mr. THOMPSON to Quang Ngai?

A. Yes, sir.

Q. Were you flying with a gunship that went down and evacuated some civilians?

A. Not that I recall, sir. As I brought up before, I don't remember them going down.

Q. You don't recall that?

A. No, sir. I don't.

LTC PATTERSON: Would that have stuck in your mind at that time?

A. If he would have gone down? If the gunship would have gone down, yes, sir, it would.

Q. And made two trips?

A. Yes, sir, very definitely. If he would have gone down there it would have stuck in my mind.

COL FRANKLIN: Do you recall anything about mortar rounds?

A. Enemy or friendly?

Q. Friendly. Discovering them and finding them. Do you recall your infantry putting down on Hill 85?

A. On this day?

Q. Yes.

A. No, sir. They were put down there before but not on this day, not that I recall.

Q. It's possible, Captain LIVINGSTON, that you didn't actually fly during the first lift. Which means you probably would not have seen any artillery coming in. If you in fact saw the ditch and you accompanied Mr. THOMPSON to Quang Ngai you could have been on the first, second, or third relief gunships.

LTC PATTERSON: The smoke that you saw. Let's try to pin down the source of smoke. You are not sure, as I understand, that it was artillery?

A. That's right, sir. I am just saying it was smoke coming up. I didn't--

Q. (Interposing) Could it have been the village burning or fires within the village?

(LIVINGSTON)

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A. Since I cannot really deduce exactly what the source was, yes, I imagine it could be.

Q. Did you see any hootches burning in the village that morning?

A. Not that I recall.

COL FRANKLIN: You don't recall the village burning at all?

A. No hootches on fire, smoke coming up, yes. I don't know where it was or what. I assumed it to be artillery rounds coming in up here (indicating). That is why I assume I was on the first relief that went out. But after all of these things are brought into account about going out here to the east, I start to figuring that I am just fabricating a story.

Q. No, you're not fabricating. Nobody is accusing you of that and you are not suspected of anything like that, Captain LIVINGSTON.

You are confident that you saw refugees on Highway 521?

A. Yes, sir.

Q. And you heard the minigun?

A. Yes, sir.

Q. And Sharks did this firing and then there were people dead?

A. Yes, sir.

Q. You're confident of that?

A. Yes, sir.

Q. Could you describe now that ditch and just what you know about that ditch?

A. Around the village there is a ditch that goes all the way around here (indicating) by these trees. I assume this was the ditch THOMPSON saw.

Q. I want to show you Exhibit P-102. This is looking to the east. That gives you a little more of the view you would have seen. You said there was a ditch. Show us where you mean exactly.

A. This is looking off to the east?

Q. Yes.

A. From west to east?

Q. Yes.

A. There is a ditch over here on the east side of the village (indicating), and this is the ditch on the east side and I remember seeing the bodies.

Q. Could that ditch have been over here (indicating)?

A. Yes, sir. In fact it could have been over that far.

Q. It was on the edge of the woodline. There was no more woods?

A. Yes, sir.

Q. There was no more woods to the east of this within 100 to 200 meters, right?

A. Right.

Q. All right, go ahead.

A. This is where I remember seeing the bodies. This is also in this area. It may have been here or it may have been right here that THOMPSON landed.

Q. Describe what you mean you saw some bodies?

A. The bodies that you remember from reading the letter. THOMPSON saw the child, the GI moving in the previous little children were killed, and he landed and in fact picked up one little child, and this was the same ditch that we saw the bodies laying in.

Q. Give me the sequence of time. The first time that you saw the ditch, anything to do with the ditch.

A. I saw the ditch numerous times. One time when we were just orbiting we could see the ditch.

Q. What did you see in the ditch?

A. Bodies. The number of bodies, I don't know, it may have been one body or two bodies or three bodies, but there were some bodies in the ditch.

Q. What did you say earlier about the water in the ditch?

A. It wasn't actually water like it was pouring down rain. It was just kind of like murky looking, gray colored down there, that kind of filtered into being a kind of red. This is an assumption, this is not fact, that the blood from the bodies just changed the water into red.

Q. How close were you to this ditch?

A. We didn't fly right over it. We were right in 200 or 300 meters of it and only about 150 feet above the ground.

Q. Are you saying less than 10 bodies?

A. Right, sir. From that height, just a little change in color we could pick up. Actually, one body could have changed the color of it if we saw it right.

Q. What was THOMPSON telling you on the radio at this time? You say that you had communications with THOMPSON?

A. THOMPSON was mighty unhappy. The first thing that sticks in my mind, maybe because I was new in the country and I never saw anything like this before. I was down here when I told you about the people we saw down here. The next case that I remember THOMPSON talking about--

Q. (Interposing) What did THOMPSON say about that?

A. He said they asked him to go down and see if he could see any weapons and THOMPSON said, "I ain't seen any weapons lately." That is what he told us he said. I remember him giving three transmissions. He came up here and he talked to the people on the ground, or said he did.

Q. He told you this on the radio?

A. Right. He had a child or something over here (indicating) and he pointed it out and he saw an officer, I assume it was a captain, I mean that's what I wrote my wife, because I assumed it was a captain come up to him and finished him off, I mean empty a clip off into him. I don't know whether it was a .45 or M-16, I don't know.

Q. You didn't see that?

A. No, sir, I did not see that.

Q. Did you hear that on a radio, or did THOMPSON tell you about that?

A. THOMPSON came over the radio, he told us that. He in fact later on told us the same thing over again.

Q. You heard that over the radio. All right, go ahead.

A. The other one was the one where he saw the Negro sergeant and a child and the Negro sergeant moved over there toward her which I imagine was on the east side of the village. I can't remember right now where it was, and he saw the Negro sergeant fire a clip off into the girl. He didn't say what the rank was, E-5 or E-6, he did not say. The reason this stuck in his mind was he was a boy from Atlanta. I guess you could say he was kind of prejudiced. He stated that to us before. But this stuck in his mind. He was real unhappy about this. Now, these things are the things that stick out in my mind.

Q. Where were you when THOMPSON went down to pick-up this child?

A. When THOMPSON went down to pickup the child we orbited off to the east. Now if he landed here, we landed--we flew like this. If he landed here, we flew on over here (indicating).

Q. Now, these guns covering. What do you remember about that? Explain that about "cover me."

A. Now, this is what he told us later.

Q. He told you this later?

A. Right, sir. He told his doorgunner, who I think was COLBURN, I don't know, his crew chief, he told him keep your eye on the GI's, keep your M60's on the GIs because I want to move toward the kid. This is what he told his doorgunner. He got out of the aircraft and this is when he went over and picked up the child. Now. I can't remember, I don't even want to say now, because I don't remember. Whether he talked to somebody on the ground or not and he went over and picked up the child--he may have said something to the people on the ground and he may not have. He picked up the child, came back to the helicopter and that was the end of the mission.

We flew up to Quang Ngai. What we did from there, I don't know. We may have gone back to Dottie and landed there and told the people what's happening, gone back to Chu Lai or what, I don't know.

Q. We think you came back to Dottie and this was just prior to noon. What happened when you landed?

A. I believe it was Dottie. I don't even want to venture to guess what happened after that, because after that the AC's got together. I assume they went up to talk to Major WATKE to talk this thing out. I don't know for a fact because I didn't go up there with them.

Q. What rank were you at this time?

A. A first lieutenant, sir.

Q. What was your impression as to what had gone on in this village?

A. I think the letter I wrote to my wife expresses it.

Q. You were very emotional at that time.

A. I was impressionable.

Q. Were you also very emotional?

A. Yes, sir.

Q. These pilots went off. You don't recall asking them and finding out who they talked to and what they did. I don't understand why you normally wouldn't do this because you pilots are close. Why wouldn't you have talked to these people later on?

A. They went up there and they were going to start, I assumed, that they were going to start their investigation. They went up there and they told Major WATKE.

Q. Why did you think investigation?

A. They were going to go on up the channel. They were real unhappy. We thought we had to start someplace. THOMPSON was real unhappy and we thought he was going to take it all the way up. I mean he was really mad. We came back on our ship at Dottie and then we flew back around 1200 or 1230 to Chu Lai. Now, this is when, I assumed, that THOMPSON, the other AC's and they all got up there and left, and they were going up to see Colonel HOLLADAY. I assumed this is why I put it in the letter I wrote to my wife that we are trying to get--

Q. (Interposing) Do you recall any more about whether they did, of who they had seen?

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

Q. Did you ever talk to Major WATKE about this?

A. No, sir. Not that I recall, no, sir.

Q. What do you recollect, subsequent to the thought about an investigation, the talk in the company, and what went on?

A. Along what line, sir?

Q. About the incident of 16 March. What went on later? What did you hear about this after the 17th, the 18th, the rest of March and April? Anything that related to this?

A. I asked THOMPSON after he got back what had happened, and he says, "We just went up there and we put it in division's hands." That's why I assumed they went up and saw Colonel HOLLADAY. I don't know if they did.

Q. THOMPSON told you they had put it in division's hands?

A. Right, sir. That's all we heard about it. That's all I remember saying about it until I got to Fort Hood.

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Q. Did most of the pilots and crewmen in your company know about this? Was it talked about around the mess?

A. It was very definitely talked about.

Q. Was this common knowledge in your company?

A. Yes, sir, it was.

Q. What was this common knowledge? What was the talk in the company?

A. The talk was, and this is what we had actually seen, a bunch of civilians killed by troops from the 11th Brigade.

Q. Were the terms atrocity, murder, massacre or war crime, used?

A. I never heard them used, but I think the word massacre at one time was used. Atrocity, no; war crime, no.

Q. Was massacre used?

A. Yes, sir.

Q. Was this common knowledge in your company?

A. Yes, sir, it was.

Q. Do you think Major WATKE as company commander would have been aware of this?

A. Yes, sir. I believe he should have been aware of it, because it was nothing that we were trying to hide. It was something we were real unhappy about. We didn't feel happy about or proud of being a part of it.

Q. What kind of company commander was Major WATKE in relation to his pilots?

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A. I wasn't in the company that long, but what I saw of him, he was a good company commander. We used to play bridge sometimes at night and he was kind of-- I wasn't there when he formed up. We just formed up as an aero-scout company; we were a straight gun company prior to that. A gun platoon of the 161st Aviation Company. He was in the process of trying to get this aero-scout concept taken care of. We didn't see him that much. We were just newly formed. His relationship with our pilots was kind of aloof, really. He really wasn't among us as company commander. He didn't do that much flying with us. He did some flying, but not that much flying. We had a Lieutenant LLOYD, a Lieutenant WALKER, myself and Lieutenant REUTNER, the four commissioned officers that I can recall were with the company when I was there. Lieutenant LLOYD, Lieutenant WALKER had been there longer than I had. Lieutenant REUTNER and myself came into the country the same day. We got in on 5 February. We went to Vietnam together. Major WATKE wasn't particularly close to any of the warrant officers, and he was not real close to myself particularly because I was new.

Q. How long did you stay with the company?

A. I stayed with the company, sir, I got there on 14 February 1968 and I stayed there until 6 September 1968, when I was shot down.

Q. You were there the entire time Major WATKE was?

A. Yes, sir, I was until he was shot down or he went down.

Q. Major WATKE was very highly decorated. How did he get those decorations if he wasn't doing much flying?

A. No comment, sir. It's not my place to give an opinion on this stuff.

Q. I'd like your opinion.

A. Seriously?

Q. Yes.

A. Major WATKE went down and I assume to this day, and will to my dying day of plain engine failure. He was given a Silver Star for engine failure. Our infantry platoon leader at that time was a Lieutenant APPLE from Bowling Green, Ohio. He was told to take his Animals on the ground and find and document evidence that the aircraft had been shot down. Lieutenant APPLE took his people on the ground. He did not find any round in the aircraft that went down. He had to call back asking if on the rotor blade on the helicopter the serial number and the name of it is up or down. He found some rounds that had been lodged in there, but he did not find any evidence that there had been a round taken in the aircraft.

Q. What about the round in the rotor blade? I don't understand that about the serial number.

A. Well, after the aircraft went down and crashed we came in and it's our SOP to try and destroy the aircraft. We tried to destroy the aircraft and we made a couple of runs on it. Then our Animals, we call them our Animals, the Cav call them it's Blue, put them on the ground. That's the reason he called back and asked which way the blades are up. If the serial number and the name of the blades was up or down, because this way he could get some idea of what happened. I can't remember the way it was now. Anyway, the evidence he found was the only rounds that had been taken on the helicopter were rounds that we had put in it by us because it came in the top of the blades instead of the bottom of the blades. That's the reason he asked like that, but he did not find any rounds at all. If I remember now, MILLER, was the crew chief or gunner of the aircraft he went down in. He does not recall receiving fire. WYCHOWSKI at the present time may think he took rounds but he didn't originally. Originally, he said he didn't think they took any rounds. All along, the more he was in the hospital the more he said he may have heard some rounds come up. We did not find any evidence that the aircraft had been shot down. Now, to give you a little bit of an idea, WYCHOWSKI is a very, very overconfident pilot with a very, very, limited ability. He is the only man that I've ever flown with that scares me. They did not find any evidence that the aircraft was shot down. This is my personal opinion, sir.

Q. Did you ever talk about this to other pilots around? Was this a general feeling or just your feeling?

A. Now, a general feeling you're talking about it as a prevalent feeling?

Q. Yes.

A. To the friends that I knew, yes, it was, that was the opinion. They felt badly because of the fact the ship had been shot down and Major WATKE was the peter pilot," he was not the AC. The AC got a Purple Heart and Major WATKE got a Silver Star. They were real unhappy about this because the majority of the pilots in any aviation unit are warrant officers and they were real unhappy about this. They didn't feel the ship had been shot down.

Q. Do you recall Major WATKE ever getting a company together and talking about the My Lai (4) incident?

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

Q. Did he ever tell the people not to talk about it?

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

Q. Do you ever recall an assembly of your company or parts of the company when somebody came down from division and just give you a little briefing of what the division was doing, and mentioning a body count, and the people getting all upset and starting to make comments?

A. I have another letter here and can I read this to you, just a little portion of it? You are talking about this body count.

Q. Yes.

A. This is a letter I wrote my wife on 19 March 1968:

"You remember I told you about the massacre I witnessed. Well, I read a followup story in the paper the article said I quote, 'American troops were in heavy combat with an unknown number of VC. Two Americans were killed, seven wounded, 128 VC killed.'"

That's the only thing that I remember.

Q. Did you go on to make any comment on this?

A. I wrote: "That's a bunch of bull. I saw four VC, that is, those with weapons and the amazing thing about that, is two of them got away. It made me sick to watch it." Evidently there must have been some VC there but it slipped my mind.

Q. You used the term "massacre."

A. I know, sir. I know, sir.

Q. You were an officer. Having seen this, being very unhappy with it, what honestly upset you most to the point you wrote your wife? What did you think about doing through official channels?

A. Well, sir, I felt the investigation that we started on the 16th at Chu Lai--first of all I am a soldier. I do what I am told, and this type of case--war of any sort is not pleasant. There are going to be things like this to be done and I felt this was not really right, but right is right and wrong is wrong. I felt this was a part of war, an integral part of it, they'll never get away from it. I just assume this was one of those things. I was unhappy about it, yes, but I didn't feel this was a typical war. It was typical in a lot of ways.

Q. You thought it was a massacre from what you wrote your wife.

A. Right, sir.

Q. You think this is part of war?

A. I feel a type of thing like this--I feel every man has a breaking point. A man walks into a booby trap--I can see where people get a lot of hostility and animosity in themselves toward people just because they had people walk into booby traps.

They don't know where they are going to get fired upon, they could get ambushed, they can't discern between who is VC and who is not VC. The men get a little bit jittery and this may happen.

Q. The gunship, Shark, pilots don't run into booby traps making firing passes on women and children on a road. Do you consider this a natural part of war?

A. No, sir. No, sir, I don't. This is one of the things that I am still unhappy about today and always will be unhappy about. I'm a helicopter pilot and I'm a good pilot. I feel what I do is right and I feel I had a mission to do. I accomplished the mission to go out there and take a helicopter with armament, with 7.62 and M-71 systems or 2.75 rockets. You've got a lot of lethal power. You can more or less dictate who lives and dies. In this case they did, and it's not right, it's not right. It didn't set right, it never did. I have told and brought it up to a few Sharks at one time, those who were no longer with the unit. They were all shorttimers and they are all gone by now. No, sir, that is not any integral part of war at all.

Q. Did you think an investigation was being accomplished?

A. Yes, sir. I assumed it had been started. Being new in the company in Vietnam, I saw no reason to doubt it.

Q. You stayed in the company until September. Did you ever hear anything about this investigation? Did anybody ever come and get a statement from you?

A. Nobody got a statement from anybody that I knew. Now, I heard something someplace, and I can't remember whether it was after I got back to the States or whether I heard it in Vietnam, of an investigation. Colonel BARKER had been called in and they talked to him about the incident. I don't know who told me. I won't even say anything.

Q. You have a statement in here, in this letter of 16 March, "the Shark, a notorious killer of civilians." What made you write that? What made you think that?

A. It was just the word of mouth when I got in there. I got in there and I was with some Scorpions and they were talking about--I heard things. I had not been in the country long enough to see any of this. This is what I was told, "You've got to watch out for the Sharks and the Muskets. Man, these guys are really bad. Anybody that walks is fair game to them." That's why I put "notorious."

Q. Do you have any personal knowledge of the Sharks doing any unnecessary killing?

A. Outside of this, no, sir.

Q. I would like to admit this second letter dated 19 March, written by Captain LIVINGSTON to his wife. I would like to submit that as evidence.

RCDR: This letter from Captain LIVINGSTON to his wife dated 19 March 1968 is admitted into evidence as M-22.

LTC PATTERSON: In an effort to pin down the times a little bit, there are a couple other incidents that I would like to tell you about that occurred and see if you can recall seeing them.

First off, you mentioned in your letter that you only saw four VC KIA on that day. Do you recall where you saw them?

A. No, sir, I can't. As I said in my statement, I did not read these letters before I came in and I don't remember the four VC. Now, we get talking about this thing I start recalling these two to the south of the village with weapons. Two of them got away. I think the Skeeter followed two VC to the south of the village, and he got away from the Skeeter, the two people got away. The exact location I don't know. That's why I said four VC. Evidently, there must have been two killed and two got away.

COL FRANKLIN: Could this have been around Hill 85?

A. Yes, it possibly could have been around Hill 85.

LTC PATTERSON: Do you recall, after you saw all of these bodies along Highway 521 down there, seeing any civilians down there walking down the road? Were there any more live civilians?

A. Scattered troops to the best of my knowledge, sir.

Q. Do you recall an incident where either you or your other gunship went down low and tried to separate from a large group a couple of civilians or a couple of military-age males?

A. No, sir. I don't.

Q. We have testimony that there were a couple segregated from a large group of civilians along the road, 521. The helicopter was hovering low, trying to separate them, and they took off their shirts, these two military-age males. A little bit later a C&C ship came in and policed these fellows up, and took off with them. Do you recall any incident like that?

A. No, sir, I don't remember a Charlie-Charlie ship coming down to pick them up. Now, the way you are talking about, it may have possibly been Mr. MILLIANS that would have done something like this. He had a tendency to hover down.

Q. To hover at low level?

A. Yes, sir.

Q. Do you recall seeing any helicopters other than Mr. THOMPSON's land in or around My Lai (4)?

A. No, sir. I don't.

Q. Do you recall any dustoff of any sort?

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

Q. To the best of your recollection, the time that you escorted Mr. THOMPSON to the hospital at Quang Ngai do you have any feel for what time that may have been, based on such things as your eating times?

A. I would give the time roughly around 1130 or something like this, because it seemed like we went straight back to Dottie and went back to Chu Lai after we landed there. I assume, roughly, around 1130.

Q. And you say then you went back to Chu Lai?

A. No, sir. We were low on fuel because we had been on station. We would had to have gone back to Dottie.

Q. Do you recall being low on fuel?

A. No, sir.

Q. You don't recall participating in covering the Animals landing on Hill 85?

A. I don't.

Q. What time would you say you saw Mr. THOMPSON land?

A. Well, I'd say around 1100 hours.

Q. Did you see him land any other time? Did he only go on the ground one time?

A. Not that I can recall, sir.

COL FRANKLIN: The hearing will be recessed.

(The hearing recessed at 1049 hours,
12 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: LLOYD, Barry C.

DATE OF TESTIMONY: 12 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Scout Section Leader, Aero-Scout Company, 123d Aviation Battalion.

1. PREOPERATIONAL PLANS AND BRIEFINGS.

The primary responsibility of the aero-scouts was to fly advance reconnaissance for the ground elements which were sweeping (pg. 3). At their briefing the scouts were told that there would be an artillery and a gunship preparation and then the troops would be inserted and would sweep through the area (pg. 23). The witness further testified that their mission was to provide reconnaissance in advance of the lead element (pg. 23).

2. ACTION OF THE AERO-SCOUTS DURING THE ASSAULT ON MY LAI.

a. Problems with the aircraft.

The witness testified that his ship did not reach the area of the operation until the afternoon because of maintenance problems (pgs. 4, 5). Mr. THOMPSON's ship had been in the area in the morning but had suffered a blade strike. The witness related that he met THOMPSON at LZ Dottie, where he had gone to discover how the operation was going and where THOMPSON had landed as a result of the minor accident (pgs. 4, 5).

b. Witness' actions on the 16th.

The witness stated that he arrived over the operational area in the afternoon and that when he arrived he noted that the troops had swept through the village

and were beginning to congregate (pgs. 15, 17). From the witness' location he could see no bodies, but could see columns of smoke rising from the area (pgs. 16-18).

3. REPORTING OF THOMPSON'S OBSERVATIONS.

a. Meeting with THOMPSON.

When the witness met Mr. THOMPSON at Landing Zone Dottie (par. 2.a., supra), he stated that THOMPSON explained to him that he had landed and spoke to someone on the ground in order to prevent some children from being killed (pgs. 6, 7). The witness noted that he appeared very upset (pg. 7). The witness added that he understood that THOMPSON had contact with the ground troops by radio, but that the ground troops did not seem to heed him (pg. 8). THOMPSON evidently felt that the U.S. forces were going to kill these people and he was very upset by that prospect (pg. 9). The witness further recounted that THOMPSON was very angry at the possibility that these civilians would be killed (pg. 12), and the witness inferred that THOMPSON had seen some killing (pg. 9). The witness also recalled that he had been told at that time that the gunships of the other aviation element which had supported the landing of the troops had used unneeded firepower, and fired indiscriminately at suspected targets (pgs. 25, 26); fires had evidently been started by rocket fire (pg. 26).

b. THOMPSON's meeting with Major WATKE.

The witness accompanied THOMPSON to the aviation van at LZ Dottie where he spoke to Major WATKE (pg. 9). THOMPSON related the information about what he had seen to WATKE and he was told by WATKE that he would look into the situation (pg. 12).

c. Later discussions with Major WATKE.

The witness stated that when THOMPSON had left the van after reporting what he had seen, he and Major WATKE commented on how angry THOMPSON had been (pg. 19). This was the last time the witness could recall the incident being discussed with Major WATKE (pg. 21).

d. Other discussions.

The witness stated that he overheard THOMPSON discuss what he had seen with Mr. GUALTIER, another LOH pilot, but recalled no further conversations about the incident (pg. 20).

e. Other checks on the operation.

The witness stated that he personally checked at the battalion operations section some two days later and there had been no reports filed on the operation (pgs. 14, 21).

4. OTHER INFORMATION.

a. The witness stated that he had been the awards officer for his unit, as well as THOMPSON's immediate supervisor and had not put THOMPSON in for an award as a result of his actions. He stated that the Distinguished Flying Cross was to be awarded for heroic acts in the face of hostile fire, and that although THOMPSON's actions were heroic, there was no hostile action (pg. 22).

b. The witness stated that there were rumors around his outfit about the Shark company being indiscriminate in what or who they fired upon (pg. 27).

SUMMARY OF RECALL TESTIMONY

WITNESS: LLOYD, Barry C.

DATE OF TESTIMONY: 12 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

ASSIGNMENT ON 16 MARCH 1968: Scout Section Leader,
Aero-Scout Company, 123d Aviation Battalion.

1. MR. THOMPSON'S ACCOUNT OF HIS OBSERVATIONS OVER
MY LAI.

a. Mr. THOMPSON's account to the witness.

(1) Circumstances.

The witness stated he arrived at LZ Dottie around noon or slightly thereafter (pgs. 30, 35). On his way to the van he met Mr. THOMPSON who told him of several incidents that he had observed on that morning (pg. 30). The witness was unclear whether he saw THOMPSON before or after THOMPSON's helicopter had suffered a blade strike (pg. 36).

(2) Substance.

Two matters that stand out in the witness' mind are that THOMPSON said there was needless shooting, or needless killing, going on and THOMPSON's account of the three boys in a spider hole that he had observed. THOMPSON landed and told the ground troops that he could get the boys out of the spider hole without them having to throw a grenade into the hole (pg. 31). Although THOMPSON did not give a specific number of bodies, the witness stated his impression was that there were a couple of dozen. THOMPSON only said there were a lot of bodies (pg. 34). The witness recalled THOMPSON recounting an incident involving a confrontation between himself and one

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of the ground leaders (pg. 33). The witness testified that THOMPSON had the impression that this was a sergeant (pg. 33). THOMPSON had landed his helicopter and told this man that he wanted the shooting stopped or he would report it. The witness had the impression that this man was going to kill the children that were seen in the spider hole (pgs. 31, 35). The witness stated that THOMPSON said that the sergeant told him to get back into his helicopter and mind his own business or something to that effect (pgs. 31, 35). The witness testified that he could not recall Mr. THOMPSON mentioning anything about seeing bodies in a ditch, seeing one person shoot any individuals, evacuating any children, having his crew train their guns on the ground troops, having a confrontation with a lieutenant on the ground, or mentioning any specific number of victims (pgs. 31, 32, 40-42). The witness did allow that THOMPSON may have had a conversation with someone else prior to talking to him (pg. 40).

b. THOMPSON's account to WATKE.

(1) Circumstances.

The witness stated that he arrived at Landing Zone Dottie prior to THOMPSON and accompanied him to the van (pg. 46). When THOMPSON arrived in the van, he related the same matters to Major WATKE that he had told the witness (pg. 32). THOMPSON seemed to give slightly more emphasis there on how upset he was about the amount of shooting going on in the My Lai area, and about how upset he was that the three children were evidently going to be killed by the U.S. forces (pgs. 32, 33). The witness related that WATKE listened intently to what THOMPSON said and asked him questions about it. He did not recall WATKE making any written notes (pgs. 39, 40). The witness stated that possibly a Specialist KUBERT and Captain FLYNN may have been in the van at that time (pgs. 38, 39). He stated that he did recall Major WATKE asking to speak to THOMPSON in private and directing the enlisted people to leave (pg.44). The witness stated further that THOMPSON remained in the van speaking with WATKE when he left to go and check on the helicopters (pgs. 43-45).

(2) Substance.

The witness related that THOMPSON told WATKE primarily what he had already told him (pgs.32,34,40). He recalled that WATKE asked THOMPSON about his account of the shooting and THOMPSON replied that evidently a lot of civilians were being killed (pg. 42). The witness noted that he had no (LLOYD)

recollection of THOMPSON telling WATKE about seeing bodies in a ditch, about seeing an officer shoot a child, or about a confrontation with a lieutenant (pgs. 33, 34, 40, 41). The witness admitted that he may have told this to WATKE, although he did not remember it (pg. 41). The witness added that WATKE stated "I'll look into this" or something to that effect (pg. 42).

2. RESULT OF THOMPSON'S OBSERVATIONS.

a. Mission report.

The witness related that mission reports were completed and turned in to the operations specialist at Chu Lai in the form of individual section reports (pgs. 53, 55). The witness believed that these mission reports were filed and reviewed by someone in the battalion S2 section (pg. 55). He testified that he and THOMPSON completed a mission report that included Mr. THOMPSON's observations (pgs. 50, 51). The first part of the mission report was filled out by THOMPSON who noted that ground troops were doing needless shooting and mentioned that civilians were being killed (pgs. 51-53). The witness asserted that he completed this mission report upon his return to Chu Lai. The witness noted that he marked these particular observations of THOMPSON so that they would be noted by whoever reviewed the mission reports (pgs. 51, 52).

b. Conversations concerning the incident between the witness and Major WATKE.

The witness stated that he had a conversation with Major WATKE later that afternoon concerning THOMPSON's report. WATKE stated that this matter would have to be looked into and noted that he was particularly interested in the absence of cooperation between the ground and air troops (pgs. 48, 49). The witness declared that he could recall only one other conversation with Major WATKE concerning the incident. WATKE stated at that time that this was a bad situation (pg. 50). He recalled WATKE telling him at some time that Task Force Barker people were investigating the incident and rumors were also circulating to that effect (pgs. 57, 58). The witness offered that WATKE was rather cool about everything, including THOMPSON's story, although he did show concern about it (pg. 60). The witness averred that he did not press the matter with

WATKE, since he heard it was being investigated (pg. 57).

c. The witness' inquiry at battalion level.

The witness stated that at one time he checked on THOMPSON's report with the specialist at battalion S2. He had heard nothing and the witness did not take the matter up with any officers (pgs.55, 56). He stated that he did not feel that he should bypass WATKE and go directly to battalion; therefore, he did not press the matter there (pg. 57).

3. INVESTIGATION OF THE INCIDENT.

The witness declared that he had heard rumors that Colonel BARKER had been informed of THOMPSON's report and that personnel from Task Force Barker were conducting an investigation (pgs. 57, 58). He recalled some two to five days after THOMPSON's original report, THOMPSON made a special trip to be interviewed about the incident. When THOMPSON returned, he told LLOYD that he had spoken to a member of the ground unit in the presence of a member of the aviation unit. THOMPSON added that he was not supposed to speak about the operation to anyone else (pgs. 59,60).

4. OTHER INFORMATION.

a. The witness' opinion of THOMPSON.

The witness stated that THOMPSON had a tendency to inflate things and he himself did not believe the seriousness of THOMPSON's report originally (pgs. 62, 63). However, later the witness heard other pilots speaking about indiscriminate firing during the operation. The witness stated that when he heard this, he no longer doubted THOMPSON's story at all (pgs. 63, 64).

b. Conversations about operations.

The witness recalled that most missions were fairly secret, that is, they were spoken about only by those directly involved. He noted that operations were not normally a topic of discussion at the officers' club (pg. 60).

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(The hearing reconvened at 1358 hours, 12 January 1970.)

MR WEST: The hearing will come to order.

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

The next witness is Mr. Barry C. LLOYD.

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

State your full name, occupation, and residence.

A. Barry Chamberlain Lloyd, Captain, AUS, retired; present occupation, college student. My residence is 181 Frisbie Court, Apartment 6, Concord, California.

MR WEST: Mr. LLOYD, before we get into any questions, I want to give you some general information about the nature 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 two matters:

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

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

We are not attempting to investigate all facts and circumstances as to what happened at My Lai. For example, we are not directly concerned with the possible criminal culpability of individuals for something that they may have done in the village that morning.

We have had made available to us and we have reviewed prior official statements obtained in other official investigations of the My Lai incident.

As far as I am aware, you have not made a prior statement concerning this.

A. No, sir.

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

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

We request that you not discuss your testimony here with others, including other witnesses for this investigation, except as you may be required to do if you subsequently appear before a competent administrative, legislative, or judicial body.

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

A. Yes, sir, I was.

Q. When were you retired?

A. I was retired on 1 May 1969.

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

A. My unit of assignment was the aero-scout company of the 123d Aviation Battalion, Americal Division. My unit assignment was the section leader of the scout section.

LTC PATTERSON: Who was your company commander on 16 March 1968?

A. The company commander at that time was Major Frederick WATKE.

Q. And the executive officer?

A. The executive officer was Major Clyde WILSON.

Q. Do you recall the names, perhaps, of the individuals within the LOH section, B/123, on 16 March 1968?

A. Yes, sir, I do. I remember the names of the pilots, not the crew chiefs.

Q. Would you please state them?

A. Warrant Officer Hugh THOMPSON, Warrant Officer Joseph GUALTIER, myself, and Lieutenant William STAFFA, who had just joined the section at the time, and that's the only ones I remember.

Q. Do you recall whether or not Mr. KELLENBENZ was in the section at that time?

A. No, sir. I do not recollect Mr. KELLENBENZ being in the section at that time.

Q. How many LOH aircraft did you have?

A. At that particular time, sir, we had two.

Q. Do you recall flying in support of the aero-scout mission on 16 March 1968?

A. To the best of my knowledge, yes, sir.

Q. Would you state what type of support it was that you were doing?

A. It was an advance recon for the ground elements that were making a sweep through the village.

Q. Did you personally fly?

A. Yes, sir.

Q. On 16 March?

A. Yes, sir. I might add, sir, I checked my personal copy of my DD 759, and it did not reflect that I flew on that day; however, I remember having gone down in the afternoon and flown one ship.

Q. In the afternoon?

A. Yes, sir.

Q. Do you know who flew in the morning?

A. Yes, sir. Warrant Officer THOMPSON. He flew down, and we only had one ship up that morning, and he flew it. I brought the second ship down later on in the day.

Q. Would you say who?

A. Myself and my crew chief.

Q. And what time of day did you bring that ship down?

A. Somewhere around noon, sir.

Q. To where?

A. To LZ Dottie. That's where we operated from.

Q. Do you recall any incident that happened around noon at LZ Dottie that might be significant?

A. Yes, sir. One of our aircraft had a rotor blade strike a tree and went down for maintenance, and we were left with only one LOH, or H-23, to be used for the mission.

Q. As I understand it, the one that had the blade strike would have been Mr. THOMPSON's LOH?

A. Yes, sir. Well, the aircraft was not assigned to any specific individual.

Q. It was the one he was flying?

A. Yes, sir.

Q. What time did this happen, do you recall?

A. To the best of my knowledge around noon, somewhere in that area, sir.

Q. Is that why you came to Dottie?

A. No, sir. I came to Dottie because I was supposed to be on a mission, but we had maintenance problems on

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preflight in the morning, and the aircraft was not up until around noontime.

Q. When you got to Dottie, what were your actions, as best you can recall?

A. Well, sir, I landed the aircraft and went into the operations van which we had adjacent to our landing pad, and I got a briefing on the progress of the mission from the operations NCO we had there.

Q. Do you recall who that was?

A. No, sir. I don't.

Q. What did he tell you concerning the operation? What was the briefing that you received, as best you can recall?

A. Basically, the briefing that I received was that the operation had gone off as planned, and the troops hadn't made much contact, and it was a rather quiet mission so far.

Q. When did you first see Mr. THOMPSON on 16 March?

A. The morning before we left for the mission, sir, that morning.

Q. All right. Did you see him at noon?

A. Yes sir. I saw him in the van after he landed from the flight, just after I landed. He landed for refueling and I saw--

Q. (Interposing) As a result of the blade strike?

A. Yes, sir.

Q. How serious was the blade strike?

A. It was minor, sir; just the end cap was bent on it.

Q. And Mr. THOMPSON flew it from the operational area back to LZ Dottie?

A. Yes, sir, he did.

Q. Was the ship then grounded?

A. It was given a one-time flight back to Chu Lai for a blade cap replacement.

Q. Mr. THOMPSON probably briefed you on the operation he had participated in so that you could take his place on station?

A. Yes, sir.

Q. And what did Mr. THOMPSON tell you about it?

A. He stated that the mission had gone off as planned. However, there was a lot of things going on that he wasn't exactly pleased with down there; evidently a lot of unnecessary shooting. He didn't give any specifics, except that there were some little children that he had prevented from getting killed, and that's just about--he didn't elaborate, he was so angry at -- he didn't elaborate very much on it.

Q. Was he angry?

A. Yes, sir. He sure was.

Q. What caused you to think he was angry, his tone of voice?

A. Yes, sir.

Q. Was this meeting with Mr. THOMPSON and yourself in the van at LZ Dottie?

A. Part of it was, sir, and part of it was just before we got into the van. I met him at the aircraft or just --

Q. (Interposing) As he came in?

A. Yes, sir.

Q. Then the two of you walked from the aircraft to the van?

A. Yes, sir, to the best of my knowledge.

Q. Is this when he was briefing you and explaining the danger about these --

A. (Interposing) Yes, sir. He was rather riled up and so were his crew members about it.

Q. Who were his crew members, do you recall?

A. I believe he had a Specialist Four, or Specialist Five COLBURN in the aircraft with him, and I cannot remember the name of the other man now.

Q. What makes you think it was Specialist COLBURN? Is there something significant?

A. Yes, sir. He was a new gunner that we had in the unit, and he was to be assigned as many missions as he could to be broken in, because we were pending some big operations, and we had to have them all broken in, and he was one of the green ones. So I put him on all the missions I could to give him as much experience as I could.

Q. You definitely recall that COLBURN was there, right?

A. Yes, sir.

Q. Can you recall any more specifically the information that you and Mr. THOMPSON discussed en route to the van from the aircraft?

A. No, sir, not exactly. The thing that I remember most about it was the fact that he landed and spoke to somebody to try and get this stuff stopped. I imagine-- anticipated that he was referring to the three children he prevented from being killed. He was very upset about it, and I think that was the principal reason for his landing, to halt this and get it stopped, and save the three children.

Q. This is when he had the blade trouble?

A. No, sir. This was after he had taken off from that. Evidently, he made a quick turn downwind or some-

thing and caught it on a tree, I'm not exactly sure.

Q. Do you recall his saying whether or not he landed the aircraft after the blade strike?

A. No, sir. I don't think he did. I believe he flew it right to Dottie, because it was the end of his fuel load.

Q. Without checking his aircraft?

A. Yes, sir.

Q. On your walk back from the aircraft to the van, you said something about landing and talking to an individual --

A. (Interposing) Yes, sir.

Q. What else did he say?

A. That he wanted to--he mentioned something, to the best of my knowledge, about wanting to get that stopped. Evidently, he was referring to the fact that the little children might have been killed if he hadn't got them out. I believe they were in a spider hole hiding someplace, and they wouldn't come out, and he got them and evidently prevented them from getting killed. I guess the ground people were about ready to throw a grenade in there.

Q. What makes you say that?

A. He led me to believe that, sir. He said that they were getting ready to, and evidently he had contact with the people on the radio and mentioned that he had seen these people and he wanted to get them out. They were all set to just not let them get out, and he landed and evidently prevented them from being killed, to the best of my knowledge.

Q. Did he relate any other incident other this one?

A. No, sir. He was so fumed up over that one that he really was kind of disgusted with the whole thing.

Q. Did he say anything about any killings that were going on down there?

A. Yes, sir, just in reference to right around where those three children were; that some people had been killed, and he didn't think it was right, and he wanted it stopped.

Q. What happened when you got to the van?

A. When we got to the van, he went up and reported-- I believe Major WATKE was in the van at that time, and he reported that he had a blade strike with the aircraft. We called to Chu Lai for a tech inspector to come down and see if the aircraft was flyable, to give it a one-time flight, to take it up there, and he continued to brief Major WATKE on what he'd done.

Q. What, to the best of your recollection now, did he tell Major WATKE?

A. He, basically, said just about the same thing he said to me, sir; that he had landed, he had talked to the people, and that there was some killing going on that he didn't think was right, and he wanted it stopped. He again was very upset.

Q. Was there any allegation? Did he seem to feel that the American troops were going to kill these people?

A. Yes, sir. He thought that that's exactly what happened, and I believe he had witnessed some of it, and that's what upset him so much.

Q. You say you believe he witnessed some? Did you hear him say anything to that effect?

A. He just mentioned that there was a lot of killing going on down there. He didn't say exactly, "I saw this guy kill a particular person," but he inferred....

Q. Did he talk about any other incidents with particular individuals?

A. No, sir, he did not.

Q. Did he indicate to either you or Major WATKE that he landed this other time, or was it just apparently this one landing?

A. Apparently just this one landing, sir. We had more or less an open door policy in our scout section that we could land at will if we deemed it necessary. All the pilots in the aero-scout section did land quite often on all missions.

Q. Who else was present at the time Mr. THOMPSON was talking to Major WATKE?

A. Just the operations specialist in the van at that time, sir.

Q. There were no other officers around?

A. No, sir. They were down at the aircraft.

MR WEST: Was this van the 123d's operations van?

A. Yes, sir, it was.

Q. You mentioned the operations NCO in the van. Did he operate a radio in there or listen in on the net?

A. Yes, sir. That was his prime function, to operate the radio and maintain contact.

Q. Did he hear transmissions coming from the field?

A. No, sir. He had an FM set that wasn't working very well, and it was exceptionally hard to receive the ground people. Only scattered conversation could be heard. It was mostly -- the FM could receive from aircraft, high up.

Q. But he did receive transmissions from the aircraft of the company?

A. Yes, sir. That was our prime communication.

Q. Suppose you could think of his name?

A. No, sir. I tried.

LTC PATTERSON: Can you tell us his rank, by any chance?

A. Yes, sir. I think he was a specialist five.

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Q. If I read off some names of E-5's in the company, would that assist you in perhaps recall?

A. Perhaps, sir.

Q. FLOWERS, KUBERT, HIEBNER, NIX, PEGELO, WAGIE, ROONEY, TUTTON, MILLER, and MANZER?

A. No, sir. All but two of those are crew chiefs and gunners, and the other two I can't account for.

Q. Which two are not crew chiefs?

A. WAGIE, he is not a crew chief or a gunner. He was a specialist, the clerk in the company, and I believe you mentioned a name with an "M".

Q. MILLER?

A. No.

Q. MANZER?

A. MANZER was a gunner or a crew chief, also.

Q. HIEBNER?

A. I think HIEBNER was a gunner too.

Q. How about HOWELL?

A. I don't recall the name, sir.

Q. JAMES?

A. No, sir.

Q. NELSON?

A. No, sir. He was the maintenance sergeant.

Q. WAX?

A. No, sir.

Q. ORAM?

A. No, sir.

Q. FINDLEY?

A. No, sir.

Q. What about CHEEK?

A. No, sir. He was a platoon sergeant. He rarely came into operations.

Q. I have a long list of E-4's, and perhaps after the hearing I could have Mr. LLOYD look at this list and see if he can identify him.

MR WEST: Do you remember any response that Major WATKE made while Mr. THOMPSON was giving his report about what had happened at My Lai (4) that morning?

A. Yes, sir. Mr. THOMPSON was very vehement about it. He wanted something done about it. I think Major WATKE commented with some sort of response like, "I'll look into it." I'm not exactly sure.

Q. We've had another witness tell us that Mr. THOMPSON, when he came into LZ Dottie, made the remark that he was going to do something about it even if it cost him his wings. Do you remember hearing him making a similar statement?

A. No, sir, I don't. He was angry, but I don't think he was that angry.

Q. You said that he referred to seeing a number of people killed in My Lai. By people, did you mean civilians?

A. Yes, sir.

Q. Did he indicate further whether these consisted of men, women, children, or what?

A. Yes, sir. He indicated there were women and children.

Q. Do you remember his saying anything about a ditch and dead people in it?

A. Not as best as I can recollect, sir.

Q. Do you have any way of fixing the exact time this took place?

A. I can only put it into a frame of perhaps 2 to 3 hours, sir.

Q. It's been indicated to us that it was somewhere around noon.

A. That would be about right, sir. That was his third flight up. The fire team had an endurance of about one to one and one half hours. It was after that, I believe his third flight, that he came down and was so upset.

Q. Did you ever talk to Mr. THOMPSON about this later, when he had gotten over his anger?

A. It had been mentioned in passing that evening when we got back to the company area.

Q. Did he give you any more details about what he had seen, the way the civilians were being killed?

A. No, sir. He just reiterated that he had seen it happening, and he was very upset and disappointed that American soldiers would do it, and that's about all.

MR WALSH: I wonder if you can recall the other member of the crew? Specialist ANDREOTTA, does that name ring a bell with you?

A. ANDREOTTA, sir, and I do not remember if he was on that mission. He very well could have, but I really don't remember. He was another one that was a green crew chief, and we were trying to break him in. So it could be very likely that he was, but I just cannot remember if he definitely was.

Q. Do you recall THOMPSON saying anything to you or to Major WATKE about seeing soldiers on the ground deliberately shooting people?

A. Well, sir, the way he put it, it was--he just said there was a lot of unnecessary killings going on down there. He didn't say specifically about any one soldier or soldiers. He inferred that it was the ground people, the infantry people.

Q. Did he mention anything about a captain shooting a woman?

A. No, sir, he didn't.

Q. Did he mention anything about seeing a sergeant firing into a ditch full of people?

A. Not to the best of my knowledge, sir.

Q. After this operation was over, subsequent to this, did you ever hear of any investigation going forward as a result of Mr. THOMPSON's protest?

A. No, sir, I did not. I did inquire in battalion about whether anything -- if there had been a SITREP report on that mission, I was concerned about it, and I went up to the battalion operations section and asked if there had been any reports filed. I didn't specifically say of any particular facets of it, and there had been nothing to the best of their knowledge.

Q. How long after the incident did you go to the battalion on that?

A. To the best of my knowledge, within 2 days.

Q. Whom would you have spoken to at battalion?

A. I can't remember, sir, but it was a specialist who was in charge of getting the reports that go into battalion at the end of the missions.

Q. Did you ever inquire of THOMPSON thereafter if anything had come of his complaint?

A. What's that again, sir?

Q. Did you ever ask THOMPSON at a later time if anything had come of his complaint to Major WATKE?

A. No, sir. It was shortly after that that I was wounded and evacuated from the company. And we were so busy with operations that we rarely got a chance to sit down and have sessions, because Mr. THOMPSON left for a transition course shortly after that mission and was gone for 2 weeks.

Q. What day were you wounded?

A. On 8 April, sir.

Q. Did you fly that afternoon, on the 16th?

A. Yes, sir.

Q. What area did you go into?

A. I flew the--area--I'm not sure geographically in reference north/south which way it was, but where the troops were supposed to be picked up at the end of the operation after they pretty well pushed through the area, where the termination was supposed to be.

Q. Were the troops picked up that afternoon?

A. I don't remember, sir. I did not fly the last mission.

Q. You flew one mission?

A. Yes, sir.

Q. Were the troops moving on the ground at that time?

A. Very slowly, sir. They had pretty well swept through the village and were starting to gather. I don't remember which side; they were starting to congregate.

Q. Do you remember which company you were working with?

A. No, sir. I didn't know company names. I only knew companies by their call signs. I didn't even know what unit it was we were supporting.

Q. Do you know if it's the same one that THOMPSON had been supporting that morning?

A. Yes, sir. It was the same outfit.

Q. Do you recall seeing any dead bodies on the ground when you were up?

A. No, sir. The area that I flew over wasn't right over the village itself.

Q. Did you see any hootches burning in the area?

A. I saw random columns of smoke from the village, but that's all. I don't know if it was hootches. I didn't see any in particular.

Q. You are referring to the village. I wonder if you recall whether it was a single village or several in the area that you--

A. (Interposing) It's sort of spread out. It's no village per se. It's just a little cluster of hootches here and there, and it covers an area probably at least several square miles. But by village I mean where the operation originally started and where the cordon part of the operation was.

Q. You have a pretty good picture in your mind of what it looked like?

A. Oh, yes, sir.

Q. Can you recall the number of these clusters of houses that looked like they had been burned?

A. I couldn't tell, sir, because I didn't fly directly over that area. I stayed to the outskirts of it.

Q. I see. In the course of your operation were you flying along Highway 521, to the south of the operation area, at all?

A. I'm not familiar with that highway by name, sir.

LTC PATTERSON: Were you flying with a 1:50,000 map, or were you using a map?

A. I was using a map, sir.

(LTC PATTERSON furnishes MR LLOYD a copy of a 1:50,000 scale map, Exhibit MAP-5, and orients him on same.)

MR WALSH: Looking at the photograph of My Lai (4) area, Mr. LLOYD, can you tell us when you went on station that afternoon, whether you were covering any part of that area?

A. To the best of my knowledge, sir, if I did, I flew to the--around the 71 grid line and to the west of it, with very few hootches, because by the time I got on station the troops were apparently gathering for either a liftout or some sort of--

LTC PATTERSON: (Interposing) This is west, Mr. LLOYD (indicating).

A. Okay. Excuse me, to the west, then. I'm sorry.

Q. To the west or to the east?

A. To the west, sir.

MR WALSH: In the operation, there was a question relating to C/1/20, that the troops landed in the area to the west of the village and moved through the village and continued up to a laager site in the area just to the west of Pinkville. From what we know of the operation, it would appear that when you came on station in the afternoon--

A. (Interposing) Well, it's really hard to say, sir--

Q. (Interposing) If you don't have a recollection, I don't want to try to suggest one to you. I just wondered if, recalling your arrival on station, you can think of anything that you saw that might come back to you that might be of help to us?

A. Three weeks prior to that mission, sir, I flew the area of My Lai itself at least five times, at least an hour per flight, and it's hard to recollect specifically when I spent so much time over this village, and then the village of An Ky, up on the top. It's hard to relate exactly where I was at particular times. We traveled around. Once we oriented ourself up high with the map and went down on the deck, we never looked at the map again until we came back.

Q. Well, having had your conversation with Mr. THOMPSON with respect to his description of the unnecessary killing of civilians on the ground, it would seem possible that you might have had an eye peeled for some evidence of this when you were flying.

A. I was keeping an eye out, sir.

Q. And you didn't notice any--

A. (Interposing) No, sir, but I wasn't in the area at the time itself.

MR WALSH: Okay, I have no further questions.

MR WEST: Shortly after Mr. THOMPSON made his report, do you remember Major WATKE calling the company together and telling them that there was an investigation underway about the events at My Lai (4) on the morning of 16 March 1968 and suggesting that the company not gossip about it or talk about it until the investigation was complete?

A. No sir. I do not remember this.

LTC PATTERSON: I am going to ask you to pull from way back if you will. You indicated that you believe that this was Mr. THOMPSON's third flight?

A. Yes, sir. I believe so.

Q. On what do you base that statement?

A. On the fuel capacity of the Huey chase ships. When Huey chase ships have to come in, the LOH always has to come in. He can't be alone.

Q. As I understand it, you're assuming something here. Because unless you can tell us how many chase ships, gun-ships--

A. (Interposing) We originally had four fire teams--had four complete ships--two fire teams for that day, sir.

Q. You did?

A. To the best of my knowledge, yes, sir.

Q. Do you recall that specifically?

A. No, sir, not specifically.

Q. I know that you know, but for the sake of Mr. WALSH, it is possible, is it not, that if there were only three ships, gunships flying, they could have rotated on station by alternating refueling stops?

A. Yes, sir. They could've, but that wasn't common practice in our unit because of pilot fatigue.

Q. I have tried, in time sequence, to try to establish who was there flying gunships and when Mr. THOMPSON went to refuel, because it's hazy in his mind. I thought perhaps you could fill in some gaps, if you knew something definite that could establish whether or not there were, in fact, four guns up that day or three guns up, or definitely when Mr. THOMPSON went to refuel?

A. It can't be--I can't possibly put in these specifics, sir.

Q. Then the third flight is a deduction and not--

A. (Interposing) Yes, sir.

Q. Do you recall any particular gun aviators that were flying that day, that you have a firsthand knowledge that they said something to you? Do you recall that they related some instances to you?

A. No, sir, I don't. I was concerned primarily with my scout pilots and their crew chiefs.

Q. If between us we could identify this operation specialist working the van at Dottie, and with his having a radio there, it's possible he could have overheard some of the transmissions that the scouts and guns were--

A. (Interposing) It's possible, sir, yes.

Q. Did Major WATKE say anything to you at a later time concerning the report that THOMPSON had made to him or concerning any investigation, inasmuch as you were the LOH section leader and therefore one of the key leaders in this unit?

A. No, sir. Nothing was mentioned.

Q. And did you pursue it with Major WATKE at that time?

A. No, sir, I didn't, other than that day when I had a very small discussion with him about Mr. THOMPSON being so angry about it.

Q. What was that discussion?

A. Just reiterating what Mr. THOMPSON had seen, and I just wondered if that was the right thing. He said, "No, it wasn't right." That's about as far as it went, sir.

Q. This was after Mr. THOMPSON had left, and just you and Major WATKE?

A. Yes, sir. While I was sitting around the van with Major WATKE.

Q. What was Major WATKE's attitude about it? Was he interested? Was he concerned?

A. Well, sir, he seemed a little disgusted about it, too. He gave the attitude that perhaps it was a little bit overexpressed on Mr. THOMPSON's part, but he did show concern about it.

Q. Did he indicate that he had flown in there that day?

A. No, sir, other than flying down, I believe he flew an aircraft down--personally flew, himself, an aircraft down to the mission. This is usually customary for him, to fly copilot or AC on one of the ships.

Q. Did Mr. THOMPSON ever relate at any later time to you that he had talked to anyone else about what he saw?

A. No, sir. He did not.

Q. Was there any talk among any of the LOH fellows in their little hootch together that you were personally aware of?

A. Yes, sir. I believe he talked about it with Mr. GUALTIER, the other LOH warrant officer we had.

Q. What makes you think that?

A. It seems to me I remember hearing them when they were back in their quarters.

Q. Back in that hootch where you lived?

A. Yes, sir.

Q. Did you all live right in there?

A. No, sir. I didn't live in the same hootch. They lived three hootches down, and I came down there quite often, and we always talked over missions.

Q. And you think you heard Mr. THOMPSON talk to Mr. GUALTIER?

A. To the best of my knowledge, yes.

Q. And there were no reference made of Mr. THOMPSON going to see anybody?

A. No, sir, just more or less the same as when I spoke with Mr. THOMPSON, when he discussed what was going on.

Q. As far as you are concerned, as I understand it, you reported it to Major WATKE and talked about it to Major WATKE and knew that THOMPSON had, and you then checked on it at some later date, a few days later with battalion operations?

A. Yes, sir.

Q. But your conversation with Major WATKE in the van was the last time that you and he had talked together?

A. Yes, sir, it was.

Q. And the last time to your knowledge that anyone had said anything?

A. To my knowledge, yes, sir.

Q. And you do not recall any of the Scorpions?

A. No, sir, I'm sorry.

LTC PATTERSON: That's all I have.

MR WALSH: Just one question. Did you know Mr. THOMPSON pretty well?

A. Yes, sir.

Q. What did you think of him?

A. I thought he was a very good warrant officer, sir.

Q. Was there anything unusual about him in the organization that you can recall?

A. Not at all, sir, he was--

Q. (Interposing) Was he well liked by everybody there?

A. Yes, sir, and a very aggressive person.

MR WALSH: That's all I have.

LTC PATTERSON: There were some awards that came out of this operation, I'm told, Mr. LLOYD.

A. Yes, sir.

Q. Can you tell us about them?

A. That all occurred after I was shot down, sir, and everything I heard about it was after I had gotten a letter from the man who took my place, almost 6 months after I left the unit. Mr. THOMPSON had received a Distinguished Flying Cross for something to do with that incident, and that's the only word I've gotten about it.

Q. You did not--I presume then, by your failure to take any such action as Mr. THOMPSON's immediate superior, you apparently did not feel that a DFC was warranted, or you would, I assume, have put him in for it?

A. That's affirmative, sir. I had been the awards and decorations officer, and I firmly believe in the criteria for giving awards. Although in several units, his act of saving those people was definitely heroic, I believe the criteria for the giving of awards has to be in the face of hostile action, which that wasn't.

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Q. It was not hostile action?

A. Well, I mean the enemy, Communist aggression, which that wasn't.

Q. And from the information that you had available to you, it was not a hostile area?

A. In the briefing we got on the mission, sir, it said that the area could possibly be. However, I had flown over that area within 2 weeks before that, and other than seeing a few VC suspects running around, it didn't seem particularly hot. We didn't receive any fire from it at all.

Q. Do you recall who gave you this briefing?

A. No, sir, I don't. I think it was Captain SABRE, who had just taken over the Huey platoon, but I could be wrong on that, sir.

Q. Do you recall anything about the briefing you received before this operation?

A. Yes, sir. We were just told that they were going to insert and they were going to have an artillery prep. They had gunships from--I can't remember the unit--to precede the troops in for LZ prep. They would insert troops, make a sweep through the village, and then gather up in the afternoon and be extracted or come back on foot, depending on the wish of the ground commander. Our sole mission was to provide advance recon for the lead element.

Q. Do you remember the area that you were given to work?

A. Yes, sir. We were given a blanket area covering from the 78 grid line and the 70 grid line up to about the 82 grid line. We were given an awfully broad area to recon. Our advance recon for the lead ground element extended as far as a "click" in advance of them.

Q. To the best of your recollection, how many ground elements were on the ground?

A. They said it would be about a company minus size that we would support with the LOH's.

Q. You don't recall whether or not there was just a company minus, or more than one company?

A. No, sir. It's awfully hard when they are scattered out through the village, and we didn't know--again we didn't--when we were given--I don't pay too much attention to the unit designation inasmuch as there are call signs and pertinent information like that, and I wasn't aware of a company designation. Perhaps if I did, I would be able to know what size the unit was.

Q. The thing that pops into my mind, with what you just said about the briefing, is that there was going to be a lot of helicopters in the air that day.

A. At the beginning of the mission, sir, yes.

Q. What would have concerned me as a helicopter type flying this mission would be the coordination between all of the various helicopter units. Did it dawn on you?

A. Oh, yes, sir. It always dawned on me in every mission.

Q. How did you intend to effect such coordination as far as geographic area?

A. Well, sir, there was not to be any coordination problems, because after the LZ prep, and the gunship prep on the LZ, and the slicks put the troops in, we stayed out of the way until the troops were inserted, or we were supposed to stay out of the way. Then, we just go down ahead of the lead element as soon as they hit ground, and by that time the slicks are out of the way and should stay out of our way, because we stay in ahead of the lead element. The only people who had the authority in a mission like that to be anywhere near the lead element would be the aviation recon LOH and the two Hueys that are chasing him.

Q. Do you remember from your briefing where the artillery was to come from for this prep?

A. No, sir, I don't. I believe there was an LZ to the south and to the east that had some 105's. I can't remember the name of it. I think they were the ones that were supposed to be putting in the artillery prep, because, if I remember correctly, the GT line came up pretty well parallel to the road to Chu Lai, north and south.

Q. Would that be Uptight?

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A. That might be the one, sir, but I can't recollect.

Q. LZ Uptight was east of Dottie.

A. I think that was the one, but I can't be sure, sir.

MR WEST: Mr. LLOYD, we certainly appreciate your coming here and helping us. You have filled in some gaps in our information that will aid us materially. We would appreciate it if you would stay a little longer and look over a list of names with Colonel PATTERSON. Perhaps you can recognize some.

A. Yes sir. I felt bad about this, and I hope what I have given you can help. I've been thinking about this since it happened. I really hope that something can be made right of the situation.

MR WEST: Well, you can be assured that we are going to get to the bottom of it.

Thank you very much for coming. The hearing will be recessed.

(The hearing recessed at 1447 hours, 12 January 1970.)

(The hearing reconvened at 1451 hours, 12 January 1970.)

LTC PATTERSON: The hearing will come to order.

RCDR: All persons who were present when the hearing recessed are again present with the exception of MR WEST.

(The witness was reminded that he was still under oath and he testified as follows:)

LTC PATTERSON: During the recess we looked at the roster and what names we have been able to identify were members of the 123d Aviation Company. We appreciate your efforts. You also indicated to me that you had heard some information concerning the operation on 16 March 1968 with reference to the other aviation unit that participated in the operation. I would like you, for the record, to state what you told me happened the night after?

A. Yes sir. I heard from Mr. THOMPSON and references from other aviators, I can't remember the names in particular because I just treated the remark in passing, that the gun element of the company that supported the slick element

landing the troops was not too discriminatory, shall I say, on how they shot, or where they shot, or what they shot at. They expended a lot of unneeded ordnance on targets that they didn't need to.

Q. This was 16 March?

A. Yes, sir.

Q. Did Mr. THOMPSON relate any specific instances?

A. No, sir, he didn't, because I don't believe he was there at the time that they actually went in. I'm not sure, but evidently he had some reason to believe that they done an awful lot of shooting that was needless and contributed a lot to starting fires with rockets, evidently.

Q. Is that an assumption now, or did he say this about starting fires?

A. That's to the best of my knowledge, sir.

Q. To the best of your recollection, when did Mr. THOMPSON tell you this?

A. This is about the same time I first saw him, sir, after we were on our way to the van.

Q. Was there anything else that he could have told you during this trip?

A. No, sir.

Q. Any other information concerning the My Lai operation?

A. No sir. That's all to the best of my knowledge.

Q. To the best of your recollection, did you and your unit support the operation in the My Lai/Pinkville area on 17 March?

A. I do not recollect if it was the day after, sir. We supported operations in that area several times.

Q. Or 18 March? Do you recall working with the same unit that you did on the afternoon of the 16th any time immediately subsequent to the 16th?

A. I don't know if it was the same unit, sir. I do believe, as best as I can remember, that we did work down somewhere in that neighboring area the day after, as I flew the majority of the day after Mr. THOMPSON had the day off.

Q. During your tour, with your experience as an aero-scout, and prior to the time that you were evacuated medically, did you ever have occasion to work closely with the Sharks or the gunships that participated in the operation on the 16th of March?

A. No sir, not at all.

Q. Did you hear any more talk concerning the activities of the Shark gunships either on the operation of 16 March or any other operation that they might have--

A. (Interposing) No, sir, just rumors circulating throughout our gun platoons about their performance on that particular mission. They weren't renowned for being exceptionally discriminatory on what they shot at or how they conducted their operations.

Q. Discriminatory, was that the word that was used there or is that your--

A. (Interposing) That's my way of putting it, sir. I can't remember the words they used exactly.

Q. In your mind did it indicate that they could have engaged and shot some civilians or--

A. (Interposing) Yes, sir, it does precisely.

Q. Your view of the Sharks was that they were less than professional in the employment of firepower from helicopters?

A. Yes, sir, very much so.

Q. How would you classify your own gunship support?

A. I would classify our own gunship support, since the unit changed to the aero-scout concept, as being exceptional. Our only gunship support primarily was to protect the recon element, with the secondary mission being gunship support/LZ prep for ground elements. We always

had a very, very good briefing, and we always carried out our missions to the letter, and we always had debriefings on missions.

Q. Would you describe your Scorpions as being discriminatory?

A. Yes, sir, I would. If they had any doubt as to whether the target was to be fired on or not, they contacted the ground element or the fire team leader. If they had to, our operation section was contacted. If it wasn't given before in the briefing, they did not fire unless they were told to. They restricted their fire in all missions just to the targets they were given on the map, which I was led to believe the gunship element on that mission did not do.

Q. Mr. LLOYD, is there anything else that you can recall concerning the activities of 15, 16, 17, and 18 March, or any activities concerning an investigation subsequent to 18 March 1968, that you can now recall that is pertinent to this inquiry?

A. No, sir, I can't.

Q. Sir, at any time, in a few weeks or until this investigation is completed, if you do think of anything that might be pertinent or you think might be pertinent, we would appreciate it if you would call us collect, or let us know by the most expeditious means?

A. I'll do that, sir.

LTC PATTERSON: We thank you very much for your testimony. The hearing will be recessed.

(The hearing recessed at 1521 hours, 12 January 1970.)

(The hearing reconvened at 0850 hours, 10 February 1970.)

LTC PATTERSON: The hearing will come to order.

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

I have documents to be entered into the record.

The first is a memorandum for record signed by General PEERS and dated 8 January 1970. The subject is, "Ground Survey of the Army Preliminary Investigation into the My Lai Incident." This memorandum has Tabs A through E. It will be entered into the record as Exhibit M-111.

The next document is a MACV Directive 190-3. It's dated 12 February 1968. It is entered into the record as Exhibit D-43.

The next document is a MACV Directive 20-5. It is dated 15 March 1968. This document is entered into the record as Exhibit D-42.

Mr. Barry C. LLOYD is recalled.

(MR LLOYD was recalled as a witness, was reminded that he remained under oath, and testified as follows:)

LTC PATTERSON: Mr. LLOYD, you have been recalled to iron out a few things that have come to light since you appeared here before. Since then we have been able to sort out some more of the information that relates to the circumstances surrounding the events that transpired on or about 16 March 1968. We are in the process now of reporting the facts as we believe they occurred. I understand that you have been interviewed by a CID agent on or about the 27th of January of this year?

A. Yes, sir. Mr. PORTER from Fort Bliss, Texas, came to my home and interviewed me. I also gave him a written statement.

Q. All right. The first thing I'd like to ask you to reaffirm, if you would, is the initial report that you recall hearing concerning the events that transpired at Son My village or My Lai on 16 March 1968. In your previous testimony, you indicated that you saw Mr. THOMPSON at the flight line when he arrived back at LZ Dottie?

A. Yes, sir.

Q. And you and he then walked up to the van.

A. Yes, sir.

Q. And you discussed what he had seen while you were walking. Can you recall that little walk as you and he walked up to the van?

A. What particular facet of it, sir?

Q. Your particular conversation with Mr. THOMPSON.

A. The fact that I met him at the aircraft, and we walked up to the van, and he expressed--he was quite upset on the walk up. He expressed what he was upset about up at the van when he saw Major WATKE.

Q. Well, there were several incidents that occurred at Son My. There were several parts to Mr. THOMPSON's allegations. I'd like for you to try to recall these exactly, and how many of these incidents Mr. THOMPSON related to you.

A. The two incidents that stand out most in my mind, sir, were: one, the fact that he said there was a lot of needless shooting going on--he could have said killing, but I can't remember exactly which it was; also he said that there were, I believe, three little boys in a spider hole and that he had landed and told the people on the ground that he thought he could get them out rather than them throwing a grenade in the spider hole. Those are the two incidents that stand out in my mind.

Q. Okay. Did he say anything about seeing any bodies in a ditch?

A. I can't remember if he did, sir.

Q. Did he say anything about any discussions with any individuals on the ground?

A. Yes, sir. He mentioned that he had told the people, I believe a squad sergeant there, that he wanted the shooting stopped and that if it wasn't, he was going to report it, or something along that line, something of that nature. He was very disgusted with the shooting that was going on, and he wanted it stopped. Evidently he said he was going to make a report if he didn't. And evidently the person on the ground told him to get back in his aircraft and mind his own business, or something like that.

Q. Did THOMPSON land for this?

A. Yes, sir. That's what he led me to believe.

Q. So, really there were three that you related: one, the shooting; two, something about some little boys in the spider hole and people were going to do something to them; and three, talking to a sergeant.

A. Yes, sir. He wasn't sure what rank he was because he didn't have any insignia on, but judging from the capacity in which the person was acting, the person, he thought, was probably the squad sergeant.

Q. Did he relate to you that he saw any individuals shoot any other individuals?

A. Not specifically, sir.

Q. Did he relate to you landing at another time?

A. No, sir. He did not.

Q. Did he indicate to you that he evacuated a child?

A. No, sir. He didn't.

Q. Or that anyone else had evacuated any children?

A. No, sir.

Q. Now let's go to what Mr. THOMPSON told Major WATKE. I believe you indicated in prior testimony that you were present in the van when Mr. THOMPSON first confronted Major WATKE?

A. Yes, sir.

Q. What do you recollect that Mr. THOMPSON told Major WATKE? Again, I'm looking for specific incidents.

A. Well, sir, I think he said the same thing to Major WATKE that he said to me with a little more emphasis on the how disgusted he was about the shooting going on. That's about as best as I can remember.

Q. Did he relate his talk with the sergeant?

A. Yes, sir. I believe he did. I think so.

Q. Did he say anything else about landing and talking with anyone else?

A. Not to the best of my knowledge, sir.

Q. Did he mention any confrontation or any argument that he had with anyone?

A. I believe that would have been--he did have an argument with that sergeant that he spoke to, or had the disagreement when he was told to get back into his aircraft. I believe he related that to Major WATKE. But, that's the only thing I can remember. He was so fired up about that, that that's the only point that stands out in my mind.

Q. What kind of an argument do you recall that this was?

A. I believe it was just over the fact that he was rather disgusted about the three children that this man was evidently going to do away with, and secondly, at the shooting in general. Then the guy told him to get back in his aircraft and mind his own business, which he didn't want to do. And I don't blame him.

Q. So then, as best you can remember, he related: one, that there was some needless shooting; two, that there were three little boys in this spider hole; and I guess this sergeant talking in relation to these three little boys?

A. And, also, he had some--from what Mr. THOMPSON said, he had a part in directing the shooting that was going on. He seemed to be pointing people in directions and pointing them where to go and what to do, or at least that's what I thought from what Mr. THOMPSON told me.

Q. Do you recall him saying anything to Major WATKE about bodies in the ditch?

A. No, sir, not specifically. He did mention that there was a fair amount of bodies in the area, but I just don't remember him saying anything specifically about a ditch or anything.

Q. He was upset?

A. Yes, sir. He was very upset.

Q. Was he talking loud, or how did you ascertain that he was upset? What were his physical actions or reactions?

A. He had the appearance of someone that was very angry about something.

Q. Did he tell Major WATKE anything about seeing an officer shoot another child?

A. Not while I was there, sir, to the best of my knowledge.

Q. Did he tell Major WATKE anything else about anyone else other than the sergeant?

A. Not while I was there, sir, to the best of my knowledge.

Q. And would you relate again for us the substance of what Mr. THOMPSON told Major WATKE with regard to the sergeant and the shooting incident?

A. To the best of my knowledge, he said that he saw the sergeant that was about to either shoot or throw a grenade in the spider hole that these three little boys were in. And he landed and told the guy that he could get them out, and that he didn't want the guy to shoot them. And the guy told him to mind his own business, that they were doing their own operation and he wasn't to interfere, which got him kind of steamed up. That's all that I can think of that he related to Major WATKE in front of me on that particular incident.

Q. Did he relate anything about marking any of the wounded or dead that he had seen with smoke?

A. No, sir.

Q. Do you recall him indicating by numbers how many dead he had seen? Did he give a number of any sort?

A. No, sir. His only words pertaining to that was "a lot," which I automatically took to mean maybe a couple dozen.

Q. Did he say anything with reference to the conversation that he had with this sergeant, and what the sergeant had said to Mr. THOMPSON?

A. Yes, sir. He said that the sergeant told him to get back into the aircraft and mind his own business.

Q. The sergeant was going to shoot these two children?

A. I believe that's what it was. Yes, sir.

Q. Did Mr. THOMPSON indicate that's what the sergeant was going to do?

A. Yes, sir. He was going to shoot them, either that or have one of his men throw a grenade in the spider hole.

Q. Do you remember hearing about a grenade in the spider hole?

A. No, I can't remember exactly which it was. But one way or the other, from what he told me, the sergeant was going to make sure the three were killed.

Q. Could you tell me, as best you can recall, the time of day that you saw THOMPSON there at Dottie and when THOMPSON subsequently reported to Major WATKE?

A. To the best of my knowledge, it was sometime around noon, sir, or a little bit after, perhaps.

Q. Why do you associate it with that time?

A. Because it was after I had brought the replacement aircraft down, and evidently it was after his second or third fuel load in the H-23, which would put it sometime around noon.

Q. Was this after Mr. THOMPSON had his blade strike?

A. I don't recall, sir. I think it would have to be, though, because I don't remember him going up again in that aircraft after we got back. I think it was.

Q. The blade strike, according to the records of the log, occurred somewhere around 1340 hours.

A. It could very well be before the blade strike, sir.

Q. Do you feel that it was before the blade strike?

A. Yes, sir. If it was that late in the afternoon, I think it was.

Q. (Reading from Exhibit M-16) I stand corrected. The Task Force Barker log indicated the H-23 from the 123d Aviation Battalion hit some brush at 1330 instead of 1340.

A. It was probably one fuel load before that, sir.

Q. Well, did Mr. THOMPSON go out and fly after this?

A. Yes, sir. He took the replacement ship, because I remember flying the one time flight back in the bad H-23 after the blade strike.

Q. You flew that one?

A. Yes, sir, because he flew the only operable one that we had at the time.

Q. I understand from your previous testimony that you had flown out in the area that afternoon?

A. Yes, sir. I made one flight in the good H-23. Then after I came back, Mr. THOMPSON took it, and I flew back up into Chu Lai in the one that had the blade strike with the one time flight.

Q. Let me see if I'm clear here now. After your meeting with THOMPSON and THOMPSON's meeting with WATKE, Mr. THOMPSON went back out into the area in the H-23 that you had brought down from Chu Lai?

A. Yes, sir, to the best of my knowledge.

Q. Why did he switch aircraft?

A. Because the other one wasn't flyable because of the blade strike.

Q. Well, the blade strike hadn't occurred yet. You told me that the report was before.

A. That's right. The only thing that I could possibly say is that I let him go out because he was familiar with what was going on, and I think I flew in the afternoon. It's hard to say, but I think I flew in the afternoon.

Q. Well, if Mr. THOMPSON had gone back into the area after his report to you and his report to Major WATKE, it's not very plausible that he could have flown the aircraft that you brought down as long as his aircraft was still operable, which I assume that it was.

A. Then he must have gone back up again, sir. That's the only thing I can think of. It's really hard to remember exactly.

Q. Yes. Well, do you recall the blade strike incident?

A. Yes, sir. I remember it coming back and having the cap torn off almost completely.

Q. Then Mr. THOMPSON did bring it back?

A. Yes, sir.

Q. Then do you recall what happened? Whether you took your ship out, or he stayed on the ground, or what?

A. It's really hard to remember, sir. I think that would have been the time that I went up, being that it was in the afternoon.

Q. All right. I assume now that the blade strike was sometime around 1330. Mr. THOMPSON would have come back in to Dottie right away?

A. Apparently so, sir, but that doesn't necessarily mean that he did. Sometimes things like that don't sound too bad, and you go ahead and fly the whole mission out.

Q. If he would have come back in, he would have been back at Dottie somewhere around 1345 maybe?

A. To the best of my knowledge, yes, sir.

Q. And then if you would have gone out, how long would you have stayed out there?

A. Only about an hour, sir. Again, the Huey's fuel load was the determining factor for how long I stayed out.

Q. And you would have come back with Mr. THOMPSON and you would have switched aircraft, and he would have gone back out, and you would have flown the one time flight?

A. Yes, sir.

Q. Do you recall flying the one time flight in the damaged helicopter back to Chu Lai?

A. Yes, sir, to the best of my knowledge, I do.

Q. Do you recall that Mr. THOMPSON was still at Dottie and going out on an operational mission?

A. Yes, sir. He finished the day out on that mission.

Q. At the meeting with Mr. THOMPSON and Major WATKE in the van, you indicated that there was an operations specialist present since identified as KUBERT. Who else was present?

A. The only other person that could have possibly been present would have been Captain Tim FLYNN, and I don't know if he was still with our platoon at the time. But it was customary for him to come down to Dottie all the time we were operating in that area, as he was the ops officer.

Q. You can't recall anybody else specifically?

A. No, sir, I can't.

Q. Now, Major WATKE, was he standing in the van, just standing there, or was he behind the counter?

A. Well, we didn't have a counter per se, sir.

Q. Was it just a van with nothing in it?

A. Well, it had a little shelf that we had some radios on. There was an ice chest for cold drinks, and that's about the best I can remember.

Q. Was Major WATKE, as you recall, seated?

A. I think he was seated on the ice chest or right adjacent to it.

Q. Did you and Mr. THOMPSON walk in together?

A. Up the steps, sir. He went first.

Q. Did Major WATKE stand up?

A. Gee, I can't remember, sir.

Q. Did he make any notes with reference to what Mr. THOMPSON was telling him?

A. I don't believe so at the time, sir. It was just all accepted orally.

Q. In other words, Major WATKE didn't make any obvious effort to move or to look in a more official capacity than the relaxed atmosphere he was in?

A. Oh, no, sir. He listened with intent, and I believe he asked Mr. THOMPSON some questions about it. He showed interest in what was happening. But, I don't remember him writing anything down about it at that time.

Q. Mr. THOMPSON seems to think that he told Major WATKE in the van that he had seen a captain shoot a Vietnamese girl. You have indicated that you don't recall that?

A. No, sir.

Q. You also don't recall anything about a ditch or any bodies in the ditch?

A. Nothing specifically, sir.

Q. You do recall him at least telling Major WATKE about a sergeant?

A. Yes, sir.

Q. And something to the effect that this sergeant was going to kill these people?

A. Yes, sir.

Q. Or these children in this spider hole?

A. Yes, sir.

Q. He did not say anything about another conversation with a lieutenant?

A. No, sir, he didn't mention this specifically. But evidently from the way he talked to me, he spoke to more than one person down there. Evidently, when he landed, there was a congregation of people around the aircraft. But, the one that he mentioned to me specifically was evidently this sergeant or whoever was acting in a leadership capacity of that particular group of men.

Q. This was the THOMPSON-to-WATKE conversation?

A. This was THOMPSON to me, sir.

Q. THOMPSON to you?

A. Yes, sir.

Q. What about THOMPSON to WATKE?

A. It's hard to remember exactly what he related to Major WATKE, sir. I know what he said to me, because that's what stands out in my mind. But what else he said, I can't remember.

Q. You do not recall him telling Major WATKE about evacuating any of the people, either by gunship or himself?

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

Q. Do you recall Mr. THOMPSON saying anything about being so angry that he had his own troops, his gunner or crew chief, train the helicopter's available weapons on U. S. troops?

A. No, sir. I don't think he would have told me if he had.

Q. What about Major WATKE?

A. I don't remember him saying that to Major WATKE, sir.

Q. Why do you say that you don't think he would have said anything to you?

A. Well, sir, I think he probably realized that I wouldn't have approved of it, and I was kind of strict about things that weren't exactly within the operating practice, and he knew it. If something like that happened, he probably wouldn't have told me.

Q. You do not recall hearing this in the conversation between THOMPSON and WATKE?

A. No, sir.

Q. Would that probably have stuck with you?

A. I think it would have, sir.

Q. Now, do you recall what questions Major WATKE asked of him? You indicated that Major WATKE asked some things.

A. He asked, as best I can remember, specifically about the incident about the three boys in the spider hole, and exactly what he meant by a lot of shooting going on. And then I believe Mr. THOMPSON went on to say that evidently there were a lot of civilians being killed, or what he thought were civilians, and what the ground people evidently thought were VC or VC sympathizers. That's all I can remember of that, sir.

Q. You don't recall him saying anything about any numbers of bodies that he had seen?

A. No, sir, not numbers specifically. He mentioned that there was a fair amount down there.

Q. You do not believe he told Major WATKE about taking a young, wounded boy to the hospital?

A. He might have, sir, but he didn't do it in front of me.

Q. Now, try to recall what occurred then, immediately after THOMPSON reported to Major WATKE. What did Major WATKE say?

A. I believe I remember him say that he was going to--I think his exact words were--and again I could be wrong, but I think his exact words were, "I'll look into this," or something along this line.

Q. You still can't recall seeing him make any notes about what was said?

A. I really don't remember, sir.

Q. Did Major WATKE then get up and leave, or did you and THOMPSON leave, or what occurred then as far as the three of you were concerned?

A. Well, we stayed in the van for a considerable amount of time. Mr. THOMPSON spent probably 15 minutes or 20 minutes at least telling Major WATKE of this. And then I went out of the van and went down to the aircraft to check with the crew chiefs and everything. Mr. THOMPSON stayed at the van for an undetermined amount of time and then came back to the aircraft.

Q. In other words, you left THOMPSON and WATKE in the van?

A. Yes, sir, to the best of my knowledge.

Q. Why was that?

A. Well, any time a mission comes in, I would go down and check the crew chiefs and make sure the armament is coming along okay and there are no aircraft problems.

Q. But the aircraft was going right back out on a mission, wasn't it?

A. Yes, sir.

Q. And THOMPSON was going to fly the mission?

A. To the best of my knowledge, sir.

Q. Well, then why did THOMPSON stay there? And why didn't he go up to the aircraft with you and get right on with the mission?

A. Evidently he had more to say, sir. That's the only thing I can think of.

Q. That's an assumption? You don't recall him saying that, or "I'm going to stay here", or Major WATKE saying, "I want to talk to you, THOMPSON"?

A. No, sir. The turnaround time for the Huey was about half an hour for rearming--although we didn't have to rearm because no armament was expended--refueling and checking it out. The time that I spent in the van with him probably didn't amount to much more than one-half or three-quarters of that time, and I went down to the aircraft to check with the crew chiefs and everything.

Q. Were you down there very long before Mr. THOMPSON came down there?

A. Not too long, sir. But, I couldn't tell you exactly how long.

Q. Do you recall before you left the van and that THOMPSON, LLOYD, WATKE, and KUBERT meeting there--do you recall Major WATKE saying, "Come outside, THOMPSON, I want to talk to you more about it", or anything to this effect? Or when you left, do you recall them still being in the van?

A. Now that you mention it, sir, I'm not positive about this, but I think Major WATKE did ask THOMPSON to speak with him in private about that. Because things like that matter, Major WATKE didn't like to go talking about it in front of enlisted people. Again, that's just my hazy memory on that particular thing.

Q. You think that they might have gone outside of the van?

A. Perhaps, sir, or Major WATKE might have asked KUBERT to leave. But in other instances where Major WATKE has wanted to talk officer to officer, he has asked enlisted people to leave or remove himself from the area.

Q. Well, I'm trying to reconcile why you, the section leader, would have left. I can understand why Major WATKE would not want to talk in front of Specialist KUBERT, but you were an officer also. You were, in fact, Mr. THOMPSON's superior.

A. Yes, sir.

Q. And you were, in fact, in the chain of command between THOMPSON and WATKE. I can't reconcile why you would leave.

Q. Well, sir, he had told we all that he wanted to say at the time, and I was in the presence of Major WATKE when he again stated it to Major WATKE. I figured that my presence was no longer--being as he had said it to me outside the building, and then he had told it to Major WATKE, I felt that my obligation as far as being debriefed about what was going on was fulfilled, and I had stuff I had to check on.

Q. So it was your decision to leave rather than being excused?

A. Yes, sir.

Q. Were they talking about it when you left or were they on a different subject as you recall?

A. I think they were still hashing over about it, about the killing that had gone on.

Q. To help us fix a time on this, you indicated that you brought a helicopter down from Chu Lai. Do you recall where you ate that day? Did you eat there at Dottie?

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

Q. You don't recall?

A. No, sir.

Q. Prior to the time that THOMPSON came in with his ship, do you recall where you were or what you did after you brought your helicopter down to Dottie? Did you go up to the van?

A. All I remember, sir, is I went into the van and checked in and went back down to the aircraft.

Q. Did you know that THOMPSON was coming in, or did you hear that he was returning to Dottie?

A. That specific moment that I landed?

Q. No.

A. Well, I knew that he had to come in soon. I asked how long he had been up, and I knew that he was due in in just a short amount of time. I can't remember how long. But he had been up more than half of a fuel load when I got there.

Q. How long was a fuel load in time or range in the H-23?

A. It was determined by the Huey, sir, which was about an hour.

Q. But if they, in fact, would have had more than two Huey's, they could have rotated on station, could they not?

A. Yes, sir, the Huey's could. But, the Huey's would never depart station without either one 23 climbing to altitude and waiting for a new fire team, or the 23 coming back. The 23 almost always came back.

Q. Do you recall them ever keeping just one Huey on station with a scout?

A. Not on that mission, but we have on several missions when we first organized the scout concept. We tried using one Huey. And, in very, very rare situations, when the situation was that we just didn't have any Hueys, we did it with one. But, it was generally against practice because it was kind of dangerous that way. It is really hard to remember details, sir.

Q. Do you recall Major WATKE saying anything concerning the report he had received from Mr. THOMPSON or any other report that he received concerning the events alleged to have occurred at My Lai (4) at any future time?

A. To the best of my knowledge, no, sir.

Q. Were you present or do you recall a meeting, a mandatory training class in the evening shortly after this incident, where the unit would gather together and a lieutenant from outside the company would come to give a mandatory training class? It could have been in the messhall or in a large tent.

A. I remember we had several mandatory training classes after that day, but I can't remember specifically what they were about. I remember one where we did have some outside person come by. I don't know if it was an officer, or enlisted, or what.

Q. Do you remember what the class was about?

A. No, sir, I don't.

Q. Do you recall any incident during any one of the training classes that you attended that could relate to the events that are alleged to have occurred at My Lai (4)?

A. No, sir.

Q. Do you recall specifically any enlisted man interrupting a speaker with something to the effect: "What about the women and children?"

A. No, sir.

Q. Do you remember Major WATKE admonishing any soldier for interrupting the speaker?

A. Yes, sir. I remember that on one instance. But, I can't remember what that meeting was about, and I can't remember what Major WATKE was interrupted about. But I remember that occurrence.

Q. You do remember Major WATKE admonishing someone for whatever was said?

A. Verbally, yes, sir.

Q. Do you remember what he said?

A. No, sir.

Q. Do you remember what caused him to admonish the soldier or whoever interrupted?

A. Just the fact that somebody had spoken out while either Major WATKE or someone else was talking.

Q. I believe you testified earlier that you also talked to Major WATKE about what Mr. THOMPSON had seen?

A. Yes, sir.

Q. When was this in relation to the THOMPSON-WATKE report?

A. This was after Mr. THOMPSON had gone back up. I went back in the van, and I discussed it with him. I just can't remember exactly when it was or what it was. It would have been right after he went back up on his fuel load. I had been down checking aircraft, and I went back to the van. I wasn't in there very long.

Q. Do you recall what you and Major WATKE talked about, the substance of your conversation?

A. I think I more or less asked him what he thought about it.

Q. Yes?

A. I just can't remember exactly what he said. Something to the effect that it didn't sound like a good thing, and it would have to be looked into, or something like that.

Q. Do you recall discussing any of the specifics with him?

A. No, sir. I just can't remember.

Q. Do you remember whether you did, or didn't? Or is it that you just don't remember the substance of the conversation with him?

A. I don't remember the substance exactly. I remember discussing with him the fact that he had landed and that this guy had told him to mind his own business and to get back in the aircraft. And, I expressed the fact that since we were the supporting unit, that things should be a little closer coordinated between the ground element and the aviation element. I was just discussing that aspect of it. And that if they expected cooperation from us, they would have to give us cooperation when we land with suggestions or a request. And, that was discussed.

Q. Anything else?

A. I just can't remember anything specifically.

Q. You don't remember discussing the needless shooting?

A. Well, it was mentioned, sir. It was part of the total discussion.

Q. Between you and Major WATKE?

A. Yes, sir.

Q. And was that the only time that you talked to Major WATKE about it?

A. Sir, I think I mentioned it to him once more in my quarters when I was giving him a haircut. I gave haircuts to the officers in our company, and I just barely remember once mentioning something about it when I was giving him a haircut a week later, I think.

Q. Well, what do you recall saying at that time?

A. Mentioning that it was kind of a bad situation, and I just can't remember the specifics, sir. I just can't.

Q. Do you remember what Major WATKE said?

A. No, sir, I can't.

Q. What other action did you as an officer or section leader take with regard to this incident.

A. I filed in the mission report what Mr. THOMPSON said along with what he put in the mission report, reiterating that there should be a little more coordination. I really can't remember exactly, sir, but I remember we made a rather strong mission report about that mission hoping that maybe somebody up at battalion would see it and do something about it.

Q. Well, you didn't mention this in your previous testimony. Let's explore this a little bit. Was this a normal requirement, to file a mission report?

A. Yes, sir.

Q. What kind of a report was it? Was it a standard form?

A. No, sir. It was just a regular memo thing that was evidently printed up in battalion, or one of those forms they have over in Vietnam that aren't any specific numbered form. At the bottom we put the number of rounds expended, the names of the units supported, the situation, the KIA that we got, the WIA that we got, enemy KIA and WIA, and coordinates of the area supported, stuff like that, and the description of the mission that we performed.

- Q. How big a form was this?
- A. About eight and one-half by eleven.
- Q. A regular, standard sheet of paper?
- A. Yes, sir, to the best of my knowledge.
- Q. Okay, you said that Mr. THOMPSON filed a written report?
- A. No, sir. On second thought, it was longer than eight and one-half by eleven. It was about as long as the paper you have there (indicating a legal-size sheet).
- Q. Long paper then?
- A. Yes, sir.
- Q. You said that Mr. THOMPSON filed a written report?
- A. Yes, sir.
- Q. Did you read it?
- A. Yes, sir.
- Q. What did it say?
- A. I can't remember exactly, sir.
- Q. Well, did it go into the allegations or incidents that he had seen or was it in more broad, general terms?
- A. I think it was in much more broad terms. I think all the specifics about it were told to Major WATKE.
- Q. Well, the general terms would have been couched in what type of phraseology, as you recall it?
- A. I really can't recall, sir. I'd have to guess.

Q. What did you say in your report?

A. I just read over what Mr. THOMPSON had said, and then put my indorsement for the time that I flew. And I underlined some things that he had put on it.

Q. You put out a separate report?

A. No, sir. Mine was his report. It was one mission report for a whole day's mission.

Q. But it was filled out by the scouts?

A. Yes, sir.

Q. You, then, added on to Mr. THOMPSON's report?

A. Yes, sir.

Q. Was it a sentence, or two sentences, or a paragraph, or half a page?

A. Probably a small paragraph, sir. Just that I said that we supported to the north and east of the area; that it had been quiet; that the ground units were starting to close up their sweep through the area; and what time I had flown; and then Mr. THOMPSON's statement, the description of the mission. I can't remember exactly, but I underlined a few things. I just can't remember exactly what they were. I really can't.

Q. Well, were they specific allegations like Mr. THOMPSON had made to Major WATKE?

A. I really can't remember, sir. I think he mentioned on the report that there was a lot of needless shooting. If it was worded anything like what Mr. THOMPSON said, it would have been something like "the ground units were doing a lot of needless shooting", or something along that line, or a statement of that type. Because I underlined it and put "notice" in capital letters beneath it, hoping that someone would pick it up and read it.

Q. You do recall putting in capital letters the word "notice"?

A. Yes, I do.

Q. And what kind of statement did you put down in your paragraph? Did you put down anything to reiterate what Mr. THOMPSON had indicated in his written portion of the report, or was yours in general terms, including such things as you've indicated; lack of coordination, more precise planning, and that type of thing?

A. That's basically it. My particular disgust was with the ground coordination. If there was any, there was very little.

Q. Was there anything in that report that you recall that was a specific allegation concerning wrongdoing, to wit: killing, confrontation, or noncombatant deaths indicated on that mission report?

A. I think he did put something there about civilians being killed. That's about the only thing I can remember just a little bit clearly. He stated that there were a lot of civilians being killed, or there were civilians being killed. I don't know if he used the words "a lot", or not.

Q. This report was to whom? Did you turn it in to the operations officer?

A. Yes, sir, it is turned into the operations specialist back out at Chu Lai. It is submitted and made out at Chu Lai.

Q. This is made out at Chu Lai?

A. Yes, sir.

Q. That was after you and Mr. THOMPSON returned to Chu Lai?

A. Yes, sir.

Q. Did you precede Mr. THOMPSON back to Chu Lai?

A. Yes, sir, but I didn't make out my part of the mission report until after he had come back and made out his. I was always the last one to make it out, because I had to review everything that went on all day.

Q. Were you present when the unit arrived back at Chu Lai?

A. I was in the company area. I don't think I was on the flight line.

Q. You hooked up with THOMPSON sometime later?

A. Yes, sir. After he came back.

Q. Do you know whether THOMPSON went right into the flight operations and filed the mission report?

A. I really don't know, sir.

Q. Do you recall when you filled your part of the mission? Was it after dark or after supper?

A. Yes, sir. It must have been between 6 and 8 p.m.

Q. This was then turned into the operations officer there?

A. Sir, the ops officer wasn't there. There was a Specialist FORD that was in charge of operations at night, and we always gave it to him.

Q. Do you know what his name is?

A. George FORD.

Q. Specialist George FORD?

A. Yes, sir.

Q. Do you know what happened to this mission report? Did they consolidate them there within the unit?

A. Yes, sir. They were filed in the steel file cabinet. I'm not sure what the disposition was from there, but I think it went to be reviewed by somebody up in the battalion 2 section. The battalion was always in on our operations as far as criticism.

Q. Well, I'm trying to ascertain now, Mr. LLOYD, whether or not someone there at the company level consolidated all the mission reports from the guns, the slicks, and the scouts, made out a single report and forwarded it to battalion, or whether battalion got each individual report?

A. I think they stayed in individual reports from each section. If they were consolidated, it would have been the function of the ops officer. We never did that in the sections.

Q. You indicated that these were filed in a steel container there?

A. Yes, sir.

Q. I'm trying to relate now how they could get to battalion and still be filed in a steel container?

A. I think either someone from the battalion came down ever day or two or periodically to look at them, or they were forwarded up and came back. I don't know how battalion got it, but I know they knew of all the missions that we did. And they always checked our after action reports, because quite often we got constructive criticism or other comments on the missions that we had performed.

Q. You'd only fill this out in one copy?

A. Yes, sir, I think so.

Q. Okay. Later on you indicated in your previous testimony that you checked at battalion?

A. Yes, sir.

Q. Would you run through how you checked for us please?

A. Yes, sir. I went up to the battalion 2 section, and I walked in and asked the specialist at the desk if anything had come up from our operation with Task Force Barker, and he didn't know anything about it.

Q. You asked the specialist at the desk?

A. Yes, sir.

Q. Did you talk to any officers about it?

A. No, sir.

Q. Why did you talk to the specialist? What would make you think that just any old specialist up there would know all about this type of report?

A. Well, at this time the 2 shop was almost vacant. I believe it was on a Sunday. It was a time when there wasn't anybody there, and he was the one that everyone comes through. Any time we have anything like flight records or any accident reports, we hand-carry them up to this fellow. Because I have brought accident reports to the same person.

Q. Do you know his name?

A. No, sir, I don't.

Q. Well, I'm trying to relate these things. Here was a report that was serious enough for one of your officers to tell you. He then told the company commander, Major WATKE. Then there was a private discussion so that it wouldn't be involved with the specialist, and an after action report. Then to check on it, you checked with an enlisted specialist up at battalion. And apparently you didn't consider it to be serious enough to talk to any of the other officers about it, the S2 officer in fact. I just can't quite reconcile in my mind if this was important to you, which I believe it was and which you have indicated it was, why you stopped with a specialist at battalion and you didn't carry it through?

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A. Well, sir, I didn't want to go stepping out of bounds, and I felt that I had pretty well seen my obligation through right off by talking to Major WATKE about it. And I didn't want to go getting anybody angry at me by pressing around battalion about it. If it would have been to that point, I would have gone back to Major WATKE about it. If I was really vehement about it, I would have gone back to Major WATKE and perhaps requested he start pressing people. But it was not my position to go up and press people in the battalion 2 section.

Q. Did you go back and press Major WATKE?

A. No, sir, I didn't.

Q. You were told that they had seen nothing at battalion, but then again you didn't feel strongly enough to come back to ask Major WATKE about it?

A. I was led to believe, sir, but I can't remember who from, but I guess there were rumors circulating around the company. I guess it's hearsay--that this was being investigated by Task Force Barker people. I just figured that they probably already had been made aware of it, because that rumor wouldn't have filtered through to us if it hadn't.

Q. Well, did you ever hear anything more about the investigation?

A. No, sir. Shortly after that I was hit, and I didn't get a chance to stay around. We were very, very busy after that time. After that mission, we didn't really get an awful lot of time to check into stuff. As a matter of fact, I think Major WATKE told me that the Task Force Barker people were investigating this.

Q. Do you think Major WATKE told you this?

A. Yes, sir. I think so. I vaguely remember just asking him whatever became of the incident. And I think he mentioned something to the effect that the Task Force Barker people were getting into it.

Q. Was that while you were giving a him a haircut?

A. It might have been, sir. I just can't remember exactly when it was. But I remember somebody saying that-- I can't think of the colonel's name--the colonel who was the head of that battalion that was on the operation had been notified.

Q. Colonel BARKER?

A. Colonel BARKER, that's right.

Q. Did you have an opportunity to talk to anyone from Task Force Barker about it before you left the unit?

A. No, sir. I wish I had, but I never got the chance.

Q. When were you wounded?

A. On 8 April, sir.

Q. So you were there for about 3 weeks after the incident?

A. Yes, sir. We operated off Dottie quite a bit after that, and I was quite often tempted to go waltzing over to the Barker people, because there were some up there, and ask about it. But I didn't want to go stepping out of bounds.

Q. Did you hear anything about an investigation directly from your people? Mr. THOMPSON, did he ever mention that he was participating in or making a statement for a investigation?

A. I believe his complaint about the mission was what started this colonel from the ground unit investigating it. How he got it--I think perhaps it came from Major WATKE or through our battalion officially, not through the company commander or through the chain of command. I'm not exactly sure how it was done.

Q. Do you recall ever hearing, Mr. THOMPSON telling you or any of the people in the scout section telling you that they had to make a statement or they did, in fact, write out a statement or were, in fact, interviewed or anything like this?

A. I think Mr. THOMPSON, now that I think about it, had to make a special trip to be interviewed about this incident maybe 2 to 5 days later, or sometime immediately following that operation. Yes, I think, as a matter of fact, he had to fly--he either went up to battalion to do it, or flew down to Dottie, but I think he did have to go and make a statement to someone about it. This is the best I can recall.

Q. Now that you recall that, do you recall that an investigation was going on?

A. I don't know whether it was an investigation, but somebody said the matter was being looked into. I imagine that it was an investigation.

Q. Do you assume or do you now recall that Mr. THOMPSON went somewhere with reference to what he had seen?

A. Yes, sir, that I most definitely recall, because he had, I think, a whole morning off or afternoon. I think that was the operation. Yes, that's the one that he had to make some sort of statement about. I can't remember who it was or where it was to, but I remember we had to reschedule Mr. GUALTIER to fly. I was going to have Mr. THOMPSON fly then, and he got the afternoon off for that, and I had to reschedule, shuffle around the flights.

Q. Would it have been in the morning?

A. Yes, sir, it could have been. I know he had to go then, because he was due to go to LOH transition just very shortly after that mission, within about a week after that mission, and it would probably have been the week following March 16th.

Q. Do you recall talking to Mr. THOMPSON after he came back and getting a debriefing from him as to where he had gone, or whom he had seen, or what had transpired?

A. I talked to him, but I can't remember what he said. He said something about making a statement about that operation or something to that effect. I can't really remember. I remember being told that I wasn't supposed to--that mission wasn't supposed to be talked about, or it was for only those who were involved. Originally, it was supposed to be a secret mission, you know, only those who were involved in the mission. And rarely were we ever permitted to talk about these type missions and what they were about even when they were over. And he emphasized this in the statement that he made, something to the effect that he wasn't supposed to go around telling anyone about it.

Q. Mr. THOMPSON told you this?

A. Yes, sir. Now again I'm not sure how he worded it or exactly what his words were, but it was something to the effect that it was only for those who needed to be involved, or something along that line.

Q. Well, did you consider that to be a type of suppression?

A. No, sir. I mean, every mission over there had an element of suppression to it. We only talked about it to those who were involved in it. It wasn't something that when you went up to the club, you talked to other Huey pilots in other units, because they didn't have anything to do with our missions.

Q. Do you recall who Mr. THOMPSON talked to or have any recollection about where he had gone?

A. I think he talked to someone from the ground unit, sir, in the presence of somebody from our battalion, but I really can't remember exactly. I just can't remember.

Q. What makes you think somebody from battalion was there.

A. Because I think the complaint was initiated through our battalion or something was mentioned from battalion. Evidently there was nothing--it must have been carried out verbally. If it was carried out in writing, no one wanted to tell me about it. Because when I went to see that specialist, he knew nothing about.

Q. In your previous testimony, sir, you indicated--and I will read you the questions asked you:

"Q. Did Major WATKE say anything to you at a later time concerning the report that THOMPSON had made to him or concerning any investigation?"

"A. No, sir. Nothing was mentioned."

Now today, you stated there were some changes to that?

A. Yes, sir.

Q. There were at least one or perhaps two discussions between you and Major WATKE concerning it?

A. Yes, sir. When you mentioned about Mr. THOMPSON perhaps being interviewed, I remembered that he had, in fact, been interviewed by someone about that. I think that the time I gave Major WATKE the haircut was somewhere along in that time. That's what reminded me to mention the comment to Major WATKE--well, what I mentioned to Major WATKE was more or less in passing. I don't think it was a discussion as such.

Q. Now, I'm popping around here a little bit. To go back to the 16th, after Mr. THOMPSON was back on the mission and you had your conversation with Major WATKE somewhere in the van, you said, I believe, earlier in the testimony today, that it was a general conversation and that you asked him what he thought about it or something. Would you state again Major WATKE's attitude or response?

A. Well, sir, Major WATKE was terribly noncommittal. He was that way about all sorts of things. He was very cool and collected. He didn't get all fired up. Like the way Mr. THOMPSON was telling me, it automatically got me fired up a little bit. And Major WATKE, the only thing I can vaguely remember him saying is that, would be looked into, and that's about all. He was more for listening than discussing it, because he wasn't there, and he wasn't about to go jumping to conclusions about it.

Q. Do you believe that he was concerned about it?

A. Yes, sir.

Q. Do you believe he thought that THOMPSON had given him an accurate picture of what had transpired?

A. That's hard to say, sir.

Q. You indicated earlier, in your response to a question with reference to Major WATKE:

"Q. Was he interested; was he concerned?

"A. Well, sir, he seemed a little disgusted about it, too. He gave the attitude that perhaps it was a little bit overexpressed on Mr. THOMPSON's part, but he did show concern about it."

Is that a fair statement?

A. That's about right, sir. Mr. THOMPSON loved to inflate a lot of things about all the missions that we went on. He got all excited about it. He gets excited easily. And Major WATKE realized this. And like I say, Major WATKE is very cool. Although he expressed concern, he wasn't about to go and get all excited about it.

Q. Do you think Mr. THOMPSON had inflated this particular report? "Inflated" is your word. I just used it today.

A. (Interposing) I had my doubts, sir. Afterwards, my doubts were erased.

Q. I recognize that today it might not seem like it was inflated because of the circumstances.

A. Right, sir.

Q. However, I am trying to ask you from your recollection as to the way you felt about it on that day, 16 March?

A. Well, I believed verbatim what he said about the three children and the fact that he said they were going to be shot and that there was some shooting going on. The amount of shooting that he implied, I had my doubts about. But when we got back to the unit and the gun pilots were talking about all the indiscriminate firing down there, well, then it started to jell a little bit more that it really was a much worse scene than I had anticipated it was. I also tended to take it a little bit lighter than Mr. THOMPSON was stating it.

Q. There was some talk among the gun pilots?

A. Yes, sir.

Q. Do you know whether any of them filled out a mission report, to include any allegations?

A. I haven't the remotest idea, sir.

Q. Did you talk to Captain MCCRARY about it?

A. Who, sir?

Q. Not Captain MCCRARY. I'm sorry. Mr. BAKER?

A. No, sir.

Q. Lieutenant LIVINGSTON?

A. No, sir, we didn't.

Q. MILLIANS? MANSELL? REUTNER?

A. Other than the discussions that was going on about the indiscriminate firing of other gunships in the area and the prep, the LZ prep, there weren't any specifics mentioned that I can remember. They too made some allegations about there was a lot of needless shooting going on down there, but I can't remember anything specific, because I didn't sit down and actually talk specifically with anyone about it. I just sort of caught the remarks in passing.

(LLOYD)

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Q. And where was all this conversation going on?

A. Back in the company area, sir, at the billets.

Q. At the billets that night?

A. Yes, sir.

Q. Then it rather dissipated and you didn't hear any more about it later on?

A. Well, there could have been some out at Dottie too after the aircraft had landed. Seems to me that I remember some comments in passing to fortify what Mr. THOMPSON said, but I can't remember specifically. I really can't.

Q. Now, as I understand it, in summation, THOMPSON talked to you on or about noon of the 16th. You and THOMPSON went to see WATKE. THOMPSON reported to WATKE what he had seen. You left, and feel that WATKE and THOMPSON continued discussions about this incident. THOMPSON went out and flew, had a blade strike, and came back. You went out in your ship, and came back. THOMPSON took your ship and finished out the mission. And you took the ship with the damaged blade back to Chu Lai?

A. To the best of my recollection, yes, sir.

Q. That night, THOMPSON filled out his mission report and indicated something about unnecessary killing or a lot of shooting. Is that what you stated?

A. To the best of my knowledge, yes, sir.

Q. You reiterated this on your part of the mission report?

A. On my part of the mission report, I mentioned the lack of coordination, and I underlined some of the things with the word "notice" that Mr. THOMPSON had put.

Q. Was this with reference to coordination, or was this with reference to--

A. (Interposing) This was with reference to the killing of civilians.

Q. I see. Then you recall sometime later, 2 to 5 days I believe you indicated, Mr. THOMPSON having to go somewhere to have to talk to someone about it. Do you recall anyone else having to go talk about it?

A. No, sir.

Q. Any of the enlisted men?

A. No, sir, I don't.

Q. When Mr. THOMPSON came back, he didn't tell you who he talked to?

A. He told me, sir, but I can't remember.

Q. But you got the impression that he talked to someone about it?

A. Yes, sir. I--he led me to believe it was somebody. I can't remember now, but I think it was somebody from the ground unit along with some officers from the battalion, I think.

Q. Do you know the rank?

A. No, sir, I don't.

Q. And THOMPSON told you something to the effect that it shouldn't be talked about?

A. To the best of my knowledge, yes, sir.

Q. Do you believe he heard that from whoever he talked to?

A. No, sir. I think it was just one of those things that he realized that he might have been making waves, and he didn't want to publicize the fact that he was making waves.

Q. I see. You then sometime later discussed it with Major WATKE, either at a haircutting session or something--

A. (Interposing) In passing, sir.

Q. And the conversation was that there was going to be or that there was, in fact, an investigation?

A. Yes, sir.

Q. Something to that effect?

A. Yes, sir.

Q. You then checked later or before this time?

A. I checked before that, sir.

Q. You checked with battalion, with an S2 specialist, and he knew nothing of this mission report?

A. Right, sir.

Q. And you left on or about 8 April and had heard nothing else other than this or taken no action yourself other than this as you have indicated in testimony?

A. Yes, sir.

LTC PATTERSON: The hearing will recess.

(The hearing recessed at 100 hours, 10 February 1970.)

(The hearing reconvened at 1015 hours, 10 February 1970.)

LTC PATTERSON: The hearing will come to order.

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

LTC PATTERSON: As I understand, Mr. LLOYD, you do not recall or you do not know what happened to the mission reports that you fill out, or that you did fill out, for this particular mission and gave to your company operations specialist?

A. That's right, sir.

Q. You do not know whether they go forward or whether they are consolidated at company level?

A. I do not know, sir.

Q. Are you familiar with the report or any reports that Specialist KUBERT makes, written reports?

A. I know that he makes reports, sir, an overall consolidation of the days' missions from his standpoint.

Q. At LZ Dottie? Because as I understand it, he was working at LZ Dottie.

A. Yes, sir. I think he keeps a running account of what is going on. I believe that's also turned into the ops people at Chu Lai. I just vaguely remember that he keeps some sort of a log of operations.

Q. Do you know or have any knowledge of what he put on that report, or did you tell him to put anything on there?

A. No, sir, I did not.

Q. Well, sir, is there anything else that you can add at this point?

A. Well, I don't know if this is pertinent to the actual incident itself, but when we were briefed on the operation, I was led to believe from what I was briefed that this was in Pinkville proper. Yet, to my knowledge, the troops never swept through the Pinkville proper, the one that is denoted in pink on the map.

Q. Have you read Look magazine, Mr. LLOYD?

A. No, sir.

Q. You haven't read that article where the reporter asserts the troops went into the wrong area?

A. No, sir.

Q. You are not familiar then with the second unit that was airlifted in on that same day?

A. No, sir.

Q. Over close to the coast or just to the southwest of Pinkville, the colored area?

A. No, sir. The people that we supported were the ones that went through the little village. And all of my reconning was done with their advance element just to the northeast of the village. I was unaware that they had even put down on the other side.

Q. Well, there was a second LZ used. It was just to the southwest of Pinkville as you note on the map by color, My Lai (1). And, they did, in fact, go over on the peninsula and, in fact, on subsequent days moved all the way north, all the way up around the hook. But this was another unit of the same battalion, Task Force Barker. In fact, B/4/3.

A. Well, I was unaware that had taken place.

Q. Do you have anything else?

A. Not that I can think of, sir.

Q. Now should you think of anything else, such as you have since the last time that we talked, such as this written report that you recall making, if there is anything else that you recall subsequent to today, I would appreciate it if you would contact us immediately so that we can have the benefit of such information. I believe you have also been asked if you come across any documents, physical evidence, photos, letters, anything of this sort, we would appreciate your making those available to us for use in this inquiry. Is there anything else that you would like to say, sir?

A. Yes, sir. Although it is hard to remember things specifically as you--like during this particular hearing, right now--as you have mentioned things, it has automatically brought things back. And, I'm sure, perhaps with rather random words, things would come back. But just trying to remember by myself, it's the best I can do, what I have done. Like all of a sudden it came back when you mentioned about Mr. THOMPSON being interviewed, and I remembered

that, yes, he did go to be interviewed. And it brought back the whole series that I mentioned along with that. But something like that is really hard to remember.

Q. Do you have any feeling that there was an attempt to suppress or cover up the incident as alleged by Mr. THOMPSON and others?

A. No, sir. I would not say there was an attempt to cover up. I would say perhaps it was kept a little quiet from our standpoint, in that it was not our position to go stepping on other units' toes without going through the chain of command, which we did. And I wouldn't have jumped the chain of command to go reporting it, as I don't believe Mr. THOMPSON would have done. It was just an accepted fact that you didn't go stepping on other units' toes without going through the chain of command. And if anything, it was just perhaps a--I couldn't even say that it was suppressed at all.

Q. Were you satisfied with Major WATKE's actions?

A. Yes, sir. If he told me that he was looking into it, I believe he was looking into it, and that's fine with me.

Q. Did you have any reason to believe that he was not?

A. Oh, no, sir.

Q. Is there anything else, sir?

A. No, sir. That's all I can think of.

Q. Again, I would like to ask you to appreciate the sensitivity of the situation and the purpose of this inquiry, and would ask your assistance in keeping this inquiry and what we have discussed here from falling into the hands of those that might use it for other means. And this, of course, does not preclude your discussing it properly with the proper people, be they properly-constituted administrative, judicial, or legislative bodies, or, with any official inquiry or properly-designated individuals.

A. Yes, sir. I have a question on that, sir. The CID man that came to visit me kind of took me by surprise, in that he called up one night and gave me his last name and said that he was coming to investigate me. Until I

really scrutinized his credentials good, I was doubtful as to his authority. Is it all right, should I get another visit from the CID, if I discuss things that I have said to you in this particular inquiry?

Q. You can discuss with the CID, a properly-identified member of the Criminal Intelligence Division, the events as you recall them, and not necessarily what you have told us or what you have not told us specifically, but the events as you recall them.

A. Okay, sir.

Q. There is no question about that. Anything else?

A. No, sir.

LTC PATTERSON: This hearing will recess.

(The hearing recessed at 1025 hours, 10 February 1970.)

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